

US DEPARTMENT OF THE INTERIOR

TRIBAL CONSULTATION

ON

PROTECTION AND RESTORATION OF TRIBAL HOMELANDS

VIRTUAL CONSULTATION

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2:00 p.m. – 4:00 p.m. (EDT)

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ELIZABETH APPEL: Welcome everybody to the Tribal Consultation on Protection and Restoration of Tribal Homelands. This session is being recorded so we ask that you mute yourselves as Assistant Secretary Newland just noted to help improve with the audio quality. Thank you very much.

BRYAN NEWLAND: Alright, good morning everybody, I hope everybody is doing well. And for those of you who are here in the Eastern Time Zone, good afternoon. My name is Bryan Newland. I'm the Assistant Secretary for Indian Affairs here at the Department of the Interior. I'm joined by a number of folks from our staff here at the Assistant Secretary's office. So, I will ask them to briefly turn on their cameras so you can all put names with faces. We have our host with the most, Liz Appel, who does a fantastic job pulling these meetings together. We also have with us, Senior Counselors from our office Sam Kohn, a member of the Crow Tribe, as well as Stephanie Sfiridis who's a member of the Mashpee Wampanoag Tribe, along with Senior Policy Adviser Heidi Todacheene, who's a member of the Navajo Nation as well. And we will have other folks from our office join this consultation in and out, including Rose Petoskey, who is at another meeting at the moment, who is also a counselor in our office. And we are going to discuss a number of topics with you all today. But before we do, it's customary that we start meetings like this off with a blessing or a prayer. And so, we, we do not have anybody lined up for that today, so I'll just ask everybody here to take 20 seconds, and pray, offer a prayer or reflection in your own way, that we have a good discussion today, and then we'll get started.

Miigwetch everybody, thank you. Alright, so everybody here should have received a dear Tribal Leader Letter from us here at the Department. That is pretty expansive in scope for this consultation. And what we're doing here is trying to get feedback from across Indian country on some of the cornerstones of our agenda, as we move forward. In President Biden's first term in office here, particularly as it relates to how we are going to improve our work with all of you on Indian lands and on our Tribal homelands agenda. And so, I'm going to walk through this very briefly the questions that we've posed to everybody here they're in four different categories, and then we will turn it over to Tribal leaders first and elected Tribal representatives for comment and then others from inner Tribal organizations, as well. So, the first area where we're seeking feedback from Indian country is on the land-into-trust process and we've posed

four questions for you. The first one is, does the Department's land-into-trust process adequately allow Tribes to consolidate land holdings in or near existing reservations? The second question we're asking feedback on is whether the department's land-into-trust process adequately allows Tribes to establish homelands for those Tribes who are landless? The third question on the fee-to-trust of trust process is, how can the Department improve the land-into-trust process to facilitate the protection of sacred sites, conservation, and the exercise of civil and criminal jurisdiction? And the last question we're asking everybody relates to Alaska specifically. And we are asking for those Tribes in Alaska, how should the Department approach the land-into-trust process to adequately account for factors that are unique to Alaska? We're also seeking your feedback on the leasing and rights-of-way process here at the Department. And we have two framing questions for you on that. The first is, are the Department's existing regulations governing agricultural leasing on Indian lands, adequate to protect the interests of Tribes and Indian landowners? The second question on leasing and rights of way asks, are any changes needed to the Department's leasing and rights of way procedures to clarify taxing jurisdiction in Indian country and to promote economic development in Indian Country? Third category where we are consulting with Tribes across Indian country relates to the Secretary's priority of protecting sacred places and Tribal treaty rights. And we have asked three framing questions on this topic. The first is what steps can the Department take to ensure that Tribes have the ability to protect their sacred places and access to those or access those sites to exercise religious rights? The second question we're asking on that topic are, what steps can the Department take to protect the exercise of off-reservation treaty rights, including habitat for treaty resources? And, also on that I just want to note that with respect to Alaska, we welcome your feedback on subsistence rights and protection of subsistence rights as well. The final framing question is on this topic is what actions can the Department take in relation to other agencies to ensure the protection of sacred sites and treaty rights? And the final framing question we are asking, during this consultation period is, what is the most pressing need for protection and restoration of Tribal homelands, that the Assistant Secretary for Indian Affairs can help address? Before we turn it over, I just want to also

note that we are seeking written comments from Indian country as well. You may submit these comments to us by midnight on Friday, November the fifth, you can email them to consultation@bia.gov.

