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TRIBAL CONSULTATION

ON

POTENTIAL DEPARTMENT OF THE INTERIOR REORGANIZATION

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Taken at  
BEST WESTERN RAMKOTA HOTEL  
2111 N. Lacrosse Street  
Rapid City, South Dakota  
August 21, 2018

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P R O C E E D I N G S

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MR. JOHN TAHSUDA III: Good morning. So  
welcome to this consultation.

And I want to start us off with just a couple  
of points of order for the meeting primarily for our  
assistance in creating a record for this  
consultation.

And so I think that we will try to go in order.  
I've generally tried to operate these so that the  
tribal leaders have the first opportunity to get up  
and speak on behalf of their tribe. And then once  
they have, make sure that we have time to have all  
of those comments on the record, and then other  
representatives of the tribes have an opportunity.  
And usually that takes up most of the time, but if  
we have any time left, if there are other members of  
the tribes that want to make a statement as well,  
we're happy to take that.

This is a tribal consultation, a formal  
consultation, so I want to make sure that we get the  
tribes' formal comments, et cetera, on the record  
for sure, make sure we have time for that. And as  
part of that also, whenever you come up to speak, if  
you could use the microphone and speak your name and

1 your tribe so that we can get all of that down for  
2 the record as well so we know which comments are  
3 associated with which tribe, that would be greatly  
4 appreciated.

5 I think that's about it. We'll take a break  
6 probably halfway through for a bathroom break,  
7 people can refill coffee, et cetera. And I will  
8 certainly need to do that, I guess.

9 So again, thank you for coming. My name is  
10 John Tahsuda. I'm the Principal Deputy Assistant  
11 Secretary for Indian Affairs, Department of  
12 Interior.

13 We have a regional director, Richard here.  
14 Most of you guys know him. And we have Annette and  
15 Regina out front.

16 If you have the opportunity to sign up,  
17 sometimes it's helpful for me to just also work down  
18 the list and make sure that we get to people in some  
19 type of order.

20 I think that's -- and we have our court  
21 reporter here again. From time to time if she  
22 misses something you said, she may ask you to repeat  
23 it. Or if you didn't clearly get through the  
24 microphone, she may ask you to repeat it, and I hope  
25 you can assist her with that as well. Again, this

1 is all going towards getting a full and complete  
2 record of this consultation.

3 So generally I like to go through -- I have a  
4 short Power Point. I'd like to go through that.  
5 But I do want to respect President Weston.

6 We're in your country here.

7 And any other chairmen, if you want to have any  
8 welcome words to your fellow leaders, et cetera, I'm  
9 happy to take that first if you want to. I'll leave  
10 that up to you if you would like to do that.

11 MR. SCOTT WESTON: Good morning, everyone.

12 First of all I just want to acknowledge my  
13 elders. And I apologize for speaking in front of  
14 you. But as an elected leader, I'm giving this  
15 honor to other leaders to be able to stand up here  
16 to fight for what is ours.

17 So I want to welcome you to our land, the land  
18 of the 1851 and 1868 Fort Laramie treaties. So  
19 you're literally standing on our land that we've  
20 never relinquished, which gives us the power to be  
21 able to say what we need to say and fight the fights  
22 that we need to fight. And this is one of them.

23 You know, we have history; we have knowledge;  
24 we have power, not only in our elders but we're  
25 giving it to our young people at home, teaching them

1 who they are, letting them know that they are going  
2 to be, if not already, the leaders for all of our  
3 peoples, our First Nation peoples across the world,  
4 not just in Indian Country, not just in South Dakota  
5 and not just the United States but the world.

6 We need to stand together. We need to be on  
7 the same page and work for our sustainability.

8 So today I welcome you. And I want you to  
9 speak your heart, to speak the truth, because a lot  
10 of what has happened historically within our  
11 treaties, the government has changed it to be able  
12 to curtail it to their own needs. Because if we  
13 don't do what we need to do we're going to have fish  
14 scalers telling us what to do.

15 And so fight the good fight today. Be proud.  
16 Don't hold nothing back because this is who we are  
17 and what we need to do.

18 Thank you.

19 MR. JOHN TAHSUDA III: Thank you, President.

20 So if there's no objection, I'll go through the  
21 Power Point real quickly just to get this basic  
22 information in your hands. You should have a copy.  
23 If you don't we have a pile of copies out front that  
24 you can go through and follow through as well and to  
25 have it in your hand when we talk after this to

1 refer to it and ask some questions if you have any  
2 based off of that document as well, as well as other  
3 questions that you may have.

4 So to answer the question of where this  
5 reorganization effort began, it began with the  
6 turnover in the presidency. President Trump shortly  
7 after taking office sent a letter to each cabinet  
8 agency asking the secretary of that agency to  
9 present him with a plan to reorganize his  
10 department, his or her department to improve the  
11 efficiency, effectiveness and accountability of that  
12 agency.

13 In addition to requests from the rest of the  
14 public and other governments, the Department  
15 requested tribal input by a letter on May 26th and  
16 held listening sessions in May and June of 2017.  
17 Since that time, and we've had a lot of internal  
18 discussions, some of it based off of those, some of  
19 it based on comments from other governments, other  
20 agencies, other citizens' groups, et cetera, we put  
21 together more information that we could provide to  
22 you.

23 And we have, over the last couple of months,  
24 gone through, this is the ninth of what will be ten  
25 consultations, formal consultations.

1           We've had about four listening sessions at NCI  
2           and other tribal meetings. Did a session with COLT  
3           about three months ago. And part of this is just to  
4           get this basic information about what this  
5           reorganization plan would mean.

6           So the plan is -- it's not finalized yet. My  
7           Power Point is a little bit old. Like I said, we  
8           put this together a couple of months ago, so things  
9           were still moving forward. So the plan is not  
10          finalized yet, but it's being worked on.  
11          Essentially the Secretary has until October to put  
12          this plan together.

13          MR. HAROLD FRAZIER: How can a map be a plan?

14          MR. JOHN TAHSUDA III: What's that?

15          MR. HAROLD FRAZIER: How can a map be a plan?  
16          This is kind of a joke the way the government treats  
17          us Indians, develop draft maps. How is the map  
18          going to take care of our people at home who's  
19          having hard times?

20          MR. JOHN TAHSUDA III: Chairman, if you want to  
21          be part of the record, can you come up to the mic?

22          MR. HAROLD FRAZIER: That is part of the  
23          record.

24          MR. JOHN TAHSUDA III: Okay.

25          Well, that's Chairman Frazier, Cheyenne River

1 Sioux Tribe.

2 MR. HAROLD FRAZIER: Why would you --

3 MR. JOHN TAHSUDA III: To answer your question,  
4 Chairman, the map is part of the plan. And we'll  
5 get into this. And I think you heard the Secretary  
6 when we came through South Dakota a few months ago  
7 talking about trying to get the departments,  
8 different bureaus operating together, coordinated  
9 together better. So that's part of what the plans  
10 are.

11 So we're looking to finish this initial round  
12 of consultation with the tribes, I'll be finishing  
13 up Thursday in Seattle with the northwest tribes.

14 As part of this over the past six or eight  
15 months the Department has also requested comment  
16 from our employees internally at the Department.  
17 We've talked to members of Congress, talked to state  
18 governments, talked to outside groups like  
19 environmental groups who have a lot of interest in  
20 what the Department does, et cetera.

21 So you guys largely know this probably but, you  
22 know, the Department of Interior is a really large  
23 agency, the largest civilian agency in the Federal  
24 Government. We literally operate around half of the  
25 globe through 12 time zones. We have 70,000



1 employees, and we oversee or manage 530 million  
2 surface acres, 700 million subsurface acres, add our  
3 continental shelf, as well as and not to be  
4 forgotten, very importantly 25 million acre-feet of  
5 water a year that serves tribal communities as well  
6 as other communities in the west primarily.

7 So the goal of reorganization again is to  
8 essentially have the departments, different bureaus  
9 operate together more effectively. And I don't want  
10 to belabor it, but essentially the Department has  
11 never really been organized in any sort of planning  
12 fashion. Bureaus have been added over the decades,  
13 et cetera.

14 MR. HAROLD FRAZIER: Effectively for who?

15 MR. JOHN TAHSUDA III: What's that?

16 MR. HAROLD FRAZIER: Effectively for who?

17 MR. JOHN TAHSUDA III: Effectively for  
18 everybody.

19 MR. HAROLD FRAZIER: Who? It ain't gonna  
20 benefit or improve life on the reservation.

21 I mean, you know, to me, as part of this  
22 consultation we should be able to ask questions  
23 through your presentation.

24 MR. JOHN TAHSUDA III: If you would like to,  
25 that's fine.

1 MR. HAROLD FRAZIER: That's the way I see it.

2 And I don't think what you're doing, I mean, it  
3 ain't gonna improve nothin' back home. How is that  
4 going to create more jobs? How is that going to  
5 bring more economy onto our reservation?

6 You guys can't even fix a road. We had a big  
7 storm and it got washed out. What did you guys do?  
8 You put two sticks on the shoulder. How is that  
9 gonna fix the road?

10 You guys haven't even come out to Cheyenne  
11 River to see the damage of them storms, loss of  
12 homes. So that's what I question: How is this  
13 going to be effective? Can you answer that?

14 MR. JOHN TAHSUDA III: Sure.

15 MR. HAROLD FRAZIER: How can it fix these  
16 problems that we face with our people on a daily  
17 basis?

18 MR. JOHN TAHSUDA III: So very good points,  
19 Chairman. And let me start by saying that this  
20 particular effort is not a reorganization of the  
21 BIA, so it's not intended to change what happens on  
22 the ground of the BIA. I think that's a different  
23 effort. And we obviously have a bad history there  
24 and there's more that can be done.

25 But this is to actually, at the top level as

1 the different bureaus in the Department, including  
2 the BIA, have interaction with each other on things  
3 that need to be prepared like roads, et cetera, in  
4 which other bureaus have to have input, the idea is  
5 that we'll have better coordination so that those  
6 decisions can be made faster.

7 I've talked to our staff in the different  
8 regions around the country and just tried to get an  
9 anecdotal sense of how many decisions do they make  
10 or that they take part in that require input from  
11 other bureaus. And sort of off the cuff or off the  
12 back of the envelope number is about 10 percent.

13 But those are really important decisions  
14 because they're usually big ones; they're ones that  
15 impact roads, bridges, other things, and they  
16 require input from other agencies within the  
17 Department. And so to get those decisions made  
18 faster, this is the Secretary's concept is that the  
19 bureaus within the Department will be better  
20 coordinated, and that's part of the unified regions,  
21 so that the leadership is not spread across  
22 different regions.

23 Right now we have 61 different regions in the  
24 Interior spread across 13 agencies. I'm sorry, nine  
25 bureaus. We have 61 regions and nine different

1 bureaus. And this is part of what impacts the  
2 decision making.

3 MR. HAROLD FRAZIER: Well, what you're trying  
4 to do ain't gonna help. It's going to make it  
5 worse.

6 I mean, we already at home see the effect of  
7 the Office of Special Trustee, territorial. We see  
8 it with BIE. We haven't had a math teacher in our  
9 high school for four years. The hiring processes  
10 are not working because they're under the BIA. The  
11 BIE wants a teacher, they gotta wait for the BIA to  
12 hire them.

13 So I know when you're trying to lump us all  
14 together with Fish & Wildlife, BLM, it ain't gonna  
15 work. It's going to get worse. We seen it. Look  
16 at the history. You're not trying to improve the  
17 lives of Indian people. You're trying to destroy  
18 them and make it worse. I mean, just look back.

19 MR. JOHN TAHSUDA III: Well, that's not the  
20 intent of this. And, again --

21 MR. HAROLD FRAZIER: Well, that is what's gonna  
22 happen.

23 MR. JOHN TAHSUDA III: The Secretary came  
24 through. He met with you, Chairman. And he met  
25 with a bunch of the other chairmen in North Dakota

1 and South Dakota and had a good discussion, I  
2 thought, about the idea that these decisions that  
3 require input from multiple bureaus gets slowed down  
4 because each of the bureaus has their own list of  
5 priorities; they have their own timelines.

6 Sometimes a project's, let's call it a bridge or a  
7 road, et cetera, is one region for us and it's in a  
8 different region for, say, BLM or Fish and their  
9 leadership is not connected to our leadership in  
10 that region. That's the concept of this is to have  
11 these regions that are unified in leadership so that  
12 the decisions, and it's only decisions that require  
13 inter-bureau communication and coordination, that  
14 those decisions will be done faster and more  
15 effectively. We have time limes that will be  
16 imposed.

17 So the idea is that decisions then instead  
18 of -- when you have different leadership in  
19 different regions, to get those decisions finalized,  
20 they come to D.C. The concept that the Secretary  
21 has is if we have a unified region with leadership,  
22 you can make those decisions there in the field and  
23 it doesn't even come to D.C.; it gets handled there  
24 in the region, and faster and more efficiently.

25 So this is a map. It's a relatively I think

1 close to final map. You can see in the colors --  
2 it's a little hard to see in this lighting probably.  
3 In the colors are our current different BIA regions.  
4 Overlaid with the black lines would be the new  
5 unified regions. So as an example, for our Great  
6 Plains Region, we see that it would largely stay the  
7 same. It would add in Montana and add in Kansas, so  
8 that would be one region that would be both BIA,  
9 Fish & Wildlife, BLM, they would all be working  
10 together on these common decisions, these decisions  
11 that require multiple-bureau input.

12 So to make this work in this unified region,  
13 there will be an Interior Regional Director who will  
14 be responsible for the coordination of these  
15 projects that require decision making from multiple  
16 bureaus. And the idea again is that he will be able  
17 to enforce timelines; he'll make the agencies start  
18 working together from the beginning.

19 The way the process works now is the lead  
20 agency for that project or that decision does the  
21 work on it. They get several years down the road  
22 before they even start talking to the other bureaus  
23 that are supposed to have input to that decision.

24 So this guy, this Regional Director will be  
25 responsible for making sure that that communication

1 takes place at the very beginning when the decision  
2 or the project first starts, and will be carried  
3 through with the timelines. And so instead of  
4 having Fish doing something for three years and then  
5 the BIA comes in and spends two years with it, we  
6 would have one decision done in three years instead  
7 of five. So that's the concept.

8 We've had a lot of discussion about what kind  
9 of person would be good for this role. And we  
10 have -- the decision is not final, but I think we  
11 have, from a lot of input from our career staff in  
12 particular, the concept of having one of the bureaus  
13 within that region would have their regional  
14 director step up to play this sort of project  
15 manager role for two years or three. Again, that's,  
16 you know, to be finalized. But then it would rotate  
17 to a different bureau.

18 MR. HAROLD FRAZIER: Are you guys going to be  
19 using Indian preference? BLM, Fish & Wildlife, are  
20 they going to utilize Indian preference?

21 MR. JOHN TAHSUDA III: No. They will still  
22 have their regional director that we --

23 MR. HAROLD FRAZIER: So we're gonna have a  
24 white guy trying to tell us Indians how to live  
25 again. The boss farmer days are coming back; is

1 that what you're saying?

2 MR. JOHN TAHSUDA III: No. This guy is like a  
3 project director, so all he's doing is trying to get  
4 a decision done or a project done.

5 MR. HAROLD FRAZIER: When it comes to  
6 government dealing with Indians, you have to utilize  
7 Indian preference.

8 MR. JOHN TAHSUDA III: We utilize Indian  
9 preference in our bureaus.

10 MR. HAROLD FRAZIER: Yeah, see, but now we're  
11 going to have another bureau telling us what to do.

12 MR. JOHN TAHSUDA III: No. The concept of  
13 this --

14 MR. HAROLD FRAZIER: You just said it.

15 MR. JOHN TAHSUDA III: -- regional director --

16 MR. HAROLD FRAZIER: You just said it.

17 MR. JOHN TAHSUDA III: -- is they will be  
18 responsible for coordinating the decision making in  
19 these multi-bureau decisions or projects that have  
20 to be done. Each bureau will have, on a rotating  
21 basis, have their regional director. So there will  
22 be an Indian regional director who will have time at  
23 the home overseeing these projects, all the other  
24 bureaus, too, as well in that region. So that  
25 creates both the ability for all the bureaus in that



1 region to get a better understanding how each of the  
2 bureaus works, instead of now where they're kind of  
3 in their silos.

4 And it also reinforces the notion that none of  
5 the bureaus or their regional director or some new  
6 guy coming in would be able to elevate their bureau  
7 or their priorities over others. Since each of the  
8 bureaus will have a turn at it, they'll all  
9 essentially have to play nice in the sandbox  
10 together. So that's largely it.

11 We still have --

12 MR. HAROLD FRAZIER: Let's go back.

13 MR. JOHN TAHSUDA III: Okay.

14 MR. HAROLD FRAZIER: Don't be afraid.

15 MR. JOHN TAHSUDA III: We'll go back. I  
16 just want to -- this is the end of the slide shows.  
17 I want to get this up.

18 So you can submit written comments as well as  
19 your oral comments today at our usual site,  
20 consultation@bia.gov. We have extended the date to  
21 September 15th, so you have through the middle of  
22 September. And really we have to kind of close it  
23 off there so we have time to compile them and get  
24 all of the tribal comments submitted to the  
25 Secretary in time for his finalization of his plan

1 in October. So that's kind of the wrap-up of the  
2 Power Point.

3 So that's, again, the basic information I  
4 wanted to impart to you. There's a lot more info to  
5 fill in, but I'd like to do that really in response  
6 to questions that you have based on this.

7 I will say and kind of close my comments that  
8 the Secretary has made these commitments to Indian  
9 country: One is that if your region in the  
10 consensus of tribal leadership and the tribes in  
11 your region is that you don't want your bureau to  
12 participate in this plan, we'll keep that BIA region  
13 out; they won't be part of it. That's your  
14 decision.

15 The other thing is if the tribes want to  
16 participate in this or even if you want to keep  
17 talking about how it would work in participating in  
18 it, the other commitment he's made is this is not a  
19 budget exercise, so we will keep the tribal budgets  
20 harmless, right? We will figure out if there is  
21 any -- again, in this region there wouldn't be that  
22 much change but in other regions you see that it  
23 would be split up a bit.

24 We have tribal shares, et cetera, as part of  
25 our budget process to make sure the tribes get their

1 share of a regional budget. We will work with that  
2 to make sure that your share stays the same and that  
3 the region office retains the same resources that  
4 they have now, et cetera.

5 There is also -- again, this is not part of an  
6 attempt to reorganize the bureau itself, so we're  
7 not moving agency offices. We're not transferring  
8 people around as part of this process. If people  
9 get transferred, it's part of our internal human  
10 resources needs, et cetera.

11 So those are the commitments he's made to  
12 Indian country. And I think the biggest one  
13 obviously is it's your decision whether you want to  
14 participate or not.

15 There's sort of -- and, again, I consider this  
16 sort of an initial consultation because we will  
17 necessarily have to have more consultation, more  
18 discussion following this if in any of the regions,  
19 including this one, if the consensus of tribal  
20 leadership is they don't want to participate in this  
21 with what will be unified regions for the other  
22 bureaus.

23 And I would add they don't get a say in this.  
24 All the other bureaus are going into unified  
25 regions. They don't get to hold out. A governor

1 doesn't get to say, Oh, I want my BLM guy to not be  
2 part of this. They're going to be part of the  
3 unified regions. It's only our bureau and the  
4 tribe's decision that he has offered to hold out  
5 from participation in this.

6 If you choose not to participate in it, we will  
7 have to have a discussion, further consultation on  
8 how we can make sure that our regional guys are  
9 still able to be effective on your behalf working  
10 with this now unified region and the other bureaus  
11 that are working together in that region.

12 If you decide that you think this is an  
13 interesting idea and you'd like to work through it  
14 more, then we'll have a discussion about how that  
15 would work, how our regional guys will work to  
16 participate further with the unified region.

17 We could also begin the discussion about how  
18 we'll make sure that your budgets are held harmless  
19 and how the regional budgets are held harmless and  
20 retain the resources as well.

