

Bismarck Tribal Consultation

Transcript from Audio Recording June 12, 2025

EO 14210 Workforce Efficiency and EO 14156 Energy Emergency

Note: This is an uncertified AI generated transcript from an audio recording. Indian Affairs has made edits to clarify areas. However, there may still be some errors if the commenter was inaudible or not identified.

START OF SESSION

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

I'll be helping facilitate today's session before we get started. We want to start with an opening prayer, and the Honorable Chairman Renville, of the Sisseton Wahpeton Sioux tribe, is going to give us the opening prayer.

Opening Prayer provided by Chairman Renville of the Sisseton Wahpeton Sioux Tribe:

[Native language], just wanna thank the Department for the honor to open this space in a good way. But before I begin, I want to first and foremost give thanks to Tribal leaders who have come before us, and to those who have carried this sacred work for longer than I have. And to the many who have stood in this, in these places like this, with wisdom, strength, and love for our people.

Today I do not come with all the answers. But I come with a sincere heart and an open mind and with gratitude for the opportunity to offer words of prayer as we begin this important gathering. When we gather as nations, in the presence of Federal leadership, we carry the hopes of our ancestors and the prayers of our people. This moment is sacred, and with humility and not perfection.

I will now offer an opening prayer. Creator, [words spoken in Native language]. We ask you to bless this gathering today. Bless the minds and hearts of each person here, Tribal leaders, federal officials, community members, so that we may speak with honesty, humility, and respect. Help us to listen, not just with our ears, but with our hearts to understand one another. even when we do not agree. Let this Tribal consultation not just be a formality, but a real heartfelt exchange where the sovereignty of our nations is respected, where our knowledge is valued, and where the voices of our people are truly heard. May the decisions we made today here bring healing community opportunity, justice to our communities. May this work serve our

children and the generations yet to come, protect our land and honor the treaties made with our ancestors. We give thanks for safe travels, for good minds, and for the prayers of those who could not be here, but who walk with us in spirit. [End prayer in the Native language].

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you. Chairman Renville. Welcome. Appreciate your attendance today. I'm just gonna start by going over kind of the overall flow of today's session. Next slide, please.

I'm gonna go through some housekeeping items, and then I will turn the floor over to our Senior Advisor Kelly Rael. She'll do introductions of the Federal team. She'll give a short presentation and then we'll move into the Tribal comment portion of today's session. We have about a 30 min break scheduled in, but I kind of wanted to poll folks today, it's kind of varied session by session. We've been in some session where folks said we just want to go through the half hour. We don't care about lunch. Some sessions. We've expanded beyond 45 min to an hour. There is a restaurant downstairs that's open until one o'clock, where you can purchase food, and so maybe just by raise of hands. Who would like to break at about 12 o'clock hour?

Well, we got a few hands. Who would like to just go through the session, and then you could kind of come and go as you please by raising hands. Okay, we've got more hands, I think, they want to just move through this session so we can do that. We'll just kind of go through you can come and go as you need again. There is a restaurant down there where you can purchase food. You're welcome to bring it back up here into the session, and then for our Federal team, if you don't mind at some point we'll have someone go out and get lunch and bring it back. So please don't mind if they're eating up here, we'll just do that kind of out of necessity to continue the meeting. Next slide, please.

So obviously, we've got exits on this side in case of an emergency. Restrooms are just out this main door to the left. For parking, they told me that they had opened up the parking lot, but if not, there is validation downstairs at the front desk. So, on your way out you can grab that, and you shouldn't have to pay for parking. If there is an issue, come find me, and then we'll get with the hotel staff and make sure we get that worked out. We've also got coffee and water in the back of the room. Next slide.

