

DEPARTMENT OF THE INTERIOR  
OFFICE OF THE ASSISTANT SECRETARY - INDIAN AFFAIRS

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**CERTIFIED COPY**

TRIBAL CONSULTATION MEETING  
FEDERAL ACKNOWLEDGEMENT OF INDIAN TRIBES  
PROPOSED RULE - 25 CFR 83

Tuesday, July 22, 2014

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Reported by: Amy E. Perry, CSR License No. 11880

TRIBAL CONSULTATION

A P P E A R A N C E S

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18 Also Present: Regina Gilbert, Regulatory Specialist,  
19 Office of Regulatory Affairs

20 Viola Brooks, Pacific Region

21 Harley Long, Pacific Region

22 Commenters: Tunney Crowe  
23 Brandon Jones  
24 Todd Hambree  
25 Tracy Edwards  
Dennis Hendricks  
Tunney Crowe

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1 Tuesday, the 22nd day of July, 2014, commencing  
2 at the hour of 1:10 p.m., thereof, at Cache Creek Resort,  
3 14455 California 16, Brooks, California, before me, Amy E.  
4 Perry, a Certified Shorthand Reporter, in and for the State  
5 of California.

6 MR. BEETSO: Good afternoon, everyone. We are  
7 going to go ahead and get started. Please come in and take  
8 a seat.

9 So before we started this afternoon's session, we  
10 put forth the proposal that non-recognized tribes and  
11 non-federally recognized tribes be allowed to attend the  
12 meeting. We've had some objections to that. This meeting  
13 will be closed to only those folks who are representatives  
14 or delegates of federally-recognized Indian tribes.

15 The transcripts will be available online so you  
16 guys could see what was stated during the session, and  
17 there was a morning session as well and those transcripts  
18 will be online as well. But at this time the meeting will  
19 be closed to federally-recognized tribes and their official  
20 delegates.

21 I guess we'll start out by having folks stand up  
22 and introduce themselves and what tribe they're here on  
23 behalf of.

24 ATTENDEE: I'm Gary Rickard. I'm here  
25 representing my son and daughter from the Wintu Tribe.

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1 They weren't able to make it, they had to work.

2 ATTENDEE: Kimberly Fuhrman, paralegal to Cody  
3 for the Cody O'Connell Cherokee Tribe.

4 ATTENDEE: Cody O'Connell, Cherokee Tribe.

5 ATTENDEE: Tunney Crowe [unintelligible], Eastern  
6 Band of Cherokee.

7 THE REPORTER: Can you repeat that?

8 ATTENDEE: Tunney Crowe.

9 ATTENDEE: Brandon Jones, tribal councilman for  
10 Eastern Band of Cherokee.

11 ATTENDEE: Ray Martin, Agua Caliente Band of  
12 Cahuilla Indians.

13 ATTENDEE: [Unintelligible].

14 THE REPORTER: Can you repeat that with the mic?

15 ATTENDEE: Pamela Cubbler, Colfax Rancheria.

16 ATTENDEE: I am Jacob Coin here on behalf of the  
17 San Manuel Band of Mission Indians.

18 ATTENDEE: James Hayward, Jr., Redding Rancheria  
19 [unintelligible].

20 ATTENDEE: Patty Spaulding, Redding Rancheria.

21 ATTENDEE: Miranda Edwards, Redding Rancheria.

22 ATTENDEE: Tracy Edwards, Redding Rancheria.

23 ATTENDEE: Hope Wilkes, Redding Rancheria.

24 ATTENDEE: Michelle Hayward, Redding Rancheria.

25 ATTENDEE: Charlene Nijmeh, Muwekma Ohlone Tribe

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1 of the San Francisco Bay Area.

2 ATTENDEE: Rosemary Kim, chairwoman of the  
3 Muwekma Tribe of the Bay Area. And behind me is the head  
4 woman of the Winnemem Wintu Tribe. And I would just, out  
5 of respect and belief in our own religion, request that she  
6 be given two minutes as you have requested.

7 ATTENDEE: I'm Chief of the Winnemem Wintu Tribe  
8 [unintelligible] on McCloud River. We would -- we have  
9 traveled a long way to be here.

10 ATTENDEE: Joe Pina from Cachil DeHe, Colusa,  
11 California.

12 ATTENDEE: Lindsay Earls, Cherokee Nation.

13 ATTENDEE: Todd Hembree, Attorney General for the  
14 Cherokee Nation, Oklahoma.

15 MR. BEETSO: Before we start, I respectfully  
16 request that if you're not here on behalf of a  
17 federally-recognized Indian tribe, you exit the room.  
18 There's an Executive Order 13175, that requires the  
19 Department of Interior to hold consultation with  
20 federally-recognized Indian tribes, that's folks that are  
21 on a federally-recognized list.

22 And as part of that, the federally-recognized  
23 tribes have the floor, this is their meeting. The public  
24 meeting was earlier this morning. It was from 8:30 until  
25 noon. So three-and-a-half hours for folks to come that

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1 were not federally-recognized Indian tribes or  
2 representatives of federally-recognized Indian tribes.

3 So at this time I respectfully ask that if you're  
4 not here on behalf of a federally-recognized Indian tribe,  
5 that you leave the room.

6 ATTENDEE: You know, the public meeting didn't  
7 really say unrecognized tribes. And we don't feel like  
8 we're public, but we're tribal. And you said tribes in the  
9 afternoon, public in the morning.

10 MR. BEETSO: We said federally-recognized tribal  
11 consultation in the afternoon was what the notice said.  
12 And then the notice said public meeting in the morning.

13 ATTENDEE: And where did you say unrecognized  
14 tribes which this is about, process for unrecognized  
15 tribes.

16 MR. BEETSO: There were a number of unrecognized  
17 tribes that had the opportunity to speak this morning from  
18 8:30 until noon.

19 ATTENDEE: On the paper it says generally,  
20 generally-recognized tribes. Generally. It didn't say if  
21 you're unrecognized you could not attend.

22 MS. APPEL: Given that you've traveled so far if  
23 you're not comfortable just submitting written comments and  
24 you'd like to get a statement on the record, one thing we  
25 could do to accommodate you is stay after the tribal

TRIBAL CONSULTATION

1 consultation and then get their statement on the record.

2 MR. BEETSO: Would that be okay?

3 ATTENDEE: This is not really okay. I mean you  
4 have Cherokee Tribe here and you have [unintelligible]  
5 Native tribe here and you're not going to listen to us?  
6 You're not going to allow us time in this session?

7 MR. BEETSO: This session right here is a closed  
8 session for federally-recognized Indian tribes with  
9 executive order --

10 ATTENDEE: We have been federally recognized, we  
11 work with the Bureau of [unintelligible] and we work with  
12 the Bureau of Latin Management who holds our land, that's  
13 federal.

14 MR. BEETSO: We're specifically talking about the  
15 566 tribes on the list for Indian entities eligible for  
16 services. That's who the Executive Order 13175 pertains  
17 to.