21 That's it in a nutshell. Again, I'll close my  
22 little opening comment here by saying that this is  
23 ultimately your decision. And we just -- I just  
24 need to hear from you. And again it doesn't have to  
25 be today. You can submit written comments. But

1 relatively soon. I have to get a notion of what is  
2 the general consensus of tribes in a region as to  
3 whether or not they would like to further discuss  
4 this or whether they just don't want to be part of  
5 it.

6 So I will throw this open now for comment. I  
7 have Chairman Flute first on my list here.

8 MR. DAVE FLUTE: For the record, my name is  
9 Dave Flute, Chairman of the Sisseton Wahpeton Oyate,  
10 Lake Traverse Reservation.

11 I want to thank Harold for getting us a little  
12 bit fired up this morning, getting the blood going.

13 I'm here to make a statement of position on  
14 behalf of the Sisseton Wahpeton Sioux Tribe.  
15 Respectfully we submitted our comments in a position  
16 paper during the first meeting we had in Shakopee.  
17 I do have my concerns of the interpretation of  
18 consultation. I will save that for another day.

19 But on behalf of the Sisseton Wahpeton Sioux  
20 Tribe, Lake Traverse Reservation, we are opposed of  
21 being moved into a region as this draft map is being  
22 proposed here to the tribes. We did see that cut us  
23 out and put us into an area where there are mostly  
24 280 tribes. And I could stand up here for an hour  
25 and explain the reasons why we are opposed of being

1 moved into a region where there's mostly 280 tribes.  
2 I think Red Lake is the only treaty tribe in  
3 Minnesota.

4 Minnesota is a Dakota word. And, you know, I  
5 don't say this jokingly, but as Harold had said in  
6 front of our senators a couple times, you know, I  
7 don't want to get into the story, you know, the  
8 history of our treaty, but if our treaties cannot be  
9 upheld and honored, then give us back Minnesota.  
10 We'll be glad to take it back. But the Sisseton  
11 Wahpeton Sioux Tribe is opposed to being moved into  
12 a different region.

13 I do support, as a member of the Great Plains  
14 Tribal Chairmen's Association, I am in full support  
15 of the association and the position of Great Plains.

16 And finally we are opposed of the  
17 reorganization at this time.

18 So those are my comments for the record.

19 MR. JOHN TAHSUDA III: Thank you, Chairman.

20 I just want to point out that you would not be  
21 in the same region as Minnesota.

22 MR. DAVE FLUTE: On one of the maps we did see  
23 us being carved out. So maybe --

24 MR. JOHN TAHSUDA III: So the maps have, yeah,  
25 they have changed significantly over time.

1 MR. DAVE FLUTE: Okay.

2 MR. JOHN TAHSUDA III: And so under this map,  
3 which I think is pretty close to final, you can see  
4 the Dakotas are in the Missouri Basin, what would be  
5 the new Missouri Basin unified region. It would  
6 include the Dakotas, Montana, Nebraska and Kansas.

7 MR. DAVE FLUTE: What about Flandreau?

8 MR. JOHN TAHSUDA III: All the Dakotas would be  
9 together in the same region.

10 MR. DAVE FLUTE: Okay, thank you.

11 MR. JOHN TAHSUDA III: Thank you, Chairman.

12 So my list is little unclear. Why don't I do  
13 this: As I said in the beginning, I would  
14 appreciate it if we could have chairmen or those  
15 tribal leaders who are here formally representing  
16 comments for their tribe to come on up and take  
17 their turn and then we'll turn to other tribal  
18 leaders, et cetera, that would like to comment.

19 MR. SCOTT WESTON: Go ahead. I'll go after  
20 you.

21 MR. HAROLD FRAZIER: For the record, I'm an  
22 Indian and I oppose this process. I don't look at  
23 this as a formal consultation.

24 The only thing that made me, gave me a little  
25 bit of hope on your slides that were potential, gave

1 me a little hope that this was going to be stopped  
2 or can be stopped.

3 You know, one of the most precious things to  
4 our people is water. And in one of your slides  
5 you're proposing to quantify our water, and that's  
6 alarming to me because we know water is life. And  
7 the old people always said that it belongs to us,  
8 never quantified, never settled our water rights  
9 because we have them. So there's a lot of sneaky  
10 under-table dealings with this process. This map is  
11 not a plan. I mean, re-look at your slides and you  
12 know where I'm talking about.

13 You know, I see no improvement to everyday  
14 lives for our people at home, none. That decision  
15 making can be done at the agency level if the  
16 regional and D.C. stop, quit micro managing.

17 You know, I don't know how -- I've been in  
18 office for four years, close to four years this  
19 turn. I don't know how many agency superintendents  
20 we've had, regional directors. It's a  
21 merry-go-round, chaos, but I think that's Trump's  
22 lifestyle.

23 What you need to do is read the 1868 Fort  
24 Laramie Treaty. The line authority is in there.  
25 Article V, read that part. And that's what we



1 should be following is our treaties.

2 You know, it's at the point, I'm so full of  
3 disgust, mistrust of this government, the way we've  
4 been treated. If we're truly a nation and if we're  
5 recognized -- I know the Secretary, numerous times  
6 he told us, "You're sovereign; you're sovereign;  
7 you're sovereign." Do you remember that?

8 MR. JOHN TAHSUDA III: Uh-huh.

9 MR. HAROLD FRAZIER: Well then treat us like  
10 one. You know, that's just a word in their  
11 vocabulary. But I don't see no improvement. I  
12 stand opposed to this. I mean, we should be able to  
13 get more information so we could truly determine if  
14 this is going to benefit our people or not. A map  
15 doesn't cut it. There's a lot of heavy things  
16 behind that map, and one of them is quantification  
17 of water.

18 Are you a lawyer?

19 MR. JOHN TAHSUDA III: Uh-huh.

20 MR. HAROLD FRAZIER: Okay, read it. You'll  
21 see. Are you an Indian?

22 MR. JOHN TAHSUDA III: Yep.

23 MR. HAROLD FRAZIER: Act like one. Be one.  
24 Stand up for our people. I bet somewhere in your  
25 history your family told you that and that's why you

1           tried to get an education to help Indian people.  
2           Now is the time we need help. Tell Trump where to  
3           go. Send him back.

4           I could go on and on, but it's all meaningless  
5           because it doesn't matter what we say or do, in the  
6           eyes of the Federal Government we're still those  
7           incompetent little boys and girls, kids.

8           So I'll finish by saying how disgusted I am  
9           with the government. I'll throw this away but I  
10          gotta prove some stuff.

11          MR. JOHN TAHSUDA III: Thank you, Chairman. I  
12          would guess you're not the only one disgusted with  
13          the government. I think there's a lot of disgust  
14          with government these days.

15          Let me clarify a couple things. So when I  
16          mentioned water, they're not talking about anybody's  
17          quantification of rights, et cetera. It's just a  
18          statement that the Department, through legislation,  
19          prior settlements with states, with tribes, et  
20          cetera, we currently have approximately  
21          25 million-acre feet that we formally manage, that  
22          we are formally responsible for.

23          There are millions of other acre feet out there  
24          that have not been quantified and, you know, that we  
25          have a responsibility for it. If it's tribal, we

1 have responsibility to manage, if it's, you know,  
2 non-tribal, et cetera, but it's not quantified yet.

3 I really appreciate, again, that you brought  
4 the Secretary's comment. I want to re-emphasize: I  
5 think in his view he is trying to treat you as a  
6 sovereign because he said that this is your decision  
7 ultimately. And the state governors don't get to  
8 hold out. It's only tribal governments that get a  
9 say in whether the federal agency that they work  
10 with is going to be part of this or not. I don't  
11 know how much more, ultimately how much, you know,  
12 more recognition of your sovereignty he can give you  
13 than that.

14 And also decision making at the agency level,  
15 you heard him when he talked. He absolutely  
16 believes in that. He wants to push decision making  
17 down to a lower level.

18 Again, this is not a BIA reorganization. We  
19 need to work on that. But this is an attempt to do  
20 that at the higher level where we have the  
21 inter-bureau decision making that happens in that  
22 that decision making can be pushed down to a lower  
23 level for most decisions so that they can happen  
24 faster.

25 Thank you.

1 President Weston?

2 MR. SCOTT WESTON: For the record, my name is  
3 Scott Weston. I'm the president for the Oglala  
4 Sioux Tribe.

5 Mr. Superintendent, can you put your phone  
6 down? Thank you.

7 Mr. Tahsuda, quit typing, please. Watch me,  
8 look at me, respect me. Don't say a word. Just  
9 hear me.

10 MR. JOHN TAHSUDA III: Okay.

11 MR. SCOTT WESTON: Thank you.

12 That's how I was raised. I believe we've had  
13 this discussion before.

14 Today is redundant. Everything that I've said  
15 a year ago when they had the BIA reorganization  
16 meeting is a reiteration of what Chairman Frazier  
17 said, "Read the treaties." In the treaties it  
18 didn't say that we were going to have to deal with  
19 continued resolutions. In the treaties it didn't  
20 say that we were going to reorganize. Who did this?  
21 Were we consulted? Did you come to the tribes  
22 individually? Have we had any input in this  
23 process?

24 You know, Chairman Flute came up here on a  
25 flight because he was going to go to some 280

1 tribes. And all at once he's been told different.

2 But I guarantee you what: Don't quit, Dave.  
3 Keep that fight because they might put you in  
4 Florida.

5 Really. It sounds cynical; it sounds funny,  
6 but it's not. Those are the things that we need to  
7 discuss. Those are the things that -- like I said  
8 earlier, do not be afraid to come up here and speak  
9 your mind and speak your heart. Because if we don't  
10 say anything, we're not doing what we were set to do  
11 here in these positions. We have a job to do and  
12 that's what we're here for.

13 But today this thing needs to back up and start  
14 over. Read the treaties. The 1851 and 1868 Treaty,  
15 that's why I said, "Welcome to my land." This is  
16 our land. We didn't sign on for continuing  
17 resolution. We didn't sign on for your policy. All  
18 of that treaties supersedes statute, regulation,  
19 policy that you're pushing down our throats, but you  
20 keep that portion up there that we are still wards  
21 of the government. That's where that needs to be  
22 stopped. That's where you need to come to us as a  
23 government-to-government relation and go to each  
24 tribe and hear their plans, hear our plans.

25 Because if we don't do what we have to do,

1 you're not doing your job, neither one of you. I  
2 understand that you're a puppet, a puppet of the  
3 government because you're only legally bound to say  
4 and do only what your superiors tell you to, and  
5 that's Trump. He's making you do this.

6 It's like Harold said: Remember, you're an  
7 Indian first. You're a Native American. You affect  
8 people's lives, children's lives, our elders' lives.  
9 And if we don't do what we're supposed to do, you're  
10 not doing yours again.

11 We have to change this way. You have to help  
12 us. You have to be on our side and not say, "This  
13 is policy. This is regulation. This is what it's  
14 going to be." We can't do that.

15 I'm serious when I say this: You are going to  
16 start a war. By God, you're going to start a war.  
17 When I say we are tired of having to be pushed down,  
18 held down and kicked and scream and fight and do  
19 whatever we gotta do, you know what, somebody is  
20 going to start a war and it's going to be us.

21 Because we of the Great Sioux Nation are the  
22 ones, are the last ones that started a war and won.  
23 Remember, we are the only war that the United States  
24 Government ever lost. And the United States  
25 Government says nothing about it. They recognize

1 nothing. You know, we're eight and 0, you know, big  
2 deal. We got a score, you know. We only needed to  
3 win one war and that's why we're being held down  
4 here. That's the way we feel. That's our thought.

5 But you gotta remember, you can change that,  
6 too. You're Native American first. You have the  
7 same blood lines as some of us here that can do  
8 everything that you need to do. You can wiggle your  
9 way around policies. You can come back to the  
10 tribes. I did it for 27 and a half years. I  
11 improved my reservation and our fire programs. We  
12 did that. So can you.

13 You need to understand that this is our hearts.  
14 This is our lives. And I'm tired of beating up on  
15 you, but you chose them positions. You chose to be  
16 there. So either you come fight with us or are you  
17 going to sit there and get beaten to death,  
18 physically, mentally, emotionally?

19 This is not a consultation. I want you to know  
20 that. I can stand up here like the other chairmen  
21 and say: We can talk like this all day long, but we  
22 only have a few minutes.

23 But I want you to know you need to read the  
24 treaties. Read them, understand them, know where we  
25 come from. Because some of the tribes don't have

1 our treaties. You know, when the government  
2 abolished all of these treaties, there was two  
3 treaties, two treaties, my treaties. The 1851 and  
4 the 1868 treaties are mentioned, verbiaged in the  
5 Constitution of the United States of America,  
6 Article VI. So if you're going to change this  
7 policy, you'd better change your Constitution.

8 That's all I got to say. Remember that.

9 Thank you.

10 MR. JOHN TAHSUDA III: Thank you, President  
11 Weston.

12 Next tribal leader?

13 MR. SCOTT HERMAN: Good morning, everybody. I'm  
14 Scott Herman, Rosebud Sioux Tribe, vice-president.

15 I don't know how to follow up on the last  
16 chairman's comments. I had a position paper  
17 prepared for Rosebud, and I don't think I'm going to  
18 read that today, I really don't. I think after  
19 discussion this morning and talking about how  
20 unclear things are as far as Mr. Tahsuda was talking  
21 about what does this mean: No plan has been  
22 written. What are the goals? Those type of words  
23 that were used this morning as far as being unclear  
24 what the real intent of this is behind what the  
25 plans are for this, I don't think I'm going to read



1 the comments from Rosebud.

2 I've been to a lot of consultation meetings as  
3 far as education and other consultations. As part  
4 of that process I got up and did testimony and  
5 stuff. And I never did understand the true meaning  
6 of consultation in the first place. I always  
7 thought that it was something that was done and  
8 after-the-fact type of thing as far as getting  
9 comments, this is a formality that they go through.  
10 And I still believe that.

11 So anything that's going to improve the quality  
12 of life for our people back home is something I can  
13 support. I don't see how this is going to improve  
14 the quality of life. If you can't give us the  
15 intent as far as what's behind this and how it's  
16 going to improve the quality of life for our people  
17 back home, then I don't need to make any more  
18 comments on that.

19 I know my membership back home relies on me  
20 quite a bit to come to these meetings and speak on  
21 their behalf, but today I'm kind of speechless. I  
22 don't quite know how to respond to this consultation  
23 process and reorganization of the BIA and Interior.  
24 It's just hard for me to understand how we can go  
25 through with something and have us make comments on

1 it and then run with it. I think if you can stand  
2 up and tell us the real intent behind all of this  
3 reorganization and how it's going to improve the  
4 quality of life for our people, the services that  
5 are delivered to our people, I think maybe then I  
6 can make some comments. But for now I don't think  
7 I'm going to make any comments.

8 I will do a position paper and I'll submit it  
9 here, but I'm not going to stand up here and make  
10 comments today.

11 So I thank you for letting me have the floor.  
12 And hopefully that you can answer some of those  
13 questions as far as what is the intent behind this  
14 and how is it going to improve the quality of life  
15 for our people back home and how is it going to  
16 improve the services that are provided to our people  
17 back home? I owe this to my membership back home,  
18 and I need you guys to explain that a little bit  
19 clearly to me before I can make any more comments  
20 about even supporting something like this.

21 Thank you.

22 MR. JOHN TAHSUDA III: Thank you,  
23 vice-chairman. So those are really good questions,  
24 and maybe that's a good segway into, because I was  
25 hoping to get more information to everybody.

1           So the intent behind this: So the Secretary is  
2 directed to come up with a plan. So what is the  
3 plan supposed to be? What's the intent of the plan?  
4 And so as he explained it to us, and we've been  
5 trying to put this, put some meat on the bones on  
6 this is: We have a department, an agency which has  
7 nine different bureaus and a number of different  
8 other offices in addition to that. Most of these  
9 bureaus were not created as part of a process of  
10 thinking how a department administers its  
11 responsibilities. The bureaus were largely created  
12 over time, say Fish & Wildlife, Oh, how are we going  
13 to manage Fish & Wildlife in this country? They  
14 created a bureau for it. And they said, "Where  
15 should it go?" "It should go to Interior." So they  
16 just did that. And so there was no thought process  
17 of how you would manage all of these myriad  
18 responsibilities that the Department has.

19           And so what he wanted to do at a very basic  
20 level is say: Okay, I want to take a step back and  
21 look at everything the Department is responsible  
22 for. How could we at the top level manage that  
23 better?

24           Why is that important? Because at the end of  
25 the day what impacts people's lives is the decisions

1 by the Department, whether they make a decision or  
2 not, right?

3 And so when you look at the decisions that are  
4 made, and it's again -- you know, like for us,  
5 90 percent of the decisions are made within our  
6 bureau by our people who understand our policies;  
7 they have relationships with you, et cetera, right?  
8 But what impacts everybody across the board are  
9 these decisions that require input from multiple  
10 bureaus.

11 And I can't really do justice, but the  
12 Secretary has a great story that he tells about how  
13 like if a river runs through the west and you've got  
14 fish in that river and you've got salmon in that  
15 river, all the bureaus just within Interior that are  
16 involved if, say, you want to repair a bridge over  
17 that river or you want to fix a riparian bank on  
18 that river, and so you have Fish & Wildlife that  
19 have to be involved because of the fish. Maybe  
20 the -- if there's forest nearby, they have wildlife,  
21 deer, whatever, they have to be consulted on that  
22 decision. The Bureau of Reclamation, because  
23 there's probably a dam and/or irrigation project at  
24 some point in there, they have to be part of that  
25 decision-making process.

1           Let's say it's a BIA bridge, so if there is BLM  
2 lands nearby, the BLM gets to weigh in on that. If  
3 there is forest service, then the Department of Ag  
4 actually gets to weigh in on that. And then we have  
5 us, and we have our decision-making process.

6           Really the way it works now is that all of  
7 these bureaus are sort of in silos and they make  
8 decisions on their own.

9           And so in this case it's a bridge that we're  
10 responsible for, we would get two or three years  
11 down the road in studying how the bridge should be  
12 repaired, do our environmental work, all of these  
13 things that we have to do. We would talk to the  
14 tribe, the tribes, et cetera, who would be impacted  
15 by it.

16           Then at that point we would talk to the other  
17 agencies. We would say, "Does anybody else care to  
18 comment on this?" And then all of those other  
19 bureaus would say, "Well, wait a minute. We're  
20 concerned about this. Oh, we're concerned about  
21 that." And then we go through another three, four,  
22 five years. And this is why it takes eight years to  
23 get relatively simple decisions on how to repair a  
24 bridge done out of the Department in general. In  
25 this case it would be coming out of us but because

1 we have to interact with these other bureaus that  
2 that process goes from three years for us to eight  
3 years to get the final decision done.

4 It might involve varied opinions. We may have  
5 our own opinion about how this bridge would or would  
6 not impact the fish in that river, but Fish &  
7 Wildlife often has a very different view of the  
8 biological impact on the fish in that river from us.  
9 And so then we have to have this discussion, and  
10 usually that discussion has to come to D.C. so that  
11 the Assistant Secretary of Indian Affairs and the  
12 Assistant Secretary over Fish & Wildlife can have a  
13 discussion and work out the details.

14 The concept that the Secretary has, and again  
15 this is aimed at these inter-bureau decisions, is to  
16 cut through that and keep the decision making in the  
17 region. How do you do that? Well, you keep  
18 leadership in a geographic region. So instead of  
19 having overlapping geographic regions, the bureaus  
20 would have these unified regions so that the  
21 leadership of that region are stuck together making  
22 these decisions.

23 Then you have a guy who is the point man, this  
24 interior regional director. You think of him like a  
25 project manager. He's not there to make policy

1 decisions. He's there to make sure that the  
2 decision gets done. So he cracks the whip on  
3 people; he enforces the timelines to make sure that  
4 they're talking from the very beginning, that they  
5 follow the timelines and get their inputs in within  
6 the timelines that they're supposed to. And so all  
7 of this stuff happens, you know, ideally now we're  
8 talking three-, four-year time frame as we would do  
9 it if we were doing it on our own, but it all  
10 happens if we get the input from all the other  
11 bureaus. Just the time saved alone is a great  
12 impact on everybody.