So, this session is in person only. We did receive some questions why, we've done it in person where we've done hybrid sessions for all the other previous sessions. Simply, just when the decision was made to add this session from logistic standpoint, we just did not have kind of the time or resource to do the hybrid session. However, we are recording the session. And we are going to generate transcript. We'll make those available on the BIA Web page as soon as we can. I think the first four sessions, those transcripts are on the web page right now and are available. But yeah, just keep monitoring the web page. We did have a handout with a QR code that takes you to that web page. So, you can access those documents. Additionally, the PowerPoint slides will also be on that web page. This consultation is close to the public and the press. So, if we have any members of the press we ask that you leave the session at this time. Additionally,

we're trying to prioritize Tribal comments first, given the limited time I think we have. And so, we have sign-up sheets. So, if you signed up, then we'll go kind of in the order of sign in. However, we do have some flexibility if you've got maybe a time commitment that you've got to get to, we can move folks around and reschedule things, likely. And then, additionally, if you did not sign up, we've got Lenny in the back, he's raising his hand there, you can get with him and get on the sign-up sheet. Next slide, please.

Again, we're going to prioritize Tribal comments. We are not going to limit the number of minutes that you have to speak, and we haven't done that in any of our other prior sessions. However, we just ask that you be mindful. We've got a lot of folks here. We got a lot of folks signed up, and we want to make sure that everyone has adequate time. We are scheduled to end at 3 30 pm Central time. However, we do have the venue for the day, so if we run over, we run over so we're here to listen. But yeah, just if you could be mindful of courteous of the others that are here. And we're also accepting written comments. You can email those into consultation@bia.gov, or you can mail them to the address here. Again, these slides are available, so you can reference the address. Next slide.

And then for those that are provided the time for comments, when you do come up, if you could provide your name, your title, and your Tribal affiliation, that would be appreciated. Again, this is just for our record keeping and for the transcript, so we know specifically who said the comment where it came from and who they were representing. So, at this time I'm gonna turn the floor over for a presentation and introductions to our Senior Advisor, Kelly Rael.

Kelly Rael, Senior Advisory to the Assistant Secretary of the Interior:

Can you guys hear me? Good morning, everyone. Thank you so much for making the trip here. I know some of you guys have traveled, you know, quite far, and so we appreciate you being here. My name is Kelly Rael. I'm currently serving as the Senior Advisor to the Assistant Secretary of Indian Affairs. Once I'm adjudicated, I'll most likely serve as Special Assistant with one of my projects being probate. So, I hope to have a, develop good relationships with each of you guys in time to hear about how we can solve this probate crisis that we have currently.

Here today we have from BIE, we have Tony Dearman. From BTFA, we have Kevin Bearquiver, and we have Glenn Melville from OJS. And again, Scott Davis should be here shortly. There was a lot of storms last night actually almost missed my flight as well out of Denver. So, we all had some travel issues. So, we'll just go through the slides, and then we'll open it up for comment.

The purpose of this consultation is for the Department of Indian Affairs to engage directly with federally recognized Tribes and BIE stakeholders, to receive direct input as we develop plans to implement the executive orders and the Secretary's orders. Specifically Executive Order 14210 on government efficiency workforce optimization, Secretarial Order 3429 on consolidation on functions, and the Secretary Order 14156 on regarding the national energy emergency. Next slide.

Executive Order 14210, Department of Government Efficiency. The purpose of this order is for Federal bureaus to restore accountability to the American people by eliminating waste and bloat through critical transformation. Specifically, as we develop a plan, we seek your feedback on restructuring the Indian affairs to support more efficient interactions with Tribes. Addressing critical funding structures, including efficiency barriers to expedite funding to Tribes and Tribal programs and increasing support for Tribal self-governance and self-determination. Next slide.

Secretary Order 3429, consolidation. The purpose of the Secretarial Order is to authorize and direct actions for consolidation, unification, and optimization of administrative functions within the Department of the Interior. Following your feedback, we will consider if we at Indian Affairs will consolidate some of these functions at the Department level. Next slide.

The Office of the Assistant Secretary of Indian Affairs. I'll give a brief summary as to some of the roles and functions that our AS-IA hallway performs. We provide leadership over Indian affairs. AS-IA, BIA, BIE, and BTFA. We oversee the development of new and revised regulations. Developing operational policies overseeing the White House Council on Native American Affairs, as well as Congressional relationships and Public Affairs. We also provide oversight for management and operations of Indian Gaming, Federal Acknowledgment, Self-Governance, and Tribal Economic Development. Next slide.