18 ATTENDEE: And we were, you know, I'm a person  
19 who got a BIA grant to go to school and my aunt got a house  
20 to build and so that's federal recognition, as well and  
21 we're California Claims Case Indians, I have a roll number  
22 from California with benefits of Indian services.

23 ATTENDEE: It didn't say only  
24 federally-recognized tribes for this meeting at this time.

25 MR. BEETSO: On this notice right here which was

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1 in the Federal Register it says, "Tribal consultations are  
2 for representatives of currently federally-recognized  
3 tribes only," under the tribal consultation session and  
4 public meetings. So it did say that on the notice.

5 ATTENDEE: Not on mine. It said generally.

6 ATTENDEE: I think this is very unfair for  
7 Californians.

8 ATTENDEE: Yes, definitely.

9 ATTENDEE: You're ignoring the California claims  
10 case and we already proved that we were California Indians  
11 recognized by the Bureau and serviced by the Bureau up  
12 until you made a list. And I think that's a discriminatory  
13 process that you're doing right now and that discrimination  
14 will be noted.

15 We have been discriminated against since 1985,  
16 you have discontinued our services for no reason, no rhyme,  
17 just stopped, and yet we have all of the documents in the  
18 California claims case, we have government roll numbers  
19 certifying that we are federally-recognized Indians.

20 And we don't have anything from BIA saying we're  
21 not federally recognized anymore. We were never  
22 terminated, we were never given the letter from the BIA  
23 saying your federal recognition has terminated.

24 MR. BEETSO: And I know it's a difficult  
25 situation but it's one of those situations where we have to



TRIBAL CONSULTATION

1 respect the integrity of the tribal consultation process  
2 and that consultation process expands just to  
3 federally-recognized tribes. And as of right now your  
4 tribe is not on the list.

5 And the morning session was for -- the public  
6 session was meant to catch folks that were not on the list  
7 that wanted to have input on this regulatory process.

8 ATTENDEE: You didn't say that on your notice,  
9 the unrecognized tribes should come during the public  
10 session.

11 MR. BEETSO: The notice did say that the  
12 afternoon session was for only those tribes that are  
13 already federally recognized.

14 ATTENDEE: Actually it says generally are open to  
15 everyone.

16 ATTENDEE: And the only people that are opposed  
17 to unrecognized tribes are from out of state, not for  
18 California.

19 THE REPORTER: Can we get a microphone?

20 MR. BEETSO: We ask that you respect the  
21 objections by the tribal leaders raised at this time.  
22 We're here on behalf of the federal government and we have  
23 a duty to federally-recognize tribes, to respect their  
24 wishes. Like Liz said, we're trying to be able to  
25 accommodate you all. So if you guys would like, I can step

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1 out and take a public statement if that's acceptable. I'd  
2 be happy to do that.

3 But at this point we have to move forward with  
4 the afternoon session which was for federally-recognized  
5 tribes. So can I step outside if you guys feel like that's  
6 okay.

7 ATTENDEE: Well I think it's highly unjust what  
8 you're doing, but since you're talking about a process to  
9 federally-recognized tribes and tribes have been in this  
10 process for over 30 years, and now you're letting  
11 federally-recognized tribes who cannot even manage these  
12 criteria to be recognized have the floor on our future.

13 ATTENDEE: But it's normal treatment by the BIA.  
14 Thank you for verifying.

15 (Off-the-record discussion.)

16 (Whereupon a recess was taken.)

17 MS. APPEL: So just to reiterate what Derrick  
18 said, this is a closed session. This is part of the  
19 government-to-government relationship. So we ask that only  
20 representatives of the tribal governments of  
21 federally-recognized tribes participate.

22 And while we're waiting for Derrick, in the  
23 meantime I'll run through the presentation. It's the same  
24 presentation we had this morning. I apologize to those of  
25 you who have heard it before and probably are saying it in

TRIBAL CONSULTATION

1 your sleep.

2 My name is Liz Appel, I'm the director of the  
3 Office of Regulatory Affairs and Collaborative Action under  
4 the Assistant Secretary for Indian Affairs.

5 And with me, I have Katie Klass, who is with the  
6 Office of the Solicitor, and Derrick Beetso, who is a  
7 Counselor to the Assistant Secretary for Indian Affairs  
8 will be joining us in a moment.

9 In your packet you should have a copy of the  
10 presentation, it's the same presentation and materials that  
11 were provided this morning in the public meeting. It  
12 includes the Proposed Rule as well as some additional  
13 outreach material.

14 I will walk through the Proposed Rule and how we  
15 got here and then we'll open the floor to representatives  
16 of federally-recognized tribes.

17 So there are three primary ways in which the U.S.  
18 Government can recognize an Indian tribe. Today we're  
19 talking about the administrative process for recognizing  
20 tribes and that is by determination of the Assistant  
21 Secretary for Indian affairs.

22 Prior to 1978 the assistant secretary would  
23 review petitions by tribes on an ad-hoc basis to determine  
24 whether the federal government would recognize those  
25 tribes. And in 1978 the Department of the Interior

TRIBAL CONSULTATION

1 promulgated regulations to make that process of reviewing  
2 petitions consistent and impose certain uniform steps and  
3 criteria that the petitioners must meet for acknowledgment.

4 In 1994 those regulations were updated. The  
5 biggest change probably was the addition of the previous  
6 federal acknowledgment process, otherwise the criteria were  
7 unchanged. And in 2000, 2005 and 2008, the Department  
8 published guidance documents that set out how the  
9 Department would be interpreting various provisions of the  
10 Rule.

11 Of the 566 federally-recognized tribes, 17 have  
12 been acknowledged through this regulatory process, the Part  
13 83 process. And approximately 30-some have been denied  
14 through that process. So we have had the regulations in  
15 place since 1978 and we have received a lot of comments,  
16 some on the record before Congress, indicating that the  
17 process is broken because it takes too long for petitioners  
18 to get through the process. The process is burdensome,  
19 it's too expensive, it's unpredictable and it's not  
20 transparent.

21 So in 2009 Secretary of the Interior, Ken  
22 Salazar, testified before the Senate Committee on Indian  
23 Affairs that the Department would be taking a look at the  
24 federal acknowledgment process and looking at ways it could  
25 be improved.

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1           And in 2010 an internal department workgroup was  
2 pulled together with representatives from the Office of the  
3 Assistant Secretary for Indian Affairs, the Office of the  
4 Solicitor and Office of Federal Acknowledgment to work on  
5 ways to improve the federal acknowledgment process.

6           And in 2012 the representative of the Assistant  
7 Secretary for Indian Affairs again testified before the  
8 Senate Committee on Indian Affairs and identified guiding  
9 principles that that workgroup had identified as principles  
10 for changes to the federal acknowledgement process.

11           And those principles became the goal of the  
12 discussion draft in 2013, while in the fall of 2012  
13 Assistant Secretary, Kevin Washburn, and Deputy Assistant  
14 Secretary, Larry Roberts, came on board and they committed  
15 to finally getting a rule developed to update the federal  
16 acknowledgment process. So they followed these guiding  
17 principles that were already established and released a  
18 discussion draft of changes to 25 CFR 83 in June of last  
19 year.

