

**In The Matter Of:**

*U.S. Department of the Interior Tribal Consultation  
Potential Department of the Interior Reorganization*

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*Transcript of Proceedings  
August 2, 2018*

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U.S. DEPARTMENT OF THE INTERIOR  
TRIBAL CONSULTATION

POTENTIAL DEPARTMENT OF THE INTERIOR REORGANIZATION

August 2, 2018

9:25 a.m.

Elizabeth Peratrovich Hall

Juneau, Alaska

CONDUCTED BY:

John Tahsuda III

Principal Deputy Assistant Secretary - Indian Affairs

Kyle Scherer

Acting Deputy Solicitor - Indian Affairs

Matt Kelly

Assistant Deputy Solicitor - Indian Affairs

Transcript of Proceedings

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THURSDAY, AUGUST 2, 2018

9:25 A.M.

JOHN TAHSUDA: Good morning. We'd like to get started here. Sorry for the delays, but I think we're ready to kick off. Our usual practice is to get us started off with an invocation, hoping we can get off with a good mind and a good heart and on the right foot.

So Ms. Demmert, I believe, has graciously offered to do an invocation for us.

MICHAELA DEMMERT: I want to thank everyone for being here, and if we'd bow our heads, please.

Our precious Heavenly Father, be with us today as we discuss important issues for our people. We pray for all of those who have traveled and for their families that they leave in the villages and in the communities. Lord Jesus, we just thank them for letting our people be here, and all of the leaders here who have traveled, and those who are here working for our people, Lord Jesus.

We are where you put us, and we thank you for this beautiful land that you put us

1 in. And you have us working to do what's best for  
2 our people for generations to come. Lord, give us  
3 the wisdom. Help us, Lord, as we make these  
4 decisions. Give us ears to hear, Lord Jesus, and  
5 to speak up for our people and not be shy. Lord,  
6 we thank you for this beautiful day, and please  
7 continue to bless us. In your precious name, amen.

8 JOHN TAHSUDA: Thank you.

9 So my name is John Tahsuda. I'm  
10 the Principal Deputy Assistant Secretary for Indian  
11 Affairs at the Department of the Interior. With us  
12 today I have Kyle Scherer, who is our Acting Deputy  
13 Solicitor for Indian Affairs. Also in the back we  
14 have our Alaska Regional Director, newly on board,  
15 Mr. Gene Peltola. I imagine a lot of you know him,  
16 but we're really excited to have him on board.

17 And also we have some of our staff  
18 who work on regulatory matters, et cetera, as well  
19 as our acting chief of staff, Liz Appel, and Regina  
20 Gilbert in the back there. So thank you, guys, for  
21 your help with this.

22 For us, this is a formal  
23 consultation. And what I mean by that is we can  
24 have a lot of consultations, but this is one in  
25 which we're going to transcribe what's spoken

1 today. It will be part of the record for us of any  
2 action that we may take or not take regarding this  
3 reorganization effort.

4 So if you could, when you -- if  
5 you've signed up to speak, that would be great.  
6 And I'd like to try to follow that as we can.  
7 Usually the procedure we'd like to follow is to  
8 have tribal leaders speak first so they can speak  
9 on behalf of their community. And then when they  
10 have had that chance to speak, if there are other  
11 representatives from a tribe, a council, et cetera,  
12 that want to speak as well, that's fine. And then  
13 at the end, if they have other folks from the tribe  
14 who would also like to provide comment, we can have  
15 them come up and speak. That way we can try to get  
16 the formal presentations from the tribal leadership  
17 and make sure we get all those on the record in the  
18 time we have allotted.

19 Additionally, when you come up, if  
20 you could come up to the microphone and speak your  
21 name, your tribe, and your leadership position. Or  
22 if you're a member of the community, you can just  
23 say that. That also helps us in creating the  
24 record for us to make sure we have documented who  
25 has provided us comments, et cetera. So thank you

1 very much, again.

2 And, Liz, do we have a sign-in  
3 sheet list yet, or not? Okay. Very good. Even  
4 better.

5 So I'm going to -- if you'll bear  
6 with me, I'd like to go through -- we have a fairly  
7 short slide show to go through, just to kind of  
8 give a brief overview of where this departmental  
9 reorganization idea and effort started and kind of  
10 where we are today, where we are with the  
11 department, and then for us in Indian Affairs where  
12 we are as well.

13 So if you'll bear with me, I'll go  
14 through the slide show. And then at any point, if  
15 you would like, I can go back through the slide  
16 show to put something back up that you would like  
17 to comment on or refer to in addition to what you  
18 may have prepared.

19 And, I'm sorry, before I forget --  
20 while I'm talking about the record, if you have a  
21 written document that you would also like to supply  
22 for the record, we accept that. If you can leave  
23 that on the table with Liz and Regina in the back,  
24 they will keep that part of the record of this  
25 meeting as well.

1                   So if there's no objection, I want  
2 to go through the slide show and just hit the high  
3 points real quick on where we are.

4                   Yes, ma'am?

5                   MICHAELA DEMMERT: Excuse me. If I  
6 may respectfully ask that both of you would also  
7 acknowledge the tribes that you represent, that  
8 would be appreciated.

9                   JOHN TAHSUDA: Oh, certainly.  
10 That's a great idea. Thank you.

11                   So I'm Kiowa. I'm Kiowa-Comanche.  
12 I'm enrolled Kiowa. It's a tribe in Oklahoma, for  
13 those of you that don't know the Great Plains area  
14 in the Lower 48 very well. But we're in the  
15 southwest corner of the state. Unlike a lot of the  
16 other tribes in Oklahoma, we've always been there.  
17 we didn't get removed there. We're not part of the  
18 Trail of Tears or anything. We were always there.  
19 And I'm not sure we welcomed them when they came in  
20 this way; but, anyway, we now share our state and  
21 this area with them. And we have a great state, a  
22 great collection of tribes in Oklahoma, and great  
23 leadership. So I'm very proud to be from there.

24                   Thank you.

25                   KYLE SCHERER: Sure. I'm Chippewa

1 Ojibwa from Wisconsin and enrolled in the  
2 Munsee-Delaware Reservation, being outside of  
3 London, Ontario, indigenous to the Hudson River  
4 Valley and, more famously, Manhattan.

5 (Beginning of PowerPoint  
6 presentation.)

7 JOHN TAHSUDA: Thank you very much.  
8 All right. So where did this  
9 effort start? Shortly after taking office,  
10 President Trump issued an executive order to all of  
11 the cabinet agencies, asking for a plan on how that  
12 agency could reorganize itself to basically better  
13 serve the American people, improve efficiency,  
14 effectiveness, accountability, et cetera.

15 It's not an uncommon thing. A lot  
16 of presidents when they come in, they want to ask  
17 how they can make changes to how the government  
18 operates, and in their mind, to fit their efforts  
19 as president, how that can be implemented. So that  
20 started in March of last year.

21 The executive order has a time  
22 frame in it which requires delivery by our boss,  
23 the Secretary -- and the other cabinet secretaries  
24 have to do this for their agencies -- to deliver a  
25 report 18 months later, which, for us, comes up in



1 October. So part of our effort has been to get as  
2 far along as we can to assist in preparing that  
3 report for the Secretary to submit to the  
4 President.

5 As part of that, the department  
6 asked for tribal input last year. We sent letters  
7 out by May, held a number of listening discussions  
8 in May and June of last year, and then began the  
9 process. And then, obviously, other bureaus and  
10 the department reached out in general to  
11 stakeholders at large that the department works  
12 with and serves. So this effort has been ongoing  
13 to develop this report.

14 So at this point, I would say  
15 probably my slide show is a little behind. I think  
16 we can say that there is a reorganization plan in  
17 the works. It is not final yet. It's still in  
18 draft, and it's still being worked on.

19 Along with that -- and I will show  
20 you later in the slides -- we have maps of one of  
21 the major components of this reorganization, which  
22 will be unified regions within the bureaus within  
23 department. That is also in draft form. It is  
24 also -- at this point, the map is largely, I would  
25 say, probably how it's going to look, but there are

1 still adjustments to be made for different areas  
2 for different purposes for some tribes, et cetera.

3 So I guess, in short, we're still  
4 in draft phase, but we're getting to the end of  
5 that. And, again, we have this timeline coming up  
6 that we have to submit this report to the white  
7 House. So part of what we're doing is we've  
8 engaged, over the last month or so, in formal  
9 consultation with the tribes on the concept of the  
10 reorganization.

11 In addition, this is a significant  
12 effort by the department, and so the full  
13 implementation of the Secretary's plan will take  
14 some time, meaning some years to implement. What's  
15 important in that for all of us is to understand  
16 that this means that we have to have -- really, to  
17 achieve full implementation, we need to have buy-in  
18 by all of the stakeholders that work with, get  
19 services from, or are somehow involved with the  
20 department. So that's tribal leaders, that's  
21 governors, that's congressmen, senators, all these  
22 people that play a role in how we do our business  
23 in the department or that we provide services to or  
24 have responsibilities to or for. They all have a  
25 role in this.

1           Additionally, for us to implement  
2 this effectively requires buy-in by our employees.  
3 So, obviously, a lot of this will depend upon them  
4 being engaged and seeing this as a good idea for  
5 the department. So they're also, for us, a major  
6 stakeholder in this effort.

7           So why does the department need to  
8 take a look at how it's organized? The first  
9 reason for that, I think, is to take a look at what  
10 the department is. Geographically, the department  
11 stretches across 12 time zones, so literally half  
12 the globe; right? From the U.S. Virgin Islands out  
13 to Palau, the department has management  
14 responsibilities and other programmatic  
15 responsibilities, and relationships.

16           In addition to the tribes, some  
17 people don't know this, but the department is  
18 responsible for the United States' relationships  
19 with other sovereigns in the Pacific. There are  
20 Pacific Islanders, et cetera, who are their own  
21 sovereigns, but they're under the umbrella --  
22 similar to tribes, under the umbrella of the United  
23 States. And the department, by and large, has that  
24 responsibility for that relationship with them as  
25 well.

1           So across these 12 time zones we  
2 have over 70,000 employees. We have over 600,000  
3 volunteers who help us do things like, you know,  
4 provide visitor services in Parks and Rec areas.  
5 We even have volunteers, like in the summer,  
6 students who come and work on projects in various  
7 regions that we have projects or activities going  
8 on.

9           Geographically, or I should say  
10 for management responsibilities, I'll talk about  
11 what the department's responsibility is. It's  
12 one-fifth of the United States, essentially, the  
13 surface area of the United States, 530 million  
14 surface acres. In addition to that, there are  
15 700 million subsurface acres that we are  
16 responsible for, primarily minerals, et cetera.

17           We also have responsibility for  
18 the outer continental shelf and, in addition, and  
19 very important to Indian country, the department is  
20 responsible for 25 million acre-feet of water  
21 supplied around the country every year.

22           So in addition to just thinking  
23 reorganization is a good idea, the Secretary  
24 engaged in sort of a look-back and a look-forward.  
25 So the department, looking back, has not been

1 reorganized in over 150 years. Really, since the  
2 department was founded, there has not been a  
3 systematic look at how the department, over 150  
4 years, has grown, expanded, been given new  
5 responsibilities, new bureaus added, new employees  
6 added, new regions of the country coming under its  
7 purview as far as land management or mineral  
8 management, et cetera.

9 So what that means is, other  
10 bureaus have been added ad hoc. For our purposes,  
11 as you probably know, the Bureau of Indian Affairs  
12 was already existing before the department was  
13 created. It was moved out of the department over  
14 into Interior so that it became a civil agency  
15 rather than a -- well, we call it Defense now -- a  
16 war agency at the time.

17 So BIA has been part of Interior  
18 from the beginning of Interior, but other bureaus  
19 have been added over time. And each of these  
20 bureaus have kind of grown up with their own  
21 operations. They have kind of siloed in to how  
22 they do their operations, even though we're all  
23 part of one department. And ultimately, all these  
24 bureaus answer to one Secretary. There are at  
25 times not great levels of communication and

1 coordination between the different bureaus, but we  
2 do have a lot of need for that, because there are a  
3 lot of overlapping responsibilities that the  
4 different bureaus have.

5           So this effort is to try to now  
6 take a fresh look, 150 years later, and also to  
7 look at, if the department stays as it is or even  
8 changes in the future, how can we avoid this sort  
9 of silo-in lack of communication from the past  
10 moving forward, so that the department will be  
11 prepared for its responsibilities for the next  
12 hundred years.

13           So the basic proposal that the  
14 Secretary has is to bring the different bureaus  
15 into unified regions. I'll skip ahead a bit.  
16 Currently, as I have up here, there are nine  
17 bureaus in the department. These bureaus account  
18 for 61 different regions, so the department has 61  
19 different geographical regions in which it  
20 administers its responsibilities.

21           The idea is to have 13 unified  
22 regions, and for the mainland U.S., really the 13th  
23 one would be islands. And so for our purposes, by  
24 and large, we're talking 12 unified regions,  
25 including Alaska. So instead of have the 61, we'd

1 have 13, and 12 mainland unified regions.

2 In these unified regions, we would  
3 have a regional director responsible for that  
4 entire unified region, but this is not creating a  
5 whole new bureaucracy. The idea behind this is to  
6 have a person who will be responsible, really, for  
7 three primary functions that stretch across all of  
8 our bureaus when they operate in the same  
9 geographic region. And those are, in reverse  
10 order, permitting, conservation, and recreation.

11 Why is that important for us? So  
12 in the unified regions, the original map was  
13 designed to look at watersheds, other ecosystems,  
14 et cetera. There's a lot of what the department  
15 does that sort of has a science basis, a basis in,  
16 you know, animals, water, minerals, et cetera.

17 And then, for us, tribal histories  
18 dictate that a lot of what -- a lot of tribal  
19 settlements, what eventually became our tribal  
20 communities, have also developed along these same  
21 ecosystems, be they water, animal corridors, et  
22 cetera.

23 So the original design of the  
24 unified regions came out of the U.S. Geological  
25 Survey, which is our science arm. And they looked

1 at all these different factors and threw it into  
2 the pot, mixed it up, and out came the 13 unified  
3 regions, but trying to take into account all of the  
4 factors the department considers whenever it's  
5 operating in a geographic region.

6 At the end of the day, the idea is  
7 to have better coordination, better communication  
8 between the bureaus, again, in any geographic  
9 region. This would allow for more field-based  
10 decisions. As everybody experiences now, one of  
11 the significant time delays that we have is when  
12 there is a difference of opinion in a region  
13 between two of our bureaus that have to cooperate,  
14 have to work together to reach a decision. If that  
15 is not immediately resolved, what happens now is  
16 that works its way through each bureau, all the way  
17 up to D.C. It's discussed. They figure out why we  
18 want to do it one way or the other or together, and  
19 then it's sent back down to each bureau, and then  
20 they talk again at the bottom.

21 The idea, essentially, behind the  
22 unified region is to cut all of that out and keep  
23 that process -- the discussion, the different  
24 views, and the resolution of that in the region.  
25 And so that's the idea behind being in a unified



1 region, having closer quarters, but having this  
2 regional director who will also be both a  
3 facilitator and, in some sense, the taskmaster.  
4 He's going to be the one who will enforce time  
5 frames, enforce communication levels, and make sure  
6 that everybody is cooperating and coordinating so  
7 that the decisions made by the department happen  
8 faster. we'll have better decisions because  
9 they're made out in the field by the people in each  
10 of the bureaus who know their job, and they're  
11 hearing the best. And they will have direct input  
12 with each other into resolving and reaching a  
13 conclusion, or reaching a decision for the  
14 department.

15                   There we go. I finally got to it.  
16                   So here's the basic current map.  
17 As I said, the 13 regions really stretch out to the  
18 islands. So we have 12 -- 11 on the Lower 48, and  
19 the 12th being Alaska.

20                   Now, for Alaska, essentially you  
21 already have a unified region. All of our bureaus  
22 that operate in Alaska already have Alaska as a  
23 separate region. The size and unique nature of  
24 Alaska I think has compelled that over time. So  
25 for purposes of Alaska folks, whether you're Native

1 or not, you know, I think the issue of the map is  
2 less important as it's going to be how we talk  
3 about how we're going to coordinate between the  
4 different bureaus.

5 But for the Lower 48, you can see  
6 we've got in here the dark lines, which would be  
7 the new unified regions. The colored areas are the  
8 current BIA regions, and we have 12 of them,  
9 including Alaska. And so we actually wouldn't  
10 expand the number of regions we have, but in a few  
11 places there would be some significant changes, the  
12 biggest one being in the East.

13 Again, not following any plan,  
14 necessarily, but just following history as it  
15 happened, the BIA did not play a very large role in  
16 the East for a long time. And then, as more tribes  
17 were restored, we recognized and we reengaged --  
18 the department reengaged with them, or the BIA  
19 reengaged with them, that became one huge region,  
20 going all the way from basically East Texas to  
21 Maine, and down to Florida. So that would actually  
22 be divvied up into parts of four different regions  
23 for what is currently our eastern region.

24 Some of the other regions, as you  
25 can see, won't have that much change. So the

1 Pacific Northwest, for us, won't see all that much  
2 change. The Great Plains, which would be in this  
3 one the Missouri Basin -- it doesn't change that  
4 much. And so for the Lower 48 tribes, you know,  
5 some things would change a lot. Some things  
6 wouldn't, vis-a-vis the map.

7 For the Lower 48 tribes, the  
8 Secretary has made the commitment that if they  
9 would like to keep the BIA in its current regions  
10 rather than changing them, then we'll work with  
11 that. So, basically, a part of our effort in  
12 meeting with the tribes has been to determine --  
13 try to gauge their level of interest and whether or  
14 not they would like the BIA, and particularly their  
15 BIA region, to participate in this unified region  
16 structure. So that's been an effort we have  
17 engaged in. We're now in our sixth, seventh  
18 consultation, I think, on this.

19 So then to move beyond the map, in  
20 my mind the really important part of this has less  
21 to do with the map and regions as it has to do with  
22 what the new regions are supposed to accomplish.  
23 Again, we have a regional director. This regional  
24 director would actually report directly to the  
25 Deputy Secretary of the department. And so that's

1 another effort to cut through sort of the  
2 bureaucracy of the department for decision-making.

3 And, again, this regional director  
4 is not intended to have, really, a large policy  
5 role; he's really to have a management and  
6 strategic decision role. So his responsibility is  
7 to oversee the core functions of permitting,  
8 conservation, and recreation, in this unified  
9 region; facilitate to make sure that those bureaus  
10 that have input into that decision in that region  
11 are working with each other, coming to a decision  
12 in the time frame, and consistent with each of the  
13 bureaus' policies, et cetera.

14 When that doesn't happen, he gets  
15 to elevate it directly to the Deputy Secretary and  
16 get quicker resolution of the decision and back  
17 down to the region for it to be implemented.

18 Okay. So that's basically it. In  
19 addition to oral comment, we also would love to  
20 have your written comments. You can submit them to  
21 [consultation@bia.gov](mailto:consultation@bia.gov). You can see up here I've got  
22 "Pilot Project" -- shared services in Alaska. So  
23 that's what I wanted to -- I think it would be  
24 helpful to try to cover today as well.

25 So with Alaska, in a sense being

1 its own unified region already, what would be  
2 important and helpful to the tribes here for us,  
3 the BIA, in meeting our responsibilities,  
4 delivering services? And what would be important  
5 for you from the other bureaus in how they interact  
6 with you and you interact with them, and how can  
7 that be better facilitated?

8 So thoughts that have been floated  
9 around, you know, involve not only this sort of  
10 redirecting lines of communication and lines of  
11 reporting, but also, you know, are there other --  
12 looking forward, are there other advantages that  
13 could be had in co-locating offices, et cetera.

14 And that would be something that  
15 doesn't happen quickly. We have office leases,  
16 et cetera, so this is not something that's going to  
17 happen next month; but it's something that, you  
18 know, again, is sort of a pilot project on this  
19 notion of: Can we have better coordination also  
20 through co-location, et cetera? And that's  
21 something that can, in a sense, happen faster up  
22 here because, again, all of the bureaus have  
23 already been operating in the same geographic  
24 region.

25 So those are thoughts that we've

1 had, and I'm happy to take yours. I'll share with  
2 you, I think, that there's -- part of what we've  
3 been trying to do is also just deliver basic  
4 information. I think when the notion of  
5 reorganization first came out, it seems to me,  
6 after we've done a number of these consultations --  
7 and in addition to the consultations, we've done  
8 three or four listening situations earlier this  
9 year. And I think that it's been important for us  
10 to try to get, in part, information similar to  
11 yesterday.

12 we had a consultation on  
13 recognition of tribes under the Alaska IRA  
14 provisions, and I think that maybe we didn't fully  
15 appreciate that there would be questions asked by  
16 tribes who are already recognized under the IRA as  
17 to what that meant for them.

18 And so in a similar vein as  
19 yesterday, we're saying that doesn't mean anything  
20 for you. This is a look forward. In this context  
21 as well, I think the tribes, you know, did not have  
22 as much information probably as they needed early  
23 on, and so that's been part of what we've been  
24 trying to do. It's just to get the information to  
25 tribal leadership, let them consider it; and then,

1 again, at the end of the day, you know, make a  
2 decision -- probably regionally for the tribes --  
3 as to whether they would like to have participation  
4 in a unified departmental region or not.

5           The other thing that I think is  
6 really important for folks to understand is that  
7 this is not reorganization of the BIA. This is a  
8 reorganization of the department. And it's not a  
9 reorganization aimed at affecting or changing  
10 budgets. I know those have been things that  
11 have -- concerns that have been raised about past  
12 reorganizations. So this is not an exercise in the  
13 budget. This is not an exercise in anything other  
14 than trying to get better, more strategic decision-  
15 making, and get it done faster and more efficiently  
16 on your behalf and on the department's other  
17 constituents' behalf moving forward.