DASM. The Deputy Assistant Secretary of Management's major functions include providing executive leadership, guidance and directions for the following Indian Affairs operations. the Office and Performance, or, excuse me, the Office of Budget and Performance Management, the Office of Chief Financial Officer, the Office of Human Capital, the Office of Facilities, Property and Safety Management and the Office of Information Technology. And of course, a lot of you guys know the I(105) lease programs is also performed under DASM. Next slide.

BIA. The Bureau of Indian Affairs major functions include carrying out Federal responsibilities to protect and improve the trust assets of Native American Indian Tribes and Alaska Natives. BIA is responsible for the administration and management of 55 million surface acres and 57 million subsurface mineral estates held in trust. BIA is the primary agency charged with carrying out the United States trust responsibilities and maintain the Federal government-to-government relationship with federally recognized Tribes, and is promoting Tribal self-determination. BIA implements federal laws and policies and administers programs established for American Indians and Alaska Natives under trust responsibilities.

The BIA Director provides direct oversight to Deputy Bureau Directors in for agency components. BIA's major core agency components include the Office of Justice Service who is responsible for upholding Tribal sovereignty and providing safety of Native American communities through enforcing laws, maintaining justice in order, and by ensuring that sentence of Native American offenders, are confined in safe, secure, and in humane environments. The Office of Indian Services, who manages programs in human services, Indian self-determination, Tribal government, transportation and workforce development. The Office of Trust Services who carries out, oh, yes.

Frank Starts Come Out, President of the Oglala Sioux Tribe:

Good morning. Frank Star Comes Out, and also the Chairman of Great Plains Region. I think we all know what we're here for, and we can skip all the formalities and get right to the down of business. We have a lot of speakers here, and we need to get started. We need to make our point across to Federal government and why we're here. And I appreciate you all coming today. But today, we stand on treaties.

Kelly Rael, Senior Advisory to the Assistant Secretary of the Interior:

Is everybody in agreement with that?

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

So we'll move into the comment portion. So just a quick reference on the slide. There is a proposed category of exclusion. Just be mindful to kind of review that so that you can also add that into your comments. When Scott Davis gets here as well, we might take a brief pause just to let him introduce himself. But we'll get started.

So the first person we've got signed up is Chairman Ryman Lebeau, we've got the podium speaker here, and I apologize if I mispronounce names. Some of these are actually hard to read as well. So, I'm gonna do the best I can. Bear with me if you prefer the mic, though I can run the mic to you as well. Okay.

Commenter 1 – Ryman LeBeau, Chairman of the Cheyenne River Sioux Tribe:

[Speaking in Native language]. My relatives. My name is Ryman LeBeau. I'm the Chairman of the Cheyenne River Sioux Tribe. I thank you all for attending today, as we have an important meeting here to represent our people. And our people are in tough conditions, our elders, our women, our children, our men. And we just had a suicide murder at home. Which it's really sad because those kids come from good families, those kids come from families that have mom and dad. Families that have homes.

So, it's tough to come here today and answer these questions that they propose when they know we're in tough shape. When they know they don't follow the treaty. When they know we live in poverty. But then they bring these Executive Orders here to cut our funds, to take our resources away. And once again, this is a violation of our 1868 treaty that we made with you, the Federal Government. And that we expect you to live up to as we are doing here today.

We represent our forefathers that signed these treaties that made this contract made this agreement, we had a deal. And with that my relatives, my great great grandfather, Chief Joseph Four Bear. He signed this 1868 treaty for his people the (inaudible) Lakota who now live on the Cheyenne River Sioux Reservation. Where we made our home with four other bands of Lakota, and back in the day we made an agreement with those four bands that we're gonna work together.

So, we have our councilmen, we have our councilwomen. We have our attorneys here today to do that work that our (inaudible) that we promised each other back in the day we would work together And, looking at your questions, you know we have. This says, "What recommendations would you make to Indian Affairs, to improve efficiency through staffing changes, resource sharing process, improvements and potential consolidation of programs and offices."

