

## U.S. DEPARTMENT OF THE INTERIOR

## TRIBAL CONSULTATION

## POTENTIAL DEPARTMENT OF THE INTERIOR (DOI) REORGANIZATION

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TRANSCRIPT OF PROCEEDINGS

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Held at Henry M. Jackson Federal Building

915 Second Avenue

Seattle, Washington

1:04 p.m. to 4:52 p.m.

REPORTED BY: Julia Williams, CCR #2307

DATE OF PROCEEDINGS: August 23, 2018

## A T T E N D E E S

## U.S. DEPARTMENT OF THE INTERIOR

## OFFICE OF THE ASSISTANT SECRETARY - INDIAN AFFAIRS:

John Tahsuda, III, Principal Deputy Assistant Secretary for  
Indian Affairs

## OFFICE OF THE ASSISTANT SECRETARY - INDIAN AFFAIRS

## OFFICE OF REGULATORY AFFAIRS AND COLLABORATIVE ACTION:

Regina Gilbert

Annette Romero

## AUDIENCE MEMBERS

## CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION:

Harry Pickernell, Chairman

Jeff Warnke

## COEUR D'ALENE TRIBE:

Caj Matheson, Natural Resources Director

## CONFEDERATED TRIBES OF THE COLVILLE RESERVATION:

Cody Desautel

Andrea George, Colville Business Council

Margie Hutchinson, Colville Business Council

Janet Wak Wak Nicholson, Colville Business Council

Norma Sanchez, Colville Business Council

## CONFEDERATED TRIBES OF GRAND RONDE:

Michael Karnosh, Ceded Lands Manager

## CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION:

Gary Burke, Chair

Charles F. Sams, III, Communications Director, Staff

## CONFEDERATED TRIBES OF WARM SPRINGS:

Austin Greene, Chairman

## COWLITZ INDIAN TRIBE:

Stephen Kutz

## KOOTENAI TRIBE OF IDAHO:

Pamela Rentz

## MAKAH TRIBE:

Mike Chang

Nate Tyler, Chairman

## A T T E N D E E S (CONTINUED)

## METLAKATLA INDIAN COMMUNITY:

Karl S. Cook, Mayor/Chairman

## MUCKLESHOOT INDIAN TRIBE:

Anita Mitchell, Vice Chair

## NEZ PERCE TRIBE:

Shannon F. Wheeler, Chairman

## PAIUTE INDIAN TRIBE OF UTAH:

Tamra Borchardt-Slayton, Chairperson

Patrick Charles, Chairperson, Shivwits Band of Paiutes

## PORT GAMBLE S'KLALLAM TRIBE:

Kara Horton-Wright

Renee Veregge, Tribal Council

## SAUK-SUIATTLE INDIAN TRIBE:

Ben Joseph, Chairman

Elmer Ward

## SHOSHONE-PAIUTE TRIBES:

Theodore Howard, Chairman

Yvonne Powers

Arnold Thomas

## SPOKANE TRIBE:

Greg Abrahamson

Carol Evans, Chairwoman

## SUQUAMISH TRIBE:

Leonard Forsman, Chairman

## TLINGIT-HAIDA TRIBES OF ALASKA:

Andy Ebona, NIGA

## YAKAMA NATION:

JoDe Goudy, Chair

Delano Saluskin

## ALSO PRESENT:

Brian Gunn, Attorney for Colville/Coeur d'Alene/Chehalis

Tammie Poitra, BIA Regional Director, Northwest Region

Anissa Sebastian, BIA, Northwest Regional Office

Angela J. Vanderpool, Chugachmiut

Dawn Winalski

1 SEATTLE, WASHINGTON; THURSDAY, AUGUST 23, 2018

2 (Proceedings began at 1:04 p.m.)

3 MR. TAHSUDA: Good afternoon. Quick question:  
4 How well can you guys see the screen in the back, or is it  
5 better to turn a light off? Can we leave the light on? We  
6 can turn the light off if you want. Is that better? Okay.  
7 We'll do that, and once I get through the PowerPoint, we'll  
8 turn the light on so I'm not sitting in the dark.

9 So thank you for coming. My name is John Tahsuda.  
10 I'm the Principal Deputy Assistant Secretary for Indian  
11 Affairs at the Department of the Interior. And thank you  
12 for coming on -- this will be the last of the formal  
13 consultations that we have had on the reorganization of the  
14 Department, and so I want to open up the opportunity for  
15 Chairman Forsman to get us started on the right foot with a  
16 prayer, and then I'll offer a couple of just points of order  
17 for us to get through the meeting officially.

18 MR. FORSMAN: All right. Thank you. Thank you,  
19 John, and thank you, everybody, for coming out here.  
20 Welcome to Seattle on behalf of the Suquamish and the other  
21 central Puget Sound tribes. Of course Chief Seattle's  
22 buried on a reservation over in Suquamish, and the city here  
23 was named after him for all the work he did doing similar --  
24 well, the same as what we're doing today, just like all of  
25 our -- our ancestral chiefs did in working with federal

1 government and other countries and doing all the diplomacy  
2 and all those good things. So I'd just like to thank  
3 everybody for carrying on this tradition today.

4 So, Creator, I'd just like to thank you for this  
5 day and the people in this room and everybody at home that  
6 supports us and follows us. And also for our families who  
7 sacrifice so much to allow us to travel and kind of hold our  
8 responsibilities to our sacred trust to preserve our natural  
9 resources and provide the things promised to us in those  
10 agreements that we made with the United States. And just  
11 put a blessing on our veterans and our elders and our  
12 children and those people that are sick, and just a thank  
13 you for the beautiful day today. We know we've had a lot of  
14 smoke and fires and just put a blessing on those that are  
15 fighting those fires and people that are suffering as a fact  
16 of those and people that are doing their best to get them  
17 under control, and just a blessing in general on our  
18 homelands and just thank you for this day. Amen.

19 (Amen from attendees.)

20 MR. TAHSUDA: Thank you, Chairman.

21 So I would -- a couple points before we get  
22 started here. If you -- we have a mic for folks?

23 MS. GILBERT: (Indicates in the affirmative.)

24 MR. TAHSUDA: So I'd like to, if that's okay with  
25 you, get through the PowerPoint. It's not very long. I can

1 kind of get through it and get the basic information there  
2 to you, and then we'll open it up for questions and have a  
3 general discussion. And I can always go back through the  
4 PowerPoint if there's something that caught your eye or you  
5 want to ask a question about.

6           You should have a paper copy as well. If you  
7 don't, Regina can get you one from the back. And if you  
8 need anything else also that we can help you with during the  
9 meeting here, I hope you've met Regina and Annette, who are  
10 assisting us today in the back back there. And, also, if  
11 you've had an opportunity to sign in, that's great. I would  
12 like to just for purposes of the consultation, if we could  
13 have tribal leaders speak first, those who are formally  
14 representing their tribe and making those comments so we can  
15 get those on the record first and make sure we have plenty  
16 of time for that, and then we can open it up to other tribal  
17 folks that are here to comment, but I want to make sure we  
18 have plenty of time to get those comments on the record  
19 first.

20           So if you have -- later on when we get into  
21 discussion or if you -- I mean feel free if something I have  
22 up here prompts a question at the moment, but at any point  
23 whenever you wish to make a statement, if you could use the  
24 microphone and if you could state your name clearly and your  
25 tribe and your position so that our court reporter can get

1 that down for the record as well. This is a formal  
2 consultation. We have a record being prepared, as we have  
3 with the other consultations. Those will be going up on the  
4 website once the transcripts are finished, and you'll be  
5 able to view those as well, the prior ones as well as this  
6 one.

7 So that's really all the point of order I have. I  
8 want to just thank you again for being here, and I'll try to  
9 get through this initial PowerPoint as quickly as I can and  
10 allow us the -- as much time as possible to get through any  
11 questions that you have.

12 I would like to -- we have three hours set aside,  
13 and we can go a little bit past that if need be, but we  
14 can't go too much past. We have -- our reporter has -- we  
15 only have a certain amount of time that we get with her, as  
16 well as in the building here, so -- but I -- but with those  
17 time limitations in mind, I do want to say that we'll try to  
18 take a break about halfway through, which will be I guess at  
19 approximately 2:30 or so, and take a short break so people  
20 can use the restroom, get some water, coffee, et cetera.  
21 Speaking of coffee, I think we do have some in the back if  
22 anybody wants some, and -- but so we'll take time to do that  
23 in the middle of the -- of the meeting as well.

24 So let's start this off with where we started  
25 from. Work this.

1 (Beginning or PowerPoint presentation.)

2 MR. TAHSUDA: So very quickly, where did this  
3 effort begin? This effort began shortly after  
4 President Trump took office. He asked each of the cabinet  
5 agencies to come up with a plan on how they could reorganize  
6 their department in a way that would be more efficient,  
7 effective and accountable to the American people.

8 Last year the department requested tribal input by  
9 letter and held a number of listening sessions around the  
10 country, and since that time and this year, we've had a  
11 couple more listening sessions, but we've also engaged in  
12 nine -- and this will be the tenth -- formal consultation  
13 that we've had as well.

14 So, now, my PowerPoint is a little bit dated.  
15 We're a couple months into doing the consultations, but --  
16 so the reorganization plan that the Secretary has prepared  
17 and delivered to the President has not been finalized yet,  
18 but it is being drafted. We have -- when I get further into  
19 the PowerPoint, I'll show you we have a map, which is pretty  
20 close to final as far as a geographic map of the unified  
21 regions that are proposed in the plan.

22 So we also -- again, as I said, we're wrapping up  
23 our consultation. Most of the discussion with other groups  
24 like governors, et cetera, who are heavily involved with the  
25 other bureaus have largely taken place, and, again, you see



1 that reflected like in the maps and some of the thoughts  
2 that were organization that you'll see in a minute.

3           There's a couple reasons that this I think is  
4 important to us, important to Indian country but important  
5 for the department as well. The department is the largest  
6 civilian agency in the federal government, large in size,  
7 large in number of employees and large in its management  
8 responsibilities.

9           So we have over 2400 operating centers, if you  
10 want to call them that, various offices that the department  
11 has stretched across 12 time zones. That means literally  
12 half the globe. We have over 70,000 employees. We have  
13 over 600,000 volunteers that assist with a lot of the  
14 things, parks, refuges, et cetera, that we operate around  
15 the -- around our responsibilities, 12 time zones.

16           And most of you know this, but we also have a lot  
17 of physical responsibilities, 530 million surface acres,  
18 700 million subsurface acres, and not to be forgotten, very  
19 important to us as well, over 25 million acre-feet of water  
20 that the department is directly responsible for managing or  
21 assisting in the management of.

22           So not only is this, you know, in response to the  
23 President's request for a plan from the department, but  
24 Secretary Zinke has taken this on in his mind. He cares a  
25 great deal about the department. Those of you that don't

1 know, he grew up in Montana. He's very interested. He's  
2 a -- kind of a child of the West, and so all of the things  
3 that the department does are things that are near and dear  
4 to his heart. And so, in addition to having the requirement  
5 to respond to the executive order, he personally believes in  
6 launching this and reorganizing the department.

7           Why is that? Because the department, again,  
8 you've seen the size of the responsibilities. The  
9 department was never -- has never really been organized in  
10 any comprehensive fashion. The department started in 1849.  
11 One of the -- as you probably know, one of the first  
12 agencies that was folded into this new department was the  
13 Bureau of Indian Affairs. Came out of the Department of War  
14 into the Department of the Interior.

15           Over time as new responsibilities, new things were  
16 created by the federal government like our parks system,  
17 wildlife refuges, fish and wildlife services, these things  
18 were created, and they were placed into the department, and  
19 these responsibilities were given to the department, but  
20 they were kind of placed ad hoc as these things were created  
21 over time. Nobody took a comprehensive look at what the  
22 department does across the board and what would be the best  
23 way to manage those responsibilities.

24           So that's at the root of what the Secretary's  
25 proposing here is to better look at how the department

1 responds to its management responsibilities and in  
2 particular decisions that it has to make across the  
3 department in a way that reflects the modern department as  
4 it is, the different bureaus, all the responsibilities they  
5 have and the necessary interaction they have to have with  
6 each other on behalf of the American people.

7           So the basic proposal is to bring all the bureaus  
8 into common unified regions. They'd have a director who  
9 would be responsible for interbureau decisions in that  
10 unified region. And the unified region itself across  
11 bureaus would have three primary functions it would focus  
12 on: Recreation, conservation, and permitting. And these  
13 are three functions that each of the bureaus does, and they  
14 often require input from the other bureaus, so that's the  
15 reason that they're identified as priorities.

16           As you know, permitting, almost everything that we  
17 do that requires physical action requires a permit.

18           Conservation involves like biological opinions.  
19 We also would include in that the EPA requirements that we  
20 have to do, et cetera.

21           Recreation is one that people don't commonly think  
22 of, but the department is actually, if you think about it  
23 with all of the western land it manages, very heavily  
24 involved with the recreation of this country, the outdoor  
25 recreation of this country, which is about an

1 800-billion-dollar-plus-a-year industry, and so that's also  
2 something that the department -- almost every bureau of the  
3 department has some role in, and so that's something the  
4 Secretary wants them to coordinate with as well.

5           So why unified regions? Right now we have 61  
6 different regions amongst the nine bureaus that are within  
7 the department. So -- and if you think about it, common  
8 sense, we have -- again, focusing on sort of interbureau  
9 decisions, we can have any geographic region, a river, a  
10 bridge over a river, that needs permitting, and it would be  
11 in one region for us. It would be in a different region for  
12 one of the other bureaus, say, Fish and Wildlife, who would  
13 have input into that decision. And so our Bureau Director  
14 would necessarily have to be interacting with a Regional  
15 Director from an agency in which that Regional Director is  
16 in a totally different part of the country he doesn't have a  
17 lot of contact with.

18           So the idea is to kind of -- and that happens with  
19 all the bureaus. The idea is to kind of bring -- bring  
20 these Regional Directors into common regions so that they  
21 will be managing their responsibilities in a more effective  
22 way, and you'll see that in a minute when we get to the map.  
23 And, again, the idea being that with more -- with more  
24 common leadership and the ability to make decisions in the  
25 field, we can get decisions made there without them rising

1 to Washington D.C. There could be better interaction  
2 amongst the bureaus. And one of the -- one of the basic  
3 concepts of this for the Secretary is to break down sort of  
4 decision silos that happen within the different bureaus so  
5 that when decisions that involve input from each of the  
6 bureaus in a geographic region have to be made, they can  
7 begin at the ground level.

8 As it works now, I'll just tell you anecdotally  
9 decisions that, again, will affect several bureaus like  
10 something affecting a waterway, a bridge or riparian bank  
11 repair or something like that, usually it takes about two or  
12 three years working up through the bureau that is the lead  
13 agency for it, and then they start talking to the other  
14 bureaus.

15 And so the concept with the unified leadership on  
16 these interbureau decisions would start that discussion from  
17 day one amongst the bureaus that are involved so that they  
18 can work together in deriving a common solution or a common  
19 decision in permitting, et cetera.

20 Here's the map. So I hope you can see it well.  
21 The colored regions are our current BIA regions as they  
22 exist now. The black lines would be the proposed new  
23 unified regions. So you can see some of them like the  
24 Northwest Region is actually pretty close to what our  
25 current BIA region is now for the Northwest. Some of them

1 would change a lot, and so part of that depends upon the --  
2 the -- all the activities that occur in a common area.

3 And so, say, like in Northern California you can  
4 see, you know, we would split our region in California into  
5 two, but we have rivers, water basins and other things that  
6 come through Northern California, and so the concept is that  
7 it's easier for the regions who are in that area. And right  
8 now like Bureau of Rec has a common region in Northern  
9 California. It's easier for them to work with the other  
10 bureaus if they can focus on having the same region. And a  
11 good example, again, is Northern California. All of the  
12 offices of the bureaus that are there except for Parks are  
13 already located in Sacramento, and so sort of formally  
14 connecting them is a process to, again, break down these  
15 barriers to decision-making amongst the bureaus and get them  
16 working together in a more effective fashion earlier on.

17 How would this be organized administratively? So,  
18 again, I want to emphasize we're talking about decisions  
19 that happen across bureaus that necessarily have to have  
20 input from the different bureaus in the same geographic  
21 region. So in these unified regions there would be an  
22 Interior Regional Director who would be responsible -- and  
23 you can think of them like a project manager -- they would  
24 be responsible for getting decisions, opinions, et cetera,  
25 that are necessary in that region done, and they would

1 impose timelines, they would require the communication  
2 between the bureaus to happen, again, from day one, and they  
3 would be in a sense cracking the whip making sure that these  
4 things get done in a timely way.

5           One of the concepts that we had -- and we've had a  
6 lot of discussion internally with our career folks, and this  
7 is actually a -- was a strong discussion of our career  
8 management folks -- was to have this person, instead of  
9 being someone from the outside or even a political  
10 appointee, that they actually be one of the Regional  
11 Directors from the bureaus that are operating in that  
12 region. And so one of the ways that they derived, again,  
13 sort of in their own discussion how to make sure that one  
14 bureau doesn't sort of put its priorities ahead of the  
15 others' would be to have this be a rotating directorship for  
16 maybe two or three years. Each of the bureau Regional  
17 Directors in that region would have their Regional Director  
18 elevated so that they would be overseeing these interbureau  
19 decisions or projects. It also would have the added effect  
20 of having greater communication so that the different  
21 bureaus understand what the priorities and the  
22 responsibilities for those other bureaus are in that -- in  
23 that region.

24           (End of PowerPoint presentation.)

25           So that's largely it. Talked really fast. I

1 wanted to get through that real quick and get sort of into a  
2 good discussion with you. So the -- you can supply written  
3 comments as well as your oral comments today. We have moved  
4 the August 15th date to September 15th. So -- and, again,  
5 as I say with all these, we'll take your comments anytime  
6 too I mean, but for our purposes in trying to assist the  
7 Secretary in finalizing his plan to submit to the White  
8 House, which is due in October, we've set a deadline of  
9 September 15th so we can get as much information together as  
10 we can to inform him by that time.

11 So there were the consultations that we initially  
12 had. We've had a few more. And then I will just keep you  
13 entertained. I'll go back to the map, and we can start from  
14 there. If you don't mind, I'm going to sit down now, and  
15 does anybody have a comment before I get started?

16 MS. EVANS: I have a question.

17 MR. TAHSUDA: Yes.

18 MS. EVANS: Carol Evans, Spokane Tribe of Indians  
19 Chairwoman. So when you talk about -- oh, thank you very  
20 much. (Referring to microphone.) Hello, hello. When you  
21 talk about these Regional Directors, what -- what is their  
22 chain of command? Do they have -- do they have supervisory  
23 roles over, say, all the way down to the Department of  
24 Interior, or what does it do to that particular -- the  
25 current organization as it -- as what is being proposed?



1 MR. TAHSUDA: Let's see. I think I have it here.  
2 (Referring to PowerPoint.)

3 UNIDENTIFIED SPEAKER: Yeah, Deputy Secretary.

4 MS. EVANS: Yeah, the Deputy Secretary.

5 MR. TAHSUDA: Right. So those are -- a good  
6 question. So the Interior Regional Director would formally  
7 report directly to the Deputy Secretary, and the concept  
8 behind that is that one of their responsibilities is to  
9 resolve any type of policy or other conflict that the  
10 different bureaus in that region would have. That's a --  
11 one of the major responsibilities they have. If they can't  
12 resolve that, then they would bring it to the Deputy  
13 Secretary, and the Deputy Secretary would then essentially  
14 convene the Assistant Secretaries to resolve that policy  
15 question, but the idea being that the Regional Director gets  
16 to go to the top of the department, cutting the, you know,  
17 response time down, et cetera, getting a decision. And a  
18 lot of this is really focused on, you know, better  
19 communication and faster decision-making, and so that's, you  
20 know, what the intent of these are.

21 So -- and it's not -- you know, the hope is that  
22 we won't have to create sort of a new big bureaucracy to do  
23 this. That was also part of the notion of using the current  
24 Regional Director, but it's more about lines of reporting  
25 for these Interior Regional Directors for the unified

1 region.

2 And so yes, that's a really good question. They  
3 report to the Deputy Secretary. Their priorities and  
4 their -- really the assessment of how well they do their job  
5 will be handled by the Deputy Secretary.

6 MR. ABRAHAMSON: Do -- along with that question --  
7 Greg Abrahamson, Spokane Tribe -- along with that, do you  
8 have in your draft right now of how that Deputy Secretary's  
9 under the Assistant Secretary? Will there still be an  
10 Assistant Secretary then? Are there, as you said, Assistant  
11 Secretaries? Does it go Secretary, Assistant Secretaries  
12 and Deputy Secretaries, or would that Deputy Secretary be  
13 above the Assistant Secretary, and then --

14 MR. TAHSUDA: So it's current Deputy Secretary,  
15 who is the second ranking official in the department,  
16 Secretary, Deputy Secretary, and then Assistant Secretaries  
17 under them. And so the Assistant Secretaries will still  
18 oversee their bureaus and their regional staff there.

19 Again, to make sure I get the concept across is,  
20 this unified Region Director is only dealing with the  
21 interbureau decisions that require multiple bureaus' input  
22 and focused on these three primary functions, and so that is  
23 maybe 10 percent of what a bureau does in that region in any  
24 particular -- in any particular year, say. And so  
25 everything else that happens following this current chain of

1 command, right, the Regional Director is responsible for  
2 what happens in his region. He reports to the Bureau  
3 Director, who reports to the Assistant Secretary, et cetera.  
4 That all stays in place, and it's really focused on the  
5 decision-making on these, you know, cross-bureau, if you  
6 want to think of it that way, cross-bureau actions and to  
7 make sure that they happen in a timely fashion.

8 As you guys know, a lot of times, if there are  
9 multiple bureaus that have to be involved in a decision, it  
10 can take ten years to get that decision finalized, and this  
11 is all aimed at getting that knocked down to two or three  
12 years at a max, so.

13 MR. ABRAHAMSON: Another comment if I can there,  
14 on the primary, three primary, functions then, so where does  
15 the trust responsibility fall into those three primary  
16 functions there because that's -- one thing that the tribes  
17 rely heavily upon is agreements as a lot of the tribes and  
18 everything goes that trust responsibility to the tribes  
19 there.

