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Tribal Treat Rights Tribal Leader Consultation
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>> OLIVER WHALEY: Good morning everyone thank you for joining today's consultation session we'll just give everybody a minute we have quite a number on today so just to get connected with their audio and then we'll get going.

All right. Again thank you for your patience today. It looks like everybody is in, joined into the session.

If you could also ensure your microphone remains muted at this time until the specified time for comments that would be appreciated if you could also take a moment to add your name, title and affiliation in Zoom, that would be wonderful. To do this click on the participant list find your name click on the blue more next to your name and choose rename. As a reminder this is a Government-to-Government consultation consequently this consultation is closed to the press so if you're a member of the press we ask that you disconnect at this time.

Additionally this session will be recorded. And transcripts will be created. So if you do not consent to being recorded we also ask you disconnect at this time.

>> OPERATOR: Recording in progress.

>> OLIVER WHALEY: When we get to the comment portion of today's session we welcome your comments at the time if you would like to make a verbal comment please raise your virtual hand to do this go to the reactions button and select raise hand and we'll call on individuals to speak today we will not have a chat option so again we do invite your verbal comments. When you are called upon to provide a verbal comment please provide your name title and tribal affiliation for any of you that might be joining via the toll free number please use star 9 to raise your virtual hand and star 6 to mute

and unmute yourself if you're in need of closed captioning services you can access that by going to the bottom of your screen clicking on the up arrow next to the closed caption button and choose show subtitle I will also put in the chat a link for streaming services.

With us today is Bryan Newland as well as Morgan Rodman the Executive Director for White House Council on Native American Affairs as well as numerous other DOI bureaus, White House Council and other agencies including U.S. EPA and USDA at this time I will turn the floor over to the Assistant Secretary Bryan Newland.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Thank you so much Oliver good afternoon friends good morning those of you joining from out west I'm Bryan Newland I'm the Assistant Secretary for Indian Affairs at the Department of Interior I'm glad to be joining all of you today.

I want to thank you all for taking time with us we have an All Star cast from across the Federal Government I see an All Star cast of tribal representatives we know how busy you are and your time today reflects the importance of this topic where we're going to hear from you on work that we can do to protect tribal treaty rights.

Before we begin, we want to make sure as we often try to do that we're starting this consultation appropriately in the right way and to do that to help us I'm going to invite second Chief Del Beaver to offer us words of blessing and reflection.

>> DEL BEAVER. Hello, Bryan it's an honor and pleasure being here -- thank you Bryan if you pray I ask you join me in this prayer if you would let's bow our heads close our eyes and let's pray.

Dear Heavenly Father I thank you for allowing us to come together and for the beautiful day and to hear the things that are going to be said Lord I ask that you clear our hearts and minds and so the information that we hear, Lord, it sinks into us and we can use this information to further our nations Lord I thank you for all that's on this line I thank you for all the speakers and ask you guide their words and actions and I thank you Lord for allowing us to come together I thank you for all of the nations that are represented here and Lord again I thank you for giving us one more day to serve you. Lord as we get off this phone call I ask that you continue to bless you and just continue having your hand of protection upon us. Again thank you for loving us first Lord in your Soni's name we pray, Amen.

>> ELIZABETH REESE: Thank you so much for the beautiful blessing and opening our proceeding today my name is Elizabeth Reese I'm a citizen of Pueblo and now honored to serve as the senior policy advisor for native affairs at the White House Domestic Policy Council. The Biden-Harris Administration is committed to preserving and protecting tribal treaty rights I am proud to share just a few of the strides we've made over the past couple of years and what brings us to today and the vital conversation we're about to have on the next steps to protect tribal treaties and reserve rights 17 executive agencies signed a tribal treaty rights Memorandum of Understanding which was announced at the 2021 Tribal Nations Summit.

This MOU coordinated largely through the White House Council on Native American Affairs served to outline how each agency will develop and implement policies to protect tribal treaty rights coupled with the tribal treaty rights MOU was a best practices report for tribal treaty and reserved rights that was announced at the 2022 Tribal Nations Summit. This report was released by the same 17 agencies through the White House Council to serve as guidance for field staff in taking tribal treaties into account during the decision-making process for their executive agencies.

The hope is to push agency staff to consider tribes on a regular basis and ensures our commitment to make sure Federal employees are conscious of our responsibilities to Tribal Nations and incorporate that responsibility into our governing decisions from the very beginning.

In 2005 the Department of Interior and agriculture in partnership with Oklahoma State University also launched a tribal treaty rights database which is a public-facing database for all of the Federal Government's treaties with Tribal Nations.

They have also supported the indexing of this database.

This work is incredibly beneficial to the work of protecting tribal treaty rights as a key first step to respecting tribal treaty rights is making sure those are readily available and accessible to those employees who work on Indian Affairs and we're incredibly proud of the work of the Biden-Harris Administration over the past few years and the accomplishments to protect and preserve lands and waters that are vital to Tribal Nations.

And furthermore to partner with Tribal Nations in the management of those lands.

The national monument designation protects 506,814 acres which contains sacred spaces for spiritual uses including spirit mountain which is central to the creation story of many Tribal Nations.

And just recently the (inaudible) national monument protects nearly a million acres surrounding the Grand Canyon. And thousands of sacred cultural sites for many of the tribes in the Southwest.

Importantly both of these monuments will be managed in collaboration with the Tribal Nations who consider these lands precious and vital to their ways of life.

The Biden-Harris Administration is eager and dedicated to expanding on the work over the next few years. We want to hear from you all about what more we can do and where we can improve our efforts.

Our trust and treaty responsibilities to Tribal Nations can only be fulfilled by consistent communication and collaboration with Tribal Nations.

Our nation-to-nation relationship is just that, a relationship.

And one that I am honored to participate in with you all today.

Thank you for all your commitment to this work and this relationship.

I will now turn things over to our Assistant Secretary for Indian Affairs and citizen and Former President of the (inaudible) community Bryan Newland.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Thank you so much, Liz and appreciate you taking time to join this consultation.

We also appreciate when officials from the White House can join those conversations and I think it reflects President Biden's priority and his effort is to protect tribal treaty rights and fulfill responsibility today's conversation is also another continuation of that effort.

And our interagency work facilitated through the White House Council here.

One of the Council's primary functions so to bring Federal agencies together to address tribal issues and that includes tribal consultation that cuts across the entire Federal Government.

In particular the Climate Change, Tribal Homelands and Treaties Committee within the White House Council is comprised of more than a dozen Federal agencies across the Government and part of our committee's work is to promote protection awareness and understanding of tribal treaty rights across the Federal Government.

As you heard already today this work includes 17 different Federal agencies that have signed onto an MOU on the protection of tribal treaty rights.

A Speaker Series across Federal agencies that brings in experts in Indian law to educate Federal employees on tribal treaty rights. And that Speaker Series has been attended by hundreds of Federal employees across the Government over the past year.

We have also issued a number of guidance documents to Federal staff on tribal treaty rights including a best practices document as you have already heard. Guidance for regional and field staff in Federal agencies.

As well as the flowchart that we shared with many of you at last year's Tribal Nation's Summit describing how Federal agencies should work to protect tribal treaty rights when carrying out their duties and we're also creating a training module for Federal employees based on the best practices guidance documents which is currently under development the central premise of all of these documents is treaties are substantive laws unto themselves.

Federal agencies must meaningfully consult with tribes prior to taking any action that may impact tribal treaty reserved or other similar rights. We recognize that not all Federally recognized tribes are parties to treaties but we also must acknowledge that treaties are a vital part of Federal Indian law and referenced in the Constitution as the supreme law of the land. I want to acknowledge the support of the Biden-Harris Administration, Secretary Haaland and the entire White House Council on Native American Affairs for the effort to embed deep understanding and respect for tribal treaties across the Federal Government.

I've been a part of many conversations with tribal leaders represented here today. But also colleagues across the Federal Government to make sure that we're doing our part to ensure Federal officials are adhering to their responsibilities under tribal treaties.

We also recognize that tribal leaders' concerns about the importance of taking every

opportunity to work with Federal agencies and to do more to protect these rights.

We also acknowledge your support for building on the commitments made on sacred sites MOUs signed by 8 Federal agencies in 2021 and the tribal homelands joint Secretarial Order signed by 3 Federal agencies last November as well as the Indigenous knowledge guidance document for Federal agencies that we also announced last November. We want to continue to hear from you, tribal leaders, and learn from you about what bold actions we can take and then we want to take those actions.

This is the time for boldness. This is the time to swing big and take meaningful steps to make sure we are meeting on behalf of the United States our obligations under these treaties so with your guidance and recommendations, that's what we intend to do as I mentioned earlier the tribal treaty rights MOU and related efforts are led by the Council's Climate Change, Tribal Homelands, and Treaties Committee which is comprised by a number of Federal departments and agencies.

Our Co-Chairs are the departments of the interior, agriculture, as well as -- and the Environmental Protection Agency.

My fellow Co-Chairs are here as part of this consultation today EPA's Director for American Indian environmental office Kenneth Martin and USDA's Director of the Office of Tribal relations, Heather Dawn Thompson together the three of us will moderate this conversation today.

We also have many other senior officials and consultation officials from across the Federal Government participating in this consultation. This consultation session like most of our consultation sessions is closed to the press and intended to be off the record. So if you're a reporter or member of the press we ask respectfully you disconnect from this meeting at this time and you can reach out to us at our press office for further questions and information about what we're doing here today. This is a Government-to-Government consultation.

And we're going to prioritize comments first from elected tribal leaders and designated tribal representatives before turning to representatives of other agencies. And organizations if you wish to submit written comments as part of this consultation you can do that all the way through September 21st, which is a Thursday. You can submit those comments to us at whcmaa@bia.gov.

And at this time I'm going to turn it over to my friend and colleague from USDA, Heather Dawn Thompson.

>> HEATHER DAWN THOMPSON: Good morning, good afternoon, everyone, Heather Dawn Thompson. (Speaking in Native language).

I'm a citizen of the Cheyenne River Sioux Tribe and Director of the Office of Tribal relations at USDA I'm delighted to be here with you today I'll be brief since my colleagues have covered most of the topics we're working on but really wanted to thank the tribal leaders for your time today we appreciate how busy you are as imperfect as

virtual meetings are I'm really grateful for the equity and the opportunity that this provides. Could you imagine if we had all of you having to fly to Washington D.C. to meet with us. And it's just great to see so many of you here today.

On so many different time zones.

I work in DC. I'm from South Dakota but I'm reporting to you from Alaska today from Tlingit territory I'm delighted to be here with you today USDA as you know stewards the U.S. Forest Service lands so we have a very significant stake in our treaty obligations and delighted to be part of these conversations and honored to be a co-signatory to the tribal treaty rights MOU as well as a teammate running the database.

I just wanted to flag one thing for you guys an upcoming additional consultation then I'll turn it over to my teammate at EPA. We do have the sacred sites MOU which is obviously incredibly relevant to this conversation here today.

And the sacred sites MOU also has a best practices document that we've been working on I'll ask my teammates to put that in the chat so you can see that and we have an upcoming consultation on that next week. On August 31st from 2 to 5 p.m. Eastern Time and get that put in the chat to make sure we can get -- have a real robust conversation and get your feedback on that document on that as well so let me turn it over to my teammate the director of the American Indian environmental office at EPA Kenneth Martin so you can hear from him as well before we start receiving your feedback. Kenneth.

>> KENNETH MARTIN: Thank you. I too will be brief because my colleagues have discussed a lot of what we'll be talking about today. I want to thank all of the tribal leaders and representatives for being here today. We know how busy you are I look forward to listening and learning from you today as Heather mentioned I'm Kenneth Martin I'm the Director of EPA's American Indian environmental office I'm an enrolled member of the Bad River Band of Chippewa Indians and grew up on the Menominee reservation where my mother was enrolled I want to briefly state EPA's commitment today not only to the tribal treaty rights MOU but White House Council on Native American Affairs in general in particular the work on Climate Change, Tribal Homelands, and Treaties Committee of which EPA is a Co-Chair regarding the consultation today I just wanted to briefly focus on the framing questions that were included on the last page of the July 24th Dear Tribal Leader letter there were 5 questions that were included which we hope can lay the foundation for the discussion today I'll briefly go over them and give it back to Assistant Secretary but the five questions I'll read them briefly were in addition to the actions already taken by the White House Council on Native American Affairs, what actions would you like to see the Administration take to improve the treatment of treaty reserved and other similar rights in Federal agency decision making.

