



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

Submitted via email to consultation@bia.gov

Ryan Zinke, Secretary
United States Department of the Interior
1848 C Street NW
Washington, DC 20240

July 15, 2017

Dear Secretary Zinke,

This letter provides written comments to the Department of Interior (DOI) in response to President Trump's Executive Order (EO) 13781 on a *Comprehensive Plan for Reorganizing the Executive Branch*. I presented an initial overview of my comments at the May 17, 2017 listening session held in Phoenix, AZ at the Phoenix Convention Center. The Navajo Nation (Nation) welcomes the opportunity to present ideas for reorganization, streamlining, and reducing waste in the Bureau of Indian Affairs (BIA).

1. Tribal Consultation Timeline

Reorganization of the BIA could be a tremendous opportunity to improve the lives of Native American people throughout the country, if it is undertaken after full and thorough investigation of tribal input. I am concerned that the ambitious timeline for tribal consultation in EO 13781 will result in inadequate input from tribal communities. There must be more than 120 days for tribal nations to review and respond to any BIA reorganization proposal. Much of Indian Country cannot readily access or comment on electronic proposals. Nearly 40% of the Navajo people lack access to broadband and do not have the ability to comment via a link in a press release issued through electronic mail or through the Federal Register. Therefore, the Nation and other tribes rely on traditional timelines for review in order to thoroughly disseminate and gather input from tribal communities.

2. Tribal Government Status

We do not support sweeping federal action to convert tribal governments into corporations or otherwise broadly alter the nature of tribal governments. Any changes to the Navajo government structure must come from within the Navajo government. I do, however, support more autonomy for tribal governments.

3. Land Status

The Navajo Nation cannot approve mineral leases or easements, also known as rights-of-way, on land held in trust without Secretarial approval. Broadly speaking, I support full tribal control over leasing on the Nation's lands. In addition, I believe there is an opportunity to review how land is managed and an

opportunity to explore an option to convert land to restricted fee-like status. Additionally, any transfer of federal regulatory authority should be accompanied by a corresponding transfer of the relevant federal funding to cover the increased tribal functions.

4. BIA as a Liaison for Tribes

Fundamentally, the BIA needs to more effectively act as liaison between tribes and other federal agencies outside of the Department of Interior. There are projects that may require review by or coordination with several agencies and BIA needs to provide better coordination with these agencies. Also, the process of review by multiple agencies needs to be streamlined, and BIA should lead this effort with tribal input. Additionally, regional BIA offices should universally have personnel who are intimately familiar with the cultures and needs of regional tribes.

5. Public Safety

There is a backlog in annual audit reporting by the BIA Office of Justice Services. I request that the backlog be reduced by streamlining the process or through increased funding and personnel.

6. NEPA

I support limited waivers of the time-consuming National Environmental Protection Act process on tribal land, if such waiver is at the election of individual tribal governments. As noted earlier, any transfer of federal regulatory authority should be accompanied by a corresponding transfer of the relevant federal funding to cover the increased tribal functions. I believe this process improvement can be accomplished on a cost-neutral basis.

7. Tribal Interior Budget Council (TIBC) Reform

The current Interior budget process does not provide efficient delivery of needed services, and there are numerous unfunded mandates that impact Navajo service efforts. Currently, the BIA regions vote on funding and create a national priority list. Because the Navajo Nation is its own region, the Navajo Nation prefers that funding allocation be based on regional priority rather than a national priority. This will provide a more efficient allocation of resources to those areas that are higher in priority for the Nation. In addition, we should have more flexibility on these allocations as needs change during the year, especially in response to emergencies. Approximately a third of all tribal land is held in trust for the Navajo Nation, nearly half of the Bureau of Indian Education population are Navajo tribal members, and the Nation has the largest contracted law enforcement agency. To best represent our constituency, the Nation should have a proportional influence on Interior policy and funding allocations.

8. BIA Organizational Structure

In order to improve BIA's organizational effectiveness, I request that:

- a) The Assistant Secretary of Indian Affairs be elevated to Undersecretary of the DOI as required by Public Law 114-178, the *Indian Trust Asset Reform Act*. Tribal nations should have the opportunity to provide formal input on the selection of the Undersecretary;
- b) BIA regional offices maintain authority over land acquisitions and other administrative support to tribes (as opposed to Washington, D.C. offices thousands of miles away); and
- c) The DOI provide the Office of Navajo and Hopi Indian Relocation (ONHIR) with sufficient oversight, funding, and support to fulfill the remainder of its obligations to affected Navajo and Hopi families if and when ONHIR functions are transferred to the BIA.

9. Federal Lease Approval Authority

While the Navajo Nation has authority to execute its business site lease (leases) under the Navajo Business Leasing Regulations of 2005, there are still leases that are governed by 25 U.S.C. § 415 (a) (federal leases). Any leasing transactions (i.e. lease modifications, assignment, etc.) of federal lease still requires execution by the Bureau of Indian Affairs (BIA). Generally, BIA does not timely execute the respective leasing transactions. For purposes of reorganization, it is important that BIA's duty of executing leasing transactions is improved considering that the current process is not efficient.

10. Agency Name and Brand.

The BIA name and brand are in sore need of an update. The name should better represent the modern relationship between tribes and the federal government. I suggest that the DOI propose several alternative names for consideration by tribal nations in the next steps of this review process.

The Navajo Nation asks that the DOI share the draft Agency Reform Plan and consult with the Navajo Nation and other Indian tribes prior to submission to President Donald Trump and the Office of Management and Budget. If we work together, I believe we can improve BIA operations, efficiency, and effectiveness and make great strides toward a more productive and meaningful government-to-government relationship.

Sincerely,



President Russell Begaye