18           So if there are -- and I've  
19 offered this to tribal leadership as we've gone  
20 around the country in these consultations. If  
21 there are aspects of the BIA that you think could  
22 be improved, we're happy to hear those and work on  
23 those; but that would be a separate effort. This  
24 effort is purely engaged in this unified region and  
25 unified decision-making on the three primary

1 functions. And I should probably reconfirm that as  
2 well. This is something that I think sometimes we  
3 have not -- it seems we have not been able to  
4 provide enough information about what this means.

5 The three primary functions are  
6 recreation, conservation, and permitting. And let  
7 me expand on that. Each of our bureaus have to do  
8 some permitting. We have to do -- under  
9 conservation, you can think of NEPA work or  
10 biological opinions, depending on what the decision  
11 is, and recreation. Across the bureaus, those are  
12 things that each of the bureaus does, and  
13 oftentimes we have to have input, coordination,  
14 communication at some level with the other bureaus  
15 in that region. And so that's really the focus of  
16 this changing lines of reporting to get better,  
17 faster decision-making in a unified region.

18 Permitting -- there are a lot of  
19 things. If one of the bureaus needs to fix a  
20 riparian bank, we need to repair a bridge,  
21 et cetera, each of the bureaus have involvement.  
22 And as an example, if you're doing a bridge --  
23 right? -- you have water going under the bridge.  
24 We have the banks of the bridge. There might be a  
25 Forest Service holding on one bank of the river.



1 There may be a tribal holding on the other side.

2 So just in that context, we have  
3 Fish and wildlife involved, we have probably the  
4 Bureau of Reclamation, depending on what part of  
5 the country you're in, or the Army Corps of  
6 Engineers. We'll have BIA involved because of the  
7 tribal holdings. That means for a simple decision,  
8 even like repairing a bridge, we have to get  
9 coordination among all those bureaus.

10 What slows us down often is that  
11 we don't have the communication level and  
12 coordination between the bureaus in that region.  
13 And part of that is because we have these  
14 overlapping regions that don't line up. Our  
15 regional director may know the regional director  
16 for Fish and wildlife for the half of that Fish and  
17 wildlife region that's in his region, but he may  
18 not know at all the regional director for the other  
19 half of the other Fish and wildlife region that is  
20 in the other half of his BIA region.

21 So for these three purposes, it's  
22 really the primary function to get the coordination  
23 and communication going between the bureaus in a  
24 geographic region.

25 (End of PowerPoint presentation.)

1                   JOHN TAHSUDA: I've talked a lot,  
2 so I've probably confused you, but I'd like to throw  
3 it open now. And, again, I'm happy to work my way  
4 through here if it would help you in asking or  
5 raising questions about anything that I've talked  
6 about.

7                   There's probably more things that  
8 I haven't covered, but I would like to leave that  
9 up to you. So you can ask questions that come up  
10 to you or are on your mind about how this might  
11 work. I know we have some tribal leadership from  
12 other parts of the country, but we really also want  
13 to hear from Alaska here and how you view this  
14 could or could not work well for you.

15                   So thank you. Again, if you could  
16 step up to the mike to offer your comments, offer  
17 your name, your tribe, and position, that would be  
18 great. Thank you.

19                   I'm sorry. I'll let Kyle have a  
20 thought here.

21                   KYLE SCHERER: Sure. So -- and I  
22 think something the Secretary always says is that  
23 part of this is driven by just the reality that  
24 we're always asked to do more with less money. And  
25 as part of that, base realignments is an example of

1 one way where we can share back office and NEPA  
2 functions in a way -- sort of similar to how there  
3 used to be a, you know, a Fort Richardson and an  
4 Elmendorf Air Force base. They have essentially  
5 combined those to make a joint base, and they do it  
6 throughout the country, whether it's Lewis-McChord,  
7 etc.

8 So that's part of the  
9 justification, to try to, again, do more with less.  
10 And just within the two divisions of the  
11 Solicitor's office, I supervise Indian Affairs and  
12 Parks and wildlife. You know, as John said, there  
13 are seven National Parks regions in the United  
14 States, eight Fish and wildlife regions, twelve BIA  
15 regions, eight Solicitor's regions, and none of  
16 them overlap.

17 And it's actually not that  
18 significant of an issue, at least from my  
19 perspective, in Alaska because the state is already  
20 a unified region. But in other parts of the  
21 country, it does sometimes become difficult when --  
22 you know, the National Parks region is quite  
23 expansive in one part of the country, and Fish and  
24 wildlife, you know, is sort of expansive going the  
25 other way in the country. So, I mean, it does have

1 actual real-world applications in the work that we  
2 do.

3 JOHN TAHSUDA: Thanks, Kyle.  
4 So I'll offer it up to tribal  
5 leadership.

6 GEORGIANA HOTCH: Thank you. My  
7 name is Georgiana Hotch. I'm the president of the  
8 Chilkooot Indian Association in the Haines area.

9 And I'd like to bring your  
10 attention to the "Current Status" frame, Frame  
11 No. 2, under the bullet number: Open to input from  
12 the Department of the Interior employees, Congress,  
13 state and local governments, and others.

14 We are a tribal government. And  
15 if you look back through time, and you look at the  
16 governments, the tribal government was the first  
17 one to be here. We are listed under "others." I  
18 propose that we -- our input is to put tribal  
19 first, and the others after.

20 Thank you.

21 JOHN TAHSUDA: Thank you, ma'am.

22 So I'll just point out, this is  
23 our slide show, which means, obviously, you're  
24 first in our minds. You have your own bullet  
25 there. That's referring to, in addition to the

1 tribes, these are the other folks that we've been  
2 seeking input from department-wide.

3 GEORGIANA HOTCH: Okay. I didn't  
4 read it that way. Thank you.

5 JERRY ISAAC: My name is Jerry  
6 Isaac. I'm the former president of the Tanana  
7 Chiefs Conference. I also have been a tribal leader  
8 from the Native village of Tanacross for 30-plus  
9 years.

10 Oftentimes I've gone to sessions  
11 like this and have pretty much been dismayed during  
12 the implementation of these efforts. I point out  
13 to you that the Secretary says he wants us to do  
14 more with less. If that's the case, if that's what  
15 you're -- the department really wants to do, then  
16 contracting functions of the government with tribes  
17 would be a good fit. The reorganization needs to  
18 be followed, once completed. I've seen efforts in  
19 the past where, for example, the self-governance  
20 compacting was such a difficult effort in the early  
21 days, up until the Office of Self-Governance was  
22 established. Then effective implementation  
23 occurred.

24 Any plan that we come up with, the  
25 plan has to address trust responsibility and how

1 best to implement it, uphold treaty rights, and  
2 support tribal sovereignty.

3 The reorganization plan must be  
4 consistent nationwide and should address all  
5 federal agencies providing services to tribes,  
6 working in the field, that directly and indirectly  
7 affect Indian interests.

8 Once BIA and BIE complete this  
9 listening session, this reiteration, it must follow  
10 the recommendations and provide a detailed summary  
11 of findings from the listening sessions that you  
12 conduct. And then if you happen to realize any  
13 cost savings, this needs to be reinvested in the  
14 BIA programs for the tribes.

15 Self-governance is something that  
16 is pretty much a godsend to the Indian country, in  
17 my opinion. The reason I say that is, it allows  
18 tribes to do things that are out of the ordinary  
19 bureaucratic red-taping type of implementation  
20 strategies and/or work.

21 My small village contracted 8(a)  
22 contracts before, and it was nothing but a  
23 nightmare. All the agencies that claimed to  
24 support 8(a) contracting, support tribes, services  
25 to tribes, helping tribes with bonding, it never

1 materialized. We weren't big enough and we were  
2 not popular. We were like -- we were treated like  
3 stepchildren that need to be thrown out of the  
4 house as soon as possible.

5           And this has got to stop. Our  
6 villages -- and I'm only talking about Alaska. I'm  
7 not talking about nationwide. Oftentimes we deal  
8 with a \$100 problem with \$10 to address it. On  
9 those odds, it's very difficult. Even though, you  
10 know, there's a lot of good ideas that get  
11 generated, we need a lot of help. One of the --  
12 one of the helps you can provide is to expand  
13 general contracting with tribes such as NPS and the  
14 Fish and Wildlife Refuge and this stuff. You can  
15 provide the basic framework to which all have to  
16 adhere.

17           At the same time, any effort that  
18 you undergo, you must consult with the tribes. You  
19 need to always and forever consult with tribes. It  
20 is your responsibility under the treaty rights.

21           The other thing, too, is when you  
22 consult, you need to send ranking members of the  
23 cabinet on the decision-making level. When we were  
24 consulting with Corps engineers, they sent us  
25 colonels and sergeant majors and these people. And

1 their message to us was, "I'm sorry. I cannot make  
2 that decision." we simply asked, through the  
3 consultation, that my tribe be allowed to contract  
4 for 8(a) type contract work that was on the local  
5 level. we did some, but it was because of the fact  
6 that they wanted to get rid of the problem we were  
7 creating. It was for the time being only. There  
8 was no longevity. There was no long-term,  
9 long-range plan in the understanding. we failed.  
10 we miserably failed. To this day, we are still  
11 absorbing the resounding impacts of that failure.

12 And it is your trust  
13 responsibility to make sure that stuff like that  
14 doesn't happen. You want us to do more with less?  
15 well, you know, you need to really study the  
16 contracting, you know, functions of the government  
17 with tribes. we tribes have grown in the last 30  
18 to 40 years. we've become more educated, more  
19 sophisticated, and more able to do things.

20 So just some of the thoughts that  
21 I wanted to share with you is generally, during  
22 policy discussions, you need to consider  
23 contracting and consulting and really put flesh to  
24 your effort to consult.

25 Thank you.



1                   JOHN TAHSUDA: Thank you, sir.

2                   Those are good points. I want to  
3 hit home again, and I want to make sure that I'm  
4 very clear on this. So this effort is not a budget  
5 exercise. It's not an attempt to, as has been done  
6 time and time again in the past, create  
7 efficiencies by consolidating offices and then  
8 pulling money out of the budget.

9                   So the Secretary's commitment to  
10 all of the bureaus, and to all of the stakeholders  
11 that each of the bureaus have, and for us, for you,  
12 the tribes, is that, first and foremost, tribal  
13 budgets will be held harmless. We're not looking  
14 to affect the BIA's budget. We are not looking to  
15 change any of that, but rather the opposite. And  
16 as you suggested, that's his intent, is that if --  
17 and, again, it's not the primary purpose of this  
18 exercise, but if there are cost savings that occur,  
19 and we're able to do more with the same, not  
20 less -- more with the same -- those cost savings  
21 will stay in the field at the regional and agency  
22 levels so that there will be more resources on the  
23 ground. That's hopefully a positive side benefit,  
24 if you want to think of it that way, but a positive  
25 outcome that could come out of this as well. So

1 thank you for that.

2           And the other thing, also, is, I  
3 agree wholeheartedly with -- and I think that this  
4 is something that can be better facilitated through  
5 this unified region concept, and so the more  
6 unified regional leadership concept is -- one, is  
7 that there is a department-wide -- not just a BIA  
8 or not just an Indian Affairs -- commitment to  
9 Indian country or to tribal sovereignty, to our  
10 trust responsibilities. It's firmly the  
11 Secretary's position that the whole department owes  
12 a trust responsibility.

13           And so that's easy to say, but to  
14 put it in practice, you have to have a commitment  
15 by management, leadership, all the way down through  
16 the regions and into the agencies. And so that's  
17 also something that we hope will be better  
18 facilitated through this type of regional  
19 structure, that there will be the trust  
20 responsibility that we exercise every day with you,  
21 for you, will be further implanted and imprinted  
22 into the decision-making and the leadership of the  
23 other bureaus in the same region.

24           Thank you very much.

25           Mr. President?

1                   RICHARD PETERSON: Richard  
2 Peterson, President, Central Council Tlingit & Haida  
3 Indian Tribes of Alaska.

4                   I'm going to go back a little bit.  
5 So we have really comprehensive comments that we're  
6 just going to submit in writing, but I want to  
7 summarize just a little bit.

8                   In 1996, the Senate Committee on  
9 Indian Affairs released a Senate report, 104-227.  
10 And in it they said, since 1934, there had been  
11 1,050 investigation reports, commissions, and  
12 studies on BIA reorganization. That's quite a bit.

13                   At the end of page 15 of its  
14 report, the Senate Committee said, "Meaningful,  
15 worthwhile BIA reform will be achieved only if  
16 federal authority is delegated directly to tribal  
17 governments to design both the structure and  
18 functions of BIA."

19                   And I say that because -- and  
20 point that out -- nothing has really changed for  
21 us. Here we are in, you know, this day and age, so  
22 many years later, and still I see our government  
23 wasting energy, time, money to restudy over and  
24 over again, and we have not moved forward.

25                   Now, in some areas, we have, and I

1 think that's self-governance. And I really think  
2 that if BIA is truly to be successful in its role  
3 with tribes, you're going to delegate authority  
4 over to the tribes. We've shown that we have the  
5 capacity, the wherewithal, the infrastructure.

6 And not just as a regional tribe  
7 am I saying this; I'm saying down to our village  
8 tribes. We have the capacity to stand toe-to-toe  
9 with our peers in the federal and state and local  
10 governments. We are a government. We should be  
11 treated as such. And, really, if this  
12 administration -- and if you go back through all  
13 these administrations, every administration has  
14 failed. Whether you're a Democrat or Republican,  
15 whatever, they failed.

16 And this administration talks  
17 about efficiencies and streamlining. If that's  
18 truly the case, we really need to delegate and turn  
19 over these authorities to the tribes. And, really,  
20 I feel like that should be the mission of the  
21 Department of the Interior anyhow.

22 So, again, we're going to offer  
23 very comprehensive comments, but I just wanted to  
24 boil it down to that and share that with everybody.  
25 And that is where Central Council stands.

1 I was glad to hear my brother  
2 Jerry Isaac's comments. We stand in support of his  
3 comments. Gunałchéesh.

4 JOHN TAHSUDA: Thank you,  
5 Mr. President.

6 Let me, real quick, add that I  
7 totally agree with what you said. I think that one  
8 thing, though, to keep in mind is this effort is  
9 not really looking to reorganize the BIA. And so  
10 what we're looking to do is increase the  
11 interbureau communication, coordination.

12 For us, to step a little to the  
13 side, off of this, I think that the only real  
14 successful reorganization of the BIA has been  
15 self-governance. And I think that's a  
16 reorganization that we're still in the process of,  
17 because that's something that is tribal-dependent  
18 as more tribes come in. And, again, as another  
19 aside, I think there are continued improvements we  
20 can make to self-governance, both in how we deliver  
21 it and the authorities that we've been given by  
22 Congress to do it.

23 So I think the challenge for us is  
24 that not everything that -- or I should say, not  
25 every tribe is ready for self-governance. So for

1 us, for the BIA in particular, you know, we're  
2 still sort of half in, half out as far as that kind  
3 of reorganization. To my mind, it would be great  
4 if every tribe was ready to do self-governance, and  
5 we could devolve almost everything we do over to  
6 them and only continue to perform our inherent  
7 federal functions. But not everybody is there yet,  
8 so we still have to juggle with that.

9           Having said that, as I said, as a  
10 lead-in to this discussion, I think, if it is a  
11 topic of the BIA working better in your region, or  
12 even if you have it for the BIA in general, I'm  
13 happy to have that discussion. That's just a  
14 separate discussion from this departmental  
15 reorganization, but I think that's very important.

16           We have -- in addition to this  
17 discussion on departmental reorganization and  
18 unified regions, we have a few regions in the  
19 country where the tribal leaders have said that,  
20 "Hey, we don't really like the way our region is  
21 operating now within the BIA, and we would like to  
22 talk some more about how we think it could work  
23 better."

24           And so, you know, we're beginning  
25 the process of engaging in that discussion as well.

1 So I hope if you have thoughts on improving how the  
2 BIA itself works and does things, I'm happy to do  
3 that anytime.

4 Thank you, Mr. President.

5 JACQUELINE PATA: Thank you.

6 Jackie Pata, Second Vice-President for Tlingit &  
7 Haida.

8 I'd like to thank our president  
9 for his remarks, and certainly I support those. In  
10 addition to his remarks, I'd like to offer a few  
11 additional comments.

12 So first of all, thank you for,  
13 once again, coming to Alaska. It's great to be  
14 able to have consultations here. I know Alaska is  
15 a vast region, and it's difficult to choose  
16 locations within the state; but it's nice that we  
17 actually had the options within Alaska.

18 You mentioned that, you know, the  
19 Secretary believes that this trust responsibility  
20 should be department-wide. And I, too, agree that  
21 it should be department-wide. In fact, I remember  
22 the last reorganization when we were dealing with  
23 trust modernization in the Cobell era; and we had  
24 several years of negotiations, working through with  
25 the department how do we actually address this,

1 from the highest level in the department, as well  
2 as with the bureau itself.

3 And we recognized then that it was  
4 important for us to have an Undersecretary for  
5 Indian Affairs, because the way that the bureau,  
6 BIA, sits within the department, there are areas of  
7 cross-purposes with other divisions within the  
8 department; and it seemed that we weren't getting  
9 the traction within the agency overall, the  
10 department overall. And that was an attempt to try  
11 to deal with some of the coordination issues, and I  
12 know that tribes worked hard to get that included  
13 in the Indian Trust Asset Reform Act, and yet it  
14 has yet to be implemented.

15 So as we're thinking about how to  
16 make sure that there is equal participation in a  
17 department-wide effort, I would also put that on  
18 the table as one of the suggestions of  
19 implementing.

20 In addition to that, you know, in  
21 previous conversations, we've talked about how  
22 important it is to -- how the Secretary feels --  
23 and I heard from the Secretary directly on this --  
24 to break down the silos that are within the  
25 department -- BLM, Fish and wildlife -- to be able



1 to have a more -- a greater working relationship.

2 And we, too, believe that that is  
 3 important. But we also want to be able to make  
 4 sure that, since the BIA is the only, you know,  
 5 bureau within the department that actually deals  
 6 with humans and human resources, and the rest are  
 7 natural resources, that, you know, we respectfully  
 8 recognize -- I don't want to say a hierarchy of  
 9 that, but the value of dealing with people and  
 10 engaging with people and communication being so  
 11 important.

12 I recognize, in the map that you  
 13 showed of the 13 regions, Alaska is left intact --  
 14 obviously for good land management reasons -- and  
 15 that Alaska would likely be the pilot of  
 16 implementation, because you don't have to make any  
 17 changes.

18 And yet I know -- I recognize also  
 19 that you stated and confirmed, because I know there  
 20 are people here from other states, that the way the  
 21 lines are drawn on the maps, that there is room for  
 22 exceptions to the drawings. So from my last  
 23 conversation, I just wanted to clarify that -- from  
 24 the last conversations -- perhaps if tribes in a  
 25 certain area felt like they needed to have some --

1 you know, to make some exceptions to where they are  
 2 located just because of current situations, that  
 3 those could be recommended and considered in the  
 4 final drawings of the map.

5 So, for example, perhaps  
 6 California might want to remain California for  
 7 their own political reasons, or Navajo might want  
 8 to choose one of the three states that it resides  
 9 within, whatever might make some sense. So I  
 10 understand that, and I just wanted to bring that to  
 11 everyone's attention.

12 But I really am more concerned  
 13 about some of the services, the tribal services  
 14 themselves. You know, when we are looking at this  
 15 idea of bringing together, at least initially,  
 16 these siloed kind of, you know, divisions within  
 17 the department and wanting for them to come  
 18 together in a different way and what shared  
 19 services could look like, I want to be able to make  
 20 sure that we're protecting tribal services.

21 So, for example, I'm very  
 22 concerned about, you know, the combining of  
 23 appraisal services within -- department-wide,  
 24 because appraisals is such a scarce resource. And,  
 25 for example, BLM, at least for Alaska, from what we

1 know, tends to be 40 years behind on being able to  
 2 deal with their backlog. I worry about tribes who  
 3 are dealing with, you know, Land Into Trust and  
 4 transfer of property and for home ownership -- I  
 5 mean for home sites or other kinds of things, that  
 6 they could get bogged down in that. And we want to  
 7 be able to make sure that those resources would be  
 8 protected for those immediate needs of humans  
 9 within the department.

10 And then I also want to say, too,  
 11 that I do think this gives us an opportunity to  
 12 think about opportunities within the department.  
 13 So if the tribes were more closely aligned with  
 14 parks services, for example, it seems that there  
 15 should be opportunities to think about  
 16 comanagement. It seems like there should be  
 17 opportunities to -- for tribes to think beyond just  
 18 the tribal services, but the management of some of  
 19 these natural resources, and certainly the  
 20 relationships that we have with Fish and wildlife.

21 And so I would want to -- hope  
 22 that for all of those, in the thinking about where  
 23 we sit, it would be not only about where they are  
 24 co-located, but how do we co-work.

25 And then I also think that it

1 would be important for us to -- you know, you  
2 said -- I guess one of the things is, we have a  
3 program which you're very familiar with, the 477  
4 program. It's a philosophy. And when people say  
5 "477," only tribal people know what 477 is.

6 But, really, it's a philosophy,  
7 and it's a philosophy of being able to create  
8 efficiencies about reporting and the way money  
9 comes on the ground. I would think that that --  
10 these philosophies that are important in a  
11 co-located, you know, new department with a  
12 different philosophy would be thinking about  
13 extending things such as, you know, buy-Indian,  
14 consultation requirements to a much broader scale  
15 of the other divisions within the department so  
16 that they truly understand their federal trust  
17 responsibilities to tribes and how to engage with  
18 them.

19 And then, lastly, I'd like to say  
20 that, you know, mostly co-locating -- I don't even  
21 want to say this example. It's probably not a very  
22 good one -- but many of us co-locate in the same  
23 house. My husband sits down and watches TV. I  
24 might not talk to him all night long; right? So we  
25 can co-locate together, but it doesn't mean that

1 we're communicating better. And so as was said  
2 earlier by an earlier speaker today, it really is  
3 about communication. You can spend all the money  
4 in the world, but if you haven't figured out the  
5 communication, then you still haven't gotten  
6 anywhere.