I want to start with, you know, this is. We are below the poverty line and we need more resources to our Tribes. We need more resources on our reservation to help our children, to help our mothers, to help our fathers, to help our elders. Because the reality is, this BIA is not doing their job. And I don't come here to bash you; I just come here to tell the truth. Because we face, like I said, we face the poverty we see in our reservations and with the education with the schools, you know, we're struggling. We're in tough shape.

Our school is beaten down. We're slated to get a new school. But however, we haven't got that far yet, and what worries us is that the United States won't live up to that. Because now we have to lobby Congress, because there's not enough money to build our school. We have to tell our Senators that we need more money to build this school in this economy that is terrible. The tariffs and everything so expensive. Resource sharing. Yeah, share some more resources with us because we need that help.

We have our land. We have one of the biggest reservations in Indian country, 2.8 million acres. We're the 4th largest reservation throughout Indian country. So, we need the resources to take care of that big, beautiful land. We need the natural resources. And right now, that's who runs our, BIA right now, because, you guys cut, chase the last one off we had, the Superintendent. So, we need more of those positions filled when they leave, they need to get filled. You can't cut our positions. We need additional support to manage this land.

We just had a huge fire back in March and we needed our BIA to respond. And they did. They did the best they could, but they didn't have the resources, and they had to call in several firefighters throughout the State to respond and get those water drops going. That's what made the difference. But right now, you know, the with environment changing climate change, you know, these winds are even getting stronger throughout our reservations, and that's what we have at Cheyenne River. We have, all these windy days.

And the process improvements, the staffing changes, like I said, we need more staffing changes. We need more additional staffing rather than cutting us from these roles. Process improvements and potential consolidation of programs and offices, you know. Again, you have a 1868 treaty that you have to live up to and cutting our staff, cutting our people. You're doing us no good. You're making us deeper, deeper into poverty rather than getting out of it. Cutting positions. You know we need those positions to manage our reservations. Couple more.

We mentioned fire and education and the and the roads, you know. Again, they don't have the staffing, they don't have the maintenance dollars to cover all the roads that go through our reservation, and these are, the majority of them are all BIA gravel roads, the most terrible roads

throughout Indian country. You want to see the worst roads you come to Cheyenne River. You go down Cherry Creek Road, you go down any of these gravel roads throughout our reservation, you know you're gonna see the worst. And they don't have the manpower to maintain. They don't have the manpower to the maintenance money to continue what they're supposed to be doing for, to uphold their trust and treaty responsibility.

So yeah, and with that reservation, we have three rivers that run through our reservation. We have the Missouri, the Moreau, the Cheyenne River. And so, we have a lot of water. And again, we need the resources to manage these waters and to protect them from these oil pipelines. Protect them from all this contamination that's coming up now. Spirit Lake is contaminated, likely because of these mining's that have occurred. They can't drink their water, and irony is there, half of their res is water. That's how we are, you know, a lot of our borders are our water lines. And the resources to help our people. So, with that, my relatives, I thank you.

Kelly Rael, Senior Advisory to the Assistant Secretary of the Interior:

Thank you for your but when you said your superintendent was chased out, can you? Is there nobody filling that position right now.

Ryman LeBeau, Chairman of the Cheyenne River Sioux Tribe:

Temporarily, yes.

Kelly Rael, Senior Advisory to the Assistant Secretary of the Interior:

And when you say ran out, did we chase them out?

Ryman LeBeau, Chairman of the Cheyenne River Sioux Tribe:

Yes.

Kelly Rael, Senior Advisory to the Assistant Secretary of the Interior:

So, the DRP, just to clarify is a volunteer program. If any of the staff, I'm not gonna say everybody. But there were. We did fight to kind of put a hold on. You know the RIF program we we're trying to prevent that from happening. But a lot of, some of the staff that are retirement age, they were losing that incentive to take the to take the DRP. So, we were asked by some staff to open that up. So, I just want to clarify that.

Ryman LeBeau, Chairman of the Cheyenne River Sioux Tribe:

Yeah, she was one of the candidates that applied for the job.

Kelly Rael, Senior Advisory to the Assistant Secretary of the Interior:

So, it was a volunteer program.