13 It also has impacts for us. We, on your  
14 behalf, make decisions, and we get sued all the  
15 time, right? The Department makes decisions in  
16 other contexts. They get sued all the time. We get  
17 sued for almost everything, every decision we make,  
18 right?

19 If we have common decision making from all the  
20 bureaus that are involved in this decision, then we  
21 have one decision to defend. Right now we often end  
22 up with multiple decisions to defend because we have  
23 our decision to defend; Fish & Wildlife has a  
24 different opinion, they have to defend that.

25 And then in addition to the years it takes for

1 us to work through internally getting the decision  
2 done, then we have years of litigation because we've  
3 handed, the people opposed to the project we've  
4 handed them a ready-made case. We have already had  
5 this agreement internally that they will use in  
6 court. And so if we have common decision making  
7 from the very beginning, we also cut down on that.  
8 So the resources used and the time used to get to  
9 these decisions is really the true intent of what  
10 we're trying to accomplish with this.

11 So -- and, again, I want to emphasize that, you  
12 know, this regional director guy is not there to  
13 make policy decisions. He's there to make sure that  
14 decisions are made in a timely manner. The policy  
15 questions are still resolved by the bureaus who have  
16 their own policies, and all he does is, again, you  
17 know, enforce timelines so that if we have a  
18 different opinion about the fish than Fish &  
19 Wildlife does, he gives us three months to work it  
20 out, six months to work it out instead of us  
21 spending a year or two working up our opinion, Fish  
22 & Wildlife spends a couple years and then it goes  
23 through D.C. to happen. He enforces that decision  
24 making or that reconciliation of those views to  
25 happen in the region so that the decision making



1 stays there.

2 There will always be a policy role for Indian  
3 Affairs, because if there is -- so, again,  
4 90 percent of the decisions that are made still go  
5 through Indian Affairs without input from other  
6 bureaus.

7 If there is an irreconcilable policy view  
8 between different bureaus, that would be one thing  
9 that this regional director -- again, he doesn't  
10 make the decision. He just elevates that to bring  
11 in the appropriate assistant secretaries and say:  
12 Okay, here's different views that your bureaus have.  
13 Can we get a decision on this in three months, six  
14 months, whatever is a reasonable time frame. And  
15 that way that there again, there is enforcement of  
16 actual time frames to get decisions done. That's  
17 really the true intent of this and that's the heart  
18 of it. If we can save that time and those resources  
19 doing that, then that's better for everybody.

20 There is the opportunity down the road if the  
21 leadership in these regions are working together  
22 better that we could take non-policy resources, just  
23 like HR decisions -- IT decisions is a really big  
24 one. Right now each of the bureaus spends an  
25 enormous amount of money separately on IT. We could

1 save millions of dollars a year if in a region all  
2 of the bureaus were using common IT technology,  
3 personnel, et cetera. And those resources stay in  
4 the region, and they're there to then be used by the  
5 bureaus to further their efforts in the region. So  
6 that's really kind of a down-the-road concept. This  
7 notion of getting effective and efficient decision  
8 making in the region is really the primary intent of  
9 this exercise.

10 I hope that answers your question.

11 MR. SCOTT HERMAN: Scott Herman, Rosebud Sioux  
12 Tribe.

13 I guess my next question was that: Why isn't  
14 Secretary Zinke here? I don't understand that. I  
15 really think that this is important enough to have  
16 him down here today. And we have a lot of  
17 leadership here that he should have been here in  
18 person. And I guess I'd like an explanation of why  
19 he is not here.

20 And as far as the executive order that came  
21 down, everybody knows that it came down from  
22 President Trump, and you guys are just all yes men  
23 and putting together what he wants to do. And I  
24 guess the real intent behind it is what President  
25 Trump has in store for our tribes as far as a

1 reorganization plan. And what kind of plan is that  
2 going to be? Or do you guys already have a plan in  
3 place and you guys are just saying: Hey, we have a  
4 plan and it's not developed yet and we're trying to  
5 get ideas from the tribes and it's not really going  
6 to happen like that? We all know that President  
7 Trump's executive order to do this is the real  
8 intent behind everything here. And I'd like you to  
9 speak to that.

10 Thank you.

11 MR. JOHN TAHSUDA III: Certainly. So --

12 MR. HAROLD FRAZIER: Hey, I got one more thing  
13 to say and then I'll be quiet.

14 MR. SCOTT WESTON: Quit lying.

15 MR. HAROLD FRAZIER: I took my advice that I  
16 gave you and I read this: Please submit any written  
17 input to ConsultationBIA.gov by August 15th. We're  
18 past that.

19 MR. JOHN TAHSUDA III: I said in the beginning  
20 that it's been moved to September 15th. My Power  
21 Point is a little bit out of date because I haven't  
22 changed it since we started these.

23 MR. HAROLD FRAZIER: That's why I said we can't  
24 trust that map. It could change.

25 MR. JOHN TAHSUDA III: Vice-chairman, if you

1 want, I can give you the executive order number.  
2 It's a public document. You can look it up and see  
3 what's in there. It really doesn't ask for a whole  
4 lot more than to say: Give me a plan on how you  
5 would reorganize your department to be more  
6 effective, more accountable, et cetera, with a  
7 deadline, 18-month deadline. So that's where we get  
8 to October, that's 18 months.

9 So the plan on how to do this is the  
10 Secretary's. And, you know, again, he has laid out  
11 the plan that the other bureaus and the governments  
12 and other people they work with don't really get a  
13 say in it. They're going to be unified. He has  
14 held out for tribes the decision. If you would like  
15 your region to participate in this unified region --  
16 and I could go through more. There's a lot of  
17 benefits that can be had by having closer  
18 coordination with the decision making in the other  
19 bureaus. If you want to be part of that, that's  
20 your decision. And if you don't want to, that's  
21 your decision as well.

22 Do we have another tribal leader next?

23 MR. HAROLD FRAZIER: Yep.

24 UNIDENTIFIED SPEAKER: (Native language.)

25 MR. HAROLD FRAZIER: Do you have an

1 interpreter? When you come to our country, you  
2 should bring an interpreter. This proves that we  
3 are still Indians. We still have our language. So  
4 you need to adhere to his comments, too.

5 MR. JOHN TAHSUDA III: Would you like to  
6 interpret for me, Chairman?

7 MR. HAROLD FRAZIER: You, that's your  
8 responsibility. When your grandfathers come to make  
9 a treaty, they had an interpreter. That's your  
10 responsibility.

11 MR. LESTER THOMPSON: Good morning. My name is  
12 Lester Thompson. I am the chairman of Crow Creek  
13 Sioux Tribe.

14 To my elders, please forgive me for some of the  
15 wording I may use that may offend you. I'm a pretty  
16 blunt person, so it's just who I am.

17 Gentlemen, you come here talking of  
18 consolidation or consulting with us. I've listened  
19 several times here. And really what I'm listening  
20 to is a used car salesman's pitch, and you're trying  
21 to sell us on this reorganization. And bluntly,  
22 it's not going to work, plain and simple. You  
23 failed in the BIE doing it back in the past. They  
24 came forward and tried to reorganize the commodity  
25 program underneath the USDA, failed at that. This

1 is going to be a failure.

2 You can sugarcoat a turd to make it easier to  
3 swallow, plain and simple, but in the end it's still  
4 a turd. And that's what this is, a turd.

5 You say you're here to listen. Custer didn't  
6 listen. You know what happened to Custer, they  
7 opened his ears for him. And that's what these  
8 gentlemen are here to do, open your ears.

9 Now, you made a statement that said it was our  
10 decision. "Our decision," okay, you're saying that  
11 come right from Zinke. Well it's clear what every  
12 one of these gentlemen have said, and you're going  
13 to listen to it over and over today: No, we don't  
14 want it, plain and simple.

15 You have not come here with a definitive plan.  
16 So before you come back again, why don't you have a  
17 definitive plan?

18 That's all I have to say.

19 MR. JOHN TAHSUDA III: Thank you, Chairman.

20 So let me just quickly address your last  
21 comment. And it's always -- this is related to the  
22 question of consultation. I know the vice-chairman  
23 raised it as well. So -- and I tried to allude to  
24 this in the beginning when I said I think this is an  
25 initial consultation.

1           So it's always a bit of a challenge for us on  
2 the Federal Government's side to know what is  
3 appropriate for consultation because you're saying  
4 we haven't given you enough information. Fair. But  
5 oftentimes when we come with a lot more information  
6 you say, "Well, you've already made a decision.  
7 That's too much information." And so trying to find  
8 the spot in there that we can have enough  
9 information for you and we can have a discussion but  
10 not too much where you think we've made a decision  
11 is always a challenge.

12           So, again, that's why I want to emphasize that  
13 this is an initial discussion. And we will have  
14 more discussions because of necessity, the other  
15 bureaus are going to take part in this exercise.  
16 And so if you don't want this region to be part of a  
17 unified region, that's fine. We will have a further  
18 discussion then of what that means for our region,  
19 our region and how they represent you in working  
20 with this new unified region. That's something  
21 we'll have to have to make sure that we can still  
22 try to be as effective as possible in representing  
23 you in these decisions that are made between  
24 bureaus.

25           If you want to be a part of it, then we would

1 have a further discussion and we would flush out:  
2 What does that mean? And maybe it means partially  
3 in; maybe it means all the way in.

4 The Secretary has also said that, you know, his  
5 commitment to local decision making is paramount,  
6 and so we want -- he wants us to talk to you, and  
7 the other bureaus have talked to people they work  
8 with to say: How can we be flexible enough to  
9 address what you would like to see, what you think  
10 would be good, while we're trying to address our own  
11 internal decision-making failures from the past and  
12 improve on those. And so we have his direction to  
13 be as flexible as possible to try to make this work  
14 the best way we can.

15 So -- but, again, I think those are two  
16 separate discussions depending on what the decision  
17 is. And -- but we'll have a lot more discussion I  
18 think about this.

19 I think that we should have more discussion  
20 about what happens on the ground for us within the  
21 bureau. As I said in the beginning, this is not a  
22 reorganization of the BIA, but I do think that we  
23 have to continue to improve the BIA as well.

24 And I know we've had a lot of discussions in  
25 different regions. We had a lot of discussions at



1 the consultation that we had in Billings, and as  
2 sort of a side discussion from this larger one is:  
3 Hey, what can we do in the Rocky Mountain Region to  
4 improve that region's operations?

5 And I'm absolutely committed and I know that  
6 Assistant Secretary Sweeney is committed to having  
7 further discussions with you just in this region  
8 how we can get this region working better on your  
9 behalf and get better support from us for you.

10 So, again, that's -- I just want to say -- and  
11 I accept whatever decision it is, but I think that  
12 we will have more discussions about what this means  
13 for the Bureau and for your region in the future.  
14 Regardless of what discussions, we're going to talk  
15 a lot more.

16 Thank you.

17 MR. JOHN YELLOW BIRD STEELE: Sir, my name is  
18 John Yellow Bird Steele from Pine Ridge. And your  
19 words here: "Improve services, be more efficient,"  
20 all good words, you know, sir, but why don't you God  
21 darn sit there and tell us the truth? Trump's  
22 executive order is trying to lump all of the  
23 departments together. You can call it the Unified  
24 Position Improved Services. He wants to cut the  
25 budget, right? His tax cuts, he's got to cut the

1 budget somewhere and that is what it's all about.

2 And you should sit there and tell us this.

3 And you call it consultation. You're going to  
4 go back and say: We went to the Great Plains area  
5 and we held this excellent consultation. Where are  
6 the high level people we can talk to? How great is  
7 your worth to represent us?

8 Now, I have a document here, and it says that  
9 this reorganization is going to impact us for the  
10 next hundred years. The BIA hasn't been changed in  
11 the last 150 years. What you're doing now is  
12 probably going to impact us for the next 150 years,  
13 not us but our children and our children's children.

14 And in 2016 Congress passed the Trust Reform  
15 Act. Obama signed it. You, the Department of  
16 Interior, were supposed to create a new department  
17 of trust reform. What did you do? You came out  
18 after we raised hell here, talked to us a little  
19 bit, went back and you made that Office of Special  
20 Trustee this new department, because I don't think  
21 you could make a new department. So we got the  
22 Office of Special Trustee that's going to be sitting  
23 there representing us for the next 150 years to  
24 (unintelligible) trust.

25 Did you read Congress' legislation? It says in

1 there trust comes from treaties and other agreements  
2 with Native Americans. This is the language in  
3 there. And in your document here I do not see the  
4 word "treaty" any one place. Why couldn't you put  
5 treaties in here?

6 Now, Congress in that legislation said the  
7 United States benefited 100 percent from Day 1 of  
8 the signing of the treaties. They took the land,  
9 vast acres of land they call it. We call it  
10 hundreds of millions of acres. And they made  
11 promises that they have never kept. This is the  
12 language in that legislation.

13 So you, sir, what you're coming down with  
14 Trump's executive order on reorganization, we're  
15 going to go to our senators. We gotta get them on  
16 your case.

17 On treaty language in here, I don't know if you  
18 realize it, but treaties are so all encompassing.  
19 Just one part, education, you need our treaty  
20 education people to have input into that portion.

21 Planned Social Services, "Oh, we have a lot of  
22 Social Services in our area; other areas don't," but  
23 all of these different areas you need our input on  
24 on treaties. You need to put treaties into the  
25 incorporating language so that when you lose your

1 job in Washington, somebody else is going to step in  
2 and they need to know what their job is. And if you  
3 don't have the treaties in there and you don't  
4 specifically mention all of these different  
5 components of education, land, all of those, they're  
6 not going to know what their job is.

7 And so you got a very important job in putting  
8 this reorganization together, and you're taking the  
9 point of view of Trump and the Federal Government,  
10 and I don't like that. You should come tell us the  
11 truth.

12 One of the things I specifically would like to  
13 see in this language of this reorganization: In the  
14 early BIA days we had the Quakers. We held BIA  
15 jobs. We fought very hard in the 1960s and '70s to  
16 get you, Indians, in those positions in the BIA. We  
17 were able to do it. But those Quakers stood up for  
18 us. They wrote position papers when we bumped heads  
19 with corporations, counties, states. They went into  
20 court by our sides to protect jurisdiction and  
21 sovereignty.

22 This is what I'm getting at: Nowhere in here  
23 do I see where you are making this responsible for  
24 jurisdiction and sovereignty in supporting tribes.  
25 This needs to be in here so the people following in

1 your footsteps in your jobs know what their job is  
2 going to be.

3 Like I said, you sit up there and you say very  
4 good words, but you gotta look at it from our point  
5 of view living down here. We're fighting uranium  
6 companies right now in Pine Ridge, one in Crawford  
7 and one in Edgemont. They got us in court. Where  
8 is the BIA or this new trust department? And you  
9 need to keep the treaty going in there.

10 September 15th isn't too far away.

11 Gay, can you get a good position paper written  
12 on all the different components?

13 MS. A. GAY KINGMAN: Yeah.

14 MR. JOHN YELLOW BIRD STEELE: Get with  
15 Mr. Good Face, Lower Brule. I got a lot of faith in  
16 him. He's a good treaty man.

17 In five different supreme court cases it says  
18 that the Indians interpret the treaties. They said  
19 at that time we were unlettered so that when the  
20 treaties were written, the supreme court says that  
21 we interpret what is in those treaties. And so  
22 that's why you have to get our point of view because  
23 the literal language in the treaties doesn't mean  
24 exactly that because it's not our interpretation.  
25 That's why we need all of our different treaty

1 people to be involved on all of this. It's so  
2 important to our children and our children's  
3 children and your children. And so this is very,  
4 very, very important and you gotta treat it so.

5 You come in and you say all of these good words  
6 that Trump wants you to say and it's not the truth.  
7 This is all budget cutting. You call it unifying.  
8 It's lumping the different departments together.

9 I don't mean to get on your case, but we're  
10 going to really get on your case in the very near  
11 future if this doesn't -- if you don't work with us,  
12 we're going to get our senators on you. They're the  
13 ones who passed that language that trust comes from  
14 treaties, that the government benefited a hundred  
15 percent from Day 1. They made promises they didn't  
16 keep. That's what they believe.

17 So we'd like you to listen to us. All of these  
18 tribal leaders that talked, they mean it. And  
19 sometimes you sit there and you don't seem to  
20 understand what we're saying, how we're saying it.  
21 Well, please get off of Trump's bandwagon. This is  
22 a tax cut, budget cut that you're dealing with. And  
23 how are we going to do it? You're gonna try and put  
24 us with a (unintelligible) again. I'm sorry to hurt  
25 your feelings, but that's the God darn way we feel.

1 MR. JOHN TAHSUDA III: Thank you, sir.

2 So first of all, you can't hurt my feelings.

3 If Harold can't do it, I don't think you can.

4 MR. HAROLD FRAZIER: Is that a challenge?

5 MR. JOHN TAHSUDA III: Please, no.

6 So those are some really good points. I  
7 appreciate you making them.

8 So I think in my view -- and, you know, I'm  
9 really the one who put this Power Point together a  
10 couple months ago to get this information to you.  
11 Again, I view this as an initial discussion. And in  
12 my view nothing that we do in this reorganization,  
13 whether the tribes in the region want to be part of  
14 it or not, nothing that comes out of this should  
15 impact your treaty rights. And I know that's the  
16 Secretary's position.

17 If you don't know, the Secretary is from  
18 Montana. He grew up around the Black Feet folks.  
19 So he's very comfortable with tribes, with treaty  
20 tribes, with big tribes. And so, you know, nothing  
21 in this is intended to take away or to diminish in  
22 any way your treaty rights, et cetera. My thought  
23 on this, and one of the reasons you don't really see  
24 that in here, is that this is just talking about our  
25 inter-bureau discussions and how this can be of

1 benefit to you.

2 The next discussion that we have -- and again  
3 let me repeat, we're going to have more discussion,  
4 because, regardless of whether your decision is yes  
5 or no, we're going to have to have a further  
6 discussion about that. That's where we'll talk  
7 about and I want to get your input into whatever we  
8 do needs to respect your treaty rights, needs to  
9 respect -- you know, in addition to the treaty  
10 rights, you have inherent sovereignty that actually  
11 supersedes the treaty, right? It was existent  
12 before you signed the treaty. So what we do and how  
13 this gets implemented with the other bureaus, et  
14 cetera, you know, needs to respect that. That will  
15 be part of the second discussion I think that we  
16 have.

17 MR. JOHN YELLOW BIRD STEELE: Your intent is  
18 all good and your words are good, but you need to  
19 put it down on paper so we can see it and so the  
20 future can see it.

21 MR. JOHN TAHSUDA III: I agree.

22 So, again, as part of the second discussion  
23 we'll do that. But I would like -- you know, I need  
24 to have more of your input again because I don't  
25 think and you don't think you want me to have all of



1 my ideas down on paper and then come to you with it.  
2 I think we need to have our ideas together on that.  
3 And I'm not saying "me" like it's all me but from  
4 the Department's part from Indian Affairs, you know,  
5 we need to work together to come up with some  
6 initial ideas for discussion, and then we can flesh  
7 through those. So I think that will be part of the  
8 following discussion.

9 UNIDENTIFIED SPEAKER: Can you meet next week?

10 MR. JOHN TAHSUDA III: Isn't that the week  
11 before Labor Day? My kids are going back to school.

12 So a good question, and this kind of addresses  
13 also this budget question you have: At the end of  
14 the day there are certain -- there are really some  
15 really big limitations on what we do as an  
16 administration.

17 So the Trust Reform Act was great, went out  
18 there. We have tried to implement pieces of that.  
19 And believe it or not, Congress who passed that  
20 trust reform legislation, is now stopping us from  
21 implementing some of the things they told us to do.  
22 So at the end of the day there are things -- and the  
23 budget actually implicates those. When we move  
24 positions, et cetera, there are budget implications  
25 that we have to go back to Congress to get

1 permission to do that. And so, believe it or not,  
2 you would think that passing that reform act would  
3 have done it by itself but apparently it didn't.  
4 This is something I learned when I came into the  
5 Department.