20           So following distribution of the discussion draft  
21 of changes in July and August of last year, the Department  
22 held various public hearings and tribal consultations  
23 across the country to get input on that discussion draft.  
24 And the discussion draft was really a strongman document  
25 that was intended to garner discussion and get ideas and

## TRIBAL CONSULTATION

1 input from people.

2 So we reviewed, the Department reviewed the  
3 transcripts and all the written comments that we received.  
4 We received over 350 unique comments, submissions and about  
5 2,000, more than 2,000 people signed on to those comments  
6 in the form of form letters or as signatories to the  
7 comments.

8 And after reviewing all those changes, the  
9 Department -- I'm sorry, reviewing all the comments, the  
10 Department updated the discussion draft, made additional  
11 changes and rewrote the rule to meet plain language  
12 requirements so it's now in a question-and-answer format,  
13 and developed a draft proposed rule.

14 That draft proposed rule went through the process  
15 of the approval within the Department and was submitted to  
16 OMB, the Office of Management and Budget, and then was  
17 published in the Federal Register on May 29th of this year.

18 And so the proposed rules that we're consulting  
19 on today, comments are due on August 1st. And next I'll  
20 give an overview of the content of the Proposed Rule.

21 So the Proposed Rule proposes revision to both  
22 the process and the criteria, and there are clarifications  
23 to the previous federal acknowledgment process and the  
24 burden of proof. And the Proposed Rule also allows for  
25 repetition under limited circumstances and adds some

TRIBAL CONSULTATION

1 notice requirements.

2 So starting with revisions to the process, the  
3 current, under the current process, the petitioners first  
4 submit or they may submit a Letter of Intent which is  
5 basically, just can be a one-page letter stating their  
6 intent to undergo the process, but doesn't actually  
7 initiate any response from the Department at that point.

8 So the Proposed Rule proposes eliminating the  
9 Letter of Intent step and instead beginning the process,  
10 when it actually begins currently, which is with the start  
11 of with the submission of a documented petition.

12 And then there are currently seven mandatory  
13 criteria. In the past the Department has reviewed all the  
14 criteria at once. The Proposed Rule would instead have the  
15 Department first looking at the descent criterion, whether  
16 the petitioner descends from a historical Indian tribe.  
17 And if the petition fails to show that criterion is met,  
18 then a negative proposed finding would be issued at that  
19 point.

20 If that criterion is met, the Department would  
21 then review Criteria A, which I'll talk about; and D, which  
22 is the governing documents; F, membership; and G,  
23 correctional termination. And if those are all met, again,  
24 if they are not met at that point, they could be receiving  
25 a negative proposed finding.

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1           If they're met, then they would move to Phase II,  
2 and Phase II is where the Department would look at Criteria  
3 B, community; and Criteria C, political influence or  
4 authority. And those, that phase is put later in the  
5 process so that because B and C tend to be the most  
6 intensive and time consuming of the criteria to review.

7           Currently the proposed finding is issued by the  
8 assistant secretary. The Proposed Rule would instead have  
9 the Office of Federal Acknowledgment issuing the proposed  
10 finding. And if there is, as there is currently, there  
11 would be a comment and response period on the proposed  
12 finding.

13           But if the proposed finding is positive and  
14 through that commentary there are no objections and  
15 negative comments on the proposed finding, then the  
16 assistant secretary would automatically issue a positive  
17 final determination.

18           If the proposed finding is negative, then the  
19 petitioner could elect to have a hearing before a judge  
20 with the Office of Hearings and Appeals. And the OHA judge  
21 would make a recommended decision for the Assistant  
22 Secretary for Indian Affairs.

23           The assistant secretary would continue to be the  
24 one who issues the final determination, that's not  
25 changing, but the final determination would be final for



TRIBAL CONSULTATION

1 the Department under the proposed rules. So anyone who  
2 wanted to challenge that final determination would need to  
3 file in federal district court.

4 Currently there is limited IBIA review, Interior  
5 Board of Indian Appeals review, for certain defined  
6 grounds, but that is the only instance currently where a  
7 decision of the assistant secretary is subject to  
8 administrative review.

9 So this proposed rule would make the final  
10 determination a final decision as the assistant secretary's  
11 other decisions are all final for the Department.

12 The Office of Hearings and Appeals has issued a  
13 separate proposed rule that would govern the procedures for  
14 the hearings on a negative proposed finding. And that's  
15 also included in your packet. They have asked some  
16 questions about the direction of that role, and the first  
17 is who should preside over the hearing and issue the  
18 recommended decision that goes to the assistant secretary.

19 Should it be an administrative law judge who is  
20 independent of supervision and routinely conducts hearings,  
21 an administrative judge who reports to the OHA director and  
22 serves on an appellate board, or an attorney designated by  
23 an OHA director who may not have as much experience holding  
24 hearings but would be possibly more available and would  
25 report ultimately to the OHA director.

TRIBAL CONSULTATION

1           And then the other question OHA has is whether  
2 the basis for the judge's recommended decisions should be  
3 limited to the hearing record or should it include all the  
4 information that has been submitted regarding that  
5 petition.

6           Other revisions to the process would allow the  
7 petitioner to withdraw the petition at any time before the  
8 proposed finding is published. OFA would cease  
9 consideration upon that withdrawal but the petitioner would  
10 have to, if the petitioner does resubmit, they would  
11 probably lose their place in line and not regain their  
12 priority number.

13           And also, in the interest of transparency, the  
14 Proposed Rule provides that the Department will post to the  
15 internet those portions of the petition and other reports  
16 and proposed findings that are releasable under federal  
17 law, so hopefully that will cut down on requests under the  
18 Freedom of Information Act and increase the transparency.

19           So changes to the criteria, there are currently  
20 seven mandatory criteria and the proposed rule does not  
21 change that. There will continue to be seven mandatory  
22 criteria, all of which must be met, but there is a  
23 significant change to the first Criterion A.

24           This criterion currently requires external  
25 parties to identify the petitioner as an Indian group

TRIBAL CONSULTATION

1 throughout its history and this would, this criterion would  
2 be replaced by a criterion that would require the  
3 petitioner to provide a narrative and evidence of their  
4 existence as a tribe before 1900.

5 And the reason for changing this criterion is  
6 that first of all, no petitioner to date has been denied  
7 solely on this criterion requiring external observers to  
8 identify, and also if the petitioner meets all the other  
9 mandatory criteria but doesn't for whatever reason, does  
10 not have third parties identifying them as a tribe, then it  
11 doesn't necessarily make them less of a tribe.

12 So that external identification evidence can  
13 still be provided in support of the other criteria but it's  
14 no longer under the Proposed Rule, it would no longer be an  
15 independent criterion.

16 For Criterion B, community, and Criterion C,  
17 political influence and authority, the analysis time period  
18 is being changed. Currently the analysis begins at the  
19 time of first sustained contact with non-Indians or 1789,  
20 whichever is later.

21 And the Proposed Rule would instead have the  
22 analysis start point begin at 1934 when the Indian  
23 Reorganization Act was passed, and that Indian  
24 Reorganization Act, as I'm sure you all know, represents  
25 the watershed moment when the federal government revoked

TRIBAL CONSULTATION

1 its assimilation and allotment policy and expressed its  
2 tribal self-determination support.