7                   And I worry that the  
8 interdepartmental systems of communicating are not  
9 always as strong as they could be, and those are  
10 tougher silos to break down. It doesn't matter  
11 where you work.

12                   So my concern is that, by moving  
13 folks from the central office out to the regions --  
14 and we have done that back-and-forth before in  
15 several iterations of reorganization and  
16 restructuring within the department -- we move them  
17 out to the regions, and then we find out it doesn't  
18 really work, and we need to have people to make  
19 decisions. So then it comes back to the central  
20 office.

21                   And I think, in this day of  
22 technology, it doesn't really matter where you live  
23 and where you work; it's a matter of how you  
24 communicate and where the lines of authority for  
25 decision-making are.

1                   So I know that it's difficult if  
2 you have politicals making decisions in Washington,  
3 D.C., and department heads who don't have access to  
4 those politicals out in the field. You still have  
5 a strained relationship in making decisions. So I  
6 would want to be able to make sure that, in this  
7 restructuring, we actually really have a  
8 communications restructuring, probably stronger  
9 than the actual movement or location. So that  
10 would be just one of the recommendations I put on  
11 the table.

12                   And let me see if I had anything  
13 else here that I wanted to make sure I said. Oh,  
14 yes.

15                   And one of the things that the  
16 tribes have been asking for in that whole idea of  
17 communications is -- and at the Tribal Budget  
18 Advisory Committee, we reinforced that. We have a  
19 couple of Alaska representatives who participate,  
20 and actually Co-Chair Rick Harrison does a great  
21 job. But we've asked for the Secretary to develop  
22 a Tribal Advisory Committee, similar to the  
23 Secretary's Tribal Advisory Committee at the  
24 Department of HHS. And we have found that that's a  
25 real good model for actually looking

1 department-wide.

2 So this restructuring is  
3 department-wide, and it would be helpful to develop  
4 a communication system for tribes to engage,  
5 department-wide, within the Department of the  
6 Interior. And so as part of this restructuring, we  
7 would put that on the table too.

8 Thank you.

9 JOHN TAHSUDA: Thank you. Thank  
10 you, Jackie.

11 You covered a lot of territory  
12 there. I did want to just comment on a couple of  
13 things, and some of these we can come back to, I  
14 think, later on. I don't want to take up too much  
15 time.

16 Thanks for noting this, and I've  
17 said it before, and the Secretary says it all the  
18 time now, that the BIA is the people bureau within  
19 the department. Most of the department manages  
20 animals or fish or rocks or water. And we do that,  
21 too, but we also have people, which is our primary  
22 responsibility -- tribal, in the tribes.

23 So to go all the way back to what  
24 you were talking about at the beginning, the notion  
25 of an Undersecretary, I think -- I have a couple of

1 thoughts on that. One is, so that was an attempt  
2 to reorganize the department before the change in  
3 administration, before the Secretary came in. It  
4 was an attempt to try to force some of the things  
5 that we're trying to do with this. So in one  
6 sense, I think, we've kind of leapfrogged over  
7 that. And for our purposes -- and this is part of  
8 the Secretary's, I think, view of effective  
9 leadership within the department -- is that there  
10 are -- you can have undersecretaries. You can do  
11 all that stuff; right? But, effectively,  
12 90 percent of the decisions are made in the field.

13           And those decisions, if they can  
14 be improved, if they can be made faster, more  
15 effectively, and that the people in the field have  
16 clear direction and authority to make those  
17 decisions, it can happen in the field. It never  
18 even has to come to D.C. We don't need an  
19 Undersecretary. That happens out there.

20           Again, as Kyle alluded to in the  
21 beginning, if you don't know -- I'm sure everybody  
22 knows -- but, you know, our boss is a former Navy  
23 SEAL. He's been a commander. So he's been both a  
24 soldier and a leader within a large organization  
25 within the Department of Defense.



1           He's also -- much of his career  
2           spanned this effort of reorganizing the Department  
3           of Defense. And so some of these ideas that he has  
4           put into this thought process -- again, if you  
5           think about this as strategic leadership,  
6           reorganizing the department for strategic  
7           leadership -- borrow concepts that have been very  
8           successful for the Department of Defense.

9           And so, very briefly, you know,  
10          the Department of Defense operates in geographic  
11          regions around the world. Prior to the Grenada  
12          incident -- what do we call those? Operations? I  
13          don't know -- the services had different regions  
14          for themselves that they operated in within the  
15          department. And that led to bad communication.  
16          When they had an operation in one specific location  
17          that they all were involved in, they didn't have  
18          coordination. They didn't have communication.

19          Thankfully, that was a relatively  
20          small operation, and so the consequences of those  
21          failures were not catastrophic. But the national  
22          and the defense department leadership realized,  
23          "Oh, my God. What if that happened in a bigger  
24          situation?" That began this process of identifying  
25          and realizing that all the services that operate in

1 geographic regions should have the same graphic  
 2 regions. We all have the ultimate goal in that  
 3 region, which is, you know, the interests of the  
 4 United States. But each of the services have their  
 5 own missions, and they have their own goals on how  
 6 they get to that ultimate goal for the country.

7           And so what they went through --  
 8 and this is part of what we're doing, what the  
 9 Secretary is doing here -- they identified that,  
 10 even though they have different missions in an area  
 11 of operation, a geographic area of operation, there  
 12 are common functions that each of them perform in  
 13 pursuit of their missions and goals. So if you  
 14 identify those, and you have shared communication  
 15 and coordination in your decision-making in pursuit  
 16 of your missions across those functions, then you  
 17 get to the common goal -- better leadership, more  
 18 effective decision-making.

19           That's essentially the root of  
 20 what we're looking to do here, and that's why I  
 21 identified the three core functions that these  
 22 unified regions and the leadership of that would be  
 23 really be focused on.

24           And so, again, all of our bureaus  
 25 in a geographic region, at some time or another,

1 perform NEPA functions, do biological opinions.  
2 There's a lot recreation, in case you didn't  
3 know -- you probably know up here, because you have  
4 a lot of that too. But recreation is like almost a  
5 \$900 billion business in the United States and  
6 growing every year. A large part of that happens  
7 on public lands. It happens around Indian  
8 reservations.

9 But as with these other areas, we  
10 have very little coordination within our own  
11 agencies that have public land management on how  
12 they coordinate this. And to date, there has been  
13 almost zero coordination with the tribes that are  
14 around them on these things. So there are  
15 practical implications. They have these economic  
16 implications, but the idea is that these are common  
17 functions that we all perform in our bureaus. And  
18 if we can coordinate on those, even though we may  
19 have separate missions that we're trying to perform  
20 to get to our bureau's individual goals, the  
21 ultimate goal of the department is reached more  
22 effectively and faster. I probably have  
23 over-belabored that point.

24 And I do want to note -- so you  
25 mentioned, in the Lower 48 in particular, one of

1 the things that the Secretary is trying to be very  
2 clear about as well is that, you know, this is not  
3 intended to create a new, rigid bureaucracy. So to  
4 the extent that if there needs to be a minor change  
5 in the lines, but even more importantly, without  
6 even changing the lines on the map, if there is  
7 some flexibility that can be provided to keep  
8 tribes in a current region working with each other,  
9 even though they may be in different regions,  
10 unified regions, that would be something that we  
11 would work on to accomplish on behalf of the  
12 tribes.

13 And I'll just use this as an  
14 example. If you look at the Missouri Basin, the  
15 new Area 6 for us, it includes what's our current  
16 Great Plains region and also part of the Rocky  
17 Mountain region. The other part of our current  
18 Rocky Mountain region is really only two tribes.  
19 Even though, under this new map, they would be in  
20 the Upper Colorado Basin, the new Area 8, I think  
21 it is, it would be, I think, relatively easy for us  
22 to figure out how they could continue to work as  
23 they do now with their brothers in Montana, with  
24 the other folks -- and they work very closely with  
25 the tribes in the Great Plains as well.

1           And we could help them coordinate  
2 with one unified region, even though they may  
3 formally be in another region. And so they would  
4 still get the same level of services. The unified  
5 region directors will be not only required to  
6 facilitate within their regions, but they're going  
7 to have projects, et cetera, decisions that cross  
8 these new unified region boundaries as well. So  
9 part of their responsibility is making sure that  
10 their unified regions also coordinate well across  
11 these lines.

12           So the idea is that we can build a  
13 lot of flexibility into this to meet tribal needs  
14 and to make sure that, at the end of the day, we  
15 provide no less services than we do now; and  
16 hopefully we provide much better service in the  
17 future.

18           So, thanks, Jackie for your  
19 comments. I don't want to take up too much time,  
20 and I'll let this young lady speak next.

21           ANDREA CADIENTE-LAITI: I forgot  
22 what I was going to say. If I could -- oh, I'm  
23 Andrea Cadiente-Laiti. I'm the tribal land  
24 administrator for Douglas Indian Association.

25           Moving forward, I'd kind of like

1 to bring it back to the IRA presence, the IRA  
2 tribal government presence in this room. And  
3 having said that, I know that you said the Alaska  
4 Regional Director was here. And although he's not  
5 a part of your presentation, I would ask that he  
6 come to the front, where the Alaska tribes -- where  
7 he can hear us as well, because you're going to  
8 receive a blend of comments on the issues. We have  
9 to grab you while we can, when you're a captive  
10 audience. So I think he should be in the front as  
11 well.

12 And, first of all, I'm going to  
13 kind of give you time to think about this in your  
14 proposal for reorganization. And the reason -- not  
15 the only reason that I've asked the Alaska Regional  
16 Director to come forward, but that I see in your  
17 proposal you have an Interior Regional Director for  
18 each region that you're looking at. And so after  
19 I'm done, I hope that you can expound on that. And  
20 then hopefully, as you lead into that, we can just  
21 hear a formal introduction from the new Alaska  
22 Regional Director.

23 Now, I'm going to speak pretty  
24 candidly about our challenges. I appreciate all  
25 that are here in this room, and I can understand,

1 with 70,000 employees, how monumental your task is  
2 in looking to reorganize. Even though you face  
3 criticism about past attempts, you're still going  
4 at it. Maybe with this new generation -- and some  
5 of those that have been in elected positions in the  
6 past and are currently serving, whether it's direct  
7 services or the governmental aspects of tribes -- I  
8 hope that we're looked at with more recognition,  
9 especially for those of us that are small.

10 We tend to get enveloped or cast  
11 aside, if you will, like stepchildren, by  
12 consortiums that have become tribes. And, of  
13 course, I have Central Council folks that are here,  
14 and I mean no disrespect. I was a Juneau delegate  
15 for the Central Council Tlingit & Haida Indian  
16 Tribes of Alaska for many, many years, and I also  
17 served as -- I was a 17-year employee with them,  
18 and I served as a human services director; so I  
19 oversaw quite a large staff in doing so.

20 And so I have a loyalty to them as  
21 tribal citizens, but now working for an IRA and  
22 having worked with IRAs as a human services  
23 director, I have respect for their right to  
24 self-determination, sovereignty, and  
25 self-governance.

1                   And so many of us come wearing  
2 more hats. On our tribal council we have a  
3 Sealaska director seated. I myself am a director  
4 of Goldbelt Incorporated, the Juneau urban  
5 corporation. I've served on the Juneau Community  
6 Council, as I said, as a delegate.

7                   So with those hats, we all have to  
8 become pretty adept, with our limited resources, to  
9 know when we have to change hats. But basically  
10 what I'm saying is, you have the talent, the  
11 education, the ability for small tribes to be  
12 recognized; and that if you put any advice to  
13 regroup together, it is that we don't fall by the  
14 wayside to the people or the tribes or entities  
15 with deep pockets, with their own attorneys, with a  
16 staff of 300 and whatnot.

17                   We've actually had federal  
18 departments that we work with come, and we're the  
19 afterthought. As Douglas Indian Association, we're  
20 the last in line before the federal reps run for  
21 their jets to leave. And so they'll go to see  
22 Tlingit & Haida Central Council, they'll go to see  
23 Sealaska Corporation. We're an afterthought, but  
24 we are the historical federally recognized tribe of  
25 this area.



1           So I would encourage what you take  
2 back to D.C. is that, just exactly what you said,  
3 with how monumental, with how many acreages, how  
4 many employees you have, the partnering  
5 difficulties, the communication difficulties --  
6 that you understand just how frustrating it is for  
7 us smaller tribes who have government-to-government  
8 authority, just like the larger tribes.

9           And so I would also like to say --  
10 I know there was one other thought that was very  
11 critical. Oh, it was the fact that when Jackie  
12 Pata -- who, by the way, is also NCAI, so her voice  
13 gets to be heard all over the place, nationally and  
14 whatnot. And so we're struggling. We do not have  
15 six vice-presidents to stand up and take turns and  
16 talk to the interests of the Central Council.  
17 While we are tribal citizens of Central Council for  
18 purposes of the tribal judgment fund, they -- we  
19 have the same enrollment. Hydaburg, Craig,  
20 Klawock, Yakutat -- it's a dual enrollment with  
21 them, but ours is the base enrollment. And so we  
22 petition the Department of the Interior to stop and  
23 think about that and make sure that our voices are  
24 heard.

25           At the Douglas Indian Association

1 I only have a small staff of six. I have an  
2 environmental specialist, who works also as our  
3 communication person with our cultural research --  
4 as a cultural research specialist. I have a tribal  
5 transportation director, who also works as the  
6 environmental director. I mean, we do what we can  
7 to pull the funding sources together and duct-tape  
8 them to make ends meet and to meet all these  
9 requests for tribal consultation, but never to find  
10 ourselves with our feet at the table in D.C.; but  
11 we are quite capable of doing that.

12 Douglas Indian Association -- and  
13 back to Jackie. I appreciate she talked about  
14 partnering or the co-management. Douglas Indian  
15 Association, as I'm sure with other tribes -- we  
16 have partnership with the National Forest Service,  
17 partnership with the U.S. Coast Guard, partnership  
18 with the Environmental Protection Agency, and  
19 partnership with the Federal Highways  
20 Administration. And that's with a staff of six and  
21 a council of nine.

22 So we do what we can to make ends  
23 meet. I always hesitate to say we're a small and  
24 needy tribe, because we have strength in our own  
25 right. And we have a tribal council who exercises

1 fiduciary responsibility, that any monies coming  
2 through to us, allocations that come to us for the  
3 benefit of our tribal citizens -- and, my God,  
4 we're going to try and find out how that was spent  
5 on our behalf. That's why we're wary of  
6 consortiums. We're wary of pooling funds. We're  
7 wary of memorandums of agreement. When we hear  
8 larger entities tout that they're in it for the  
9 people and the services, how terrible it is for our  
10 tribal citizens when we can't even stand up a  
11 tribal building. We can't even pave potholes in  
12 the road because we have nothing to show for the  
13 funding that we receive.

14           So you'll excuse me for being so  
15 candid, but these are some of the challenges that  
16 smaller tribes face. So I myself appreciate that  
17 the Department of the Interior is here, holding a  
18 face-to-face. And that's why I asked our Alaska  
19 Regional Director to come forward.

20           Yesterday I indicated that the  
21 Taku River is indeed within the territory of the  
22 tribal government of Douglas Indian Association.  
23 We have been testing the waters for mining residue  
24 since the '90s, and the Department of the  
25 Interior -- not the Department of the Interior, the

1 Bureau of Indian Affairs gave funding to Tlingit &  
 2 Haida Central Council and forgot all about us, our  
 3 environmental program. No resolution to speak of  
 4 to go out onto our river. I'm sure they will do so  
 5 for the Unuk River, for the Stikine River, for the  
 6 Chilkat River. As we speak, I know that  
 7 Senator Murkowski -- tribes are raising up to put  
 8 their hands together and clap for Murkowski moving  
 9 to secure a million and a half dollars in funding  
 10 for the tribes to go and have their rivers tested.

11 And the Chilkat River was named in  
 12 this round, and one of the Yakutat rivers. I'm  
 13 sorry. I can't remember -- the Alsek River. And  
 14 then I believe the Stikine and the Taku. Unless we  
 15 have the resources to travel and to do whatever we  
 16 have to do to come and visit you at your offices in  
 17 D.C., we're going to be lucky to get a sliver of  
 18 that piece of pie. But, by God, our voices are  
 19 going to be heard. We're going to try for it.

20 I stand for the IRAs. We're  
 21 separate tribal governments. When Tlingit & Haida  
 22 says they're a Southeast Alaska tribe, I know that  
 23 in the beginning it was because they talked about  
 24 25,000 strong in our membership, people that  
 25 weren't necessarily tied to any particular IRA, and

1 how are they represented.

2 But somehow IRAS got swallowed up.  
 3 we have over 700 members with DIA. I have to speak  
 4 for them, even though they have a dual membership  
 5 with Tlingit & Haida Central Council. I applaud  
 6 our tribal council. They exercise their fiduciary  
 7 responsibilities. They have had to take their  
 8 licks. I believe in tribal sovereignty. I believe  
 9 in sovereign immunity. But when we throw that out  
 10 to block a tribe from going for its allocation,  
 11 then it circles. So there is much, much more than  
 12 meets the eye, and we have to -- we have to get the  
 13 courts, the Department of the Interior, the Alaska  
 14 regional office to take a close look at: Are you  
 15 satisfying your duties and responsibilities just by  
 16 talking to the big guns, or are you actually having  
 17 face-to-face consultation with IRA leaders, the  
 18 original tribal governments?

19 Thank you.

20 JOHN TAHSUDA: Thank you,  
 21 Ms. Andrea. I really appreciate your comments.

22 So let me say it's a challenge, I  
 23 think, for the bureau and for us that we've not  
 24 always addressed properly. Your issues are not  
 25 unique, necessarily. We have a lot of parts of the

1 country in which we have small tribes who, in some  
2 ways, are kind of overshadowed by larger tribes.  
3 And sometimes they're related. They're in a  
4 consortium, and then they're not. So, I mean, it  
5 is kind of challenging for us.

6 I don't think we've always done  
7 the best job of trying to make sure we're meeting  
8 everybody's -- our responsibility to every tribe  
9 and every tribal group. So that's going to be part  
10 of Gene's job, though, is making sure -- and I  
11 promise you you can always reach out to him, and he  
12 will listen to you. So, thank you for that.

13 I wanted to -- I appreciate you  
14 pointing out the Interior Regional Director. That  
15 is something I wanted to cover, but I wanted to get  
16 through the first part of the slide slow quickly.

17 So let me expand a little bit more  
18 on the concept of the Interior Regional Director.  
19 So we said that the concept is that there's a  
20 unified region. And in that unified region, all  
21 the bureaus will retain their regional director for  
22 their bureau for that region. We're not cutting  
23 the heads off of those folks.

24 And, in fact, I don't know what  
25 it's like for the other bureaus, but as we've been

1 engaged in this part of the discussion with our own  
2 employees and out in the regions, I've asked a  
3 number of times. And I would say, on average, our  
4 regional directors tell me that, when we talk  
5 about, you know, these interbureau functions and  
6 the projects or the decisions, et cetera, where  
7 they really need leadership and involvement from  
8 the other bureau, it's probably, I don't know,  
9 10 percent of what they do. We're not talking  
10 about, you know, even close to a small majority of  
11 what the regional directors and what our bureaus do  
12 in a region.

13 And so, now, even though that's  
14 only 10 percent, those are often very big and  
15 critical decisions, because when it rises to that  
16 level, they're usually, you know, some kind of  
17 project that's very important to the entire region  
18 or to one of the bureaus there. And our goal is to  
19 make this important to all of the bureaus. So when  
20 it's important to us, it will be important to the  
21 other bureaus there. When it's important to them,  
22 it's important to us as well; and our views are  
23 heard as well.

24 So Gene is in no danger of losing  
25 his job, but this is going to put a person, in the

1 line of reporting, above Gene and above the other  
2 regional directors there. And, again, this  
3 person's primary responsibility is going to involve  
4 those three core functions -- conservation,  
5 permitting, and the recreation.

6 And you can think about it in this  
7 way, and maybe I'll get to, in part, what Jackie  
8 was commenting on as well. So you can both  
9 encourage and force facilitation and coordination;  
10 right? That's going to be this guy's job. So it's  
11 easy to say we can have better communication, we  
12 can talk more, we can do this and that, but  
13 whenever each of the bureaus has their own mission  
14 and goals, and those don't overlap, their  
15 priorities are not the same as the other bureaus'  
16 priority; right?

17 This guy's job is to make sure  
18 that, in these three core functions, this is a  
19 regional priority, not a regional bureau priority.  
20 And so all the bureaus in that region will be  
21 tasked -- he's going to be the taskmaster, to make  
22 sure that they have, from the very beginning, the  
23 coordination and the communication to get to a  
24 common decision on that project or whatever it is  
25 that needs to be done in that region. That's the



1 purpose of, really, that regional director, this  
2 Interior Regional Director.

3 In practice, how is it going to  
4 function? There are a couple of concepts, but I  
5 would say, you know, in part through discussion  
6 with our staff -- and not just ours, but  
7 department-wide and the regional staff and our  
8 regional leadership in the different bureaus -- I  
9 think that there is getting to be sort of a growing  
10 consensus that the option that is probably going to  
11 be taken up for this Interior Regional Director is  
12 to have a rotating directive.

13 So for each of the bureaus in that  
14 unified region, their regional director would do  
15 like a two-year stint as this Interior Regional  
16 Director over that region. And, you know, there's  
17 pros and cons, different ways you can do it. But  
18 across the bureaus, our regional directors, you  
19 know, have expressed a desire that this person be  
20 sort of part of their career core leadership and  
21 not somebody that -- you know, like a political  
22 person like me -- right? -- that comes in for a few  
23 years and is gone. They want somebody who is  
24 committed to the department, the bureau, as a  
25 career, and hopefully somebody who is committed to

1 their region. And so that typically is a regional  
2 director from those regions.