6 UNIDENTIFIED SPEAKER: (Inaudible).

7 THE COURT REPORTER: I cannot hear him.

8 MR. JOHN TAHSUDA III: Oh, he just wants me  
9 to -- he wants further definition of what Congress  
10 is stopping us from doing.

11 So to affect moving these offices, changing  
12 them, we have to get approval from Congress. And we  
13 have presented plans to do it. We explained to them  
14 what we're going to do with it, and they have not  
15 yet approved it. Again, you know -- and it's  
16 largely budget impacts, so the appropriation  
17 committees play a really large role in that.

18 Which brings me to my second point budget-wise:  
19 So, again, the Secretary has committed that this  
20 will not impact tribal budgets; it won't impact the  
21 regional budgets. Obviously if you're moving things  
22 around, you would have some impacts, but his  
23 commitment is that it won't impact your budgets, and  
24 we will do everything in our power to make sure that  
25 the resources stay there.

1           And at the end of the day whatever we say,  
2 whatever budget the President puts out, Congress is  
3 the one who writes the check. They're the ones that  
4 actually come up with the budget. They tell us how  
5 much money we have to spend.

6           And President Weston talked earlier about  
7 continuing resolutions. Those are a huge problem  
8 for us. And so one of the things that could be, I  
9 hope it would be a positive benefit out of this, is  
10 that at the end of the day we get a certain budget  
11 from Congress that we spend. And if we can do  
12 things more efficiently, more effectively, both  
13 within our bureau and also in these interactions  
14 with the other bureaus, that that's just less, out  
15 of this limited budget we get, that's less resources  
16 put to that so that we have more resources to get  
17 more decisions done, more action done on your  
18 behalf. So I think that would be, in outer years as  
19 this gets implemented, that would be a positive  
20 budget impact. But, again, you know, there's no  
21 intent for a negative budget impact.

22           MR. MICHAEL WOLFE: (Native language.)

23           I was taught not to use these things  
24 (indicating). The Creator gave us a voice; you  
25 gotta use it. But that goes upon the discussion I'm

1 going to have here: Who am I talking to? Who are  
2 we talking to? Us again? They sent somebody here  
3 to act like they're hearing us, listening to us  
4 about our concerns how it affects our people.

5 I come up here speaking from the heart. I  
6 don't practice speech. You always mess it up and  
7 then you walk away disappointed because "I should  
8 have said this; I should have said this." Well, say  
9 what your heart says or forever hold your peace.  
10 And I'm up here expressing what my heart says.

11 I see frustration from this one (indicating)  
12 because she couldn't hear what our relative was  
13 asking and saying here. Now you know a little bit  
14 of our frustrations. We're frustrated because  
15 nobody is hearing us; nobody is listening to us.  
16 Nobody is taking our best interests to wherever it  
17 needs to be taken.

18 I'm not going to apologize for hurting your  
19 feelings. But I can't. I was told I can't hurt  
20 your feelings. Well, that tells me you don't give a  
21 crap about us and what we're saying and what it  
22 means to us.

23 One of my greatest chiefs says, "If you wish me  
24 to live this life as you live it, involve me in your  
25 life; I'll walk with you. Tell me how to live my

1 life, I'll run from you." This is the way we are  
2 always being treated. We're getting corralled  
3 again. They're training us, and some of them don't  
4 know that we're being trained, except us the  
5 leaders.

6 Can you guys make decisions for us today? No.  
7 Tell me no. Tell me what you were going to say.

8 MR. JOHN TAHSUDA III: I'm not here to make  
9 decisions.

10 MR. MICHAEL WOLFE: Then why are we having this  
11 meeting?

12 I never dress like this when I'm representing  
13 our people, but I understand what's taking place  
14 here. I didn't know how appropriately I'm dressed.  
15 All of these treaty rights and still 2018 not  
16 treated right. They sent you here. They might as  
17 well send some statues here. Because I learned from  
18 some of my previous people, the previous leaders and  
19 the current leaders, I learned from them. I've  
20 learned it was okay to stand up in rebuttal. I  
21 learned a good one here. Watch so at least you can  
22 see something.

23 One meeting we walked out. One meeting  
24 Chairman Frazier went up there and was talking to  
25 the wall like this (indicating). We might as well

1 be talking to a wall because somebody is not  
2 listening, those they put here to represent Indian  
3 people. What is your motive for being here? What's  
4 your best interest?

5 I respectfully gave you kudos when President  
6 Weston asked you to stop on your phones, stop  
7 talking. That's what the elders and leaders are  
8 supposed to do. And you respectfully did it. I  
9 hope you were shamed. I'll bet you your feelings  
10 got hurt there. I'll bet you you wanted to fight  
11 back. That's the Indian in you. Fight back when  
12 you're Native. Fight back for us.

13 We don't get the opportunity to get up there  
14 but we're coming. President Weston says you're  
15 going to create a war.

16 My name is, for the record, if you need this,  
17 my name is Michael Wolfe. My real name is (Native  
18 language), White Breast of Deer. That's who I am.  
19 My father's name is (Native language), White  
20 Antelope.

21 You know, I don't know where you all come from,  
22 but I got an understanding here when I'm on the  
23 clock I have no friends and no relatives and I'm  
24 only business. I don't care if I hurt feelings or  
25 not, I've got the welfare of my people's best

1 interest in mind.

2 So wherever you come from, you know, this ain't  
3 about you, but it's about those chairs, your  
4 brothers that we haven't met yet. But if you keep  
5 not representing people, we don't care to meet you.

6 The last meeting they sent us somebody here  
7 that couldn't make decisions. Cheyenne River,  
8 Yankton and the Omaha walked out of that supposedly  
9 consultation.

10 You know, I got home and my elder kind of  
11 scolded me, "You should have stayed there and  
12 listened to everything they said. How can you  
13 represent us when you walk out?" I got another  
14 lesson, valuable.

15 But my thing is: You're Native, you say you  
16 are. You are our relatives, you say you are. I go  
17 out and I talk like this everywhere, especially to  
18 the IHS. There was questions brought up here and  
19 they've been presenting to me, "Please don't ask me  
20 so many questions, Michael." So I asked the leaders  
21 why, and they flat out couldn't answer me. So I  
22 answered for them, "It's because you can't answer me  
23 truthfully." And that's where I think you're at.

24 I talk my language. I talk from my heart. And  
25 I have IHS people come up to me, secretly hiding and

1           come up to me and say, "Thank you. You say words we  
2           want to say but we can't or we're going to be  
3           fired." The BIA comes up and says, "Thank you for  
4           saying those things. We can't say that or we'll be  
5           fired."

6           Well, listen to us. You know, I gotta sit here  
7           and feel sorry for you. I can't feel sorry for  
8           tribal chairmans. We've got a hard job. 24/7 we're  
9           being shot at all the time. So you're in that  
10          position.

11          We knew the positions when we came into them.  
12          We knew we were going to have to take this and that  
13          and not going to be favorably, are not going to be  
14          kind. Some of our relatives have sharp tongues. It  
15          hurts. And if you sit there and say that this  
16          doesn't hurt your feelings, I feel sorry for you.  
17          That's one of God's gifts you're missing out on.

18          But I sit there and say this: You took on  
19          these roles, these responsibilities. How do you lay  
20          your head down at night and go to sleep comfortably?  
21          Because every decision that you guys are being made  
22          and told to do, you don't think that way but you do  
23          it anyway. You know, how can you be comfortable in  
24          your own skin enough to know, realize that our  
25          people are suffering; our people are being treated



1 unjustly; our people are dying from the healthcare  
2 services of IHS? But you guys sit there and  
3 implement these down-shit roll ball -- these shit  
4 balls that roll downhill, you keep shoving them down  
5 our way because you're told to. Well, we don't like  
6 it. That's why we express these.

7 And I came dressed like this because I was  
8 ready to walk out. I didn't think this meeting was  
9 going to last this long. But we need to have some  
10 things brought out on the table and addressed.

11 We don't appreciate it. I learned another  
12 lesson from the other tribal chairmen: "Don't sign  
13 in. You sign in and they take that and say, 'That's  
14 a consultation.'"

15 Last month BIA texted me. They texted me. BIA  
16 qualified that as a consultation. I didn't even get  
17 a reply but that was a consultation? Where was our  
18 involvement?

19 You know, we don't believe this is going to  
20 happen. There's no truth to this.

21 You (unintelligible) oppose this. I want that  
22 on record. We do not agree with this. But I'll try  
23 and stop real shortly so some more important people  
24 can speak.

25 But thank you all for allowing me this time.

1 You know, I don't mean to put my back to you all,  
2 but my love is out here (indicating). My love is  
3 out here with the people and everything that they  
4 have to say.

5 And I got really irritated when every time a  
6 human being speaks I think I got an opinion. Well  
7 you young ones gotta sit there and take the cotton  
8 out of your ears, put it in your mouth and shut the  
9 heck up and listen to what we're saying. Don't try  
10 and sell me something that I already know I don't  
11 like. You know: This tastes like crap. Taste it.  
12 This smells like crap. Smell it. It seems like you  
13 guys are telling me everything we want to hear so  
14 you guys and them up there get what they want.

15 We oppose this. And like I said, I don't care  
16 if I hurt anybody's feelings. That's not what it's  
17 about. I came up here for the welfare of our people  
18 and the just treatment that we deserve.

19 There was a commitment that was made on these  
20 treaties. Why are we still being treated like we  
21 are? Act of Constitution, you guys change things  
22 all the time. You give us these words of gold that  
23 come out of your mouth, and they don't mean crap.

24 Change order, I know we get heck if we change  
25 orders from any federal grant. What about who's

1 holding you guys accountable?

2 I loved it when Steele said they fought for you  
3 guys for this position. Well fight for us now.  
4 That's all we want.

5 (Native language). Thank you.

6 MR. JOHN YELLOW BIRD STEELE: Why you got water  
7 regions up there? Are you proposing that we cut  
8 Indian country into those sections?

9 MR. JOHN TAHSUDA III: Oh -- no. Um, so yeah,  
10 in some respect those reflect watersheds. That was  
11 one of the early concepts because a lot of what the  
12 Department does, wildlife, you know, water,  
13 et cetera, all of that, you know, is affected by  
14 watersheds and so the notion that the different  
15 bureaus have a lot of responsibilities that are  
16 centered around watersheds, and so that was, you  
17 know, one of the early concepts. They tried to look  
18 at, from sort of a scientific basis, watersheds, you  
19 know, et cetera, and that was one of the original  
20 concepts. So they kept some of the names. Like  
21 Upper Mississippi Basin is just sort of an easy way  
22 to reference that.

23 But the watersheds were just -- like if you had  
24 to have a starting place, we started from that. And  
25 then all the other considerations that were made is

1 what shaped the map into this current map.

2 MR. JOHN YELLOW BIRD STEELE: You see, we're  
3 fighting Powertech, a Canadian company doing uranium  
4 mining in Edgemont. And it's in our upper  
5 watershed, Pine Ridge. And I think the Department  
6 of Interior should side with us because  
7 environmentally the wind comes down to us; the water  
8 comes down to us and you're not doing a dang thing  
9 about it, not helping us.

10 MR. JOHN TAHSUDA III: I don't know much about  
11 it. I mean, I know that --

12 MR. JOHN YELLOW BIRD STEELE: I know you don't.

13 MR. JOHN TAHSUDA III: So I'm happy to talk  
14 later and get the information, and we can try to get  
15 back to you. I don't know what other -- I actually  
16 don't even know what other bureaus are involved in  
17 it.

18 MR. JOHN YELLOW BIRD STEELE: We convinced a  
19 nuclear regulatory agency to deny their permit. We  
20 went to court. They're appealing it now. They just  
21 put in their appeal. And you should be putting in  
22 the (unintelligible) on our side to protect our  
23 environment for the future.

24 MR. JOHN TAHSUDA III: Okay. I think that  
25 might be more of the EPA because they have a greater

1 role in --

2 MR. JOHN YELLOW BIRD STEELE: Baloney. The EPA  
3 doesn't have a trust responsibility to us. Well,  
4 they do but they don't have it in writing. That's  
5 why I would like it in writing here.

6 MR. JOHN TAHSUDA III: Okay. Well, I'm happy  
7 to check it out. I don't know if we're at all  
8 involved in it or what.

9 MR. DAVID POURIER: My name is David Pourier,  
10 council representative for the Oglala Sioux Tribe.

11 I don't have any comments, but I've got some  
12 questions to ask. What's going on here: What Great  
13 Plains has to say, is that going to make a  
14 difference? Because during the spring the Great  
15 Plains wasn't involved, no hearing was set for the  
16 fee to trust until we asked for it, and then they  
17 came.

18 The Great Plains wasn't involved on the list  
19 for any consultation for this, so are they going to  
20 be considered? To me one of the comments that was  
21 made in Minneapolis is, "We don't know if we're  
22 going to Great Plains because they're going to rough  
23 you up pretty bad." And if that's what they think  
24 about Great Plains, then I think you'd better  
25 consider what the tribal nations have to say to you

1 here. But if you don't want to come, is the input  
2 going to mean anything what the comments are? I'd  
3 like to hear an answer from you on that.

4 MR. JOHN TAHSUDA III: So we're here. I've  
5 been here for fee to trust, for --

6 MR. DAVID POURIER: You're here, but are you  
7 listening?

8 MR. JOHN TAHSUDA III: I'm trying.

9 So for both the fee to trust and for this one,  
10 you know, we tried to do sort of a national round of  
11 consultations. And to do that -- and at the time I  
12 was the only, you know, really official in Indian  
13 Affairs and so I kind of had some limitations on my  
14 calendar schedule in trying to fit all of these in.  
15 And so we tried to work out like additional rounds  
16 and then add to it as we could find the appropriate  
17 place and the time and schedules, et cetera, to do  
18 it. And so that's why we had an initial round of  
19 fee to trust and then we added ones to it.

20 And we had -- with this one, you know, we had  
21 initial rounds. We had one up in Billings, and part  
22 of that was the notion of if Montana, basically if  
23 the Montana tribes were to come into the same region  
24 as the Great Plains, you know, we wanted to hear  
25 from them. And then we come down here and adding

1 that onto the consultations to make sure we get your  
2 views on that. So it really is a matter of  
3 scheduling.

4 MR. DAVID POURIER: When will something be  
5 coming out that we can officially take a look at?  
6 Because drafts can always be changed. That could be  
7 changed this afternoon or next week after you leave.  
8 So when will something come out that the tribes have  
9 a chance to look at?

10 MR. JOHN TAHSUDA III: So the Secretary's plan  
11 has to be submitted to the White House in October.  
12 And so that -- I suspect that they will be working  
13 on it right up until then.

14 My hope is that we finish these consultations  
15 and we've got a couple of weeks to sort of collate  
16 all of the comments we receive, the oral comments we  
17 receive, as well as written comments that are  
18 submitted and we have time to go through those and  
19 be able to brief the Secretary on those comments so  
20 that he can work that into his plan.

21 And so, you know, I suspect that most of the  
22 regions at this point, most of the tribes in the BIA  
23 region at this point don't want to participate in  
24 this. So that will probably be our report to him.  
25 But I don't want to pre-judge that. I want to make

1           sure we get through everything. But, you know,  
2           that's my guess.

3           And as I said, once that goes forward and the  
4           Secretary presents his plan, we'll have to then work  
5           with the tribes to figure out how we keep our  
6           regional offices working effectively with the other  
7           bureaus in their new unified regions.

8           MR. DAVID POURIER: Thank you.

9           UNIDENTIFIED SPEAKER: (Native language).

10          So I just wanted to say thank you for being  
11          here and listening to us.

12          I remember a comment from my mother. She told  
13          me, "Get up now. The long knives are coming." So I  
14          think that concept is similar here. I think back on  
15          our history, and we as a people, all of our nations  
16          throughout this continent, throughout this land have  
17          been chased, pushed, said, "Do this and do that."  
18          Our history here on the Yankton and in the Great  
19          Plains has been always that. The government has not  
20          found a place for us.

21          I am of the mindset that America -- we are  
22          Americans. "America is beautiful and make America  
23          great again," our leaders make that statement. We  
24          as people have participated in making America great.  
25          We have fought in the wars. We have served. You



1 are serving in America. But I believe America  
2 hasn't found itself yet.

3 We are people; we're nations. We have a life  
4 way that's been here for generations. Ask us. We'd  
5 help you. But you haven't asked us. You've pushed  
6 us away, the government that you work for.

7 We work for our government, our people. Our  
8 people tell us what to do. We go out and try to do  
9 what we're asked to do. You as employees are doing  
10 what you're asked to do. But is it right? You were  
11 asked the question: Can you do something about this  
12 uranium? And there was some hesitancy there. It  
13 should be a: Yes, we can help you. That uranium is  
14 bad for us. We can't afford to have that amongst  
15 our people and within our lands.

16 You talk about reorganization. Those  
17 reorganized employees in the government should be  
18 out to each of our nations visiting with us, talking  
19 with us, taking care of this uranium, fighting for  
20 us. You're there to be our representatives, and we  
21 ask that you help us. We need your help.

22 We are on the Yankton don't want this  
23 reorganization. We stand with the other nations in  
24 the Great Plains and throughout this country that  
25 say no to this.

1           We see a disconnect. Our services are heard.  
2           We ask for those services and they're heard, but yet  
3           we still don't get a response that we need. We  
4           asked for help from Aberdeen. That seems to die out  
5           there. It dwindles. We go to our local agency and  
6           they seem to be able to give us some help, but yet  
7           (unintelligible) going to ask Aberdeen. And then  
8           what happens there?

9           So if this is going to move our regional office  
10          a little bit further away from us, that doesn't seem  
11          like it's going to be helping us. We're going to  
12          have to travel a lot further, run up the phone bill  
13          maybe or do something like that, write letters. But  
14          we need that service more locally authorizing that  
15          local office to help us. That when we come to that  
16          office and ask for help and we need an immediate  
17          answer, they are there with us on the ground living  
18          with us in our area. This disconnect is just  
19          pushing that answer further away from us.

20          So for us on the Yankton we say no to the  
21          reorganization and we don't want that to happen. We  
22          ask that you come to each of us and talk to us and  
23          get our answers, get our input and we can help in  
24          providing us with a better service.

25          Yankton Tribe, Chairman Robert Flying Hawk.

1 MR. JOHN TAHSUDA III: Thank you, Chairman.

2 MR. LARRY WRIGHT JR.: (Native language.)

3 Hello, my name is Larry Wright Jr. I'm the  
4 Chairman of the Ponca Tribe of Nebraska. And the  
5 Ponca Tribe of Nebraska opposes this reorganization.

6 I've been to several of these. I came to this  
7 one specifically because I was told Zinke would be  
8 here.

9 John, you've been at every one that I've been  
10 to so far and I haven't heard anything different  
11 here, Shakopee, Kansas City. So this isn't true  
12 consultation for us either. We stand opposed to  
13 this. We stand with our relatives in the Great  
14 Plains. And, again, I concur with everything that's  
15 been said here today.

16 But the other piece to this, you talked about  
17 efficiencies. I don't know how you add two states,  
18 and one of those being Montana, to the Great Plains  
19 and talk about efficiency and how that makes it  
20 easier. From my house to here is an eight-hour  
21 drive. If you're proposing to make Billings the  
22 area center or whatever it is now, I've heard  
23 several, that's a region that's not efficient to the  
24 Great Plains. If you haven't driven all the Great  
25 Plains you won't understand that.

1           But also when we talk about these things we  
2 talk about efficiencies; we talk about trying to  
3 improve services. We haven't heard enough about the  
4 fiscal impact that this is going to have. You talk  
5 about on the agency side but you don't talk about or  
6 haven't talked about what impact it has on the  
7 tribes themselves.

