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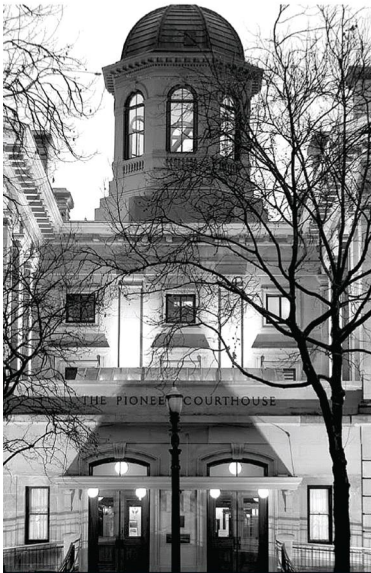
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**BUREAU OF INDIAN AFFAIRS**

**INDIAN TRADE AND COMMERCE CONSULTATION MEETING**

**HELD SATURDAY, OCTOBER 21, 2017**

**9:40 A.M.**

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**APPEARANCES**

**John Tahsuda, III**

Principal Deputy Assistant Secretary

Office of the Assistant Secretary, Indian Affairs

**Elizabeth Appel**

Director

Office of Regulatory Affairs and Collaborative Action

**BUREAU OF INDIAN AFFAIRS****INDIAN TRADE AND COMMERCE CONSULTATION MEETING****HELD SATURDAY, OCTOBER 21, 2017****9:40 A.M****(Invocation offered by Nelson Angapak.)****MR. JOHN TAHSUDA:** We can officially

dabble open the consultation. So this is the

consultation on a proposal to amend the Indian

Trader Regs, which are a really old set of

regulations that the Bureau has based on the Indian

Trader Act, which is from the 1800s. These regs

really haven't been used at all in a long time, and

so one of the ideas is that they might be able to be

used to sort of give the tribes an option where they

can have greater control over the business activity

on the reservation.

So from the Secretary, these are touch

points that he's given since he first got into

office. You know, belief in tribal sovereignty,

belief in self-determination and self-governance for

the tribes, respect for tribal government, respect

for tribal sovereignty.

And what does that mean on the ground?

Economic freedom and empowerment and reduced

1 regulatory burdens from our side. Reduced in this  
2 aspect as well is whether we can reduce the amount  
3 of regulatory work that we do and increase what the  
4 tribes do so that they have more control over what  
5 happens in their communities.

6 So he said sovereignty has to mean  
7 something. And it means different things to  
8 different tribes. And as you do up here, in the  
9 Lower 48 we have the same thing. We have some  
10 tribes who really still want the federal government  
11 to provide almost everything for them, all the  
12 services, and we have other tribes at the other end  
13 of the spectrum who want to do everything  
14 themselves. And then, of course, we have a lot of  
15 folks who are in the middle.

16 So when it comes to economic development,  
17 how can we best help tribes to develop self-  
18 sustaining economics, right, for jobs and community  
19 wealth, prosperity and independence. And we also  
20 know it affects everybody, both Native and  
21 nonNative. When Indian Country prospers, the whole  
22 -- the region around it does better.

23 And so one of the things that obviously is  
24 important to this administration and something that  
25 we want to, from the tribal side, be a part of is

1 promoting energy development. It's critical to --  
2 for a lot of tribes, critical to their economic  
3 development. And part of this reducing the  
4 regulatory burden is can we reduce the regulatory  
5 burden we place on tribal -- or energy development  
6 in some way that it can get a boost.

7 So tribal empowerment. How do we as  
8 tribal leaders, do we return the economic part of  
9 sovereignty to the tribes?

10 The other thing that's important in this  
11 is human capital development. So related to that,  
12 you know, as part of jobs, we have to invest in our  
13 people, not just college-educated people, but people  
14 who have trades, have a skilled workforce. And so  
15 again, in -- along the line of thinking that the  
16 whole community and the whole surrounding area is  
17 better off, so when Indian Country has a good  
18 workforce, a better educated, better trained  
19 workforce, that benefits the entire region.