3 And again, to date no petitioner has met the  
4 criteria for B and C from 1934 to the present but failed  
5 prior to 1934. So by starting the analysis at 1934, we're  
6 hoping to cut back on the documentary burden while still  
7 getting to the crux of community and political influence  
8 and authority.

9 Another change with the community criterion is  
10 establishing 30 percent as an objective criteria for having  
11 to show distinct community, 30 percent of the membership  
12 must show distinct community for each time period rather  
13 than, I think the current rule says predominant portion.

14 And we're also including in the Proposed Rule  
15 that attendance of students at an Indian boarding school  
16 within a certain geographic area as acceptable evidence of  
17 community.

18 And then the other cross-cutting change with B  
19 and C is that if a petitioner has maintained a state  
20 reservation since 1934 or if the U.S. has held land for the  
21 group at any point since 1934, then they will -- the  
22 petitioner meets Criteria B and C.

23 And that comes from looking at collective  
24 ownership and land. And they propose -- thank you -- also  
25 defines without substantial interruption to be less than

TRIBAL CONSULTATION

1 20 years. So the criteria must be shown without  
2 substantial interruption, so the evidence must be there  
3 with no more than 20-year gaps.

4 In Criterion E, documents what has been past  
5 practice which is that 80 percent of the members must  
6 descend from a tribe that existed in historical times which  
7 we're defining as pre-1900. And that, again, it is current  
8 practice and it doesn't mean that 20 percent can be  
9 non-Indians, it just means that 80 percent have to have the  
10 documentation. So maybe 20 percent don't have  
11 documentation or have been adopted in.

12 And the Criterion E also allows descent to be  
13 traced from a role prepared by the Department or a role  
14 prepared at the direction of Congress, otherwise whatever  
15 the most recent pre-1900 evidence is, descent will be  
16 traced from that.

17 In Criterion F, we made a change as a result of  
18 the comments received during on the discussion draft. We  
19 had comments from several people saying that they had  
20 petitioned but because the petitioning process was taking  
21 so long, their members were enrolling in  
22 federally-recognized tribes that they were eligible to  
23 enroll in solely by necessity to obtain the healthcare and  
24 other benefits that were only available to members of  
25 federally-recognized tribes.

TRIBAL CONSULTATION

1           So we added in Criterion F, that petitioners who  
2 have filed a Letter of Intent by 2010 and then had members  
3 joining federally-recognized tribes, that those members  
4 having joined federally-recognized tribes would not be held  
5 against their membership totals.

6           And then finally, Criterion G, currently  
7 petitioners must show that they have not been terminated by  
8 Congress, and the Proposed Rule would switch the ownness,  
9 putting the ownness on the government, on the Department to  
10 show that if the petitioner has been terminated rather than  
11 having the petitioner proven negative.

12           For previous federal acknowledgment, we are not  
13 proposing any substantive change but we're trying to  
14 document how previous federal acknowledgment has been  
15 implemented in the past.

16           So it's, the current rule is unclear so we're  
17 trying to basically just clarify here. But we're still  
18 open to comment. And similarly with the burden of proof,  
19 the burden of proof is reasonable likelihood, we're not  
20 changing that. We're just trying to clarify what  
21 reasonable likelihood means, using language that -- using  
22 language that the Supreme Court has used to explain  
23 reasonable likelihood in decisions that have been issued  
24 since the regulations were last updated.

25           And then the Proposed Rule, as I said, would

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1 allow repetitioning in certain limited circumstances.  
2 Basically if any third parties were involved in litigation  
3 and in IBIA reconstruction or federal court appeal  
4 regarding a petitioner's acknowledgment petition, and those  
5 third parties prevailed, then the petitioner would need the  
6 consent of those third parties before repetitioning.

7 So the third parties would have to consent. If  
8 they do consent or if there were no third parties who  
9 prevailed in litigation, then the petitioners would then go  
10 to, go before an OHA judge and they would have to prove to  
11 the OHA judge either that a change in the regulation  
12 warrants their reconsideration and repetitioning, or that  
13 the Department had misapplied the burden of proof during  
14 the consideration of their petition and that warrants  
15 reconsideration.

16 So then the OHA judge determines, acts as a  
17 gatekeeper, determines whether repetitioning is  
18 appropriate. If the judge determines repetitioning is  
19 appropriate, then the petitioner starts the whole  
20 petitioning process.

21 The Proposed Rule includes some additional  
22 notifications in the petitioning process. Currently when  
23 OFA receives a petition and acknowledges receipt to the  
24 petitioner and within 60 days publishes notice of receipt,  
25 if the Proposed Rule would add a requirement that the

TRIBAL CONSULTATION

1 Department post the petition's narrative and other  
2 information on its website, the Department would continue  
3 to notify the governor and the attorney general in the  
4 state of the petition.

5 But the proposed rule would add that the  
6 Department also notifies any federally-recognized tribes  
7 within the state or any federally-recognized tribe within a  
8 25-mile radius of the petitioner in order to cover any  
9 tribes that may be across state lines but nevertheless  
10 nearby.

11 And under the Proposed Rule, the Department would  
12 continue to notify any other federally-recognized tribe and  
13 any petitioner that appears to have a relationship with the  
14 petition or an interest in the acknowledgement to  
15 termination.

16 And then notice to the petitioner and informed  
17 parties would happen at various points throughout the  
18 process and inform parties under the current rules there  
19 are two separate categories of interested parties and  
20 informed parties. And the Proposed Rule just has everyone  
21 who requests to be notified as an informed party in the  
22 process.

23 So when OFA begins reviewing the petition and  
24 issues the proposed finding, it would notify the petitioner  
25 and inform parties and the assistant secretary, whenever it



TRIBAL CONSULTATION

1 grants a time extension, begins review of the proposed  
2 finding and issues the final determination. It would also  
3 issue notice to the petitioner and informed parties.

4 So comments on the Proposed Rule are due  
5 August 1st. Comments on OHA's Proposed Rule, which are  
6 the -- which is the Proposed Rule addressing the procedures  
7 for the hearing on the negative proposed finding, those are  
8 due on August 18th. And comments may be submitted by email  
9 or through any of the other methods outlined in the  
10 Proposed Rule.

11 And as far as next steps, once the comment period  
12 is closed, we have a couple more public hearings and tribal  
13 consultations after this one. And then when the public  
14 comment period is closed, the Department will review all  
15 the comments and the transcripts from all the meetings and  
16 consultations and make appropriate changes.

17 And then it will go through the same internal  
18 review process within the Department and then to the Office  
19 of Management and Budget and then ultimately publication in  
20 the Federal Register. And then once the rule is published  
21 there's a 30-day delay before it's effective in the Federal  
22 Register. So Katie's going to go grab Derrick, so if you  
23 will hang on one minute.

24 (Off-the-record discussion.)

25 MS. APPEL: It's up to you since Derrick as

TRIBAL CONSULTATION

1 Representative of the Assistant Secretary's Office isn't  
2 here, if you want to take a break and wait until he comes  
3 back?