The second question, what recommendations do you have on further improving Federal engagement with tribes on tribal treaty reserved and other similar rights.

No. 3, what recommendations do you have for specific Federal reforms that could promote further respect and protection of tribal treaty reserved and other similar rights.

No. 4, what recommendations do you have on further promoting the Federal protections of sacred sites, Indigenous knowledge and Federal agency decision making and co-stewardship with tribes on Federal lands.

And then finally, No. 5, recently and over the past several years, some tribes have presented the idea of a bolder executive action on the protection of treaty rights reserved rights and other similar rights in other Federal agency decision making what specific requirements and/or processes regarding the treatment of Tribal Treaty Rights, reserved rights and other similar rights would you recommend to be included in such an action.

So those are the questions that were included in the tribal leaders letter.

From July 24th with that I'll kick it back to Assistant Secretary.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Thank you so much Kenneth now the important part of the consultation will start where those of us in the Federal Government go on mute and turn it over to tribal leaders so we can hear directly from you. Those of you who are joining us by phone, if you wish to raise your hand, you can press star 9. And then when we call upon you, we'll recognize you by your phone number then press star 6 to unmute and we'll again prioritize elected tribal leaders and then designated tribal representatives and representatives from intertribal organizations. We'll do our best to call on folks. I know there are a lot of people registered here so please be patient with us. In that spirit we ask that you be mindful of those who may wish to speak and be as succinct as you can in your comments there's no time limit but we want to make sure everyone is respectful of other peoples' time and you allow others to speak one time before you come back and attempt to speak a second time.

So with that, we're going to open the floor up. And our first speaker that we're going to recognize today is Chief Hoskin from Cherokee Nation.

>> Thank you, assistant Secretary I really appreciate your time and commitment to this issue and everyone representing our Federal partners here it's very meaningful to me I know it has to be true across Indian Country to see that the White House, the DOI, is really focusing on Tribal Treaty Rights. Very timely and important subject.

We need to continue this effort this is the beginning not the end I can't tell you how appreciative I am treaties are the supreme law of the land we have to start from that basic proposition that has to inform everything that we do.

I think of the things that can come out of this effort could be on Executive Order which encourages agencies to implement treaty rights because when it comes down to actual implementation of treaty rights it really takes the whole of the Federal Government or certainly components of it so making sure agencies understand the urgency and importance of actual implementation of treaty rights is something that could be supported by an Executive Order.

One thing I would like to though highlight is that all of the aspirations that we all have for America to keep its promise when it comes to Tribal Treaty Rights is we have to operate from the undisputed same set of facts which means we need a database that everyone can look to that's updated and accurate and captures what we're talking about and we're talking about documents that date back hundreds of years in some cases the Cherokee Nation has had an unbroken relationship with the United States since its founding based on treaties the earliest treaties to the most recent treaty in 1866 that unbroken body of Federal law that's the supreme law of the land is noble, it's identifiable.

Of course you can go across Indian Tribes although not all tribes are treaty tribes there are lots and lots of tribes that really whole sacred these documents and they should be treated that way in the database.

So we have to be careful when we're constructing, editing or improving a database of Tribal Treaty Rights that we don't carelessly inadvertently use phrases like successor in interest in the Cherokee Nation there's no successor in interest because we're the Cherokee Nation so when those sorts of terms get used they have to be done with very precise care we have to make sure that we don't use language that there may be multiple tribes to treaty that creates all sorts of problems when we come down to very important aspect of implementation so starting with that same basic set of facts is really important which is why I think other than the Executive Order I mentioned really a good reliable database is important.

I know in the chat there was a database that was identified which we have looked to. There's a best practice document with the DOI that mentions lists of potential impacted tribes the Federal agencies should utilize and establish a tribal treaty database to identify any treaties that may be affected by proposed consultation and potential databases include the Oklahoma State tribal treaty database I think that's mentioned in the chat. That's a good directive or way to inform agencies but again we have to make sure that that database is accurate list of potentially impacted tribe is in your guidance for Federal and regional field staff saying Federal agencies should utilize and establish a Federal treaty database to identify treaties that may be affected by proposed consultation again that repeats the document but it's in another -- it repeats the statement in another guidance document elsewhere in another document it says where an agency may implement a treaty reserve or similar right agencies should compile a list of potential treaties implicated by agency action sorted by geographical location and again it points to the Oklahoma State tribal treaty database tool. All of this really underscores how important the database already is. I hope it drives home how important accuracy on the database is and the proper language. I think we start from the same basic set of indisputable facts, then we can build on things like an Executive Order that more robustly tells Federal agencies to implement these treaties.

And I think it will help guide us going forward on this really larger question of

whether United States is going to keep its promise to Indian Country after breaking so many treaties.

The really hard work is keeping the promise, figuring out what those promises are. My sense is we all agree that the time is now to do it.

The mechanics of doing it are really challenging. But I know collectively we're all up to it. You wouldn't be able to do this, though, without the White House and the DOI recognizing that this matters. And I just again applaud the Administration, your leadership Mr. Assistant Secretary and all of our Federal partners for really understanding that this matters and there's some urgency. Thank you. That concludes my comments.

>> HEATHER DAWN THOMPSON: Chief, I want to thank you for your comments we do have the Cherokee Nation's letter on the treaty database I want to acknowledge we're struggling with the same questions and I'm sure other tribes are as well on the successor's interest. We want to remind everyone it's a beta version of the database we do welcome this input on that issue, we are putting significant caveats that this doesn't -- the database doesn't confer any legal status but -- status but at the same time we want to agree that we want to be very careful in how we do that we have received your input on it thank you and we'll do an additional consultation specifically on the database to make sure we are as accurate as possible.

And thank you for your recommendation regarding an Executive Order.

That has been received.

Okay. So we'll go now to the Chairwoman of the Tulalip tribes. Madam Chairwoman.

>> There we go. Good morning. Teri Gobin. This is my traditional name (speaking in Native language). I would like to thank you all for the work you do both at the White House, with the White House Council on Native American Affairs and the Department of Interior has done this Administration in this Administration for Indian Tribes you've done awesome work.

Your commitment to Indian Country is definitely appreciated.

I have respect for the other tribal leaders on this call. I will keep my comments short.

Our ability to maintain our culture and life ways depend on the protection of our treaty rights and the resources that depend on -- that they depend on and we are losing both faster than they can recover.

Climate change, population growth and increasing human pressure on public lands for recreation are negatively impacting the health of our public lands.

And in turn our treaty resources and access to them.

In response to your questions with the work you have done in the prior efforts, we find that agencies are improving at identifying the actions that may impact treaty rights. And engaging in consultation or working with the tribes on these matters.

What is still lacking is agency initiatives in exercising their legal authorities. And tools to reinforce -- or to enforce the regulations and the policies that support, enhance and recover treaty resources.

And the initiative to be proactive in undertaking projects with the same focus.

Proactive management actions like these are what we expect to see from the trustees and are consistent with Secretarial Order 4303 to manage lands and waters in a manner that seeks to protect treaty religious subsistence and cultural interest of Federally recognized Indian Tribes.

While the Secretarial Order is good, the word seek is weak. And leaves it up to the agencies' interpretation.

There's no mechanism in place to direct agency action and there's no clear leadership or process in place to resolve agency inaction and divided agency response, disparate treatment or misaligned or siloed agencies.

There's also no mechanism or leadership to work with agencies who are not acting in a way that is proactive or protective of treaty rights.

Or direct agencies where there are inherent conflicts between an agency and a treaty rights obligation.

In 2012, the Washington treaty tribes provided you with a treaty rights at risk report that identified the problem of the declining fish harvest in the Pacific Northwest.

And it's associated impact on our treaty fishing rights. It's been 13 years since we delivered that report. And we are still feeling the effects and the challenges listed above.

In addition to an -- to inadequate funding for the programs that have direct impact on tribal rights and resources.

We urge you to circle back to the treaty rights at risk report. And the Federal strategic response plan we created in 2021.

That outlines recommendations in response to the report.

One recommendation is for the President just like our previous speaker I was talking about to issue an Executive Order.

Something we have met with you on recently and we urge you to consider, we need leadership and a strong sense of direction to take the next step forward.

And we see this as an opportunity in time here with this Administration and with the White House Council.

Again, we thank you for all that you have done.

And we look forward to working with you together to resolve these issues.

It is so important to our people to protect these resources for our treaty rights because we are, you know, on the Pacific Northwest coast, we are on the Salish sea. And we are fishing people.

And this is part of our culture. And we need assistance with all of this.

So I thank you for taking time to listen to me today. (Speaking in Native language).

>> ASSISTANT SECRETARY BRYAN NEWLAND: Thank you so much for your comments, you're highlighting of the treaty rights at risk report which has garnered significant conversation across this Administration.

And for some specific guidance on how the Federal Government can establish ways to more consistently comply with our treaty obligations.

At this time I am going to now turn to Councilwoman Wilson as our next speaker.

>> (Speaking in Native language). Lisa Wilson. Good morning, my name is Lisa Wilson. I am a Councilmember for the Lummi nation and serve as Vice Chair of the Northwestern Indian fish Commission I do want to thank the Chairwoman Gobin's comments before me because I would like to speak a little bit more on the Executive Order that she was talking about.

We too at Lummi definitely appreciate all of the efforts that have been put forth through the Biden-Harris Administration.

You know, we've seen more action in the last few years than before. So we really appreciate those efforts.

You know, we did sign a treaty in 1855. The Point Elliott Treaty of which we were promised to be able to hunt, gather and fish in our usual and custom areas as Isaac Stephens said we would always have fish for our frying pans.

But ever since that treaty was signed, we've been fighting to make sure that those promises are upheld. And the state that we're in after many years of pollution, degradation and different bureaucracies that have been created, we are more in trouble than we have ever been.

The tribes are on the forefront of bringing back our fish stocks through our hatcheries.

We are also fixing the habitat of which problems that we didn't create and we're also responsibly managing our fish stocks.

So we're basically upholding the treaty obligation to ourselves.

But then, also, what we face, too, is the inadequate funding to make sure we are able and I do want to acknowledge that there was a monumental amount of money that was allocated to the tribes through the IRA funding but it took the tribes to band together to go make sure we fought for tribal set-asides because we're put in processes where we're pitted against stakeholders and we're not getting the adequate resources.

And then on top of that there's a lot of different bureaucracies from our Federal trustees are impeding the right to fix the habitats and bring back fish stocks and I wanted to use a couple of examples because we have been pushing this Executive Order and why it's needed. I know we've met a few times in DC regarding the request for the Executive Order.

And I just wanted to give a few examples. Because I think what we're proposing is going to complement all of the other things that have been put in place by the Biden Administration but I just wanted to give you a couple of examples of why we're trying to

bring our stocks back, why we're trying to fix the habitat and why we're managing the runs. It's been stated what good is the right to fish without the fish?

The York decision said to dip one's net and come up empty makes the treaty meaningless.

And so with some of the things, with the tribal losses for Lummi in 1985 the annual Lummi fishery has declined over 11 million -- we had 11 million in 1985 and less than a million in 2020. That's just showing you like how much the losses have been over the last almost 40 years, with NOAA there's unrealistic ESA recovery objectives.

There's bureaucracy that's impeding salmon recovery efforts.

Then the latest we're also dealing with FEMA with the low rise, something that would help their CLOMR LOMR, we're basically having to go through the same hoops to fix the habitat than it does to degradate the habitat. We have to go through the same process developers that are building 1,000 unit departments those are the same hoops we have to jump through to fix the habitat.

So FEMA's rescindment of the fish habitat policy that is bringing restoration projects to a halt it's at a typical time for ESA listed species.

When we have to wait on permits and miss our fish windows, then we are losing out on being able to get that work done. And we're also losing out on the money and the timelines.