20 So we want to help tribes have a long-term  
21 strategy for promoting economic growth and their  
22 self-governance. And they work hand-in-hand, so we  
23 need to promote both of those simultaneously.

24 So on these regs. So it's an old statute,  
25 outdated regulations. We can talk about what was

1 the original intent, et cetera, but we have some  
2 cases that breach sort of this exclusivity that the  
3 founding fathers originally thought of the tribes  
4 being able to have control over, and really it be  
5 federal and tribal control over trade and commerce  
6 with Indian Country.

7 So we have talked about things that can  
8 help with that. So Indian Country has talked to us  
9 and said taxation and regulation as it occurs on  
10 Indian lands is an important part of that. Letting  
11 the tribes opt out of sort of overly aggressive or  
12 oppressive federal regulatory actions. And then,  
13 again, back to taxes. You know, is there a  
14 jurisdiction-based system that we can go to that  
15 would provide more certainty for business.

16 So this is, I guess, Gavin's fun slide. But  
17 just the things we talked about, you know,  
18 regulations, you know, getting certainty on tax  
19 issues. So we have sent out the tribal leader  
20 letter. And what we really are looking for to build  
21 the record for changing these regulations is the  
22 information that relates to economic development:  
23 Capital expenditure, revenues, jobs, economic impact  
24 studies, et cetera.

25 **MR. RANDALL CHARLIE:** I didn't catch,

1 whose is "we"? Who are you?

2 **MR. JOHN TAHSUDA:** My name is John  
3 Tahsuda. And I'm the Principal Deputy Assistant  
4 Secretary for Indian Affairs, and I'm the Acting  
5 Assistant Secretary until we get our Assistant  
6 Secretary confirmed and in office. So we are the  
7 federal government, and we are here to help.

8 So again, we are looking to get  
9 information that would provide a strong record for  
10 us to look at revising the regulations and revising  
11 them in a way that's helpful to Indian Country.

12 **MR. RANDALL CHARLIE:** So you are talking  
13 about jobs. How are you going to help communities  
14 that are -- that have no jobs, I mean, have nothing  
15 in the village? How are you guys going to get jobs  
16 or help the communities that are out there with,  
17 like, nothing to fix, nothing to build, nothing to -  
18 -

19 **MR. JOHN TAHSUDA:** Well, I think -- so  
20 part of the theory and the thinking is we are not  
21 the ones to say what kind of jobs should be out  
22 there. In the past the Bureau has tried to do that  
23 for tribes around the country, and it's not been  
24 very successful. What has been successful is when  
25 the tribes themselves have found business ventures

1 and ways to provide jobs and stuff themselves.

2 And so part of the concept of this overall  
3 effort would be to say -- because we don't want to  
4 do the thinking for you because we can't. We are  
5 not good at it. We are not in your community. We  
6 really are not the ones to say what would be  
7 successful.

8 So the idea is to provide you sort of  
9 creative space to figure out what would work for  
10 your community. And whatever that would be, we  
11 would then try to be in the position of, first of  
12 all, not blocking and not having some regulations or  
13 some processes that are going to make it too hard to  
14 get a business or something going in your community.  
15 So we can get out of the way of that.

16 And then if there is other things we can  
17 do to help, then we would like to be there to help.  
18 So that's kind of what our -- our view in the big  
19 picture is to get out of the way, let you do the  
20 thinking, and then if we can be helpful, be there to  
21 help.

22 **MR. RANDALL CHARLIE:** Do you have any  
23 examples of how? I'm trying to get a better picture  
24 of how -- can you name something that the tribe has  
25 tried to -- or has been doing and then you guys come



1 in and --

2 **MR. JOHN TAHSUDA:** And do it badly? Pretty  
3 much everything that we have tried. I don't know --  
4 that's a good question.

5 **MR. RANDALL CHARLIE:** I just want to get  
6 the -- get it registered to my brain. I want to  
7 know exactly what --

8 **MR. JOHN TAHSUDA:** You want a real world  
9 example kind of thing.