20 MR. TAHSUDA: So good question. The trust  
21 responsibility is not impacted in any way by this, and so --  
22 and I think personally that's one of the -- the positive  
23 benefits that this brings is that to my mind the trust  
24 responsibility is not something that belongs with the Bureau  
25 of Indian Affairs or even Indian Affairs Office, but belongs

1 to the whole department. I know the Secretary feels the  
2 same way. And so, you know, in creating better  
3 decision-making, I think that helps the department at large  
4 fulfill this trust responsibility better.

5 Now, when we say functions -- and maybe I can  
6 describe this better -- the -- each of the bureaus has their  
7 own missions, right, their responsible for, and they have  
8 goals that, you know, go towards meeting those. These  
9 functions are the activities that accomplish the missions.  
10 And so for BIA for Interior at large, you know, try to put  
11 it at the bottom that, you know, the Secretary has  
12 reiterated over and over respect for tribal sovereignty, our  
13 trust responsibility. That's a mission of both our bureau  
14 and a mission of the department in general. These functions  
15 are what give the actions that accomplish the real things  
16 that go into meeting the trust responsibility, right, so  
17 permitting right, making sure that, you know, if a permit is  
18 needed by the tribe, that that happens in a timely fashion.  
19 If it's permitted by another bureau but it impacts the  
20 reservation or it impacts the tribe's treaty rights in some  
21 way, that that discussion happens from day one as this  
22 decision moves forward and that our bureau folks are  
23 involved with them from day one.

24 And so that's -- when we talk about functions,  
25 that's what we're talking about, the activities that go into

1 meeting the missions. So, you know, Bureau of Land  
2 Management, Bureau of Rec, they have different missions than  
3 we do, right, but we all do these same functions. We all do  
4 permitting. We all do NEPA analysis, say, et cetera. So  
5 that's the idea behind functions.

6 Do -- maybe I should -- would it be more fair to  
7 start going down the list, or would you rather take -- I'm  
8 open to it. We can take ad hoc questions.

9 UNIDENTIFIED SPEAKER: I can go.

10 MR. TAHSUDA: Okay.

11 UNIDENTIFIED SPEAKER: The list.

12 MR. TAHSUDA: So I have the Chair from Yakama,  
13 JoDe Goudy.

14 MR. GOUDY: Yeah.

15 MR. TAHSUDA: Well, you're waving your hand  
16 anyway, so.

17 MR. GOUDY: Yeah.

18 MR. TAHSUDA: Let me just say I'm not trying to be  
19 rude. I use my iPad to make sure I get notes on questions  
20 that you ask so I can be sure to answer them, so I'm not  
21 checking my e-mail or anything.

22 MR. GOUDY: Okay. (Speaking in native language.)  
23 I want to say (speaking in native language). Good morning  
24 to you. My name is Chi' Qwax. That's my name. My English  
25 name is JoDe Goudy, and I currently serve as the Chairman of

1 the Yakama Nation Tribal Council.

2 And to open, as it's become common in my  
3 acknowledgment in these type of listening sessions, is,  
4 first and foremost, brother from the U.S. government,  
5 listen. Today we are presenting you with an important  
6 critique of the history of the present moment.

7 Listen. We are here to notify you that we reject  
8 the U.S. government's use of ultimate dominion, a claimed  
9 right of domination based upon the so-called discovery by  
10 Christian people of the lands of Natives who were heathens.

11 Listen. That language of domination is found in  
12 U.S. Supreme Court ruling Johnson versus M'Intosh, which has  
13 never been overruled and is still considered valid law in  
14 the United States.

15 Listen. We reject the Johnson versus M'Intosh  
16 doctrine as a political and legal framework for the treating  
17 and dealing with our nations, the original nations of this  
18 continent.

19 Listen. We are here today to discuss with you a  
20 proper basis for our relationship, truly nation to nation  
21 with true self-determination, not domination.

22 So now that I've gotten that statement and brought  
23 it forth because there are components with regard to that  
24 spirit that is expressing itself in this, I guess you can  
25 say, dictation of a presentation that's come forth about a

1 potential reorganization for what the Yakama Nation is a  
2 historical trust fiduciary responsibility that's  
3 memorialized within the Yakama Treaty of 1855 [12 Stat.,  
4 951] that was brought forth in 1855 and ratified in 1859.

5 I also need to express that from Yakama Nation's  
6 perspective this indeed is not consultation regardless of  
7 what the DOI and the BIA is proclaiming it to be. We do not  
8 condone expressions with regard to regional listening  
9 sessions to be proper consultation to get into an engaged  
10 and responsible discussion by which you can administer  
11 communication from the Native nations who are impacted by  
12 the potential decisions for true, free, prior and informed  
13 consent about what is happening pursuant to previously  
14 existing executive orders and, namely, specific to the  
15 Yakama Nation in our concerns the treaty itself, the  
16 reserved rights and the articles that memorialize those  
17 rights and govern the relationship between the United States  
18 and the Yakama Nation.

19 So getting back into the understanding here that  
20 this indeed is not recognized as consultation, we need to  
21 express that when it comes to I guess my first question that  
22 I was going to ask you there before we began is, from your  
23 perspective currently, who is the legally defined head  
24 Indian agent from your perspective here today?

25 MR. TAHSUDA: I'm not sure. So can you clarify

1 more what you're asking?

2 MR. GOUDY: So I'm sure you're aware that within  
3 various treaties with Native nations and the United States  
4 that there's a head Indian agent that's been identified for  
5 a number of provisions with regard to the trust fiduciary  
6 responsibility that's been -- as it was historically  
7 promised, reserved and memorialized within the articles of  
8 treaty, but as well in the current-day practice when it  
9 comes to the acknowledgment of many aspects including  
10 consultation, including dispute resolution, the significance  
11 of the head Indian agent on behalf of the treaty and trust  
12 fiduciary responsibility becomes an important question for  
13 us because if you are indeed indicating that the Regional  
14 Director is going to begin to report to the Deputy Director  
15 on certain instances and bypass the Assistant Secretary of  
16 Interior, our question would be, from a legal perspective,  
17 who is DOI acknowledging to be the head Indian agent that is  
18 listed within the Yakama Treaty and a number of other  
19 treaties that exist between Native nations and the United  
20 States?

21 MR. TAHSUDA: So if I'm understanding you, what  
22 you're asking correctly, I would say that there are -- so  
23 the word agent is used in different ways in different  
24 contexts, so we have, you know, an agent who is in our  
25 agency offices, right, who is sort of like the day-to-day



1 agent. The Secretary of Interior is the one who is most  
2 often identified as the agent for the United States to  
3 fulfill usually by statute, which is filled in the  
4 administrative structure to deliver on treaty promises,  
5 other statutory requirements, et cetera. So it's usually  
6 the Secretary of Interior.

7 So formally the Secretary of Interior I guess  
8 would be who you're referencing, and so -- now, that  
9 authority is most often delegated down to the Assistant  
10 Secretary of Indian Affairs.

11 MR. GOUDY: Okay. So I need to acknowledge that,  
12 but while we're on this listening session here to  
13 understanding the stipulation that's come forth with regard  
14 to the Executive Order 13781, which directed this potential  
15 reorganization process, and I just wanted to note that  
16 within that specific executive order, that there's a  
17 notation in there within Section 2, and it's in -- listed in  
18 Bullet Point e. And so the comprehensive plan for  
19 reorganizing the executive branch is the name of executive  
20 order, but the specific provision within Bullet Point e  
21 indicates, In developing the proposed plan described in  
22 Subsection (c) of this section, the Director shall consult  
23 with the head of each agency and, consistent with applicable  
24 law. And that's the question right there, applicable law.

25 And so, you know, for the benefit of this

1 listening session, I need to remind yourself as the Acting  
2 Assistant Secretary of Interior that 12 Stat., 951 is an  
3 applicable law. It is a treaty between the United States  
4 and the Yakama Nation. There are provisions within the  
5 treaty that speak to this potential reorganization based  
6 upon the reserved rights and the commitments that were  
7 memorialized in that discussion.

8           If there's going to be indeed a change in the  
9 manner of today's time, day and age in spite of the  
10 already-existing changes that have come through judicial  
11 precedent and legislative act, which has essentially  
12 renegotiated the provisions of our treaty between the Yakama  
13 Nation and the United States, we take extreme exception with  
14 the fact that true consultation, which from Yakama's  
15 perspective only exists within our chambers amongst the 14  
16 elected officials which are the historical chiefs, past into  
17 present-day time, that is memorialization with regard to  
18 true and proper consultation giving free, prior and informed  
19 consent with regard to how we understand fulfillment of our  
20 trust fiduciary responsibility being upheld by the different  
21 individuals who have been tasked in present-day time to  
22 fulfill the historical promises within the reserved rights  
23 and the articles of our treaty.

24           And there's something that needs to be said  
25 specific to treaty nations, executive order nations and

1 other nations that carry some type of formalized existence  
2 in our memorialized governing relationship and our documents  
3 such as treaty nations who have a treaty that essentially is  
4 the governing government and other nations such as executive  
5 order nations and other nations who have, you know, had  
6 unfortunate interactions historically. And the provisions  
7 within the articles of the treaties within the treaty  
8 nations go hand in hand with, once again, Article VI, Clause  
9 2, Clause 3 of the U.S. Constitution.

10           Treaties are the highest law of the land, and when  
11 it comes to the interpretation from our perspective as to  
12 how these trust fiduciary responsibilities are being played  
13 out, materialized throughout time, we oftentimes find  
14 ourselves in dispute with Department of the Interior, with  
15 BIA. We as Yakama Nation have currently pending a number of  
16 formalized consultation requests with Secretary Zinke, with  
17 individuals from BIA, specific to a number of issues, which  
18 we have a differing opinion with regard to how it is  
19 materialized and as far as the trust fiduciary  
20 responsibility, and BIA, Department of Interior  
21 Secretary Zinke currently is not stepping forward to meet in  
22 proper true consultation in a responsible manner, the  
23 communication that would be up to our standard with regard  
24 to fulfilling trust fiduciary responsibility in today's  
25 current-day time.

1           And if that's the case, then we take extreme  
2           exception with regard to developing a plan, once again,  
3           without true consultation, which for us exists in our  
4           chambers, and ability to say that this is going to happen,  
5           and it's going to happen regardless of what the Yakama  
6           Nation or the other Native nations throughout these various  
7           listening sessions have to say.

8           So that would be another question that I have is  
9           that it seems as though that this effort is going to  
10          materialize, and the deadline of October for Secretary Zinke  
11          to essentially give his results for specific to the  
12          executive order are going to come forth.

13          Now, the question would be -- and I -- once again,  
14          through other communications and listening sessions on other  
15          issues that are important to Native nations throughout our  
16          lands here, I have not heard in my interactions one Native  
17          nation, one leader, who does not take some type of exception  
18          or who does not challenge the reorganization that is being  
19          discussed in the manner it's being discussed and the  
20          potential implications of what it means for the governing  
21          relationships between the Native nations and the United  
22          States.

23          So I'm asking you today, is this happening  
24          regardless because if we get in your totality based upon the  
25          dictation throughout all the minutes that are taken

1 throughout these listening sessions to a point where, you  
2 know, 99.9 percent of the Native leaders and other  
3 individuals who are offering testimony based upon the  
4 perceived actions that are being dictated to us as Native  
5 nations and if we take exception and disagree, is there  
6 going to be a potential halt and our reconsideration based  
7 upon the documentation that's going to be submitted to the  
8 President on the reorganization efforts from  
9 Secretary Zinke?

10 MR. TAHSUDA: Thank you, Chairman. So covered a  
11 lot of ground there. Let me see if I can try to answer all  
12 the questions you have, and those are good questions and  
13 things that I've been trying to pull out in each of the  
14 consultations that we've had.

15 So the plan -- so we have a timeline on the plan  
16 that's imposed by this executive order. What -- and I guess  
17 I would say, you know, the -- it's always a challenge for us  
18 wanting to do consultation, right, because if I don't have  
19 enough information or if we don't have enough information  
20 come to you, then it's kind of a useless discussion and had  
21 plenty of tribal leaders say, Why are you even talking to us  
22 now, right? And then of course if we have too much  
23 information, it looks like we've already made a decision and  
24 we've moving forward without you. So, you know, there's  
25 kind of a sweet spot there that we try to hit.

1           So, you know, the timeline on putting together,  
2   you know, a plan like this, you know, this 18 months is  
3   pretty short in general, particularly for a department this  
4   big. So it took some time to work through all this. Took  
5   some time to get through internal meetings. And I would  
6   say, you know, that this is something -- this is something  
7   that the Secretary very much wants buy-in from folks who are  
8   both external to the department and folks that are internal,  
9   and external are all the people at that we work with. We  
10   have tribes. We have governors. Right? We have Congress,  
11   congressmen, senators who are interested in this and how it  
12   may impact their states, right? We have all these external  
13   people. And so the process has tried to incorporate as much  
14   as possible.

15           And then we also have internal, right? So, you  
16   know, this does impact our employees, and, at the end of the  
17   day, for it to really be effective, our employees have to  
18   believe in it as well. And so we've had a lot of internal  
19   discussion.

20           And this is all to say that it has taken some time  
21   to get to where we are, and it took some time -- and, you  
22   know, was really only a few months ago that I felt like we  
23   had enough information to start coming to tribal leadership  
24   to say, okay, here's the broad outlines of what we're  
25   talking about.

1           And so, you know, that in some sense kind of puts  
2 us on an even shorter time frame to meet this October  
3 deadline. So -- but I think that for our purposes, you  
4 know, we have more flexibility. And why do I say that? So  
5 from day one the Secretary's commitment has been that  
6 because Bureau of Indian Affairs is, for better or for  
7 worse, so much entwined with the lives of tribes, and, you  
8 know, this relationship that we have and how much we do on a  
9 day-to-day basis as well as, that that decision should  
10 really be tribal leadership, right, that the tribes should  
11 make the decision of whether their bureau, the BIA, will be  
12 part of this reorganization.

13           So -- which brings me to another point that I want  
14 to be -- try to be as clear as I can on is, is that this is  
15 not a reorganization of the BIA. This is really a  
16 reorganization at a level above that, the communication  
17 between the different bureaus out across the country and the  
18 regions in particular.

19           And so we -- and I have as I've done these a --  
20 tribal leaders in several of the different regions have  
21 said, you know, Why aren't we working with BIA? And I'm  
22 happy to have that discussion how we can make our regional  
23 offices work better with the tribes, but that's -- that's a  
24 different discussion than this one is.

25           So this is not reorganizing the BIA. It's just

1 about how all the bureaus, including the BIA, will fit into  
2 this, you know, regional decision-making structure. So the  
3 Secretary has said that's your decision for the tribes, and  
4 you tell us.

5           So what does that mean? What does that mean  
6 vis-a-vis the shortened time frame we have? I think that  
7 part of what I've been trying to do in this -- and I  
8 consider these sort of the initial ground consultations, not  
9 the consultation on this whole process -- my intent has been  
10 to try to just really get this information to the tribal  
11 leadership and answer as many questions as I can now that I  
12 have a better sense of how this could play out. I've had  
13 discussions with the other Assistant Secretaries and how  
14 they're dealing with it with their bureaus, et cetera. So  
15 my really intent in this is to try to get as much  
16 information to tribal leadership as I can. The decision,  
17 again, is ultimately with the tribes for the BIA.

18           Now, that does not apply to the other bureaus. In  
19 the tribal leadership, you don't have a veto over the other  
20 bureaus. They are going to be part of this plan, and you  
21 can look at it in a sense that you've got a veto the  
22 governors don't because the governors didn't get to veto  
23 this plan, right, Bureau of Rec, the BLM. You know,  
24 they're -- they're going to be part of this plan.

25           So it's really a question of where the BIA will



1 sit after this process takes place. Where will they sit  
2 vis-a-vis our regional management and the other bureaus?  
3 The other bureaus are going to be in a unified regional  
4 management structure. And, again, it really only applies to  
5 probably 10 percent of each of the actions that a bureau  
6 takes in a year, but, you know, they're going to have their  
7 regions in these common unified regions.

8           There will over time -- you know, but this will  
9 take a number of years to implement. There -- once -- once  
10 the bureaus get comfortable working in these unified regions  
11 on the decision-making process, they will turn to looking at  
12 administrative processes that could be efficient, so like  
13 HR, IT, you know, each of the -- even in -- so even in  
14 Alaska, which is essentially a unified region right now, all  
15 of the bureaus have Alaska as a single region, so it's  
16 essentially that. Even in that case, each of the bureaus,  
17 we do. Fish and Wildlife does. They all have their own IT  
18 staff and use their own IT staff. So they have their own  
19 software contracts, which seems kind of silly to me, but --  
20 so there will be an effort in coming years to try to unify  
21 some of those sort of back-office functions that each of the  
22 bureaus have. And the Secretary's commitment on that front,  
23 you know, has been that if we can bring some cost savings  
24 out of that, they will stay in the region, right? Each of  
25 the bureaus that have cost savings will -- that will

1 basically be more resources that will be available for them  
2 to use in their region.

3           And so -- but I want to be -- caution you to think  
4 about it. So this is not a budget exercise, and we're  
5 not -- this is not an effort to try to shrink a budget or to  
6 change budgets or anything, and so as part of the  
7 decision-making process for tribal leadership, I want to say  
8 that the Secretary's other commitment has been that if in  
9 your region there is consensus, to, you know, be part of  
10 this, that we will hold the tribal budgets harmless. So we  
11 will figure out how to adjust tribal shares because, as you  
12 know, how our regional budgets work with our tribal shares,  
13 et cetera, so that the funding you get from us is held  
14 harmless, that the resources that are in the region will  
15 stay there. Obviously in some of the regions like  
16 California, et cetera, we'll have a bigger sort of  
17 accounting issue to deal with as far as juggling those, but  
18 that's -- that's the Secretary's commitment is to hold  
19 budgets harmless, and really, again, the focus of this is on  
20 this decision-making across bureaus so that we can get more  
21 timely decisions done.

22           So that also means -- and I really want to  
23 emphasize, you know, that this is not to impact treaty  
24 rights. It doesn't impact the trust responsibility. You  
25 know, in fact, I mean we can't do that, right? Those

1 things, as you noted, are in law, right, treaties or  
2 statutes, et cetera. So nothing that we do administratively  
3 can change that anyways, but I want to reaffirm that it's  
4 not the Secretary's intent. This is really hopefully a way  
5 that we will be able to better fulfill our responsibilities  
6 in the future.

7 So I don't -- I hope I answered all your questions  
8 or your questions.

9 MR. GOUDY: Yeah. I appreciate the -- the  
10 response. So, you know, I -- understanding the statement  
11 that you had indicated that there will be essentially a  
12 materialized veto authority coming from the Native nations,  
13 and you also said later on that that veto authority may  
14 materialize within a regional decision-making process. And  
15 so is that what you are going to be forcing because I --  
16 maybe I'm -- maybe I've lost the correspondence or it didn't  
17 get to me, but I haven't received anything from yourself  
18 and/or Secretary Zinke indicating that, you know, the  
19 timeline associated with the recommendations and the outcome  
20 that's going to be presented is going to happen here?  
21 Here's the timeline with regard to a materialized veto  
22 authority that can be -- come forth at this time. This is  
23 the process by which you can administer such. And that is  
24 going to be in conjunction with all the proposed 13 regions,  
25 or that's all just within the Northwest Region.

1           And so if these are things that indeed exist, it's  
2 one thing to have in verbalize. It's something else for me  
3 to be able to have it in correspondence and have those  
4 commitments written so I know and understand in our dialogue  
5 in and amongst our table because you made the statement that  
6 indeed the provisions within the reserved rights within  
7 articles of treaties cannot be impacted, but we have a  
8 number of implications and controversies associated with the  
9 current fulfillment of the trust fiduciary responsibility  
10 that I know that you're aware of some, and -- but there's a  
11 number of them, and we are, you know, a little concerned  
12 with regard to decisions that are going to potentially  
13 impact the framework by which dispute resolution occurs.

14           And getting back into, you know, your history  
15 lessen that you've given us and the original formation of  
16 Bureau of Indian Affairs in 1824, which ironically enough  
17 came one year after the implementation of Johnson versus  
18 M'Intosh ruling by the Supreme Court, which essentially laid  
19 out a false religious doctrine for the framework in  
20 justifying decision-making processes that impact not only  
21 everything associated and under the sun specific to the  
22 articles and the provisions in our treaty, but essentially  
23 has laid the framework for a renegotiation process to the  
24 articles of said treaties throughout time, through the  
25 legislative acts and the judicial precedent that's been set.

1           So, you know, you can verbalize that there's been  
2 no implication or potential implication with regard to  
3 fulfillment of these materialized rights from our  
4 perception, from our unambiguous interpretation of what said  
5 rights are versus what BIA or Secretary Zinke or someone  
6 else in another agency of the federal government may realize  
7 and understand what their interpretation of said rights are,  
8 what their interpretation of trust fiduciary responsibility  
9 means and the fulfillment or upholding of those reserved  
10 rights.

11           And so just wish to say that I appreciate that,  
12 and I guess my question back to you would be, do you  
13 anticipate or plan from yourself or have any anticipation  
14 coming from Secretary Zinke in understanding of the response  
15 that you had given me, their -- their -- this effort comes  
16 forth, it looks as though some of the other agencies under  
17 Interior are moving forth regardless. There is a veto  
18 authority that will be essentially offered to the Native  
19 nations on the BIA portion of this. This will be  
20 implemented by -- by what, and is there going to be that  
21 51 percent of the Native nations within this region disagree  
22 with such and so we met the threshold that we do not wish  
23 to, or is it going to be, you know, anyone who disagrees,  
24 and all of a sudden there's 60 percent of the Native nations  
25 here within the Northwest that perhaps agree, 40 percent who

1 disagree, and are moving forth regardless?

2           And so I guess that way I would have a better  
3 understanding, and I would definitely appreciate to have  
4 those things in correspondence and noting that those are  
5 important provisions within this discussion that need to be  
6 clarified on our end.