4 ATTENDEE: I think we need some clarification on  
5 executive order.

6 MS. APPEL: Sure.

7 ATTENDEE: Executive order states from the  
8 President of the United States that the  
9 government-to-government relationship, this meeting would  
10 be heard between them and the sovereign nations that are  
11 federally recognized.

12 MS. APPEL: Yes.

13 ATTENDEE: For the people that are planning to be  
14 Cherokee that are not one of the three federally-recognized  
15 Cherokee tribes, Cherokee Nation of Oklahoma or the Band of  
16 Cherokee or the Keetoowah Band of Cherokee, I respectfully  
17 request that they leave the room at this time.

18 MS. APPEL: I would also ask that anyone who -- I  
19 mean, technically this is supposed to be  
20 government-to-government consultation. So unless you're  
21 here on behalf of your tribal government, with that tribal  
22 government's blessing, I would ask that you respect the  
23 process and allow those who are here on behalf of their  
24 federally-recognized governments.

25 Why don't we take a five-minute break so that we

TRIBAL CONSULTATION

1 can have our assistant secretary representative. So let's  
2 break really quickly and come back and reconvene.

3 (Whereupon a recess was taken.)

4 MS. APPEL: We're going to go ahead and  
5 reconvene. Thank you everyone for your patience. Just to  
6 reiterate, this is a closed consultation only for  
7 representatives of federally-recognized governments, and I  
8 think we're going to start out with a prayer.

9 (Opening Prayer by Attendee.)

10 MR. BEETSO: So welcome everybody. Thank you for  
11 taking the time out of your day to come join us this  
12 afternoon. This is a consultation with  
13 federally-recognized Indian tribes pursuant to Executive  
14 Order 13175. This is a government-to-government  
15 consultation that we're trying to host here. We want to  
16 get your perspectives on the Proposed Rule, changes to the  
17 Part 83 Regulations.

18 Before we start out, I want to introduce the  
19 federal team here. We have two folks from the Pacific  
20 Region with us. We have Viola Brooks, who's from Hoopa  
21 Valley, and we have Mr. Harley Long, who's from Round  
22 Valley.

23 Then up here we have the Director of Regulatory  
24 Affairs within the Office of Assistant Secretary, Ms. Liz  
25 Appel. She was the one who gave the presentation earlier.

TRIBAL CONSULTATION

1 And then we have Ms. Katie Klass who's an Attorney-Advisor  
2 with the Office of Solicitor. And out front we have  
3 Regulatory Specialist, Ms. Regina Gilbert.

4 And again, my name is Derrick Beetso, I'm  
5 Counselor to Assistant Secretary for Indian Affairs. So  
6 just wanted you guys to be able to put a face to the name  
7 and understand who the federal folks here that are hosting  
8 this consultation. I understand we already went through  
9 the presentation so we're going to have a little bit of  
10 housekeeping rules here.

11 One, we want to make sure everybody has an  
12 opportunity to speak. This morning we had a crowd of about  
13 100 individuals, and so the way we handed that situation  
14 was we allotted two minutes per person so that everybody  
15 could get a statement that wanted to give a statement. It  
16 worked out pretty well, obviously we don't have 100 people  
17 here right now.

18 So I'm proposing we go down and maybe give five  
19 minutes per speakers for opening statements, and then make  
20 sure everybody has an opportunity to speak. And then at  
21 that point then we'll go for a second round of folks who  
22 want to make second statements. And so if everybody is  
23 okay with that, maybe we can go, we can start with this  
24 gentleman right here.

25 MS. KLASS: One last thing. Please make sure to

TRIBAL CONSULTATION

1 say your names clearly and tribal affiliations for our  
2 lovely court reporter. Thank you.

3 COMMENTER: Good afternoon. My name is Tunney  
4 Crowe. I serve on the Tribal Council for the Eastern Band  
5 of Cherokees. Thank you for the opportunity to address  
6 this body today.

7 Our reservation is located in Western North  
8 Carolina where most of our 15,000 tribal members lived and  
9 have lived since time memorial. Eastern Band of Cherokees  
10 have been living language, cultural history in ways that  
11 have survived wars, treaty making, the Trail of Tears,  
12 allotment and other federal actions that have tried to  
13 eradicate our government turning our Cherokee people into  
14 non-Indians.

15 Those hard times we have struggled, we have  
16 fought and many of our people have died to preserve our  
17 separate identities as Cherokees. We have our separate  
18 Cherokee language and culture to be safer and our people  
19 are still willing to fight to preserve it.

20 As you know, we hear all the time different  
21 people that claim that Cherokee Frances is a grandmother or  
22 great-grandmother. We've heard from everyone from Cher to  
23 Johnny Cash to Beyonce having Cherokee ancestors. While we  
24 understand it's a beautiful thing to be a Cherokee Indian,  
25 we as tribes feel strongly that we must protect our

TRIBAL CONSULTATION

1 Cherokee identity from those who try to take it over, water  
2 it down or destroy it.

3 We have serious concerns about lowering the  
4 standard as a petitioner must meet to be federally  
5 acknowledged as a tribe. These proposed regulations  
6 include change after change that would make it much easier  
7 for a petitioning group that is not a historical tribe to  
8 gain status as a federally-acknowledged tribe.

9 In our view, the changes go way too far. Leading  
10 up to the establishment of the 1978 regulations tribal  
11 leaders from across the country said that petitioning  
12 groups should have to demonstrate a continuing history of  
13 tribal relations in order to receive federal  
14 acknowledgement.

15 This policy provision has been reinforced on many  
16 occasions through the National Congress of American  
17 Indians. Even groups of persons that have native ancestry  
18 should not be acknowledged as tribes if they do not descend  
19 from a historical tribe or they gave up their tribal  
20 identity and assimilated into mainstream society.

21 Listing to tribal leaders and regulations from  
22 1978 to the present have required groups to demonstrate  
23 they did not abandon their tribal identity throughout their  
24 histories. In a dramatic lowering descent, the new rule  
25 only required petitioners to provide a brief narrative with

TRIBAL CONSULTATION

1 evidence of the group's existence.

2 At some point during historical times the  
3 revisions would also define historical to be prior to but  
4 as late as 1900. Petitioners would no longer be required  
5 to account for over a century or more of history that is  
6 essential to a determination of continuous existence.

7 This new standard would not be fair to the  
8 Eastern Band of Cherokee Indians or other tribes that  
9 [unintelligible] or died to maintained their tribal  
10 relations through hard times and preserve their lands,  
11 cultures and other ways.

12 Most tribal governments today establish  
13 membership based on descent from a base roll of Indians  
14 prepared for allotment for other purposes. In addition to  
15 their other criteria such as [unintelligible], most  
16 established tribes, all or nearly all of the persons from  
17 the base roll are members from that particular tribe.

18 Under the Proposed Rule, 80 percent of the  
19 petitioner's group members would have to demonstrate  
20 ancestors from this historical tribe. The other 20 percent  
21 would not have to demonstrate any ancestor whatever.  
22 Further, the Proposed Rule [unintelligible] requirement  
23 ending ancestry would be met by providing the  
24 [unintelligible] the department at the direction of  
25 Congress even if the roll is demonstrated [unintelligible].