We had a chinook dieoff we brought back 11 fish in 2013 to 3,000 fish a couple of years ago but 2500 of them died before they could reach the spawning grounds.

All of the things that we created a salmon crisis emergency but it didn't get us anywhere because of all of the processes and all of the bureaucracy that's been created.

EPA is unwillingness to address the non-point polluters. Our Lummi hatchery we're held to a higher standard than wastewater treatment plants to we feel like a pathway forward that would be really meaningful with this Executive Order is an appointment for a special trustee for treaty rights compliance with the Department of the Interior.

To authorize the special trustee to exercise existing legal authority under the Indian Trust Asset Reform Act to modify regulations as necessary to protect Indian treaty rights.

And recommend for amendment of Federal statutes that interfere with treaty rights and compliance.

We also want to require the Department of State to ensure that the interior department and all the Federal agencies comply with the treaty provisions no differently than any other treaty the United States is party to.

And what this person -- because we do have a big list with the treaty rights at risk but we need a process to get through that list of the different things that are impacting our treaty rights so we feel like a process like this could start addressing that and then it

could you know also address the other areas because education and health are just as equally a treaty right as our salmon. So we definitely have the solutions that it has to get back up to the supreme law of the land because we're putting processing where we're having to compete against stakeholders. And our treaty rights are definitely watered down in those processes.

I really want to commend you all but like you said it's going to take something very drastic to change some of these ways of thinking us as treaty right holders we should have treaty exempt permits to make sure our salmon recovery efforts don't fail because we don't have time left for the processes that have been set up I want to thank you for your time.

I appreciate meeting. I look forward to follow-up on this.

>> HEATHER DAWN THOMPSON: Thank you so much Councilwoman you raised excellent points I want to acknowledge the consistency in the speakers in raising the Executive Order issue, the treaty rights at risk report from the Pacific Northwest tribes. From Washington tribes.

And the challenge for competing against other stakeholders on the frustration on that when there are treaty rights involved in that thank you very much for your thoughtful comments we're next going to go to Chief Harrison from Alaska.

Are you on the line?

>> Yes, thank you. (Speaking in Native language). Gary Harrison good morning I'm with Chickaloon native village and I would like to talk about the UN treaty and decolonization Chapter 11 Article 73 it says you're supposed to bring us up to our own Government, education, et cetera.

Instead of that what happened was the statehood and voting for statehood was supposed to be the original people but what happened was the merchants, miners, military and other narrow do wells are the other ones that voted and not the Indigenous people who were supposed to be the only ones to vote.

Then we got heisted upon us the Alaska land claims act which was intended to destroy the tribes in Alaska. And that's genocide.

It also left out the children and that's another plank of genocide.

Now the U.S. Government steadily taking our rights and giving them to the Native corporations. Not taking but suppressing.

And it looks like the -- you need to take a look at the 93 Federal Register that Ada Deer and unfortunately she just passed so we thank her for all of her hard work.

And showing the difference between the corporations and the tribes.

And now the corporations are claiming sovereignty from suit, which is crazy.

They are corporations.

And we need to stop this rights being suppressed and allowing corporations tribal rights.

We also need to stop the insurgence into our hunting and gatherings areas we need

to stop the fishing and trollers that are decimating the fish.

And in the meantime before colonization, I think we need -- or decolonization, we need to put some of the tribal lands into trusts so that we can actually use them in a manner that we're supposed to be able to without the state problems. At this point the state does not want to recognize the tribes. They have sued the Government over land in the trust. And we need to take more action on these type of things. And thank you for listening to me and hopefully we can get to the bottom of some of these problems. (Speaking in Native language).

>> KENNETH MARTIN: Thank you, Chief Harrison we appreciate it, Chief Harrison, we appreciate it. Next up is Councilman Chivis.

>> (Speaking in Native language). Good afternoon, bear with me today. My voice is going out on me. But my spirit name means beaver looking forward building the future I'm Dr. Jeff Chivis to your row clan and elected Tribal Council treasurer for the (inaudible) band of the Potawatomi.

Located in southern Michigan.

I want to start by thanking the Biden Administration for all the hard work completed thus far to protect and preserve our tribal treaty and reserved rights. This is really the first time that a Presidential Administration has taken such concerted efforts to put in place policies to ensure that Federal agencies are paying attention to and respecting our Tribal Treaty Rights and reserve rights so of course I applaud you for this work. And for continuing the dialogue with Indian Country about this matter.

Today I want to provide some general comments.

And ask a few questions of our own.

But our written comments will focus more on each of the framing questions that was raised in the Dear Tribal Leader letter.

And one of the questions asked was what additional actions the Administration should take to help educate and preserve tribal treaty and reserve rights.

First I appreciate all the efforts that have been done to date to educate Federal agency staff about treaty and reserved rights.

Not every Tribal Nation has a treaty and it's easy for Federal agency staff to develop policies and rules without thinking about treaty rights.

And this is particularly true for reserved treaty rights that might be applicable to lands that a tribe no longer owns.

As you know tribal rights that are off existing tribal or Federal lands are the most difficult to protect.

This is because many people think if we do not currently own the land we no longer have rights on that land.

And that's just not true. In many cases we still have rights to fish, hunt and gather plants and medicine for traditional purposes but too often these rights are ignored or forgotten.

The actions taken so far through the White House Council on Native American Affairs are great. But I do think more can be done. So the first thing I would like to point out is it's important to try and make actions that have been taken by the Biden Administration permanent.

As tribal leaders, we need to hear from the Biden Administration about how we can make sure that future Presidential Administrations preserve and expand upon the actions taken under the current Administration.

I think many Tribal Nations are willing to advocate to Congress that some of these policies be formally adopted through statutes and laws but we need some guidance from the White House about the appropriate laws to amend.

Another thing that might be helpful is for the White House to include recommendations to make some of these policies permanent in the President's annual budget request.

I'm not sure if the annual budget requests to Congress is the best mechanism for advocating for policy changes. But I want to raise that issue in today's dialogue, nonetheless.

Another idea is for the President to issue again an Executive Order on tribal treaty and reserved rights as Tribal Nations we always cite the original Executive Order on tribal consultation EO 13175 of course which was issued by President Bill Clinton.

At the time there was concern that the next presentation that would withdraw that Executive Order but that hasn't happened thankfully in fact other President has preserved that order or even expanded upon it.

President Biden has expanded on it by issuing Presidential memoranda further strengthening the Government-to-Government relationship and tribal consultation.

So again, I propose that we consider requesting President Biden to issue an Executive Order protecting our treaty and reserved rights.

Next we need to work on getting every Federal agency to sign on to the various memoranda of understanding.

Joint secretarial orders and guidance mentioned in the Dear Tribal Leader letter. In some instances only a handful of agencies and secretaries have signed onto those and that doesn't make sense to us.

We also need some mechanism in place for ensuring accountability that the Federal agencies are following the memoranda. Secretarial orders and guidance that is mentioned in the letter.

There will be instances in the future where tribal leaders do not feel like the agencies are following the guidance and policies that they agreed to follow.

And Indian Country needs to know who they can reach out to in those instances to ensure accountability on the part of those Federal agencies.

Related to accountability is the need for the Federal Government to provide funding to protect our treaty and reserved rights. I know the Federal Government probably gets

tired of Tribal Governments raising the issue of funding.

But those treaty rights are different from the Federal Government's general trust responsibility to tribes.

Treaty rights and reserve rights are specific rights that were negotiated.

The Federal Government obviously has received significant benefits from those treaties. And they agree to recognize and protect our tribal reserve rights as a result.

In many instances, the Federal Government, though, has failed to protect our rights.

So again, providing funding to Tribal Governments to ensure our treaty and reserved rights to ensure that those are protected is a legal obligation of the Federal Government.

I also believe the Federal Government needs to play a role in educating state and local governments about our treaty and reserved rights. We need to ensure that those -- the states and local governments respect our rights. One thought I have is whether the Federal Government can start requiring states to report on what they are doing to learn about and protect our treaty and reserved rights.

So with that, I'll conclude my remarks by asking some of the questions that we put together and hopefully our Federal partners on this call can provide some initial feedback to some of these questions. I think it will help us draft our final letter back to you regarding this consultation.

So the first one is, again, how can Indian Country help to make permanent the progress of the Biden Administration on protecting our rights?

>> HEATHER DAWN THOMPSON: I'll go to Assistant Secretary Newland.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Could you repeat your question, Councilman I'm trying to keep up on my notes here.

>> Sure, how can Indian Country help to make permanent the progress of the Biden Administration on protecting our treaty and reserved rights?

>> ASSISTANT SECRETARY BRYAN NEWLAND: I think that's a good question, Councilman. I viewed this -- I view this engagement here as a part of that effort.

The more that we're building in an ongoing conversation that leads to actions, the more it's going to sustain itself.

But I think that's -- providing very clear action-based direction or guidance to us as Federal officials is one of the best things that tribes can do.

And the reason I was lagging on my notes is because there have been already these comments today have been so substantive. And I think these are the types of comments that are very helpful to make sure this work sustains.

>> Thank you. I appreciate that response.

Of course our -- one of our goals is to make sure that the progress we have made so far becomes permanent.

So the future Presidential Administrations can respect those rights and even expand on them going forward.

The second question I have is, something I mentioned already in my statement.

But how can we get more secretaries and agencies to sign on to the documents mentioned in that Dear Tribal Leader letter? Is it possible to add additional signatories to those documents?

>> Those are conversations we're always trying to have through the White House Council. But I mean, we've got 17 Federal agencies signed on to the treaty rights MOU. Most of whom are the -- most of which are the agencies that interact with tribes on issues affecting treaty rights.

>> Okay, the third question is do you have any initial thoughts on how to make sure that the Federal agencies are actually abiding by the documents that they have signed onto? Of course that letter describes some of the actions that have taken place over the past year but we think it would be good for each agency to provide a report or summary that Indian Country can review every couple of years or so.

But you know any other thoughts on your end would be appreciated.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Well thank you again, Councilman. And I want to make sure we're getting to other speakers, too.

So I'll just briefly respond to your question here. Is that that's the point of this consultation. I don't have any particular thoughts that are ready to share with folks participating here.

On how to do what you're suggesting but I do appreciate your day about some sort of agency report. And that's something that we're going to discuss.

>> Just one last question.

Are you aware of any examples or do you have any ideas on how the Federal Government can help persuade state and local governments to respect our rights?

>> ASSISTANT SECRETARY BRYAN NEWLAND: Yeah there's a long history actually of the Federal Government being proactive on the protection of tribal treaty rights when it comes to state agencies.

Through affirmative litigation. The bulk decision was -- came out of a case brought by the Federal Government. There's United States versus Oregon there's United States versus Michigan and a number of other cases. And we in the Federal Government can certainly be more proactive in engaging those legal fights directly on behalf of tribes.

So I want to thank you, Councilman for your time. And respectfully move on to our next speaker because I want to make sure this doesn't become a back and forth dialogue all day. And I do appreciate you asking specific questions. And I'm not trying to be evasive. But also we've got a lot of other folks.

>> No problem. (Speaking in Native language) thank you for your time today.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Miigwetch. Also very briefly before turning to our next speaker I want to just Councilwoman Wilson, you had mentioned something important I want to just respond to about education and health or

treaty rights.

You know, it is a constant -- everybody here shares the frustration about constantly educating people about treaties being the supreme law of the land and there's a whole body of case law built around that principle that goes back for more than a century about the canons of construction and one of the things we're committed to here through the White House Council and myself and others in the Administration is to making sure that we have pushing back against the temptation for folks who aren't schooled in Indian law to read treaties in the most literal sense. The other day I was on the National Mall there was a treaty-based art exhibit there.

And it explained what we all know is that these treaties were negotiated in a language that Indian people didn't speak.

So the canons of construction are based upon that and provide room for us to interpret these treaties in the way that tribes understood them at the time the treaties were negotiated. So we're continuing that work and continuing to educate folks within the Federal Government and attorneys across the Federal agencies that's not a policy call. That's a long-standing legal principle that's been in place for more than a century so I appreciate that there.

I'm going to turn to our next speaker, Justin from the Navajo Nation.