8           We're a small tribe with limited resources. We  
9 haven't had sufficient answers from IHS or BIA on  
10 several things. The inefficiencies that are in  
11 those two agencies themselves, we've been talking  
12 about that for years. I've heard my elders talk  
13 about that for years. And we haven't systematically  
14 addressed those issues but yet now we're going to  
15 expand the region and add to those problems.

16           I talked about tribal shares, all of those  
17 kinds of things that haven't been talked about with  
18 us and still haven't and yet here we are talking  
19 about this boundary but no specifics in there and  
20 we're supposed to dance and get a response to an  
21 arbitrary date for us to have all of these  
22 questions, how can we possibly say that we want to  
23 be part of this process or part of this change when  
24 I can't tell my people: Here's the fiscal impact  
25 it's going to have on my tribal nation. You can't

1 provide that. Nobody has provided that to us yet.  
2 So that's one of the reasons why we stand against  
3 this. We don't feel like this is consultation.

4 And I'm disappointed that if we're told that a  
5 leader is going to be here, Zinke, and he doesn't  
6 show, it's the same as us not showing.

7 MR. JOHN TAHSUDA III: Thank you, Chairman. I  
8 apologize, I don't know where anybody would have  
9 said that the Secretary was going to be here. So I  
10 apologize that that misinformation was out there.

11 So let me repeat again: So this is an initial  
12 sort of discussion and my hope to present  
13 information. One of the reasons this hasn't  
14 changed, if you've been to several of these, you'll  
15 see is I'm trying to just get basic information to  
16 the tribes about what the overall proposal is.

17 The Secretary's commitment is to keep tribal  
18 budgets harmless, to keep the regions harmless. So  
19 if the tribes in the region wanted to be part of it,  
20 then we would have a further discussion about how we  
21 protect your tribal shares, about how we keep the  
22 resources that is in that region there so that they  
23 can continue to work effectively for you.

24 And really again this is all about these  
25 inter-bureau decision-making processes that we're

1           trying to improve.

2           So thank you, Chairman.

3           UNIDENTIFIED SPEAKER: Mr. Tahsuda, Goals of  
4 Reorganization, turn to that page. Got it? Page  
5 6 -- Page 5. Can you read that, please? Thank you.

6           MR. JOHN TAHSUDA III: "Prepare DOI for the  
7 next 100 years. DOI has not been reorganized in  
8 more than 150 years despite all that has changed.  
9 Reduce administrative redundancies and maximize use.  
10 Improve service to the American people. Improve  
11 communication and coordination across agencies.  
12 Increase joint problem solving and effective  
13 decision making."

14          UNIDENTIFIED SPEAKER: Can you reread Bullet  
15 Point No. 3?

16          MR. JOHN TAHSUDA III: "Improve service to the  
17 American people."

18          UNIDENTIFIED SPEAKER: "American people."  
19 Where is my Native people at? Huh? Where is that  
20 Native people at? You're a Native and you put this  
21 plan together. Are you an American or are you a  
22 Native?

23          MR. JOHN TAHSUDA III: I'm both.

24          UNIDENTIFIED SPEAKER: You're a Native first,  
25 right?

1 MR. JOHN TAHSUDA III: Right.

2 UNIDENTIFIED SPEAKER: You were born a Native?

3 MR. JOHN TAHSUDA III: Right.

4 UNIDENTIFIED SPEAKER: Huh?

5 MR. JOHN TAHSUDA III: Yes.

6 UNIDENTIFIED SPEAKER: I want to hear it. Say  
7 it proudly.

8 MR. JOHN TAHSUDA III: I'm Native American.

9 UNIDENTIFIED SPEAKER: All right. That needs  
10 to change (indicating). Do you understand that?

11 MR. JOHN TAHSUDA III: Okay.

12 UNIDENTIFIED SPEAKER: Okay, agreed.

13 You guys all heard that.

14 Mr. Tahsuda, I've been at this for 28 years  
15 since 1990. I don't remember seeing your name or  
16 hearing or knowing of you. How long have you been  
17 in the system?

18 MR. JOHN TAHSUDA III: What do you mean by "the  
19 system"?

20 UNIDENTIFIED SPEAKER: The government system  
21 and doing consultations.

22 MR. JOHN TAHSUDA III: I've been in the  
23 Department for one week -- two weeks short of one  
24 year. I previously served in the U.S. Senate as the  
25 staff director for the committee on Indian Affairs

1 for five years and a month.

2 UNIDENTIFIED SPEAKER: So you're familiar with  
3 the Canons of Construction?

4 MR. JOHN TAHSUDA III: I'm also an attorney,  
5 represented tribes, so yes, I am familiar with the  
6 Canons of Construction.

7 UNIDENTIFIED SPEAKER: I believe Mr. Steele  
8 referred to that, right?

9 MR. JOHN TAHSUDA III: Yes.

10 UNIDENTIFIED SPEAKER: Do you believe it?

11 MR. JOHN TAHSUDA III: Do I believe in what?

12 UNIDENTIFIED SPEAKER: In the Canons of  
13 Construction?

14 MR. JOHN TAHSUDA III: The Canons of  
15 Construction are a lawyers' review of statutes,  
16 policies, et cetera.

17 UNIDENTIFIED SPEAKER: For lawyers only?

18 MR. JOHN TAHSUDA III: Well, it's how lawyers  
19 interpret those. So when you have something to be  
20 enforced, whether it's a treaty, whether it's a  
21 statute, et cetera, essentially they are  
22 court-created principles, and so lawyers present  
23 those in an effort to protect the interpretation and  
24 ultimately the rights granted by treaty, statute, et  
25 cetera on behalf of their client.



1 UNIDENTIFIED SPEAKER: Canons of Construction  
2 doesn't state lawyers. It don't say "lawyers". It  
3 says "tribes". You represent tribes. That law was  
4 created for tribes. Do all of this -- I know this  
5 to be true that back starting from 1990 and going to  
6 2006, the Dakotas took the system to court and beat  
7 them in education. You know that, right?

8 MR. JOHN TAHSUDA III: Yes.

9 UNIDENTIFIED SPEAKER: Okay. So from 2006 to  
10 today, during -- go back to your map. Earlier you  
11 said you'd gone all over the country except here,  
12 correct?

13 MR. JOHN TAHSUDA III: Yes. Still have to --  
14 we're going to Seattle tomorrow.

15 UNIDENTIFIED SPEAKER: So you reorg'd already  
16 here all of these areas?

17 MR. JOHN TAHSUDA III: We've had consultations  
18 there. The reorganization is not implemented.

19 UNIDENTIFIED SPEAKER: Do you have the  
20 Interior's consultation packet or consultation  
21 policy with you?

22 MR. JOHN TAHSUDA III: No, not a printed copy  
23 of it.

24 UNIDENTIFIED SPEAKER: Now, I need you to  
25 publicly tell my people that this is your initial

1 discussion and not a consultation. I need to hear  
2 that from you.

3 MR. JOHN TAHSUDA III: Well, I believe it's a  
4 consultation. I believe it's an initial  
5 consultation, but I believe we need to have more.

6 UNIDENTIFIED SPEAKER: Okay. So then you're  
7 retracting the word "initial discussion"?

8 MR. JOHN TAHSUDA III: We've already had  
9 initial discussions.

10 UNIDENTIFIED SPEAKER: With who?

11 MR. JOHN TAHSUDA III: Tribes around the  
12 country. Been in several forums, including COLT,  
13 with NCI, so several forums.

14 But this has been an effort to have  
15 consultations regionally around the country so that  
16 the tribes in those areas will have a chance to have  
17 a direct interaction.

18 UNIDENTIFIED SPEAKER: So you don't have your  
19 33-117, your order on your consultation policy with  
20 you?

21 MR. JOHN TAHSUDA III: Not at hand.

22 UNIDENTIFIED SPEAKER: In your Section 4 of  
23 your policy: Government-to-government consultation  
24 between appropriate tribal officials and the  
25 Department requires the Departmental officials to

1 demonstrate a meaningful commitment to consultation  
2 by identifying and involving tribal representatives  
3 in a meaningful way early in the planning process.

4 Have you done that to our chiefs here in the  
5 Dakotas?

6 MR. JOHN TAHSUDA III: Well, we have provided  
7 early discussion materials, and then I've tried --  
8 again, this is my intent to be an initial  
9 consultation in which we provide basic information.  
10 You can ask questions. We can have a discussion.  
11 And then we will have further consultations on what  
12 direction you would like to go.

13 UNIDENTIFIED SPEAKER: Okay. So you're saying  
14 that the deadline of August 31st don't apply to the  
15 Dakotas at this time?

16 MR. JOHN TAHSUDA III: The October deadline  
17 applies to the Secretary submitting a plan to the  
18 White House. I think that based on the  
19 consultations that we've had to this point, I think  
20 that that plan will probably include a simple  
21 statement that the consensus of Indian Country is  
22 not to participate in the plan -- or I should say  
23 not to have the Bureau of Indian Affairs participate  
24 in the Unified Region Plan. And that then we will  
25 continue to work with the tribes so that the Bureau

1 can effectively coordinate with the new unified  
2 regions through its existing regional structure.

3 UNIDENTIFIED SPEAKER: Did you guys follow  
4 that?

5 So you're going to go ahead with your plans  
6 anyway, right? Whether the Dakotas object or not?  
7 Is that my understanding of just what you said?

8 MR. JOHN TAHSUDA III: Well, the other bureaus  
9 will proceed with the reorganization plan.

10 The question for tribal leadership is whether  
11 they would like their BIA region to participate in a  
12 unified region.

13 UNIDENTIFIED SPEAKER: Okay. So Section 4 in  
14 your policy, Section B on there, 4(b): Consultation  
15 is a process that aims to create effective  
16 collaboration with Indian tribes and to inform  
17 federal decision makers. Consultation is built upon  
18 government-to-government exchange of information and  
19 promotes enhanced communication that emphasizes  
20 trust, respect and shared responsibility.

21 Communications will be open and transparent without  
22 compromising the right of Indian tribes or the  
23 government-to-government consultation process.

24 You as an attorney, these are policies. Are  
25 these to be followed?

1 MR. JOHN TAHSUDA III: Yes.

2 UNIDENTIFIED SPEAKER: Just sitting back  
3 listening to -- I'm not an attorney, first of all.  
4 I'm a wild Oglala.

5 MR. JOHN TAHSUDA III: You're very much a part  
6 of the meeting, sir.

7 UNIDENTIFIED SPEAKER: But I'm telling you: Do  
8 you understand what these chiefs got up and said to  
9 you? And if so, can you tell me what you remember  
10 about what these chiefs said? And give us that time  
11 so we could start building these communications.

12 MR. JOHN TAHSUDA III: Okay.

13 UNIDENTIFIED SPEAKER: Okay, we're waiting for  
14 you. I'm not talking to that wall. You know, I'm  
15 not one to walk up here and talk to that wall  
16 because I know it's not going to talk to me.

17 MR. JOHN TAHSUDA III: So I'm not clear on  
18 what --

19 UNIDENTIFIED SPEAKER: Can you reiterate some  
20 of the things our chiefs said to you?

21 MR. JOHN TAHSUDA III: Sure. This is why I  
22 take notes during this. I'm not trying to be rude.

23 There was a question about whether water, if  
24 there was an attempt to quantify water in this, and  
25 I said that's not part of it.

1           There was a point raised that there needs to be  
2 more decision-making authority at the agency level,  
3 and I said that is part of the Secretary's concept  
4 of how the Department should run in general, and  
5 particularly at the BIA.

6           And several points were made that need to be  
7 treated more sovereign. I said I think that having  
8 the ultimate decision making in your hands is  
9 respect for tribal sovereignty.

10           There was a comment that we need to respect  
11 treaties. I think that -- I responded I agreed. I  
12 think that will be part of the follow-up discussion.  
13 If there is a desire to have this region or any  
14 other region, tribes there to participate in a  
15 unified region, then we have to figure out how that  
16 will operate to continue to respect the treaty and  
17 the treaty rights of the tribe, as well as other  
18 statutory obligations that the Bureau has.

19           Questions were asked as to how does this  
20 improve the quality of life at home. I think that's  
21 a really good question. I think that this effort is  
22 something that will provide better decision making  
23 on big decisions that will improve how the  
24 Department handles its business basically, and then  
25 that is ultimately an improvement in how the

1 Department represents or works with tribes and makes  
2 decisions that impact tribes. It's not like saying  
3 tomorrow life will be measurably improved, but over  
4 time I think that is one way we accomplish improving  
5 the Bureau's responsibilities to tribes and  
6 improving quality of life on the reservation.

7 What is the real intent? I tried to explain  
8 the real intent of this is to improve decision  
9 making that happens between the bureaus and how that  
10 impacts tribes, as well as the other bureaus and the  
11 people they deal with, and to get that operating in  
12 a more efficient and effective manner.

13 There was a comment that they want high-level  
14 people here. I understand people don't think I'm a  
15 high-level person. I accept that. But I was asked  
16 to be here to conduct this and I'm here. I am the  
17 Principal Deputy Assistant Secretary, so I'm  
18 basically the person immediately underneath the  
19 Assistant Secretary who has oversight over the  
20 Bureau of Indian Affairs, and so I am the second  
21 highest person that is responsible for oversight of  
22 the Bureau of Indian Affairs, and so that's I hope  
23 at least a high enough level. I am the decision  
24 maker.

25 This is not -- because this was another point

1 raised. It was not my view that we needed to make a  
2 decision here today. My primary purpose was to  
3 deliver information and answer questions from tribal  
4 leadership. And so -- but I am a decision maker,  
5 and so part of this process is my coming back and  
6 delivering the tribes' message to the Secretary, and  
7 so I will do that.

8 The point was made that we need to make a  
9 better effort to ask the tribes what they want, and  
10 I very much agree with that. Again, I think that is  
11 a second step. And I think it will come regardless  
12 of whether there is a positive or negative desire to  
13 participate by the tribes. I think we still need to  
14 do a better job of finding out what the Bureau can  
15 do better at the agency level and as well as the  
16 regional and national level.

17 And the question about budgets, again, so this  
18 is not a budget exercise. It's not intended to  
19 shrink the budget. It's an attempt to improve  
20 decision making without having a budget impact.

21 If there is budget impacts in the future, the  
22 Secretary's commitment is that those budget impacts  
23 will stay at the region or lower so that they can be  
24 maintained, as he calls it, on the front lines, so  
25 there are more resources on the front lines.



1           So that's the notes I have.

2           UNIDENTIFIED SPEAKER: Thank you.

3           Now, question: The cost of this reorg, is this  
4 funds being used from new funds being appropriated  
5 or funds that are say within the system?

6           MR. JOHN TAHSUDA III: Well, so let me make  
7 sure I'm clear what you're asking. So the actual  
8 planning and implementation of setting up this new  
9 decision-making structure in the regions is paid out  
10 of current departmental operations. And so we have  
11 not spent any of our funds on it and really won't  
12 unless the tribes give an indication that they want  
13 at least, you know, their region to participate.

14           That is -- so at the end of the day this is  
15 also something that has to be approved by Congress.  
16 And so -- I mean, there are elements that can be  
17 approved -- can be implemented by the Secretary  
18 administratively, but significant pieces of it have  
19 budget impacts, and so Congress has to sign off on  
20 those. And in doing that, Congress will, you know,  
21 indicate that they will appropriate funds for that.  
22 That's my understanding anyways of how that will  
23 work.

24           So that the real implementation of this, you  
25 know, in coming years will be something that

1 Congress signs off on and will be part of the  
2 Department's budget process for that. It's not a  
3 significant sum of money at the end of the day in  
4 the grand scheme of things.

5 UNIDENTIFIED SPEAKER: That word "grand scheme"  
6 is --

7 MR. JOHN TAHSUDA III: You don't like the word  
8 "scheme" or "grand"?

9 UNIDENTIFIED SPEAKER: The government has been  
10 grand scheming for years and now you're part of it.

11 How do you feel as a Native person about the  
12 reorg and how it's affecting us here in Indian  
13 country? I'd like to hear how you feel.

14 MR. JOHN TAHSUDA III: Sure. I'm happy to do  
15 that.

16 So I think that this could be a positive  
17 benefit to Indian country. I have, from several  
18 positions -- again let me reiterate. So this is my  
19 first stint working within an administration. I've  
20 worked on the Hill and observed how administrations  
21 work from that perspective. I've represented tribes  
22 and observed how bureaus and administrations work,  
23 you know, from that position. I think that it's my  
24 observation and really nothing that I have seen  
25 since I have been in the Department has given me

1 reason to rethink this.

2 I think that there is a tendency in government  
3 agencies to silo in. You have your particular  
4 responsibilities. And this is any bureau, right?  
5 You have your particular responsibilities. You have  
6 your priorities that come out of those. You have  
7 goals and objectives and missions that come out of  
8 those. And everything from your salary and your  
9 right to get a raise, your assessments as an  
10 employee, all of these things come out of that  
11 process. And so just sort of by dint of that and by  
12 human nature, agencies get siloed in in their  
13 decision-making process.

14 Now, there are many decisions that the Federal  
15 Government makes that requires input from multiple  
16 bureaus and even multiple departments, and those all  
17 happen in silos. And this is part of a really  
18 inefficient decision-making process. And so one  
19 agency, one bureau making its decision and they have  
20 to wait for the other bureaus that are going to have  
21 input into that have to wait, sometimes years, until  
22 that one bureau is finished working it up to a  
23 certain point, and then they get to have their  
24 input. I think that is a horribly inefficient way  
25 to handle business.

1           So if the agencies that are going to be part of  
2 the ultimate decision-making process have input or  
3 forced to input -- because what happens a lot of  
4 times as well is agencies will hold off. They will  
5 refuse to participate until a later date because  
6 they feel that gives them a leverage advantage  
7 against the other bureau who is the lead agency.

8           So if they are required to participate at an  
9 early date, then the decision-making process has  
10 full input; it's a better decision; it happens  
11 faster. And I think that is a benefit to everybody.  
12 And in our case on behalf of Indian Country I think  
13 that's a benefit. I think -- so that's -- I think  
14 that's a process benefit I think.

15           I will say this, too, and I've heard it ever  
16 since I was a kid; I've heard it as a lawyer; I've  
17 heard it working on the Hill; I've heard it working  
18 now at Interior: Everybody always -- I should say a  
19 lot of tribal folks complain that the BIA is not  
20 respected by other bureaus. And why is that? Well,  
21 I mean, the BIA is different, right? We have --  
22 like within Interior we do everything all the other  
23 bureaus do, right? We manage minerals and we manage  
24 land and we manage wildlife and all of this stuff,  
25 and then we have this even bigger responsibility

1 called people and tribes, right? That's something  
2 that we have, you know, that none of the other  
3 bureaus do. They have -- tangentially they have to  
4 do, but we have the primary responsibility. So that  
5 does make us different, right?

6 But there's no reason that our bureau should be  
7 treated differently. And so when our bureau is held  
8 out as different, then other bureaus don't respect  
9 us. It's just a fact of human nature I think. I  
10 would like to say that they do, but I think it's  
11 just part of human nature. And they move along with  
12 their decision-making processes and they leave the  
13 bureau out until the end time.

14 And then often if we're not the lead agency but  
15 we have a serious, you know, input into a decision,  
16 we're often left out until the very end, and then  
17 we're behind the eight ball trying to get into that  
18 decision to get our thoughts and our views and your  
19 views and protect your rights into that decision.  
20 If we were in from the very beginning I think we  
21 would have a lot more leverage in how those  
22 decisions play out.

23 So I think those are the two primary things,  
24 you know: Better respect for the Bureau of Indian  
25 Affairs and ultimately a better process on how these

1 decisions are made. That to me is the ultimate  
2 benefit of this.

3 I think that we can leave largely in place the  
4 administrative structure that we have. And if folks  
5 want to have a discussion, if tribes want to have a  
6 discussion about improving that, I think that's a  
7 separate discussion and very much would love to have  
8 that. But I think that's something that needs to be  
9 driven by you in telling us how the agency offices,  
10 the regional -- there's been questions about why it  
11 shouldn't be in Aberdeen, why shouldn't it be some  
12 other place that's better situated for tribes, and  
13 I'm happy to have that discussion, but that's a  
14 separate discussion I think.