TRIBAL CONSULTATION

1           The decisions by the Department on tribal  
2 identity establishing the government-to-government  
3 relationship with the tribe should be on merit and not on  
4 politics. Unfortunately the proposed change in the process  
5 is within the Department, but opened the door to more  
6 political decisionmaking rather than less.

7           The proposed changes in process would be more  
8 separate between the [unintelligible], ethnohistorians and  
9 other experts in the Office of Federal Acknowledgment. The  
10 Assistant Secretary for Indian Affairs as a political  
11 appointee, the assistant secretary would be more able to  
12 deviate from the evidence and findings of the experts  
13 without any stated procedures or standards.

14           The United States already falls far short on its  
15 existing treaty and trust obligations to Indian tribes.  
16 The Department has not studied the possible impacts of this  
17 proposed rule on its assisting treaty and trust  
18 obligations.

19           The cost of this rule changes could be enormous.  
20 For example, one petitioning group, the Lumbee's in North  
21 Carolina, claim about 50,000 tribal members. If they would  
22 immediately become -- if recognized they would immediately  
23 become third largest tribe in America.

24           In 2011 the congressional budget office estimated  
25 the cost of acknowledging the Lumbee's as a tribe would



TRIBAL CONSULTATION

1 cost \$846 million over five years in BIA and IHS funding.  
2 We'll be sending an electronic letter to you all also.

3 But in closing, we just want to make sure you  
4 know, we don't agree with the process being moved forward  
5 but lowering the standards, it's going to affect all Indian  
6 tribes, you know, if other people are able to be given and  
7 gained federal acknowledgment.

8 I don't think that the government has stopped and  
9 thought how much money that's going to cost the government  
10 and it's going to take away from the people that have been  
11 federally recognized throughout the years.

12 We go back as far as 18 -- we were federally  
13 recognized back in 1846 or 1856, way back, you know, before  
14 1900. So lowering the standards and the documents that  
15 they need to present is, you know, something that we don't  
16 want to see any of that done. So I appreciate your time  
17 and thank you for allowing us to speak. Thank you.

18 MS. APPEL: Thank you.

19 COMMENTER: Good afternoon. My name is Brandon  
20 Jones, I'm also a tribal council representative for the  
21 Eastern Band of Cherokee for North Carolina.

22 Our concerns is that Proposed Rule will have a  
23 negative impact on federally-recognized tribes including  
24 Cherokee both historically and financially. Historically  
25 the Eastern Band began long before [unintelligible] the

TRIBAL CONSULTATION

1 date which is about to become our new standard. 100 years  
2 prior to this date in 1830s, southeastern tribes were  
3 gathered up and removed from their homelands on what's  
4 known as the Trail of Tears. Thousands died and many more  
5 suffered for generations.

6 We cannot allow this history to be forgotten and  
7 we cannot allow this history to be removed from this  
8 process. We have a long history with the federal  
9 government and it's well documented, we have both the  
10 written and spoken language, we're very proud of that.

11 Our identity is always under attack. Our  
12 neighbors in North Carolina have petitioned three times  
13 prior to 1934 and once as Cherokees. We cannot allow this  
14 to be ignored and pursue the efficiency and timeliness. We  
15 still have an obligation to transparency and integrity.

16 Finally, the congressional budget office, as  
17 Mr. Crowe just read to you, estimated about \$846 million  
18 would be spent on recognizing our neighbors alone. And  
19 this is just one tribe in North Carolina. This is a huge  
20 financial burden they're taking on. This is BIA and Indian  
21 Health Service moneys.

22 Another concern with the process is the proposed  
23 brief narrative which would replace necessary historical  
24 documentation. These are non-natives telling natives who  
25 they were in previous times. The Eastern Band has a firm

TRIBAL CONSULTATION

1 grip on our identity and we are not willing to sit back and  
2 watch it disappear.

3 The quickest way for me to lose my identity as an  
4 Indian man, as a Cherokee Indian man is to allow everyone  
5 else to claim Cherokee and become Cherokee. As a tribal  
6 leader I can't do that. I have to protect our integrity  
7 for generations to come.

8 Many people claim Cherokee ancestry but did not  
9 offer it as it exists in a form of a tribe historically as  
10 the definition we have today. Taking pre-1934 events out  
11 of the process is a major injustice to the Cherokee people  
12 who have died preserving our identities. This also allows  
13 the Office of OFA and Assistant Secretary, Washburn's  
14 office an opportunity to become more involved in the  
15 process and determination.

16 Many petitioners claim Cherokee ancestry and many  
17 more will come. If they existed as a tribe in 1837 why  
18 were they so easily overlooked? This is where transparency  
19 and integrity play a role in tribe's histories. We support  
20 a fair transparent process but not if we're going to lose  
21 our identity by doing so.

22 As you have asked, we'll be sending letters  
23 discussing each of our concerns with proposal changes and  
24 we hope you can consider extending this process so we can  
25 get more dialogue and feedback for other Native American

TRIBAL CONSULTATION

1 tribes. Thank you for hearing me today on behalf of my  
2 people at home in North Carolina. Thank you.

3 MS. APPEL: Thank you.

4 MR. BEETSO: Is there anybody else that would  
5 like to give a statement?

6 COMMENTER: My name is Todd Hambree, I'm the  
7 Attorney General from Cherokee Nation in Oklahoma. Thank  
8 you for the opportunity to address the United States on a  
9 government-to-government basis. We will also be submitting  
10 written comments along with what we will state here today.

11 While the Cherokee Nation appreciates the efforts  
12 of the Bureau of Indian Affairs to improve increased  
13 transparency and maintain the federal acknowledgement  
14 process, we continue to be concerned about the proposed  
15 changes to the federal acknowledgement rule.

16 Since the Indians self-determination in 1975, the  
17 federal acknowledgment process has been the mechanism to  
18 recognize the government-to-government relationship between  
19 the tribal governments and the United States Government.

20 As noted, in Cherokee Nation's response to the  
21 earlier draft of proposed changes, the federal  
22 acknowledgement process has been a longstanding concern of  
23 our tribe. We believe that since Indian tribes hold a  
24 unique relationship with the United States Government,  
25 stringent procedures for the acknowledgment process protect

## TRIBAL CONSULTATION

1 the interest of both the United States Government and  
2 tribal governments, including our own.

3           Although there are three Cherokee tribes, the  
4 Cherokee Nation of Oklahoma, Eastern Band of Cherokee  
5 Indians and the United Keetoowah Band of Cherokee Indians,  
6 we have, although they have long been federally recognized,  
7 the Cherokee name continues to be popular with roots  
8 seeking federal acknowledgment.

9           In a cursory glance at the list of groups who  
10 have submitted applications for federal recognition, there  
11 are more than 40 groups who claim to claim our historical  
12 right. We continue to pose all efforts by the Bureau of  
13 Indian Affairs that would make it easier for non-Indian  
14 groups to usurp our sovereignty, our unique history and our  
15 culture.