So, with that we're going to open the floor up to Tribal leaders I think Liz will have the instructions on how we do that. Again, I just, I'm happy to stay here as long as needed. I want to make sure that everybody is respectful of everyone else's time to make sure that you keep your comments succinct. And if you have something to add, after you've already spoken just ask that you wait for everyone to have an opportunity to speak before coming back for follow up comments. So, with that I want to thank you all for your time today I know how busy you all are, and how difficult it is to run Tribal governments and to put these comments together. So, with that Liz, I'll turn it over to you.

ELIZABETH APPEL: And our first comment comes from Randy Williams from Ketchikan Indian community.

RANDY WILLIAMS: Well, we certainly appreciate the opportunity to present our comments. Thank you very much. The Regional Office lacks the staff and the resources to adequately address the current need in backlog. The Anchorage BIA needs a dedicated land-into-trust office with a team of people that can provide and expedite the process for Alaska Native Tribes. With over 200 recognized Tribes and other native organizations, to process the backlog will take substantial time to work through. We want any land-into-trust as a nation to have a pre-1988 status to give us some level of parity with all of the Tribes and the continued continuous 48 states who have had full access to all of the rights and benefits of the Indian Gaming Act since its inception. Alaska has always been let out of these economic opportunities because of the delay in getting our land-into-trust which continues to this day. The fact that our land has not been considered in, considered in trust, up until this point is no fault of ours, and should not carry a lesser status that all of the other Tribes who had trust, trust land prior to 1988. Even assuming we could give more resources to the regional BIA office, it would take six months to a year to hire any staff and outfit a new staff, and no, and no matter the resources applying and getting our land-into-trust will never be the same level of priority for the BIA, that it is for us. Getting this done is

everything for us. It is a pinnacle of exercising our sovereignty as a Native people the right to control our own destiny on land that we own.

BRYAN NEWLAND: Randy, could you come this way a little bit because the camera is screwed up.

RANDY WILLIAMS: I'm sorry. finally, our, in this particular issue. And this is a different concept, and it's going to be difficult for the Interior to accept. We would like to propose that in lieu of our current process, the Secretary instead delegate the authority to take land-into-trust directly to the Alaska Tribes themselves. This way each Tribe can establish the timing and prioritization that is best for them. Let Tribes make the declaration to the Department themselves. Only on land that they own in fee simple and subject to the Tribes, Tribes following all the other factors of the Secretary would normally consider. This, the declaration of a Tribe would make the trust status effective immediately, and when it could be subject to, and then it could be subject to a review by the BIA who would have the authority to suspend or even revoke the status if there was good cause for that. So that's, that's a different kind of concept for everybody. Because the Tribes in my opinion, have the expertise and the knowledge now to take land-into-trust as the BIA would. So, under that designation the Tribes exercise their sovereign authority to finally have the right to take land-into-trust, which would include the Department of Interior, but it would not require all of the, the review by the BIA. Because of course the BIA is just not prepared for, we're more, more adequately prepared for that process than the BIA is. On protecting burial sites. Oops, I'm sorry we'll come late to that. Thank you very much.

BRYAN NEWLAND: Thank you so much, Mr. Williams. I really appreciate your comments, and they're very helpful, and would also invite you to submit written comments as well. I'll just note that I understand very well the issues you're highlighting with respect to IGRA, and the situation that the Federal government has placed Tribes in Alaska in when it comes to having lands placed into trust and appreciate your raising that.

RANDY WILLIAMS: Thank you.

ELIZABETH APPEL: Okay, if you would like to provide some input, and you are a representative of a federally recognized Tribe, please raise your virtual hand by clicking beside your name on the hand's icon or at the bottom toolbar. Again, if you'd like to make a comment, please click the raise hand icon. It should be at the bottom of the toolbar there. And I'm seeing no raised hands at this time.

BRYAN NEWLAND: Wow, okay.