10 **MR. RANDALL CHARLIE:** Yeah.

11 **MR. JOHN TAHSUDA:** So I'm not sure myself  
12 what would be a good example. I know -- so I have -  
13 - some of the tribes I've known in the past have --  
14 going back some years, they had asked the Bureau for  
15 assistance on finding stuff, and the Bureau had  
16 found, like, a company to go out and, like -- I  
17 think it was in Montana -- to build a pencil making  
18 factory, which was just a huge disaster, and it was  
19 a lot of wasted money and ultimately just ended up  
20 being a building that was empty that sat on the  
21 reservation.

22 So the flip side of that is so now we have  
23 sort of a surge in energy development in the  
24 country, and a lot of that is in Indian Country. I  
25 don't know what the estimate is. Something like 20

1 percent of energy resources nationwide are on  
2 actually tribal lands.

3           And so -- but despite that, a lot of  
4 tribes are having difficulty getting sort of the  
5 full impact and the full -- the full value of their  
6 natural resources because we have a lot of rules  
7 that would be applied just specifically to tribes  
8 and specifically to Indian Country that make it  
9 challenging to get through. It takes a lot of time.  
10 And companies that want to do business with the  
11 tribes that are on the reservation decide they can  
12 do it better off the reservation. It just takes  
13 less time and it's less of a problem trying to get  
14 the thing started. So that's part of what we are  
15 looking at.

16           I think that, again, you know, business  
17 ideas that the tribes have, that tribal communities,  
18 Native communities, have, you know, we would love to  
19 hear. It's just -- so right now, like, energy is,  
20 like, an easy one to look at, right? We can easily  
21 see that, hey, off the reservation it's going really  
22 good. On the reservation it's okay but could be a  
23 lot better and what are we doing that's blocking it.

24           That's something that -- the Department of  
25 Interior has been involved with resource development

1 from its very beginning. So that's at least  
2 something that we have some familiarity with and we  
3 can kind of take a look at in working with the  
4 tribes to say what can we do to help with that. It  
5 would be great to kind of move that to other  
6 economic areas and other businesses and things.

7           So I can't give you an example because,  
8 again, I think those ideas should come from the  
9 communities and from the tribes. But that concept  
10 of, you know, if you had something you wanted to do  
11 and then you found out there was something that we  
12 were doing that was a hurdle to it, we would like to  
13 work with you to remove that hurdle so you can do  
14 it.

15           Part of this is also -- so this exercise  
16 is to say here are these really old, outdated  
17 regulations that nobody even uses anymore. Can we  
18 use those as a way to let the tribal community say  
19 this is how we want business to go on our  
20 reservation, and we could let them do that and just  
21 take it over and we would be out of the way. So  
22 that's conceptually what this exercise is about, not  
23 on any kind of business specific, but to say can we  
24 create a business environment that the tribe  
25 controls and that we are not in the way of.

1           There you go. So you asked. That's what  
2 we were thinking. What are you thinking? That's  
3 it, right? Is this the last slide?

4           **MS. ELIZABETH APPEL:** That's it.

5           **MR. JOHN TAHSUDA:** So I'm curious in part  
6 because I just don't have a lot of familiarity with  
7 Alaska and the --

8           **MR. RANDALL CHARLIE:** That's what I was  
9 going to say, that the stuff that we have here in,  
10 like, the small communities are way different than  
11 what they have down south. And I mean, it's easier  
12 for them to raise money because they have got  
13 reservations, and we have got tribal lands that are  
14 reserved for hunting and subsistence. So we are for  
15 subsistence, and the further down south you go, they  
16 want money because that's the way everything is  
17 going.