15 This is about how the Department at large can  
16 do a better job of making decisions and those  
17 decisions that impact Indian country, I think that  
18 is the benefit. Those decisions are made faster,  
19 better, more efficiently and we get our input in  
20 from the very ground level. That to me is the  
21 benefit.

22 UNIDENTIFIED SPEAKER: Okay. So I want to say  
23 a play of words. Two words, bureau and agency, is  
24 there a difference in it? There's not because in  
25 the executive orders the Bureau, the State of South

1 Dakota will be considered agencies. It has no  
2 mention of tribes. So when I talk about the bureau  
3 and I talk about the agency, they're the same.  
4 There's no difference in them. Read it. You'll see  
5 that. It explains it specifically that the word  
6 "agency" will be used as to cover the State of South  
7 Dakota as the agency. The Bureau of Indian Affairs  
8 is an agency.

9 So whenever we talk about the responsibilities  
10 in this plan, a better agency, you're still not  
11 getting a better tribe out of it. It's an agency.  
12 It's at the level of the BIA agency. It's not at  
13 the level of the tribe.

14 I just wanted to share some of this with you.

15 And to understand I, too, I have my leadership  
16 here, Mr. Weston.

17 And our tribe opposes that. But on the other  
18 hand I would respectfully ask that, today you  
19 initiated a good discussion and that respectfully  
20 you'll be back to the Great Plains Chairmen's and  
21 spend a couple good days with Zinke and the crew to  
22 actually formulate a good plan for the Dakotas  
23 itself.

24 Let's not worry about everybody else because  
25 the grand scheme of things is out there for them.

1 But we have a treaty. You gotta remember that. And  
2 many times for many years it's the Dakotas' treaty  
3 that held water for all these other small tribes,  
4 but yet today the politics don't play that way.

5 So before you leave today, I would like for you  
6 to schedule a meeting so we could start the working  
7 process of doing something with this and it  
8 involving us, because you didn't involve us. That's  
9 the truth. And out of respect to my leaders, you  
10 will set a date and time so we can start doing this  
11 quickly. Because you said October, right? I think  
12 October?

13 MR. JOHN TAHSUDA III: That's when the  
14 Secretary has to submit his plan, yes.

15 UNIDENTIFIED SPEAKER: So you will help our  
16 leaders get their plan in how we want the Dakotas  
17 set; am I correct?

18 MR. JOHN TAHSUDA III: I will attempt to do  
19 that, yes.

20 UNIDENTIFIED SPEAKER: Go like this, go like  
21 that (indicating).

22 MR. JOHN TAHSUDA III: Okay (indicating).

23 UNIDENTIFIED SPEAKER: You see that?  
24 Everything is okay. They're going like  
25 this (indicating). Good thing they didn't use their



1 tongue.

2 (Laughter)

3 UNIDENTIFIED SPEAKER: Thank you.

4 MR. JOHN TAHSUDA III: Thank you.

5 MS. FAITH SPOTTED EAGLE: (Native language).

6 Did all of the chairmen talk?

7 (Native language.)

8 That was the first lesson in (Native language),  
9 when an elder asks you to sit down, you're not  
10 supposed to boss him around to tell him to get a  
11 chair, first lesson. So write that down, okay?  
12 Because when people stand up here, that's what we  
13 did in boarding school, so it's kind of like  
14 (Native language), re-traumatizing. So don't boss  
15 anybody else around to get elders' chairs, okay, for  
16 the next meeting? Say (Native language).

17 (Native language). Our word for children is  
18 also holey, so in a way you've come as children  
19 because we can see that you don't have those (Native  
20 language), those understandings. And you can see  
21 (Native language). So they've given you lessons on  
22 how to be a human being, so be sure to write that  
23 down and at a point we'll translate those because  
24 that's how this should be run.

25 Since (Native language). I'm going to

1 translate what I have to say. The thing that you  
2 are doing is a repeat of history because you're  
3 breaking up treaty territory. Nobody gave you  
4 permission to do that. You're entirely breaking up  
5 the 1851, 1868. The Shoshone and the Arapaho, they  
6 have their treaties. The (Native language) I know  
7 have the 1868 treaty. And not once has that ever  
8 been given you permission to break up those treaty  
9 territories and that's what you're doing. That's  
10 just (Native language). That's just a horrible  
11 thing to do without any permission.

12 The other thing is they have something called,  
13 I was really glad when CJ brought up that thing  
14 about America (Native language). What I said was  
15 that as if you're kind of a little bit crazy about  
16 just saying "America". That's the translation of  
17 that. Because in our word "oyate" means the people.  
18 You're even part of the people. But one of the  
19 things, when you put "America" up there, that's an  
20 example of what the young people call settler  
21 colonialism.

22 So this plan that you're doing is actively  
23 colonizing us. You've taken us back to the 1800s.  
24 You've come out like Mr. Frazier said, the boss  
25 farmer and saying: Well, this is our words.

1 America is your words. The melting pot didn't work.

2 So you're centering yourself. Every time we  
3 have a meeting with wasicu people (Native language),  
4 they always put themselves in the middle and we're  
5 expected to stand on the outside. In the wasicu  
6 word that's a hierarchy. They put themselves at the  
7 top of the hierarchy.

8 What we're trying to tell you is to flatten  
9 that hierarchy. And they kept telling you over and  
10 over that you have of Native blood. So flattening  
11 that hierarchy makes it a circle. You're not part  
12 of that hierarchy. You're part of the circle.

13 That's the basic principle of settler  
14 colonialism. You saw it at Standing Rock, as soon  
15 as the (Native language) came in they started  
16 building houses at Standing Rock, even at the camp.  
17 They even had a little two-story building at the  
18 camp. It's kind of like in their blood or  
19 something. They're always trying to build  
20 something, and that's what this is. This is their  
21 house. This isn't our house. So keep that in mind  
22 and write that down.

23 And please tell Mr. Trump, if they ever allow  
24 you to meet him, he's the biggest settler  
25 colonialist we've seen in years. He's got all of

1 those patterns down from the 1800s, even to the  
2 point of having meetings in the Lincoln Room, the  
3 Washington Room.

4 I think we need to be meeting in the Oyate  
5 Room, right, CJ?

6 That's a trauma for us. You know, Lincoln was  
7 the worst. Oh, no, wait, Andrew Jackson was worse  
8 before him. So don't be making us meet in the  
9 Jackson Room when you come back.

10 That brings up the next thing, the (Native  
11 language). And I know I heard President Weston talk  
12 about it yesterday. We have very solid (Native  
13 language) or rules. So we are a non-IRA tribe, so  
14 we have a general council. So at any point in our  
15 tribe one person could get 25 people together and  
16 they could meet you if you would come as a nation to  
17 nation. We still have that.

18 So we have these consultation protocols. And  
19 we can never, ever, ever meet with you in  
20 consultation, especially since you call yourself an  
21 American most of all. So these protocols that we  
22 have require us to meet with general council, which  
23 is the people. So the THPO, the -- we have a  
24 business council. We don't have a tribal council  
25 because we're a non-IRA. You have to meet with the

1 people. So this is totally off the map. It's  
2 nowhere near your map.

3 So in your little notes over there you need to  
4 put down that you have to come to (Native language),  
5 on our territory to meet with our general council.  
6 And Mr. Zinke would be most welcome to come to our  
7 general council. So please deliver that message.

8 The other thing I wanted to mention is that  
9 you're talking about watersheds. There's three  
10 types of water rights, riparian which is along the  
11 river, along the water body. That's where the other  
12 federal agencies come in and they think they own  
13 that.

14 The second is prior appropriations like water  
15 agreements.

16 The third is tribal, for even including  
17 inherent rights.

18 So you have put us at the same level as these  
19 federal agencies which are riparian rights. They're  
20 not at the same level. They're not inherent  
21 sovereign rights but you pit us against each other.  
22 And I'll give you an example. About two months ago  
23 BLM showed up at our door of the tribe. And this is  
24 an act of colonizing.

25 So your tribal leaders that are elected, learn

1 as much as you can.

2 In our (Native language) we call it (Native  
3 language). The young people call it colonization.  
4 So we have to quit thinking like that American way  
5 which is de-colonizing.

6 And so what happened is BLM showed up at our  
7 tribal office. And you know what they said?  
8 They're part of this map. They're already making  
9 plans on how these federal agencies are going to  
10 have the nerve to put themselves at our same level.  
11 They're going to say -- and I've heard you say that.  
12 You know, we come in conflict with this other  
13 agency's regulations. Our treaty rights precede  
14 that. Their regulations are trust responsibility.

15 We've been duped into doing Section 106 until  
16 we're bleeding up at Standing Rock over and over,  
17 Section 106. What you've done is you've taken the  
18 National Historic Preservation Act enforced by the  
19 National Park Service, the U.S. Fish & Wildlife, you  
20 put it above our treaty rights and our tribal  
21 rights.

22 So what you do is you distract us and you keep  
23 us busy in these consultations with these federal  
24 agencies that do not even have near the inherent  
25 right that we have.

1           And you even pit us against the (Native  
2 language), which is the animals. We have to fight  
3 our own relatives, the animals, with the Endangered  
4 Species Act sometimes and their interpretations.  
5 The nerve of them thinking that they understand the  
6 (Native language), Turtle Island. They don't even  
7 talk to them. They can't even speak their same  
8 language. They never hear their messages.

9           So if you pit us -- it's the old whatever our  
10 people get in these battles where we fight over the  
11 pie, we don't even fight over a full pie. They give  
12 us little pot pies, and we go for kills fighting  
13 over these little tiny, now they're not even pot  
14 pies in the store, they have those little tiny ones  
15 and those are the ones that they're serving us,  
16 little tiny pot pies, and we go for kills. We talk  
17 against each other. So keep that in mind because  
18 that's not good food. That's terrible food.

19           So keep that in mind, the feds do not have  
20 water rights. The nerve of creating watersheds for  
21 their benefit. So when BLM came to our door a  
22 couple months ago, somebody let me know, and they  
23 were wanting to meet with our leadership. And they  
24 probably have gone to other offices. And here's  
25 what they said; they had the nerve to say, "Oh, we

1 have \$200,000. We could survey your ceremonial,  
2 your cultural, your burial sites, and we could even  
3 offer you an archivist at your local tribal college.  
4 We'll provide the money for an archivist. We'll do  
5 all of this for you." Since when does a federal  
6 agency deal with traditional cultural properties?  
7 They said, "The Northern Cheyenne did it. You  
8 should do it, too. We'll go down to the college and  
9 tell them we'll give them \$200,000."

10 So what is the role of BLM? BLM is the  
11 permitting agency for oil and gas. Does that bring  
12 up a nightmare? That's a pure conflict of interest.  
13 Can you imagine them surveying my grandma's grave  
14 and then giving permits? All they're trying to do  
15 is they're trying to find routes through like they  
16 did with the Keystone Pipeline. They're trying to  
17 know our very innards.

18 So tribal leaders, do not let them in the door.  
19 Even if you consider yourself important, the people  
20 are more important; the children are more important.  
21 We have to protect those ceremonial sites.

22 But I do believe that I think that's part of  
23 this plan. Why else is BLM going out there?  
24 Because BLM is going to have authority over some of  
25 these districts. There's a plan at hand, and the



1 plan that is at hand is the water board. We are  
2 entering -- we've been told by our elders for years  
3 that there's going to be a water board. Some of the  
4 prophecies say by 2057 the Missouri River is going  
5 to dry up, so everybody is trying to own the water.  
6 We're going to be consulting. I don't want to be  
7 consulting in 2057. There won't be anything to  
8 consult about.

9 "Consultation" is a dominance word. It means  
10 that the decision has already been made. The word  
11 is consent; we have never, ever given consent, and  
12 the treaties spell that out. So keep that in mind.

13 The other thing that I wanted to say is when --  
14 in your budget planning, one of the greatest  
15 resources that we have is our children. And  
16 sometimes we are the subject of what is called  
17 poverty porn. And they talk about the high suicide  
18 rate in our lands. It's really important for you to  
19 understand, and be sure and write this down. I  
20 notice you're not even writing anything I'm saying.

21 I hope you are.

22 When our children commit suicide, and this is  
23 really important, they don't want to -- when they  
24 commit suicide, they don't want to die. They just  
25 don't want to live because it's too painful to live.

1 So at that precise moment when those children make  
2 that decision, there's probably not a whole lot of  
3 resources and a circle of support that is  
4 nonexistent. And part of the reason is because most  
5 of the tribal officials are busy. 50 percent of  
6 their time is protecting federal grants.

7 In the finance offices it takes 50 percent of  
8 your time to run a federal grant. That means  
9 50 percent is service.

10 So we are so controlled by federal grants we  
11 don't even have money of our own. That's complete  
12 colonization.

13 I was talking to my daughter. She's taught me  
14 a lot about the English version of this. She's a  
15 doctoral candidate at the University of Washington.  
16 And one of the things that I asked her, I said, "My  
17 Girl, what's going to happen years from now when  
18 we've lost our songs, we don't know who we are and  
19 we no longer remember our decision-making  
20 processes?" And here's what her answer was, and  
21 this is kind of chilling if you listen to this, she  
22 said, "Then the process of colonization will be  
23 complete." Isn't that scary? Then they consult us  
24 to death by then.

25 So I have a couple other things. I know

1 everybody is starving. We're starting to get  
2 (Native language). But the cost analysis, you stood  
3 up here and you talked about good business. How can  
4 we be good hunters? You would never in the old days  
5 go hunting in a creek if there was no deer there.  
6 You don't go there and say, Oh, where are those  
7 deer? You would know whether there's deer or not.  
8 So we have to know the cost analysis. We don't even  
9 have those figures. How can we be business people?  
10 We're too busy fighting over federal grants. We  
11 have to compete for those.

12 So I think that out of respect for leadership  
13 we have those, and I know C.J. talked a lot about  
14 that for the next meeting, to thoroughly understand  
15 those. Don't just talk about it. That's error. To  
16 do cost-benefit analysis.

17 I was just handed a note to share with you that  
18 we all know this. President Trump wants to  
19 terminate us by the end of his term because he does  
20 not recognize treaty rights. We all know that.  
21 That's behind the plan. So be sure and tell him  
22 that we figured that out. And we have to try our  
23 best not to allow that to happen.

24 What we're engaged in, there's a word for it in  
25 the (Native language). And I'm sure some of you

1 Lakota/Dakota speakers, maybe you can help me come  
2 up with a word for it. I know (Native language) is  
3 one of the words. But we're involved in what is  
4 called hydro politics. This whole water shed idea  
5 is about hydro politics. I talked to one of our  
6 local superintendents and she said, "Our hands are  
7 tied because we have to agree with the federal  
8 agencies that are out there." That effectively  
9 nulls her ability to advocate for a trust  
10 responsibility. It kills it.

11 Another person in another federal agency,  
12 because we do have some friends out there, and I  
13 don't want to identify them because that would put  
14 them at risk, her comment was that our discussions  
15 should not be 90 percent of the time about  
16 Section 106 because that's a controlling mechanism.  
17 Our 90 percent of the discussion and even more  
18 should be about trust responsibility of those  
19 agencies. They have no choice. They come under the  
20 treaty. It's not a question of whether they have  
21 trust responsibility. It's mandated government to  
22 government. But one single person in a federal  
23 agency can make that decision that he will or she  
24 will not honor trust responsibility and then they  
25 schedule a consultation, and then we argue until we

1 get angry. So it's systemic oppression designed by  
2 somebody who is actively promoting more colonization  
3 for the benefit of attaining water, relinquishing  
4 our water. So I want you to keep that in mind.

5 There's some power roles that could come into  
6 play. I know that you two probably don't have a lot  
7 of power. But you can. One person can make a  
8 difference if they choose to do it, and that's what  
9 these elders are encouraging you to do. You could  
10 make a difference and not just mimic what you're  
11 told to say.

12 One last thing, if I can find it here, we  
13 are in a -- one of the things that we know in  
14 colonization, every time a country is taken over,  
15 and you heard Sitting Bull (Native language) say  
16 that, when he was imprisoned at Fort Randall, my  
17 great, great, great, great grandfather actively  
18 worked to try to get him released to go back to  
19 Standing Rock, and he would spend hours visiting  
20 with him. And one of the things that the writers  
21 recorded that he said was that in the future to come  
22 one of the groups of our people that he really  
23 worried about were the women and the children  
24 because in times of war, that's part of the plan.  
25 If any of you look at the military manuals --

1           How many veterans are in here? Raise your  
2 hand. (Native language).

3           If you look at that military manual, there's a  
4 list of ten or 12 things that you do when you take  
5 over a country. One of them is to cut off  
6 communications. That happens in consultation.

7           Another one is to cut off supplies. That's  
8 happening big time. It's a form of legal genocide.  
9 We don't have enough resources to survive.

10           It's a whole list and it's classic. Read the  
11 military manual. It's an act-of-colonizing document  
12 that comes out in meetings like this because it's  
13 the philosophy (Native language) of the (Native  
14 language).

15           So we ourselves, if we're going to be good at  
16 this art of war, we need to read those things.  
17 Those are their documents that they utilize. And  
18 they used it just down the line at Standing Rock.  
19 They used at least ten of them. So I want you to  
20 keep it in mind. So those of you that are (Native  
21 language), you know where to find that. I've seen  
22 that list. It's chilling, and it plays out in  
23 government.

24           So the biggest weapon that we have that we have  
25 to remind over and over and actually live it is that

1 trust responsibility.

2 And the second thing is the inherent rights.  
3 In the 1851 treaty for the Thanktonwan it says that,  
4 there's an article in there that says that in spite  
5 of that treaty that does not prevent us from  
6 exerting our presence in previously recognized areas  
7 of habitat where we lived. So that puts us out to  
8 the coast, all the coasts. We have the name Santee  
9 in South Carolina. There's a Santee River. We went  
10 there. So we have to realize that it's a bigger  
11 price; it's a bigger war, and it's our very  
12 survival.

13 So I'm really proud of all of the oyate that  
14 came up. And we did our dance. That's what we have  
15 to do sometimes. It's not pleasant, but we're just  
16 going to keep on fighting.

17 But I would encourage you to read something  
18 about decolonizing, because otherwise you really are  
19 active colonizers, and that's pretty scary. It's  
20 not good for your children.

21 So I thank you for your time. And I have a  
22 long list here. My allergies are acting up, so I  
23 think I'd better quit. So I thank you for listening  
24 to me.

25 And just to mention, I am the chair of our

1 Ithanktonwan Treaty Committee. We're a little bit  
2 different than the Lakotas. In their 1868 treaty  
3 they said it had to be signed by three-fourths of  
4 the male. We didn't put that in our treaty. So  
5 we -- in our treaty committee, there are four women  
6 on our treaty committee. And we catch hell for that  
7 from the Lakotas, but our people at the Ithanktonwan  
8 put us in this position for life, because that's how  
9 long it takes for that treaty to work is your whole  
10 life.

11 So thank you, Oyate, for being here. And we  
12 just gotta pray. And ourselves, we have to learn  
13 what it means to be colonized because some of us are  
14 really big colonizers, and unless we know that,  
15 we're gonna not be able to change.

16 So thank you for the day.

17 (Native language)

18 (Recess taken.)

19 MR. JOHN TAHSUDA III: Okay, we're ready to get  
20 started again here.

21 MR. JOSEPH DEMONTINEY: I'd like to introduce  
22 myself for the record, Joseph Demontiney, Chippewa  
23 Cree Tribe, council member.

24 I'd just like to get on record our opposition  
25 to the reorganization of the DOI.



1           And I've heard a lot of good things here today.  
2           A couple words that stuck out in my mind are  
3           sovereignty and government-to-government relations.  
4           You know, I'd like to see, before we can make an  
5           informed decision, is to have a representative,  
6           maybe you, come directly to our reservation and see  
7           our needs, our wants and things that will truly make  
8           a plan like this efficient, effective and  
9           accountable.

