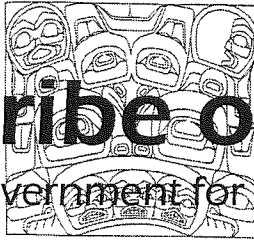


Sitka Tribe of Alaska

Tribal Government for Sitka, Alaska



July 6, 2017

Honorable Ryan Zinke, Secretary
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

RE: Comment on Executive Order 13781

Dear Secretary Zinke:

On behalf of Sitka Tribe of Alaska, a federally recognized Tribe, I submit comment of the President's Executive Order #13781 that calls for a submittal of a "Comprehensive Plan for Reorganizing the Executive Branch" within 180-days from March 13, 2017. Under this Executive Order, the Office of the Assistant Secretary - Indian Affairs elected to hold "listening sessions," however Tribal Consultation would have been preferred.

Sitka Tribe of Alaska has been a Self-Determination Tribe since shortly after President Nixon championed and signed the 1975 Self-Determination and Education Assistance Act, as well as being a Self-Governance Tribe shortly after President H. W. Bush signed the Tribal Self-Governance Demonstration Project Act on December 4, 1991. Over the decades of being a Self-Determination Tribe and then a Self-Governance Tribe, Sitka Tribe of Alaska has firsthand experience and involvement in improving the efficiency, effectiveness, and accountability of the Tribal programs that were Bureau of Indian Affairs funded. Our Tribe, along with numerous other Tribes, has continued efforts to improve the efficiency, effectiveness, and accountability of various Departments and Agencies through the various Titles to Self-Governance efforts in both Congress and the White House, which is currently Title IV in the Department of Interior and Title V in the Department of Health and Human Services.

With this knowledge, experience, and understanding, Sitka Tribe of Alaska calls for this letter to be recorded for the record. Comments include both the above statement and those following;

Guiding Principles for the Reorganization:

As the Department of the Interior (DOI) Secretary embarks on a process to develop DOI's response to EO 13781, the following fundamental guiding principles are essential to effectively address and protect Tribal governments and our citizens:

- Indian Tribes are sovereign nations, and, as such, all relations between the United States and Indian Tribes should be of a formal government-to-government nature.
- The federal trust responsibility is one of the most important doctrines in federal Indian law. It is the obligation of the *federal government* to protect Tribal Self-Governance, Tribal lands, assets, and resource treaty rights. This obligation cannot be delegated to states or local governments.
- Self-determination and Self-Governance authorities and rights as provided and defined under the Indian Self-Determination and Education Assistance Act must be protected.
- American Indians and Alaska Natives are members of sovereign Tribal nations that have a unique and legal and political relationship with the federal government. Programs and services provided through BIA, BIE, and Indian Affairs directly serve *Tribal people*. The health and welfare of this population, including the preservation of Tribal history, language, culture, traditions, and sacred sites as required by existing statutes must be protected.
- Protection of funding for Tribal programs is fundamental to fulfilling the federal government's trust and treaty obligations. Historically, the federal government has systemically shirked this responsibility and only recently redirected its efforts to fulfill the promises made in exchange for millions of acres of land in the United States. As such, Indian programs, collectively, cannot be redundant because the entire federal government has a duty to uphold the trust responsibility and adequately fund Indian programs.

Concerns and Recommendations:

- **Conduct appropriate Tribal Consultation.** Any reorganization effort should undergo thorough and appropriate Tribal Consultation as required by Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," and the Department's Tribal Consultation Policy.
- **Ensure the implementation timeline is appropriate for any proposed changes.** The results of Indian Affairs most recent reorganization efforts (2004) were negatively impacted because DOI did not host appropriate Tribal Consultation and did not implement a timeline for effective centralization of administrative functions. Self-Governance Tribes encourage DOI to thoughtfully plan the development and implementation of any reorganization effort.
- **Refrain from centralizing additional administrative or program functions.** Self-Governance Tribes support the Secretary's public statements that decision-making should be retained at the frontline whenever possible. This specifically affects Indian

Affairs because centralization of administrative and programs delays delivery and decisions, effect the efficacy and efficiency of Indian programs. Additionally, unnecessary centralization of functions negative impacts Self-Governance Tribal budgets without any additional benefit.