ELIZABETH APPEL: And I now see a raised hand from Kristen Doughty. Ms. Doughty, you should be unmuted now.

KRISTEN DOUGHTY: Hey there, I apologize. I don't believe I meant to raise my hand. I'm not showing that my hands icon is raised on my Zoom so.

TIM SCHUERCH: This is, excuse me. This is Timothy Schuerch. I had raised my hand. I'm a Tribal member, but I'm not a representative of my Tribe, I'm just a Tribal member.

BRYAN NEWLAND: So, Mr. Schuerch, would ask for the time being, that you hold your comment because these are government-to-government consultations, so we want to make sure before we invite folks on the line who are not members or representatives of federally recognized Tribes, we want to make sure that we get the elected representatives first.

TIM SCHUERCH: Sure.

ELIZABETH APPEL: And I apologize. The name that shows up for me on Zoom is the name that was used to register to obtain the link to join, join so I apologize if I use an incorrect name at any point. So, do we have any other officially designated representatives of federally recognized Tribes who would like to make a comment at this time? If so, please raise your hand in the - by clicking the raise hand icon in the bottom toolbar, and we do have a comment from Will Micklin.

WILL MICKLIN: Hi, can you hear me?

ELIZABETH APPEL: We can.

WILL MICKLIN: [Speaking in Native language] My English name is Will Micklin. My second name is Yaan Yaan Eesh. I am Teikweidee, child of the white man, grandchild [speaking Native language] from the Tantakwaan Tongass Tribe, Kaats Hit Man Who Married the Bear. And second Vice-

President on the Executive Council for the Central Council Tlingit and Haida Tribes of Alaska. Thank you for the opportunity to speak. I'll speak briefly on this weighty subject. The -- we at Tlingit Council have for many years, I believe since 2008, or 2010, the fee-to-trust application submitted to the Department. We believe that the acquisition of land in trust status is essential to the governance, and our duty to promote the interests of our Tribal members. We believe the Tribal List Act affirmed that the rights and privileges and particularly the recognition of inherent rights. With the 1994 Tribal List Act expressed the will of Congress that Tribes in Alaska be treated the same as Tribes in the lower 48. The oft times the Sansonetti opinion from Solicitor has gotten in the way. We have asked for a modern review of Sansonetti given all of the court rulings and precedents that has occurred since that letter opinion was issued to bring it to the modern understanding which would benefit the interest of Tribes and we believe, recognize that Alaska Tribes indeed. And have the right, and the Department has the duty to convey to consider and approve applications under the fee-to-trust regulations under 25 CFR 151. We believe this is a priority issue, the interests of Tribes for making productive, their Tribal trust estate are weighty, the issues of taxation, or are weighty and the control and exercise of territorial jurisdiction, equivalent to other Tribes is important in particular with many, many of the federal statutes that are in force, or maybe enacted, determine eligibility according based on whether a Tribe has trust lands or lands in trust for the benefit of the Tribe from the Energy Policy Act of 2005, with the distinction between Indian lands and trust lands. As one example, but there are many where Tribes without territorial jurisdictional reach based on trust lands are deprived of eligibility for funding sources that are important to us and representing inequity to lower 48 Tribes that have that that opportunity for available funding. We also believe that it's important since we strictly don't have territorial treaty rights in Alaska. We have inherent and reserved rights. We think that there's far too often a reliance on Alaska Native Claims Settlement Act as a "to do more work" than it was intended by its authors and by the Congress. The latest incidents in these determinations that have resulted from, or at least are impacted by ANCSA is the Yellen vs Chehalis Confederated Tribes of the Chehalis Tribes decision regarding the controversy over CARES Act funding.