10           So with that I'd like to read a couple words, a  
11           closing of a letter from our chairman. And he says:  
12           The Chippewa Cree Tribe holds strong with their  
13           decision to oppose the proposed reorganization and  
14           respectfully ask members of Congress serving on the  
15           subcommittees to halt the plan for the proposed  
16           reorganization until true tribal consultation occurs  
17           and an improved detailed plan is in place and tribal  
18           concerns are addressed.

19           I don't think you can truly make a plan to  
20           reorganize with the needs of the tribe in mind  
21           without actually coming to the reservations and  
22           seeing the healthcare, the lack of healthcare, the  
23           lack of decent roads and decent housing for  
24           probably, that affects probably all reservation  
25           communities within the United States.

1           With that, I thank you for allowing me to be  
2 here and stand up in front of you guys. I'm honored  
3 to be here in front of so many great leaders.

4           Thank you.

5           MR. JOHN TAHSUDA III: Any chairmen that still  
6 haven't spoken, they have the opportunity to speak  
7 first.

8           MR. HAROLD CUTHAIR: My name is Harold Cuthair.  
9 I'm the chairman for the Ute Mountain Tribe. On  
10 behalf of the tribe we oppose the reorganization of  
11 the, what they have down here.

12           You know, it's an honor to be here among tribal  
13 leaders. We all have similarities.

14           As far as the reorganization, you know, going  
15 back to what the Secretary is typing up, you know,  
16 going back to when I met with the Deputy Secretary  
17 in D.C. and we talked to him about -- you know, how  
18 he had mentioned it to us is that, you know, there's  
19 another committee that they usually go through  
20 before the White House. And I spoke to him and I  
21 said, "Well, you know, with all the different  
22 entities that, tribal government entities that you  
23 have involved in there, they have policies and  
24 procedures that they follow" -- and then -- "before  
25 you get there." And I said, "Well, what do you do?"

1 Do you go along with it or do you just break another  
2 law?"

3 And we met with Zinke, too. But then, you  
4 know, they continue to not listen to tribal leaders.  
5 I don't know what it is. I guess we're not speaking  
6 English to them. But, you know, that's where we  
7 need to respect one another as tribal leaders and  
8 tribes that we all have the same similarity, like I  
9 said, is that, you know, we respect the earth,  
10 Mother Earth, what it provides for us. That gives  
11 us strength and the water we drink. And this is  
12 where we had mentioned this to Zinke about what was  
13 out there.

14 Another thing is that they wanted to -- they  
15 want to open up recreation and conservation. You  
16 know, that's going to impact tribes because of the  
17 resources we have out there, like our culture and  
18 our tradition. They want to be able to have that  
19 conservation as far as -- you know, what are you  
20 going to do out there, you know? You need to come  
21 to us before you're going to go cut wood or go get  
22 some herbs out there.

23 But, you know, as Native Americans we respect  
24 our land and the water. We don't take it for  
25 granted. You know, that's some of the things

1 that -- as Native Americans we understand that,  
2 where we come from.

3 You know, when I was back East awhile back, you  
4 know, I heard one of the tribal leaders from back  
5 East said, "We're not tribes. We're colonists. And  
6 that's where we're headed." And that is -- I  
7 thought, Wow, you know, how can he be talking that  
8 way?

9 But, you know, those are some of the things  
10 that I wanted to share with you as a tribal leader.

11 With respect for the tribes and the elders and  
12 our veterans, you know, it's always an honor to be  
13 around them.

14 And, you know, there's some of the tribes that  
15 are fortunate and less fortunate that could make it  
16 here and those that couldn't make it. You know, we  
17 need to all stick together and sing that same song  
18 and continue our culture and our tradition, our way  
19 of life. That's what we're all about as Native  
20 Americans.

21 Thank you.

22 (Native language)

23 MR. JOHN TAHSUDA III: Thank you, Chairman.

24 Ms. Kingman?

25 MS. A. GAY KINGMAN: My chairmen have already

1 spoken, but I'm going to enter into the record then  
2 some of the official action that we've taken.

3 And I will begin -- oh, for the record, I'm Gay  
4 Kingman, Executive Director, Great Plains Tribal  
5 Chairmen's Association.

6 I'll read part of Resolution 27918, which  
7 states that the Great Plains Tribal Chairmen's  
8 Association calls upon the Administration, the  
9 Secretary and Congress to maintain the BIA Great  
10 Plains Region as a region, not to change it, and to  
11 conduct a thorough government-to-government  
12 consultation. Because the details that -- there has  
13 been no details. I mean, like Chairman Frazier said  
14 this morning, a map doesn't do it. There's all of  
15 the policy and the laws and regulations that affect  
16 us, and everything needs to be looked at. And this  
17 plan needs to be given to us.

18 So we request the reorganization be halted  
19 until funding and agreements are in place and for  
20 sure halted until after the November elections.

21 In mind with that, we have put together some  
22 principles that have to be followed by the  
23 Department. First of all, honoring our treaty  
24 rights, including the right to sovereignty,  
25 self-determination and self-government. Two, our

1 nation-to-nation relationship with the United States  
2 must be honored. Three, the sanctity of our Indian  
3 trust lands and territory, our rights to economic  
4 freedom and liberty, the federal trust  
5 responsibility, support for inherent rights to  
6 sovereignty, self-determination and self-government  
7 and the need to prevent DOI, BIA, BLM, BOR and  
8 national park services from interference with our  
9 inherent rights and treaty rights.

10 The Great Plains Tribal Chairmen call upon the  
11 Secretary of Interior for the establishment of a  
12 White House council with Native nations to be  
13 chaired by the Vice-President in keeping with the  
14 precedence set by the National Council on Indian  
15 Opportunity under the Nixon Administration.

16 And be it further resolved that the GPTCA calls  
17 upon the Secretary of Interior to establish the  
18 Under-Secretary for Indian Affairs as a co-equal  
19 with the Deputy Secretary to oversee the BIA, BIE,  
20 OST, OJS and other Indian affairs functions and to  
21 reestablish the Office of American Indian Trust  
22 within the Office of Secretary.

23 And be it further resolved that the United  
24 States has historically underfunded all of our  
25 programs, BIA, BIE, trust, economic development,

1 land, water, natural resources, transportation,  
2 justice and IHS.

3 And the existing DOI budget for Indian affairs  
4 must be increased. If you look at the Green Book  
5 and when the President delivered the State of the  
6 Nation, all of our programs were decreased. We had  
7 to go to Congress.

8 And I applaud our chairmen because the majority  
9 of our tribes in the United States, or majority of  
10 our tribes in the Great Plains went to Congress and  
11 requested the restoration of the funds for our  
12 programs. That did happen, but the budget still  
13 hasn't passed.

14 So out here in the communities it has drastic  
15 effects on our people. So we request that the  
16 Department of Interior do their job as trustee and  
17 continue increasing those budgets.

18 Be it further resolved that the United States  
19 by and through all of its executive branch  
20 departments, agencies and bureaus owes a federal  
21 trust responsibility to protect and promote the  
22 interests of tribal nations, which must be  
23 prioritized as a matter within the Department of  
24 paramount importance within the Department of  
25 Interior.

1           Be it further resolved that the DOI should  
2 engage in direct government-to-government  
3 consultation with tribal nations on the Bureau of  
4 Indian Education priorities and be required to share  
5 information with tribal nations to gather input from  
6 tribes and our tribal education departments.

7           Be it further resolved that the GPTCA calls  
8 upon the Senate Committee on Indian Affairs, the  
9 House Subcommittee on Indian, Insular and Alaska  
10 Natives and the House Subcommittees on  
11 Appropriations to hold field hearings on the  
12 proposed BIA restructuring in the Great Plains  
13 Region and to extend the deadline for any final  
14 consultation to occur until after the elections,  
15 November -- after November 6th -- November 15th.

16           Be it further resolved that the GPTCA calls  
17 upon other tribal nations and regional intertribal  
18 organizations to establish a Department of Interior  
19 reorganization task force and to hold an initial  
20 tribal leadership meeting to address the key  
21 principles that should be advanced as part of this  
22 reorganization as set forth here in this resolution.

23           Be it further resolved that the Great Plains  
24 Tribal Chairmen's Association calls upon the House  
25 and Senate, Interior appropriations programs to stop



1 funding for the BIA reorganization until a  
2 nation-to-nation agreement has been reached between  
3 tribal nations and tribes and the United States  
4 concerning any drastic BIA reorganization and  
5 including our Indian nations and tribes and any  
6 agreement to any changes in regard to our BIA Great  
7 Plains Region.

8 This resolution was passed on July 9th, 1918 at  
9 Shakopee, Minnesota by a quorum of the Great Plains  
10 Tribal Chairmen's Association. And in conjunction  
11 with that I have a subsequent letter to Chairman  
12 Zinke I'll also enter into the record.

13 And lastly I'll enter into the record of the 16  
14 tribes in the Great Plains Tribal Chairmen's  
15 Association who are part of this Great Plains  
16 Region.

17 We do look forward to working with you as this  
18 goes forward. The tribal leaders want to be  
19 involved. So please keep us involved.

20 And then it's my understanding that all of the  
21 testimony will be on the website; is that correct?

22 MR. JOHN TAHSUDA III: (Mr. Tahsuda moves head  
23 up and down.)

24 MS. A. GAY KINGMAN: Okay. Because that  
25 question did come up. I don't know how fast because

1 I know it takes the court reporter time to get  
2 everything done and to you, to your office. And I  
3 suppose you have to look at it. But we will be  
4 looking at that record that's published on your  
5 website.

6 MR. JOHN TAHSUDA III: I don't know the timing  
7 of it, like you said. It's actually not something  
8 that I review. I think we have our Regulatory  
9 Affairs staff, they get it and they just look at it  
10 quickly to confirm the accuracy as much as possible  
11 of what's in there. And then they work with our IT  
12 folks to get it up on the website. We have  
13 prioritized this over some other, what I think are  
14 less important things that we're working on to get  
15 up on the website, so this is a priority for us to  
16 get up so that people can see it.

17 MS. A. GAY KINGMAN: Okay.

18 And we will have one more document to be  
19 submitted. We will submit it by the deadline of  
20 September 15th, and that's an intertribal document  
21 that we're working on with many of the tribes, the  
22 Ute Tribe and Rocky Mountain and Nevada tribes, and  
23 so we will have another document to submit to you.

24 Thank you.

25 MR. JOHN TAHSUDA III: Thank you.

1           And I would say -- I mean, we have to have a  
2           deadline just so we can formally close out the  
3           consultation period, et cetera, have the comments,  
4           but you can always send the Assistant Secretary your  
5           comments, your thoughts on the subject, or any  
6           subject, and it'll certainly be taken into  
7           consideration as we move forward.

8           MS. COURTNEY TWO LANCE: My name is Courtney  
9           Two Lance. I'm with the Oglala Sioux Tribe and the  
10          Great Plains Region Tribal Interior Budget Council,  
11          representative.

12          Listening to all of our leaders and also all of  
13          the people that I've listened to growing up, one  
14          thing I was looking at with this is -- I don't  
15          know -- I wanted to show you something. In the 1868  
16          Treaty boundaries, if you look at how -- it's being  
17          broken up. It's not being respected, the treaty  
18          boundaries, because you're going to cut out Wyoming  
19          from our treaty boundaries. And we've worked hard  
20          to have cohesiveness. We've worked hard to work  
21          with the other tribes and protect each other,  
22          especially when it comes to budgets.

23          And the other thing is I like to do assessments  
24          of everything that you guys pass out to us, and when  
25          TIBC meets, everything that we are given from the

1 different departments within BIA. But from a tribal  
2 level we have different agencies that we work with,  
3 for example, BOR, BLM, EPA, DOT and DOE. What I  
4 thought we would see during these consultations is  
5 their plans on where and how they're going to work  
6 with Indian tribes. How -- if you want it to be  
7 effective, efficient, accountable, how are those  
8 other federal agencies going to be accountable to  
9 us? How are they going to work effectively or  
10 efficiently with our tribes? That's something I'm  
11 not seeing here.

12 I'm seeing -- if we did an assessment of our  
13 lead agency with the tribes -- it's family. We  
14 heard the example of Standing Rock and how the  
15 treaties were not respected or they were not  
16 recognized, how the people were terrorized up there.  
17 Our lead agency didn't stand up and protect us. So  
18 how are these other agencies, when you guys battle  
19 over the next environmental issue within the  
20 Missouri Basin, who's going to be the lead agency  
21 and who's going to help the tribes? Are we going to  
22 be ignored?

23 Because what if -- let's just say DOL comes in  
24 and says, We're the lead agency on Human Resources,  
25 where is the BIA to say, Well, this is what the

1 tribes want? Or is the tribes going to be the lead  
2 agency instead? I think C.J. alluded to that.

3 The other thing is I have not seen any of  
4 the -- I've researched to look for the other plans  
5 from the other federal agencies, and I've not seen  
6 them yet.

7 And also I am a big -- you know, I like to  
8 research everything, so I'm looking at: If all of  
9 these federal agencies come into this  
10 reorganization, do the tribes have the opportunity  
11 to contract those parts that relate to us according  
12 to their plans? Which we have not seen yet.

13 And what is the funding formulas that pertain  
14 to the tribes? How much of that money are we going  
15 to be able to contract under 638 law? Because once  
16 you are under the DOI umbrella or with these federal  
17 agencies, we can contract it.

18 Right now we do a lot of MOA/MOUs. Look at the  
19 rural water supply, that was an MOA and MOU.

20 MR. JOHN TAHSUDA III: Cooperative agreement.

21 MS. COURTNEY TWO LANCE: Okay, cooperative  
22 agreement. Are we going to have that kind of  
23 opportunity in the other plans with the other  
24 departments? I mean, I think we can run those  
25 systems ourselves, just like 638 contracting,

1 through BIA, IHS and BIE.

2 You were asked how will this reorganization  
3 improve the quality of life. Have you gone to each  
4 one of the reservations? Because I know our  
5 priorities, when we come up as TIBC, I know our  
6 priorities are not recognized. Why? Because in  
7 2018 the majority of our priority preferred programs  
8 were eliminated. And if it wasn't for the tribal  
9 leaders going up and putting them back in, they  
10 would still be eliminated to this day. So obviously  
11 all the work that we put into saying "These are our  
12 priorities, these are our preferences," are these  
13 other federal agencies going to recognize that from  
14 the regional level or from the tribal level?

15 Each tribe has their own priorities and  
16 preferences. And as a region we discuss and say,  
17 "Okay, let's do this for ten. Sorry, that's all we  
18 can do is ten." We agree on the top ten.

19 Then we go to TIBC and we have to battle with  
20 12 more other regions. And we all agree on the top  
21 ten as to our regions.

22 In this reorganization you add another region,  
23 13. Where is that going to be funded out of? I  
24 mean, as it is we have a really tiny budget for 12  
25 regions. We're not funded at a hundred percent for

1 any of our programs, so how much more is that going  
2 to take down adding another region, a 13th region?

3 And I guess the other thing, too, is I was  
4 looking at executive order. It said that within 180  
5 days of the date of this order, the head of each  
6 agency shall submit to the director a proposed plan  
7 to reorganize the Agency. Okay, one, that didn't  
8 say move the tribes around and cause chaos. That  
9 didn't say get the tribes to come and battle with  
10 their supposedly cognizant agency. That didn't say  
11 that, okay? They were supposed to reorganize each  
12 one of their agencies, not reorganize the tribes.  
13 And that was signed on March 14th, which was a  
14 Wednesday. And if you count 180 days after that,  
15 that's September 9th, which is a Sunday. Right  
16 today, today as of this date, the 21st of August,  
17 there's, what, 19 more days until each one of these  
18 agencies are supposed to submit a plan. And I have  
19 not seen one plan yet from each of the other  
20 agencies. There's no plans to be found.

21 And then there was, I guess -- are the other  
22 agencies -- after your 180 days, are the other  
23 agencies going to come out to each of the regions  
24 and present their plans? Or are they just going to  
25 dump this back onto BIA and say: Oh, yeah, here's

1 our plan; go tell the tribes? Are they going to  
2 come and present their plans?

3 Because I think when Faith had spoken about  
4 BLM, that's not good when they say they want to be  
5 the lead agency over our water issues. No. And  
6 it's scary to think that that's how maybe their  
7 plans are developed right now. But we don't get to  
8 see that. We don't even have input on their agency  
9 plans. So I'd like to see that.

10 And which bureaus will be working with the  
11 tribes? Which departments? Do you know? Besides  
12 BIA, BIE, IHS, which other bureaus are going to work  
13 with the tribes?

14 MR. JOHN TAHSUDA III: Well, the idea is that  
15 in a unified region all of the bureaus will work  
16 with the tribes, as they will perform their  
17 responsibilities (unintelligible). They're supposed  
18 to be working with the tribes now. The problem is  
19 that it's not a coordinated effort. And that's what  
20 this is intended to do. That's for Interior.

21 Now, if you're talking about -- and I'm not  
22 clear what you're talking about. If you're talking  
23 about other departments, I have absolutely no idea  
24 what they're doing. I am only concerned with the  
25 Department of Interior and what we're doing.



1           According to the Executive Order, these other  
2 departments are supposed to be doing what we're  
3 doing, but I don't know. I hear people ask the  
4 question. It sounds to me like maybe -- I know  
5 people may be not happy but at least it seems like  
6 we're talking to more people and we're more open  
7 about what we're doing because they seem to have no  
8 clue about what IHS is talking about doing or EPA.  
9 I mean, it seems like they don't have any clue. So  
10 at the end of the day that's outside of my reach.  
11 That's outside the reach of the Secretary.

12           There are proposals that he is probably going  
13 to include in his plan which will, and this is part  
14 of what the Secretary wanted, to talk about how some  
15 of the departments could take or give up pieces of  
16 their portfolios, and so one of which is NMFS, the  
17 National Marine Fisheries Service, which has one  
18 responsibility really and that's salmon. Every  
19 other fish in every other federal water is managed  
20 by the Department of Interior; however, salmon are  
21 managed by the Department of Commerce. And so one  
22 of the things the Secretary has said that he hopes  
23 to put in or intends to put into his plan is that  
24 NMFS should be moved from Commerce to Interior so  
25 that we can have overall oversight of fish in the

1 United States in federal waters. So that's one.

2 The other is the Army Corps of Engineers, as  
3 you know, in addition to Interior, has a lot of  
4 roles that they play on water projects, et cetera.  
5 Some of those are duplicative and sometimes they  
6 conflict with us, and so he is also probably going  
7 to propose that some of those functions at the Army  
8 Corps be located in Interior. Not to do away with  
9 the Army Corps but to say that some of their  
10 functions that have to do with management of water,  
11 and particularly watersheds and things that we also  
12 have a role in, that those functions be transferred  
13 to Interior.

14 Other than that, I have no clue what any of the  
15 other departments are doing. Hopefully they're  
16 going to do it. It's my understanding, and this is  
17 before I came to the Department, but the Secretary  
18 had a very early conversation with people at HHS  
19 aimed at IHS to say, "Why doesn't IHS work in  
20 similar regions that we do? And we could have some  
21 shared services or we can do other things that would  
22 create some efficiencies between the two agencies."  
23 And IHS expressed no interest in doing that.

24 So that's what I know about the other  
25 departments and agencies.

1 MS. COURTNEY TWO LANCE: Okay.

2 From the bureau, BIA, did you do an assessment?  
3 Also I think in the Executive Order it had asked if  
4 the functions of other agencies were duplicative or  
5 redundant. Have you done an assessment of all of  
6 the other agencies that we the tribes work with to  
7 assure that, No, hip is not the same as hut. Our  
8 road maintenance is not the same as construction  
9 transportation. Have you done that to support what  
10 we are saying here?

11 MR. JOHN TAHSUDA III: Um, really, no. Again,  
12 those are in other departments. And I think, as I  
13 said, there was some early discussions about whether  
14 there could be more interaction. And I think at the  
15 end of the day the other departments all said, "We  
16 just want to focus on what we're doing, and we'll  
17 leave it at that for now." There may be opportunity  
18 to do that in the future.