Ryman LeBeau, Chairman of the Cheyenne River Sioux Tribe:

She applied to be the superintendent.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you, chairman. Next, we have Marica Cummings, who's here on proxy for the Omaha tribe.

Commenter 2 – Marissa Cummings, Proxy on behalf of the Omaha Tribe of Nebraska:

This one is okay. It is a little awkward for this to be kind of stationed right here, as you saw, Chairman Labeau stood right here because we usually don't talk with our back to our people. So just something culturally in the future, you might want to make sure that we're not talking with our back to our people.

[Introduction in Native language]. So, Marissa Cummings. So good morning. My name is Marissa Cummings, and, as stated, I'm here by proxy on behalf of the Omaha Tribe of Nebraska, and I am (inaudible) of the Sky People. I want to thank the Department of interior for convening this event, you are calling a tribal consultation pursuant to executive Order 14210, and ongoing energy permitting reforms. As we gather, to discuss the federal workforce and energy policy, we must ground these discussions in the foundations of the nation-to-nation relationship.

For the Omaha Tribe, this relationship is formalized in the Treaty of 1854, which established our reservation prior to any statehood that we currently share boundary with. Treaties like the 1854 treaty with the Omaha Nation are not just historical documents, they are living legal instruments. They obligate the Federal Government to uphold its trust responsibilities, including the duty to provide adequate staffing, services, and consultation before any policy changes that affect Tribal lands, people, or rights.

Any changes to Indian Affairs operations or energy permitting processes must be evaluated in light of these treaty responsibilities, and the Federal Government's legally binding obligations to Tribes. Any Federal reorganization or restructuring, especially within the Bureau of Indian Affairs directly affects Tribal Nations. Many Tribal programs rely on support from agency staff for contract oversight, reporting, coordination and capacity building. Past efforts to streamline have often resulted in the loss of BIA positions, especially in rural or remote areas. These reductions severely hamper service delivery, particularly in health care, education, and social services. These programs impact human lives and our people, and they matter.

The deferred retirement program or resignation program, involuntary early retirement has already contributed to the erosion of the Indian Affairs workforce. Positions lost under DRP and VERA have not been replaced, leaving gaps in agency knowledge and reducing the capacity to fulfill the Treaty trust responsibility. The DRP VERA doesn't just affect internal BIA agency operations, it significantly disrupts the delivery and administration of programs, services, functions, and activities that you call PSFAs, and therefore the ability of Tribal governments to deliver essential services, exercise self-governance, and access federally obligated resources. Fewer employees enrolled the Federal capacity to uphold commitments and this is not workforce efficiency. Before any efficiency measures are implemented, we request a comprehensive analysis of staffing reductions by region and program area, and how these

reductions have affected Tribal services. Tribes must be consulted on how BIA and Indian Affairs offices are restructured in their regions. We have already repeated state, we have already heard repeated statements from Indian Affairs leadership and they want to do this together. That tribes are partners in this effort to improve efficiency and productivity. And in order to truly work together, we need the data. Therefore, we are officially requesting, on behalf of the Omaha Tribe of Nebraska for the record, the Department of Interior provide by July 14, 2025, a detailed chart that includes the position title, regional office or agency location, and the Federal investment salary benefits cost savings associated with each position impacted by the DRP and VERA.

This data is necessary for Tribal nations to understand the formula being used to access the capacity impacts and to inform our future decisions on contracting, compacting and program share negotiations. We are already aware that five (5) BIA Regional Directors have accepted DRP or VERA offers, and we are concerned about how those departures will impact continuity service delivery and the Federal Government's ability to fulfill its treaty trust responsibilities. Without transparency on these workforce changes and their fiscal implications, Tribes are not being treated as partners. We are simply being informed after decisions have already been made. That is not partnership, that's paternalism. If the department is sincere in wanting to move forward, we ask that the request be honored in full and timely fashion.