7           MR. TAHSUDA: Good points, Chairman. So let me  
8 respond this way: I think that -- so it is a bit of a  
9 challenge to try to capture that, right? I would say that,  
10 you know, we've approached this regionally in the sense of,  
11 you know, I think it's important that the tribes in -- that  
12 would be in one of these unified regions have their own  
13 voice, and so we're not looking to have sort of a national  
14 consensus, but a really kind of region by region. But even  
15 with that, of course that's a bit of a challenge, right?

16           I think that, you know, it's really impossible  
17 conceptually I think to have, you know, a quarter of the  
18 tribes think it's a great idea and the other three-quarters  
19 don't or even two-thirds want to but one-third don't.  
20 That's still a pretty significant minority. And so I think  
21 we really would like to have consensus of the tribes in the  
22 region. Now, what does that mean, and how is that  
23 expressed? Those are really good questions too.

24           I think that -- so -- and maybe I can tie this in.  
25 So what I said in the beginning, I also view this as sort of

1 an initial consultation, one of the reasons I say that is  
2 that whatever the consensus is of tribal leadership in a  
3 region, we're going to have more consultation on this  
4 because if there's agreement that you want to explore this,  
5 then we'll have to have a lot of discussion about what that  
6 means and how -- how your region will fit in with the other  
7 region, et cetera. And we have -- I've said for a long  
8 time -- and I've actually got the Secretary saying it. I'm  
9 kind of proud of it -- that, you know, the BIA does  
10 everything all the other bureaus in the department does, and  
11 then it does tribes and people on top of that, right? So we  
12 have a lot of unique things to us, so I think, you know,  
13 there will be a -- there would be a long -- you know, we'll  
14 have to have a lot of consultation. We'll have to have a  
15 lot of discussion to see how we can make that work the best.

16 If the consensus is to say no, then we've still  
17 got to talk because we have to figure out at that point how  
18 our regional staff for these interbureau discussions are  
19 going to be able to be effective in communicating with what  
20 is now a unified decision-making structure amongst the other  
21 bureaus and make sure that they're still able to be a part  
22 of that as much as possible and still have an effective  
23 interaction on your behalf.

24 So whether your answer is yes or no, we're going  
25 to have a lot more discussion about this I guess is what I'm

1 saying. So I think that my -- my hope is, you know, we get  
2 through these consultations, and we can -- I can go to the  
3 Secretary, and I can, you know, kind of give him the brief  
4 of Indian country, and I mean, you know, Indian country  
5 doesn't like to move quickly. I understand that. You know,  
6 I'm Indian. And so the thought of making a big change is  
7 very difficult, and he understands that as well.

8           So I think that, you know, I would guess that the  
9 final plan he puts forward is going to have a caveat that  
10 the Bureau of Indian Affairs will likely not participate in  
11 this, or maybe there will only be one or two regions that  
12 will participate in this, the others will at least in -- you  
13 know, for the foreseeable future will not participate in  
14 this. I suspect once this gets rolling along that folks are  
15 going to see that there are a lot of advantages to this, and  
16 maybe in the future the tribes will want to -- want to --  
17 you know, want their region to participate.

18           The other -- the other piece of this is that, you  
19 know, he has also said that he wants this to be as flexible  
20 as possible. You know, he's a military man. He has his  
21 sort of -- you know, the management concept of the military  
22 is pushing decision-making down in the field as much as  
23 possible. You know, you give them the authority and the  
24 resources to take action, and then you let them take action,  
25 right? And so on that front he's also said that he wants



1 this to be flexible in the regions, and so let the region  
2 folks figure out what works best for them.

3 And so we've had discussion internally, and  
4 California's a really good example of this I think because  
5 the California tribes, you know, well, first off, they were  
6 kind of left behind for a long time, right? And they  
7 have -- in some ways they're really -- they have a unique  
8 history and a very cohesive kind of history in which they  
9 all felt like they weren't treated right, and they weren't,  
10 right? So they have very strong connections, and they're  
11 very much opposed to splitting themselves in half and being  
12 in these new regions, but at the same time, you know,  
13 they're interested. They have a lot of interactions with  
14 the other bureaus, and so I think that we can do things like  
15 essentially the Pacific Region office, which is California,  
16 you know, can still operate 90 percent of the time as a  
17 single region, and we could have the -- you know, the -- so  
18 the -- what's -- what would be the Lower Colorado, which is  
19 the Southwest office now, which is largely Phoenix -- or  
20 Arizona and Nevada -- I'm sorry. That's the West Region --  
21 you know, those -- there's not a lot of tribes in Nevada,  
22 and in Arizona the tribes have contracted a large amount of  
23 what the Bureau does there, and so I think we can -- you  
24 know, in the name of flexibility, we could work pretty  
25 easily in forming our own unified region out of that, but

1 they would still be then directly connected into this new  
2 unified leadership.

3           So I want to -- I guess part of what I want to  
4 emphasize is that the Secretary has also given us I think  
5 the open field running to say if we have further discussion  
6 with you, everything's on the table. Let's figure out how  
7 we can make this work. And at the end of the day, he's a  
8 practical man. He wants this to work for everybody.

9           So I don't know. I got off topic there a little  
10 bit, but anyway I hope I answered your questions.

11           MR. GOUDY: I'll try to wrap because I know  
12 there's other leaders and other individuals that wish to  
13 speak, but I just wish to express that indeed when it comes  
14 to the potential for future consultation efforts that you  
15 honor Yakama Nation and each respective nation's own  
16 definition of consultation. For Yakama Nation that is  
17 indeed within our chambers amongst a governing body, a  
18 quorum body of our leadership, so that we can engage in  
19 responsible discussion about such.

20           And I would hope that it be noted and memorialized  
21 that I mean no disrespect to the other Native nations, but I  
22 do hope that in this effort that there will be a significant  
23 amount of time that is expended with regard to analyzing the  
24 difference of the provisions within reserve rights and  
25 articles of treaties and how the difference is with the

1 executive order nations and the other nations because it's  
2 that essentially lumping us all together that oftentimes we  
3 are suffering the consequence on an interpretation of law,  
4 legislative act and our judicial precedent that essentially  
5 has a different framework of the governing documents between  
6 said Native nation, as in our case Yakama Nation with the  
7 United States, based upon some other decision-making process  
8 and justification process that was utilized against another  
9 Native nation under a total different set of circumstances  
10 and everything associated with that.

11 And I just have one more question here before --  
12 before I wrap up, and a simple yes or no will suffice for  
13 me. This is not a veiled effort to reignite an era of  
14 termination. Yes or no?

15 MR. TAHSUDA: No.

16 MR. GOUDY: Got it.

17 MR. TAHSUDA: The Secretary, as I repeat, he grew  
18 up in Western Montana. He grew up among the Blackfeet and  
19 the Salish folks. He's comfortable with tribal sovereignty.  
20 He's very comfortable with tribal people. And so that is  
21 not at all in his -- in his thinking.

22 MR. GOUDY: Okay. Thank you very much.

23 MR. TAHSUDA: Thank you, Chairman.

24 MS. GILBERT: We've got one individual that would  
25 like to speak because he's pressed for time.

1 MR. TAHSUDA: Oh, okay.

2 MR. TYLER: I just want to make a few comments  
3 before I leave. I'd like to thank Chairman Goudy for saying  
4 what he said. I --

5 MR. TAHSUDA: State your name and --

6 MR. TYLER: Chairman -- I'm the Chairman of  
7 Makah Tribe. My name's Nate Tyler. And, you know, there's  
8 a couple of things that's concerning the Makah Tribe. The  
9 Makah Tribe's 47 square acres of land, 1500 square -- 47  
10 square miles of land, 1500 square miles of ocean. We own  
11 two islands, and the federal government has that trust  
12 responsibility overall.

13 A few things, you know, going off  
14 this three-minute slide, that doesn't tell me nothing,  
15 absolutely nothing, on -- on what's in the planning stages.  
16 I can't see one out of 13, if one out of 13 says, Let's do  
17 this, that they're going to say, We'll just have the one  
18 region. I think it's all in or nothing, you know. 13's  
19 getting crammed down our throats I think, you know. And  
20 this isn't meaningful consultation. 17 listening sessions,  
21 573 tribes. There should be 573 consultations, and that to  
22 me is meaningful.

23 Years ago, years and years and years ago, we had a  
24 BIA agent in Neah Bay in Makah, he said, Don't do nothing  
25 until I get back. He hasn't been back. So --

1           MR. TAHSUDA: I hope you haven't been waiting on  
2 him.

3           MR. TYLER: No. No, we haven't, but that's -- you  
4 know, I mean that's kind of where we're at. You know,  
5 it's -- it's frightening to think we're looking at cuts,  
6 we're looking at disruption, and it's pretty much getting  
7 slammed down our throats. I mean we have an administration  
8 that can't even fill all his cabinet positions, and this is  
9 getting rushed through. That's a concern. I don't know how  
10 long you were acting, you know, when you were acting, you  
11 know, but I mean as far as filling positions to serve the  
12 needs of the Native communities, I mean we go to D.C. We  
13 meet with the bureau. We depend on them in backing our  
14 needs. We're not fully funded. You know, that's one thing  
15 that should be pushed besides this so-called reorg, you  
16 know. I mean fully fund all our needs, level need of  
17 funding, you know, law enforcement, education, you know,  
18 whatever the case is.

19           So I just wanted to state for the record, you  
20 know, Makah's not in support of this. Makah would rather  
21 see some meaningful consultation, and I think a lot of --  
22 most -- most tribes would rather see that meaningful  
23 consultation, and being a part of this decision-making,  
24 we're going to submit public comments, and we're going to --  
25 you know, we're going to state our case and point out, you

1 know, a number of different issues throughout this whole  
2 thing on -- on the administration's plans.

3 So I just gotta get back to Neah Bay. We're  
4 celebrating our 94th Annual Makah Days, you know, this  
5 weekend, starting tomorrow, so I had to come here and state  
6 for the record that, you know, we are not in support of  
7 this. It's not meaningful. Listening sessions don't count,  
8 you know, and meet with us face-to-face, one-on-one. So I  
9 appreciate it.

10 MR. TAHSUDA: Thank you, Chairman. So I -- look,  
11 I appreciate the fact that it -- every tribe in the country  
12 would like to have a personal consultation, but, you know,  
13 there's not enough people, and there's not enough time in  
14 the calendar to do that. We have tried to do these  
15 regionally as much as possible to give an opportunity for  
16 tribes to come in, and then we have also had -- I have  
17 personally participated in I don't know how many discussions  
18 at different tribal organizations as well, and while they're  
19 not formal consultations, I tried to do my best to have a  
20 good level of give-and-take. I don't consider a listening  
21 session me just sitting there listening. I actually enjoy  
22 having a discussion with tribal leadership.

23 And so, you know -- so it would be great. I'm  
24 sorry, but I don't have the time in the day or time in the  
25 year to do that, and we do have these artificial, if you

1 want to call them artificial, deadlines imposed, but I  
2 think, again, you know, we're going to have to have a lot  
3 more discussion about this, and I think that it would be  
4 instructive for us, as Chairman Goudy said, you know, for us  
5 to be able to have a little more discussion about, you know,  
6 the -- how what happens on your reservation can be impacted  
7 by these decisions and how we can make that process work  
8 better. I think that's -- that's hopefully would be -- that  
9 would be in the next -- well, it will necessarily be in the  
10 next discussions we have, whether you want to support this  
11 or not, so. But thank you, Chairman.

12 I have a Chairman Burke next.

13 MR. BURKE: Thank you. First off, I guess I'd  
14 like to concur with the Yakama Nation Chairman Goudy on his  
15 opening remarks, which are very true. I have my own  
16 testimony from the Confederated Tribes of the Umatilla  
17 Indian Reservation.

18 Good afternoon. My name is Gary Burke. I'm the  
19 Chairman of Confederated Tribes of the Umatilla Indian  
20 Reservation, a confederacy of the Walla Walla, Umatilla and  
21 Cayuse people in Northeastern Oregon.

22 (Court reporter discusses microphone.)

23 MR. BURKE: We are signatories of the Treaty of  
24 1855, ratified March 8th, 1859, proclaimed April 11th, 1859  
25 under the 12 Statute, 945 with the United States. In that

1 treaty are 11 articles of law, which today are defined as  
2 the supreme law of the land.

3 I'm pleased to see you once again. Last month I  
4 traveled to provide comments in the consultation session in  
5 California. I have reported and consulted with my board of  
6 trustee members. We continue to have concerns about the  
7 reorganization which are considerable, so I am here to  
8 reinforce the issues that I raised in Palm Springs.

9 The Umatilla Tribe are deeply concerned about how  
10 the proposed reorganization will affect our longstanding  
11 relationships with the Department of the Interior agencies  
12 including Bureau of Land Management, Bureau of Reclamation,  
13 Park Services, U.S. Fish and Wildlife Services, the U.S.  
14 Geological Survey, the Bureau of Indian Affairs.

15 The Umatilla Tribes are comanagers of our  
16 treaty-reserved resources, which include off-reservation  
17 rights to fish, hunt, gather, cattle, gather traditional  
18 foods and medicines. We have cooperatively restored a  
19 salmon fishery in the Umatilla Basin that benefits our  
20 tribal members and non-tribal fisheries alike, and we are  
21 working to do the same in the Walla Walla River Basin with  
22 our partners in federal and state agencies.

23 We've also comanaged water resources through the  
24 Pacific Northwest. Two examples are the Walla Walla Basins,  
25 Umatilla Basins where we ensure habitats exist for the



1 restored fish population. In the era of declining budgets,  
2 we fear that the reorganization will put further strains on  
3 the underfunded Interior agencies to meet their statutory,  
4 regulatory and trust obligations.

5 We will -- will the Interior reorganization  
6 require the nine Interior agencies to relocate their offices  
7 to the city where the Interior regional office is located?  
8 If so, how is this to be accomplished? The Pacific  
9 Northwest Region of the Bureau of Reclamation is currently  
10 housed in Boise. Will they move to Portland where most of  
11 the other Interior offices are currently located?

12 Further, the Bureau of Ocean Energy Management has  
13 only four regions, and the Pacific Region office is in  
14 Camarillo, California. Will it too have offices in the  
15 Pacific Northwest Region? If so, have these relocation  
16 expenses been estimated and budgeted?

17 Likewise, the Bureau of Safety and Environmental  
18 Enforcement has only three regional offices, and this is  
19 also regionally located in Camarillo, California. Will they  
20 too be located in all the 13 unified regions?

21 You have indicated that the Interior is willing to  
22 keep the BIA regional structure in the current configuration  
23 if tribes object to the reorganization plan. How would a  
24 reorganization of Interior interact with the BIA in its  
25 current configuration? The BIA is not currently meeting the

1 trust obligations of the United States or the needs of the  
2 tribes. We fail to see how the proposed Interior  
3 reorganization can improve performance of the BIA or any  
4 other Interior agencies in meeting tribal needs or  
5 satisfying federal obligations to tribes.

6 While the Interior indicates the intent of the  
7 reorganization is to take decision-making out of the D.C.  
8 and move it out to regions, how does this square with the  
9 Interior taking the fee-to-trust decisions from BIA regions  
10 and placing them all in D.C.? Will that decision be  
11 reserved? Also, how much authority does the Interior  
12 envision delegating to the regions?

13 The Bureau of Land Management manages about a  
14 quarter of the land in the Western United States. On those  
15 lands tribes retain treaty rights. How will tribal treaty  
16 rights be prioritized and protected in this reorganization?

17 Currently neither the BIA, Fish and Wildlife  
18 Service, BLM have sufficient funding to accomplish the basic  
19 functions the agency has under the Engaged -- Endangered  
20 Species Act, the National Historic Preservation Act and  
21 other laws and regulations addressing fish and wildlife as  
22 well as cultural resources guaranteed by law and treaty.  
23 How can the agencies do so with the additional burden of  
24 development and implementation of the agency-wide urban  
25 reorganization?

1           I thank you for the opportunity to present my  
2 views and concerns of the Umatilla Indian Reservation on the  
3 consultation sessions today. And on the heading of your  
4 pamphlet, it says Potential, Potential Reorganization. So I  
5 guess this is potential, not an reorganization consultation,  
6 but a potential consultation. That's what I read on that  
7 front page. So thank you.

8           MR. TAHSUDA: Thanks, Chairman. So the -- as I  
9 said, there is -- there is an effort to be made in coming  
10 years looking at consolidating offices. That's not part of  
11 what the current plan is, and -- and really that's something  
12 that has to happen over time. Just as a practical matter,  
13 we have office leases. We have people who, you know, live  
14 in places. There's no desire by the Secretary to spend the  
15 money breaking leases, spending millions of dollars moving  
16 people, you know, unnecessarily, you know, so these -- these  
17 are things that will happen over time.

18           For our purposes also, you know, this is -- one  
19 of -- one of the other commitments that he's made is that it  
20 won't impact like your local agency offices. We want to  
21 keep the people in the field where they're the most needed  
22 and most effective. So for us that means our agency  
23 offices, you know, if there is a better place to put a  
24 regional office, then happy to look at that, but, you know,  
25 at the current time we're not really in a position to be

1 moving those.

2 That's one of the -- one of the other things as we  
3 talked earlier about rotating among the bureau regional  
4 offices this regional directorship. I mean that also  
5 alleviates kind of the problem with having to have everybody  
6 centralized in one office. So, you know, by doing that  
7 you're kind of, you know, forcing the bureaus to respect  
8 each other and to -- and have communication.

9 There are places that -- you know, Sacramento's a  
10 really good example. I think Portland's probably another  
11 pretty good one, which a number of the bureaus have their  
12 regional offices in even the same building. Sacramento, we  
13 have all the bureaus except for Parks Service in that  
14 region. They're all in the same building in Sacramento, and  
15 they already have a great -- a pretty good level of  
16 communication. That's probably a great example of how this  
17 could work well, and so having that level of communication.

18 So it's not intended to -- to, you know, be  
19 something that's rushed into. You know, in out-years  
20 they'll look at that. I think even more than the budget  
21 question -- and, again, this has come out of internal  
22 discussions we've had with our employees -- is the notion  
23 that, you know, this is also not intended to uproot people's  
24 lives. You know, we have -- in all the bureaus we have  
25 people who have lived in a town for 20 years and made a

1 career there, and so, you know, we have to look carefully at  
2 how we can have the least disruption, you know, to people's  
3 lives.

4 And, you know, to be honest with you, we have --  
5 there's a lot of input from Congress, right?

6 As an example, in what is now our Southern Plains  
7 office in Anadarko, Oklahoma, you know, we have a lot of --  
8 we have a lot of staff there. They perform a lot of  
9 functions even beyond just what the region does. We have a  
10 lot of HR people there, et cetera, who service multiple  
11 regions. And Anadarko, if you've ever been there, is not a  
12 very big town, and so we have a school there, and we have  
13 the regional office there, and they probably employ, you  
14 know -- that's probably a quarter of the jobs that are in  
15 town in those offices. So, you know, we've had a lot of  
16 inquiry from the Oklahoma senators about, you know, are we  
17 planning to move that office, and what's going to happen  
18 with those jobs and these people, and what's going to happen  
19 to that town.

20 So we have a lot of considerations to be made  
21 before anybody talks about shutting down an office and  
22 moving anywhere. You know, again, that's -- that's  
23 something that will happen in out-years.

24 Now, the -- again, you know, there's the  
25 possible -- there's the potential for positive budget

1 impacts when you do that, when you consolidate offices or  
2 you move -- you know, we have -- a number of the bureaus  
3 have their regional offices in expensive cities, you know.  
4 I mean Park Service in California has theirs in  
5 San Francisco. I mean there's no more expensive place in  
6 the country you could put an office, right? And so there  
7 has been discussion -- and this was actually really led by a  
8 lot of our career staff -- to talk about if we did  
9 consolidate offices, can we put them in a town where it's  
10 cheaper for our staff to live, you know, and for us that  
11 will probably be more accessible to the tribes who are in  
12 that region because it won't be in a major city.

13 So coming with that, you know, will be both, you  
14 know, positive impacts to our career employees, but, also,  
15 you talk about -- the Chairman from Makah raised a question  
16 about, you know, budgets. And so, you know, we don't write  
17 our own budgets ultimately, right? I mean we can make  
18 suggestions, and we send to OMB, and they -- they ultimately  
19 send it to the Hill, but it's Congress that sets the budget.  
20 And so we -- we -- we actually don't have very much control  
21 over that. Every year we get a set budget, and, you know,  
22 we expend it and how we're told by to expend it, but if we  
23 had cost savings in a region that would free up resources  
24 there, that's, in effect, getting like a small budget  
25 increase for that region. And so that's, again -- you know,

1 in out-years as this, you know, gets implemented, that would  
2 hopefully be a positive impact that we would have as well,  
3 that there would be more resources in a region. Let me just  
4 like throw out an example.

5 So right now let's say, you know, we have --  
6 again, I keep saying my head -- say, there's a bridge over a  
7 waterway, and the road to the bridge serves the reservation.  
8 Fish and Wildlife manages fish that are in the stream, in  
9 the waterway, and maybe BLM has land on the other side, or  
10 they manage the subsurface on the other side. All -- all  
11 these bureaus have an input into it.

12 So let's say, for example, that Fish and Wildlife  
13 is -- Well, I shouldn't say that -- that BLM is ultimately  
14 responsible for the bridge. So they start their work on it.  
15 They have their NEPA staff. They start working, and two or  
16 three years down the road they have their NEPA staff working  
17 on it, and they have their own, you know, biological opinion  
18 on the water, on the fish. They have their own opinion on  
19 how it does or doesn't impact the reservation, et cetera.

20 And then they come to us. Then they go to Fish  
21 and Wildlife and say, Well, here's our NEPA analysis. And  
22 Fish and Wildlife says, Well, that's wrong, it's going to  
23 have a big impact on the fish. And they have a whole, you  
24 know, discussion about that and how that's going to impact.  
25 So Fish and Wildlife will engage their NEPA staff to get

1 into this to develop their own biological opinion. We'll  
2 have our NEPA people looking at it.