16           For many years now, the Cherokee tribes have been  
17 under constant assault by many groups who appropriate our  
18 stories and legitimize themselves as Cherokee through the  
19 federal acknowledgement process. These groups are made up  
20 as people who may share an admiration for our beautiful  
21 culture and history and may even contain some who have  
22 genealogical ties to the Cherokee people.

23           However, all too often these groups are organized  
24 by a leader who has motives that are more [unintelligible]  
25 and who [unintelligible] the groups to great opportunities

TRIBAL CONSULTATION

1 to scan individuals in governments. Groups claiming to be  
2 Cherokee have been known to charge membership to their  
3 tribal members in exchange for fraudulent CDIB cards,  
4 license plates or vehicles and other schemes.

5           These are groups who are typically to establish  
6 illegal gaining enterprises outside of [unintelligible].  
7 On a personal note, I'd like to state as an attorney and  
8 later as Attorney General of the Cherokee Nation, often I  
9 will receive calls from individuals from across the United  
10 States that often it involves a core procedure involving a  
11 purported Indian child, and these, they will go to a court  
12 and they will have their laminated Cherokee ID from the  
13 United Cherokee Band of Indians of wherever. And they  
14 attempt to interject themselves into a child custody  
15 process.

16           That is harmful. That is harmful to that child,  
17 that is harmful to that court system and it is harmful to  
18 federally-recognized real governments. And that's one  
19 thing that's so important about this federal process is  
20 that it be kept legitimate, that it be -- it should be  
21 stringent and it should be hard.

22           And I will -- one thing to reiterate for my  
23 brothers in North Carolina, we have a longstanding history.  
24 175 years ago, this year is the anniversary of the Trail of  
25 Tears, is the anniversary of the reforming of the Cherokee

TRIBAL CONSULTATION

1 government and the Indian territory. That's history, and  
2 that's even recent history. Our culture, or land, our  
3 history goes back to [unintelligible], long before there  
4 was a United States.

5 History doesn't mean 1900 and before, history  
6 doesn't mean 1934. So this process, it is a difficult one.  
7 It is a stringent one and, well it should be. And that's  
8 one thing that I really wanted to reiterate. When an  
9 illegitimate group tries to act like a government and uses  
10 our name, it damages all Cherokee people.

11 The actions of these groups damage our reputation  
12 with people, sometimes including government officials who  
13 do not understand the difference between one illegitimate  
14 group that calls themselves Cherokee and Cherokee Nation.  
15 When an illegitimate group acts as if they are like tribal  
16 governments, they are damaging all immune people.

17 Any change to the federal acknowledgement  
18 requirements that make it more likely that these groups  
19 will be able to manipulate the process, to gain recognition  
20 is an upfront to the Cherokee Nation and every other tribe  
21 that has historical government-to-government relationship  
22 with the United States.

23 The May 22, 2014 discussion draft does not ease  
24 our concerns that the proposed changes to the current  
25 federal acknowledgement rule are not adequately stringent.

TRIBAL CONSULTATION

1 These revisions which seek a more transparent and  
2 streamline process would enable groups who do not have a  
3 true historical government-to-government relationship with  
4 the United States to manipulate this process.

5 Federal acknowledgment is a weighing designation.  
6 It is a political relationship defined by the  
7 acknowledgement of the inherent sovereignty of the Indian  
8 tribe. These government-to-government relationships were  
9 established by rich history and such documents such as  
10 intergovernmental treaties, federal acknowledgment in an  
11 important process that should not be streamlined in the  
12 interest of efficiency. It is a process that should be  
13 deliberative and measured and purposely slow.

14 The Cherokee Nation believes that a group who  
15 apply for federal acknowledgment should undergo a strict  
16 process to determine whether their claims are valid and  
17 historically supportive. This is necessary to prevent  
18 illegitimate groups from taking advantage for the resources  
19 that are set aside from federally-recognized governments  
20 which protect the interest of the United States Government  
21 and of tribal systems across the country.

22 The Cherokee Nation also believes that this  
23 process is so critical that any change to the proposed  
24 rules should be carefully deliberated by all interested  
25 stakeholders, just as the BIA has attempted with this



TRIBAL CONSULTATION

1 scheduled consultation.

2           However, neglecting to schedule any consultations  
3 in Oklahoma, home of 38 federally-recognized tribes  
4 including several of the largest in the United States, the  
5 BIA has not provided an adequate opportunity to all  
6 stakeholders to participate in this process surrounding the  
7 proposed rule change.

8           It was said earlier that a person felt  
9 discriminated against because we were in Oklahoma.  
10 Although we're in California, other Oklahoma tribes got to  
11 speak here and their group did not, although public comment  
12 was made available earlier today.

13           I would propose that the real discrimination is  
14 having to make the North Carolina Eastern Band of Cherokee  
15 Nations travel from North Carolina to here, making the  
16 Cherokee Nation of Oklahoma travel to here to get our  
17 concerns heard.

18           If the BIA is interested in hearing from all  
19 views, it only makes sense to go where the Native Americans  
20 are. There are 38 federally-recognized tribes in Oklahoma.  
21 One consultation, one consultation would give them the  
22 opportunity to voice their concerns.

23           Fortunately, the Eastern Band of Cherokee Nation,  
24 the Cherokee Nation of Oklahoma, we have the resources to  
25 send a couple people out here. There are 36 others who are

TRIBAL CONSULTATION

1 not represented here today, and at very little cost and  
2 very little time the Bureau of Indian Affairs could  
3 schedule just one, just one consultation in Oklahoma.

4 With the criteria session, there are several  
5 proposed changes that are unacceptable. First, the  
6 deletion of the requirement for external identification  
7 criteria in favor of a brief narrative showing that the  
8 group existed as a tribe at some point, at some historical  
9 point is alarming.

10 Although as people who have been marginalized  
11 throughout history and they seem that Indian tribes would  
12 reject any requirement that lies on someone else's  
13 definition of us. In this context showing a historical  
14 government-to-government relationship is critical that this  
15 requirement remain unchanged.

16 Next criteria, B and C, which currently require a  
17 showing of community and political authorities since  
18 historical times would be changed to establish 1934, the  
19 year, the passage of the Indian Reorganization Act as a  
20 starting year for establishing community and political  
21 authority.

22 Again, 1934 is not historical. If a person could  
23 be here today born in 1934, that doesn't meet our  
24 definition of history or historical. We can go on and on  
25 about, you know, this process and we will be submitting

TRIBAL CONSULTATION

1 written documentation. But at the end of the day, what's  
2 important is preserving the integrity of a  
3 government-to-government relationship with, and I'll say  
4 it, real Indian tribes.

5 This morning I sat and was able to listen to  
6 groups and organizations and I applaud their affinity for  
7 Indian culture. But Article 1, Section 8 of the United  
8 States Constitution gives the United States the authority  
9 to deal on a government-to-government basis with Indian  
10 tribes.