Any emergency. Oops. I think that's right. Any emergency permitting process must uphold tribal sovereignty and treaty rights, especially for energy projects near or within tribal lands and impacting cultural resources. Expedited federal permitting must not override or sideline tribal consultation, obligations, or tribal environment and review processes. Tribal communities are disproportionately impacted by extractive industries. Streamlining energy permitting must not be an excuse to weaken environmental review standards under NEPA, the Clean Water Act, or the National Historic Preservation Act. We adamantly disagree with the alternative procedures for compliance with the Section 106 and the Natural Historic Preservation Act. We adamantly disagree with adopting an alternative national environmental policy act compliance process and the reduced timeline for an environmental impact review. We are particularly concerned about impacts to sacred sites, watersheds, and ecosystems vital to cultural survival. While we support energy self-determination, including the tribes that pursue renewable and traditional energy development, any policies must also support tribal permitting authority access to capital and energy, infrastructure and protection of cultural and environmental resources. Strengthening domestic energy supply should include investments in tribal energy sovereignty, not just expedited extraction on or near tribal lands.

If emergency permitting is moving forward, Tribes must receive funding, technical assistance, and legal support to navigate fast moving Federal processes, assert regulatory authority and respond to potential environmental risk. This includes increasing funding for Tribal Historic Preservation Officers who will be required to work much faster for the expedited timelines for the environmental impact studies. To summarize the Omaha Tribe recommends the following, a tribal work group to co-develop workforce efficiency plans with Department of Interior, a moratorium on BIA position eliminations until full tribal impact analysis is complete. Similar to

how HHS provided a moratorium based on the Indian Self-Determination Education Assistance Act or ISDEAA. No emergency permitting authority should be exercised without tribal consent and participation. We require that the Department provide, by July 14, 2025, a detailed chart, again, that includes the position title, regional office or agency location, and Federal investment salary benefits, cost savings associated with each position impacted by DRP and VERA.

And in closing we have heard multiple times of public commentary and prior consultations that the Bureau of Indian Affairs will not be reorganizing Regional BIA offices. However, during the National Congress of American Indians meeting on Tuesday, it was stated that the Department is seeking tribal input on reshaping regions. This discrepancy is deeply concerning. If there is intent to restructure or reshape the BIA Regional offices, that is by definition a reorganization and tribes must not be misled or left in the dark. The title and I know that we don't have our acting ASIA here right now. But I want to point something out that the title of Acting Assistant Secretary for Indian Affairs is not simply an administrative. It carries immense weight and meaning to tribal nations. That title embodies the trust relationship between our governments, our relationship rooted in our treaties, our sovereignty, and our shared history. With the title comes great authority. The authority to activate, protect, and advance the Federal Government's trust and treaty obligations.

Our acting ASIA is the highest ranking American Indian political appointee in this administration. That is not symbolic, it is a position of power. and what we expect will be exercised, not just with authority, but with courage, clarity, and commitment to Indian country. This moment requires more than presence. It requires action. If we are to be relatives, let us act like relatives. That means we move like the buffalo together, not apart. We decide together, not after the fact, and that is the only way to honor the spirit and the letter of the trust responsibility. And with that being said, I say, we will have a long way. Thank you all. And I look forward to working together in true partnership.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you, Ms. Cummings. We are gonna resituate the podium. Appreciate the correction when we make mistakes. And again, I've got the Walkie mic, if you prefer that. Next. Up we got Peter Lengkeek, Chairman of the Crow Creek Sioux Tribe.

Commenter 3 – Peter Lengkeek, Chairman of the Crow Creek Sioux Tribe:

Good morning, my relatives. Everybody hear me fine? You guys hear me? Good! Good! I want to welcome everybody to the original, the aboriginal homelands of the [spoken in Native language] Lakota, Dakota, Nakota people. So welcome and thank you for coming.

I want to. First of all, do a little history reminding a little history, a little history lesson. Good morning. It was June 25, 1876. The Crow scouts located the [native language] and their allies along the Little Bighorn River and went back to report to the US Army of what they saw. Custer, when they received the news, immediately went into action. Started getting his horse ready, getting his guns ready. Started shouting orders to the generals. You go this way, you go that way

you do this, you do that. Before Custer mounted his horse and left off, the last order he gave was to BIA. He said, don't do anything till I get back. And so they're still waiting for his return.

But these are the kinds of things that we grow up with. These are the kinds of things that how we understand. I wanted to kind of lighten the mood a little bit. Everybody is too serious. And so a little history lesson for everybody.