3 In this process you've got three bureaus with  
4 their own -- with their own environmental staff all looking  
5 at the same question, right? What is the impact of this  
6 action, of this, you know, project on the responsibilities  
7 of the bureaus in those regions? If they were working  
8 together from the very beginning, we could have one NEPA  
9 staff working on it, right, and we could have one from each  
10 of the bureaus, or we could have, you know, the lead bureau  
11 working on it but have contact and input from day one from  
12 the other bureaus. That obviously frees up the staff  
13 that -- who would otherwise be working on it as they are now  
14 to work on other projects.

15 So, you know, those aren't -- dollar figures get  
16 added to the bottom line, but those are resources that are  
17 freed up to do more work in the region, so that's part of  
18 the content of how this could have a, you know, positive  
19 impact on the resources in the regions.

20 MR. BURKE: Yes. Then I want to state fiscal year  
21 2018 President's budget request proposal for reduction for  
22 the Interior Department of approximately 1.5 billion of the  
23 10.6 billion budget, a 13 percent reduction from what was  
24 enacted in 2017. The President's proposed fiscal year 2019  
25 budget for the Interior is a 60 per -- 16 percent reduction



1 from 2017 enacted levels.

2 If the department plans on going forward with the  
3 reorganization, it can only do so if Congress authorizes it,  
4 fully funds it, but how can you implement the reorganization  
5 and carry out department's functions with so little less?

6 MR. TAHSUDA: Well, again, we don't write the  
7 check, and so whatever gets worked up in President's budget  
8 goes to Congress, and, you know, to be honest with you, the  
9 recent history is that Congress just ignores it, and they  
10 write their own -- you know, they write their own check to  
11 us and tell us how they want us to spend money.

12 So I -- I think, you know, it's a challenging  
13 exercise to go through these. I think personally it's  
14 helpful for us -- it's been helpful for me, you know, even  
15 coming up on one year that I've been at the department and  
16 looking at the budget process and figuring out, you know,  
17 how do you go through -- in a world of limited resources,  
18 how do you go through and identify your core  
19 responsibilities, your core missions, and make sure you meet  
20 those and then move out from there?

21 And so that's really the process that we use  
22 internally, and we have a layer over that. It wasn't that  
23 long ago, if you recall, that Congress instead of writing  
24 bigger checks every year like they've done the last couple,  
25 they were writing smaller and smaller checks. We went

1 through a number of years in which the budget got shrunk,  
2 and, you know, it's always I think a good exercise for us to  
3 make sure that if one of those budget -- if Congress doesn't  
4 write us a big check like other people -- everybody wants,  
5 right, what do we do? Well, we have already identified what  
6 we're going to do. We have these core responsibilities  
7 we've met, we have additional responsibilities we'll be able  
8 to partially meet, and we have some we'll just have to put  
9 off. And I think for us as an organization that's a useful  
10 function to go through.

11 I don't -- you know, tribal leaders, you go  
12 through a lot of tight budgets, and I'm sure you do the same  
13 thing, identify the priorities, secondary priorities, and  
14 then, you know, how do you plan for ones you can't meet this  
15 year but you hope to get to in subsequent years?

16 So that's the process that we go through  
17 budget-wise, and you see these, you know, percentages, et  
18 cetera. You know, it's a -- it's not a fun exercise, and  
19 it's a -- sometimes can be a little frustrating because, at  
20 the end of the day, you understand that Congress is going to  
21 do what it wants anyways, but that's beneficial to tribes of  
22 course, right? And at the end of the day, when we have --  
23 you know, we have more or unexpected resources, say, you  
24 know, we do the best we can to start filling in those  
25 priorities that we haven't met yet.

1           MR. BURKE: Thank you. Another question is, we  
2           had a Regional Director, and a couple years ago he had  
3           probably three ultimatums, but he's gone now. And if we're  
4           going to keep our Regional Directors, then why was this one  
5           eliminated from the bureau as a Regional Director? And you  
6           stated also that if we want to keep the bureau and don't  
7           want it to be bothered, I guess are you authorized to say  
8           something like that for us?

9           MR. TAHSUDA: I'm not clear what you're asking.

10          MR. BURKE: If you can say that the BIA won't be  
11          bothered in this organization, all the other departments  
12          will --

13          MR. TAHSUDA: Mm-hmm.

14          MR. BURKE: -- is that a firm question that you're  
15          going to tell them?

16          MR. TAHSUDA: Oh. Tell who -- I'm telling you,  
17          and this is not me saying. This is the Secretary's  
18          commitment.

19          MR. BURKE: Okay. It's the Secretary?

20          MR. TAHSUDA: Right.

21          MR. BURKE: Thank you.

22          MR. TAHSUDA: Thank you, Chairman.

23          We have Chairman Greene, Warm Springs.

24          MR. GREENE: Do I need the mic, or can I go stand  
25          by the recorder?

1 MR. TAHSUDA: If you can -- you sound like me.

4 MR. GREENE: Well, I'm come stand by her so she  
5 hears me.

6 MR. TAHSUDA: All right.

7 COURT REPORTER: Thank you.

8 MR. GREENE: I'm Austin Greene. I'm the Chairman  
9 of the Confederated Tribe of Warm Springs, a treaty tribe,  
10 and I do concur with the prior two treaty tribe Chairmans  
11 and their submission of their testimony here today. And,  
12 again, meaningful consultation is you coming directly to my  
13 chambers as well, and I heard you say not enough staff, but  
14 I'll go ahead and start because I know there's many  
15 statements that want to be read off here today. I'll keep  
16 it short. It's only seven pages, but it's in a size 24  
17 font, so.

18 (Laughter.)

19                    Good afternoon. My name is Austin Greene, and I'm  
20    the Chairman of the Tribal Council of the Confederated  
21    Tribes of the Warm Springs Reservation of Oregon. I appear  
22    before you today to present the comments of my tribe on the  
23    proposed reorganization of the Bureau of Indian Affairs and  
24    the other agencies and offices of the U.S. Department of  
25    Interior.

1           In our written comments submitted in early July  
2       regarding the proposed BIA reorganization, we objected  
3       strongly to the lack of a scheduled consultation in the  
4       Northwest Region. The proposed reorganization is of  
5       particular importance to the tribes in the Northwest Region.  
6       The current Northwest Region, Oregon, Washington, Idaho and  
7       Western Montana, is the location of numerous tribes, both  
8       large land-based tribes such as Warm Springs, as well as  
9       smaller tribes. There's a tremendous variety among the  
10      tribes in the Northwest. Some like Warm Springs are  
11      direct-service tribes, and others are self-governance  
12      tribes. Many Northwest Region tribes have treaty-secured  
13      off-reservation fishing, hunting and food-gathering rights,  
14      which brings these tribes into contact with other Interior  
15      Department agencies such as the Bureau of Land Management,  
16      the National Park Service, the Bureau of Reclamation and the  
17      U.S. Fish and Wildlife Service.

18           The Northwest Region also has the nation's largest  
19      concentration of tribes impacted by federal protections of  
20      fish and wildlife listed under the Endangered Species Act.  
21      In short, the Northwest tribes are in all likelihood more  
22      affected by the reorganization proposals than the tribes of  
23      any other existing BIA region. Accordingly, it is highly  
24      appropriate that the BIA host a consultation in the  
25      Northwest and hear the views of the Northwest tribes on this

1 very important reorganization proposal.

2 Our first comment is to note that the current  
3 consultation on the BIA Department of Interior  
4 reorganization proposal overlaps with the BIA's pending  
5 proposals to the dramatically change -- change the 25 CFR  
6 Part 151 fee-to-trust regulations.

7 Based on our experience at the Portland  
8 consultation in late January 2018, under proposed new  
9 fee-to-trust regulations, the tribes and tribal leaders are  
10 unanimously opposed to the proposed changes under Part 151  
11 regulations. In order to make efficient use of its limited  
12 resources, the department should abandon the proposed  
13 changes to the existing Part 151 fee-to-trust regulations  
14 and focus instead on the consultation process regarding DOI  
15 and BIA reorganization. Accordingly, we urge the department  
16 announce at the earliest possible date that the  
17 consideration of changes to the Part 151 regulations has  
18 been suspended indefinitely.

19 Another reason to suspend the proposed changes to  
20 the Part 151 regulations is that, as proposed, they would  
21 concentrate decision-making into BIA central office in  
22 Washington D.C. and take away existing decision-making  
23 authority for most fee-to-trust applications that is now  
24 lodged in the BIA regional offices and in the case of  
25 on-reservation transfers into agency offices. That is

1 directly -- this -- that is directly counter to  
2 President Trump's Executive Order 13781 on reorganization.  
3 That requires more decisions at the region, fewer in  
4 Washington D.C.

5           Regarding the proposed BIA reorganization  
6 specifically, Warm Springs urges the department to  
7 acknowledge that BIA is unique among DOI agencies and bureau  
8 in terms of both its proposed and the constituent it serves.  
9 The primary purpose of the BIA is to act as the centerpiece  
10 administrative agency and trust it with carrying out the  
11 federal government's trust responsibilities to the nation  
12 Indian tribes and Indian people. The BIA's constituent  
13 tribes are the only Interior Department's beneficiaries made  
14 up of people that govern territories and resources and  
15 coordination of the Department of the Interior.  
16 Accordingly, the BIA's mission is and its relationship with  
17 the constituents are essentially legal and political. This  
18 mission and these relationships are based on watersheds and  
19 ecosystems, which are the basis of the BIA reorganization.

20           We also object to the certain -- what is certain  
21 to be a very costly reorganization process. BIA limited  
22 financial resources should be prioritized for spending on  
23 direct-service tribes to the Indian people who are the BIA's  
24 constituents. Devoting scarce financial resources to a  
25 reorganization process that offers nontangible or certain

1 benefits to the agency constituents is contrary to the  
2 department's trust responsibility to the -- to the tribes  
3 and Indian people. Any objectionable aspect to the  
4 reorganization proposal concerns the Department of  
5 Interior's Office of the Solicitors.

6 We understand that reorganization proposal does  
7 not impact the Office of the Solicitor in each Regional  
8 Solicitor's Offices; however, because of the number of  
9 tribes are moved out of the existing BIA regions by the  
10 reorganization proposal, it must be assumed that those  
11 tribes will then become under the jurisdiction of the new  
12 Regional Solicitor's Office. All tribes have a close  
13 relationship with the lawyers in the Regional Solicitor's  
14 Office. These lawyers work on water rights, treaty fishing  
15 and hunting rights, fee-to-trust transfers, and host of  
16 other BIA regional administrative matters that involve legal  
17 issues. It will be very disruptive to the tribes who are  
18 moved to the new regional offices by the reorganization  
19 proposals to lose their existing, often long-term  
20 relationship with the lawyers in the -- their current  
21 Regional Solicitor's Office. That would clearly be harmful  
22 to the tribes and should not happen.

23 Our final comment concerns recent BIA personnel  
24 changes. We have become aware of numerous personnel changes  
25 involving transfers from and to the central office and the



1 regional offices and between regional offices, as  
2 Chair Burke had mentioned. These changes appear to be part  
3 of an agency-wide reorganization, but to our knowledge there  
4 has been no consultation with the tribes affected directly  
5 or indirectly by these changes. It is critical to the BIA's  
6 mission that its personnel have deep experience and  
7 knowledge about the tribes they serve and a strong  
8 relationship with the tribes' leaders. Those relationships  
9 and that knowledge can be -- can come with time and  
10 experience. Frequent and inexplicable changes in agency  
11 personnel without any consultation with the -- with the  
12 directly and indirectly affected tribes undermines the BIA's  
13 mission of carrying out the government's trust  
14 responsibility to the tribes and for that reason must cease.

15 Thank you for considering our comments. I did  
16 have one section on the Klamath Tribes, which will be  
17 affected, and they, like us, have senior water rights within  
18 the Klamath Basin as we do in the Deschutes River. So I  
19 don't know if anybody from Klamath is here today, but that  
20 reorganization and working with the state would be strongly  
21 affected by this change to that Columbia -- or California  
22 Region. Thank you.

23 MR. TAHSUDA: Thank you, Chairman.

24 Next up I have Chairman Wheeler.

25 MR. WHEELER: (Speaking in native language.) I'd

1 like to say thank you to the Creator today for allowing me  
2 to be here to give the comments of the Nez Perce Tribe. My  
3 name is Shannon Wheeler. I serve as the Chairman for the  
4 Nez Perce Tribe.

5 I would concur with the opening remarks of our  
6 Chairman, Chairman Goudy, as it pertains to the Doctrine of  
7 Discovery and that be on record, also with the remarks of  
8 our Brothers Austin Greene and Chairman Burke of Umatilla  
9 Tribe as we are part of the Walla Walla Treaty of 1855, as  
10 they have stated. Our treaty with the United States of  
11 America is 12 Stat., 957. There are obligations that the --  
12 that the United States holds -- have to each of us that  
13 being treaty tribes.

14 So my comments of the Nez Perce Tribe to the  
15 Department of Interior on the reorganization would be, the  
16 Nez Perce Tribe appreciate this opportunity to provide  
17 comments on how and to what extent the Bureau of Indian  
18 Affairs' functions could be included in the efforts to  
19 reorganize and to modernize the Department of the Interior.

20 First, the Nez Perce Tribe would advise that any  
21 actions or changes made to the current structure of the DOI  
22 be strictly guided by the United States trust responsibility  
23 to sovereign tribal nations as all of the agencies within  
24 DOI have a trust relationship with tribes.

25 The Nez Perce Tribe regularly consults with the

1 Fish and Wildlife Service, the Bureau of Land Management,  
2 the U.S. Parks Service, the U.S. Geological Survey, and  
3 other entities as decisions are made in the management of  
4 resources when the tribe exercises its treaty-reserved  
5 rights, and our usual and accustomed areas stretch into  
6 Montana, Wyoming, Idaho, Oregon and Washington. Our ceded  
7 lands were over 15 million acres, and we deal with all of  
8 these entities under the DOI. Because of this relationship  
9 with all of the agencies within the DOI, the tribe would  
10 expect to be directly involved in a strategic planning and  
11 decision-making for these agencies as part of this  
12 reorganization effort. It does not seem like this  
13 consultation is set up to address all of the entities under  
14 the DOI's umbrella. The tribe would expect to have  
15 consultation with these entities as well.

16 As the -- as the other Chairmans have said of the  
17 Walla Walla Treaty, that our consultation is in our chambers  
18 as well with that -- a minimum of six of the nine members  
19 elected to represent the Nez Perce Tribe.

20 Regardless of what decisions are made about  
21 possibly reorganizing the DOI, the tribe recommends that DOI  
22 establish the Undersecretary for Indian Affairs that was  
23 authorized by the Indian Trust Asset Reform Act as this  
24 position would be higher than the Assistant Secretary of  
25 Indian Affairs. It would promote greater efficiency between

1 DOI departments in relations to tribal trust  
2 responsibilities. This could help address any concerns  
3 about different departments operating independently of each  
4 other without coordination. This would assist in helping  
5 facilitate more cooperative management of resources with  
6 tribes. Filling this position authorized by Congress should  
7 be a priority.

8           The tribe understand that BIA has stated that this  
9 effort will not negatively impact budgets for the BIA;  
10 however, given the fact that the DOI has asked for  
11 reductions in spending in its first two budget proposals  
12 while also asking for millions of dollars to fund this  
13 reorganization, the Nez Perce Tribe is concerned about the  
14 future budgets and the commitment to fully fund federal  
15 trust obligations. The tribe regularly has to use tribal  
16 dollars to supplement BIA programs that are chronically  
17 underfunded such as law enforcement.

18           The tribe appreciates DOI's commitment to allow  
19 Indian country to ultimately decide whether the BIA is  
20 involved in the reorganization; however, how the final  
21 decision is made on whether a BIA region would be involved  
22 in a reorganization is unclear. Having tribes make the  
23 decisions individually does not seem plausible, while  
24 requiring consensus among the tribes in a region or area  
25 does not seem practical either.

1           Ultimately, statements that the BIA will not be  
2 involved in the reorganization unless tribes want BIA to be  
3 involved seem like a false choice or at minimum an idea that  
4 has not been well thought -- thought out in the terms of the  
5 mechanics.

6           Also, the 13-common-regions concept will not --  
7 will simply not work for the tribes. Although regional  
8 consistency makes sense in some way, tribal lands and areas  
9 cannot be divided the same way as the 13 common regions have  
10 been drawn. These proposed regions do not run along  
11 geographic boundaries of tribal lands. The BIA's regions  
12 need to be allotted so that the tribes are served by one  
13 region and not multiple ones.

14           The tribe is concerned about how the Interior  
15 Regional Director would work with BIA's regions and what  
16 type of chain of command would be in place under this  
17 system. The two-year turnover cycle for the Interior  
18 Regional Director position seems to -- an idea that will  
19 foster inconsistency and leadership knowledge for that  
20 position.

21           Also, the tribe is not interested in adding more  
22 layers of bureaucracy to the decision-making process, which  
23 would compound concerns about ultimate accountability for  
24 decisions regarding tribes. Tribes have already experienced  
25 issues with accountability between BIA and the Office of

1 Special Trustee and would not want that duplicated with  
2 other DOI agencies.

3 Overall the tribe appreciates the efforts to make  
4 government more efficient and accountable to tribes. We  
5 have borne the brunt of government neglect throughout our  
6 history. However, change or reorganization should recognize  
7 the sovereign nature of the tribes the agencies work with.

8 So those are some of the comments that we have.  
9 We'll generate more written comment before the date. It  
10 just seems like if you look at this and you see corporate  
11 America, now you see corporate government, and now we're in  
12 a situation where you want to streamline NEPA or speed the  
13 process up so that -- so that they can extract more  
14 resources in a faster method now, and it just seems that  
15 that's what this is all about, corporate reorganization, and  
16 that's the way government is ran now, as a corporation.

17 So we just have our concerns with the  
18 reorganization of the Department of the Interior and how it  
19 will affect the -- the peoples of this nation, of -- the  
20 indigenous people that were here first. Thank you.

21 MR. TAHSUDA: Thank you, Chairman. Let me comment  
22 real quick. I think you brought up a couple of points, and  
23 the -- the borders -- some people have asked questions about  
24 how the borders were come up with on these new regions,  
25 and -- and so -- anyway, I mean first I would note that our

1 current regions, you know, follow state lines, you know, so  
2 I don't know -- there's a certain arbitrariness to drawing  
3 on those lines. The -- the unified regions as they are  
4 reflected up on this map went through a lot of pro -- lot of  
5 discussion, a lot of internal discussion. They started at  
6 focusing on, what are the -- what are the core sort of  
7 missions of the department and through the different  
8 bureaus. You know, we have waterways. We have animal  
9 corridors. We have wild -- wild -- or migratory bird  
10 corridors. We have mineral deposits. And we have tribes,  
11 right?

12 And so -- so they went through -- the USGS went  
13 through this process of trying to identify all of those  
14 myriad of responsibilities and how could you put those into  
15 a region that would sort of more efficiently work for all  
16 the bureaus. It's not perfect for any one bureau, but would  
17 work better for all of them in that region so they could  
18 work together. That's where they came -- those lines come  
19 up.

20 There was a lot more variation in them in the  
21 beginning, and they didn't really follow state lines, and so  
22 part of tribal input, input from governors, kind of brought  
23 them back to more closely following state lines as -- in  
24 particular, like BLM and us probably have the most  
25 interactions with -- with government leaders, and so it had

1 a lot of input.

2           So, you know, there were several changes in the  
3 lines to accommodate keeping tribes who are culturally  
4 connected like the Pueblo Tribes in New Mexico. One of the  
5 early iterations of the map would have split the Pueblos in  
6 half between regions. That obviously doesn't make sense.

7           So there's been, you know, some adjustment to the  
8 map, and then over -- over the last, you know, like six or  
9 eight months as it got to this point -- and, again, I want  
10 to note too that the Secretary has said that he wants to be  
11 as flexible as possible, and so if there are tribes that,  
12 you know, have, let's say, common issues with other tribes  
13 that are -- would be in a different region now -- and a  
14 really good example is our current Rocky Mountain Region,  
15 which is essentially Montana and Wyoming, right? The tribes  
16 there are very similar. They're treaty tribes. They have,  
17 you know, big reservations with all of the -- the challenges  
18 that come with that, right, very common issues. So in this  
19 map obviously they'll be split between, you know, Montana  
20 would go with the Missouri River Basin, and Wyoming would go  
21 into the Upper Colorado.

22           But for our purposes, you know, we can essentially  
23 fold the Wyoming tribes into the Upper Missouri Basin one.  
24 I mean there's -- there's only really one reservation in  
25 Wyoming with two tribes on it. And, again, their issues are



1 so common, not just with Montana but with the Dakota Tribes  
2 as well in that region.

3 So we have a lot of room to make this work on a  
4 practical level, so I think that -- my hope is that, you  
5 know, the tribes -- you don't get too caught up in where the  
6 lines on the map are. I think we can really focus on what  
7 functionally will work better, you know, for your tribes and  
8 the regions that you work with, and not just our staff but  
9 with the other tribes as well in the region. So something  
10 to think about anyways.

11 I do want to comment real quick too. The two-year  
12 cycle, and some people keep raising this question about, you  
13 know, how are they going to develop understanding the tribes  
14 and whatnot, and I -- I -- I think that -- you know, that  
15 that is a lesser -- to my mind that's a lesser concern and  
16 for this reason: The -- first off, our senior management,  
17 which we call SES, Senior Executive Service, folks are not  
18 intended to be subject-matter experts, right? They're  
19 supposed to be management experts. And so they are actually  
20 intended from day one, they get this training on how to be  
21 leadership, management and to move around, and the whole  
22 concept of them is that they're supposed to be able to go to  
23 a different office, a different region of the country if  
24 needed, where there needs to be management leadership. They  
25 go in there. They help right the ship. They get things

1 working well. If they aren't needed elsewhere, they stay  
2 there. If they're needed somewhere else, they move.

3 That was the original concept, and that's still  
4 how the Secretary views it. And, again, some of this stuff  
5 comes from his background as, you know, being in the  
6 military. That's really how the military leadership works  
7 as well. I mean they identify trouble spots, and they send  
8 people there that they think can right the ship. So that's  
9 the concept of it.