>> Thank you, Assistant Secretary Newland and Honorable tribal leaders for taking the time to discuss this consultation. My name is Justin I'm the Executive Director for the Navajo Nation Washington office here to provide comments on behalf of the President of Navajo Nation our treaty was signed on June 1st of 1868 and the Navajo people have defended their treaty rights and reserved rights ever since.

Furthermore the Navajo people have faithfully and honorably defended the United States including our nation's code talkers who came to the aid of this country in one of its darkest hours today we look forward to discussing with you on how this Administration can better respect the rights of the Navajo Nation and its people by honoring our treaty and special trust relationship and by respecting our rights as a Sovereign Nation in terms of the first question of the Dear Tribal Leader letter, despite expanded consultation under this Administration, more is needed to ensure that the consultation remains meaningful and occurring earlier in the decision-making processes. As the (inaudible) President once stated sovereignty must be consistent even when not convenient. There have been too many instances where tribes received short notice of a consultation taking place or not receiving the consultation material in advance.

But maybe in some instances they received them after the consultation has ended and the consultations do nothing more than have a lengthy presentation by the agency staff. Where substantive dialogue isn't actually considered. Meaningful consultation should confirm with the UN Declaration on the Rights of Indigenous Peoples. And meet the free, prior and informed consent standards even if the standard is not fully met

Indigenous nations should be treated with sufficient dignity as the co-sovereigns that they are.

You know, to do that, there's three things we should consider one is receive early notification and consultation before the decision is made by the Federal Government.

The second is to have fully informed details of what is being discussed related to that decision and the third is being able to provide meaningful opportunity to respond in writing and in person meetings to the proposed decisions for example between the months of August and September, there are over 20 written comments that are due. Tribes that lack the capacity to actually respond to these comments are going to have their voices not heard.

Tribes that do have the capacity struggle in providing meaningful responses to this.

So we want to make sure that our voices are captured in a meaningful dialogue and when consultation comments are due, 15 days after the oral consultation has taken place or less than 30 days of when a consultation takes place it doesn't allow tribes to provide meaningful responses. To us that feels like a check in the box approach that we provided an opportunity and we'll go ahead and move forward with the administrative process. And not really take in the responses of the tribes. Additionally when we do have the opportunity to provide written comments we don't actually receive anything back on how those comments are going to be implemented into the Federal policy decision-making process.

So what can we do to work together to understand how our recommendations are going to be inputted into the actual Federal making process.

As I stated, too many agencies treat consultations with Native Americans as an inconvenient check-in-the-box approach so the Administration needs to crack down on that type of attitude we believe that much of this stems from the ignorance of Indian Country. And would encourage the Administration to provide across the board training on history of Indigenous nations and tribal sovereignty that every agency in the Federal Government. This is especially important given the erasure of Indigenous history, governance and knowledge that continues to occur in the country's educational system at all levels we're recommending the Administration consider ways to hold leadership directly accountable for the failures of their agencies to hold appropriate consultations with tribes. This includes an administrative process to address the complaints from Tribal Nation that is a consultation has not been meaningful.

In a consultation over a matter of cultural historic significance to a tribe for the rights of a tribe the tribal view should not just be considered, it should be determined -- it should determine the outcome.

In terms of the second question on the recommendations for further improving the Federal engagement for tribes on tribal treaty reserved rights again engagement including but not limited to consultation must be meaningful and must occur early it must be respectful and must be consistent. The Federal Government must emphasize

outreach to Native Americans so it has more people in its workforce, including in leadership positions that understand tribes, tribal sovereignty and tribal treaty rights.

The Administration has done a great job at increasing Native American appointees across the Government. But this initiative should be expanded to ensure that all differences in Federal decision making if a Native American is present is in the process and in the room this includes potentially appointing a Supreme Court member who is Native American.

In terms of a third question, for recommendations for specific Federal reforms, the Administration should perform an honest assessment of the BIA and the DOI specifically it should evaluate the failures of BIA and DOI in fulfilling their trust responsibilities and complying with treaty duties for example with respect to Federal water rights and their failure in serving in the best interest of tribes, tribes have to fight the Federal water rights team for asserting their water rights that does not reflect the U.S.' obligation as a trustee. Congress must do more to ensure states and non-Indians respect tribal sovereignty on our lands article 2 of the Navajo Nations treaty specifically grants the nation the rights to exclude non-Indians except those specifically authorized by the Federal Government from being permitted to pass over, settle upon or reside in the territory of the Navajo Nation nonetheless we are faced with constant attacks on our jurisdiction by non-Indians.

It is well documented that Indian Country programs are underfunded for many tribes including the Navajo Nation our ancestors bargained for our treaties to include these rights to education and law enforcement services but the United States has not lived up to its end of the bargain. For example, under Article 1 of the treaty the United States promised as bad men amongst Whites or other people subject to the authority of the United States shall commit any wrong upon the person or profit of Indians, if they did, the United States will proceed at once to cause the offender to be arrested and punished according to the laws of the United States.

This has not happened bad men come onto our reservations harm our women and children and take advantage of our most vulnerable people recently the Navajo Nation launched Operation Rainbow Bridge to help citizens targeted in a medical scheme involving behavioral health centers in Arizona we need more funding for law enforcement services to adequately patrol our reservations and protect our people and the United States owes us that. Oftentimes tribes -- they need to use their funding to make up for severely underfunded programming or non-existent programming. Competitive grants only pit tribes against one another creating further conflict not conducive to addressing the situations at hand the Navajo Nation recommends Federal reforms to provide full and mandatory funding not only for the Indian Health Services but for all programs and services owed to us in virtue of our treaty rights reserved rights and the United States special trust relationship towards tribes.

In terms of the forced question in the Dear Tribal Leader letter Indigenous

knowledge in Federal agency decision-making processes and co-stewardships with tribes on Federal lands must all be driven by the tribes.

This means that tribal views and the tribal decision making should determine the outcome when the matter is of significance to a tribe, additionally tribes with a direct interest should be given a greater consideration to minimize the impacts which could include economic impacts.

The Navajo Nation Government has proven time and time again over the hundreds of years to be faithful stewards of our lands and cultural resources. If the Federal Government truly wants what's in the best interest of our land and cultural resources, then it will be the type of partnership between the two nations that provide us with resources and support that we need to protect, nourish and utilize our sacred resources.

In terms of the last question, again, the engaging with the leaders of Sovereign Nations about our rights, engaging including but not limited to consultation must be meaningful. It must occur early and it must be respectful if given the opportunity, again, the President should consider appointing a Native American to the United States Supreme Court.

In conclusion, I want to thank you Assistant Secretary Newland as well as our Federal partners for our continued Government-to-Government relationship. We look forward to working with you to further protect and promote the rights of all sovereign Tribal Nations. Thank you.

>> HEATHER DAWN THOMPSON: Thank you, Justin thank you for that statement on behalf of the President of the Navajo Nation.

We want to acknowledge a couple of things then we'll call on Chairman Forsman. Thank you for acknowledging the number of Native appointees under this Administration. But yet your frustration with the legal side of work, as well. Many of you know, as elected officials that the administrative side and -- policy side and the legal side are not always the same.

So as important as it is to get Native folks with Indian Country experience appointed on the policy side it's equally important to get folks with Indian Country legal experience permanent jobs in the Federal Government so as folks with Indian Country legal expertise come up in the ranks, you know, your assistance in encouraging folks to apply for Federal Government legal jobs is incredibly appreciated.

We have four folks in the queue right now. If you're not currently in the queue that I'm listing please raise your hand to be in the queue we have Chairman who is up next. And then Chair Brigham. And then Vice Chair Bowe chop. And then Councilwoman Sherman Warne if you're not in that list please raise your hand to be in the next queue, Chairman it's good to see you, you're up next.

>> (Speaking in Native language). Larry Forsman Chairman of the Suquamish tribe. I would like to thank the White House for arranging this meeting to meet with tribal leaders today I hope all are having a good summer.

The Suquamish tribe has been on the central Puget Sound for tens of thousands of years first contact was in 1792 with Captain George Vancouver of the British Navy and the Chief Seattle was a young boy at that time who went out with his father after decades after interactions with both American and British and missionaries and other visitors to our territory, we signed the treaty of Point Elliott with a number of other tribes many who are on this call today and have already testified that established the reservation and established certain rights and preserved certain rights to our people.

And I think it's very important to recognize the adjudication of the bolt decision Rafeti (phonetic) decision that acknowledged and restored our right to fish and gather shellfish which are an important part of our culture and adjudicated those.

I think it's important, also, to recognize the impacts of the simulation process upon our people. And the fact that we're working to reverse that as we move forward.

Also it's important to mention education.

We have talked a lot about our treaty fishing rights and that's where a lot of the energy is and should be. Because of those needs so first wanted to talk about education.

Where in 1856 the year after the treaty was signed an Indian agent came to our reservation representing the United States.

And Chief Seattle was there on the reservation and the agent said the tribe exhibited great anxiety in the subject of the ratification the treaty made with them and expressed hope that their elders might live to see the day when schoolhouses would be erected for the instruction of grandchildren according to stipulations of the treaty.

So they knew about that promise and also knew about the promise about being able to fish in our usual and custom fishing areas.

And in the treaty itself, the comments that Chief Seattle mentioned he mentioned the importance of healthcare so all of these things come together and we really expect that Federal agencies recognize their trust responsibility in Indian Country and respect the rights of the treaty tribes.

And I think that I've been involved of course in Advisory Council and historic preservation as a member of that under the Obama Administration.

And a concept of usual and custom fishing areas and hunting areas off reservation I found was kind of foreign to a lot of Federal agencies.

And they used to say Indian Country a lot and I would say oh you mean our ceded areas our hunting areas and fishing areas no they meant the reservation itself. I always had to remind people that especially from outside of the West here that -- to understand the importance of our original custom area is not only for protecting sacred sites which Chief Seattle mentioned, also, in his speech right before the treaty where he said we will ponder your proposition when we decide we will let you know but if we accept it I here and now make this condition that we are not denied of our children and every soul is sacred in the estimation of my people.

He brought all of these concepts in on behalf of our people, the signing of the treaty from Suquamish and other tribes, including the Duwamish that he represented and they are also here on our reservation.

So we just wanted to make sure that you understand, also, that when -- when our treaty right to fish is impeded by local, state, sometimes Federal actors we consider that a taking under the United States Constitution and these are constitutionally protected property rights and oftentimes we are forced to sue or threaten to sue to be compensated or acknowledged or mitigated.

Sometimes this is just from the Navy running over the nets of our fishermen. Just getting them compensated for gear damage can be complicated.

So we really look to remember that these are a big important part of our peoples' way of life. And it may -- it may be small in the larger scale but on a local scale it's very important to remember that.

Then we also need to make sure that the agencies are taking this responsible. Especially on the local level. We need more support on the local level from the Federal agencies.

And working with us to make sure we hold the state, county and private interests accountable when they impact our fishing rights. And also the habitat supports them.

Lastly the Executive Branch agencies need to make budget requests that properly fund treaty rights promised to our people.

We appreciate the President's budget and the increases that have been made in our budgets and very grateful for the work that's been done there.

But we really need the Federal Government to fulfill its obligation through the Executive Branch to press budget amounts that will actually fulfill the United States' responsibilities.

Our people did not release the pollution or conduct the overharvesting and overdevelopment as occurred over the past century that's affected our fishing and hunting and gathering rights.

This was something that the United States implemented. And facilitated through the donation of land claim act of 1850 for example.

That predated our treaty. And actually gave away land that was not legally the United States land to give away.

So we really look forward to a more robust budget request from the Executive Branch that will protect our treaty rights.

So with that I would like to say (speaking in Native language) and thank you. And I hope all is well with your families.

And your tribes.

>> KENNETH MARTIN: Thank you very much, Chairman Forsman we appreciate your comments.

Next we will be moving to Chair Brigham.

>> Good morning, everyone. First of all I want to thank everybody for all of their work. I mean, this is a huge task. And it's going to take a lot of work to find a solution. As I've said many, many times either you're a part of the solution or you're a part of the problem and definitely we want to be a part of the solution.

Everything is linked. As you've heard from some of the tribal leaders already, we talk about our natural resources. But our natural resources is important to our tradition our culture and our future.