19 I know we're trying to work with the Department  
20 of Transportation. They have this new negotiated  
21 rule making they're supposed to be doing. And I  
22 understand it's not going particularly well from the  
23 tribes' perspective and so we're trying to be  
24 helpful with that and interaction with that, but I  
25 don't think we have -- we don't have any real plans

1 to work those out.

2 I think that would be great. I mean, frankly  
3 at this point in time I don't know why really that  
4 we run a housing program separate from HUD, but I  
5 know that it's a resource for the tribes. And we  
6 don't want to give that up as a resource, but I  
7 would question why we wouldn't turn that to HUD and  
8 they could have an extra resource to do it. You  
9 know, I don't know, there's things that you could  
10 do, but I think at this point in time all of the  
11 cabinet agencies are just focused on what they're  
12 doing.

13 MS. COURTNEY TWO LANCE: That's crazy. Okay,  
14 because that doesn't show this uniform concept. You  
15 know, it's not working cohesively.

16 One last question: How will the compliance  
17 issues of the OMB (unintelligible) Part 200, how is  
18 that going to affect the tribes when it comes to  
19 procurement under this new reorganization? Because  
20 I know some of the other agencies, not the BIA, but  
21 the other agencies really do enforce that. And how  
22 is that going to impact the tribes if we say --  
23 let's say the example of DOT says, You have to use  
24 this type of, for your roads or, You have to do,  
25 purchase this type of material, okay, according to

1 this, when the BIA doesn't say that but they become  
2 the lead agency for a construction project, how is  
3 that going to impact the tribe or how are you going  
4 to help us when we say, Well, that's something  
5 that's just not available in the Great Plains Region  
6 but it's still under compliance; we're still using  
7 this law, this law, this law?

8 Tribal law, we're going to go tribal law first,  
9 and then we'll look at your regulations and make  
10 sure that procurement or spending of those federal  
11 dollars are going to be in compliance, but yet you  
12 have this law that the other bureaus, other  
13 departments are going to enforce on the tribes. How  
14 are you going to deal with that to help the tribes  
15 so we don't lose any more money? We're already not  
16 funded at a hundred percent.

17 MR. JOHN TAHSUDA III: Well, that's a good  
18 question. I think that's beyond the scope of what  
19 we're trying to do here. I would say that, you  
20 know, we would continue doing what we do now in  
21 trying to work with transportation on behalf of the  
22 tribes.

23 I don't know that much about that piece. I  
24 would be happy to be schooled on it. And if there's  
25 a better way we can represent the tribal roads

1 portfolio, vis-a-vis transportation, I would love to  
2 know. I mean, I'm happy -- it would be great.

3 I think that one of the things though that,  
4 again, is a potential benefit I think is, in this  
5 is, again, this is an Interior-only exercise, right,  
6 but -- so things like roads, though, that's a good  
7 point. In where we have wildlife refuges, parks, et  
8 cetera, when they're doing their roads under this  
9 plan, there would be actually a discussion amongst  
10 all the bureaus in that area. And so our folks, the  
11 roads' folks in this region would have a discussion  
12 with the parks' folks in this region about making  
13 sure that the roads are being connected.

14 And I don't know enough about the program, but  
15 maybe there are efficiencies that could happen; they  
16 can share engineers; they can do things that might  
17 make dollars go further. Again, this is not  
18 intended to be a budget exercise in this, but it's  
19 possible that there are savings and resources that  
20 would benefit the tribes that would come out of  
21 this. So that I think is, you know, again a  
22 positive benefit that could come out of this.

23 MS. COURTNEY TWO LANCE: Okay.

24 Well, just a suggestion: Whenever this -- I'm  
25 still giving it the deadline of September 9th

1 because that's what the Executive Order said. The  
2 15th, I don't know where that came from because this  
3 is a 180-day order.

4 And so just for the benefit of the tribes in  
5 the Great Plains Region that are visiting tribes  
6 that came, can you request through the Secretary, or  
7 whoever, that these other agencies provide their  
8 plans to the tribes?

9 MR. JOHN TAHSUDA III: I'm happy to do it.

10 I --

11 MS. COURTNEY TWO LANCE: Immediately.

12 MR. JOHN TAHSUDA III: I'm happy to do it. But  
13 I want to be totally honest with you. We're -- in  
14 the little world you know about Tribal 477 programs.  
15 In that little world, which has a date to the law,  
16 brings in more agencies, et cetera, we're having,  
17 you know, some challenging discussions with the  
18 other agencies, and I'm not even talking about the  
19 new agencies coming in, the agencies that have been  
20 in this law for 20 years, about how they can better  
21 serve the tribes.

22 I don't know -- so I'm happy to have that  
23 discussion. I just think right now it seems like  
24 all of these other departments are very focused on  
25 what they're doing, and we're not having -- I'll

1 just be honest, I don't think we're having a great  
2 level of communication department to department on  
3 these things.

4 I'm very happy to note, and I hope that it will  
5 have a positive impact for us, a young lady that  
6 many of you know, Jeannie Hovland who used to work  
7 for Senator Thune, she's now in HHS. She's in a  
8 confirmed, Senate-confirmed position which gives her  
9 sort of an access at the secretarial level. I'm  
10 hoping that her presence there will be a benefit to  
11 us as we have these interdepartmental discussions on  
12 a number of topics.

13 So, I mean, it's kind of a work in progress  
14 with the other departments, but -- so -- but  
15 actually if you could -- if we could talk afterwards  
16 and you give me a little more information about who  
17 would be good for me to talk to, I'm happy to reach  
18 out and see if we can establish a line of  
19 communication.

20 MS. COURTNEY TWO LANCE: Thank you.

21 MR. JOHN TAHSUDA III: Thank you.

22 MR. KIP SPOTTED EAGLE: Hello. My name is Kip  
23 Spotted Eagle, Tribal Historic Preservation Officer  
24 for the Yankton Sioux Tribe.

25 I deal a lot with maps, and I would say that



1 you guys got ripped off on the quality of your map  
2 maker by USGS. And I hope the BIA didn't have to  
3 pay for that because we shouldn't be paying for maps  
4 being made by the USGS.

5 I understand maps, and they're huge political  
6 statements. When my tribe was in litigation over  
7 the boundaries of our reservation, the State of  
8 South Dakota started putting out a map that didn't  
9 include our reservation or the boundaries.

10 Now, from your map I have a hard time seeing  
11 where I'm from. I also can't see our relatives of  
12 Santee and Niobrara. So that's a statement. It's  
13 one for me that I asked the chairman if he can see  
14 our boundaries and it's very hard to see. So for me  
15 that's a political statement. And I know that  
16 that's not what you're trying to do, but that needs  
17 to be fixed. I see the boarders around the other  
18 tribes showing where they're at and their  
19 boundaries. I think that's going to be a problem at  
20 least for myself as to what's going on here. That's  
21 a political statement if it's not done right.

22 As far as I heard earlier as far as the 106 and  
23 I heard what my mom had said and I'm in total  
24 agreement that 106 and all the agencies that are  
25 coming to work with the tribes need to look at the

1 trust responsibility as opposed to just the 106.

2 I had an opportunity to do testimony in front  
3 of, it was a delegation by Congress on consultation  
4 and how well the government was doing consultation.  
5 One thing that they came up with was consultation  
6 fatigue, "Do you experience consultation fatigue as  
7 a THPO?" And I think they said between the SHPO and  
8 the THPO offices they get a hundred and  
9 ten correspondence -- a thousand correspondence a  
10 year. So that's quite a bit. And then we're  
11 underfunded.

12 But the fact is we have these protocols set  
13 forth for consultation. And that's where I'm going  
14 to go with this is the consultation protocols that  
15 we have through the Yankton. I think one of the  
16 hardest agencies to go into our consultation  
17 protocols is our own BIA's. And we need to push  
18 forward for that.

19 But I just wanted to make those two couple  
20 statements. And, you know, maybe you could do a  
21 little bit better on the map.

22 MR. JOHN TAHSUDA III: So good points on the  
23 map. It's -- so this is actually taken from a map  
24 that was on the website. And it was originally  
25 intended to be interactive so that folks could

1 actually move lines on the maps, et cetera. And  
2 that apparently was too clunky. We couldn't keep it  
3 working on the site, partly because there was so  
4 many people accessing the site, et cetera.

5 Now, this is one they did for us just to  
6 overlay our current regional structure with the new  
7 unified regions as they would be. And there's not  
8 really -- I think -- there's not the intent to say  
9 anything with who is on the map reservation-wise  
10 other than to say that, you know, sort of like  
11 geographic markers. Those are big reservations that  
12 you can see on a map this small. And so that if you  
13 have a sense of where your reservation is located in  
14 correlation to one of those, then that gives you an  
15 idea anyways of where the map -- where you would be  
16 on the map, I think.

17 MR. KIP SPOTTED EAGLE: And I look at it -- I  
18 haven't always lived in South Dakota. I went to  
19 high school in Spokane, Washington, so I can see  
20 that the Spokane Tribe isn't represented; the Coeur  
21 d'Alene tribes aren't represented. So, I mean, it's  
22 marginalization at whatever point you say. You  
23 know, I mean, there's been small communities that  
24 have been marginalized on this map.

25 MR. JOHN TAHSUDA III: So, again, that's not

1 the intent. You know, you can view it that way if  
2 you want. I mean, literally we had to take a map  
3 that we could put into the slide slow. And to bring  
4 a map that would show that much detail, it would  
5 probably be as big as that wall and I would have to  
6 carry it with me on every one of these trips, and  
7 logistically I can't do that. So I appreciate that.

8 MR. KIP SPOTTED EAGLE: And I have one more  
9 question that came to my mind. The 25 million acres  
10 of --

11 MR. JOHN TAHSUDA III: Acre feet of water?

12 MR. KIP SPOTTED EAGLE: -- acre feet of water,  
13 where is the feasibility study? How do the tribes  
14 get their hands on where that number came up for the  
15 Department of Interior? Because water is always  
16 flowing, so it means there's a cap somewhere. I  
17 mean, where did the 25 million --

18 MR. JOHN TAHSUDA III: I think that was -- I  
19 don't know. I think that was nothing more than the,  
20 kind of a rough estimate from all of the settlements  
21 that we have, statutory resolution of water rights,  
22 et cetera, mostly in the west. You know, that's  
23 most of where we have water responsibilities. And  
24 so that's -- and, again, that's not a statement.  
25 That's not anything about unallocated or

1 unquantified water. There's more out there. That's  
2 just to say right now within our portfolio we  
3 specifically have to manage that amount of water in  
4 the west, again primarily in the west.

5 So -- and that is really just there to give  
6 you, again, like with the land numbers and stuff, to  
7 give you a sense of how broad the Department's  
8 responsibilities are.

9 MR. KIP SPOTTED EAGLE: So through that  
10 25 million, what's the Corps' take? What's the  
11 United States' take? The excess water, the -- I  
12 mean, I've been talking to several people that are,  
13 including hydrologists, where the excess water is  
14 tribal water. Anything that's not being used is the  
15 tribes'. And --

16 MR. JOHN TAHSUDA III: So the 25 million  
17 doesn't include anything that's not quantified  
18 that's in a settlement of some kind, whether it's  
19 court, whether it's statutory. We have some that,  
20 you know, we did administratively where the parties  
21 all came together and reached a compromise.

22 So, you know, if it involves tribal water, at  
23 some point in time it has to be approved by  
24 Congress. So the tribal water would be a subset of  
25 that. Again, tribal water that's been quantified.

1 And that doesn't count all the tribal water that has  
2 not yet been quantified.

3 MR. KIP SPOTTED EAGLE: And then I guess I  
4 might have missed that because I had stepped out for  
5 a second. And, you know, if I did, sorry for you  
6 having to reiterate it, but my question, too, is  
7 like: Whose idea and what was the purpose or the  
8 intent to reorganize under watersheds?

9 MR. JOHN TAHSUDA III: So, I mean, I guess you  
10 have to have somewhere to start. And so the  
11 Secretary -- this is before I got there. This was a  
12 process early on when he got to the Department and  
13 started the thought process of, Where do I start  
14 with this?

15 And so again, looking at the Department as a  
16 large government organization that never was  
17 thoughtfully put together over 150 years but has all  
18 of these different responsibilities, you know, he  
19 went to USGS and said -- they're kind of our science  
20 arm in the Department -- and said, "Okay, as a place  
21 to start, how would you organize this department and  
22 the different bureaus based on their different  
23 missions and, you know, their responsibilities that  
24 they have and then fit that into an overall plan?"

25 And they went through all kinds of stuff

1 looking at watersheds, looking at animal corridors,  
2 looking at wild fowl corridors, looking at migratory  
3 bird corridors, looking at where tribes are located.  
4 And, you know, really, you know, as you would  
5 expect, you could divvy tribal areas up along  
6 watersheds in a lot of ways because we live near  
7 water. Water is life.

8 By anyway, it was a basis to say: Okay, let's  
9 start with something scientific as opposed to sort  
10 of purely pulling it out off the top of your head or  
11 a purely political exercise, which is kind of what  
12 it was before. Even our regions, if you look at  
13 them, they mostly follow state lines. And these  
14 were sort of political decisions that were made. So  
15 that was the thought process, you know, is there a  
16 scientific basis to do this?

17 And then you roll into: Okay, what are  
18 practical considerations that different bureaus  
19 have? Is it practically or efficiently useful to  
20 separate a fish and wildlife region if it's  
21 different watersheds but for them it's a common  
22 animal corridor? Well, maybe that -- so -- and,  
23 again, this kind of like went into a sausage-making  
24 machine, I guess you would say. They considered all  
25 of these things. They came out with this and then

1 overlaid the notion that at the end of the day we  
2 have relationships with tribes that are established.  
3 I mean, a number of these follow our current regions  
4 somewhat. So there was consideration of that.

5 Of course the states, the governors wanted to  
6 know, "Okay, I really don't want my state to be  
7 divvied up into three, so how are we going to do  
8 that?" Then that part of the process kind of went  
9 in, and they worked the lines over some more.

10 And that's why, you know, if you go back  
11 through or if you follow this, you will have seen a  
12 number of iterations of this map over time.

13 MR. KIP SPOTTED EAGLE: So was quantification  
14 ever thought about when doing these in the watershed  
15 regions?

16 MR. JOHN TAHSUDA III: I don't think  
17 quantification was. But the Bureau of Rec was in  
18 particular and how they handle water, et cetera in  
19 the west, their responsibilities.

20 And then we of course have our irrigation  
21 projects, et cetera, that we handle, as well as  
22 other water projects that we handle for tribes. So  
23 that was -- that went into the kind of watershed  
24 concept and that piece of putting this together.

25 MR. KIP SPOTTED EAGLE: So is that data



1 available where all those considerations were  
2 brought together that could be made available for  
3 the tribes to see of how you came to this  
4 conclusion? Like the quantified -- quantifying it  
5 and looking at why this is feasible? I mean, just  
6 like a feasibility model. I mean, I understand like  
7 we're talking about making sausage, but there has to  
8 be a process of providing instructions or ideas  
9 or -- where is that process, and how do we get to  
10 look at it?

11 And why this is the best -- you know, I mean, I  
12 heard like, you know, used car sales. And you don't  
13 buy a car without looking at the engine. You know  
14 what I mean? I feel like the tribes aren't getting  
15 the opportunity to look at the engine that created  
16 or generated this model. And until you do that you  
17 can't have an educated response. You know, I mean,  
18 you can say consultation because that doesn't  
19 require us -- it's a power structure. But, I mean,  
20 if you want consent, you have to show everything.

21 MR. JOHN TAHSUDA III: To be honest, I don't  
22 know. I don't know where that information  
23 (unintelligible). Again, USGS took a crack at it.  
24 And then even before I got to the Department there  
25 was a lot of discussion. Some of these discussions

1 were public. Governors talked about what they  
2 wanted. There were private discussions that were  
3 had.

4 But at the end of the day I think it's -- I  
5 would think that it would be more important as a  
6 tribal leader to consider the factors of, so: Are  
7 things working well for me in my current region?  
8 And not just with the BIA but with the our bureaus,  
9 are they working well or not.

10 I think it's a legitimate question to talk  
11 about we have tribes that have worked together  
12 within our region for decades, and I think built  
13 into this process is intended to be flexibility.  
14 You know, Wind River Tribes in Wyoming are the  
15 perfect example, I think. I think there's  
16 absolutely no reason why we couldn't have them  
17 essentially participating in the Missouri Basin with  
18 the Montana tribes who they're in a common region  
19 now or in the same region with now. And they would  
20 still be working with them and with the Great Plains  
21 Tribes in which they have these relationships. I  
22 think those are things that can be worked out,  
23 absolutely.

24 MR. KIP SPOTTED EAGLE: I mean, I guess, you  
25 know, looking at us as sovereigns and us acting as

1           sovereigns, I never would ever expect like a foreign  
2           government to go into anything without all of the  
3           details that I've asked before on how did this  
4           decision come about. And --

5           MR. JOHN TAHSUDA III: I disagree with you,  
6           frankly. I think -- and that's a really good  
7           example. I use it all the time with tribes. I  
8           think they ought to think like foreign governments  
9           do, right, instead of, you know -- I don't really  
10          care how they came about it. What I want to know is  
11          how does it benefit me. What is the benefit to me?  
12          And ultimately I think it's a fair question to say:  
13          How do I get you to keep your commitments with that?  
14          How do I get you to keep your commitments to my  
15          benefits out of this deal? I think that's all I  
16          want to know.

17          MR. KIP SPOTTED EAGLE: Okay, thanks.

18          MR. JOHN TAHSUDA III: Do we have any other  
19          commenters?

20          MR. DAN SHROYA: My name is Dan Shroya. I'm  
21          the education consultant with Lower Brule and Crow  
22          Creek Tribe.

23          You spoke earlier that you were second in  
24          command over BIA. Where are you with BIE?

25          MR. JOHN TAHSUDA III: Same thing.

1 MR. DAN SHROYA: Same thing. So you're over  
2 Mr. Dearman?

3 MR. JOHN TAHSUDA III: Yes.

4 MR. DAN SHROYA: So all of this, when we keep  
5 talking BIA, would involve BIE?

6 MR. JOHN TAHSUDA III: Very good question and  
7 the answer is no.

8 MR. DAN SHROYA: Okay.

9 MR. JOHN TAHSUDA III: So the BIE has gone  
10 through its own reorganization, and they're still  
11 implementing it. I know we have some active, I  
12 think still active litigation or at least  
13 discussions here about how things are being handled.  
14 So -- but that is -- they are truly different for us  
15 and for the Department. And so I think we need to  
16 see how the reorganization and whatever comes out of  
17 our discussion in the Dakotas, how that plays out  
18 before we would even think about doing anything  
19 else.

20 The one thing that we are doing that's  
21 unrelated to this is we are actively working to make  
22 that bureau a more fully functioning bureau on its  
23 own, meaning getting it better operational support,  
24 et cetera, and so that's what Secretary Sweeney and  
25 I are working hard on.

1 MR. DAN SHROYA: That's another issue down the  
2 road.

3 MR. JOHN TAHSUDA III: Right.

4 MR. DAN SHROYA: Okay, thank you.

5 MR. JOHN TAHSUDA III: Thank you, sir.

6 Thank you, guys. I appreciate all of your  
7 comments.

8 And thank you, tribal leaders, as well that  
9 came.

10 And again, the comment period is still open.  
11 But I would encourage you, if you can't get it in by  
12 that time, don't hesitate to go ahead and send us  
13 formal comments, et cetera.

14 Thank you. We will close this consultation.

15 \* \* \* \* \*

16 (The proceedings concluded at 1:17 p.m.,  
17 August 21, 2018.)

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1 STATE OF SOUTH DAKOTA )  
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I, CINDY K. PFINGSTON, hereby certify that  
 the foregoing pages numbered from 1 to 149, inclusive,  
 constitute a full, true and accurate record of the  
 proceedings had in the above matter, all done to the best  
 of my skill and ability.

DATED this 18th day of October, 2018.

\_\_\_\_\_  
 CINDY K. PFINGSTON  
 Registered Professional Reporter

My commission expires:  
 February 4, 2022

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