10 So the same way with this Interior Regional  
11 Director and this unified region. It's not intended to be a  
12 subject-matter expert in any of the bureaus in particular.  
13 Obviously if they rotate amongst the different bureaus, they  
14 will have a level of knowledge coming from their particular  
15 bureau that the other Regional Directors don't, but their  
16 real purpose is functional. It's to get decisions made in a  
17 timely manner and get the right decisions done with all the  
18 input from the bureaus that have to be involved. That's  
19 what they're focused on, and they're not focused on  
20 necessarily trying to understand. Each bureau makes its own  
21 arguments. They have their subject-matter experts that will  
22 be part of that decision-making process, so it's not  
23 necessary that that person be steeped in Indian policy or be  
24 steeped in, you know, fish policy. I don't -- whatever that  
25 is, right?

1           So I think that it's more important that we have  
2 folks there who could help facilitate the decision-making  
3 process. Thank you, Chairman. We'll take a really quick  
4 break.

5           UNIDENTIFIED SPEAKER: Yes.

6           MR. TAHSUDA: And then we'll come back. Five  
7 minutes. Could we do it in five minutes?

8           (Recess was taken from 2:53 to 3:04 p.m.)

9           MR. TAHSUDA: Thank you. So I know a couple of  
10 folks that have got to get going quickly. So how quickly do  
11 you need? So I'll let Chairman Forsman go first, and  
12 then --

13          MR. FORSMAN: One minute or two at the most.

14          MR. TAHSUDA: Okay.

15          MR. FORSMAN: I'm Chairman Leonard Forsman of the  
16 Suquamish Tribe, and I'm also President of Affiliated Tribes  
17 of Northwest Indians. I don't think I need a mic. Can you  
18 hear me okay, reporter?

19          COURT REPORTER: Yes, sir.

20          MR. FORSMAN: Okay. Great. And I'd just like to  
21 thank you for the opportunity to consult on these important  
22 issues. Really appreciate the testimony of the previous  
23 leaders, and it's very meaningful and important that we take  
24 those seriously. The Suquamish Tribe of course is a signer  
25 of the Treaty of Point Elliott and live on the Port Madison

1 Indian Reservation. I just wanted to kind of keep my  
2 comments brief.

3           One of the things I have a concern about is the  
4 dilution of the trust responsibility. I think there are  
5 advantages to getting the people into the field, but then  
6 sometimes those people get localized, and the politics from  
7 tribes locally can be very fierce and ignorant of our treaty  
8 relationship with the President and the Congress and the  
9 Department of Interior and their appointees. So I think  
10 it's very important to remember that because there are many  
11 people in the regional and local areas that don't have the  
12 same respect for the government-government relationship that  
13 at least Secretary of Interior Zinke has and previous  
14 Secretaries Interior -- of the Interior have mentioned.

15           I think that we want to be careful that we're not  
16 creating too much more bureaucracy with Regional Directors  
17 as we seem to be adding an extra layer, and we want to make  
18 sure these people have experience in tribal issues. So it's  
19 very important that Regional Directors be of high quality  
20 and represent our tribal interests as well, not only the new  
21 ones, but the Area Directors too need to be there.

22           And I'm concerned about the military style of  
23 rotation. We run into that when I'm working with the  
24 military, and sometimes you get somebody schooled up, and  
25 then they leave, and that's really difficult because it

1 reduces the familiarity.

2 We just want to emphasize savings and earnings  
3 should be put back into the tribal programs and not reduce  
4 the budget, as mentioned before.

5 And the one -- the last two things: I want to ask  
6 the Secretary of Interior and his people underneath him to  
7 advocate for us, and especially the Secretary of the  
8 Interior to advocate for any Indian issues and other  
9 agencies as well and other cabinet and secretarial agencies  
10 as well, in Energy, in State, Department of State, for  
11 example, these other places. We need an advocate in those  
12 other federal agencies because the Columbia River tribes  
13 haven't got a negotiator on the team in the U.S./Canada  
14 Treaty, which is very difficult for ATNI tribes to accept,  
15 and just want to make sure that we pass that on to Secretary  
16 of the Interior.

17 And also just want to invite you or a  
18 representative, preferably you, John, to come to the  
19 Affiliated Tribes of Northwest Indians Annual Conference in  
20 Coeur d'Alene September 17th through the 20th. Thank you.

21 MR. TAHSUDA: Thank you, Chairman.

22 Chairman.

23 MR. HOWARD: Yes. I have a loud voice as well. I  
24 don't think I'll need a mic. My name is Ted Howard. I'm  
25 Tribal Chairman from the Shoshone-Paiute Tribes of Nevada

1 and Idaho.

2           Now, when we first started, you said that this was  
3 the last formal consultation, and then later you made the  
4 comment, I view this as an initial consultation. So I found  
5 the -- I find these contradictions there, and as far as the  
6 tribes, they'll probably agree with me that we don't think  
7 there's ever been any consultation as far as the true  
8 government-to-government consultation. Today you said we  
9 have three hours. Look how much -- how many people we've  
10 gone through, and there's a lot of tribes here, and this is  
11 going to be tagged as a formal consultation. I think that's  
12 very wrong.

13           And in here I see that they're -- they state that  
14 the Department of the Interior has not been upgraded for 150  
15 years, and I don't think that the treaties and agreements  
16 that tribes made with the U.S. government has any -- any  
17 expiration date on it. In fact, a lot of them say that  
18 they'll be there as long as the rivers will flow and the  
19 grass shall grow. And there's no deadline. It's good  
20 forever when we gave up our homelands.

21           Another thing in this -- in this pamphlet that you  
22 handed out, there's no mention of the sovereignty of tribes.  
23 As I look through here, here under the Current Status, it  
24 says, Also open to input from Department of Interior  
25 employees, Congress, state, and local governments, and

1 others. There's no mention of tribes as sovereign entities.  
2 That should be pointed out that we are -- we have a unique  
3 standing with the federal government.

4 You stated this is a reorganization above the BIA,  
5 not a reorganization of the BIA, but the federal government  
6 and all its agencies have legal obligations to tribes. It's  
7 not just the BIA. And we're not all under the BIA. We're a  
8 self-governance tribe. We go directly to Congress.

9 So I think there's -- there's a lot of things in  
10 here that people don't understand, people at levels that  
11 should be addressing these things.

12 And you say Zinke, Secretary Zinke, is very  
13 comfortable with tribal sovereignty, but I don't see that  
14 reflected anywhere in this presentation that you handed out.

15 You know, you keep referencing California and  
16 Sacramento. You know, that's different over there. There's  
17 little rancherias and little -- little Indian communities.  
18 Here you're dealing with a lot of large land-based tribes  
19 who are still connected very much to their homelands and the  
20 resources that are on the -- on the homelands and then the  
21 rivers. How we view our surroundings is very different than  
22 agency people. We have a traditional and spiritual  
23 connection to all of these resources, the fish, the animals,  
24 the land itself. Our people are buried out there. Our  
25 blood was shed out there. All of these things have to be

1 considered. So I -- I really -- we too oppose this  
2 reorganization.

3 But I -- I just made a few notes, but I am really  
4 disappointed with this so-called formal consultation because  
5 when this executive order was written, authored a couple of  
6 years ago, it was never mentioned to the tribes. And then  
7 it says that letters were sent to the tribes to ask for  
8 comments. Well, that's not consultation. Letters are not  
9 consultation.

10 So I think you guys need to rethink this whole  
11 thing and follow your own laws that's up there and consult  
12 with us on a government-to-government basis and discuss all  
13 of these issues. It's not just the BIA. Anywhere you go on  
14 this land is the homeland of some tribe. We're the original  
15 people of this continent, and when we moved to -- to our  
16 present-day reservations, there was agreements made, and the  
17 federal government still has those obligations to our  
18 people. Thank you.

19 MR. TAHSUDA: Thank you, Chairman. So let me go  
20 back. You raised a point about respecting tribal  
21 sovereignty, and I think that I want to be sure. So I tried  
22 to note under the proposal, you see the three primary  
23 functions that I've referenced. That doesn't impact --  
24 those don't impact the mission of either the BIA or the  
25 Department of the Interior. One of these primary missions



1 is to respect and support tribal sovereignty.

2           The real question is or the real point of this is  
3 to say, is there a better way we can do our jobs? Is there  
4 a better way that the department in general can do its job  
5 so that we do a better job of respecting tribes, of  
6 protecting tribes' treaty rights, their inherent  
7 sovereignty, et cetera? And so that's -- that's the goal of  
8 this is to have the government work better.

9           MR. HOWARD: I think we've got to start all over  
10 again and include the tribes from the very beginning. We'll  
11 sit at the table and write it with you.

12           MR. TAHSUDA: And so -- and you made a good point  
13 too, and I guess I wasn't -- wasn't clear. I said this is  
14 initial consultation. We -- this is the last one of this  
15 initial round. We've had ten. And, again, my purpose in  
16 these consultations has largely been to kind of get this  
17 information into your hands, have a discussion with you, get  
18 your questions, answer questions as much as I can, take  
19 points, questions that you have back to be considered, but  
20 we will have further discussion. We'll have further  
21 consultation about what this all means in the department so  
22 that we can try to either have the bureau working well in  
23 the region or have the bureau at least -- or have the bureau  
24 be part of the unified region or have it -- at least figure  
25 out how it's going to work with the new unified region even

1 if it's not part of it, and that's -- that's the further  
2 consultation. That's the further discussion that we'll  
3 have.

4 So thank you, Chairman. I know you have to go.  
5 Appreciate your comments.

6 Chairwoman?

7 MS. EVANS: Can you hear me? (Speaking in native  
8 language.) Good afternoon, my friend and friends. My  
9 Spkins name is Tsmosa given to me by my late grandmother,  
10 Cecilia Peone Abrahamson. My English name is Carol Evans,  
11 and I'm the Chairwoman of the Spokane Tribe of Indians. And  
12 I thank you. I thank you today for coming here to listen,  
13 to listen to us, the people that represent our tribal  
14 people, the people that represent our lands, our air, our  
15 water, our children. So I thank you for coming for this  
16 consultation. I truly do appreciate it.

17 I -- I would like to also agree with the other  
18 esteemed tribal leaders that spoke before me on  
19 consultation, on what it means. For treaty tribes, I know a  
20 lot of treaty tribes have it in there what consultation  
21 means to them. The Spokane Tribe is -- is not as fortunate.  
22 We're an executive-order tribe, but we still hold you. We  
23 hold you to that trust responsibility. We are a sovereign  
24 nation, and we deserve the trust responsibility. For me and  
25 for my people, consultation, I have to kind of put it in

1 perspective of what it meant precontact. Before contact,  
2 people who came to our land, they asked for permission to  
3 come onto our land. If they wanted to do something that  
4 affected our people or our lands, they told us what they  
5 wanted to do, and they seek -- they asked for us permission.  
6 And -- and that -- and then if it was good for our people,  
7 if it was good for our lands, if it was good for our air and  
8 water and the animals that helped and the fish that helped  
9 sustain our lives, then my ancestors would give those  
10 individuals who requested that permission.

11 And so -- and the other thing, normally it is the  
12 decision-maker coming on the land to the decision-maker on  
13 that -- that is on the land. So the chief to the chief or  
14 the chieftess to the chieftess.

15 And so that's my view of consultation, and that's  
16 how I would promote it for my tribal people, a free, prior  
17 and informed consent. We truly support it, like stated of  
18 the Yakama Chairman in prior statements. So I just wanted  
19 to make sure that I -- I was able to give my view of what  
20 consultation is, and I look at it as the respectful way to  
21 conduct business because we are sovereign nations, and we  
22 deserve that respect.

23 The Spokane Tribe, the current-day reservation is  
24 in Eastern Washington. It is approximately 159,000 acres.  
25 We have approximately 200 -- 2,880 members, half of them

1 living on the reservation and half not living on the  
2 reservation. At the same time, we're about half -- half are  
3 men or half are male, and half are female.

4 We ceded 3 million acres when they came and took  
5 our land, and so we -- we -- we do expect that the  
6 Department of Interior as they talk about reorganization  
7 respect that we had given that up for them too, and they  
8 have to always realize that, and no matter how they  
9 reorganize, it's important that they keep that in mind.

10 That is number one for us. It is up to us to -- we -- we  
11 are the ones who know what our people's needs are. We know  
12 what our lands' needs are and our environment, and so we  
13 need to be consulted with regarding that.

14 So if reorganization results in -- in streamlining  
15 or doing away with environmental regulations that, say, the  
16 Spokane Tribe has high water quality standards that's  
17 helping the City of Spokane clean up the Spokane River so  
18 someday we can bring back the salmon, that could negatively  
19 impact us if that is done away with. I don't know if in  
20 reorganization that would happen, but I just look at how  
21 things are going, how things are being privatized. Like one  
22 of the leaders said, we're here for profit, and we're  
23 turning some of this in for the mighty dollar rather than to  
24 really respect our Mother Earth and the environment.

25 And so I'm hoping with the streamlining, the

1 reorganization, that we always remember that it's important  
2 that we do protect our environment and we honor that land  
3 because we have -- we have -- we have a lot of problems. I  
4 just want to read -- as I talk about the environment, I just  
5 want to read an e-mail that we got on August 20th regarding  
6 air quality.

7           On August 20th, 2018 in the Spokane area, we had  
8 the worst air quality in the nation according to the  
9 Environmental Protection Agency. The Air Quality Index  
10 called the AQI on Monday, 8/20/2018 registered at 382 in the  
11 Spokane area. The AQI is a measuring stick that runs from  
12 zero to 500. Above 300 means it's hazardous for everyone.  
13 This air quality affects the most vulnerable, the older  
14 adults and children who have respiratory problems like  
15 asthma.

16           So I think it's important as we move forward and  
17 we consider reorganization, we -- if we're told we're going  
18 to privatize federal assets, you know, those -- if it's like  
19 one of the leaders said, we're doing that to try to get more  
20 land for -- for the mighty dollar, I think we need to step  
21 back and realize we have to protect this environment, or we  
22 are going to continue to have the wildfires we have in  
23 the -- in this area. The Spokane Tribe has had two  
24 wildfires that have burned approximately a third of our  
25 reservation, and now we have to plan what are we going to do

1 next year for the smoke that's in the air that's hazardous  
2 to our people. We have to find ventilation systems. We  
3 can't let our workers outside.

4 And so as we reorganize, we have to remember this,  
5 that we can't just overlook that. We have Mother Earth,  
6 and -- and I'm compassionate about this. We have to protect  
7 her, or she's not going to be here for us. And so as we  
8 reorganize, streamline, if we're privatizing things, if  
9 we're selling the federal assets, we have to realize that  
10 that's going to have an impact on our people and our  
11 reservations. We need to -- we need to step back and -- and  
12 really stand up for -- for those things that can't talk,  
13 that Mother Earth that can't talk, that water that can't  
14 talk.

15 And so -- so I'm just -- I'm just hoping I -- I  
16 feel maybe I'm off track by talking about this because you  
17 may turn and say, Well, that -- we're not going to do  
18 anything with that, that's not the purpose, but if I don't  
19 say it and it happens, it's my fault too, and so I'm going  
20 to say that. It is important. It's important to protect  
21 our reservations.

22 I do have another comment on the three primary  
23 functions in the reorganization that you talk about. One of  
24 the concerns I would have as its reorganization is that  
25 those don't become so important that the sovereignty and

1 trust responsibility becomes a secondary thing, that they  
2 forget that they have this special responsibility to the  
3 tribes because it appears that we're not -- that -- that's  
4 one bullet point, and then all of the other bullet points on  
5 the reorganization.

6           So it's important that -- that we remember that  
7 the tribes are sovereign nations. We have a special  
8 responsibility with the federal government. They took  
9 3 million of the Spokane Tribes' acres and put us on the  
10 current-day reservation. We have lost our salmon when they  
11 built the dams, and my ancestors sustained off of the  
12 salmon. 90 percent of our sustenance was off of the salmon.  
13 We have not had salmon for -- for three generations at  
14 least, and so that to me means that we have lost a lot.  
15 We -- my tribe has suffered greatly. The generational  
16 trauma, the loss of tribal custom and spirituality that went  
17 with that salmon, you know, if we're not allowed to continue  
18 with the high air quality and water quality standards to  
19 improve the environment so we can bring the salmon back,  
20 that could be devastating for my tribe because we work for  
21 salmon recovery. Salmon is important for the Northwest.

22           So I just -- I just wanted to provide those  
23 comments, and as you -- I know you're early in this  
24 discussion, so I don't think my tribe is willing to step up  
25 and say we do not support it at this point. I think we want

1 to be part of the discussion. We want to be given the  
2 opportunity to be able to provide comment. And as new  
3 drafts are developed, we expect that we would get additional  
4 consultation. I think that's important for us, and I want  
5 you to know that also.

6 So, once again, I thank you for listening to me  
7 and appreciate you taking the time to come out and consult  
8 with us. (Speaking in native language.)

9 MR. TAHSUDA: Thank you, Chairwoman. Thank you,  
10 Chairwoman. So I want to I guess confirm. I don't know if  
11 you're asking this, but this is -- so this is an -- this is  
12 an intent to provide better decision-making basically. It's  
13 not about decisions, whether it's to privatize or anything  
14 like that. That's not part of this process. And, you  
15 know -- but as a -- as unrelated but I will tell you that  
16 Secretary Zinke has publicly made the commitment as well.  
17 He does not support giving away federal assets. That's  
18 not -- you know, he -- his -- his real, true -- he calls  
19 himself Teddy Roosevelt, you know, of conservation. His  
20 idea is that these are public assets, you know, public --  
21 part of the public treasury that the American people should  
22 enjoy, public lands, not Indian lands. Those are other --  
23 not public.

24 So that's not part of his process, and that's not  
25 part of his thinking either, but it is really all about



1 trying to get better decision-making, which I think is about  
2 doing a better job of respecting tribal sovereignty. The  
3 decisions that we make on behalf of your should be timely,  
4 right, so you don't have to wait around years and years to  
5 get a decision, and they should be the right decision so  
6 that when we make a decision -- I gotta tell ya personally  
7 it's very frustrating to me when we have decisions that are  
8 attacked, and the department gets sued by almost everybody  
9 on most of the decisions that it makes, and so we have to do  
10 a good job of making sure it's a good, defensible decision,  
11 and I think -- I find it very frustrating, and I think it's  
12 actually a failure on our part to support tribal sovereignty  
13 when we've made a decision that we can't defend on your  
14 behalf. I think that's a shame.

15 So I view this as -- in part, as making sure that  
16 that doesn't happen so that not only can we defend the  
17 Indian part of the decision, but the other parts of it that  
18 the other bureaus weigh in on as well, that those are part  
19 of that good decision and help us defend it. Yeah, thank  
20 you, Chairwoman.

21 I have -- is Mayor Cook still here? Okay. I  
22 think he had to leave.

23 Chairman Pickernell, have you -- you want to  
24 comment?

25 MR. PICKERNEILL: Good afternoon. My name is

1 Harry Pickernell, Senior. I am the Chairman of the  
2 Confederated Tribes of the Chehalis Reservation in Southwest  
3 Washington State. Thank you for your time today, John, for  
4 listening to the comments here today.

5 In the Juneau consultation the Chehalis Tribe  
6 expressed that it did not wish to join the overall  
7 Department of Interior reorganization. I wish to give the  
8 Chehalis Tribe's reasoning behind that decision.

9 The tribes are sovereigns, and unlike the BLM or  
10 an accounting department, they need to be treated as  
11 sovereigns and not as an adjunct to address the needs of  
12 Fish or Parks or purely administrative functions. The BIA  
13 deals with governments and human beings and not trees and  
14 rocks. To lump all animate and inanimate recipients  
15 together under a single structure detracts from the BIA's  
16 mission and trust responsibility.

17 Tribes need their Regional Directors to be focused  
18 on their individual and collective needs without the  
19 distractions of trying to figure out how to make all the  
20 various departments work more efficiently. What tribes need  
21 for more efficiency is delegation and not consolidation.

22 Finally, if the BIA wants to integrate its HR and  
23 accounting functions with other departments for greater  
24 savings, as long as such integration doesn't detract or slow  
25 down the core government-to-government responsibilities,

1 that would be acceptable, but not a total participation in a  
2 planned reorganization. The BIA system is far from perfect,  
3 but it is the world that tribes know how to work in. Don't  
4 change the world and force a whole readjustment to new  
5 systems, people and problems. Thank you.

6 MR. TAHSUDA: Thank you, Chairman.

7 I have Chairperson from the Paiute Tribe of Utah.

8 MS. BORCHARDT-SLAYTON: Tamra Borchardt-Slayton.

9 MR. TAHSUDA: I'm so sorry. I was having a hard  
10 time trying to figure it out.

11 MS. BORCHARDT-SLAYTON: I think I'm loud enough.  
12 I don't need the microphone.

13 Good afternoon. I'm Tamra Borchardt-Slayton. I'm  
14 the Chairwoman for the Paiute Indian Tribe of Utah. We're  
15 located in South Central and Southern Utah, so we take a  
16 majority of the state. Just so you're aware, the Paiute  
17 Indian Tribe of Utah is very unique. We have five  
18 constituent bands that form the Paiute Indian Tribe of Utah:  
19 The Cedar Band, the Indian Peaks Band, the Kanosh Band, the  
20 Koosharem Band, and the Shivwits Band.

21 Concerning the Department of Interior's proposed  
22 reorganization, I offer the following testimony on behalf of  
23 the Paiute Indian Tribe of Utah, and I want to be -- I want  
24 to thank you guys for this opportunity.

25 In summary, we join other tribes from across the

1 country and organizations like the Department of Interior  
2 Self-Governance Advisory Committee and oppose the current  
3 planned reorganization of the department. Historically the  
4 Paiute Indian Tribe of Utah has been let down by the federal  
5 government. We were a terminated tribe, not specifically  
6 the tribe itself but the bands. In 1954 when the  
7 termination legislation was passed, we were terminated by  
8 our own senator, Arthur Watkins, and we were in fear that  
9 this reorganization was going to be that, but you addressed  
10 that earlier, John, and said no.