We are, as an example, now working on with the Department fish and wildlife service under the Department of Interior, the Native American policy for US Fish and Wildlife Service. Part of that is the extent of Alaska Native Corporations reach under the definition of Indian Tribe. We, in this instance as in others are encountering the, we think an over broad interpretation of the ruling in Yellen vs Chehalis. We think it is limited to the CARES Act and ISDA's definition. And ANC's have long been able to contract or contract, contract under, under Indian self-determined, determination and Education Assistance Act. But the interpretations for Fish Wildlife Service, potentially, or Department of Commerce, with their recent extension of funding available to Tribal corporations is also looking at that, the, the impact of that that decision, and whether it means that ANC's outside of CARES Act and outside of ISDA are also deemed to be Indian Tribes. We think not. We think that SCOTUS decision applies to the CARES Act and ISDA and does not overlap beyond those, those boundaries but it has consequence. And we think the department needs to deal with these issues that have such great impact to Alaska Tribes. So, I thank you for the opportunity to, to provide comments I know we've provided extensive written material on the fee-to-trust issue and on the Sansonetti opinion. And I believe there will be other conversations around the, whether the question of Alaska Indian Tribes and ANC's as being deemed to be Indian Tribes or Tribal governments under existing or new legislation. We think some guidance in this matter is, would be most helpful. So, thank you again. [Speaking Native language].

BRYAN NEWLAND: Thank you Mr. Micklin. It's good to hear from you.

ELIZABETH APPEL: And if you are a representative of a federally recognized Tribe. You may indicate that you'd like to provide input by raising your hand, your virtual hand, and I do see that we have some individuals who have joined us by phone, so if you are joining us by phone today and would like to raise your hand, please press *9 to raise your virtual hand and then *6 to unmute yourself. And I'm showing no more comments.

BRYAN NEWLAND: While we wait for more comments, I want to return to Mr. Williams' comments from Ketchikan Indian community about the process for putting land in-to-trust in particular resources at the Regional office level with the Realty staff and the possibility for the - ask that we

delegate decision making authority to the Tribes themselves. Federal law as it stands right now, does not allow us to delegate the decision-making authority on putting land-into-trust from the Secretary directly to Tribes as the inherent Federal function, but we do have the ability to contract Realty functions. BIA's Realty functions with Tribal governments to process applications, through, through the steps and do those things that are not deemed inherently federal functions, and I'll No, no, I see we have folks on the line who've done work in the state of California. There are places where inter-Tribal organizations have worked together to complete a lot of those realty tasks. And the Departments' fee-to-trust process and make that process move more quickly than it would have if the Bureau of Indian Affairs were processing individual applications and you get things up to a point where the Department makes those inherently federal decisions. But that is something that we're thinking about in light of the Secretary's order earlier this year on Bob Anderson's solicitors' opinions on land-into-trust in Alaska is how do we make sure 40% of the Tribes that are federally recognized that are with the state of Alaska. We want to make sure we've got the resources to carry out this process to the Tribes in Alaska which is why we're having this consultation today. So, thank you.

ELIZABETH APPEL: And we do have a follow up from Will Micklin. Mr. Micklin, you should be unmuted.

WILL MICKLIN: Thank you. So, I just wanted to follow up on Assistant Secretary. Mr. Newlands' comments. As you may well know, Central Council was the first Tribe to clump out for the realty function. With the passage of the Self-Governance Act back in 1994. And we have applied that authority for essentially for predominantly for individual Alaska Native allotments. It's been enormously successful we are responsive to our Tribal citizens, and we are compliant with all of the duties and limitations imposed on us under, under that agreement. We, as a natural progression would certainly be available to extending that authority for fee-to-trust acquisition, similar to the California Fee-to-Trust Consortium, and its operations in the state of California, which, as CEO for the Ewiiapaayp Band of Kumeyaay Indians I participated in extensively. I see Miss Brenda Tomaras is on the line and who's one of the principal parties active on the California fee-to-trust consortium, but I would certainly envision either

statewide or regionally, the same capability, being brought to bear, through Tribal resources, where the capacity exists, and certainly I believe be enormously successful. So, I thank you Assistant Secretary Newland for alluding to that, that authority. They do operate under the provision that they don't exercise, the inherent federal function authority for the actual final decision, which is reserved for Bureau of Indian Affairs. But it, because the Tribes operate the program, the processing of the applications has been enormously successful over the 12 years--15 years. Maybe Brenda can correct me on this, but it's been operating for quite a while with great success. So, thank you for alluding to that. Mr. Assistant Secretary.