You cannot have water and live. But at the same time you need to have good clean cold water to have good health.

To have good environment.

And all of those things. And we have heard many times that salmon is linked to the circle of life. But everything is the circle of life.

And they are all linked together. Like I said, our natural resources are important. But it's also important to our education. Our economy.

And our health.

People don't seem to understand that -- I'll just give an example that I gave at stock during the fishing wars. One of the tribal fisherman or delegates was talking about a tribal fisherman.

He made his living. He supported his family off of fishing on the ocean or in the tributaries.

And when he was no longer to go fishing, his wife had to support him.

And he turns to alcohol. And there became domestic violence. And so it became a vicious circle.

His pride was taken away.

And therefore, he had to depend on his wife to support the family.

And so all of these things are linked together.

And we need to figure out how to move forward with these things.

The other thing we have heard over and over is that Federal budgets just don't have enough funding.

And therefore, we need to figure out how, and I'm just going to use an example because it was kind of brought up earlier when you were looking at forest management in another meeting, sorry.

Forest management. You need to look at the health of the soil, the forest. And not just the forest -- U.S. forest services is responsible for it. It's NOAA. Bureau of Reclamation. U.S. Fish & Wildlife Service.

EPA.

Everybody is responsible for having a good, clean environment.

And yet we don't see that good coordination amongst Federal agents to see how they can do a cross-budget approach to do projects that are important to the environment.

Climate change was brought up. But at the same time, these are the ways we can help move things forward.

The other thing during the fish wars I always remember this was that a friend of mine, he became a good friend, even though we were fighting in court, he said, you know, I didn't learn about treaties in school.

I learned about them in court.

And so some of the states have passed legislation that says local tribal history needs to be taught in local schools.

So that might be something we need to look at. Because a lot of people don't recognize treaties are the supreme law of the land and when we bring it up, they say, what? You know, so those are just some things we all need to be looking at.

You because the other thing is we're beginning to talk more in the Pacific Northwest. In that when you protect our tribal treaty rights, you're not only protecting it for the tribes, you're protecting it for the people in the Pacific Northwest.

So when we have good/clean water, it's not just for the tribes. It's for the tribal community.

So we need to keep that in mind, as well.

And the other thing I wanted to share, the Executive Board was able to meet with the Federal Ninth District Court. And in that meeting I thought it was really a good meeting but we came up with four points.

One is Federal courts need to recognize tribal sovereignty.

Two, Federal courts need to work and recognize with tribal courts.

Some of us have tribal courts that are very efficient and working. But some of us need to get them going. But at the same time we have our own -- I mean we are adopting our own rules and regs we want to enforce our own rules and regs.

Therefore Tribal Court is very important.

We want an Ad Hoc Committee to become a permanent committee.

And we also wanted an update in the 2024 meeting.

So we're hoping that in 2024 we're going to meet make some progress with the Federal Court agencies, this Ninth District Court. And saying, yes, there are tribal courts and we need to work with them.

And they are -- they have sovereignty.

So on to the questions.

The first question is, as we all have stated, you know, we need adequate funding to restore the ecosystem.

And again, it's not just for our salmon. But it's -- and our wildlife. But it's for our people.

These are reserved resources. And we need the funding.

So that we can move forward.

To acquire fish and wildlife habitat on our reservations to reserve all of our usual

custom areas. And restore flows to our streams and rivers to remove passage barriers.

We have salmon coming back into the Walawe basin in 2025 and we're working to get flows back there by then.

But we don't -- we don't have them now.

So those are some things we also need to work on.

There is also a billion backlog on needed referred infrastructure and maintenance and upgrades for the restoration projects in the Columbia River basin for years Federal agencies didn't care about their OEM except for putting fish out.

And some of those fish quite frankly weren't healthy.

So there was not a really good return.

So we need to upgrade the Federal hatchery so they have better returns. And lessen their mortality. Spawnable -- the Administration and Department of Energy needs to provide adequate treatment to fish and wildlife as they are required to do under the POWER Act EPA is currently focused on their rate payers. And we understand that. But at the same time they have an obligation.

We also need to restore our U.S. Corps of Engineers budget cuts and increase needed funding from the Columbia River fish management program line item.

This funding has been drastically reduced over the 7 years. For example, many anti-salmon predation measures were disrepaired because there were no funds to fix them when they would break down. Like bird wires at dams and also the U.S. Government needs to correct the flawed Trump era 2020. We've done that -- Biden has done that for EPA.

But he needs to do it more for the Columbia River system operations Environmental Impact Statement.

To adequately account for the impacts for the Columbia River hydro system on tribes treaty rights and the Columbia River basin.

The Farm Bill has created culture and heritage cooperative authority within the Forest Service in the Department of Agriculture.

The Administration should seek the authority to be legislative extended across the Department of Interior. And the Department of Defense.

And again, this is looking at shared responsibilities, shared budgets.

No. 2, the 2024 Congress authorized the Corps of Engineers to enter into a cooperative agreement to allow tribes to contract with the corps to perform functions, the Corps would contract with third parties.

But provided no tribal preference in contracting.

And so we -- I mean, years ago we didn't have the staff. Now we're beginning to get the staff. And we need to be giving that opportunity so that we can do some of the contracting. And we are not stakeholders.

The Administration should seek clarity -- seek to clarify authority both legislatively and across core districts to allow tribes to do this work.

This would allow the corps to enter into co-management or co-stewardship agreements with tribes on culturally significant areas such as sacred sites, further essentially all tribal commitments with the United States are subject to release under the Freedom of Information Act.

There must be a legislative -- I can't -- to FOIA to release tribal communications regarding trust resources. When the United States holds title to these resources. In trust for the tribes.

And we worked out agreements with some Federal agencies.

But we need to make sure this is across the Board.

Additional funds for agencies to understand the rights of each of the tribes and train their employees would be of great assistance.

Also funding for tribes to provide this training would be helpful in their regional areas.

And we will provide written comments by the September 21 date. And I want to thank you all for being here and working. Because we really do appreciate the work the Biden Administration has really stepped up.

And we want to help support the progress that's being made. Thank you.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Thank you Chair Brigham I appreciate your comments about how treaty rights impact people who aren't tribal members, as well. The rights and obligations and the benefits of treaties flow to all parties of the agreement and that includes the United States, as well.

So the recipients of many of those benefits have obligations.

So next we're going to turn to the Vice Chairman for Macau, Vice Chair Bowechop.

>> Thank you Assistant Secretary, honored guests, tribal leaders, it is a pleasure to be involved in this. I would like to make some general treaty statements.

We will provide a comment letter by the September deadline.

You know what occurs to me initially and I've been involved personally in enhances Tribal Government-to-Government consultation for many years through a number of different iterations. But meaningful consultation because each tribe is a sovereign Tribal Government and the Federal Government's trust responsibility is unique to each and every tribe.

I view this opportunity more as a precursor or a prelude to Macau will invite you folks to consult with us at a later date.

In order for consultation to be meaningful, there has to be reciprocity of understanding.

What we have learned in working with the Federal Government is one of our fundamental goals is to establish a common operational understanding. And we learned part of this in working with the United States Coast Guard as well as EPA. My days with EPA go back to working with Carol Brown or Terry Williams and I helped Carol set up the first national tribal environmental program.

It was fantastic work.

We did much of the work we established was applying treaty statutory authority through the Clean Water Act.

So we found legislation that was friendly to represent sovereign tribal interests.

And there are many opportunities to do that.

Assistant Secretary Newland, one of the most encouraging comments I've heard in years and years was when you mentioned in a discussion at the northwest Indian fisheries commission, you mentioned when your associates in the Federal Government would say, you know, we would like to improve our working -- our formal working relationships with the Indian Tribal Governments. Where is the statutory mandate?

And you indicated it's the treaty.

And that is the basis for this -- that -- developing that perspective is the basis for this reciprocity. When my ancestors signed the 1855 treaty of Neah Bay, it was based on our clear understanding that we were reserving the right unto ourselves to retain our cultural identity.

Continue our traditional practices. In support of our spiritual values.

And why that's important is because that establishes an Indigenous perspective.

That opens that door. It defines that waypoint as being fundamental. It's not -- we weren't trained attorneys in western law to adjudicate the treaty.

We expressed our cultural, traditional and spiritual values.

We old the ocean in spiritual reverence.

I have a name that's more than a thousand years old that's handed down from father to oldest son and so forth.

In the potlatch ceremony.

Those -- we're (inaudible) we are not Coast Salish.

We belong to the ocean.

We are the ocean and the ocean is us.

But why that's critically important in my perspective, is until the Federal Government begins to recognize in order for you to initiate this process of working with Tribal Governments Macau in particular to engage in this mutual understanding of what is trust responsibility, that you're required to develop this Indigenous or tribal traditional perspective as well as the legal perspective of what's going on.

We quite clearly have been here as Chairman Forsman said we've been here for thousands and thousands of years. I can look out my office window and see our (inaudible) at Ozeh (phonetic) we define the word Indigenous.

And why that's important is because any number of other issues that are correlated to the work we're attempting to accomplish, and we do support installing an Executive Order that's iterative and we continue to build on it. It's vitally important for us to be able as a sovereign Tribal Government for us to be able to understand this Executive Order will provide the means for the trust officer to convene the Federal families. And

how we do that, I'm not sure.

We look to you for assistance in guiding us in that regard. I'm particularly cautious and I need staff to help me when we are addressing issues such as Environmental Justice. And Indigenous knowledge.

Both of those are based on a clear understanding and integrated into an established foundation of understanding what inherent sovereign authority is.

The Federal Government and state territorial Government signed the treaties with us because they recognized we were sovereign in that regard.

And that's the status we need to maintain. We're whalers that was our main source of food and then halibut and then salmon and shellfish but we're a natural resource tribe. We are not a casino tribe.

And why it's critically important in my mind to develop meaningful consultation. And it's important to recognize, we signed our treaty with the understanding they would be in perpetuity.

We didn't sign our treaty with the understanding they would change with every Administration that's contrary to the Federal Government's trust responsibility to us.

The rest of what I would like to share is the Macau Tribal Council recognizes that we have a treaty trust responsibility and obligation to our tribal memberships. To deliver those terms and conditions unto our tribal membership that are outlined and defined in the treaty.

So there is a handoff point of transition between the Federal Government and the Tribal Government.

In order for the Federal Government to recognize what is its trust responsibility -- what does the trust responsibility truly mean? Well, it means you have to work with Tribal Governments and their organizations to build in efficiencies.

So we can operate effectively.

So our Tribal Governments can then understand how to interact with the Federal Government. By establishing a common operational understanding. We have done that with NOAA and others the Coast Guard and EPA by requesting technical assistance if you don't have the capacity to engage at an effective level, our Federal Government could be pinging to us. But if we don't have the capacity to receive it, it just means those pings are going out into the theater.

Or we could be pinging the Federal Government. And if we're not communicating with the appropriate people, then those messages aren't getting out there.

So there's clearly a capacity issue to develop effective Government capacity. And then the end piece to that and this supports recognizing our treaties in perpetuity then what we do is we build efficacy in our different departments and programs then we work to institutionize them.

So it's a pleasure to be able to express our ideas.

We're clearly in support of the Executive Order. We're clearly in support of the

work you folks do.

Let's continue to work together. We recognize this is all an iterative process. It's one foot in front of the other. And let's keep the good work up. Thank you very much. (Speaking in Native language).

>> HEATHER DAWN THOMPSON: Thank you so much Mr. Vice Chairman for -- Vice Chair for your eloquent advocacy on behalf of Macau. We have the on deck in the chat you can see we next have Councilwoman Sherman Warne, UKB Councilwoman Gourd and Weatherwax COLT proxy Seamans, Councilwoman I wanted to thank you for hosting the chief of the Forest Service is few weeks ago he very much appreciated the visit. We actually have the associate Deputy Chief for the Forest Service Andria Weeks on the call with us right now so she will be listening to your comments, as well, Councilwoman? You are on mute, ma'am.

>> All right, thank you. (Speaking in Native language). My name is Jill Sherman-Warne I'm with the Hupa Tribal Council I come from the village of (indiscernible). I'm honored to be here today with everyone. I know that the work that we are all doing together is really important and I appreciate hearing from other tribal leaders, my background is in grant writing.