11 As an independent sovereign nation, we retain our  
12 human rights to liberty, freedom and self-government, our  
13 inherent, inalienable rights and are not subject to diminish  
14 by the United States, which is why we are concerned about  
15 the proposed reorganization. The Department of Interior  
16 plans to reorganize based upon Executive Order 13781, and  
17 its planned reorganization may make sense for the land and  
18 natural resource agencies like the National Parks Service,  
19 U.S. Fish and Wildlife, BLM and BOR; however, in moving  
20 forward with the plan, the Department of Interior has not  
21 engaged in appropriate government-to-government consultation  
22 on the formulation of the Interior reorganization plan per  
23 Executive Order 13175, consultation and coordination with  
24 Indian tribal governments.

25 As Native nations we are Native people, the

1 original people of America. Sovereignty and self-government  
2 are protected by the Constitution, treaties, statutes and  
3 our nation-to-nation, government-to-government relationship  
4 with the United States.

5 In 1970 President Nixon declared in a special  
6 message to the Congress that the United States would adhere  
7 to the Indian self-determination policy.

8 President Reagan said in 1983 American Indian  
9 Policy Statement, when European colonial powers began to  
10 explore and colonize this land, they entered into treaties  
11 with sovereign Indian nations. Our new nation continued to  
12 make treaties and to deal with Indian tribes on a  
13 government-to-government basis. Throughout our history,  
14 despite periods of conflict and shifting national policies  
15 and Indian affairs, the government-to-government  
16 relationship between the United States and Indian tribes has  
17 endured.

18 President Clinton in Executive Order 13175  
19 reaffirmed the United States policy to be -- to respect  
20 Indian sovereignty, Indian treaty rights and honor American  
21 federal trust responsibilities to Indian nation.

22 At the present time we oppose the inclusion of the  
23 BIA and the Department of the Interior's reorganization  
24 proposal.

25 Native nations are self-governing Native people.

1 Treat us with respect. Steps must be taken to ensure that  
2 the department, department's bureau and the department  
3 overall will adhere to federal trust responsibilities  
4 despite any changes that may occur within the department.  
5 Such steps begin with meaningful consultation with tribal  
6 nations. The Office of American Indian Trust should be  
7 re-established.

8 Consultations must be based upon mutual consent to  
9 honor our rights to liberty, self-government and  
10 self-determination. We are deeply concerned that the  
11 department has responded to the state government's concerns  
12 even before efforts of meaningful consultation began with  
13 tribal governments. The scant mention of the tribes and the  
14 complete lack of the mention of Indian treaties or the trust  
15 responsibility and the administration's recent publication  
16 Delivering Government Solutions in the 21st Century Reform  
17 Plan and Reorganization Recommendation compounds these  
18 concerns.

19 Consultation must be informed. While today's  
20 session is called a consultation, we still have no details  
21 on the proposed cost of the reorganization, the impact on  
22 services to tribal government, staffing any changes in  
23 authority or other things. We support congressional  
24 oversight of the reorganization process as mandated in  
25 H.R. 6147, Section 608, which requires Senate and House

1 Appropriations Committee approval of reprogramming requests  
2 before any funds may be obligated for reorganization  
3 purposes.

4 We also agree with the Senate Appropriations  
5 Committee concern about the lack of details about the  
6 department's proposed reorganization and its potential  
7 impact on staffing, funding and service delivery.

8 DOI should retain the current regional  
9 jurisdictional boundaries. The current boundaries divide  
10 tribal regions and programs, have been meticulously designed  
11 and adjusted overtime to fit the needs of these problems and  
12 to serve each tribe's sovereign interest. Under the  
13 proposal the Paiute Indian Tribe of Utah would be directly  
14 impacted. Services for the tribe within Utah would move  
15 from the current Western Region with Nevada and Arizona to  
16 the new Upper Colorado Region with Wyoming, Colorado and New  
17 Mexico. And this is a major concern for us because  
18 currently our aboriginal territories, our homelands, are  
19 Nevada, Arizona, California and Utah, and our sister bands  
20 are located in those areas.

21 Overall, the new proposed boundary groups together  
22 tribes with no similarities, and, in fact, the proposed  
23 boundaries will result in a grouping of several tribes that  
24 both in the past and present have disputes over issues such  
25 as control of land, water, jurisdictional lines. This

1 change will destroy decades of progress and programs and  
2 services.

3           The mission must be clear. It must alleviate  
4 treaty and trust responsibilities in the core DOI function.  
5 The department's proposed reorganization has no clear  
6 mission other than to try to address bureaucratic red tape.  
7 Tribes have been told that the department's priorities are  
8 recreation, conservation and permitting.

9           Tribes -- sorry. My phone went dark -- Tribes in  
10 the federal trust responsibilities must be a  
11 reorganizational core function of the department, and if  
12 reorganization does occur, the department must ensure that  
13 all IRDs will diligently carry out these responsibilities  
14 and all actions in their decision-making processes.  
15 Prioritizing treaties and trust responsibilities will  
16 improve the department's efficiency, effectiveness and  
17 accountability in all decisions affecting on tribal  
18 interest. Cost-benefits analysis must be included in the  
19 impacts on tribes. The department's decision on  
20 reorganization must include the direct and indirect cost to  
21 the tribes and not just focus on cost savings to the  
22 department. Department costs that affect tribes should also  
23 be considered, for example, the cost of spending time and  
24 resources on reorganization efforts that (a) may not happen,  
25 (b) tribes oppose, and (c) are very clear whether there will



1 be benefits to tribes if it does happen.

2           Instead of undertaking the reorganization, the DOI  
3 should create a new Deputy Secretary of Interior -- of  
4 Indian Affairs. The Assistant Secretary of Indian Affairs  
5 should be redesigned as a Deputy Secretary of Department of  
6 Interior, follow Indian preference and BIA administrative  
7 rules and promote tribal self-government and report directly  
8 to the Secretary. The Deputy Secretary of Indian Affairs  
9 should oversee all Indian-related functions, BIA, BIE, OST,  
10 and land and natural resource management. OST should be  
11 merged back into BIA, and BLM should get out of Indian  
12 land-management areas because it does not honor federal  
13 Indian law or the trust responsibility. The BIA, BIE and  
14 all Indian agencies must be fully funded. The BIA function  
15 of promoting Indian self-determination, self-government and  
16 fulfilling the federal trust responsibility are mandatory  
17 duties of the United States. Indian education, housing,  
18 healthcare and infrastructure are required by treaty and  
19 statute, and our tribal government services are not  
20 discretionary. They are mandatory. DOI must prioritize  
21 funding for BIA programs and services.

22           Many inefficiencies within BIA are simply failures  
23 of BIA staff to carry out their duties, often because a lack  
24 of funding, staff or other resources. The most effective  
25 method to improve the efficiency, effectiveness and

1 accountability across all BIA programs and all BIA levels  
2 would be to fully fund and fully staff the agency. Shifting  
3 office locations, personnel or duties and responsibilities  
4 of employees will only increase delays, cause confusion and  
5 further slow the BIA down.

6 DOI must restore tribal independence. The  
7 Department of Interior should restore decision-making  
8 authority to Indian nations. BIA, BIE and the other offices  
9 should defer to tribal government decision-making to the  
10 full extent provided by treaties, statutes and inherent  
11 rights to self-govern. The Secretary should act and as  
12 necessary call upon Congress to act to the preempt  
13 conflicting state law. The Secretary should promote the  
14 National Council on Native Nations. The Council can serve  
15 as the interdepartment decision-making body to promote the  
16 Indian self-determination and resolve agency conflict. The  
17 National Council of Native Nations should meet quarterly  
18 with the Secretary and the elected leaders of Indian nations  
19 to conduct real business, not speeches.

20 Annually the President should meet with the Native  
21 nations to promote Indian self-determination, honor treaty  
22 rights and promote tribal economics.

23 As a sovereign Indian nation, the Paiute Indian  
24 Tribe of Utah stands ready to work with the Secretary of  
25 Interior and the administration to honor our rights to

1 self-determination and self-governance, promote our tribal  
2 homelands as a liveable homelands for our people and promote  
3 Indian self-determination for economic independence.

4 For the Secretary's part, we expect real  
5 consultation based on mutual consent. We call upon the  
6 Secretary to seek full and honorable funding for our Indian  
7 nation programs and services consistent with the federal  
8 trust responsibility, and at this time we ask the Secretary  
9 to defer the proposed regulations of the BIA until he has  
10 the opportunity to personally sit down with us on a  
11 nation-to-nation basis and address these issues that have  
12 arisen.

13 MR. TAHSUDA: Thank you, Chairwoman.

14 MS. BORCHARDT-SLAYTON: Thank you.

15 MR. TAHSUDA: So real quick I would -- you covered  
16 a lot of ground there, but the -- let me kind of reiterate.  
17 So none of this exercise is intended to have budget impacts,  
18 and the Secretary's commitment has been that -- to hold  
19 tribal budgets harmless.

20 So if there -- if there are movements regionally  
21 for us, that obviously impacts the regional budgets, the  
22 tribal shares as they come back out of the regions, but  
23 that's something that we'll work through, and we'll have  
24 further conversation to make sure that you're onboard with  
25 that. I see that largely as an accounting process. We make

1 sure that the budgets are not impacted, that both for you  
2 tribes and for in the regions so that the resources are  
3 there as well.

4 So there's no changes in personnel that are  
5 considered as part of this. I mean really, again, all we're  
6 talking about is for these three primary functions changing  
7 the lines of reporting so that those decisions can be -- can  
8 be accomplished faster and more effectively. And so that --  
9 that's -- that's the purpose for it.

10 If there were -- again, if there -- you know, once  
11 this gets implemented and there's an opportunity to achieve  
12 either cost savings or free up resources in a region by  
13 consolidating offices, you know, have that discussion then.  
14 I don't know. I mean that's also a bureau-by-bureau  
15 consideration that has to be made because some of the  
16 bureaus, you know -- some of the bureaus are like us in that  
17 they have a lot of offices out in the field. Some of the  
18 other bureaus don't. So that's something that would have to  
19 be worked out in the future if there's a more efficient way  
20 to do it, but, you know, the Secretary's commitment again is  
21 no budget impact and no impact on the resources. So we're  
22 not closing agency offices. We're not moving staff that are  
23 out in the field, staff that are on the reservation working  
24 for you. You know, we're not talking about any of that, so  
25 that will all stay the same.

1 MS. BORCHARDT-SLAYTON: Can you guarantee that the  
2 Southern Paiute Field Station office won't be closed?

3 MR. TAHSUDA: I can tell you that there's no  
4 intent to close any field office.

5 MS. BORCHARDT-SLAYTON: How will they service with  
6 these new boundaries, Nevada tribes, the Arizona tribes, as  
7 well as the Utah tribes, because the Southern Paiute Field  
8 Station is located in Utah?

9 MR. TAHSUDA: So they would continue to serve the  
10 tribes that they serve. So the -- again, the unified  
11 regions, and we have the direction that we can make this as  
12 flexible as needed to be to make sure that the delivery of  
13 service either stays the same or gets better. That's our  
14 direction, right? But, again, focused on these interbureau  
15 decisions that happen across these three primary functions,  
16 permitting, conservation and recreation. So that's the  
17 focus of the unified regions.

18 For all the other decisions that have to be made,  
19 they stay in the offices that are making them. If we have  
20 to make some adjustments, you know, to ensure that they get,  
21 you know, the -- if they're going to be reporting to a  
22 different Regional Director, all that does is change who  
23 they report to. It doesn't change the fact that they are  
24 there providing services in that region. And I think that,  
25 again, we want you to be comfortable with that, and if you

1 would prefer that agency office to stay in another region,  
2 we can try to figure out how we would make that work, you  
3 know.

4 So that's the most I can tell you right now, but  
5 it's not intended to -- it's not intended to change anything  
6 on the ground other than to get better decision-making.

7 MS. BORCHARDT-SLAYTON: But you also have to  
8 remember that my tribe is a terminated tribe. We had  
9 consultation back in the 1950s. We weren't heard then, and  
10 we were terminated. So we come here cautioning what your  
11 real intentions are.

12 MR. TAHSUDA: I'm sorry. That's a horrible  
13 history. I understand that. I can't do anything about  
14 that, but what I can do right now is -- is -- from my  
15 position and from my work is to say the bureau and the  
16 department can do a better job of delivering the services,  
17 providing the support to tribal sovereignty that we're  
18 supposed to, and this is one way that we can try to improve  
19 that. There are other things that I'm sure we can do, and  
20 I'm happy to try to explore those, but this is, you know, an  
21 effort to get these decisions that impact reservations that  
22 require input or decision-making from other bureaus to make  
23 that decision process faster, more efficient and better.  
24 That's -- that's really -- that's the focus of this.

25 MS. BORCHARDT-SLAYTON: Thank you.

1 MR. TAHSUDA: Thank you, Chairwoman.

2 I have Chairman Ben Joseph.

3 MR. JOSEPH: Sorry. We'll see. Probably won't  
4 need it. (Referring to microphone.) My comments may be  
5 fairly short. Again, my name is Ben Joseph, Sauk-Suiattle  
6 Indian Tribe, and we are signatories to the Point Elliott  
7 Treaty.

8 I'd just like to reiterate, like my fellow leaders  
9 before me, we don't view this as formal consultation as our  
10 consultation is considered to be consultation within our  
11 chambers, with our seven council members, with an equivalent  
12 personnel from the Department of the Interior.

13 With that being said, we are opposed to the  
14 reorganization, and we'll follow up with further comments  
15 through our written comments that will be in by the  
16 September deadline. Thank you.

17 MR. TAHSUDA: Thank you, Chairman. Let me  
18 reiterate too, it's helpful for us if you can get your  
19 written comments in by September 15th, but we still want to  
20 get them whether you can get them in by that time or not,  
21 and, you know, we will do our best to make sure that is part  
22 of our information process in forming as we brief the  
23 Secretary. Thank you, Chairman.

24 I have three people on the list here from  
25 Colville. Is there one person who can get up and speak

1 first? I have --

2 MS. GEORE: I'll go.

3 MR. TAHSUDA: I have Margie Hutchinson?

4 MS. SANCHEZ: Andrea.

5 MR. TAHSUDA: I'm sorry. Maria?

6 MS. GEORE: So I'm not on the list, but  
7 Norma Sanchez who is on the list deferred her time to me.

8 MR. TAHSUDA: Okay.

9 MS. GEORE: I'm Andrea George. I'm a Councilwoman  
10 with the Colville Confederated Tribes in Washington State.  
11 Good afternoon. Thank you all for staying.

12 So, as many others have indicated, this isn't  
13 meaningful consultation, and I don't mean to be rude or  
14 disrespectful, but the presentation to some degree feels  
15 like a used car that you're trying to sell or put off as  
16 though it's a new car. You painted it, and you can't tell  
17 us the make or the model, but you want us to buy it. And,  
18 you know, if you had given us the proposal in advance with  
19 additional information, we might have been able to consume  
20 that and provide meaningful comments, and, as others have  
21 indicated, we didn't get notice about what the proposal  
22 looks like, so it's hard to buy that car, buy into the  
23 program when we don't know exactly what that looks like.

24 I think it's also important to indicate that  
25 you've stated on numerous occasions, John, that this doesn't



1 impact budgets, but the fact of the matter is resources have  
2 been invested already up to this point in order to do these  
3 listening sessions, to develop a plan, to go out and make  
4 efforts to see about putting this together. And if you'd  
5 pull up the map, if you'd be so kind as to do that.

6 MR. TAHSUDA: Okay.

7 MS. GEORE: As tribal governments looking at this  
8 map, at least for the Colville Confederated Tribes -- and  
9 I'm only one of 14, so our brother down the road from us at  
10 Yakama, who's left, but Chairman Goudy had indicated they  
11 have 14 on their tribal council. So I'm only one of 14, but  
12 I can tell you at least from my perspective and at least I  
13 know a couple of my colleagues are opposed to the  
14 reorganization. And although you're indicating there's no  
15 budget impact, if you look at this map, you've taken one  
16 section on the East Coast, and you've now made it so that  
17 it's part of four or five different regional offices or  
18 proposed regions. And so I don't know what the  
19 administrative costs look like, but on the other hand you've  
20 got the Northwest, and you're proposing to make it the  
21 Columbia Pacific Northwest. You've got a lot of tribes, a  
22 lot of tribal people and a significant amount of land in the  
23 Northwest.

24 So I don't know why it is that if you're coming to  
25 us with a proposal, why not make that meaningful? Do

1 something radical. You know, for many years -- I used to  
2 work for NCAI about 20 years ago, and there were tribal  
3 leaders just like us who stood up and said, Why are we in  
4 the same department with the cows? Why are we on the same  
5 playing field with the birds, the minerals, the cows? We're  
6 governments and people. So if you want to come up with a  
7 proposal to change it, because maybe the system is broken  
8 and it needs to be changed, why leave us in Interior? We're  
9 tribal governments. We're -- it's insulting, quite frankly,  
10 to many of us that we're kept on that level playing field.

11 And we're told -- you want to tell us there's no  
12 implication to the budgets, but there will be because you  
13 can't set up all those different regions, unified regions,  
14 without costs associated to it. And you want to make one  
15 region in particular with the Pacific Islands. You're going  
16 to make that Region 13. What about all the tribes in the  
17 Northwest because we have a lot more resources and a lot  
18 more people than those tiny islands out in Hawaii? And you  
19 want to take the East Coast and divide it into five  
20 different areas so two comes five? We've got a lot more  
21 resources and people that should be looked at, and in that  
22 respect I personally object, and, again, I know that there  
23 are colleagues of mine on Colville that also object to this.

24 But, you know, I don't know what unified means.  
25 You know, there hasn't been any discussion about the

1 cultural impacts and what this means for the Bureau of  
2 Indian Affairs, as well as any of the other organizations  
3 under the DOI umbrella. You know, there -- in your  
4 presentation you indicate customer service.

5           You also mention that there's a commitment from  
6 Zinke and that he's comfortable with sovereignty and tribal  
7 people. I don't know that that means. I'm not sure what it  
8 means to be comfortable with Indian people. Does that mean  
9 that we get listening sessions and you sent letters because  
10 mailing letters and listening to us for a short period of  
11 time is insufficient? And there's a good group of us here  
12 today, but there's a lot of us who are missing, even from  
13 our own region, and not everybody here is from the Northwest  
14 Region.

15           So -- and you can tell us that maybe this isn't  
16 the last time you'll see us, but I do now that when you come  
17 out with your proposed comments and what your plan will look  
18 like, you will look back and say, We sent out notice to all  
19 the tribes, and we had listening sessions, so we had  
20 consultation, is what that equates to.

21           So I would encourage Zinke to really take a look  
22 at this, and even if all of the tribes are unified and say,  
23 We object to this, we don't want the BIA to be included in  
24 the reorganization, the fact of the matter is, is that this  
25 proposed plan is to going to affect all of us even if we opt

1 out. Thank you.

2 MR. TAHSUDA: Thank you, Councilwoman. So when I  
3 say he's comfortable, I don't know how else to say that  
4 other than he -- he grew up around the Blackfeet people,  
5 played basketball, football, so -- and he's also from the  
6 West, so he's kind of comfortable with all of that. He has  
7 made it a point -- I think at this stage he's visited more  
8 reservations than any other Secretary of Interior in -- I  
9 don't know -- recent memory, if ever. I don't know. But he  
10 certainly -- he makes it a point when he travels throughout  
11 the country to meet the tribes that are in the region.  
12 Whatever purpose he's there, he always tries to meet with  
13 the tribes that are in that region. He personally came to  
14 Colville in Spokane earlier this year.

15 And so when I say he's comfortable, I think I mean  
16 that he believes in tribal sovereignty, and he wants to do  
17 what he can as the Secretary of Interior to respect that,  
18 respect the history of the department.

19 I mean we have certain -- he has and I have -- we  
20 have certain -- you know, when you're in administration, you  
21 don't have free reign to just do whatever you want to do,  
22 and we have statutes we have to abide by. There are other  
23 directives. So we do what we do, and we do the best we can  
24 to provide services to tribes, to respect tribal sovereignty  
25 as we can within those. Again, whether we would want to do

1 more or not, I mean we have certain bounds on what we are  
2 authorized to do. So -- but within those bounds, he wants  
3 to do everything he can I think. So that's what I -- I  
4 don't know how else to say it. That's what I mean by that.

5 I mean the budget impacts, again, this is not  
6 intended to be a budget exercise, meaning that we're not  
7 trying to consolidate offices, pull money out of the regions  
8 and, you know, cut the budget. In fact, in the Secretary's  
9 view, sort of world view, on managing a large organization  
10 like this with responsibilities that cover a wide geography  
11 is educated by his military experience, right? So the U.S.  
12 military's all over the globe. They had to figure out how  
13 to geographically organize amongst different services who  
14 have different missions but have common functions in how to  
15 do that.

16 So that's, in part, his thought is that there's  
17 got to be a way to figure out how these different bureaus  
18 that have different missions would organize it, and one way  
19 you do that so that you can have better decision-making, and  
20 one of the ways you do that is, you look at, what are the  
21 common functions? And so for us across the bureaus, these  
22 are three things that we all do, right? We all do  
23 permitting, we all have conservation -- and, again, within  
24 that you have biological reviews you have to do, you have  
25 environmental reviews, et cetera -- and then we have

1 recreation matters, right, which across the bureaus.

2           And the recreation one is really -- to my mind is  
3 something that's sort of an open field for the tribes  
4 because in his mind that's a huge economic opportunity for  
5 tribes to be able to connect their -- their opportunities in  
6 a recreation business to the other bureaus which already  
7 offer recreation, right, as part of the industry. So --  
8 but, you know, that doesn't have to be. It's totally up to  
9 the tribe. You can be as connected or not as you want to  
10 be.

11           So -- but sure, there -- there would be some  
12 minor, you know, expenditures to accomplish setting up a  
13 regional office and how it's going to rotate amongst the  
14 offices, but I mean that's admin -- just, you know, purely  
15 administrative function that we'll perform, part of our  
16 regular budget.

17           The -- I mean you point out a good thing, I mean  
18 an interesting thing. If you look at the map, of course  
19 you'll see our Eastern Region, which is enormous, right? It  
20 goes from Maine down to Eastern Texas, Florida, you know,  
21 all the way up to ostensibly Indiana; although, there --  
22 well, I guess there's some land there but no tribes. And so  
23 how would we accomplish that, right?