BRYAN NEWLAND: Thank you sir, I appreciate that. Alright, I want to make sure that we're being respectful of everyone's time. So, again we are -- this consultation while it's not tied to any particular, any proposed rulemaking or anything like that, what we are trying to do is get feedback from Indian country on these priority issues for the Department. To get our guidance as we try to improve the land-into-trust process, particularly as it relates to Alaska. Make sure that we're strengthening Tribal jurisdiction with respect to taxation, regulation on leasing and leased parcels and rights-of-way. And of course, this administration is very focused on protecting subsistence and treaty rights, as well as sacred places off-reservation. We know that Tribal treaty and religious rights are not tied exclusively to where our reservations are so we're seeking everybody's feedback on these. And if you don't have a comment for us this morning, that's okay. We welcome written comments with your suggestions and ideas and concerns, up until midnight on Friday, November the fifth, and you can email them to consultation@bia.gov. So, I'll hold the floor open for just a little bit longer, make sure that we're getting feedback from Tribal leaders and representatives.

ELIZABETH APPEL: And again, if you'd like to make a comment, please raise your virtual hand by clicking the raise hand icon at the bottom of your screen, or if you're joining us by phone, press *9 to raise your hand and *6 to unmute yourself.

RANDY WILLIAMS: Assistant Secretary Newland?

BRYAN NEWLAND: Yes sir.

RANDY WILLIAMS: You know, we don't want to dominate any part of this conversation. We'd like to hear from Tribes. But one of the, one of the points we did make was taking the land-into-trust pre-1988. I think that's an important point for the Tribes that wish to participate in activities that other Tribes were able to participate in under that, that timeframe. And because Alaska Tribes have never had that opportunity, I think that it's important that the land is designated that, the pre-1988 designation.

BRYAN NEWLAND: I hear you loud and clear, and I appreciate that, encourage you to also follow up with written comments on that topic. We are recording this session. All of our consultations, we take the comments we receive, and we break them down by topic and use of them. And that feeds into our policymaking processes here at the Department. So, I appreciate you emphasizing that.

ELIZABETH APPEL: And we do have a comment from Philip Baker-Shenk.

PHILLIP BAKER-SHENK: Good afternoon. I do represent a number of Tribes in Alaska, and in addition to the cogent points raised by Mr. Williams and Vice-President Micklin. I wanted to add yet another point, that would be very helpful. Mr. Secretary, in Alaska, as it tries to catch up to the rest of the Tribes in the lower 48 and that would be to encourage your office, to facilitate actively as advocates, the return of federal property that is either declared excess or is abandoned or has apparently low use in Alaska and return that land from the federal agencies to the Tribes and the members. The Tribes who represent the members from whom that land was originally taken. These are homelands that need to be restored. And one of the first, perhaps easier opportunities would be to have this department, work with NOAA, Forest Service, look at BLM and Fish and Wildlife within the Department for portions of land that has been taken for other purposes, including DOD and return that and place it in trust for the relevant Tribes for whom that is homeland. Thank you.

BRYAN NEWLAND: Thank you Phil for, for sharing that and that's something that we've a perspective we've heard from Tribes, not only in Alaska, but elsewhere over the last few months and I appreciate you're raising it here.

ELIZABETH APPEL: I'll do another call for comments. We have, for the folks joining us on the phone. if you'd like to make a comment, please press *9 to raise your hand. For all others, please press the raise hand icon at the bottom of your screen. Thank you.

BRYAN NEWLAND: With that, we'll do a last call, unless folks want to keep the conversation going. And I want to make sure I reiterate that your written comments are welcome and vital. They go into our policymaking process here. And we do take them with us to the table when we're drafting things that our Departmental manual handbooks or rulemaking process and if and when it comes time to develop specific policies on these, we will of course engage in consultation on any particular policies that we propose.

ELIZABETH APPEL: We've got a question in the chat about whether transcripts of the consultation will be shared. And I believe we'll be posting them on the BIA website. And we have another comment from Randy Williams.