I have written Federal grants to almost every single Federal agency.

So I want to start off with the Dear Tribal Leader letter.

I feel like this Dear Tribal Leader letter business really dishonors tribes because we wouldn't write to Congress or our senators and just say dear Congressperson.

We would take the time to know who we are talking to.

And your regional agencies should know who the tribal leaders are that they are working with.

It shows a simple disregard for leadership by offering the Dear Tribal Leader.

And you might think because you're higher up in the offices you might think oh this is going to take a long time.

Really your regional agencies should have that information at hand.

Because they give grants to tribes every year.

So it would seem to me -- they would want to know who they are funding and who the leadership is at those letters. It just shows a lack of effort when we're talking about having a real clear relationship with tribal leaders it shows a lack of effort to actually do so.

And maybe if your regional offices don't have it, it can also be used as another indicator.

I want to talk a little bit about subsistence I would ask what can you do to change that Dear Tribal Leader letter.

Secondly, I want to know what you can do about increasing the prioritization of subsistence for use of the resources, the Hupa tribe is currently in litigation with the DOI obviously.

Over lack of prioritization and disregard for language in Congressional acts Hupa is not a treaty tribe we're an Executive Order tribe and our right to the reservation and authorization to the reservation was also founded in -- found in a 1988 settlement act that was passed through Congress so we have a long history of having our rights to govern the reservation all the way up to the Supreme Court.

But I believe that it is critical that we move discrimination and racism out.

I have as a Council leader been in meetings with staff Department of Interior staff, BOR instead of, Department of Justice staff, where literally they are yelling at us.

They are yelling at tribal leaders.

And talk about traumatizing. They are helping retraumatize tribal leaders in their experience.

So I would urge you to put your hand down into the finer people the people who are working on the frontlines with the office to ensure that tribal leaders are never yelled at that would be a question, make sure that happens. And again what can you do to prioritize the subsistent use of the resources.

Additionally I wanted to talk about the caps on indirect.

There needs to be Federal programs, Federal grant programs often put caps on indirects which creates a hardship on tribes when you cap indirects at 12%, 10%, the tribes have to meet the administrative costs on the other end so what I would like you to do is to do a survey, if it's possible, of all of your Federal grant programs to determine what the indirects are and then survey what the IBC and direct cost rates that have been approved for tribes to use. And -- and see if there's a way you can meet it halfway.

Because we are -- the Hupa tribe is currently in our budget process and we're finding the impacts to create hardships for us financially.

And it's all based on grant programs, not providing the indirect cast rates that have been approved.

I would ask what can you do to make up the burden that's being placed on tribes with these administrative -- these caps that are being placed on us.

So please, try to do something to revise the caps.

Also I have a lot of experience with EPA. Again I said this before, I think placement of the Tribal Affairs Office within the International Affairs Office, it is misplaced, maybe it needs to be its own thing. I really, you know, the -- in meetings that I've been in with the international Office of -- Office of International Affairs and tribal affairs, it's like we were an afterthought.

We can't be an afterthought if we're really going to be -- if you're really going to be working with tribes.

This is in a statement on the work that you guys are currently doing because this is new and fresh, I expect with the new and fresh faces that the Biden Administration placed in that we'll actually do something because you're tribal, you know, you've been

on the frontlines, you know. So I just want to say that real quickly.

Also, the GAP program this is for Mr. Martin, Region 9 -- Region 9 and Region 10 have continually provided commentary on your guidance. I personally would like to put the guidance document in the trash. I have worked under the IGAP since 2002 and it is not a good tool for tribes. It completely disregards their ability to protect cultural resources. It actually doesn't even want us to use the word cultural so I don't know how that is even -- how that's even been placed in. I know you guys had the OIG the Office of Inspector General come down hard on EPA and that's why the GAP guidance was put into place but the document does not address the findings of the OIG and I had provided not that my answer was the correct answer but I took the time to provide a system to help you guys determine if capacity was being built with tribes and I actually, you know, took the time, went to DC, knocked on the door, met with staff.

And I didn't even get a hi, thank you, bye, whatever, they could have just written me and said, you know that was a piece of trash, Jill. But I didn't get anything. I didn't get anything because I feel that sometimes that AIEO office the staff isn't really listening to tribes. I listened to a presentation a couple of years ago, granted that was like two years ago where they were bragging about the fact that they had 6 tribes who provided comments on their -- some document.

I'm like I would be embarrassed to say that. 6 tribes. Really? No, no, no, no.

So I think that you need to have a team of people volunteer, I'll volunteer, for tribes to come in and really talk to you about the problems within IGAP (phonetic) again not to mention that there's still that indirect cap that's placed on tribes.

So that's, you know -- that's of huge concern.

Also, EPA had a grant, the assistant listing number was 66.615.

Which is an Environmental Justice grant. It was given out to the regions. But there was no effort made to look at tribes as having Environmental Justice issues.

And being able to be funded.

I helped another organization write their grant for their region.

And it really -- the whole time I was helping them, I was really disgusted with the fact that, again, here was this -- these millions of dollars that tribes wouldn't have to compete against other non-tribal entities or other tribes. We should just be getting that money. Because we already know that there are shortfalls within environmental protection programs.

And so we need to have more funding.

And I want to know what you can do about getting some of that Environmental Justice money directly to tribes.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Councilwoman.

>> I think I've covered it all.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Thank you very much.

>> I apologize. Thank you very much.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Thank you very much for your comments. And I'm going to -- before I turn it over to Kenneth Martin, I want to just acknowledge, you know, there are no shortage of issues for us to work on together and address between the Federal Government and Tribal Nations.

And you know we're working to do that in our forums, as well. But I want to make sure that for today's discussion, which is being recorded as part of the transcript is a rare opportunity for multiple agencies to come together to discuss treaty and similar reserved rights.

So encourage our speakers to address that topic specifically. We're always -- our doors are always open. Speaking for our team at Interior, we work really hard to keep our doors open to conversations on any number of issues.

But Kenneth, I'll move it over to you to identify your next speakers.

>> KENNETH MARTIN: Thank you, Bryan, and Councilwoman Sherman-Warne thank you for your comments especially about the EPA programs I look forward to continuing our dialogue together.

Kicking it over to the next speaker we have UKB Council Gourd.

>> Good afternoon this is chief Joe (inaudible). Cherokee Indians. And it's certainly a pleasure and honor to be here today on behalf of the tribal officers Sonja Gourd. Secretary Hawk as well as assistant Chief Wacachi it's a pleasure being here.

We do want to certainly thank Assistant Secretary Newland as well as the Biden Administration for all of the things that they are doing. And all of the accomplishments for Indian Country as we're going forward.

The treaty right issue I want to make sure and acknowledge that with the treaty right issues and things like that, the archiving is there to make sure that you understand in certain cases they are more than one tribe with somewhat the same name.

For example, they are three Federally recognized Cherokee tribes of Indians, there's united tour band of Cherokees the eastern bands of Cherokees as well as the Cherokee Nation of Oklahoma.

And with that, when we sign these treaties, we were all under the understanding that those treaties would be valid forever and ever and ever.

And the land and the certain things that went along with it that they would be enforced and we would -- be with us forever, hunting fishing rights things of that nature came along with those treaties and certainly we're working those as we go forward.

But again, for us, when we look at our treaties, we looked at what we seen was 7 million acres of land that it would be in our jurisdiction. It would be for us. And now we share -- I can't even say share because there's some complications around that.

And with that, again, thank you. Be cautious with that when you look at the treaties, what I read what the tribe may read may be something different than what you read.

But I can't believe that happens. But it does. And I certainly want to forewarn you

of that. As we go forward.

And certainly thank all of the agencies out there. Certainly, again, it is a pleasure and honor to be with you as well as all of the elected officials out there. Thank you for your hard work. And thank you again.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Thank you, Chief. Thanks for your time today. It's good to see you.

We're going to go next -- our next speaker I believe is representative of the coalition of large tribes, OJ Seamans.

>> Sorry about that, I had to find my mute, can you hear me okay?

>> ASSISTANT SECRETARY BRYAN NEWLAND: You bet ya.

>> Great.

My name is OJ Seamans my Lakota name is OJ Takeslive. I am the Executive Director of coalition of large tribes and speaking on behalf of our Chairman Margaret Weatherwax in Lakota when we start out we always say (speaking in Native language) and we always say (speaking in Native language). I'm only saying this because I've heard of the comments so far by tribal leaders.

And when we say (speaking in Native language) it's we are all related but it's not just humans.

We are related to the water. We are related to the land. We are related to the everything that is on this earth. When we say (speaking in Native language), we say health and help to all of our people.

And these are teachings that were handed down from the Dakota, Nakota and Lakota people from the very beginning.

We want to thank this Administration the interior Bureau of Indian Affairs on your continued work of honoring these theories we echo the statement of the Navajo Nation tribal member on their comments, one of the things -- well actually two things I'll bring up and I'll make it very quick. The No. 1 problem from our member tribes' perspective is that the DOJ is underdoing the work of the Administration on treaty rights.

They are taking outrageous positions such as the opposition of Navajo water rights at the Supreme Court. And their attack on treaties in the Rosewood Sioux Tribe versus HHS IHS and the (inaudible) tribe versus Interior where they stated that healthcare was not a treaty obligation nor was law enforcement.

In these cases, they were proven wrong.

COLT calls upon the Administration to adopt an Executive Order directing the Attorney General to honor treaties and directing the establishment -- directing and establishing an Office of Treaty rights enforcement that is ethically walled from the other Federal considerations. Served to protect the treaty interests exclusively.

The EEO should also establish assistant Attorney General a centralized responsibility report directly to the Attorney General.

Expresses a priority for tribes and hire tribal peoples staff it is outrageous there's

not and has never been a Native American in the Solicitor General's office and no Native political appointee at DOJ it shows DOJ undercuts all of the other good work this Administration does such as continuing arguing that the United States bears no responsibility for the rape of a northern Cheyenne woman in her home on the northern Cheyenne Indian Reservation by BIA law enforcement officer. This is embarrassing.

DOJ's recent bright spot came from the Office of Civil Rights which correctly recognized tribal citizenship remains a proper consideration and higher education admissions. Despite the U.S. Supreme Court recent affirmative action ruling because of the Government-to-Government relationship between tribes and the United States.

The Administration needs to reinforce that guidance throughout Federal agencies including the Small Business Administration. Which has wrongfully paused ADA applications based on a ruling and treated in a related Federal Court ruling SBA needs to consult with tribes about their ADA applications right away. DOJ needs to counsel its Federal agencies clients to protect treaties and trusts not resisting DOJ needs to adopt an expansive view on tribal sovereignty and abandon restricted views that persist at the highest levels of this agency.

These are things that have happened in the past. But now just recently within years we have seen where the Administration hands off with the DOJ. Has adversely affected treaties and treaty tribes throughout the United States. And this really has to be a priority for the Administration to correct.

Because it is doing such a good job. I mean, even these consultations, we not only know what we tell you, you take to heart, but we have seen you work and create changes for these consultations.

And that's a lot of work in there.

And then DOJ in a heartbeat will try to throw it down.

The last thing I would like to bring out, it would be very helpful if the Administration made maps of the treaty lands available. Routinely Federal agencies don't even know where the treaty land is.

And these maps should also show the reservations in Oklahoma that are thriving under the Magrit (phonetic) case. Most maps don't show reservations in Oklahoma and we feel that is wrong.

We will file a robust written comment by September 21st. And again, I really want to say over and over, we appreciate you. We know not that you just listen. We know you take action of our comments. And for that (speaking in Native language).

>> ASSISTANT SECRETARY BRYAN NEWLAND: Miigwetch, thank you, OJ for your comments and taking time with us today. Really appreciate the specific direction that you have offered to us today.

I don't believe we have anybody in the speaker's queue at the moment. We're scheduled to go for another hour. Of course if everybody feels that they have said what needs to be said, we don't have to take that long.

But want to pause here and invite other elected tribal leaders and representatives to speak.

(Standing by).

>> ASSISTANT SECRETARY BRYAN NEWLAND: We'll put out that call.