3 And so that was important to them.  
4 It was important to them as well, you know, as a  
5 practical matter, that if it's going to be one of  
6 their regional directors, that this rotates so that  
7 none of the bureau regions' leadership kind of gets  
8 a foot ahead of everybody else. So, in a sense,  
9 this is how you force people working together well,  
10 as well, is when each of them take their turn doing  
11 this, they're going to not favor their bureau over  
12 others, because they don't want that to happen to  
13 them the next time somebody else is the regional  
14 director.

15 So there was some frank discussion  
16 about that, and so all this kind of, like I said,  
17 has kind of coalesced around, I think, a consensus  
18 from our leadership, our career management  
19 leadership staff, that that would be a good way to  
20 go. And so I think that's the way the Secretary is  
21 leaning. I don't know if -- obviously, he can  
22 change his mind right up until he files the report  
23 with the white House. But I think that's the  
24 direction they're going, and that's how that would  
25 basically operate.

1                   At least in the short term, too,  
 2                   until there is more movement and we're able -- or I  
 3                   should say until we're able to move more to things  
 4                   like co-location of offices, et cetera, this also  
 5                   would help us, you know, sidestep the issue of  
 6                   should we have a whole new office in a new city in  
 7                   this unified region or whatever. So in the short  
 8                   term, if we rotate this around, then they can  
 9                   basically operate out of their current office until  
 10                  some future date, whenever we can co-locate  
 11                  regional leadership into common offices, et cetera.

12                   So I hope that answers the  
 13                  question on that. If you have more on that, please  
 14                  ask, and I'll try to elaborate more.

15                   Mr. Micklin, I think you're up  
 16                  next.

17                   Oh, did you have something?

18                   GENE PELTOLA JR.: Did you want me  
 19                  to introduce myself?

20                   JOHN TAHSUDA: Oh, you want to  
 21                  introduce yourself? Sure. Okay.

22                   I'm sorry. Hey, we'll take one  
 23                  second. I know I briefly said his name at the  
 24                  beginning, but we're give Gene a chance to expound  
 25                  more.

1                   GENE PELTOLA JR.: Good morning,  
 2 everybody. My name is Gene Peltola Jr. and I'm of  
 3 Tlingit and Yupik descent. My mother is Pamela  
 4 Lelani See, born in Sitka. My father is Gene  
 5 Peltola Sr., both in the Bethel area. And then my  
 6 grandparents were Joe and Mabel Pike -- her maiden  
 7 name was Wilson -- from Douglas Island. My  
 8 biological grandfather was Benjamin See, born in  
 9 Excursion Inlet. And on my father's side, my  
 10 grandmother is Yupik from the Middle Kuskokwim,  
 11 Katherine Hoffman.

12                   And then my grandfather was Ray  
 13 Peltola, a Finnish miner who came to Alaska in the  
 14 late '20s, early '30s as a teen, probably fishing  
 15 in Bristol Bay and decided it was too much work.  
 16 He traveled 160 miles up the Range, and trapped for  
 17 the winter and found gold in the summer. And  
 18 that's -- I mean, in the spring, that's how he  
 19 became a miner.

20                   My career has been almost 34 years  
 21 with the federal government here in Alaska. All of  
 22 my career has been in Alaska. I recently came from  
 23 five years heading up the Office of Subsistence  
 24 Management, and my whole career has been, except  
 25 for the last month, spent with the Fish and

1 wildlife Service. That's me in a nutshell.

2 Thank you.

3 JOHN TAHSUDA: Do you want to pelt  
4 him with questions now, or later? Just kidding.

5 Thanks, Gene.

6 will?

7 WILL MICKLIN: Will Micklin, Third  
8 Vice-President, Central Council Tlingit & Haida  
9 Tribes of Alaska, a federally recognized Indian  
10 tribe.

11 We're an original tribe, not a  
12 nonprofit or a consortium, as affirmed by the 1994  
13 Tribal List Act. Our counsel, Phil Baker-Shenk,  
14 was principal in Senator McCain's office in '94,  
15 and one of the authors of the bill that Senator  
16 McCain sponsored that clarified the standing of all  
17 tribes in Alaska, equivalent to those throughout  
18 the contiguous 48 states.

19 Yesterday we spoke in affirmation  
20 and in support of all tribes in Alaska, whether  
21 organized under Section 16 of the Indian  
22 Reorganization Act, or traditional, or however  
23 established. Once federally recognized, they have  
24 equal standing as beneficiaries to the federal  
25 trust and equivalent powers, inherent powers of

1 sovereignty and self-determination. So we stand in  
 2 support of all tribes with equal standing, from  
 3 Alaska to the 48 contiguous states.

4 I'd like to address the  
 5 reorganization plan. And in looking forward, I  
 6 know your plan looks at the next 100 years. It's  
 7 important that we look back as well to understand  
 8 how to move forward. So I'll begin with the -- and  
 9 John alluded to this in his earlier preamble -- to  
 10 the discussion.

11 The Bureau of Indian Affairs began  
 12 as the Department of war in 1834, and it was  
 13 transferred to the newly created Department of the  
 14 Interior in 1849. And in that period, it began a  
 15 cycle of ups and downs for federal Indian policy.  
 16 There was the treaty-making period that ended in  
 17 1871. The allotment period with the Dawes Act  
 18 began right after that with the breakup of tribal  
 19 land holdings and distribution of the individual  
 20 allotments to tribal members, and excess lands  
 21 becoming available to settlement by non-Indians.

22 In 1928 there was the Meriam  
 23 Report that called for sweeping changes. It was a  
 24 period at that time known as the Indian New Deal,  
 25 and the centerpiece was the Indian Reorganization

1 Act of 1934-1936, amended for the State of Alaska.

2 This put an end to the allotment  
3 of tribal lands and promoted revitalization of  
4 tribal governments. This period came to an end  
5 with the termination period, which began  
6 approximately around 1953. And the goal of that  
7 period was the termination of the special status of  
8 Indian tribes and the repudiation of federal trust  
9 responsibility.

10 Federal policy again changed in  
11 the 1970s, and changed course to reject the  
12 policies of assimilation and termination and  
13 favored policies that promote tribal  
14 self-determination. This was focused through the  
15 Indian Self-Determination and Education Assistance  
16 Act of 1974, with amendments in '88 and '94 and  
17 other minor amendments after that.

18 So these policies -- this zig-zag,  
19 as we may see it, of federal policies with respect  
20 to Indian Affairs rests principal responsibility  
21 for the trust responsibility to Alaska Natives and  
22 American Indians through the BIA, and principally  
23 under the direction of the Commissioner of Indian  
24 Affairs.

25 So I think it's often helpful, if

1 repetitive for you, to cite the authority for the  
2 trust responsibility that's in statute. So the  
3 Commission of Indian Affairs was created by the Act  
4 of July 9, 1832, and the statutes that cite the  
5 range of authority for BIA actions are in 25 USC  
6 Section 2, 25 USC Section 9, and 25 USC Section 13.

7 I'll just quote the last cite.

8 "The Bureau of Indian Affairs, under the  
9 supervision of the Secretary of the Interior, shall  
10 direct, supervise, and expend such monies as  
11 Congress may, from time to time, appropriate for  
12 the benefit, care, and assistance of the Indians  
13 throughout the United States."

14 The BIA is, as far as I can tell,  
15 the oldest federal agency in continuous existence  
16 in the executive branch. And it has come up, since  
17 its establishment, for considerable criticism for  
18 the way it carries out its duties. In 1834, the  
19 Congress sought to reorganize the Indian  
20 Department, as it noted at the time that, and I'm  
21 quoting, "Its administration is expensive,  
22 inefficient, and irresponsible."

23 In the period from 1867 to 1887,  
24 the Bureau of Indian Affairs was noted for its  
25 corruption and cynicism, along with some honest



1 efforts at reform. In 1869, an independent board  
2 of Indian commissioners was created to correct BIA  
3 mismanagement in the purchase and handling of  
4 Indian supplies. The Meriam Report of 1928  
5 criticized "inefficient and paternalistic  
6 administration of Indian policy." A Senate report  
7 issued in 1943 castigated the BIA and called for a  
8 drastic reduction in its funds, staff, and  
9 activities.

10 A 1976 report on BIA management  
11 practices to the American Indian Policy Review  
12 Commission found a notable absence of managerial  
13 and organizational capacity throughout the BIA.  
14 The AIPRC Task Force on Federal Administration and  
15 Structure of Indian Affairs criticized, in  
16 particular, "Area office staff has been delegated  
17 too much authority by the central office and  
18 basically serves as a bottleneck designed and  
19 motivated to systematically undermine Indian  
20 self-development progress." John Borbridge,  
21 president of Tlingit & Haida at the time was a  
22 member of the AIPRC.

23 The Presidential Commission on  
24 Indian Reservation Economies in 1984 criticized the  
25 BIA for "incompetent management of trust assets,

1 excessive regulations and red tape, incompetent  
2 technical assistance to tribes, deficient  
3 performance of activities such as credit, finance,  
4 contracting, and procurements," and recommended  
5 abolition of the BIA and its replacement with a new  
6 agency to be called the Indian Trust Services  
7 Administration.

8 In 1990, Secretary Lujan chartered  
9 a joint tribal-BIA-DOI reorganization task force.  
10 Over the next four years, the Joint Reorganization  
11 Task Force met 22 times across the country and  
12 developed 44 recommendations for BIA  
13 reorganization, regulatory reform, educational  
14 reform, budgetary reform, but with little success.

15 In 2000, the report of the  
16 National Academy of Public Administration  
17 questioned the overall competence of BIA management  
18 and administrative staff, citing in particular lack  
19 of expertise in the areas of planning, budgeting,  
20 human resources management, and information  
21 resource management as well.

22 I'd like to emphasize the NAPA  
23 report. It was brought up again in 2011, in the  
24 last administration, with a subsequent report to  
25 find ways to implement the National Academy of

1 Public Administration report from 2000. I don't  
2 think that actually ever went anywhere, but I do  
3 like to cite the NAPA report of 2000 because there  
4 were deliberative recommendations for real and  
5 substantial improvements to BIA processes from an  
6 academic perspective, which had real practical  
7 implementation. I'm a real fan of that report, and  
8 it's a shame that it has been on the shelf or in  
9 the dumpster fire, where most of these other  
10 reports in the last 200 years have ended up.

11 So many of the alleged failures  
12 that were cited since 1834 of the BIA were found to  
13 be less attributable to incompetence of BIA  
14 employees than to institutional conflicts of  
15 interest within the Department of the Interior,  
16 which houses the BIA and the Department of Justice,  
17 as found by the American Indian Policy Review  
18 Commission. They recommended in their 1977 report  
19 that Indian Affairs be elevated to cabinet-level  
20 status.

21 President Nixon wrote the Senate  
22 Indian Affairs Committee in 1989 to remind it of  
23 its 20-year-old proposal to create an independent  
24 trust counsel authority to advocate for the trust  
25 responsibility to Indians. Numerous witnesses to

1 the committee told of the need for independent  
2 legal representation of the trust responsibility.  
3 This is very reminiscent of the Indian Trust Asset  
4 Reform Act, the ITARA, which the bureau is now  
5 considering for rule-making, that calls for some of  
6 these very measures which were endorsed by prior  
7 studies.

8 It also reflects the position of  
9 the U.S. Commission on Civil Rights, which issued a  
10 report that cited the inadequacy of federal  
11 programs needed to assist Native Americans not only  
12 in the U.S. Department of the Interior, but also at  
13 the U.S. Department of Justice, Health and Human  
14 Services, the U.S. Department of Housing and Urban  
15 Development, the U.S. Department of Education, and  
16 the U.S. Department of Agriculture. This is the  
17 U.S. Commission on Civil Rights, and the report was  
18 "A Quiet Crisis: Federal Funding and Unmet Needs  
19 in Indian Country" issued in 2003.

20 So my point here, in traveling  
21 back so far to get back to present date, is that,  
22 yes, DOI is a massive federal agency and manages  
23 one out of every five acres of land in the United  
24 States; provides resources for nearly one-third of  
25 the nation's energy; provides water to 31 million

1 citizens in hundreds of dams and reservoirs;  
2 administers 388 units of the National Park System,  
3 544 wildlife refuges, facilities for hunting,  
4 fishing, recreation; oversees numerous bureaus such  
5 as the Fish and wildlife Service, Bureau of  
6 Reclamation, Office of Surface Mining, Minerals  
7 Management Service, the National Park Service, the  
8 Bureau of Land Management, and the U.S. Geological  
9 Survey.

10 The office of the solicitor  
11 provides counsel to the DOI agencies and ultimately  
12 to the Secretary. The BIA itself is a complex  
13 organization, with 12 regional offices, 100  
14 agencies and field offices throughout the country,  
15 and approximately 10,000 employees.

16 The point I'm making here, and the  
17 one that Vice-President Pata had emphasized in her  
18 testimony, is that we're not saying that you need  
19 now to stop all things and reform and reorganize  
20 the BIA. But your trust responsibility in  
21 reorganizing the Department of the Interior  
22 requires, in your trust responsibility, that in  
23 reorganizing all of the other bureaus within the  
24 Department of the Interior, that you need to make  
25 sure that the services, which have a long history

1 of miscommunication, of competition, and of  
2 diminishing the trust responsibility to the BIA,  
3 have to be reorganized so that your message of no  
4 harm is maintained, and hopefully improvements in  
5 reform and reorganization of the other bureaus lead  
6 to that same reform effort within the Bureau of  
7 Indian Affairs.

8 I've seen this planned when it was  
9 the watershed plan. Now it's the different region  
10 plan. There's a lot of reasons why there needs to  
11 be pause in the reform of the entire department,  
12 because there's not a deliberative, quantifiable  
13 analysis of what the consequences are, including  
14 unintended but knowable consequences, if provided  
15 reasonable analysis, to our federal interests, our  
16 trust responsibility interests to the Bureau of  
17 Indian Affairs.

18 So I think it's very difficult to  
19 assert that that type of deliberative planning and  
20 analysis has taken place. If it has, then we would  
21 certainly like to see it. But I think this kind of  
22 analysis needs to look back at all those  
23 recommendations that were made by prior commissions  
24 in the last 200 years and to focus it on your  
25 recommendations to assure that your pledge for no

1 harm is certainly maintained.

2 My experience is that when the  
3 department -- I mean when the bureau, meaning in  
4 the form of the Assistant Secretary of Indian  
5 Affairs, is in contest with directors from other  
6 bureaus, whether it be Fish and wildlife Service,  
7 BLM, or any of the other bureaus, the Assistant  
8 Secretary and the Commissioner of Indian Affairs  
9 are very light in that competition, and the balance  
10 is strongly favored towards the other bureaus.

11 I think that is a reflection of  
12 the many recommendations that seek to elevate that  
13 Assistant Secretary of Indian Affairs to a position  
14 within the department that better competes for  
15 resources with the other bureaus within the  
16 department. My fear is that the reorganization  
17 will only further exacerbate that inequity and  
18 inequality and confuse lines of communication that  
19 are, today, tenuous at best.

20 If you have an analysis and  
21 finding that proves otherwise, we are anxious to  
22 hear it. But I think it's a responsibility, both a  
23 statutory responsibility under federal code as well  
24 as under federal Indian policy, that this plan not  
25 go forward; or, at least in advice to the

1 Secretary, say that the plan, if it goes forward,  
2 needs to provide for the equity and equality and  
3 the maintenance of the federal trust  
4 responsibility, that that would not be a casualty  
5 of this reorganization.

6 Thank you.

7 JOHN TAHSUDA: Thank you,  
8 Mr. Micklin.

9 So can we take a short break? If  
10 you don't mind, we'll take a short break and give  
11 everybody a chance to stretch their legs, and come  
12 back in about ten minutes or so.

13 Thank you.

14 11:12 AM

15 (Off record.)

16 11:31 AM

17 JOHN TAHSUDA: All right. We're  
18 going to get ready to get started here, folks.  
19 Thank you.

20 And, again, if you can state your  
21 name and stuff for the record, we'll get rolling.

22 JULIE ROBERTS-HYSLOP: Thank you.  
23 My name is Julie Roberts-Hyslop. I'm from the  
24 Native village of Tanana, which is located on the  
25 Yukon River. I serve on my tribal council, but I



1 also am serving currently as the Vice-President for  
 2 Tanana Chiefs Conference, which is a consortium of  
 3 43 tribes in the interior of Alaska.

4 First of all, I'd like to say  
 5 thank you to the tribes here in this local region  
 6 for allowing us to be here on your traditional  
 7 homelands. It is important, you know, that we  
 8 thank you for allowing us to be here. We've come a  
 9 long way to be here to participate in this  
 10 consultation.

11 First of all, you know, talk about  
 12 creating anxiety among the Native people. And, you  
 13 know, the time of year, I think, is not really a  
 14 good time, because we're very limited to the time  
 15 that we can fish and gather. And so it's  
 16 unfortunate, you know, that the bureau decided to  
 17 come to Alaska during a time when we should be  
 18 home, you know, doing important tasks to provide  
 19 for our families.

20 But I wanted to start by saying  
 21 that, in Alaska, there's -- I looked up to see how  
 22 much land is owned by the federal government here  
 23 in Alaska. It's amazing, the federal ownership of  
 24 land here in Alaska. I think it's -- out of  
 25 Alaska's total acreage, there's 365 million acres

1 of land in Alaska. And of that total, 61 percent,  
2 or almost 62 percent, totaling 225 million acres of  
3 land, is owned by the federal government here in  
4 Alaska.

5 And I think that's an important  
6 issue to be brought forward to the department,  
7 because, you know, as traditional people, we have  
8 over 200 federally recognized tribes here in  
9 Alaska. And each of those tribes are surrounded by  
10 a lot of federal land. And I really want to thank  
11 Jackie Johnson Pata for bringing up the fact, you  
12 know, that communications between the federal  
13 agencies and the tribes are important. I'm not  
14 here to dispute the fact, you know, that we are  
15 sovereign tribes and that, you know, we do make  
16 sure that our sovereignty remains intact as tribal  
17 governments.

18 I also wanted to say that we know  
19 our backyards. We know and understand our needs  
20 and how to protect our resources. We were taught  
21 from time immemorial how not to take everything  
22 from our land, but to leave for the future. And as  
23 indigenous people, we have always taken care of our  
24 own, and I'm sure we'll always do that, because  
25 that's just who we are as Native people.

1                   So my question to you is: This is  
2 a department-wide reorganization effort, and I know  
3 that there's going to be other agencies who are  
4 perhaps going to be making comments on this  
5 reorganization, like perhaps Fish and wildlife  
6 Service, Bureau of Land Management, all those other  
7 agencies.

8                   And when they comment on this  
9 reorganization, how and when are our tribes going  
10 to be able to get the feedback from their comments  
11 and their responses? And will we have time to  
12 respond to those comments? Because, you know, if  
13 there's going to be reorganization, we need to make  
14 sure that communication is at the top between all  
15 of us, because the impact that the agencies are  
16 going to have could perhaps impact co-management,  
17 like one of the ladies said.

18                   Because that's something that  
19 we're really trying hard to do, is co-management  
20 within our own areas. And I know one of our tribal  
21 chiefs from Gwichyaa Zhee, Nancy James, is going to  
22 be up after me to talk about, you know, her efforts  
23 in the Yukon Flats area, about how they have been  
24 working with different departments.

25                   But I think it's important to

1 stress that if comments are going to be made, that  
2 we need to be able to respond before October. So I  
3 don't know what your timeline is for that process.  
4 But I also, you know, encourage the department to  
5 really make sure that our sovereignty remains  
6 intact.

7           And I know that last week we were  
8 in Fairbanks talking about the IRA, and then also  
9 about the Land Into Trust. And I don't think we  
10 really had sufficient notice. So this is a fast-  
11 moving pace that we're going at. And I think, you  
12 know, like will said, you look back 100 years,  
13 where we've been and where we've come to now. And  
14 I think our tribes have really been striving to  
15 really work hard at compacting and contracting, and  
16 I think we need to continue down that path.

17           So as a tribal leader from my  
18 region, there's a lot of tribes, you know, who  
19 could possibly be here. This room should be  
20 packed. Like we said in Fairbanks, this room  
21 should be packed with tribes and tribal leaders,  
22 but they're busy at home right now. And a lot of  
23 the tribes don't have sufficient money to even  
24 travel here to represent their tribes and their  
25 people. So that needs to be taken into

1 consideration.

2 If you're going to be doing a  
 3 reorganization, you need to take into consideration  
 4 that Alaska is big, like I just said, and we have a  
 5 lot of different areas. We have different ways of  
 6 doing things. So we need to bring the  
 7 consultation, you know, more out into these other  
 8 areas, not just, you know, way down here in  
 9 Southeast where we came. You know, it took a whole  
 10 day to get here, and it's going to take a whole day  
 11 to get back. I know you guys came far, too, but  
 12 that's beside the point.

13 (Laughter.)

14 But, you know, I just really want  
 15 to stress, you know, the responses from the other  
 16 agencies, you know, to the department's  
 17 reorganization. So with that, you know, I think  
 18 that's all I have. I know my other tribal leaders  
 19 want to get up here and say something also.

20 So thank you.

21 JOHN TAHSUDA: Thank you, Julie.

22 I mean, I'm not -- so I'm not sure  
 23 how to respond to your question about the other  
 24 bureaus. So we've all had discussion internally  
 25 about the unified regions. We have had a couple of

1 sessions. We've had -- back in January, the  
2 Secretary brought in the senior leadership, career  
3 leadership for the department, so most of the --  
4 what they call the SES, senior executive service,  
5 their top managers. And that included the regional  
6 directors for all the bureaus, most of them. And  
7 they brought them into D.C.

8           And we had two days where the  
9 Secretary kind of laid out this plan and sought  
10 their advice, and this is where part of -- and it's  
11 been an ongoing discussion, but part of this is  
12 about the regional directors and what would be the  
13 best way to have that person operate, et cetera.

14           So I don't know -- I mean, there's  
15 not any sort of formal comments. We just had these  
16 internal discussions about how we could do it. And  
17 then it's been a process of outreach to the  
18 external stakeholders that the department has.