- **Improve communication and coordination efforts between DOI Bureaus and Indian Affairs, BIA and BIE, and BIA Regions.** Self-Governance Tribes have consistently experience the ineffective communication and coordination within the Department. Any reorganization effort should consider what effect, if any, the proposed changes will have on departmental communication and coordination.
- **Increase understanding of Self-Governance within the Department.** Efforts to amend the Title IV of the ISDEAA have been impeded by the lack of communication, coordination and an understanding about Self-Governance in DOI Bureaus other than BIA. Require that the Office of Self-Governance (OSG) conduct a Self-Governance Outreach Symposium at the Main Interior (and possibly at the Northwest Field Office) at least once a year to educate Federal employees in DOI (and extend the invitation government-wide) and require Senior Level and Program Staff to attend for at least 4 hours to talk with Self-Governance Tribal Leadership, Coordinators and OSG Staff about Self-Governance.

Specific Re-Organization Recommendations:

- **Incorporate the Office of Special Trustee (OST) Office of Appraisal Services into the DOI Office of Valuation Services.** Prior to June 2002, BIA performed Trust appraisals as a part of their responsibilities under Real Estate Services. The authority was transferred to eliminate any perceived and/or potential conflict of interest between the appraiser and BIA. Upon the transfer, OST assumed all related staff, including the Chief Appraiser, Regional Appraisers and Staff appraisers to develop the Office of Appraisal Services (OAS).

Recognizing that a conflict may remain within the BIA Division of Real Estate Services, Self-Governance Tribes recommend that the functions and OAS staff be transferred to the DOI Office of Valuation Services (OVS). Further, we recommend that OVS adopt a new branch dedicated to Indian Trust Valuations and maintain the Regional Supervisory Appraisers (RSAs) to accommodate unique needs of Tribal Nations. Additionally, we recommend that these services remain contractible and compactible for Tribes who wish to provide these services directly.

- **Appoint an Under Secretary of Indian Affairs.** Under the Indian Trust Asset Reform Act, Public Law 114-178, the Department has the authority to appoint an Under Secretary of Indian Affairs. Self-Governance Tribes request that DOI appoint an Under

Secretary of Indian Affairs to increase coordination and communication efforts between Indian Affairs and other Department agencies. However, funding to support this appointment, should not negatively impact funding that normally supports Tribal programs and services.

- **Elevate the Office of Self Governance to the Immediate Office of the Secretary.** In 1991, at the request of Tribes, Congress provided funding for an Office of Self Governance to be established in the Department of the Interior's Office of the Secretary. Today, Self-Governance Tribes represent 49% of all Federally Recognized Tribes and OSG transfers more than \$400 million annually through 10 of the 12 Bureau of Indian Affairs (BIA) Regions. However, OSG remains under the Deputy Assistant Secretary for Policy and Economic Development two levels below the Assistant Secretary – Indian Affairs. Self-Governance Tribes recommend that it be elevated to the Immediate Office of the Secretary at the very least in the Office of the Under Secretary for Indian Affairs to acknowledge the government-to-government relationship and intent of Congress in 1991. We further recommend that that OSG be resourced to appropriately carry out their mission and responsibilities to nearly half of all the Tribes in the United States.

Tribes, over the years, have had more than its fair share of funding cuts – through rescissions and sequestrations. Tribes have suffered too many cuts and are very underfunded now. In addition, it is noticed that the White House and Congress have recently made efforts to move various programs over to the States. That said, Sitka Tribe of Alaska is in concurrence with other Tribal Leaders statements made in some of the listening sessions, we oppose any consideration to move Tribal Trust Responsibility, or any funding or programs, through the States.

Thank you for this opportunity to comment. If you would like to discuss this letter in further detail, please contact me at (907)747-3207 or email me at KathyHope.Erickson@sitkatriben-sn.gov.

Sincerely,



KathyHope Erickson
Chairman

Cc: W. Ron Allen, Tribal Chairman/CEO Jamestown S'Klallam Tribe
President of the Board, Self-Governance Communications Education Tribal Consortium
Mike Black, Acting Assistant Secretary – Indian Affairs
James Cason, Associate Deputy Secretary – Department of the Interior