RANDY WILLIAMS: Yes. We would like to also talk about protecting the burial sites. We would suggest that the BIA, Department Interior put all of the burial sites into trust status. That will, that will support the process without Tribes having to run through a long, drawn out process of putting our burial sites into trust because even today, those burial sites are, are being attacked by individuals who are looking for profit. And they're finding profit on, on, you know the bones of -- and the artifacts of those Tribal members that passed before us. And so, you know, that's something that we want to protect right away, and I think that the BIA could move in that area and in a rather expedited manner, to protect our lands, or, or that are considered traditional burial sites. One other thing, the Alaska Native Tribes should be able to exercise their traditional hunting and fishing rights. And that of course comes with the designation of land-into-trust. And so, there's so many opportunities not just economic opportunities, but protection of our Tribal rights and our, and our Tribal ability to hunt and fish for those, those species that have been locked away from us from the state of Alaska. And I think that we should be able to exercise our rights as a Tribe to designate some of those, those particular activities for our traditional food sources. The protection of our, of our, of the species that are involved, whether it's a King Salmon, or whether it's

any other, any other animal that resides on our land. And so, we should be able to, to protect those, those areas, and to be able to hunt and fish those areas under a designated land and trust process. So, I just wanted to make that statement too. Thank you, guys.

BRYAN NEWLAND: Thank you. I'll do a last call for comments here. OK, and we'll add that we have additional consultation sessions, virtual consultation sessions on the same topic coming up. Liz, can you please drop those dates in the chat.

ELIZABETH APPEL: I sure will.

BRYAN NEWLAND: And those of you who are on, who are representing Tribes across the country that have an interest in this, please share with your friends, far and wide. Looking for engagement and feedback. And another thing I'll note here, which was in, that goes to Mr. Williams' comment is now that is in the framing paper but I want to tease it out here and bring it to the forefront - is that with the President and the Secretary's focus on conservation of lands, and the scientific data out there about indigenous peoples around the world leading conservation efforts as a way to protect wildlife habitat, address climate change, protect sacred places, we are asking for specific feedback on how we at the Department can improve the land-into-trust process to facilitate Tribally led conservation of lands. Both again to address climate change, to protect sacred places, support habitat or conserve it for other purposes. So, welcome your feedback on that. If there --

ELIZABETH APPEL: We have a comment in the chat, and then we have a raised hand on the phone. In the chat from Rob Porter, he says, given the challenges of geography and communications for Alaska Tribes, it is requested that DOI schedule another call for Alaska Tribal leaders within the next two weeks. There are 229 Tribes, but only two official comments right now, need more time to get the word out it seems.

BRYAN NEWLAND: I appreciate that. I appreciate that comment, Rob. I know that many of you are busy chasing federal agencies around on various consultation work streams. You know, we're trying to be faithful to the need to engage in consultation. We also know that it is, everybody's busy running their Tribal governments and trying to keep people safe in a pandemic and in particularly in

Alaska. With the lack of high-speed internet in so many places that these sessions become more difficult. So, we're gonna see what we can do to make sure we're getting engagement from Tribes in Alaska, particularly because we're looking for ways to make the fee-to-trust process work in Alaska. So, we'll see what we can do on that and to elicit more engagement. And again, I encourage you to share the word with us about the upcoming consultation sessions.

ELIZABETH APPEL: And we have a follow up from Mr. Randy Williams with Ketchikan Indian communities.

RANDY WILLIAMS: One of the issues that we have, of course, is the, the, but we've had this consultation what four or five years ago already. So, this is our second consultation basically on the same subject, land-into-trust in Alaska. We've had an application in the area office now for since ...80 -- 2019. Since 2019 with no resolution. So, I just wonder what - how long will this process take. Because if we're into a three- or four-year process on the consultation already and we're having our second consultation, again, on the same subject, basically, how long do we anticipate this process to take before we can actually start taking land-into-trust? You know, many Tribes in Alaska have their applications into the BIA, I'm sure, and I'm not going to speak for them, but I'm certainly going to illustrate the fact that there are several more than likely there are, there are probably 100 applications in there, into the Area office to find resolution for a process that we thought was, was over after the first consultation. And now you know we're not beginning again because we have the application but it's certainly a process that just seems to go on, and so I would like to know when we will find some resolution for this particular consultation and this particular process to put land-into-trust in Alaska. Thank you.