(Standing by). Any additional tribal leaders wish to speak?

I'm going to go one -- okay. I see -- we've got Ms. Tillequots, we'll turn to you.

>> Thank you, assistant Bryan Newland I appreciate you letting me come on and make a few comments I came on this Zoom to hear out other tribes and what their thoughts were and I'm kind of agreeing with a lot of things going on about the Executive Order.

I sit as the Assistant Secretary to our Yakima Tribal Council.

And there is a lot of treaty obligations that need to be met by our Federal agents.

And you know, the promises that are unmet.

And we talk about the fishing, which along the Columbia.

You know, and then how we're promised 5 million fish every year. And we barely get a million.

We have our hatcheries there to supply some of the salmon that runs through our rivers.

And you know, the obligations aren't being met. The funding is not being met.

We're always having to fight on our usual and accustomed areas.

Which we're still fighting.

And we have tried to bring it forth with the National Congress of American Indians, our affiliated tribes of northwest. To bring those things forward.

We still are -- in our school systems, you know, we have argued about -- well not argued. But we have brought up the point of, you know, our Federal impact aid fundings that our obligations for our children. Our tribally controlled schools. The funding needs to be equal to the public school systems. Which they are not. And have never been.

And that the Federal impact aid has always remained the same for decades.

So I just want to share that.

And I appreciate coming on.

This is actually my first Zoom that I was able to be on.

So making this time. And I appreciate all of the work that you've been doing. Because I've seen you quite a bit in different areas.

So I appreciate all the work that's coming forth.

But I will try to touch base with all of our Tribal Council on a comment letter by the September deadline.

And I look forward to seeing all of the final results.

Thank you.

>> KENNETH MARTIN: Sorry, Bryan, I was not paying attention there for one

second and my Zoom kind of went in and out.

I think Lisa Wilson from Lummi actually joined next to I'll kick it over to her.

>> Yeah, thank you. I just you know wanted to talk about a couple of issues as a result of us not being able to practice our way of life. What we always say is what happens with the salmon happens to our people.

And it's not -- there's definitely correlations that we are losing our right to be able to make a moderate living from fishing.

So some of the health disparities, our addictions, our poverty, all of those things that are a result of our losing our identity.

Some of the other areas that Lummi has stepped up. We declared a fentanyl crisis. And we created a drug Task Force because we're losing a lot of tribal members to this drug epidemic.

We had a state summit. And then just today. And that's where our Chairman is at today is a national summit that was hosted by Tulalip.

So we really need support to save our people.

Because we are losing a whole generation here as a result.

So I wanted to bring the attention to this fentanyl crisis. We had Rosilyn Sew (phonetic) out here. We had numerous senators and representatives to try to address this problem. I just wanted to bring that to the forefront of how do we save our people from this? We as Council take it very -- we take it on that when we lose our tribal members and we've set up a stabilization center here.

We have been lobbying for a detox center. Just really trying to put together the wrap-around services.

So I just wanted to bring that to the forefront, too, about the fentanyl epidemic.

And then like I said we've been lobbying for money for our detox. And we just -- we need the resources to save our people.

And then aside from that, the other issues that we've been working on is the broadband.

So we're just trying to make sure that our people have the services to make sure that they are able to thrive in life.

Because we know that a lot of our people suffer from historical trauma. And they are also in survival mode.

So it's not until they get those needs met, especially with our people that are struggling with drug addiction, it takes a lot for them to make sure when they are ready to get the treatment that the services are there readily.

Because turning away people that are ready to get the help, they go out and some don't survive that.

And we also have our kids in foster care.

So -- but just kind of getting back to the drug epidemic, we need the detox center and then the treatment. But then we also need the resources when they get home, as

well, because we set them up for failure when they go for treatment and then they come back and then they don't have the resources to be able to survive to still continue their recovery. Then they fall back into the traps of using again.

I just really wanted to bring that to the forefront. Because believe it or not, Bryan, there are other things that I deal with besides salmon.

>> ASSISTANT SECRETARY BRYAN NEWLAND: I believe it, Councilwoman, thank you so much.

I know that you and other elected leaders on the call here or in this meeting have to wear so many hats and become experts and warriors on so many issues.

And I'm very grateful for your service on behalf of your people.

So thank you for that.

Next I want -- I'm looking at my speaker list here. I want to go to Ms. Majel Dixon.

>> This is just to all of my relatives on the call, I support you. I celebrate you. The enormity of the work you're doing and what you have to do, I get.

And I just I'm putting it out there Bryan for us to follow up on, as well.

As you know where we are, we are -- we had a treaty with Spain on Guadelupe (inaudible) and in that process, been making California a state a part of the Union, there was like the lower third of it, the part of Arizona was impacted still today.

By that treaty.

We know what then happened as you know the history of the U.S. like the rest of us. In this particular case I'm just asking if you could consider this has come up in conversation because of the trilateral conversations with Canada, the U.S. and Mexico. That in the cross-jurisdictional piece in our hunting and our fishing license in (inaudible) I commend you always for the enormity of work that you do to speak to those other issues in the northwest because of the international line.

There hasn't been in proposed legislation or policy to address that.

And it's just a flag to you all to pay attention to when you know that your relatives go across those borders and those waterways.

It came into light even more so with this hurricane and tornado and everything that we had. It created a response with the hurricane and tornado we decided to just let the rain fall and they woke us up because we're now dealing again, once again, with the international borderline in the treaty with Mexico -- I mean, Spain, that provisions of the Guadelupe (inaudible) treaty still exist today and I don't want it to die away or disappear because people don't know.

But I don't want to interfere. I want to be clear that I support the relatives around this call with the treaties they have. I just needed to put that in in the mix to follow up on and not to take any more time than that. I appreciate you recognizing me. And thank you for that.

>> KENNETH MARTIN: Thank you very much.

Next we're going to Denise Harvey from grand round.

>> Good afternoon, first of all, I just would like to thank you all for having these conversations with us. Listening to all of us. And I will say --

(Background talking.)

>> Over the -- can you guys hear me okay?

>> ASSISTANT SECRETARY BRYAN NEWLAND: Yes, somebody must have taken themselves off mute. Go ahead, Councilwoman.

>> Okay. And just want to thank you all. As you talked about many of us wear many hats. And yeah, we -- especially myself, I have multiple hats to wear.

But I would like to thank you for the additional funding through DOJ with the victims of violence. That was nice after I testified I don't know how many years on those issues. And that we definitely saw some improvements in funding for those situations.

I know Leonard brought up education.

I know that's one of the projects we're working on here at the tribe now for a tribal school.

And there's not a lot of opportunity or additional funding out there for us to try and obtain.

So I definitely think that is a part of our treaties.

And I would really like to see some opportunities in the areas of education.

Especially for our elementary, high school age groups.

I would also like to just you know everybody has been talking about the fishing and hunting rights. And I will say there are five tribes here in Oregon that just now received their state hunting and fishing rights which was such an injustice when we were all restored that we had to sign a consent decree taking those rights away from under the circumstances.

So it's just been a couple of weeks now.

But five of the tribes in Oregon have been able to restore their state hunting and fishing rights.

But I would just like to thank you. You're right, Bryan, we have seen you everywhere.

And it's just nice to know that there's somebody out there listening to the tribes.

And trying to rectify, you know, the treaty promises that were made to all of us.

And the trust responsibilities that the Federal agencies have.

So (speaking in Native language). And once again, thank you.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Thank you, Councilwoman. And I appreciate your kind words. I do have to say, we have an incredible team of appointees from the President on the line, as well, from across many different agencies and I think there's one other -- a few other speakers before noted that that's historic. And hasn't been the norm in this country's history so I just want to acknowledge the incredible team of servants across Federal Government trying to ensure that the United States is fulfilling its treaty and trust obligations to not only Tribal Nations but to Indian

people.

I don't see any hands raised at this time.

And -- but just want -- Chair Gobin I see you but before I turn to you, I just want to make sure that I'm providing an opportunity for folks who haven't had a chance to speak yet.

Anyone who hasn't had a chance to speak yet who wishes to speak. We'll pause for a moment.

(Standing by).

>> ASSISTANT SECRETARY BRYAN NEWLAND: Seeing no new speakers, Chair Gobin, we'll go back to you.

>> I just briefly wanted to say I want to thank the other tribal leaders for bringing up the issues on -- that we're dealing with on the opioid. We all need help on that. And with the different tribes that are trying to work together and the solutions that we're trying to bring together at this national summit, I am really excited about what's coming forward.

But definitely need assistance from 2017 today and we only have like 5200 members, 61 of our people died from overdose or some of it was with fentanyl so that's a big concern.

And the education thing, we are also trying to start our own school. Because the school systems are totally failing us.

And I want to thank the tribal leader who brought up that. You know, about educating our own.

And giving them the education they deserve instead of failing them. And through the system.

And one other topic that -- well, it's not -- it's still on the same topic.

But about the salmon recovery.

The salmon won't recover in our area unless we take out -- we always have had the treaty rights to hunt and --

(Dog barking).

>> Somebody is outside my door.

Go.

So to harvest pinnipeds, seal and sea lions, we don't really have too many sea lions but we have always had seals here with what's happened we have a top predator that came to our area that is not being taken out by any other -- you know, through the whole ecosystem off where there are so many of them. Some of our whales will eat, you know -- will take out some of the seals and sea lions.

But they have got kind of spoiled like us where we prefer salmon.

And -- but we need help with that.

And I know no one knows that this is a big issue. It's when you get an unchecked top predator in your area. And it is devastating on our runs.

Thaws one. Pieces that also -- that's one of the pieces that also needs to be talked about and brought forward.

And I know we could probably as tribes all get together in this area and just file our regs and do it.

There will be a lot of kickback from everybody. But we do need assistance on this. So I just wanted to mention that. Thank you.

>> KENNETH MARTIN: Thank you, Chair Gobin we appreciate it. I noticed that Gay Kingman has joined and hasn't had the opportunity to speak yet so I'll go to her before going to OJ.

>> Thank you, Ken, it's good to see you. I'm Gay Kingman I'm speaking on behalf of the Great Plains Tribal Chairmen's Association. I'm the Executive Director.

And first of all I agree with a lot of what's been said. And I appreciate all of you for bringing this out. And all of the comments that have come up.

One of the things that here we have got 9 tribes and -- in South Dakota. Also we've got 11 tribes in the Sioux nation.

And then we have other tribes within our region. We have Chippewa three affiliated Winnebago and Omaha and Ponca.

So we all work together.

And one of the things we have to consider is the diversity among our tribes.

Not only the cultures and the spiritual part of it.

But also the geographics.

We've got some of the largest tribes in the United States right here in our region.

And we've also got some small tribes.

So when we do anything, we have -- we consider all these factors.

And I'm saying this because you have a much larger contingency to work with. But yet I sometimes see -- I sometimes feel that some of our larger tribes are not getting as much attention or focus.

Here in the Great Plains our large tribes, we're not near any big market so like gaming is not -- it doesn't bring in a lot of revenue.

And we have no -- very little industry or anything. We take care of our land. And we raise buffalo. We're trying right now to get some buffalo maybe in the food distribution sector and do some things like that.

Our lands are the last prairie grass land in the United States.

So we consider taking care of the -- our economies. But also taking care of our environment.

And so all these factors and I really look at -- I'm going to be looking at the education part that you're going to be instituting you know on the factors that we have with the diversity of our Indian Tribes nationwide.

And also here under our treaty of 1868, our people put in motion, our ancestors were non-280 in South Dakota which helps us greatly because you know the state has

no jurisdiction on the reservations. And we've had several recent tests or challenges on that.

And of course it's been upheld.

But we do not enjoy the best relationship right now with our state. And we would like to have some better I guess education or cooperation and understanding.

And so I know we -- this was discussed earlier. But if any help you could give us in that.

The other part of that is our ancestors also adhere to the Indian Education Act way back in 1972 and the study and we have 32 tribal schools within our region.

Which I believe is carrying out our trust responsibility.

And somebody mentioned earlier about adequate funding.

And it would be really good if our 32 schools that are located on the reservations many in remotely areas of our large reservations, if there was you know adequate funding for those students.