11 And it is those people that the founding fathers  
12 of the United States were considering, those are the Indian  
13 tribes, not groups of people who have an affinity for  
14 Indian culture to come out and, I believe that their hope  
15 with easier with eased restrictions on how to become a  
16 federally-recognized tribe [unintelligible] their benefit.

17 I would lead with the Bureau of Indian Affairs  
18 not to change their regulations. If anything else, make  
19 them more stringent. This is not a process of efficiency,  
20 it is a process of history and is a process of integrity.  
21 And we hope that at the very least it stays the same.

22 I would echo my thoughts that the words from my  
23 brothers from the Eastern Band of Cherokee Indians that  
24 there needs to be more time. There needs to be more  
25 consultation. This should not be a rush to get these

TRIBAL CONSULTATION

1 public comments in, to get them published in a rush. We  
2 need the ability to have the voice heard from all or at the  
3 very most, that give federally-recognized tribes the  
4 opportunity to be heard, not the ones that can afford to  
5 send a couple people to California or anywhere else in the  
6 United States where there doesn't seem to be a very large  
7 concentration of federally-recognized tribes.

8 Just have one in Oklahoma, that's all we're  
9 asking, and listen to us and listen to the concerns that we  
10 have. I thank you for your time. Thank you very much.

11 MS. APPEL: Thank you.

12 MS. KLASS: We do want to clarify just one thing,  
13 the current A, external identification, it doesn't require  
14 federal government identification, it's, you know,  
15 newspapers, it's broader than that. So just wanted to  
16 clarify that.

17 MR. BEETSO: At this time, is there anybody else  
18 who would like to make a statement?

19 COMMENTER: I just wanted make a brief statement  
20 on behalf of Redding Rancheria. We are about  
21 two-and-a-half hours north of here, and we don't have any  
22 comments to submit on the rules today, we'll be taking that  
23 away and visiting with our council. But we do feel the  
24 government-to-government consultation is of the utmost  
25 importance.

TRIBAL CONSULTATION

1           We actually canceled a council meeting, our  
2 regularly scheduled council meeting so that our council  
3 could be here today. We wanted to hear what the tribes had  
4 to say. We wanted to hear the presentation and then our  
5 council will go back and submit any written comments, but I  
6 wanted to thank you for the time.

7           MS. APPEL: Thank you very much. Could we have  
8 your name for the record?

9           COMMENTER: Tracy Edwards.

10          MS. APPEL: Thank you.

11          MS. KLASS: Anybody else?

12          COMMENTER: Thank you. My name's Dennis  
13 Hendricks, I'm a council member for the Tuolumne Band of  
14 Mewuk Indians, and we're located about two-and-a-half hours  
15 southeast of here, actually three-and-a-half hours because  
16 I drove here this morning.

17          We agree that reform of the process is long  
18 overdue. We know of numerous tribes that have been in this  
19 process for as long as 30 years or more. We have some  
20 neighbors to the south of us that originally came from  
21 Yosemite National Park and they have been in this process  
22 for a long time and we're here to stand shoulder to  
23 shoulder with them and say we support their efforts because  
24 we know what they've been through and we know what the cost  
25 is for them.

TRIBAL CONSULTATION

1           This is just another injustice to which our  
2 people have been subjected to. And the unratified  
3 California treaty speak volumes about the terrible  
4 treatment of our natives. So there's a lot that needs to  
5 be done here in the State of California and that's  
6 basically what I'm speaking about. As far as the rest of  
7 the country, that's a different story.

8           So we support the just and reasonable process  
9 that is transparent, it does not keep changing the rules  
10 for recognition. This is not about the money that the  
11 government provides either through the BIA or Indian Health  
12 Service. This is a whole totally different story.

13           You know, money doesn't mean all that much to us,  
14 even though that's how we live and get by, but there's more  
15 to it than that. So the money part does not grab us at  
16 all. It's about apathy of the tribe, getting a form of  
17 justice that has been too long, has been denied to them.

18           In closing, I just want to say my tribe, we  
19 support the Proposed Rule and hopefully the clarity that it  
20 will bring and the decisions that it will make for those  
21 tribes that have been in the process for many, many years.  
22 Thank you.

23           MR. BEETSO: Any other statements? Anybody that  
24 made a statement that wants to make an additional  
25 statement?

TRIBAL CONSULTATION

1 COMMENTER: I would just like to reiterate what  
2 my brother there from Oklahoma stated earlier. I think we  
3 have already submitted a request to extend the time and to  
4 go farther into Indian country, like in Oklahoma. And I  
5 think we requested one in the southwest there down around  
6 Albuquerque or somewhere in that area to hear from another  
7 group of federally-recognized tribes.

8 This is the third acknowledgement meeting that  
9 I've been to, and in that -- in those three meetings, this  
10 is the most federally-recognized people that we've had in a  
11 meeting, just so everybody knows. And I went to one in  
12 Louisiana, there was three tribes there, about six people.

13 I went to the one in Oregon last week, there was  
14 about ten people there from federally-recognized tribes,  
15 and were all outnumbered by the people that are trying to  
16 gain federal acknowledgment.

17 I understand where you're coming from, your  
18 allotted brothers and sisters that are trying to gain  
19 federal acknowledgement, but I think it's up to the federal  
20 groups to step up and give their opinions on how if this  
21 goes, you know, we all know it's been a rough road from  
22 time, like we talked about from where we came from, we're  
23 finding bones every day at home where people are digging  
24 up, dates back 10,000 years of our people. We know they're  
25 our people.

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1           So we've got the history there. It's proven  
2 there. But you know, I appreciate the people that came out  
3 and acknowledged you guys for being here, and thanks for  
4 the support, you know, through this process. Thank you.

5           MS. APPEL: Thank you. And we have received  
6 requests for an extension of the comment period and for  
7 additional consultations for those under consideration,  
8 hopefully we'll have news soon since the end of the comment  
9 period is coming up.

10           And I just wanted to reiterate of what I said  
11 this morning about the administration is committed to  
12 improving this process. So if you have specific  
13 recommendations on how the regulations can be improved, to  
14 improve the process, whether it's making it more stringent,  
15 making it more transparent, making it more efficient,  
16 whatever, we're very open to suggestions.

17           MR. BEETSO: At this time if there are no further  
18 comments, is anybody opposed to adjourning for today?  
19 Okay. Looks like no opposition, so we thank you again for  
20 coming. We value the partnership we have with the  
21 federally-recognized Indian tribes.

22           And August 1st, right now is the deadline to  
23 submit comments. We have heard a lot of recommendations  
24 that we should extend that, but for right now you all  
25 should operate as if that's the date.



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1 (Whereupon the proceedings were  
2 adjourned at 2:37 p.m.)

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REPORTER'S CERTIFICATE

I, Amy E. Perry, a Certified Shorthand Reporter in and for the State of California, duly appointed and commissioned to administer oaths, do hereby certify:

That I am a disinterested person herein; that the tribal consultation was reported in shorthand by me, Amy E. Perry, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting; that the foregoing is a true and correct record of the proceedings.

IN WITNESS WHEREOF, I hereby certify this transcript at my office in the County of Sacramento, State of California, this 29th day of June, 2014.

  
AMY E. PERRY CSR 71880