18           Our community is slowly heading in that  
19 direction, but there is no place to make money in  
20 our village. We have no -- like in my village, the  
21 only thing we have, and maybe in Toksook, is gravel,  
22 but nobody wants to chop a mountain down and sell it  
23 to anybody because we need to preserve our land. In  
24 Toksook Bay, Scammon Bay, there is probably prime  
25 grounds for berry picking, blackberries and stuff,

1 and nobody wants to -- the elders don't want --

2 Fish & Game had land up two miles out of  
3 our village, and that was our blackberry -- on the  
4 whole north face and west face -- east face of the  
5 mountain, that was all berry picking, and the money  
6 got involved and they cropped a big chunk of  
7 mountain out, and that was Fish & Game land. Fish &  
8 Game gave them the okay to do it. Now the  
9 corporation, now we are trying to get the land over  
10 to us so that we can make our own decisions and  
11 stuff. So -- I mean, that's the way I see it.

12 **MR. JOHN TAHSUDA:** Well, so I mean, that's  
13 not to say that's not -- so that's how we see it, as  
14 well. I think the whole idea really is to put the  
15 decision making in the tribes' hands.

16 **MR. RANDALL CHARLIE:** How do you help the  
17 little towns that rely on, like, federal money? They  
18 don't -- it seems like they don't get the money.  
19 They get the small, little grants like the small,  
20 tiny ones for little jobs, but all the communities  
21 want is -- the little communities want to see some  
22 sort of development.

23 Like housing is a really big issue in the  
24 villages. There is more kids now than there was 20  
25 years ago. And houses with 20 people in there.

1 There is houses with 15 people in there. And the  
2 tribe is there to help the community. So is the  
3 corporation and the city. But money -- money is  
4 involved. It's hard to get money anywhere for  
5 anything like that.

6 Now, I built my own house. I saved my  
7 money up, and I was recognized in our village, say,  
8 why can't you be like Randall, but that pissed off a  
9 lot of people. I saved enough money to build my  
10 house. My brother did the same thing, my older  
11 brother.

12 I mean, how are you going to -- how is  
13 this going to help the villages that have nothing?  
14 There is no mineral, no nothing we have out there.

15 **MR. JOHN TAHSUDA:** So this is not intended  
16 to be an answer for everything. And so the Indian  
17 Trader Regs -- so this effort is really focused on  
18 that. Let me say a couple points. This is really  
19 focused on those regs, initially anyways, which have  
20 to do with sort of trade and commerce on the  
21 reservation. And at least historically that's a  
22 different dynamic than existed in Alaska. I  
23 understand that.

24 So I don't know -- and this is something  
25 we would like to hear. Is there a way that those

1 regs could be helpful at least to some communities?  
2 If we can, that's great. If not -- so alongside  
3 this is also a larger effort to take a look at how  
4 we regulate activities in Indian Country and is  
5 there a way to do it better. Is there a way that we  
6 can get decisions made faster and more efficiently?  
7 And so this is one piece of sort of this overall  
8 effort.

9           Again, you know, a lot of the regulations  
10 and the processes that we have have historically  
11 been focused on the Continental U.S. tribes. So I  
12 don't know -- and I don't know enough about Alaska  
13 to have any -- any real ideas myself on how that  
14 could be helpful. What would be great is to hear  
15 from you guys who live here to tell us, you know,  
16 here is a problem we have, can you be helpful in  
17 helping us find a better way to do it. Or here is a  
18 problem we have with you, Bureau of Indian Affairs.  
19 You are getting in our way to do this or that, and  
20 can we be helpful in trying to resolve that.

21           So that's -- that's where this effort is  
22 aimed. The larger -- so the even bigger picture of  
23 that about, you know, resources, resource  
24 allocation, you know, is a challenge that we face  
25 Bureau-wide. I know it's a particular challenge up

1 here because of geography and everything you have.

2 And the answer for that, I think,  
3 ultimately is not that we are going to somehow come  
4 up with money from the federal government to address  
5 that. There has got to be more outside investment.  
6 There has got to be more money from the outside that  
7 comes in and, you know, so that we could -- we could  
8 -- the federal dollars that we put in can be  
9 magnified by that and hopefully address some of  
10 this.

11 **MR. RANDALL CHARLIE:** I guess I got  
12 nothing. I wish that somebody from our traditional  
13 council was here.

