

AK-CHIN INDIAN COMMUNITY

Community Government

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July 14, 2017

Via Email to: consultation@bia.gov

The Honorable Ryan Zinke
Secretary
Department of the Interior
1849 C Street NW
Washington, DC 20240

RE: Comments on the Department of the Interior's Implementation of Executive Order 13871 "Comprehensive Plan for Reorganizing the Executive Branch"

Dear Secretary Zinke,

On behalf of the Ak-Chin Indian Community, I would like to thank you for the opportunity to provide ideas and comments on the U.S. Department of Interior's (DOI) plan to reorganize under Executive Order (EO) 13781, "Comprehensive Plan for Reorganizing the Executive Branch," issued by Acting Assistant Secretary-Indian Affairs, Michael Black in a letter dated May 16, 2017. The Ak-Chin Indian Community ("Community") has a handful of suggestions concerning EO 13781. The Community looks forward to the federal government's continued commitment the principles to which provide the foundation of a successful government-to-government relationship between the United States and Indian Tribes such as our Community.

Comments

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.

DOI appropriately initiated Tribal Consultation to receive feedback and ideas from Tribal governments prior to submission of any plans to the Office of Management and Budget (OMB) for reorganizing or restructuring those governmental offices which serve Indian Tribes. Because the consultation was styled as a listening session, although input was solicited from Tribal leaders, no comprehensive reorganization plan was presented. The Community would appreciate additional Consultation opportunities regarding the EO 13781 as a comprehensive plan for

reorganization is developed by DOI. The Community, along with other Tribes, acknowledges it is necessary to have further time to assess the reorganization plan concerning DOI.

The Federal Trust Responsibility cannot be delegated to State or Local governments.

Tribes consider the Trust Responsibility to be one of the federal government's most important legal obligations recognized under federal Indian law. The Trust Responsibility is a "moral obligation of the highest responsibility and trust." The Trust Responsibility includes, but is not limited to, the obligation of the federal government to protect Tribal Self-Governance, Tribal lands, assets, resource and treaty rights. Given the Community's relationship with the DOI, we ask that DOI refrain from delegating decision-making authority with regard to any matters that impact Tribal nations to any other governments (*i.e.*, State or Local governments).

Recommendations

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 Consultations and did not implement a timeline for effective centralization of administrative functions. The Ak-Chin Indian Community encourages DOI to thoughtfully plan the development and implementation of any reorganization effort.

Efforts need to be better coordinated between DOI Bureaus and Indian Affairs, BIA and BIE, and BIA Regions.

The Ak-Chin Indian Community has consistently experienced communication issues with the Western Region. Often, lines of authority are unclear. Any reorganization effort should consider what effect, if any, the proposed changes will have on departmental communication and coordination with Tribes.

A System is Needed for Logging-in and Tracking Correspondence.

Overall, DOI needs a better system for acknowledging receipt of, or logging-in, correspondence from Tribes. The system should also provide for internal tracking of the correspondence after receipt. Correspondence which the Community has submitted to various DOI offices has gotten lost and persons receiving the correspondence didn't have clear directions for how correspondence received should be routed internally after receipt. As a result, important decisions are unnecessarily delayed. Creating a system to track correspondence will greatly improve the efficacy of DOI.

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. The Ak-Chin Indian Community requests 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.

Conclusion

The Ak-Chin Indian Community appreciates the opportunity to comment on the EO 13871 and hopes to have additional opportunities to comment on any comprehensive plan to reorganize DOI before such a plan is submitted to OMB.

Sincerely,



Robert Miguel

Chairman