19           So I'm not -- so I think that, I  
20 guess, in my view -- and the way you related it to  
21 co-management, I think, is a good one. So I think  
22 that this should be something that facilitates  
23 those things. Again, if we aren't so siloed in,  
24 you know, we'll be able to have better discussions  
25 and better decision-making about co-management

1 outside of the BIA and with the other bureaus.

2           You know, it's been an ongoing and  
3 a very slow process, reaching inside of the BIA, in  
4 many ways, for contracting. Co-management seems to  
5 be a little more acceptable, because for some of  
6 the other bureaus, it's not as alien a concept to  
7 them as 638 or self-governance is. So, to my mind,  
8 those are, you know, some of the interbureau  
9 discussions that should be facilitated. And like I  
10 said, hopefully, you know, instead of me or  
11 Ms. Sweeny having to talk to our counterpart in the  
12 other bureau, you can actually, in the region, have  
13 that discussion and talk about how it would work.

14           I think, it sounds like to me,  
15 just anecdotally, the places that it's worked well,  
16 that's actually what happened. Instead of sort of  
17 loggerheads at kind of the top of the bureaus, the  
18 folks in the region -- so like the local Park  
19 Service guy talked to our BIA agency head or  
20 something. And they talked through it, and the  
21 Park Service guy realizes, "well, it's really not  
22 that big of a deal; right?" And so that, I think,  
23 has worked in the past, and I think that this  
24 should better facilitate that kind of stuff. So  
25 that's the hope on that.

1           And I understand and, believe me,  
2 we heard the comments about the time of year and  
3 stuff. I apologize. In a sense, I mean -- or not  
4 in a sense -- but unfortunately, we have a time  
5 frame. And for us, we had to get in these  
6 consultations with tribal leadership about just the  
7 initial concept of this. Let me maybe elaborate a  
8 little bit more too.

9           So I think that there will be  
10 further consultation on this. And, again, it will  
11 be something that will be the sort of next step.  
12 So we're having a discussion with all the tribes in  
13 the country, region by region, about the unified  
14 regions and how this might work, to get a sense and  
15 a consensus from them on whether they want their  
16 BIA region to conform more to these unified  
17 regions. And, again, we don't have to be exactly  
18 on, but, you know, with some flexibility there, or  
19 not.

20           And that's something we kind of  
21 have to kind of wrap up so that we can give the  
22 Secretary, you know, our input in time for him to  
23 put that in with his larger report and submit that.  
24 And, again, the Secretary has committed this is an  
25 Indian country leadership decision. If you don't



1 want your regional bureau office to play with the  
2 new unified regions, that's a tribal leadership  
3 decision.

4           So once this is done, though, then  
5 we have an additional conversation. And, really,  
6 in a large sense, there are sort of two  
7 conversations that can be had. One is if -- and,  
8 again, this can happen region by region or  
9 nationally, depending upon, you know, where the  
10 tribes fall out on this.

11           But there can be a conversation  
12 about, "Okay. we think we do." And it doesn't  
13 have to be all-in or nothing. It doesn't have  
14 to -- you don't have to say, you know, "Once we've  
15 said yes, oh, my God, we can't change our mind."  
16 It could be that we couldn't work things out.

17           But if the consensus is that we'd  
18 like to move forward with this, then we'll have a  
19 conversation about how the region will work, how  
20 there will be the -- you know, what will be the  
21 plan for the region as far as the communication  
22 between the bureaus, if there is a change.

23           And, again, you know, it's a  
24 little bit different for you here. But in some of  
25 the other regions -- and as you know, our budget,

1 the BIA budget, is heavily affected by the tribes.  
2 They get tribal shares, and those are divvied up by  
3 regions, et cetera. So we have -- both internally  
4 and then with the tribal leadership, we're going to  
5 have a pretty intense discussion about how we  
6 readjust that to fit a new region, again, you know,  
7 holding the tribal budgets and the tribal shares  
8 harmless. And in some sense, it's just an  
9 accounting nightmare, I mean, but that's part of  
10 what we'll do. And we'll obviously, you know,  
11 consult with the tribes to make sure the way we are  
12 going about it is going to work for them, and then  
13 they'll be able to have their input. And there  
14 will be a myriad, I'm sure, of other things that  
15 need to be discussed to implement this.

16 So that's one possible discussion  
17 we're going to have in the future. The other is  
18 the other direction. So -- and, you know, in some  
19 of the regions of the country, the tribes have  
20 been, I think, pretty unanimously adamant. They  
21 don't want to change their region. So that's fine.  
22 Again, that's their decision. But the other  
23 bureaus don't get -- they don't get their choice.  
24 Their stakeholders don't get this choice. Only the  
25 tribal leadership does.

1                   So for the other bureaus, they're  
2 already moving into unified regions. And what  
3 we'll have to do is have a discussion, because we  
4 still need to have better communication and better  
5 coordination with the other bureaus in whatever  
6 geographic region you're in. So we'll have to have  
7 a conversation about how we can now have the BIA,  
8 who will, once again, be kind of on the outside --  
9 how the BIA is going to effectively try to be part  
10 of whatever discussions are going on in the new  
11 unified regions.

12                   And we'll have to work with you.  
13 we'll have to consult both with you, and we'll have  
14 to have our regional staff and people heavily  
15 involved. we'll have a discussion about how we can  
16 try to make that work as well. So those are sort  
17 of two possible -- and we're going to have further  
18 conversation. It's kind of going to go down one  
19 path or the other, depending on what tribal  
20 leadership decides.

21                   NANCY JAMES: Thank you. I'm First  
22 Chief for the Gwichyaa Zhee tribal government up  
23 north. I'm also representing a group that consists  
24 of ten villages in the north region.

25                   You know, you brought up a good

1 point, and the other communication that I really  
2 want us to look at here is your terminology and  
3 your format. It says "Effective, efficient  
4 organization," but I don't see anything in the  
5 response period, you know. And exercising 93-638,  
6 in order to govern ourselves -- there are a lot of  
7 tribes that are very successful in exercising  
8 93-638 and helping other villages to do the same.

9 If things are working for the  
10 permitting process for co-management -- the permit  
11 process and the response period from the  
12 interagency is very slow. That needs improvement,  
13 because we have a memo of a contract, but the  
14 response period for putting in for the permit  
15 license -- the response is really slow. We haven't  
16 heard anything.

17 And I think the other improvement  
18 that needs to be done, too, is on your multiyear  
19 contracts for -- with the tribes. I think that  
20 needs to be really considered, for no reason. The  
21 other one is due process, 93-638, the due process  
22 to inform the contractors of their multiyear  
23 contract, one-year contract, and sometimes they are  
24 hesitant in renewing contracts without just cause.  
25 Those are the problems.

1                   So I brought up four issues --  
2 just cause, due process, response period, and also  
3 the tribal-to-tribal consultation. We follow all  
4 the rules that's set before us in order to govern  
5 ourselves and our tribe, but I believe it comes  
6 from the other side too. The response period is  
7 very important.

8                   Thank you.

9                   ROB SANDERSON JR.: Rob Sanderson  
10 Jr. I'm Fourth Vice-President of the Tlingit &  
11 Haida Central Council. I am Haida. My home town is  
12 Hydaburg. I live in Ketchikan.

13                   I'd first like to thank our tribal  
14 citizens for being here today. A lot of them flew  
15 over 800 miles to be here. To our good friends,  
16 TCC, Tanana Chiefs, thank you for being here.  
17 Thank you for the opportunity to be here in Juneau.

18                   You know, over the last couple of  
19 days -- and I don't know what was really said in  
20 Fairbanks, but I think we need to find a place for  
21 subsistence to be into the record. You know,  
22 that's something that I have not heard here. We  
23 need to be mindful of that. So I want to make this  
24 quick here. I know there's others that want to  
25 speak.

1                   So, you know, quickly, the state  
2 of Alaska -- you know, right now, we're  
3 experiencing a fishery failure unlike any that I've  
4 ever seen. You know, there's not really even a  
5 pink salmon in the Ketchikan River right now, and  
6 that's unheard of. Climate change -- you know, we  
7 need to start addressing all these things. And you  
8 mentioned that the Interior is going through a big  
9 overhaul in working with other agencies within the  
10 federal government, and we hope that you, too, can  
11 work with the state of Alaska on this.

12                   So, you know, in bringing up  
13 issues that are so important to us here in the  
14 state of Alaska -- suicide. You know, the young  
15 lady got up and spoke very eloquently. She's the  
16 leader of her tribe. And I forget her name, but I  
17 just wanted to acknowledge her.

18                   You know, I serve on the Statewide  
19 Suicide Prevention Council. And we fly throughout  
20 the state, and we take testimony on what happens in  
21 a lot of our areas in the state of Alaska. You've  
22 got sexual assault, suicide, you name it. The list  
23 goes on and on. And I don't want to sound negative  
24 here, but the reality here is that we're losing our  
25 young people at an alarming rate. And she spoke of

1 putting land into trusts, little parcels, so that  
2 they may be able to, you know, get better law  
3 enforcement agencies, get better medical facilities  
4 in their communities.

5           And, you know, I'm going to share  
6 a story with you that almost brought me -- it did  
7 bring me to tears. And, you know, I'm not that  
8 kind of person to do that. You know, we've had a  
9 young lady -- I'm not going to give the time or  
10 place -- but she stood before the Statewide Suicide  
11 Prevention Council, and she had to wear a face mask  
12 over the lower half of her face. That's what it  
13 took for this lady finally to come forward to tell  
14 her story about the abuse that she had grown up  
15 with in her family because there was no law  
16 enforcement. I couldn't even register. I couldn't  
17 even wrap my mind around what she had went through.

18           And the point I'm getting at is  
19 that we need more law enforcement in the state of  
20 Alaska to our outlying villages. We have 229  
21 tribes. I may be bouncing around here a little  
22 bit, but for the federal government or even the  
23 state of Alaska not to even, you know, try to get  
24 out to a lot of these far-flung villages in our  
25 state -- we're two and a half times the size of

1 Texas. And, you know, for these young people that  
 2 go through that trauma of assault, rape, it's not  
 3 being addressed. You know, our young people are  
 4 getting -- our young women, Native women, are  
 5 getting murdered at an alarming rate, and a lot of  
 6 these guys are not even being held accountable. A  
 7 lot of these trials are not even set up for years.

8 So if there's anything that the  
 9 Interior and the BIA can do to help assist our  
 10 federally recognized tribes here in the state of  
 11 Alaska, that would be great, because we need the  
 12 help here. There are so many rapes that happen in  
 13 the state of Alaska that our law enforcement --  
 14 which is already pared down to almost a  
 15 nonfunctioning entity in its own right, the  
 16 troopers -- you know, a lot of these go unreported.  
 17 A lot of them do get reported, but by the time law  
 18 enforcement can get there, the evidence is dried up  
 19 and gone. And this is continuing to happen  
 20 throughout the state.

21 And so if the Interior could see  
 22 it through that to seriously, seriously consider  
 23 the comments that our fine tribal citizens have put  
 24 forth to you today -- we need your help. We don't  
 25 need it yesterday; we need it today. Now.



1           And I have one more thing to talk  
2 about here. I don't know if this fits in to the  
3 Interior, but, you know, with being the largest  
4 land controllers in the U.S. government, you know,  
5 transboundary is a big issue here in the state of  
6 Alaska. Currently I'm fortunate enough to serve as  
7 the chair of the Southeast Alaska Indigenous  
8 Transboundary Commission dealing with large-scale  
9 transboundary mines in British Columbia, from  
10 Southeast Alaska all the way up into the Yukon and  
11 to the Kuskokwim.

12           We have 15 federally recognized  
13 tribes on board. We hear about the Pebble Mine.  
14 We support our tribes out there that oppose that.  
15 It's not that Central Council opposes mining; we  
16 oppose the scale of a lot of these mines.

17           You take the KSM, which is 78  
18 miles behind Ketchikan, 12 miles inside the border.  
19 There's three deposits they're going to take.  
20 They're only one major funder away from getting up  
21 into operations. And that's the  
22 Kerr-Sulphurets-Mitchell mine. They have the  
23 infrastructure already in place. They have their  
24 power grids in place. They have everything in  
25 place. They just need a funder, a primary funder,

1 and I have every reason to believe that it will go.

2 These three mines will start up at  
3 6,000-foot peaks, drop down to sea level, and go  
4 down into two of the three largest open-pit mines  
5 in the world. The tailings sites will be both --  
6 will be two earthen-size dams that will be spilled  
7 into the Nass River -- treated, of course.

8 So every one of our major river  
9 systems here in Southeast Alaska and in the  
10 interior have to deal with transboundary, and  
11 that's a way of life for our people. That's who  
12 our people are. That was our economy. That is our  
13 economy for our people that are in the far reaches  
14 of the state of Alaska that can't go to the grocery  
15 store and buy food or buy gas. This is their way  
16 of life.

17 A lot of our people in the state  
18 of Alaska have put self-imposed moratoriums on  
19 their fisheries, so they're trying to do their part  
20 to make sure that escapement gets through. But  
21 with these mines coming up just on the other side  
22 of this border, it might just as well be at your  
23 back door. You might as well just open up your  
24 back door and step out, right here in Southeast  
25 Alaska.

1                   So we would encourage the Interior  
2 Department to work closely with the state  
3 department and Global Affairs Canada on this issue.  
4 You know, that's our way of life.

5                   So, you know, back to this last  
6 mine I was talking about -- I'm jumping around here  
7 a little bit -- but it's called the KSM. But the  
8 two tailings sites for this mine will be bigger  
9 than the Hoover Dam. Bigger than the Hoover Dam,  
10 two of them. That will be holding back acid-  
11 generated tailings in the Unuk watershed, right  
12 behind Ketchikan. We have the Red Chris mine above  
13 the Stikine River. And right now they're finding  
14 high levels of selenium downriver from it.

15                   So these are just a few of the  
16 things that we are actively working on here in  
17 Southeast Alaska, and soon to be up in the  
18 interior, on the Yukon. And I can't speak for  
19 them, but we are, in the future, going to be  
20 working with them very closely on this issue,  
21 because that's our lifeline, is our fish.

22                   So any help on any of these  
23 subjects that I talked about would be greatly  
24 appreciated. Thank you, gentlemen.

25                   JOHN TAHSUDA: Thank you,

1 Mr. Sanderson.

2 CHAAIY ALBERT: Chaiy Albert,  
3 Northway Village Council, and also the Tanana  
4 Chiefs.

5 Self-governance needs to be a key  
6 component in the reorganization. As you search for  
7 efficiencies, make compacting easily available to  
8 every agency within the Department of the Interior.  
9 While regulations exist to allow this, these  
10 hurdles that bureaucrats erect are prohibitive.

11 I live in a wildlife refuge. My  
12 home is completely surrounded by the Tetlin  
13 National Wildlife Refuge. And I hear people  
14 talking about climate change and the effects that  
15 we have. It is real. We do survive. We live in  
16 it. You know, we see big, giant chunks of land  
17 falling off into the river, islands that were in  
18 lakes that are no more. With the permafrost  
19 melting, you know, everything is sloughing off.

20 And with our Native allotments --  
21 you know, Northway Village is the one and only  
22 community in the Upper Tanana that is completely  
23 surrounded by the Tetlin National Wildlife Refuge.  
24 Currently right now we're talking, with our Native  
25 allotments, to trade land for land that is parallel

1 to the highway, adjacent to the highway, as opposed  
2 to out in the swamplands.

3 But with my corporation, you know,  
4 they don't like to hear the talk of us possibly  
5 trading lands with a wildlife refuge. They don't  
6 like us even talking about changing our lands with  
7 another agency, a government agency. They'd rather  
8 do it with the corporations, but they leave us  
9 little to nothing at all, you know.

10 This all comes down to being the  
11 one and only tribe within that organization, that  
12 we should be federally funded. We can manage our  
13 own lands. Tetlin National wildlife Refuge  
14 surrounds my community, and we're directly affected  
15 by that. All of the decisions that are made are  
16 made by outside influences, people that are hired  
17 from Minnesota, Nebraska, Wisconsin. They come up,  
18 and they work the Tetlin National wildlife Refuge.  
19 And they're the bosses there for three to four  
20 years, and then they're gone. Well, they just keep  
21 on coming in and rolling out.

22 well, we should be the real  
23 managers of that land. We should manage our own  
24 resources. But yet we're left in the loop of  
25 three- to four-year terms of people coming in and,

1 you know, making the decisions that directly affect  
2 us.

3 That's all I got for right now.  
4 Thank you.

5 JOHN TAHSUDA: Thank you,  
6 Mr. Albert.

7 GEORGIANA HOTCH: Georgiana Hotch  
8 from the Chilkoot Indian Association.

9 John, I'd also like to include  
10 Gene in my comments. And what I would like to see  
11 is -- the ANB have their convention. Tlingit &  
12 Haida have their consultation every year. I'd love  
13 to see an IRA summit, where tribes can meet and  
14 learn from each other, communicate with each other,  
15 find out what works, what doesn't work, and also to  
16 include something -- well, include subsistence as a  
17 discussion, and something more than recreation,  
18 conservation, and permitting. Make it more  
19 comprehensive. Thank you.

20 JOHN TAHSUDA: Thank you.

21 GENE PELTOLA JR.: If I may, Gene  
22 Peltola Jr. here.

23 I've heard the comments here from  
24 the last couple -- two of the last three speakers  
25 being on subsistence. If you look at subsistence

1 in Alaska, non-subsistence harvests of fish and  
2 wildlife is managed by the individual land  
3 management agencies and the State of Alaska. And  
4 federal subsistence harvest is managed by a program  
5 established until Title 8, the federal subsistence  
6 program.

7 From my exposure to the  
8 discussions up until this point -- and we've had  
9 one of our deputies at BIA here in Alaska engage in  
10 those discussions -- there has been nothing that  
11 has been presented that would deviate from that  
12 model.

13 And if you look at their potential  
14 reorganization which is being recommended,  
15 everything we do with regard to subsistence in  
16 Alaska law is dictated by ANILCA, the Alaska  
17 National Interest Lands Conservation Act. Within  
18 that, there are different titles. There is a Title  
19 12 of ANILCA that had something similar to what is  
20 being proposed here and that's already been  
21 implemented in the state. And the reason I mention  
22 that is, a key component of that was -- had one of  
23 the goals similar to what this reorganization has  
24 in place, a conservation aspect to it.

25 Title 8 of ANILCA is so

1 significant to tribes and others because how does a  
2 tribe connect to their culture? A lot of that is  
3 due to their connection to the land. And how do we  
4 have a connection to the land? By the harvest of  
5 the wildlife and fish that it provides. That is  
6 recognized in Title 8 of ANILCA.

7                   And the reason I mention  
8 Title 12 -- there is a little statement in there  
9 that says, "Non-subsistence harvests will still be  
10 managed via Title 8, the infrastructure that it  
11 designed and put in place to get to the cultural,  
12 social, and sustenance requirements of subsistence  
13 harvests." There is nothing that we have been  
14 exposed to, I have been exposed to, that would  
15 change that, short of any drastic redirection; but  
16 that hasn't been part of the discussion yet. So  
17 with that being said, one could look towards the  
18 existing subsistence program to still provide  
19 direction for subsistence harvests on federal lands  
20 in Alaska.

21                   TYSON JOHNSTON: Good afternoon.  
22 My name is Tyson Johnston. I'm the Vice-President  
23 of the Quinault Indian Nation. Our tribe is located  
24 on the northwestern coast of Washington state. And  
25 this is my first time in Alaska. I'd like to



1 acknowledge the territories of our relatives here.  
 2 It's beautiful, and I'm so happy I was able to this  
 3 session. We just found out last week that you all  
 4 decided to do one more closer to our region, but the  
 5 Quinault Tribe felt very strongly about being here  
 6 today.

7 My nation is a signatory of the  
 8 Quinault River Treaty of 1855. We're a Coast  
 9 salish nation. We're also a first-tier  
 10 self-governance tribe and a co-manager of our  
 11 natural resources under the legal frameworks  
 12 established by U.S. v. Washington. We're also  
 13 interested in being a pilot tribe for new  
 14 frameworks established by the Indian Trust Asset  
 15 Reform Act, and we'll be submitting more detailed  
 16 written comment shortly in addition to my remarks.

17 The Quinault Indian Nation  
 18 supports any changes that increase efficiency and  
 19 streamline cumbersome processes, but changes must  
 20 occur in coordination and consultation with tribes  
 21 and must never hinder DOI's ability to, one, meet  
 22 its trust responsibility; two, uphold treaty  
 23 rights; and, three, support tribal sovereignty.

24 Quinault also recommends that any  
 25 cost savings that are rectified after this

1 reorganization be redirected back to the BIA  
2 programs and services so that any reorganization  
3 does not take one dollar from current BIA funding  
4 allocations or, preferably, augments them.

5 Quinault also advocates for a  
6 Secretary-level Tribal Advisory Committee in the  
7 same vein as the STAC at Health and Human Services,  
8 which was previously mentioned.

9 We also recommend that the  
10 Department of the Interior should formally withdraw  
11 its consultations and considerations of the  
12 Fee To Trust regulations, which tribes have  
13 overwhelmingly opposed, and, instead, focus on  
14 working with tribes on this reorganization.

15 I'd also be remiss without saying  
16 that tribes in our region remain deeply concerned  
17 about the administration's priority of energy  
18 development and extraction. We ask that the  
19 reorganization's efforts please respect tribal  
20 concerns raised to date and include streamlined  
21 protocols for government-to-government engagement  
22 concerning the administration's directive regarding  
23 this issue.

24 The Department of the Interior  
25 reorganization should consider how best to organize

1 DOI bureaus to help facilitate co-management of  
 2 resources with Indian tribes and with respect to  
 3 the Department of the Interior's consideration of  
 4 conservation and recreation priorities.

5 But, again, my name is Tyson  
 6 Johnston. It's beautiful here, and I'm very  
 7 thankful to be here with our relatives with Alaska.