And the same thing our ancestors put in place, too, we have some of the largest numbers of tribal colleges on our reservations.

So I believe our tribes have been doing their part as far as tribal to uphold our sovereignty and our rights. And we do need some help with jurisdiction areas.

And I agree with one of the speakers or some of the speakers before that how can we put what you've done in these policies that President Biden has put in place, how can we make these permanent? We will do everything we can to assist in that effort because we need to make them permanent and then continue improving upon them.

And all close there. But we will continue to work with you on this. We have some tribal meetings coming up. And we will be in touch with having a speaker coming on. And maybe inviting you out, as well. So thank you very much.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Thank you, Gay, it's great to hear from you, as well.

I saw Chairwoman Andrews Maltais had her hand raised.

>> Thank you so much for hosting this forum as well as the opportunity to speak. And while our treaties are with England and not with the United States, we do have some inherent rights. As well as the -- I guess the trust obligation I guess harkening back to what OJ had said earlier with regard to where the United States and our Federal partners come in with regard to water rights, what I'm looking to find out is actually what happens to the trust obligation when the tribes rights, traditional cultural knowledge and values and subsistence and sustenance rights conflict with the Administration? Where are the protections? Like with the water rights for some tribes objecting to mineral mining for other tribes and other initiatives that the tribes are not in favor of because they are going to negatively impact their communities, peoples and ways of life.

When we do determine that to what Gay was saying and how do we memorialize these support mechanisms that this -- that this Administration or you, Bryan, through

your office and your initiatives are trying to -- are trying to fortify and get etched in stone, if you will, so we don't have to keep having these discussions decade after decade, new Administration after new Administration.

>> KENNETH MARTIN: Thank you, Chairwoman, we have about 30 minutes left scheduled for this consultation.

If anyone hasn't spoken yet, please do raise your hand and speak.

I will turn it back over to OJ Seamans for comments.

>> Again, thank you, and I won't take up that much time. But I wanted to bring up a few more things about the Department of Justice.

We have invited them to the stable to discuss some of these issues and we haven't had any luck.

What I was wondering is whether or not the Administration or Interior through the Solicitor could reach out to the Department of Justice and set up a meeting with tribes. Specifically to discuss treaty rights and actually to give them some education on what those treaty rights are.

Also I need the Administration to know that -- that adequate funding cannot be separated from treaty rights that's our health, our education, language revitalization. Law enforcement.

All of these are actually in our treaties. And yet when we do our budget, they say they give us money.

An example, we need law enforcement \$2.9 billion.

The BIA itself gets 2.4.

We need to start educating people not only on the inadequacy of our funding but we need to start educating people on our treaties I've found talking to different Federal agencies and even Congressional people, they lack the knowledge of the treaties and what obligations they have under those.

The assistance in the leader of the interior with the DOJ and tribes to discuss this and also do an educational piece to other Federal agencies on treaty obligations. And again, thank you very much. I appreciate this. And I just -- I'm honored to see so many young people doing so many great things. And accomplishing them. Thank you.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Thank you, OJ. I appreciate that.

And I think your comment about young people may be directed at Kenneth rather than me.

But I do want to note that we have as part of a tribal homelands committee under the White House Council we have representatives on this consultation from most of the signatory agencies including the Department of Justice.

So as we convene our internal meetings after this, we'll make sure to communicate again, OJ, your requests. And go from there.

As Kenneth said, we've got just a little bit longer in our schedule. I see two speakers we haven't heard from -- I'm going to go to Stacy Laravie first.

>> (Speaking in Native language). Hello my relatives my name is Stacy Laravie and thank you for allowing me to speak.

I am also a Ponca member and I represent a representative to NAFPO.

I wanted to stay on here because these things are so very, very important. -- one thing I even brought on with NAFPO because we're headed in a new direction I'm the decolonization specialist. These are all heavy, heavy topics.

And I'm also a former THPO for my Tribal Nation.

So I've had a lot of experience with many consultations of many different types.

And what all that means.

One thing that my thoughts of what all this is pointing back to is education for those involved who are the policymakers, the people studying in offices in Washington.

Federal agencies, anyone who is employed or anyone that has any kind of sway or say-so. It's very, very important to start thinking about mandatory trainings for cultural awareness and cultural safety.

Because time and time I hear we have talked with so-and-so with such agency. And we were not heard. Or we were yelled at. Or they said that they would listen and change these policies or help us. But then 10 years down the road, it's not accomplished.

Another thing is time and time again, the Administration change there's turnover in politics as well as Federal and U.S. politics as well and tribal politics there's always a turnover and within the changes there needs to be a solidifying balance that when people need -- that when new people come in, that they are aware of a deep, intense education on what consultation really is.

And why consultation is different for every tribe.

There are some things that are the same but there are some things there was a gentleman on here and forgive me I can't remember the name who mentioned. There are differences in the tribe and I believe there was somebody else that did, too, and that is so true but all in all we want the same thing for our people. We want clean water.

We want to get back to our ancestral foods that heal us and the thing is everyone on this call we all need those healing properties. I've heard the comments about our resources have changed. Because of global warming or what have you because of man-made issues or anything and all in all we all want the same thing for our people. I really feel there needs to be it starts at the very top who makes these policies that there needs to be some intense very intense trainings on what cultural awareness and cultural safety really is. Because we are all not going to be here one day. And those next people coming in, that they won't know what that is unless that is solidified within the agencies. And what that is and the mandatory part of that role. We can do

something now but I've seen where -- look at our treaties. It goes back to our treaties.

It's historical issues that are still a modern day problem so there needs to be solidification on what is going to happen.

We can comment and say what we need and we have been. And I appreciate the work that the shift -- the small little shift that I'm starting to see but I am here to bring up this topic because I feel like it's an education -- I feel like it's an education and I would like to hold a space for grace that people want to do the right thing but they don't know what that is.

And I just feel that this would be something that it needs to start from the top. We can talk all we want but sometimes the majority of the time our comments and what we need hits a brick wall. Well, we need to start what's behind that brick wall, we need to start there. And that needs to change.

And that is something that NAFPO has put me in place to do for our very own organization as well as externally. But I thank everyone, I appreciate everything everyone does. I pray that Wauconda the Creator goes with everyone. And that these words -- I pray these words have value and have been heard from everyone with these concerns. (Speaking in Native language) thank you.

>> KENNETH MARTIN: Thank you very much. We appreciate your comments. As we kind of wind up down to the time here at 4:00 o'clock Eastern Time, we'll go to Harry Little Thunder but I think we have time for one more speaker after that before we wrap up.

But right now Harry Little Thunder if you would like to discuss.

>> (Speaking in Native language) good afternoon. My name is Harry Little Thunder from the Cheyenne River Sioux Tribe South Dakota I am a treaty chief member from the Cheyenne River Lakota treaty Council.

And I have gone and listened to everybody.

And there is a lot of wisdom here.

That's going on.

And I would like to say thank you for letting me on.

Mr. Bryan Newland Assistant Secretary. I think we've spoke before recently.

And I'll say hello again.

And I guess we talk about treaty rights and trust responsibility.

When you review all of that stuff that's educational to our people for treaty rights and trust responsibility, here on the Cheyenne River Sioux tripe has -- I represent the (inaudible) band we have four bands. And I've got three others that are also represented but they are all still busy with sundancing.

I'll get to the point, I'll be brief. I guess we were trying to get a treaty office going here, here in the Cheyenne River Sioux Tribe along with recognize nation of (inaudible) which is a clan of all the people that are represented at the treaty in 1851 and 1868 in Fort Laramie. And I'm a descendant of a treaty signer, Chief Yellow Hawk a signer of

the 1868 treaty.

So the urgent message is to Mr. Newland and Ms. Haaland that we like to address you that of treaty rights that we need here.

On Cheyenne River and also trust responsibility.

It's urgent message that we do need a treaty office here with the budget.

I believe we've been working with the Tribal Council for two years on -- for two years just on tribal responsibility and treaty rights here with the Tribal Council but we are not getting any place.

So we are seeking help from Mr. Newland and Ms. Haaland from the interior office.

If you can get ahold of us, if you have a pen and paper, Mr. Newland, my email address is rockies0729@Gmail.com. And I guess we'll do some conversations there and get started from there.

So I know that treaty rights are very important. And like the lady said before, I think we need to really educate our young people and that is our plan that we have three schools here on the Cheyenne River that we plan to attend these three schools to do assembly with the high school students and staff about treaty rights and trust responsibility. We can't do that because we don't have budget to travel so those are more other things that we have been trying to get to the Tribal Council for funding.

But we haven't availed anything.

So if you can shoot me an email on that one I just now gave you Mr. Newland, I appreciate it.

So thank you very much. (Speaking in Native language).

>> ASSISTANT SECRETARY BRYAN NEWLAND: Thank you so much, Harry, I appreciate you taking time with us. I wrote your email down here in my notes.

So we are going to see if we have time to hear from one more speaker.

I'm going to do a last call for speakers. And then if we have none, I'll throw it to my colleague from EPA, Mr. Martin, to share his observations from the consultation. And then I'll close it out.

>> KENNETH MARTIN: All right, not hearing any, Bryan, first I do want to thank everyone for their time today. As I mentioned earlier, we understand how busy everyone is.

Finding 3 hours for anybody is difficult.

So thank you for all of the tribal leaders who made the time today. And thank you to our agency partners who are here.

These conversations are invaluable to the work that we do.

Especially as we go forward.

I think that I continue to learn every time I'm in these conversations.

So I just want to say thank you. I don't want to extend the call too long.

But my gratitude. I just want to express my gratitude so thank you.

Bryan, I'll kick it back to you for closing remarks.

>> ASSISTANT SECRETARY BRYAN NEWLAND: Miigwetch, thank you, Kenneth, also on behalf of the White House Council and the Department, and all of us really, we really appreciate these conversations. And learning from you.

I've got some hand cramps from all the notes I was taking in addition to the transcript that we're making.

But just want to summarize some of the things that I think I heard in this conversation. Heard a lot about the consultation process and making sure that it's meaningful.

Several speakers referenced that there's a lot of consultation and that it's occurring but making sure that there's meaningful action following the consultations and the Government-to-Government basis is the next step to making sure that consultation is meaningful. And that Federal agencies are taking action to protect tribal treaty rights.

I heard from a number of speakers about the means or the need to have a way of enforcing agency commitments to fulfill treaty obligations.

A number of speakers called explicitly for an Executive Order on this topic.

There were a few speakers who referenced establishing some sort of office or committee or commission or mechanism to enforce treaty rights such as an Office of Treaty rights enforcement. I heard several folks mention that. And a couple of speakers also mentioned that while a lot of these conversations about treaty rights focus on fishing and hunting that there are obligations under many treaties to do things like protect public safety. A speaker from Navajo Nation referenced explicitly treaties that have so-called bad men clauses. And that was something that came up, as well as health and education.

So there were of course other comments that were made. Broad ranging comments on topics beyond treaty rights, which we hear you on and we're working hard on. But I also just before we wrap here want to give a shoutout to our White House Council executive Director, Morgan Rodman. Who works so hard with his team behind the scenes to convene agencies and keep us on task. And living up to the President's commitments.

And Morgan does just such an incredible job.

And the value in Morgan's work is reflected here by these conversations and by a lot of the documents and accomplishments that we laid out at the beginning of the call.

Also want to give a special shoutout to Oliver Whaley from the Department of Interior. Oliver is instrumental in organizing these consultations, doing the logistics, pulling together the record. And actually making sure that once the comments are compiled and actions are taken, that that gets reported out on our website, as well.

So lastly I'll thank all of you, again, for your time. I know many of us wish -- prefer to meet in person but as Heather Dawn said earlier in the discussion, these video consultations provide for accessibility for folks who can't often travel to DC or other big cities to meet for consultation.

So I'm very grateful for all of you for your time. But also for your service to your people. And your communities.

As a tribal member myself who, you know depends on our tribal leadership to get things done in our community, I know the weight that's on your shoulders and responsibility and that when you speak to us, you're speaking with the voices of all the people you serve.

So (speaking in Native language) for that. We want to we shall you all well.

Good health and safety and look forward to our next meeting. And with that, we'll adjourn this consultation. Thank you.