14 **MS. ELIZABETH APPEL:** We are also  
15 accepting written comments if anyone wants to write  
16 in, like by email or mail, until October 30th.

17 **MR. JOHN TAHSUDA:** But I think, you know,  
18 even if you didn't get an invite, then we would  
19 still be happy to get comments, information from you  
20 guys; you know, in specific what's going on up here  
21 and how we can do a better job on our side to try to  
22 help with that. So --

23 **MR. RANDALL CHARLIE:** I'm not familiar  
24 with our TC in the village. I know enough --

25 **MR. JOHN TAHSUDA:** What's the TC?



1           **MR. RANDALL CHARLIE:** Traditional council,  
2 our tribal council. I call it TC. I mean, they are  
3 trying to do a lot of stuff out there, but nothing  
4 is falling into order because we have three entities  
5 out in the village. We have the city, the  
6 corporation and the tribe.

7           And we are slowly learning to -- in order  
8 to get anything done out there, we have got to work  
9 together, but that's -- it's not really working  
10 because somebody wants -- somebody wants, like, oh,  
11 wow, you did this, cool, yeah. These guys didn't do  
12 anything. Everybody wants the spotlight. But now  
13 that the older guys are starting to, like, not be  
14 voted in and stuff, it started to be like -- it  
15 wasn't just this person that did this. It's the  
16 whole -- the whole entity -- all entities. And --

17           But I mean, it's really hard to get --  
18 that's the only way we could do stuff is if we work  
19 together out there, and we haven't really done  
20 anything as an entity to get anything.

21           But right now we are working on our tank  
22 farm. We are working now with -- maybe that's  
23 something you guys could help with. Our tribe is  
24 trying to get funding to help with the tank farm  
25 because our tanks that we have are -- they are --

1 they are at the age we have used them to their --  
2 almost to their full life, and we have got these  
3 huge 30,000-gallon tanks that are very thin, and we  
4 can't take the bungs off them to drain it, to clean  
5 it because it buckles the -- it bends the huge  
6 tanks.

7           And they are looking for money to try and  
8 find money to put into it because it's a health  
9 issue, too, out there. I mean, if we -- there is a  
10 tank farm right here, and 150 yards is the river,  
11 and a mile out is the Bering Sea. And every year  
12 now -- every year now the water comes in and we get  
13 these -- our village is all brown in the fall -- I  
14 mean, in the summer right before fall it's green and  
15 brown and really nice. By this time of the year  
16 it's all water. The whole thing is ocean as far as  
17 you can see.

18           And the -- I might have a video of  
19 connexes floating like off the road, the airport  
20 underwater, the houses -- water going into houses  
21 that are up on the mountainside, propane tanks, just  
22 everything going out. We got no money to relocate  
23 our tank farm. We have a place --

24           **MR. JOHN TAHSUDA:** What you are talking  
25 about, you need to not just replace them; you need

1 to move them, too.

2           **MR. RANDALL CHARLIE:** We need to relocate  
3 it. But I haven't even heard from them. Everybody  
4 is quiet about it. Which we talk to the tribe about  
5 this kind of stuff, they will say, we are working on  
6 it, and I never hear any reports or -- they will  
7 just say, so-and-so is working on it. And I asked  
8 him, and he was, like, yeah, I'm waiting on a call  
9 from -- or a letter from this place. I don't know  
10 what's going on.

11           But -- but our village needs serious help  
12 with that issue, with the -- I mean, the flooding is  
13 getting worse every year. But there is also other  
14 communities that are in bad shape, too. And the  
15 government is, like -- only has two eyes. They can  
16 only see a couple places at once.

17           And it's just -- I don't know. I don't  
18 even think -- like, 50, 60 years from now all those  
19 villages that are out on the coast ain't going to be  
20 there no more. They are going to go to the  
21 mountains or they are going to come to the city.  
22 Yeah. It's going to be a lot of work for everybody.