8 Thank you.

9 JOHN TAHSUDA: Thank you,  
 10 Mr. Johnston. So I think -- I don't know if you  
 11 were here at the beginning, but somewhere through  
 12 this I think I probably answered most of your  
 13 questions in the positive. I won't say affirmative.

14 But those are good points and in  
 15 line with what the goals of the Secretary are as  
 16 far as, you know, making sure that we continue to  
 17 meet our trust and treaty responsibilities, that  
 18 nothing in this alters that. That we'll work to --  
 19 in the work of creating better efficiencies and  
 20 better management, basically, of the bureaus, that  
 21 we will hopefully free up resources that will stay  
 22 in the region or in the agency. And it is not his  
 23 intention to let those escape back to D.C., but to  
 24 keep them in the region so that there will,  
 25 hopefully in the future, be resources freed up.

1 It's not our capacity to say there's new resources,  
 2 because Congress is the one that provides that, not  
 3 us. We have to do what they tell us with the  
 4 money. But if there are cost savings and resources  
 5 made available in a region, it's the intent to keep  
 6 that there so as to continue to enhance what's  
 7 going on in that region.

8 Thank you. Mr. Chairman?

9 HARRY PICKERNELL: Good afternoon.  
 10 My name is Harry Pickernell. I am the chairman of  
 11 the Confederated Tribes of the Chehalis Reservation  
 12 in southwest Washington state.

13 First off, I'd like to echo the  
 14 thanks of our Alaska neighbors for allowing us to  
 15 come up on your lands. And thank you, John, thank  
 16 you Kyle, thank you, Gene.

17 I have but a few comments here.  
 18 At the New Buffalo consultation we asked that there  
 19 be a consultation scheduled to occur in the  
 20 Northwest region, in Portland, Oregon, to  
 21 accommodate the many tribes which receive their  
 22 services through Portland. This is important  
 23 because any reorganization could affect over 30  
 24 tribes serviced by the region, and their sovereign  
 25 voices must be heard. I appreciate the fact that

1 the BIA has now added a Northwest consultation to  
2 its agenda. Thank you.

3 I was happy to hear that, at the  
4 New Buffalo consultation, Secretary Zinke was  
5 quoted as having committed to tribes that, if they  
6 oppose this reorganization, that it will not be  
7 implemented by the BIA.

8 What was clear in New Buffalo, as  
9 it appears to be at several occasions, was that all  
10 the tribes there opposed the reorganization. The  
11 Chehalis tribe has reviewed the map provided at the  
12 New Buffalo consultation, setting forth the new  
13 regions. And even though the northwest region  
14 remains virtually the same, the Chehalis tribe  
15 joins its fellow sovereign tribes and opposes the  
16 implementation of the reorganization of the BIA.

17 Finally, if the BIA wants greater  
18 efficiency and to reduce the time it takes to  
19 service a request from a tribe, then return the  
20 delegation for non-gaming Fee To Trust to regions  
21 and no longer require submissions to D.C.

22 Thank you for your time. Thank  
23 you.

24 JOHN TAHSUDA: Thank you. Thank  
25 you, Mr. Chairman.

1                   SUSAN PICKRELL: We're now in the  
2 afternoon. Thank you for staying this long. My  
3 name is Susan Pickrell, and I'm with the Ketchikan  
4 Indian Community and a tribal council member for our  
5 tribe.

6                   I've kind of been waiting all this  
7 morning and into this afternoon, hoping to hear  
8 something different from the government. And by  
9 that I mean it seems to me this is a little bit  
10 backwards in that you've said you're going to  
11 reorganize, and yet I don't really see a plan in  
12 front of us to say "Here's what we're going to do.  
13 We want your input on it." It seems like you're  
14 asking us to tell you how to do your jobs more  
15 efficiently, and yet you're not providing enough  
16 information for us to be able to determine whether  
17 or not the changes you're making are going to be  
18 more efficient.

19                   The other area I have, I guess,  
20 just a concern -- to me it seems like you're  
21 creating more bureaucracy in that you're creating  
22 13 regional directors that are going to be, I'm  
23 assuming, making decisions. And I guess the  
24 question that I would have is, you're adding yet  
25 one more person to make decisions on behalf of the

1 state of Alaska. Is that person actually going to  
 2 be able to have the authority to make those  
 3 decisions? Or is it yet one more person that we  
 4 have to go through to get an answer?

5 The other question that I have is,  
 6 you're addressing three primary functions -- and I  
 7 think this is on slide No. 6. So you're talking  
 8 about recreation, conservation, and permitting.  
 9 And I guess if there are changes in those primary  
 10 functions, what do those changes mean for tribes?

11 As I was looking at your map  
 12 today, you talked about, you know, all of the --  
 13 and I think it's on the next slide, where you're  
 14 talking about the number of millions of acres that  
 15 are, you know, under the United States and under  
 16 the Department of the Interior. And I'm just  
 17 wondering, how much of that affects the tribes?

18 Russia sold Alaska to the United  
 19 States over 141 years ago, and I don't know  
 20 necessarily that all of the benefits that came from  
 21 that -- if the Alaskan Natives make up about a  
 22 third of all the population, how does that benefit  
 23 us with those three primary functions, with  
 24 recreation, conservation, and permitting? And what  
 25 changes are you going to bring about, and how does

1 that affect the tribes?

2 Consultation, it seems to me,  
3 should be providing us with enough information so  
4 we can make, you know, a proper determination as to  
5 whether or not this is going to benefit us or not.

6 So those are the concerns I have,  
7 that, to me, this is very preliminary. The  
8 information that you provided on these documents  
9 talk about the change that you want to see but not  
10 how you're going to change it, and then you're  
11 asking for input with very little information on  
12 our part as to what this change will look like.  
13 Consultation is not just saying, "Tell us what you  
14 think"; it's having that back-and-forth discussion  
15 based on data, based on information. And, to me,  
16 it just seems that it's a little bit lacking.

17 Thank you.

18 JOHN TAHSUDA: Thank you,  
19 Ms. Pickrell.

20 I'm not entirely sure what data  
21 you want to see. Again, this is not an exercise in  
22 budget. This is not an exercise in moving offices  
23 or anything at this time. Again, once the unified  
24 regions are in place, there is a thought that you  
25 could get more efficiency from co-location of



1 offices and maybe better communication.

2 But this is about strategic  
3 decision-making, and so you pretty much know what I  
4 know -- the unified region maps, moving the  
5 different regions of the bureaus into common  
6 regions. The idea is not really to create any new  
7 bureaucracy. As we talked about earlier, probably  
8 the plan that's going to go forward, that the  
9 Secretary will put to the White House, is that this  
10 Interior Regional Director will be a current  
11 regional director in that region, and they will  
12 rotate that every couple years to allow each of the  
13 bureau regional leadership to have an opportunity  
14 to play that role.

15 So there are the three primary  
16 functions. There is no change to those functions  
17 as part of this. This is identifying that those  
18 are three common functions that each of the bureaus  
19 in a geographic region perform. And to say that  
20 those are also the functions in which we, by  
21 necessity, often have to have a lot of  
22 communication and coordination that right now  
23 doesn't happen, if those decisions are to be able  
24 to be made -- and you asked about authority. And  
25 so if the authority for that decision is to stay in

1 that region, which the Secretary believes, in most  
2 cases, is the most efficient way, that that  
3 authority then needs to be able to be exercised  
4 across the bureaus in those functions.

5 And that's really the primary  
6 purpose of the Interior Regional Director, is to  
7 enforce the communication on those three primary  
8 functions so that the decision can be made. It  
9 stays in the region, and we get faster, more  
10 effective, and -- I haven't talked about this that  
11 much, but there is an important component for us  
12 and for you as well in this.

13 what happens now, as I said at the  
14 beginning, if we have a decision, whether it has to  
15 do with NEPA, whether it has to do with a permit or  
16 something, it usually triggers something to do with  
17 NEPA that involves the other bureaus, let's say.  
18 Right now, that is worked up by the bureau who has  
19 the primary responsibility for that decision,  
20 whether it's a NEPA analysis, whether it's a permit  
21 to be issued, et cetera. And that bureau gets way  
22 down the road on this before it starts talking to  
23 the other bureaus in that region about this  
24 decision, even though those other bureaus are  
25 ultimately going to have to be consulted,

1 interbureau, or among the bureaus in that region,  
2 before they can get to a final decisions.

3 what this is intended to do is to  
4 have that communication start at the very  
5 beginning. If you don't do that, what you end up  
6 with, in the current situation we have now in many  
7 regions of the country, is that we get divergent  
8 views that all go into a discussion about this  
9 decision, and it affects and slows down our  
10 decision-making, because it hasn't happened and  
11 been worked through at the beginning.

12 It also -- to be honest, it slows  
13 down our decisions, because many decisions that we  
14 make involve litigation. If it's any kind of  
15 significant decision, there is somebody out there  
16 that doesn't want it to happen or doesn't like the  
17 way it's going to happen. And so virtually every  
18 one of these decisions involves litigation for us.

19 It's not a good position to be in  
20 when we have created divergent views within our own  
21 department about that. That doesn't help us in our  
22 position in defending a decision for you or  
23 defending another decision that the department is  
24 making.

25 And so that's another component of

1 this effective decision-making, is to have the  
2 coordination and that discussion at the first  
3 possible opportunity so that we really have sort of  
4 one departmental discussion going forward. They  
5 work through the issues, and we get to the  
6 decision, a common decision, not something that's  
7 worked up through separate bureaus and then is  
8 resolved in D.C.

9 That's the basic concept, and,  
10 really, that's all it is. Again, I don't have a  
11 bunch of data hidden in a briefcase somewhere, that  
12 there's not -- the budget discussion for us and the  
13 tribes will happen after this as we figure out how  
14 to adjust tribal shares in regions, et cetera, and  
15 make sure that tribal budgets are held harmless.  
16 But that's the Secretary's commitment, and we will  
17 do that.

18 So, again, I want to be clear.  
19 I'm not sure. Either Mr. Johnston or Chairman  
20 Pickernell said the decision that we're asking for  
21 -- or the input that we're asking for from tribal  
22 leadership is about the BIA and its participation  
23 in this reorganization. The Interior  
24 reorganization is going forward for the other  
25 bureaus. And so, again, as I said a little bit

1 ago, the real discussion following this is going to  
 2 be the significant discussion about how we either  
 3 implement BIA's involvement in that, or how we  
 4 implement BIA dealing with being on the outside of  
 5 that reorganization, but still trying to be  
 6 effective in its representation of tribal  
 7 interests.

8 So, thank you. Go ahead.

9 RALPH WOLFE: Ralph wolfe, Fifth  
 10 Vice-President for Central Council Tlingit & Haida  
 11 Indian Tribes of Alaska.

12 I guess I'm trying not to be  
 13 frustrated, because it seems like we have been  
 14 talking in circles for two days now. And I hope we  
 15 get a clearer picture on where we're trying to go  
 16 with this, especially with that last statement. I  
 17 thought we were talking department reorganization,  
 18 and now you're talking just the bureau. So --

19 JOHN TAHSUDA: The bureau is part  
 20 of the department.

21 RALPH WOLFE: Yeah, I understand  
 22 that, but are we talking full reorganization, or the  
 23 department and the bureau are still looking at it?

24 JOHN TAHSUDA: That's, I think, a  
 25 decision tribal leadership needs to make; right? So

1 the other bureaus are going to be reorganized into  
2 these unified regions. The opportunity that tribal  
3 leadership has, that no other external stakeholder  
4 has, is to say, "The bureau that we are most  
5 associated with and that we work with most closely"  
6 -- you have the say. Is it going to be part of  
7 this, or not? That's --

8 RALPH WOLFE: Okay. Thank you.

9 So I guess, in that concept, you  
10 know, seeing those three primary functions, I don't  
11 see anywhere in there the people or the land. I  
12 see issues dealing with land. I see issues dealing  
13 with people who use the land, but I don't see  
14 anything with people who live on the land, who live  
15 from the land. And that's concerning to me, seeing  
16 as that's why we're here. That's why I live in  
17 Alaska. That's why I'm not going to live anywhere  
18 else. I was born here, and I will die here.

19 And it's a struggle for me to see  
20 how you don't see the importance of having that  
21 listed on there, as our go-between. I hope that we  
22 can get there because it's absolutely important. I  
23 struggle with the word "subsistence." I struggle  
24 with the word because it's just our way of life.  
25 It's who we are. It's how we survive. It's what I

1 teach my kids. It's not an activity that we do.  
2 It's not something that I take for granted, by any  
3 means. It's something that I fight for. It's  
4 something that I hope -- I know everyone in this  
5 room fights for. So I hope that we can see that as  
6 one of the pillars, because it's very important to  
7 us as Alaska Natives.

8           You know, we always have to fight  
9 within Alaska for survival. I know that you guys  
10 are here representing for BIA, but if we're looking  
11 at the full department, which we've talked about a  
12 couple of times, you know, Alaska gets left out in  
13 many, many places -- the BIE, getting, I think,  
14 equal opportunity to have education dollars for  
15 Alaska, especially in rural Alaska. I'm sorry.  
16 That's where I stand my ground.

17           As a rural community and  
18 communities within Southeast, we struggle, as does  
19 everywhere else. Our issue is our state funding is  
20 shrinking, and our schools are shrinking, and we're  
21 having outward migration. So our quality of  
22 education is absolutely failing us, and we're  
23 seeing it at drastic numbers, which affects  
24 everything. It affects our economy. It affects  
25 just top to bottom. It's been very hard to hear it

1 and see it and go through it.

2 But just to bring it back, I know  
3 you guys have heard it, is to that one pillar. You  
4 need another one. It has to be there for the land  
5 and the people. These ones just don't cover it in  
6 the way that I feel it needs to be covered.

7 Thank you.

8 JOHN TAHSUDA: Thank you,  
9 Mr. Wolfe.

10 So I guess I'm not sure -- so it  
11 is a primary mission of the BIA to serve tribes and  
12 tribal people. That doesn't change. That is also  
13 a primary mission of the department. Whatever  
14 happens with reorganization, that does not change;  
15 and the Secretary has a firm commitment to that.

16 And, in fact, in his list of  
17 priorities for the department, one of the most  
18 prominent is respect for tribal sovereignty; right?  
19 And that, to him, encompasses everything that we do  
20 for tribes and tribal people. We need to do our  
21 best in that. That is a primary mission for him  
22 for the department.

23 So what that means for us is  
24 whatever we do, either in this context with the  
25 reorganization, or in the performance of our jobs,



1 he has told us that that is a primary  
2 responsibility that we have and that we have to  
3 fulfill. So, you know, obviously, to my mind,  
4 that's always been the mission of the department.  
5 But Secretaries come and go, and some of them are  
6 more or less committed to that. He's absolutely  
7 committed to that.

8 I would just add, too, he has a  
9 great commitment and desire to have a big, positive  
10 impact on Indian education. So we just had the  
11 honor and the privilege of opening the first school  
12 that's opened up under this administration, a new  
13 school -- I'm sorry -- a new replacement school in  
14 Minnesota.

15 And it's a great building. It was  
16 a facility in which previously there were holes in  
17 the wall. Kids had to wear coats in the wintertime  
18 in their classroom because it was below freezing in  
19 the classroom. So that was a great experience and  
20 hopefully is going to be the first of many. He's  
21 got a plan to spend over \$600 million to replace  
22 Indian schools. We have somewhere around,  
23 depending on how you want to look at it, 60-plus  
24 schools that really just need to be replaced. They  
25 can no longer be maintained in any fashion.

1           The challenge for us on  
2 education -- and I guess this is stepping outside  
3 of this discussion, really, but -- is, as with  
4 everything, at the end of the day, Congress can  
5 both give us more responsibility and take  
6 responsibility away. And that's out of our hands.  
7 As an executive agency we don't get any say in  
8 that. We can tell them our views on it. We're  
9 telling them our views on Indian schools, that "You  
10 need to give us the authority to build a bunch  
11 more," but ultimately Congress is the one that has  
12 to say, "Okay. You got the authority to do it and  
13 the money to do it." So we're waiting on that.

14           The other thing with education --  
15 it's a challenge, I got to tell you, for us,  
16 because there are things that we would like to do.  
17 And we have requests from tribes. We have some  
18 sharp limitations that Congress has placed on us,  
19 what we can do with our schools. We can't expand  
20 the number of schools we have. If we decide to  
21 change a school -- and we have several tribes that  
22 are interested in doing like state charter schools.  
23 But if we move one of our schools to that format,  
24 we lose that out of our system forever until  
25 Congress changes that.

1                   So there are some peculiarities  
 2                   that Congress has done that makes our delivery of  
 3                   education services a challenge, but we're -- you  
 4                   know, to the extent that we are able to, with the  
 5                   limitations they put on us, we're absolutely  
 6                   committed to that as well.

7                   ANDREA CADIENTE-LAITI: Andrea  
 8                   Cadiente-Laiti, Douglas Indian Association.

9                   First of all, I'd like to welcome  
 10                  the tribes who are not here from Southeast Alaska.  
 11                  And how refreshing it is to see representatives  
 12                  come from the Quinault and the Chehalis Nation.  
 13                  welcome. Had I known how many would be here, I  
 14                  would have sought Mount Roberts Tramway passes for  
 15                  you all to be able to see the glory of Juneau and  
 16                  Douglas from the mountain. And I hope that you do  
 17                  have an opportunity to visit that before you leave  
 18                  Juneau.

19                  I'd also like to congratulate Gene  
 20                  for your appointment as the Alaska Regional  
 21                  Director. I had no idea, when we were talking in  
 22                  the parking lot, that we were talking to the Alaska  
 23                  Regional Director when we met all of you and just  
 24                  extended greetings and thank-yous, et cetera.

25                  And I have to say, too, that not

1 only is it very exciting to, once again, have an  
2 Alaskan Native in office, but to hear that you have  
3 lineage to Douglas Island is quite remarkable,  
4 considering the work that we did there.

5           So I'm hoping that you were able  
6 to see the two totems that were raised in Douglas.  
7 And the second one, the one which is really  
8 magnificent, representing the burning of the  
9 Douglas Indian Village in 1962 -- that was  
10 classified as a "healing pole" because of all the  
11 historical trauma and the seizing of the land, the  
12 boat harbor.

13           And you may have seen the  
14 Mayflower School, which was a government school.  
15 And so that was built with Department of the  
16 Interior funds but never returned to the tribe, as  
17 it should have been.

18           So Gunałchéesh. Thank you for  
19 going over there and taking the time to see that.  
20 That was very, very important to us. We have spent  
21 years sharing our story. And the only time we  
22 started to begin to be heard is when graves were  
23 unearthed with the renovation of Gastineau School,  
24 where the site of the first pole is.

25           And we've always believed that

1 those souls that became unearthed allowed  
2 themselves to be revealed to tell us not to give up  
3 and to continue telling our story. We always knew  
4 there was a sacred site underneath that school. It  
5 was not new to us, but many of these events were  
6 shocking to even local people, that they happened  
7 as early as 1962. And how could that happen, when  
8 we're supposed to have come so far past, you know,  
9 sending missionaries and assimilation. And yet  
10 indeed it did, because racism was that rampant here  
11 in Juneau and Douglas.

12 So I really extend my gratitude to  
13 you. I know it's not easy to listen to dozens,  
14 decades, maybe hundreds of years of frustration.  
15 And then here in Alaska, which is so unique -- and  
16 we have so many entities that even our tribal  
17 citizens don't understand sometimes the difference  
18 between village corporations, urban corporations,  
19 tribal entities, and tribes like us who are called  
20 an association, and yet we're a tribe with a tribal  
21 territory. So it can be pretty confusing.

22 I'd also like to take this  
23 opportunity to tell Gene, because he probably has  
24 not yet attended the annual Tribal Services  
25 Providers Conference -- and, you know, I've

1 attended them over the years of my career, and we  
2 send council members as representatives. And as  
3 some of the leadership has said here before, this  
4 is a terrible time for consultation, because many  
5 of our tribal members and our leaders are out  
6 making a living, including the president of Douglas  
7 Indian Association, who, as Barbara indicated  
8 yesterday, is really the last young adult from his  
9 traditional territory to still do what the  
10 traditional occupation was of his parents,  
11 grandparents, and ancestors.

12 So what he's doing is very  
13 important. It's not just -- and I hate the word  
14 "subsistence" too. It's our customary use. We've  
15 lived on the land and the waters to sustain  
16 ourselves for tens of thousands of years. But our  
17 people are also trying to -- they're passing on  
18 those skills and abilities, so they're teaching,  
19 when they do this, as well.

20 Back to the Providers Conference,  
21 I think it's somewhat of a misnomer to say BIA  
22 Tribal Providers Conference, because it's not  
23 necessarily providers. That's when you have our  
24 tribal government leaders come to the table, come  
25 to that forum as tribal council members, to try and

1 pick up where things were left off in some of these  
 2 flurry of meetings that happen during the  
 3 summertime.

4 with that said, I'm hoping, Gene,  
 5 that you'll look closely at this templated agenda  
 6 of the Tribal Providers Conference, and that we  
 7 have a summary to roll out there to our tribal  
 8 leaders who attend that conference, because they  
 9 come from all over Alaska, to talk about this  
 10 consultation and where we are at with it.

11 Now, I understand that, for those  
 12 from the Interior, that the department -- on the  
 13 reorganization, or proposed reorganization, that  
 14 you have until October to get your report out, or  
 15 at least that's what I think I heard yesterday.  
 16 October?

17 JOHN TAHSUDA: Yes.

18 ANDREA CADIENTE-LAITI: So I know  
 19 it's going to be after the fact when the Alaska  
 20 Regional Director closely sees to it that our  
 21 leaders that come to the Providers Conference in  
 22 December, that they have the information, and they  
 23 can be updated.

24 But I notice that, on your letter,  
 25 you also said, "Consultations will be held with

1 both federally recognized tribes in Alaska and the  
2 Alaska Native corporations."