BRYAN NEWLAND: Thanks Mr. Williams, it's an enormously generous and fair question on your part. And the fee-to-trust processes is always an area where administration's as they come in, everyone has their own take on it and one of the things that I certainly have as a goal for our team within Indian Affairs is to smooth out this process, so we don't see these wild swings from administration to administration on land going into trust and then bottlenecking or being held up this administration. We've got a clear directive that we're going to restore Tribal homelands. We're going to look to establish

homelands for landless Tribes which includes many of the -- most of the Tribes in Alaska. At least landless as it relates to the fee-to-trust process and make sure that this that we don't, we don't have Tribes in that position where it's like an endless discussion with little action. So, your comments and your questions are fair and understood.

And we did get a question in the chat, one of our team members on whether Alaska Tribes can join these other consultation sessions. Absolutely, we've tried to schedule them by time zone to make it easier for Tribes in those time zones to participate. But your friends from across Alaska are certainly welcome to join and going back to Rob Porter's comment - we'll look for ways to try to get more engagement from Alaska Tribal Leaders on these questions as well. So, with that, then what we can do is we can fold up shop in this session. Please help us get the word out about the upcoming consultation sessions we will seek to do better in getting the word out from our shop. And we, Phil has a question or a comment.

PHILLIP BAKER-SHENK: Thank you. Thanks Bryan. I'd like to ask a favor. You've heard from Mr. Williams. You heard from Mr. Micklin; you've heard from others. There are pending applications here. And you just spoke about the whipsaw on this policy from administration to administration. Would you be able at this point or in short order, describe what is the next step contemplated beyond this round of consultation? Again, because we have no clear idea if we are simply on a treadmill or if there is forward progress contemplated. It would be extremely helpful for the Tribes to know a tentative schedule of next steps here, or we run the risk of other agenda items distracting this administration, and the next and the next as it has. With one exception, Craig got land-in-trust a few years ago. But that is not the rule. It is the exception. It is precedent. And so, I wish you would comment on that if you can now or in short order, after these consultations, this round of consultations. Yet another one is concluded.

BRYAN NEWLAND: Sure, thanks Phil for that question. On that point, I've given repeated directives to our BIA Realty staff to move applications to a decision point. But we are still challenged with resources in the Realty program in the Alaska office. We do have the Secretary's order from earlier this year, moving the land-into-trust functions, back out to the Regional offices, along with the revised

Solicitors' opinions on the Carcieri analysis as well as on land-into-trust for Alaska. And so that's the, that's the state of play right now and our expectation from the policy shop is that our field staff in the BIA will move these applications. We've established within the BIA a specialty team somewhat of a Realty strike team to go and support those regions and their local offices where we're seeing bottlenecks. And in terms of next steps from this consultation. One of the things we're seeking feedback for, or why we're doing this consultation is we want guidance from Indian country on whether changes need to be made. Whether that's changes in the BIA fee-to-trust handbook, Departmental manual, regulatory changes, changes and you know just the order of process here, and then take it from there. So, our goal Phil, is to get this feedback by the end of the year, so that in the remaining three years of this administration, or this first term of this administration, that we can act on the recommendations we get from Indian country on policy on the topics in this consultation. So, your question is fair, and I will add that on the budgetary front, we have taken steps in the President's budget request to Congress to bolster our capacity in the realty office. And we've made a request in the budget for the Secretary to have appropriated funds to acquire lands directly to purchase lands on behalf of Tribes, which is authorization within the Indian Reorganization Act that has not been appropriated in a long, long time. And that's an authority that hasn't been used in many decades directly by the Secretary. So, we are taking some action and I realize it's, it takes a long time to wind this machinery up, this bureaucratic machinery up to get immediate action and I also realized we've got resource issues in Alaska that don't necessarily reflect how many Tribes are there. So, I hear you. Those are the next steps.

PHILLIP BAKER-SHENK: Thank you.

BRYAN NEWLAND: Alright, well with that, then again, invite you to submit your written comments by November, the fifth to consultation@bia.gov. I feel like we did get some very important insight from Mr. Williams' and Mr. Micklin and others today. And I appreciate you taking your time with us this afternoon and this morning for many of you. So, with no further comments we will adjourn this and please keep an eye out for more announcements on these consultations, going up very soon. Take care everybody, please be safe.

[End of Transcript]

[Transcript completed in-house by A. Romero and E. Appel, DOI/AS-IA, RACA]