24           So we have one Regional Director for that whole  
25 area. Some of the other bureaus don't have any regional

1 offices in that area because they don't have  
2 responsibilities. The federal government doesn't operate  
3 really any dams in the Eastern United States, right, so the  
4 Bureau of Rec is almost all out West.

5           So what that means is that, you know, in this  
6 region there will probably be very nominal presence by that  
7 bureau, and so it may only be -- and it may not even be any  
8 personnel. There just may just be somebody who is in like  
9 the Arkansas-Rio Grande Region if something happens in the  
10 Lower Mississippi Basin that would impact, that would affect  
11 that, right, or more likely the Southern Atlantic Gulf,  
12 right? There would be a contact person that would be  
13 responsible for that, but there wouldn't be the creation of  
14 a whole new office who would sit there and have nothing to  
15 do, right?

16           So I mean there's a -- there's a practical side of  
17 this in how, you know, we will try to make it work  
18 administratively. For us I think actually it would be good  
19 to divvy the Eastern Region up into at least two because we  
20 have the -- if you know the USET tribes, the United  
21 Southeastern Tribes, you know, they have tribes that were  
22 part of the organization when it first formed. They were --  
23 in some ways they were the only recognized tribes at the  
24 time in the 60s, right, in the East? And over -- since then  
25 of course we've added a lot of tribes that have been

1 rerecognized and got -- got the recognition they deserve,  
2 and a lot of them -- those in the Northeast are very  
3 different than the tribes in the Southeast.

4           So in that case I think it would actually be  
5 beneficial to us to have, you know, some more staff who  
6 would be able to work with the Southern Eastern tribes and  
7 staff that would work with the Northern Eastern tribes, and  
8 then they would cooperate with these new unified regions.  
9 But, again, you know, that's up to the tribes in that region  
10 if they want to do that.

11           MS. GEORE: Just one more thing since you added  
12 that.

13           MR. TAHSUDA: Yes.

14           MS. GEORE: If you're going to be breaking up the  
15 regions by the diversity of tribes, you're going to need a  
16 lot more than 13 regions.

17           MR. TAHSUDA: Well, the focus is not on -- the  
18 focus is trying to create an efficiency in the different  
19 bureaus in a geographic region, and so. And, you know,  
20 obviously we would not have any staff who would be working  
21 in Region 13, so, unless, you know -- because, believe me,  
22 we have plenty of people that would volunteer to go work in  
23 Hawaii, but we don't have any services we provide there.  
24 I'm sorry. And you were Ms. Sanchez; is that right?

25           MS. GEORE: She deferred her time to me.



1 MR. TAHSUDA: Okay.

2 MS. HUTCHINSON: I'll just be real quick, John.

3 MR. TAHSUDA: Oh, sure.

4 MS. HUTCHINSON: Then I can submit -- we can  
5 submit some written too. My name is Margie Hutchinson from  
6 the Colville Business Council.

7 I'm almost afraid to give comments because it  
8 gives the appearance that we're buying into this, and we're  
9 opposed to it. And I -- I guess I just wanted to say that I  
10 don't think tribes should be treated as just a department or  
11 a bureau because, like all the other tribes have stated, you  
12 know, we're tribal governments.

13 And then it concerns me I guess when you said that  
14 decisions will be made more quickly. That really concerns  
15 me because that's what happens to our land that goes out of  
16 trust. It's just a stroke of a pen, and the land goes out  
17 of trust, and if we want to get it back into trust, it takes  
18 40 years.

19 And then if we have to, you know, if this is going  
20 to be put upon us, then I guess the positive that I would  
21 see, you know, or the improved communication and  
22 coordination across agencies, I think that would force the  
23 other agencies to know what Indians are and what they do.  
24 And so I think that would be a positive, you know, for them  
25 to -- instead of just saying, Oh, that's an Indian issue, we

1 don't have to work on that. And -- and I think that with  
2 them working with the OST and the BIA -- I worked for the  
3 OST for nine and a half years, and so I think, you know, if  
4 they worked with them, that would be good. Thank you, John.

5 MR. TAHSUDA: Thank you, Councilwoman.

6 MS. NICHOLSON: I'm Janet Nicholson with the  
7 Colville Tribe. Just wanted to share these comments.

8 I think for the Confederated Colville Tribe, we do  
9 not consider this a true consultation, like the previous  
10 chairmans have stated, that it should be at our council with  
11 our 14 council members there. And it's real difficult to  
12 consider this to be consultation when the reorganization  
13 plan has not been written or presented. This PowerPoint is  
14 the first I think that we've really seen of the details, and  
15 how John came across it or how he was briefed on it, you  
16 know, really hasn't been shared with us. You know, it's  
17 here in the PowerPoint, so I guess you've been briefed on  
18 it.

19 The closest that we've come, you know, when this  
20 initially came out last spring is this map. Immediately  
21 after the executive order was issued in March of 2017, this  
22 map was shared. Back then they said it was a draft. Today  
23 John says this is possibly the final. And now they're  
24 drafting the reorganization plan. So it's real difficult to  
25 have really good input when they're just given a broad

1 outline. So that -- I wanted to state that.

2 We're a tribal sovereign government, executive  
3 order from July 2nd, 1872, and we're very cautious. You  
4 know, in April of 1872 our reservation was 3.4 million  
5 acres, in April. In July of 1872 we were reduced to  
6 1.4 million acres. And we have millions of acres in our  
7 usual and accustomed territories, and in that today on and  
8 off reservation, we deal with many of the other eight  
9 Department of Interior agencies, and in our day-to-day  
10 business, we deal with decisions languishing in the other  
11 offices.

12 So when you say in this presentation that you're  
13 going to decentralize the decision-making, you know, how  
14 that would come about because you're not changing the  
15 agencies. You're mapping out that they'll be located  
16 regionally differently, but how? How are you going to  
17 change that if we're going to have the same people, the same  
18 offices?

19 You know, you're saying that this new IRD would be  
20 responsible for that project management, but from a tribal  
21 standpoint how would that improve our service from them?  
22 Right now we don't get answers, so I would be -- definitely  
23 want to see how that's going to improve in your actual  
24 documentation.

25 I also would like to know how the tribes would --

1 and it's been stated earlier -- the veto, you know. If  
2 tribes want to veto, is it going to be individual tribe, is  
3 it going to be a consensus of all the tribes, and how that  
4 would work, and if we do veto out, how it will work for the  
5 bureau, our Regional Director, to work with this new IRD?  
6 You know, how would that work? How would we make sure that  
7 these decisions are streamlined?

8 And the other thing is that the Indian Trust Asset  
9 Reform Act, Public Law 114-178, that was enacted in June of  
10 2016, and that called for an Undersecretary to deal with the  
11 Indian affairs, and I think in this reorganization that we  
12 should implement that. I believe Secretary Zinke should  
13 look at implementing that, that we have an office equal to  
14 the Deputy Secretary so if we do opt out, that we have that  
15 level of input in the organization.

16 The other thing is, is that I -- the veto process  
17 and the communication, coordination and that the IRD with  
18 the BIA. I'm not certain how that would work.

19 And also the cost to date. I'm -- I'm not looking  
20 at it as a cost to actually doing the reorganization, but my  
21 colleague was deferring that there has been a cost expended  
22 to this point for this so-called consultation. So I  
23 don't -- I do believe there have been costs incurred, and  
24 that's at the detriment of services that we should be  
25 receiving from the Bureau of Indian Affairs. So -- and

1 we'll also submit formal comments. Thank you.

2 MR. TAHSUDA: Thank you. So I guess I didn't  
3 really address that earlier. So your question about costs  
4 to date, you know, really there's not any out of our budget  
5 other than doing these consultations. The extent that there  
6 has been, you know, resources put towards this, the USGS  
7 spent time coming up with these maps. A lot of the  
8 discussion about the organization at this level between the  
9 bureaus has been conducted by what's called the Office of  
10 Policy Management and Budget within the Secretary's office  
11 or -- well, they're one of the Assistant Secretaries, but  
12 they're, you know, in with the Secretary, and they've been  
13 sort of the office that has coordinated with all of the  
14 Assistant Secretaries to get our input, et cetera, into  
15 that. And so -- and, you know, those are largely just  
16 internal costs. So the -- you know, in a \$10.6 billion  
17 budget, it's pencil shavings really.

18 The cost of these consultations doesn't come out  
19 of your budget. It comes out of mine, right? So it's  
20 largely my travel budget, and we have a Regulatory Affairs  
21 office that the two young ladies in the back that work for  
22 us. You know, they're part of that office, and so it's  
23 really travel costs and the cost of hiring a court reporter,  
24 so. And, again, that comes out -- directly out of the  
25 Assistant Secretary's office.

1           So I think -- I'm trying to think. You asked a  
2 couple good questions, and so one is, again, let me go back  
3 and talk about, you know, cultural impacts, et cetera. I  
4 guess to my mind this is not something -- this is a -- this  
5 is a strategic management kind of plan. Doesn't impact  
6 substantive knowledge. Our people will still be there  
7 weighing in with, you know, their expertise, you know, and  
8 anything that has to do with the tribes on the actual  
9 decision that's made. That's where that -- that knowledge  
10 needs to come in and not on saying you've got two weeks to  
11 get this done. I mean that's what this IRD will do. He's  
12 going to impose deadlines, and he's going to say, Did you  
13 talk to BIA? Did you talk to, you know, BOR? You know, and  
14 it's literally that kind of, you know -- just the management  
15 part of that is what they'll be involved with. And so I  
16 don't know -- there shouldn't be any cultural impacts to my  
17 mind.

18           But how will -- you asked how will these affect  
19 the other bureaus? It's a -- it's true. And this is  
20 something that I -- I guess for me, not only as a  
21 departmental employee but as an Indian person as well, I  
22 think that -- and I have been told over years in different  
23 positions that I've had and my work directly with tribes, a  
24 lot of tribes feel like that other government agencies  
25 including those within the Department of Interior don't

1 necessarily respect the BIA. They don't respect the tribes,  
2 right? And I think one of the reasons that that is, is that  
3 BIA has always been held out as being different, special,  
4 right?

5           And of course we have some unique responsibilities  
6 that no other government agency does except for maybe IHS.  
7 I don't -- but, you know, that -- it's -- it's great to  
8 acknowledge that, but the functioning of the department,  
9 that shouldn't impact the functioning of the department, but  
10 it has over time. And so one of the ways that you change  
11 that dynamic is changing the reporting lines. And so under  
12 this process the other bureaus will have a -- somebody who's  
13 telling them that everybody that has input into that gets  
14 talked to from the beginning, everybody gets their input in  
15 and they get it done in time so that the decision is made.  
16 If we're making the decision, then we get the input from the  
17 other bureaus.

18           Let me tell you, how it works now, everybody's in  
19 their silo, right, and we got -- and we get three or four  
20 years down the road on some issue, and then Fish and  
21 Wildlife comes in and says, No, no, no, you can't do it that  
22 way. And then we have this discussion about the tribe's  
23 treaty rights, and they're talking about Endangered Species  
24 Act, et cetera, right? That stuff needs to happen at the  
25 very beginning, right? And, you know, we can have that

1 discussion.

2           And I will tell, you know, one of the other -- the  
3 other factors that goes into this you have to think about in  
4 practical terms is, as I said, we get sued by everybody all  
5 the time, right? And every time we do one of these  
6 decisions in which we've got some other bureau arguing with  
7 us about, you know, our decision, instead of it being our  
8 decision amongst all the bureaus, it's our decision, and  
9 then they have their decision, and then we've got to  
10 reconcile it. The people that are opposed to that decision  
11 have already made a case for them right now, and we have a  
12 lot of litigation in which we're our own worst enemy, right?  
13 Our other bureaus have provided all the ammunition that the  
14 people opposed to the decision, you know, need. So there's  
15 another time suck and resource suck on our resources, you  
16 know, on behalf of you.

17           So if we have this decision-making done, you know,  
18 in timely -- and when I say timely, it's not just our time,  
19 but if we can reduce the time we spend in litigation, that's  
20 another, you know, resource saver for us -- and we get the  
21 right decision, we get everybody's input and we have the  
22 right decision that's defensible and it's a -- it's kind of  
23 a unified decision from the department instead of having  
24 multiple decisions that somehow get mashed together at the  
25 end, then we're in a much better place on your behalf.



1           And so that's how I think we get more and more  
2   respect from our bureau amongst the other bureaus. They're  
3   forced to play in the sandbox together. And one of the  
4   ways, you know, in practical terms -- and those of you  
5   who -- you know, you run your governments. You understand  
6   this, you know. At the end of the day, you know, you have a  
7   certain amount of people who work really hard because they  
8   believe in what they're doing, and you have a certain amount  
9   of people, you know, whether they believe in what they're  
10   doing or not, they work hard because they have a list of  
11   priorities and goals that have been given to them, and their  
12   pay depends on that.

13           Part of this process is that with this Regional  
14   Director, Interior Regional Director -- is to impose this  
15   communication and coordination, and it will be part of the  
16   assessments that are done on the bureaus and the bureau  
17   managers. Have they -- have they had the communication  
18   they're supposed to? Are they playing well in the sandbox?  
19   Are they meeting timelines and deadlines? These are things  
20   that will also impact not just, you know, getting better  
21   communication. It impacts their paycheck at the end of the  
22   day, right? So it will be all part of how we enforce the  
23   discipline into -- into the process. So it enforces  
24   discipline. It enforces recognition that all the bureaus  
25   have to respect each other and work together, and I think

1 that to me is at the end of the day one of the greatest  
2 benefits we'll get out of this.

3 So I really went overboard talking about it,  
4 didn't I? But thank you very much. Those are great  
5 comments. I appreciate it. I want to -- we're in a --  
6 actually, we're already a little over, but do we have -- I  
7 want to make sure I had a representative from Port Gamble.  
8 Ms. Renee? Is she still here? Did she have to leave?  
9 Okay.

10 All right. Is there anybody else who needs to  
11 make a comment before the end of the day?

12 MR. MATHESON: Yeah, my name is Caj Matheson. I'm  
13 the Natural Resources Director from the Coeur d'Alene Tribe.  
14 I apologize on behalf of Ernie Stensgar, Chairman. He  
15 really badly wanted to be here and provide these comments on  
16 behalf of the Coeur d'Alene Tribe. He just couldn't make  
17 it. So I'm going to do it, and I just -- I'll make them  
18 really quick too.

19 We echo the same concerns regarding consultation.  
20 This we -- I'm very pleased to hear you say this is the  
21 beginning of consultation and there will be more to come,  
22 but without any assurances, anything in writing or anything  
23 like that, we have to be able to publically say that we  
24 reject this as any kind of meaningful consultation, both on  
25 the grounds that for us consultation is one-on-one. It is

1 in our council chambers, just like so many of the other  
2 tribes have iterated as well, but also, too, just like the  
3 Colville Councilwoman was talking about, that there's just  
4 not enough detail. We can't have meaningful consultation  
5 without meaningful detail.

6 So if this really is the start and we're going to  
7 continue to have and grow into meaningful consultation, we  
8 are pleased, but -- but we can't consider this meaningful  
9 consultation until we get to that point in meaningful  
10 details. So we'll look forward to that. Also, too, because  
11 of the -- because there's not enough meaningful detail, it's  
12 hard for us to really provide a lot of -- we can't even say  
13 whether we're for this or against this at this point.

14 So what we want to be able to do is reiterate some  
15 of the same concepts. Probably the most important one to us  
16 is this idea of trust and trust responsibility. We want to  
17 make sure that those things are protected moving forward.  
18 And for us we can -- we view that as happening in one of two  
19 ways: Number one, that we make sure that we maintain this  
20 opt-out for the BIA and that that is protected. So if a  
21 region decides to opt in, we want to make sure that opt-out  
22 is protected into perpetuity, into the future, so that if  
23 somehow it doesn't work out, the tribes can at some later  
24 date opt out when they start to real -- if they get to a  
25 point where they say, This was not good for us, we want to

1 make sure that's protected well into the future.

2           As far as the other bureaus, we also look at the  
3 Undersecretary position that was ultimately created with the  
4 Indians Trust Reform Act, and we really believe that this is  
5 the opportune time to make that happen. It needs to happen  
6 anyway. That position needs be filled anyway. This is a  
7 great excuse. This is a great opportunity to make that  
8 happen, and I think that if that happens, that will put us  
9 in a position that we can feel a little bit more comfortable  
10 moving forward to say that our trust -- that the trust  
11 responsibility that the federal government has will remain  
12 intact, that we'll be able to protect it.

13           I think one of the major concerns that we have,  
14 especially across different bureaus, is that the bureaus --  
15 they don't all do -- they don't manage their trust  
16 responsibilities the same. Some of them are better than  
17 others at it, and for us it's a little bit scary to say that  
18 it's going to be more efficient, not because we hate  
19 efficiency. We struggle with federal government  
20 inefficiency ourselves. We don't -- we don't like it when  
21 they're inefficient when it hurts us, but we don't want to  
22 also be more efficiently taken advantage of.

23           And so some of the things that has happened today,  
24 for example, have been where you've provided some answers  
25 where you say, Well, I don't think that this would happen.

1 Historically -- and I'm sure we -- I know we're all aware of  
2 this. I'm sure you're aware of this -- a lot of those times  
3 those I-don't-think-it-should-happen, you know, turns out  
4 pretty bad for us, and so we don't want to be able to be  
5 more efficiently taken advantage of, and I think that's the  
6 concern for the Coeur d'Alene Tribe too.

7 So whatever happens moving forward getting to a  
8 point where we can consider something as meaningful  
9 consultation, we want to make sure that our -- that the  
10 federal government's trust responsibility remains intact.  
11 So thank you.

12 MR. TAHSUDA: Thank you, sir.

13 MR. KUTZ: I'll try and be brief and loud, but --  
14 so you can hear me.

15 COURT REPORTER: Thank you, sir.

16 MR. KUTZ: My name is Stephen Kutz. I'm a member  
17 of the Cowlitz Indian Tribe from Southwest Washington. I  
18 was sent here by my Chairman today, Chair Bill Iyall, to  
19 represent the tribe and some of our thoughts.

20 And so we -- we have -- do not have enough  
21 information to decide whether we are going to oppose or  
22 recommend going with the reorganization. What I can tell  
23 you is, I testified at ATNI when they started talking about  
24 the monuments, and I objected to that being a listening  
25 session. Decisions were already being written up and were

1 being made and planned ahead of time. So when -- so are you  
2 planning on having consultation prior to sending the plan to  
3 the President? I think not.

4 MR. TAHSUDA: This is what we're doing now.

5 MR. KUTZ: Well, we don't know what the plan is.  
6 We just know this is about the regions, but we don't really  
7 know what the plan is.

8 So what I can tell you is, I served almost 25  
9 years in the military, 20 on active duty. I know what it is  
10 working for commands. And you know what? The commanders  
11 rally things around and make decisions. And so you're  
12 talking about pulling the people together and making  
13 decisions, and -- and I think that sometimes the voices are  
14 lost in -- in a -- in a person pulling the people together  
15 and making decision and treating it with a military  
16 operation.

17 The other thing I can say is that the military  
18 moved me around a lot. As soon as I was starting to -- as  
19 soon as I was starting to have relationships with the local  
20 community and understanding the local community and them  
21 understanding us, they moved me. They moved me.

22 And so what I want to talk about is relationships.  
23 Relationships are important. Long-term relationships are  
24 important. It's important to us because -- because it takes  
25 years to understand all of the complexities of what go on.

1 And so -- and so under this administration, we see some of  
2 those relationships have been broken because decisions have  
3 been made about moving people around, and so relationships,  
4 long-term relationships, are important.

5 So we believe that our natural resources -- and  
6 you talk about conservation up here. We ought to talk more  
7 about preservation than conservation, not just conservation.  
8 Got to be more preservation. So I want to give you a couple  
9 examples of things.

10 There should be no more dams in the Northwest.  
11 There should be no more dams. They're planning on putting a  
12 dam up in The Enchantments, which are on the upper level of  
13 the Wenatchee River, affecting the Colvilles, affecting the  
14 Yakamas, affecting the Spokanes, affecting us because it  
15 affects the fish, and they're having these -- and they're  
16 having these online little comments up there. There should  
17 be no more dams. They're talking about their -- they don't  
18 have enough water for the farms. All you have to -- I can  
19 take you up there and show you. They're tearing up the  
20 farms and selling the land and putting houses and building  
21 more farms, and so those water rights are being sold to the  
22 people that are putting land on those places. Now they need  
23 more water rights, and so they're going to take more land  
24 away from the fish. So -- so I expect that -- that our  
25 voices should be heard in more details than they're being

1 heard.

2           You know, it took -- when you -- when you talk  
3 about moving decisions along quickly, took us 14 years to  
4 get our land into trust, 14 years. We walked away from  
5 those treaties, but you know what? I -- I -- we stand here,  
6 and we listened to those who have those promises made to  
7 them, who have had those promises made. We didn't give up  
8 those promises. We didn't sign at the Medicine Creek  
9 Treaty. We didn't sign at the Chehalis River Treaty. We  
10 negotiated the Vancouver Treaty, and those promises were not  
11 kept, and those promises were not ratified.

12           So -- so we have -- we have reservations, and we  
13 think that in order to have consultation, we need to  
14 understand what the plan is. The plan about the monuments  
15 should have been put out in front of us so we could have  
16 conversations about those instead of just having talk about  
17 that and not understanding what we're really talking about.  
18 So those are the things I have to say from the Cowlitz  
19 Indian Tribe. Thank you very much.

20           MR. TAHSUDA: Thank you, sir. How many more do we  
21 have? Anybody?

22           Are you good to go?

23           COURT REPORTER: Yes, sir.

24           MR. TAHSUDA: Okay.

25           MR. SALUSKIN: Okay. I'll try to make it brief



1 too. My name is Delano Saluskin. I'm with the Yakama  
2 Tribal Council, and I want to reiterate what many have  
3 already said here, that I don't think anybody can make a  
4 decision to support or oppose it because there just isn't  
5 enough information.