3 I know of two directors for the  
4 Sealaska Corporation, our regional corporation,  
5 that are in the room in different capacities,  
6 however; and myself, too, for the urban corporation  
7 of Goldbelt Incorporated. But I'm wondering if  
8 these letters were sent to the Alaska Native  
9 corporations, because, you know, I don't see that  
10 representation here.

11 And please make no mistake about  
12 it. I'm not chastising you for that, because ANCSA  
13 corporations and tribes do not always see eye to  
14 eye. Ironically, when ANCSA passed and our  
15 corporations had to identify lands out there that  
16 were tribal lands, it was our tribal leaders that  
17 took them to the Taku, showed them the significant  
18 areas, the burial sites, you know, showed them our  
19 tribal territory. And then they cataloged it.

20 And then, in the long haul, we  
21 ended up having to ask permission -- tribes had to  
22 ask permission to go hunt and fish and berry-pick  
23 on our tribal lands. Like Berners Bay, through the  
24 lands program with Sealaska, we have to ask  
25 permission. And so that didn't bode well,



1 obviously, with tribes, because tribes predated  
2 ANCSA.

3 But I do have to ask the question,  
4 you know, if the Department of the Interior  
5 notified the ANCSA corporations, because it's just  
6 as important for us to be able to hear their  
7 responses as well.

8 Thank you.

9 JOHN TAHSUDA: Specifically for  
10 this consultation and the letter that went out, it  
11 was published in the Federal Register, but then  
12 because this is a tribal consultation, the letter  
13 should have gone out also to all the tribal leaders.  
14 And so whether it's village corporations -- so a lot  
15 of -- you know, we have these on our list of tribes.  
16 So basically every entity that is on our tribal list  
17 would have got a copy of the letter as well.

18 I don't know if that answers your  
19 question, but I think it does.

20 CATHERINE EDWARDS: Catherine  
21 Edwards, Sixth Vice-President, Central Council  
22 Tlingit & Haida Indian Tribes of Alaska.

23 Since I got confused as well,  
24 whether we're talking about the proposal for  
25 reorganization of the Department of the Interior or

1 for BIA, I'm going to lead with this part.

2 The best federal reorganization  
3 for Indian tribes is one that permits tribal  
4 governments to shape the federal offices according  
5 to their tribal priorities. So if that's what  
6 we're talking about, tribes should be permitted to  
7 reorganize and shape both the BIA regional office  
8 and central office according to their tribal  
9 priority, and transfer some of those dollars and  
10 functions to the tribes.

11 I wanted to get that out there  
12 before this died (indicating the microphone),  
13 because the other thing I wanted to ask is,  
14 earlier, when we started talking, it was the  
15 Department of the Interior reorganization. You did  
16 say something about it was going to be more  
17 efficient, and there might be some costs savings  
18 that go along with that. And then if there is  
19 costs savings that go along with that, those should  
20 go to tribes, not necessarily BIA.

21 Then later on in the conversation,  
22 you say there is nothing associated with budget at  
23 all. Then my colleagues are asking for data. If  
24 my staff came to me with a proposal like this, I  
25 would ask them, "where is the data?" Show me the

1       bottlenecks and the inefficiencies -- where is it  
2       not working, how it would work better, and how you  
3       came up with a plan like this. We need the data,  
4       and there probably is money associated with that.  
5       We need that information so that we can make better  
6       decisions. Was there that type of planning  
7       involved, and where can we get access to that data?  
8       Because you said you're not hiding it somewhere,  
9       but we don't have it in these packets.

10                   JOHN TAHSUDA: So, again, there is  
11       no reams of data somewhere, because what we're  
12       talking about here is really readjusting the lines  
13       of reporting on these three primary functions;  
14       right? So realigning the regions into a common  
15       geographic region; and then within that region,  
16       realigning the lines of reporting so that more  
17       decisions can be made, can be facilitated, can be  
18       better coordinated in that region and stay there.

19                   CATHERINE EDWARDS: So did all  
20       these department heads get together and say, "This  
21       will work best for us" when they came up with this  
22       plan?

23                   JOHN TAHSUDA: I'm not sure what  
24       you mean. We've had multiple internal discussions  
25       about it as well, and got input from like our SES

1 folks and --

2 CATHERINE EDWARDS: So let's look  
3 at a map, and let's draw some lines on it, and  
4 that's what they came up with? I'm asking  
5 because --

6 JOHN TAHSUDA: No. Let me go back  
7 to the process for the map, and maybe I didn't kind  
8 of go over this really well. The process for the  
9 map was, again, for the Secretary -- and he's the  
10 one tasked by the President; right? And then we all  
11 work for the Secretary.

12 So he wanted to take a step back,  
13 think about the fact that the department hasn't  
14 been reorganized in 150 years. Because we are, in  
15 many ways, a land management agency -- even for our  
16 people, even for the tribes -- a lot of what we do  
17 revolves around land and land management.

18 So to take a step back, if you  
19 took this department that has these nine different  
20 bureaus -- and there's a number of other offices,  
21 and there's a broad range of responsibilities that  
22 stretch across half the globe, 12 time zones, and  
23 has responsibilities for fish and rocks and water  
24 and people. If you're a scientist, first off,  
25 you've got to find some basis if you are going to

1 reorganize this. what's the basis for looking at  
2 this?

3 And so he went to our science arm,  
4 which is the U.S. Geological Survey, and said, "As  
5 a scientist, we've got all these things that we are  
6 supposed to manage, look at, consider, whatnot, to  
7 fulfill our responsibilities. How would you  
8 organize this department, you know, from top to  
9 bottom, across the region" -- or I should say  
10 "broadly across the country to meet our needs in  
11 this vast area that we have to meet our  
12 responsibilities?" That's why they went and looked  
13 at animal corridors. They looked at waterways,  
14 ecosystems, et cetera. And that sort of came up  
15 with the first iterations of the map.

16 And for us, you know, in some  
17 sense, or in some -- you know, so we have -- I  
18 should say, we have pieces of history in which some  
19 tribes didn't stay where they originally were,  
20 where they traditionally were, for some folks,  
21 unfortunately; right? But for a lot of tribes, you  
22 know, their traditional -- and where they still are  
23 now -- territories, evolved along these same  
24 ecosystems -- waterways, et cetera; right? And so  
25 that was the first iteration.

1           And then the map was massaged over  
2 time. It looked at the current regions for the  
3 different bureaus. And so I'm not -- I don't even  
4 know how they meshed all that together; right? I'm  
5 not a scientist, and I'm not a geographer. But  
6 anyway, they took all that information and then  
7 went through several iterations of the maps.

8           As I said earlier, there was a  
9 request from the tribes last year about comment, a  
10 lot of which revolved around, you know, "we  
11 certainly don't want common tribes" -- let's use an  
12 example. The Pueblos in New Mexico; right? well,  
13 they don't want to be split up, even though you  
14 might have a separate ecosystem or waterway that  
15 some of them are in, as compared to the ones that  
16 are on the Rio Grande, you know.

17           So the map was massaged further to  
18 take those things into account. And so that went  
19 through a number of iterations. And we had input,  
20 then, from our staff. There was input from BLM,  
21 and they talked about their responsibilities and  
22 how they have to work with governors on a lot of  
23 things in their regions and stuff. So all this  
24 stuff kind of, you know, went into the meat grinder  
25 and came out the other side.

1                   By and large, with this map  
2 there's been some additional changes and amendments  
3 to the lines, et cetera, to get us to where we are  
4 now. So that was the process of getting the maps  
5 done.

6                   BARBARA CADIENTE-NELSON: Good  
7 afternoon. Barbara Cadiente-Nelson. I'm  
8 Taalkweidí. My Tlingit name is (speaking in  
9 Tlingit). I'm also a child of the L'eeneidí and a  
10 Filipino.

11                   Before I begin my remarks, I would  
12 like to know, really, who I'm in the room with.  
13 And I'd like to know how many among us are elders.  
14 If you could just raise your hand. Gunałchéesh for  
15 being among us. I can see a few elders that are  
16 reluctant raising their hand.

17                   And I also would like to know how  
18 many veterans are among us. Gunałchéesh. You  
19 honor us with your presence and your service for  
20 our country.

21                   It should be stated how far we've  
22 come as a people to be addressing a Native  
23 delegation, that whether we have 13 unified regions  
24 or not, that you presented yourself to us with your  
25 lineage; and I respect that.

1 I'm reminded, before I start my  
2 remarks, of a cartoon I saw a long, long time ago.  
3 And when I hear the word "BIA," it always come to  
4 mind. It was a door of the area director. And I  
5 used to work for the BIA when I was a young woman,  
6 so the cartoon made sense then. And on the area  
7 director's door it said, "Look what we have done  
8 with so little. Imagine what we're going to do  
9 with nothing."

10 (Laughter.)

11 So take heart that we, as a  
12 people, are very resourceful. And I just say that  
13 to all of us. We've heard from an elder that spoke  
14 and said, "We've always taken care of our people,  
15 and we always will."

16 I really rose because I heard so  
17 many comments in answer to the question, "what does  
18 this" -- and my own question is this: what does  
19 this proposal to create 13 unified regions have to  
20 do with suicide? what does it have to do with  
21 subsistence? what does it have to do with climate  
22 change? what does it have to do with safe  
23 communities, with creating more police or having  
24 more police in our communities? what does this all  
25 have to do with education?



1 I'm an educator. I'm an  
2 administrator in the Juneau School District, and so  
3 I'm responsible for the education of our children.  
4 And I know the system has failed our children, and  
5 that's what compels me to stay in the system, to  
6 try to make those bridges. And so we as a people  
7 have had to define what education means to us,  
8 particularly when those Indian dollars are so few.  
9 It really comes down to: what is our  
10 responsibility as a clan? what can we do that this  
11 system cannot do? And so I really appreciated  
12 those that spoke ahead of me. I also wanted to  
13 trigger some of those thoughts.

14 when my clan brother, will  
15 Micklin, Third Vice-President of Tlingit & Haida,  
16 spoke, he gave a history of Indian law and events.  
17 And in it the takeaway was: How should we trust  
18 the BIA when there's been so many failures?

19 And I wanted to add to that, just  
20 collectively, we here as a people, that one of the  
21 failures that he didn't mention was the enrollment  
22 process. Earlier, or yesterday, our tribal  
23 administrator for DIA said that we're defined by  
24 our land and by our membership. And our membership  
25 is of concern to us because of aging out, and our

1 children who are following, whose blood quantum is  
2 less than a quarter but nonetheless Native. And  
3 yet there are those that are Native, like my own  
4 children. My husband and I have four children. My  
5 husband is Aleut and Norwegian. He's a member of  
6 DIA because we lived within the region, but he's  
7 not a member of Tlingit & Haida Central Council  
8 like me and my children are.

9           Where I'm going with this is that  
10 he, as an Aleut, is very proud to be able to say  
11 he's within the region of his own connection, where  
12 his mother was relocated in Funter Bay, within the  
13 waters of Southeast Alaska, and the trauma that  
14 that cost him and his family. But he has a place  
15 here, and it's his home.

16           What happened with our four  
17 children is that our first two children, when the  
18 BIA got their enrollment papers, only acknowledged  
19 the Tlingit side and not the Aleut side. And so on  
20 their enrollment they show that they're one-quarter  
21 Alaska Native, not one-half.

22           And so this is impacting their  
23 children and my grandchildren and my great-  
24 grandchildren to come. So that was also a real  
25 failure, and that needs to be addressed. I guess

1 it's only through an Act of Congress, but the BIA  
2 should really take ownership of that and lead in  
3 that discussion on how to address that failure.

4           we heard about the failure of the  
5 land grab and how we felt it here and still feel  
6 it. And I believe I heard you state, John, that  
7 "Come see us afterward about the land that went to  
8 the Coast Guard, rather than back to the tribe,  
9 Mayflower Island." And I hope that that's what I  
10 heard, and certainly we're going to connect with  
11 you after this meeting.

12           But there's also an ultimate  
13 failure that needs to be stated, and I see this as  
14 a positive with regard to this potential  
15 unification of 13 regions. There are some pros and  
16 cons to that, certainly; but I think what I heard  
17 today is that, regionally, we are unique. We are  
18 unique in that we're not a reservation, other than  
19 Metlakatla; and that we have to address this in our  
20 management of our resources and our land  
21 differently.

22           I usually carry around a Tlingit  
23 traditional clan map, and I wish I had it today to  
24 show you how complex that is, because it all boils  
25 down to, aside from bureaucracy, a clan system that

1 has to be restored and remembered. And that's part  
2 of the education, because all of us represented  
3 here, we're the fallout of two cultures colliding.  
4 And so we're restoring ourselves, as our tribal  
5 administrator mentioned.

6           So as I look at the three primary  
7 functions in this proposal, recreation -- as an  
8 educator that has been working at transforming our  
9 school to be culturally responsive, I see  
10 everything, as do all of us, through the lens of  
11 our identity, through the lens of culture. I think  
12 about recreation and why that just disturbs me. It  
13 disturbs my spirit, just like the word  
14 "subsistence," because recreation is certainly for  
15 those that have -- that can recreate, that aren't  
16 so busy working to try to make ends meet.

17           But we see -- and that is in the  
18 same connotation as sports, sports fishing. But we  
19 see it, recreation, as access. It's our connection  
20 to place. If I may, for the tribes from Yakutat, I  
21 know that they -- when they have their memorial  
22 celebrations, it's not a memorial celebration  
23 unless they bring the waters from Chicago Harbor to  
24 that gathering to honor their loved one who has  
25 passed, to move on to the next world. And it's not

1 a celebration in the Hoonah area, closer to home,  
2 unless the seal and other eggs and the like from  
3 Glacier Bay are present at that celebration.

4 So it's not recreation. It really  
5 is encompassing our way of life. So we, as a  
6 people, have to redefine your three primary  
7 functions as to how it -- what this may mean to us  
8 potentially.

9 For conservation, I hear  
10 "stewardship" and the perpetuation of who we are  
11 and our lifestyle; so certainly it's conservation  
12 of our waters and our land and our identity.

13 And permitting -- I heard here  
14 about communication, coordination, and really  
15 gatekeeping, or the potential of gatekeeping. But  
16 I heard "co-management," and that was music to my  
17 ears. But in that permitting is something else  
18 that's really near and dear to us. As we  
19 mentioned, our president of DIA is fishing in the  
20 waters right behind our back door here.

21 But he is one of so few Native  
22 fishers. My life and how my family sustains our  
23 life is from commercial fishing, but we've lost  
24 even in that system. And I know that the Limited  
25 Entry Commission is a holy cow. It can't even be

1 touched anymore. Just like ANCSA, it was supposed  
2 to be a social experiment, and it turned against us  
3 and then fleeced our Native fishers from accessing  
4 that resource to take care of their families, their  
5 communities, and their clans.

6 And so back to permitting. I know  
7 it's a far stretch, but it's something that I would  
8 like the record to reflect, that this is something  
9 perhaps that BIA can look at, at how they have  
10 helped, hindered, or whatever the process of  
11 limited entry, that's limited us as Native people,  
12 indigenous people of this place. Because, really,  
13 what this all comes down to is the economics and  
14 our sustainability to maintain who we are.

15 Let me close by sharing that, in  
16 my former capacity as the education director for  
17 Sealaska Heritage Institute, my niece, Dionne  
18 Laiti, and I launched the fishing (speaking in  
19 Tlingit) camp. And we envisioned it, and we rolled  
20 it out. We brought our results back to the board  
21 of trustees, Dr. Walter Soboleff said after our  
22 presentation -- he said, "You know what you've done  
23 here? You know what you've accomplished here?" He  
24 says, "When our children know who they are, they  
25 don't kill themselves."

1 I've softened that word in the  
 2 many times I've shared his comment, because that's  
 3 a harsh thing to hear. "When our children know who  
 4 they are, they don't kill themselves."

5 And that's what we are striving to  
 6 survive, the undertow of no longer having access to  
 7 our lands and our waterways, to continuing the  
 8 education of who we are as a people. And core to  
 9 that is respecting one another and their  
 10 boundaries. It's core to that. And so, as an  
 11 educator here in this community, I don't let  
 12 anybody go by without knowing the principal clans,  
 13 and then acting responsibly and with all the  
 14 respect and protocols, acknowledging the true  
 15 people of this particular area, this land.

16 But where I'm going with this is I  
 17 don't want you to leave us without knowing how this  
 18 is all-encompassing. And I apologize for making  
 19 that assumption that you might not be able to  
 20 connect the dots, but as a people that is so tied  
 21 to a place that informs us of our identity and then  
 22 sets the course of how we interact and communicate,  
 23 and how we take care of this community around us, I  
 24 don't want you to leave without knowing that pulse,  
 25 why we have so many incarcerated, or why we have so

1 many endangered or in harm from their own loved  
 2 ones, has much to do with that disconnection to  
 3 place.

4           So I just want to charge you, if  
 5 you will -- and I know it's there. I know, Kyle,  
 6 you've served our country with distinction, and I  
 7 know the three of you know this, but I just want to  
 8 underscore it again, because this is the  
 9 opportunity to do it. That just like Mr. Wolfe  
 10 said, I don't hear "people." I don't hear the  
 11 connection to place. And that's what our dictate  
 12 by our forebearers is. This is our identity here  
 13 that we're standing on.

14           And so when you go back and you  
 15 look at and consider what's been said here, know  
 16 that, for me, personally, that I see opportunities  
 17 of co-management. I see opportunities for  
 18 redefining your primary focus to be so integral to  
 19 sustaining who we are as a people, not just of  
 20 Alaska but through all the United States.

21           And so thank you, again, for  
 22 coming here. And thank you for serving all of us  
 23 with distinction. And we'll keep you in our  
 24 prayers for safe travels and to continue to be  
 25 guided by the one sovereign God. Gunałchéesh.



1 JOHN TAHSUDA: Thank you very much.

2 VICTORIA DEMMERT: Good afternoon.  
3 My name is Victoria Demmert. I'm a council member  
4 of the Yakutat Tlingit tribe, and I come from the  
5 Raven Owl House. My real name is (speaking in  
6 Tlingit). And I really want to thank the people of  
7 the Taku that we're able to stand on their lands,  
8 their tribal lands. And we thank them for allowing  
9 that. And we always recognize whose land that we  
10 stand on. Gunałchéesh.

11 I think the message that you  
12 wanted to bring to us has been lost in the  
13 paperwork that you gave us. You gave us the  
14 message from the Department of the Interior. You  
15 didn't give us the message from the Bureau of  
16 Indian Affairs. And what you really want to know  
17 is: Do we think it's a good idea for you to be  
18 regionalized with the rest of the Department of the  
19 Interior; is that correct?

20 JOHN TAHSUDA: Yes.

21 VICTORIA DEMMERT: Okay.

22 JOHN TAHSUDA: Yes. So --

23 VICTORIA DEMMERT: But --

24 JOHN TAHSUDA: -- would the BIA  
25 regions be part of the common regions for the other

1       bureaus, so would they be readjusted to the same as  
2       theirs?

3                       VICTORIA DEMMERT: Right. But all  
4       the paperwork we have has to do with the Department  
5       of the Interior; and since we are only speaking to  
6       the Bureau of Indian Affairs, what we want to know  
7       is, how does that affect the Bureau of Indian  
8       Affairs and, therefore, affect us? And that got  
9       lost for quite a while with me in looking at this  
10      and looking through it. And I kept saying: So what  
11      is the Bureau of Indian Affairs -- they apparently  
12      want to do this, and communication is good within  
13      the department.

14                      The questions that we feel are  
15      going to affect us -- as you said, nothing will  
16      change with what you have -- what you're doing now.  
17      Communication is good. And we're trying to  
18      communicate to you now that we don't want to see  
19      you not just have -- not change; we want to see  
20      you, as an entity, recognize who we are and what  
21      our needs are. And we want to see better and we  
22      want to see more partnership, and us actually  
23      working together, not having things done for us,  
24      because we can do for ourselves if we have the  
25      opportunity.

1                   And so those are the things we  
2 want to see. We want to know: How long is this  
3 going to take to implement? How much will it cost?  
4 And we definitely don't want to see any money being  
5 taken from the bureau, because it doesn't have  
6 enough money as it is now. And so if that's going  
7 to come out of our services, we're not going to be  
8 in favor of it.

9                   And then looking at your map, I  
10 notice that it's deceptively small where you show  
11 Alaska. Now, Texas, which is a small state, has  
12 its own region. But there's -- Alaska probably is  
13 two regions. When you look at the diversity of  
14 Alaska, and then you try to lump it all in one, did  
15 you consider making it two regions? Because you're  
16 northern and western regions are very much  
17 different from your interior regions and your  
18 southeast regions. And I'm wondering if that was  
19 something that was considered or not.

20                   So that's one of the things that I  
21 have in question.

22                   JOHN TAHSUDA: Can I answer that  
23 right now?

24                   VICTORIA DEMMERT: Yes.

25                   JOHN TAHSUDA: Because I think it's

1 simple. No, because for this reason. All of the  
2 bureaus actually have Alaska as a region already.  
3 And so, in practical effect, it's already a unified  
4 region. So I don't think anybody wanted to take on  
5 the task of further dividing it and figuring that  
6 out. But the idea was, can we just work better in  
7 Alaska? And in that sense this is like a pilot  
8 project. Can we get the bureaus working even more  
9 closely?

10 I would guess there's probably as  
11 good a communication amongst the bureaus, the  
12 different bureaus here in Alaska, as there is in  
13 any other region that we have, just because of the  
14 fact that there has been, essentially, one unified  
15 region here, in a sense. And the bureaus have been  
16 operating together in that region, so that you  
17 have -- you know, you have one regional director  
18 for every bureau here, and at some point they get  
19 to know each other and the different staffs. So I  
20 would suspect that there's been better  
21 communication here than we've had in other regions,  
22 but I'm sure it could always be better.

23 VICTORIA DEMMERT: well, one of the  
24 things that I think you should consider is adding to  
25 your staff without costing the tribes, going back to

1 Congress and really fighting for the money and  
 2 saying why, because we have climate change hitting  
 3 us very badly in so many areas of Alaska. And in  
 4 Yakutat, we haven't fished yet. We haven't been  
 5 able to commercially fish, and they're not letting  
 6 us subsistence fish in our rivers.