23           After '86, like the '90s and early 2000s,  
24 kids, they have no idea what's going on in the  
25 village. They don't know. They just -- they will be

1 like -- I mean, I guess in all the communities they  
2 are -- like kids, they ain't worried about global  
3 warming. They're not worried about anything. Or  
4 they don't know what the tribe is doing out there.  
5 All they want is the free stuff, the kids out there.  
6 So they are in control and --

7 But -- I don't know from -- your job or  
8 the people that are going to take over your job are  
9 not going to be able to help the villages. So you  
10 will see -- I mean, if you live in the village, you  
11 see everything.

12 You know, I grew up with my uncles'  
13 politics, listening to them, listening to what they  
14 had to say about our village, because even as a  
15 young kid growing up I was worried about our  
16 community and stuff and I was always nosy, and them,  
17 get out of here and telling me to go. And I said,  
18 no way. I want my playground. I want my -- I want  
19 all the outdoor stuff that I see on TV that the kids  
20 in bigger schools have.

21 I used to tell the older guys that -- I  
22 mean, I would say that I was into politics as a  
23 young kid listening to people and wondering what's  
24 going to happen, what are they going to build in our  
25 community next. And I'd be listening, and then the

1 older guys were telling me, go play someplace. This  
2 is for when we are deciding. I was just a young  
3 kid.

4 And -- but I mean, there is nothing now.  
5 I was just saying that I was -- I want to be there  
6 for my community and stuff like that. But from what  
7 I see, there is nothing -- our village is struggling  
8 right now, or all the villages are struggling right  
9 now. So I don't know where that money is going to  
10 come from or anything. But you guys don't know,  
11 either, huh?

12 **MR. JOHN TAHSUDA:** Like I said, there is  
13 only -- there is only so much resources we have that  
14 we can put towards things. So there has got to be  
15 resources coming from outside somewhere. I don't  
16 know. That's a challenge for --

17 **MR. RANDALL CHARLIE:** Maybe if we had oil  
18 under us.

19 **MR. JOHN TAHSUDA:** Yeah.

20 **MR. RANDALL CHARLIE:** I've got no further  
21 questions.

22 **MR. JOHN TAHSUDA:** Should we formally  
23 close the session?

24 **MS. ELIZABETH APPEL:** Sure.

25 **MR. JOHN TAHSUDA:** I don't think we are

1 getting anybody else here. What time is it now?

2 **MS. ELIZABETH APPEL:** 10:15.

3 **MR. JOHN TAHSUDA:** All right. I guess we  
4 can close down. Thank you, Randall.

5 **MR. RANDALL CHARLIE:** Thank you, guys.

6 **(Proceedings adjourned at 10:15 a.m.)**

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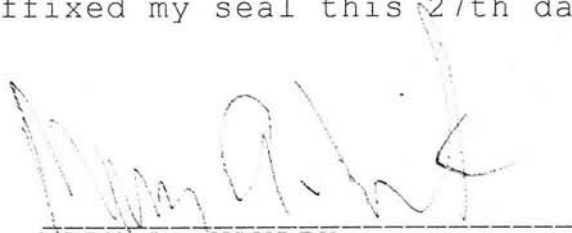
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REPORTER'S CERTIFICATE

I, MARY A. VAVRIK, RMR, Notary Public in  
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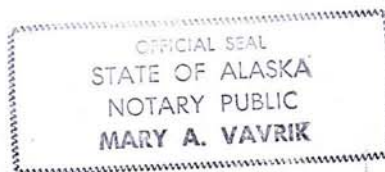
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MARY A. VAVRIK,  
Registered Merit Reporter  
Notary Public for Alaska

My Commission Expires: November 5, 2020



<u>1</u>	20:9	<b>Angapak</b> 3:6	<b>bends</b> 18:5
<b>10:15</b> 22:2	<b>accepting</b>	<b>answer</b>	<b>benefits</b> 5:19
22:6	16:15	14:16 16:2	<b>Bering</b> 18:11
<b>15</b> 14:1	<b>Act</b> 3:12	<b>anybody</b> 12:23	<b>berry</b> 12:25
<b>150</b> 18:10	<b>Acting</b> 7:4	22:1	13:5
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