6 I would ask, so what are the items the Department  
7 of Interior identifies that would make this proposal more  
8 efficient, effective and accountable? There's no details  
9 there. It's just a statement.

10 What are the administrative redundancies that will  
11 be reduced, and will be -- and will tribes have the  
12 opportunity to visit those and talk about those, the  
13 authorities that are being considered to -- at the agency  
14 level for more efficient delivery of services? Again, I  
15 think these are important questions that tribes need to be  
16 aware of.

17 And I want to thank you for the clarification.  
18 This isn't a reorganization of the Bureau of Indian Affairs.  
19 It's just where it fits into this overall Department of  
20 Interior consideration.

21 However, I think that if you really want good  
22 tribal input, we really do need to have a separate  
23 consultation regarding the Bureau of Indian Affairs because  
24 there are a lot of deficiencies at the Bureau of Indian  
25 Affairs when it comes to effectiveness, efficiency and

1 accountability. We can't hire people I mean, so I -- you  
2 know, I'm hoping somewhere you will take that back, and you  
3 need to tell your superiors, tribes want to talk about the  
4 Bureau of Indian Affairs, their effectiveness, efficiency  
5 and accountability.

6 So the other thing, like we talked a little bit  
7 about out in the hallway during the break, is,  
8 Chairman Burke brought it up with regards to the Regional  
9 Director. Who is going to be the Regional Director for the  
10 Northwest Region here? My big concern is the selection's  
11 going to be made, and they're going to buy into this  
12 reorganization, and, you know, we're going to get stuck with  
13 somebody that we don't truly support.

14 Now, I do want to reiterate that I agree with  
15 Chairman Wheeler when he talked about -- and this is my gut  
16 feeling is that this whole process is a continuation of  
17 President Trump's ability to permit pipelines to extract oil  
18 leases, I mean to make oil leases, and just to take  
19 advantage of our lands and our resources so that, again,  
20 the -- I heard the word corporate reorganization of the  
21 Department of Interior. I really think that's -- somewhere  
22 there's a hidden agenda there that I don't think we're all  
23 being told.

24 And I just want to say I appreciate the  
25 opportunity to participate and discuss in this fake and

1 rigged consultation. Thank you.

2 (Laughter.)

3 MR. TAHSUDA: Thank you, sir.

4 Ma'am.

5 MS. MITCHELL: Good afternoon. My name is  
6 Anita Mitchell, and I have the honor and pleasure to serve  
7 as the Vice Chair of the Muckleshoot Indian Tribe, which  
8 sits about 30 miles south of where you're at right now. And  
9 on behalf of our Chairwoman, I apologize. She sent me  
10 because she's not feeling too well.

11 MR. TAHSUDA: I'm so sorry too. I -- I saw you  
12 earlier and totally overlooked you. I was going to call you  
13 earlier in the list of tribes.

14 MS. MITCHELL: Oh, it's fine. It's fine.

15 MR. TAHSUDA: Yeah.

16 MS. MITCHELL: After I raced back from Chelan for  
17 a budget retreat, so it's my fault I was late.

18 But anyways, carrying on, our tribe is the  
19 signatory of two treaties, and we just wanted to let you  
20 know that because most of our questions stem, like the other  
21 leaders whose worry is the respect and sacred duty as the  
22 other tribal nations and the trust responsibility,  
23 especially after review of the three priorities that the  
24 department sort of has set out in this, and while we're  
25 thankful for the opportunity to comment on the Department of

1 Interior's proposal, we don't know if these are truly our  
2 formal comments because, like everyone said, there's the  
3 others of us who needed to be briefed, and the details are  
4 just not there. We've read through what's been given, and  
5 we're trying to figure out exactly what the end goal is, and  
6 it's very hard for us to make any comments on that when it  
7 just seems like no one's really considered us, including in  
8 the original rendition of this map, the governors had to  
9 bring to your attention the issues with jurisdiction in  
10 Indian country. And so we just wanted to reiterate that.

11 But one of our biggest concerns is that we feel  
12 that the department's already beginning to reorganize before  
13 this consultation is finalized and before Congress has  
14 approved any proposal, and we're coming to this conclusion  
15 just based off of numerous BIA staff, especially the Senior  
16 Executive Service staff, have already been relocated,  
17 causing many issues with the programs that they were  
18 controlling. And our Regional Director for many years,  
19 Dan Spiess (ph.), was reassigned with little to no notice to  
20 our tribal government. This doesn't appear to be legitimate  
21 consultation when decisions are already being implemented,  
22 which I'm sure is what you've already heard beforehand, but  
23 I know Muckleshoot does have specific questions, especially  
24 our Chairwoman, because we have a BIE school, so we're  
25 concerned with sort of how this reorganization or how this

1 will affect that, as well as how it's going to affect the  
2 way the BIA's role's played within our reservation.

3 And then I know from our other natural resources  
4 side, we would like to know how this is going to change with  
5 our agencies that we work with outside of these bureaus, so,  
6 in particular, the Army Corps of Engineers, which was  
7 already brought up, in saving the salmon. So how will the  
8 department's new structure impact permitting and other  
9 licenses for the Army Corps? And I know that is one of the  
10 things that's really striking for us, as well as the BIE  
11 schools, because we just had to restructure. I would say we  
12 have something in place that's working, so how exactly is  
13 that going to work?

14 And last but not least, we keep hearing that the whole  
15 point of this is to render faster decisions and things along  
16 those lines, but when we're looking at it, we have two  
17 issues to raise, which we know that the leaders have already  
18 raised so far, and does this infield decision-making really  
19 only extend to -- or does it extend to issues in Indian  
20 country because, from what we've seen so far, a lot of the  
21 critical decision-making has been taken from the regional  
22 offices and moved up to D.C., and it seems that the  
23 department's pushing for natural resources decision-making  
24 or authority to the local regions while pulling Indian  
25 country's decision authority back to D.C. So we just wanted

1 to point that out, and we look forward to giving you more of  
2 our comments. Thank you.

3 MR. TAHSUDA: Thank you, Vice Chairwoman. So I  
4 can answer a couple things really quickly. BIE schools is  
5 not part of this. As you know probably, we are already --  
6 or we're halfway through or I guess more than halfway  
7 through reimplementing a reorganization of BIE schools.  
8 That was started about three years ago, I guess about three  
9 years ago. And so -- and they -- they -- that  
10 reorganization really kind of took them out of the  
11 geographic organization and really into, you know, focused  
12 on the type of school. We have the BIE-run schools. We  
13 have tribally controlled schools and the Navajo schools, so  
14 that will stay the same.

15 What we are focused on outside of this discussion  
16 I guess but is, you know, I've been concerned since I served  
17 in the Senate about the resources that are there to support  
18 the BIE schools, and so that's something that Assistant  
19 Secretary Sweeney and I are both focused on. We've been  
20 trying to push through in the budget process, you know,  
21 additional resources for -- to support the schools better  
22 that we're responsible for, so. But from this -- this  
23 perspective, no impact on the schools.

24 And the -- I think a couple folks have raised it,  
25 and maybe I didn't really address it before because it's not

1 really part of this, but -- so relocation of our senior  
2 management is not part of this reorganization. It's a  
3 practical reality of the fact that we are understaffed with  
4 senior management, and we don't -- we don't have enough to  
5 cover all the senior management positions that we have. We  
6 are actively working on that, but I think that -- I'll be  
7 honest with you -- I think that's a long-term failure of the  
8 organization. We have not done a good job of working to  
9 train and promote from within so that we have the next  
10 generation of senior management in our career ranks, and  
11 we're -- we're really having to focus on bringing as many  
12 outside people that will qualify into that, but that's sort  
13 of the short-term. Long-term it's going to be an issue for  
14 us.

15           The department at large and BIA is no exception.  
16 In five years 40 percent of the Department of Interior  
17 career employees will be eligible for retirement. That's a  
18 huge deficit, particularly if you think about, these are  
19 senior people. This is our experienced ranks, and they're  
20 going to be retired. And so we -- we're trying to plan out.  
21 We have workplace studies, and, again, the Assistant  
22 Secretary and I are -- it's something we both care about  
23 deeply, the future of the organization, and so that's  
24 something that we're trying to focus on. And I think that  
25 at some point we want to come out and get your -- your help,

1 but I think that, you know, we really need to turn around  
2 the image that we have discouraged people from working in  
3 the Bureau of Indian Affairs. There's been such criticism  
4 of it, and a lot of it could be, you know, maybe justified,  
5 but we have really, you know, pushed people away from that.  
6 And if you want the Indian Bureau to have an Indian-cultural  
7 component to it, then we really -- all of us need to work  
8 together to bring in a new fresh generation of kids out of  
9 college, other people who have had military careers, et  
10 cetera to come in, but to kind of fill the ranks because  
11 we're going to lose a lot of people and a lot of expertise  
12 in a very short number of years.

13 So -- but relocation of people is not ideal, but  
14 unfortunately it's something that we have to do to make sure  
15 we cover the bases, and it's not just SPS people. We have  
16 senior managers and law enforcement people that we have to  
17 move around, and unfortunately it's just a fact of life for  
18 us.

19 So thank you. We'll go ahead and get --

20 MS. SANCHEZ: Could I make one comment?

21 MR. TAHSUDA: Sure.

22 MS. SANCHEZ: One recommendation? Good afternoon.

23 My name's Norma Sanchez. I deferred to her, but I'm from  
24 the Colville Tribe.

25 So what I seen on your three bullets on there



1 really impact the resource tribes, the ones with the huge  
2 land bases. And so when you guys say that it expedites the  
3 process for all three of them, almost in Indian country  
4 we're used to two generations dying before we get any  
5 action, so to us the slower process assists the Indian  
6 country in stopping action at your level and any federal  
7 government level that is imposing new structure or  
8 development within Indian country. So I don't know if you  
9 could answer. Is that to benefit Indian country, or is that  
10 to benefit DOI and the federal government?

11 And then my recommendation is, next time we have  
12 this consultation, I would really appreciate if you bring  
13 the head officer from the Bureau of Indian Affairs so they  
14 can sit next to you and say that, yes, this doesn't affect  
15 us. That's all.

16 MR. TAHSUDA: Okay. So timing of decisions, I --  
17 I -- I have always been told by tribal leadership from when  
18 I worked directly for tribes, when I worked in the Senate,  
19 in this position now that they're frustrated that it takes  
20 forever to get decisions done. If you like decisions being  
21 slow, then we keep the current process.

22 You know, at the end of the day, look, I  
23 understand. I'm a minor history buff. I'm also a tribal  
24 person, right? I'm from a treaty tribe, and I understand  
25 the history there. I understand the history of mistrust, et

1 cetera. So, believe me, I totally understand that, but, at  
2 the end of the day, it seems to me like if you -- if you  
3 want to change the system, then you can't be afraid of  
4 change. If you're afraid of change to the point that it  
5 petrifies you, then we stay in the same system that we're  
6 in, and -- but then, you know, you kind of can't complain  
7 about a broken system if you don't want to change it.

8           So if there is a desire to change it, I think  
9 there are a lot of things that could be changed for the  
10 better, and we can do it within the bureau, as well as this  
11 large developmental stuff. And I'm happy to that. I'd love  
12 to do that. One of my -- my -- my undergraduate degree's in  
13 organizational management, and so I -- you know, I have to  
14 tell you I was shocked when I came into a management  
15 position in a large government organization and to see that,  
16 you know, there are a lot of organizational failures that  
17 are there. I think we can do better, but, you know, I need  
18 your support for that, and I'm happy to work. My -- you  
19 know, my position is to represent Indian country, and so I  
20 would do my best to do that, and whether it's part of this  
21 reorganization or if you want to talk about the bureau  
22 itself, you know, I would like to do that, so.

23           MS. SANCHEZ: So can I make a comment to that,  
24 just that, you know, on behalf of -- this is my own opinion  
25 though, but if you give us little to no information on the

1 conversations and the divisions, discussions that led you to  
2 this small piece of paper and a regional map -- because I  
3 mean I'm pretty sure there's way more than, you know, five  
4 sheets of paper that were discussed in this whole thing  
5 that's going to come down when it actually gets enacted  
6 because I'm assuming it will be enacted. When -- when we  
7 get all that backup information of how we got to here and  
8 how it's going to affect us and then we get every single  
9 thing that has been discussed and how it's going to be  
10 implemented and who -- how -- who and how it's going to  
11 affect and where, then I think that the mistrust might go  
12 away, but until we get to that point, I don't think that I  
13 could say truly that I would ever agree because it -- you  
14 know, there's so much more to this that we're not aware of  
15 and we're not being privy to for us to even look at this and  
16 take this seriously.

17 MR. TAHSUDA: So let me offer this, you know,  
18 because I know a lot of people have talked about more  
19 meaningful details, but in my experience whenever -- if I  
20 would have come to you with a whole laid-out bunch of  
21 information and details, you would have said, Oh, my God,  
22 you've already made a decision. Why are you even talking to  
23 us? That's not consultation.

24 So my hope was that, you know, I could come with  
25 basic information, explain to you that the outline, concept

1 of it, and then we could have ongoing discussions about what  
2 that might mean.

3 And, you know, yes, there's a lot of -- there's  
4 been a lot of internal discussion, and part of it is, you  
5 know, like me trying to understand how the Assistant  
6 Secretary for Land and Minerals, how they work in their  
7 hallway and their bureaus, you know, a lot of this and how  
8 we could work better and discussing our career staff and  
9 their career staff. There's a lot of that, but to me that's  
10 meaningless to you. I mean that's us internally, and, at  
11 the end of the day, I guess -- I don't want to be  
12 disrespectful, but if I was a tribal leader, I would think  
13 about this in the sense of if I was a president of another  
14 country. I don't care what the United States's motivation  
15 is in this. What I want to know is, how does it benefit me,  
16 and how do I protect those benefits into the future for me?  
17 That's really all I care about.

18 And so if I was a tribal leader, I don't really  
19 care what motivations went into the different bureaus  
20 talking to each other, but I want to know, you know, how the  
21 decisions that those bureaus make impact me and how I can  
22 make those better and more to my benefit, and then how can I  
23 protect that process so that it continues to benefit me in  
24 the future. That's -- and I think that's -- you know, if  
25 you want to have a future discussion, that's what I'd like

1 to talk about, right, fill in the details.

2 And I can tell you, you know, what the plan is  
3 with the other bureaus if you're interested at a later date,  
4 but if you're not interested in participating in it, it's  
5 kind of a waste of our time. Our real function then has got  
6 to be, as I said at the beginning, we've got to have a  
7 discussion then about, if -- if the BIA is not going to be  
8 part of this unified region, then how to we do our best to  
9 continue to make them effective in working with this now  
10 unified region and all the other bureaus that are going to  
11 have unified common decision-making, right? How do we do  
12 that? And that will be the discussion we have then, so.

13 Yes, sir.

14 MR. KUTZ: Yeah. Steve Kutz again with the  
15 Cowlitz Tribe. So all these other bureaus we interact with  
16 too, just -- it's just that the BIA has an Indian in it.

17 MR. TAHSUDA: Right. We do everything all the  
18 other bureaus do, but we've got tribes and people too.

19 MR. KUTZ: Yeah. So what I can say is, if you  
20 would have pulled this together and said, Listen, we're  
21 talking about having -- we're talking about putting a plan  
22 together, and we -- and these are our ideas, and we want to  
23 hear your ideas, and then we're gonna come up with your  
24 plan, and then we'll have consultation, then that would have  
25 felt like it was something that really would have been

1 worthwhile for us.

2           And the other thing that I can say is that I  
3 can't -- you know, I couldn't count how many chairmen were  
4 here today who traveled from long distances and spent their  
5 time here. They're decision-makers. They're  
6 decision-makers in the room, and the people that need to be  
7 up here with this -- because you tell us what they're  
8 thinking, but you don't have a decision -- they'll listen to  
9 you, but you don't -- you're not the one making the  
10 decision. We need the decision-makers here to have true  
11 consultation too. They -- we need to look each other in the  
12 eye and -- and have dialogue back and forth about what  
13 things are going to be about.

14           So -- so I mean I think Zinke could have been  
15 here. That would have been -- I don't know how many trips  
16 it would have been to him, but I think he could have been  
17 here, and I realize he's a busy man, but he's -- but he has  
18 some decision-making authority.

19           MR. TAHSUDA: Well, fair. Although, I'm not  
20 coming to you asking for a decision today. I'm coming to  
21 give you information and try to answer questions that you  
22 have and ask me and have some give-and-take so that  
23 hopefully you can make an informed decision.

24           MR. KUTZ: Right, but when you talk about a  
25 consultation, a consultation talks about decision-making.

1 That's where consultations -- that's what consultation's  
2 about in my mind.

3 MR. THOMAS: I would like to make a comment.

4 MR. TAHSUDA: I'm sorry, sir. I know you raised  
5 your hand earlier.

6 MR. THOMAS: Yeah, Arnold Thomas, Shoshone-Paiute.  
7 My Chairman spoke earlier, and he had to get back on the  
8 road. More so a word of encouragement to take back to  
9 Zinke. We offered this to Scott Pruitt when he was in  
10 Boise.

11 We look around, and we're told about this time  
12 that's occurring by our elders. They said this time will  
13 come when water's going to be almost equal to the amount of  
14 dollars for a gallon of gas. This many fires throughout the  
15 year. All that's occurring. Our elders told us. You know,  
16 we're one of the last peoples to be colonized throughout the  
17 world; therefore, we retain that -- that knowledge that  
18 comes from our Mother, the Earth.

19 So I heard you make some statements along the way,  
20 John. This is John, right?

21 MR. TAHSUDA: Yes, sir.

22 MR. THOMAS: I heard that you're going to take  
23 this information back, and you're going to make some  
24 decisions. I've heard you. You know, we're told life's  
25 about learning. I don't know why you came back to this

1 Earth life. You were given opportunity to come back here.  
2 Maybe the last time you didn't get it right. This time you  
3 were given a chance to come back with the Creator.

4           So I caution you. I -- I -- I've been watching  
5 you. I can't see you, but I've been watching you during  
6 this time, this short time. I caution you of how you're  
7 going to move forward on the behalf of our indigenous people  
8 of North America. The decisions you make right now allow  
9 you into the Spirit World. Maybe you call it Heaven. But  
10 this time here is crucial because if you look at  
11 colonization, Christianity, what's occurred here on our  
12 lands, it was -- a brother talked about earlier the Doctrine  
13 of Discovery. A man wanted to conquer a woman, and still a  
14 man, a male, is making efforts to rape and pillage our Earth  
15 Mother. You look at everything you talked about, the three  
16 different, permitting, conservation, recreation. What's  
17 that have to do with? It has to do with our Mother, the  
18 Earth, our Earth Mother, the one that gave us life, gave you  
19 life, your mother, your grandmother. Some -- somewhere  
20 along the way you forgot about that.

21           And the water, recreation, the water. That's --  
22 when we are in the womb of our mother, we were in water.  
23 Our -- our -- our mothers, they prayed for us. In our  
24 ceremonies out here in the West, our -- our grandmothers,  
25 our mothers, they prayed for us in ceremonies. Throughout



1 this beautiful North America continent, I sat in ceremonies  
2 with different relatives. It's that woman that carries  
3 life.

4           Remind him when you go back there because they --  
5 you might never get another opportunity. You might be  
6 earthbound for the rest of your life, and you pass on from  
7 this earth life, but maybe that's not important to those  
8 brothers, those white brothers and sisters, as my uncle  
9 Oren Lyons told us. Maybe it's not important they forgot  
10 about that, but, yet, they serve that sacred eagle bird,  
11 that bald eagle, that symbolism, that bird, that sacred bird  
12 we still utilize in ceremonies. Our mother is still sacred.

13           You know, you draw this line. There was never no  
14 49th parallel where we've been really working on having a  
15 seat at the negotiating table, like our brother said  
16 earlier, with the Department of State. Where -- where's the  
17 sovereign, sovereignty? We're not even at that table. I  
18 know you're aware. You've shared your knowledge, your  
19 education. You're a smart man, very intelligent.

20           So, again, you might not never get an opportunity  
21 on behalf of our tribal nations, so I caution you as a  
22 brother, you know, when you pray tonight, this knowledge  
23 you've been hearing from our relatives, what they  
24 communicated, what they expressed on the behalf of our  
25 ecosystem, on the behalf of our winged ones, four-leggeds

1 and the two-leggeds that shared with you, when you pray  
2 tonight, all of this knowledge that was shared with you, all  
3 of this information that you read, pray to God, see what's  
4 told you. Encourage Zinke to pray about it. Take that back  
5 from our people out in the West. We still have that  
6 knowledge.

7           So, again, I caution you. Be careful with that  
8 power. It could be used in various ways, in various  
9 avenues, so I just wanted to mention that to you.

10           And while we're at it, in time, in history, what's  
11 going on in the world, the only way to peace is through  
12 obtaining that spiritual ancient knowledge that we still  
13 obtain of how to live in balance of the water and the Earth  
14 Mother and the air and the sun and the moon and the stars.  
15 Everything is still here that our people around the world  
16 have told us as indigenous people how to live in harmony.  
17 Some other people from other races forgot about that.

18 That's why they came to here, North America, the heartland.

19           So this is a little different from what you heard  
20 regarding the discussion today. So I just want to say that  
21 to you.

22           MR. TAHSUDA: Thank you. All right. We'll wrap  
23 up here. And thank you guys again. I appreciate all of  
24 your comments. They'll go into the record. If you have any  
25 written statements or documents you want to give, you can

1 give it to Regina in the back or me, and I'll give it to  
2 her, but thank you, and we'll close out this session.

3 (Proceedings were concluded at 4:52 p.m.)  
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## C E R T I F I C A T E

STATE OF WASHINGTON -- COUNTY OF KING

I, the undersigned Washington Certified Court Reporter, hereby certify that the foregoing proceedings were taken stenographically before me and thereafter transcribed under my direction; that the transcript of the proceedings is a full, true and correct transcript of the proceedings taken to the best of my ability; that I am neither attorney for, nor a relative or employee of any of the participants; and that I am not financially interested in the said action or outcome thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of September 2018.

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Julia Williams, CCR #2307  
License effective until May 9, 2019  
Residing at Seattle, Washington