7 And you've got, you know, 229  
 8 tribes, and a lot of things happening with fish and  
 9 wildlife and with homes being lost to climate  
 10 change. There's a lot of things that are happening  
 11 that we really need attention to. So we want you  
 12 to think about that and not just try to run with a  
 13 skeleton crew, because we might have a small  
 14 population, but we have a lot of big problems.

15 Thank you.

16 JOHN TAHSUDA: Thank you,  
 17 Ms. Demmert.

18 So let me just quickly try to  
 19 address that. So I think that one of the  
 20 concepts -- and, again, you know, it may be -- it  
 21 may facilitate this better in Alaska just because  
 22 we're ahead of the game as far as a common region;  
 23 right?

24 So at the end of the day,  
 25 realistically, we get a budget given to us by

1 Congress, and we do what we can with it. So if  
2 there is cost savings -- one of the concepts with  
3 this is, if there are cost savings, if we can make  
4 decisions better, if we can have better  
5 coordination, that would hopefully -- and with  
6 better communication -- that would hopefully free  
7 up resources.

8           There were other things that -- I  
9 think Kyle mentioned this at the beginning. So  
10 there are some other things that could come sort of  
11 down the road in a second step, such as -- not just  
12 co-location of offices. That will take a  
13 significant period of time. We have leases that  
14 we're in; right? We can't just break those, so  
15 that will take some time.

16           But there are like back-office  
17 functions, HR functions, IT functions right now  
18 that -- most of the bureaus do their own, so there  
19 are certainly also some efficiencies that could be  
20 run out of that. And the Secretary's commitment is  
21 that if there are cost savings, resources -- you  
22 know, more resources that are made available out of  
23 the current pool -- we're not anticipating getting  
24 a whole bunch of new resources, but if there are  
25 resources that become available out of that pool,

1 that they will stay in the region, to be used in  
2 the region.

3 And if we realize cost savings,  
4 they would stay in our bureau in the region. For  
5 the others, the same. If there are -- I mean, in  
6 some sense, things like NEPA, biological opinions,  
7 et cetera, they really shouldn't be -- there  
8 shouldn't be a divergent view, really, between the  
9 bureaus on those, in my view. I'm sure, if you get  
10 down to the weeds, they may perceive some  
11 differences. So, you know, with guidance, maybe,  
12 from our bureau on what the particular needs of the  
13 tribes are -- but if Fish is doing one, then we  
14 shouldn't have to put a lot of our own staff into  
15 doing an environmental or a biological review;  
16 right? We should just be able to help guide them  
17 where they need to go.

18 And so, in that sense, you know,  
19 it's possible that we will see sort of a resource  
20 savings there as well, in the sense of that maybe  
21 if we had to do all of our NEPA stuff separately  
22 from everybody else, we might need four more staff  
23 to do that stuff. I'm just throwing numbers out  
24 there. But in this case, since there would be more  
25 coordination, where we're more closely working with

1 the other bureaus, maybe we don't need those four  
2 additional people. And if we get more resources to  
3 hire people, maybe Gene can put that into something  
4 else -- probates, et cetera, something like that  
5 that we also really need, and that we can't share  
6 that resource with the other bureaus.

7 So that's a potential. And, you  
8 know, for those who are looking for data, we don't  
9 have any data worked up on that, because that's  
10 sort of a future possibility. And when the time  
11 comes and we can talk, in a second-stage  
12 discussion, about what that might entail, hopefully  
13 we can get more information, because I think you  
14 probably have as much information as we do in the  
15 region on how that would work for you and what more  
16 resources might or might not be needed in any  
17 particular area.

18 I thought I had a second thought,  
19 but now it's gone, on that front. So, anyway, that  
20 would be, hopefully, one thing that might be a  
21 positive outcome of this effort.

22 Yes, sir.

23 PETER DEMOSKI: Good afternoon. My  
24 name is Peter Demoski. I'm from the Nulato tribe.  
25 I'm a Koyukon Athabascan from the Middle Yukon



1 River. I want to thank the Tlingit & Haida Indians  
2 for allowing me to come to your land and address the  
3 Department of the Interior.

4 I've been listening to speakers  
5 for the past three and a half hours, and they have  
6 touched on the need for tribal consultation. In  
7 the short period of time for this tribal  
8 consultation for tribes to be here, we've heard  
9 land and security. We've heard the need for the  
10 Department of the Interior to directly consult with  
11 tribes in everything that they do regarding  
12 reorganization.

13 In the late '80s and early '90s,  
14 the fathers of self-governance weren't the BIA  
15 people or Department of the Interior people. There  
16 were Indian leaders like Joe Delacruz, Joe -- I  
17 forget his last name -- Ron Allen, and several  
18 other Indian leaders. They developed a  
19 self-governance demonstration project, and it  
20 worked.

21 When the Department of the  
22 Interior recognized the tribes in Alaska in 1993,  
23 that's when I became involved in tribal  
24 self-governance and self-determination. And I went  
25 to these meetings with Joe Delacruz, Joe Garcia --

1 that's who I was talking about -- and Ron Allen.  
2 And they were often in contention with the BIA  
3 people at these demonstration project meetings.  
4 But the Indian leaders kept telling the BIA, "We're  
5 not your enemy. We're trying to help you." And  
6 they proved to the BIA that Indian country can  
7 provide programs for their people better than the  
8 Department of the Interior could.

9           So it became my mission in my  
10 small tribe of Nulato -- 260 people -- to advance  
11 self-determination and self-governance, and I did.  
12 And I did it better than the BIA. And I was able  
13 to employ a number of people after I went  
14 compacting with the federal government.

15           After I retired, some of those  
16 employees were still there after 18, 19 years.  
17 Those employees thanked me for giving them  
18 employment where they could remain in the village,  
19 raise their families, see their families graduate  
20 from high school and go into the military or  
21 further their education. That's what  
22 self-determination, self-governance can do.

23           So in your reorganization process,  
24 you need to implement tribal self-determination to  
25 its full extent for the people all over the United

1 States. I recognize that, through self-governance,  
2 a tribe can determine its own destiny and have the  
3 opportunity to provide maximum employment for its  
4 tribal members.

5 Like I said, I'm just from a small  
6 tribe, 260 people, but through the compacting  
7 process, we still have a number of -- 12 employees  
8 in the village. Without self-determination, we  
9 wouldn't be able to do that. We would still be  
10 under the BIA Memorandum of Agreement or something  
11 like that.

12 I have here a list of analyses  
13 developed by Tanana Chiefs Conference. I'm also  
14 the elder advisor on the Tanana Chiefs Conference,  
15 the nonprofit regional corporation in our area. I  
16 won't go through the whole analysis, but I just  
17 touched on one, the need to elevate tribal  
18 self-determination. I know John. I didn't expect  
19 to meet you so soon after just meeting you last  
20 week in Fairbanks. I met Gene a couple years ago  
21 in your past role as a subsistence manager for  
22 Alaska. And I'm hearing people congratulating you  
23 for your promotion to regional director. I don't  
24 know if that's a promotion or a demotion.

25 (Laughter.)

1 All right. I'd like to leave just  
2 an analysis from TCC with you, and I'll just repeat  
3 what other speakers have said. This tribal  
4 consultation notice came to us so short that we  
5 lack many of the 220 tribes in Alaska in here who  
6 should be here. And that's my closing comment.  
7 But whatever you do in reorganization, we need to  
8 see the draft as soon as you get it printed, and  
9 give us time to comment on it. That's tribal  
10 consultation.

11 Thank you.

12 JOHN TAHSUDA: Thank you,  
13 Mr. Demoski.

14 So we're a little bit past the  
15 original closing time for the consultation; but we  
16 got off to a late start, so I'm happy to stay here  
17 a little bit longer. I know there are some folks  
18 that need to head out at some point to catch  
19 planes. So if you have closing thoughts and stuff,  
20 we'll go ahead and take those. And then hopefully  
21 we can wrap up in about 15 or 20 minutes.

22 And, again, if there's anybody  
23 else that hasn't yet had a chance to speak as well,  
24 I'd appreciate it if you would jump up before we  
25 try to close out again. I want to try to close out

1 here in about 15 or 20 minutes.

2 Thank you.

3 WILL MICKLIN: I'm happy to yield  
4 to anyone that hasn't spoken yet.

5 So I'll be brief. Will Micklin,  
6 Third Vice-President, Central Council Tlingit &  
7 Haida Tribes of Alaska.

8 So I just wanted to express my --  
9 that I am struggling with the map-driven plan, that  
10 it seems to me that there's a map that describes  
11 the reorganization effort and then all the  
12 pertinent functions that are the mandate of each of  
13 the bureaus, but then the department will be  
14 reconciled after you divide up the map for the  
15 department. And that, to me, seems like a  
16 challenged path as a way to proceed.

17 So, I mean, just -- there are  
18 different ways to divide up a map equally, as  
19 arbitrary as this effort appears. Southeast Alaska  
20 is about the size of the state of Indiana. So if  
21 you overlay it on the Lower 48, it's about half the  
22 size of some of those other regions. The state of  
23 Alaska itself is more than a third, maybe  
24 45 percent of the entire Lower 48 land base.

25 So if I thought that there was an

1 allocation of resources commensurate with the map  
2 footprint for each of the regions, then great.  
3 Alaska would be receiving a significant additional  
4 influx of resources and capacity, but I don't see  
5 that as a result of the reorganization. You could  
6 as well divide up, let's say, by number of tribes.  
7 226 or so in Alaska, 111 in California. You could  
8 have those two regions, and the rest of the Lower  
9 48 could be a third region. That's equally as  
10 rational, I think, as the map that we're looking  
11 at. You could go by population. Again, likely  
12 California and Alaska would be two regions. The  
13 rest of the United States, another region.

14 So I think relying upon a map to  
15 be the starting point for a subsequent  
16 reconciliation, without really doing a thorough  
17 analysis of the real mandate and functions  
18 expressed through key performance indicators that  
19 would tell you what the effect and consequence of  
20 an exercise like a reorganization would be -- how  
21 that would result, what the outcomes would be --  
22 would seem to be proceeding without a business  
23 plan, and that's what Vice-President Edwards was  
24 referring to.

25 So if you looked at those key

1 functions, like leasing of federal lands within  
2 your Department of the Interior authority,  
3 including agricultural leases, mineral leases,  
4 grazing permits, recreational uses, various uses  
5 for the lands, easements, rights-of-way,  
6 transportation within those land areas, irrigation,  
7 water rights, the responsibilities as a landlord --  
8 and BLM is a principal landlord within the United  
9 States government -- mineral development, mineral  
10 leasing, reserve rights of the United States in  
11 contest with the reserve rights for federal lands,  
12 which is often in contest with the rights of states  
13 for state-held lands.

14           So all of those, to me, seem to be  
15 more determinate than a map-based approach to  
16 reorganization. If one were to divide up those  
17 functions and say, for example, that you would  
18 consolidate environmental assessments and impact  
19 statements under NEPA, well, given that the  
20 structure of environmental law under NEPA is really  
21 species-driven, single-species-driven -- Fish and  
22 wildlife Service, the Migratory Bird Treaty Act,  
23 the Golden Bald Eagle Protection Act, the Lacey  
24 Act -- when they conduct their environmental  
25 review, it's based on the mandate under statute in

1 U.S. code that they are bound to protect.

2 If they, then, share their  
 3 environmental process and do it for us, are they  
 4 protecting Native people, or are they protecting a  
 5 single species? Their practice is in single  
 6 species. We've often been in contest with BLM  
 7 environmental assessments, Fish and wildlife  
 8 Service environmental assessments, other  
 9 organizations that don't have the interests of the  
 10 Indian as the paramount interest to be protected in  
 11 the environmental document. And it's been a real  
 12 struggle to apply a rule of reason to that  
 13 environmental process where that primary interest  
 14 would prevail for the Indian, its tribal  
 15 government, its communities, in contest with the  
 16 overriding priorities for other departments and  
 17 bureaus where they seek to protect their mandate.

18 So I think I would -- my point  
 19 here is, it's very difficult for us to provide  
 20 consent to a plan that, to us, seems really based  
 21 on an arbitrary determination of what a map would  
 22 look like, and then subsequently looking at  
 23 reconciliation of outcomes for unintended  
 24 consequences that, at this point, may be known or  
 25 may be unknown or essentially could be unknowable



1 until the consequence itself would arise and,  
2 therefore, subject ourselves to an unmitigated and  
3 unbound risk in agreeing, consenting to this  
4 process moving forward.

5 On that basis, we've expressed our  
6 opposition to the reorganization until there could  
7 be presented to us a plan, a model, and analysis  
8 with real indicators of what the consequences are,  
9 how we address them, how we resolve them, and what  
10 resources we have moving forward.

11 There is, we think -- at least we  
12 seem to appreciate that there was a reduction in  
13 the President's proposed budget based on cost  
14 savings with reorganization. If that doesn't  
15 occur, then we would hope those funds would be  
16 restored if, in fact, the reorganization for the  
17 BIA does not move forward.

18 We understand that we have to  
19 operate within the funding that the Congress  
20 provides. It would be most helpful if the  
21 President would propose a budget that is not a  
22 significant reduction below what the Congress has  
23 demonstrated that they are willing to approve and  
24 enact. There has been a great disparity, where the  
25 President's budget has been much lower, and the

1 Congress has stepped up and protected tribal  
2 interests by restoring those cuts.

3 A first step in good faith, we  
4 think, is moving the President's proposed budget,  
5 which has great impact, to levels that the Congress  
6 is willing to protect, and then move forward to  
7 providing those resources to those areas where --  
8 that we need to use to address the outcomes of  
9 reorganization, which the department seems intent  
10 on moving forward.

11 As you stated, the department is  
12 going to reorganize. It's a question of whether or  
13 not we want to be a part of it. It's very  
14 difficult for us to, I think, fully appreciate that  
15 if the bureau doesn't -- is not part of the  
16 department reorganization, then how the  
17 communications, the essential, both statutory and  
18 mandated, functions as well as those that are  
19 provided under federal policy, like the federal  
20 Indian policy and the federal trust responsibility,  
21 are protected and accommodated as we begin to  
22 understand what the real consequences are, which,  
23 you know, at this point, I can't begin to  
24 understand what those would be.

25 So I'm hopeful you understand that

1 Central Council is not attempting in any way to  
2 impede what the department believes is a reasonable  
3 and rational approach to improving the function of  
4 the department under the mandate provided to it by  
5 the Congress. At the same time, there is a mandate  
6 provided on a government-to-government basis with  
7 tribes. Governments don't tell other governments  
8 what they can and can't do; they seek consent.  
9 Consent does not mean that you show them the plan,  
10 and that is -- that discharges your checklist of  
11 trust responsibility and consultation and move  
12 forward with what you want to do.

13 We think there should be a  
14 rational basis for the plan, and a plan for  
15 accommodating those needs that, if the plan moves  
16 forward, which it seems apparent to us that it is,  
17 how we can accommodate those concerns which  
18 necessarily arise because of the change in business  
19 operations for the rest of the department, while we  
20 proceed under what has been demonstrated as an  
21 insufficient and unmet need of what we demonstrated  
22 as our need and what has been accomplished.

23 I cited a number of significant  
24 studies since 1934 in my earlier testimony. That  
25 does not include inspector general reports, reports

1 by the Congress, reports by the media and others  
 2 that flesh out the total opinions and analysis of  
 3 what has gone wrong in the past and how it could be  
 4 improved.

5 But I would point you back. There  
 6 have been federal dollars, significant federal  
 7 dollars and efforts spent on prior studies. Most  
 8 of those studies were very rigorous and provide  
 9 very specific recommendations and processes for  
 10 improving the relationship between our trustee and  
 11 us tribes as the trust beneficiary. It would seem  
 12 to me to be a prudent use of federal funds, rather  
 13 than to reinvent, to go back, cite those studies,  
 14 and use that analysis to inform the plan moving  
 15 forward.

16 I don't see that that has  
 17 occurred, and with the -- I understand that there  
 18 may have been consultation amongst the bureau heads  
 19 and the senior executives servicing the department.  
 20 With the number of actings that sit in  
 21 decision-making positions within the department and  
 22 its bureaus, it's very difficult to think that  
 23 there is a sufficient planning that has occurred.  
 24 If that's not the case, then I'd be happy to be  
 25 pointed to a real business plan and model for

1 operations that accounts for all of the concerns  
2 expressed, not just today but throughout the  
3 consultation process for the reorganization plan.

4 So with that, I thank you.

5 JOHN TAHSUDA: Thank you,  
6 Mr. Micklin.

7 Anybody else? Going once. Going  
8 twice.

9 well, thank you. I appreciate  
10 your time in coming here, and -- did you have a  
11 comment, Ma'am? Certainly.

12 LORETTA MARVIN: Oh, I'm real  
13 short. Here we go. Loretta Marvin. Everyone calls  
14 me Betty. Douglas Indian Association. I'm a family  
15 caseworker. (Speaking in Tlingit.) My Tlingit name  
16 is (speaking in Tlingit). I'm a Tlingipino, which  
17 means half Filipino and half Tlingit. And I know  
18 quite a few can relate to that.

19 I've been around for many, many  
20 years, and I've seen a lot. And I was just  
21 thinking about the old warriors that used to -- and  
22 this was many years ago. But I had an aunt named  
23 Amy Hallingstad, and I have a letter that she  
24 wrote, I believe, in 1944, or in the '40s. And the  
25 letter is addressed -- and I believe I still have a

1 copy of that letter. And it was addressed to the  
 2 Secretary of the Interior. And she was Grand Camp  
 3 President for the ANS Camp 16 in Petersburg,  
 4 Alaska. That's where I hail from.

5 But she wrote this letter, and she  
 6 told, you know, the Secretary of the Interior  
 7 everything that was wrong and what help that our  
 8 people needed. She was quite -- she had a lot of  
 9 humor and a lot of wit, and she could put you in  
 10 your place in a nice way, in a comical way; but she  
 11 got her point through.

12 And I admire people like that,  
 13 because our strong warriors that we had, this was  
 14 in the days of -- I don't know if you would  
 15 remember or know, but William Paul, Walter  
 16 Soboleff, Elizabeth Peratrovich. You know, these  
 17 were tough warriors.

18 And the letter that she wrote --  
 19 and I have the copy, where she says, "Our children  
 20 are starving. Our hunting is poor. We have no  
 21 employment. The fishing has been taken away from  
 22 us." And they fought at that time to take the fish  
 23 traps out because it was hurting the fishermen. I  
 24 mean, you know, when I'm sitting here, listening to  
 25 everything that's being said, it almost seems like

1 nothing has really changed that much, you know.  
 2 And it's sad to see.

3 I admire all our leaders that we  
 4 have now, the ones that come forward and stand  
 5 forward. And I see a lot of the children of our  
 6 leaders. And, luckily, we have the Cadientes.  
 7 Their mother is, well, 91. 91. She was one of the  
 8 warriors. And there was Bob Sanderson. I think  
 9 his father was one of the warriors.

10 So I've been there for a long  
 11 time, and I'd like to see, you know, a coming  
 12 together. I didn't understand why we were here at  
 13 first. And I've listened to some of the younger  
 14 ones get up, and I wish -- I wish that you will  
 15 listen to what they're saying. Hopefully that will  
 16 come to something good out of this and make some of  
 17 these old warriors not turn in their graves but be  
 18 happy.

19 JOHN TAHSUDA: Thank you, ma'am.  
 20 Anybody else?

21 Again, thank you for your time.  
 22 And I know for some of you it was a challenge  
 23 getting here. I appreciate that greatly. We will  
 24 have another consultation -- we have several more  
 25 coming up in the Lower 48. If you have an

1 interest, we'll also have one in Seattle.

2 what's the date on that,  
3 Elizabeth?

4 ELIZABETH APPEL: August 23rd.

5 JOHN TAHSUDA: August 23rd? August  
6 23rd in Seattle. I know that's also a trip for many  
7 of you; but if you wish to come and comment again,  
8 please do so.

9 We appreciate everything that  
10 you've said. We've got it in the record, and it  
11 will be part of our internal discussions. We have  
12 a process. Once we have reached the end of the  
13 consultations, there's a comment period. We close  
14 that, and we get -- if, for your purposes, you want  
15 to review the transcripts when they go online,  
16 you'll be able to look at those as well.

17 And I'm going to add this too.  
18 You know, we have to, sort of for our  
19 administrative purposes, have like a comment period  
20 and close that; but you can certainly not feel  
21 bound by that. You can send your comments to the  
22 department. You can send them to the Assistant  
23 Secretary. We'll always consider those. And if  
24 they're relevant to this conversation, they will  
25 inform us as we discuss this as well.



1                   So we look forward to getting your  
2                   comments, additional ones in. I've got one written  
3                   one here that we will make part of the record as  
4                   well.

5                   And we'll close this out. Thank  
6                   you very much.

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8                   (Tribal Consultation concluded at 1:32 p.m.)

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C E R T I F I C A T E

S T A T E O F A L A S K A )  
FIRST JUDICIAL DISTRICT ) Ss.

I, LYNDA BARKER, Registered Diplomate Reporter and Notary Public duly commissioned and qualified in and for the State of Alaska, do hereby certify that the foregoing proceedings were taken stenographically before me and thereafter reduced to typewriting by me or at my direction.

That the foregoing transcript is a full, true and correct transcript of the proceedings, including questions, answers, objections, statements, motions and exceptions made and taken at the time of the foregoing proceedings.

That all documents and/or things requested to be included with the transcript of the proceedings have been annexed to and included with said proceedings.

That I am not a relative or employee or attorney or counsel of any of the parties in these proceedings, nor a relative or employee of such attorney or counsel, and that I am not financially interested in said proceedings or the outcome thereof.

IN WITNESS WHEREOF, I have set my hand and affixed my Notarial Seal this 21st day of August, 2018.



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LYNDA BARKER, RDR,  
Notary Public for Alaska  
My commission expires:  
5/6/2020