I want to ask the question, are you the decision makers? Any decision makers in a room on the government's behalf? Also, can you put the strategic plan up, so we know what we're consulting on. I'll wait. Do you see this consultation as meaningful and lawful? Okay, that answers that. Do you have Congressional approval to do this and carry out this plan? Goal efficiency is not achieved by cutting corners. It's not achieved by cutting, staff or funding. It is achieved by the contrary by adding staff to an already depleted workforce. By updating technology and communication systems. By proper education and training of staff members that are have the duty of carrying out these treaty obligations on behalf of the Federal Government.

I spent a lot of time in DC talking with these people, and they have no clue. The right hand doesn't know what the left hand is doing. And I made this comment before, the right wing is fighting the left wing. The last I saw the right wing has to work with the left wing for the bird to fly. Right?

Executive orders do not supersede the supreme law of the land. This process does not constitute meaningful consultation. As tribal leaders we expect the same respect that we show to the US Government in coming to the table. Where are the decision makers? Where's the Department of Commerce? Where DOGE, they seem to be making all the decisions. Is DOGE in the room? Where is the government office of accountability? Are they here? This consultation is merely performative. We fully expect a government-to-government dialogue. Therefore, we look forward to your responses to each and every tribal and tribal entities questions that participated.

There are 574 Federally recognized tribes, each and every one deserves a true and meaningful consultation. And this should be taking place on Indian land. This would have been a nice little boost to our economy, or some other tribes economy. A boost to their tourism, a boost to their local, to the surrounding towns. Also, these off reservation towns wouldn't exist without indigenous money coming to these surrounding towns off reservation. So, you're not only affecting us with this, but you're affecting non Indian towns that surround these reservations that depend on this money. A lot of these off border towns would not exist without indigenous money coming to these towns, and so we need to keep that in mind.

The Crow Creek Sioux Tribe supports streamlining Federal policy and Federal operations and minimizing harm to these services. But we have a deep concern based on the historic outcomes of Federal policy changes. Tribes are not stakeholders, tribes are not DEI. Tribes are a politically legal class embedded within the US Constitution. Maximizing efficiency and productivity within the Federal government will require more investment in staffing, training, education, updating

and antiquated technology, updating and ensuring communication, improving technical assistance, updating infrastructure and updating the funding formulas.

The late edition of the National Energy Emergency procedures to this consultation is unacceptable. Furthermore, that edition does not even pretend to be a tribal consultation. The dear tribal letter states that these procedures will be implemented and the department is only seeking tribal feedback. This event is an absolute break of protocol and does not allow for best practices. For one, it's not held on tribal land. This is lacking transparency, scope, and a clear purpose. We want actual partnerships, not informative briefings. Decisions are most effective and efficient with transparency. It is clear that the government has already decided what it's going to do. And it's being carried out regardless of the results of this consultation. Some issues need to be discussed discreetly on a more private level.

How can holding what will amount to mere listening sessions fulfill any trust and treaty responsibilities, let alone the department's own policies on tribal consultations. In fact, this session was only scheduled as an afterthought, and that's pertaining to the emergency, permitting. Failure to uphold trust and treaty obligations. Everything that occurs at the Federal level needs to align with trust and treaty responsibilities, including funding, permitting, staffing. Violating trust obligations it's not just bad policy, but it's unlawful. Tribes are not just stakeholders, we are sovereigns. These are not discretionary services, these are obligations.

Fulfillment of obligations should be guaranteed and not subject to discretion or competitive funding. Budget debates, or workforce initiatives should not impact this. Department of Interior has poor communication with tribes and regions. Any reorganization must include an update to this communication, protocols, and technology. Department of Interiors' internal communication is broken. The tribal governments are the ones left to deal with the fallout. Regional often, regional offices often operate in silos, with no alignment between local superintendents and central offices like Aberdeen or the offices of Washington, DC. Superintendents frequently cannot answer basic questions and share accurate updates. They are not a good point of contact, then who is? External communications are also ineffective. Dear tribal leader letters are sent by mail and are often buried among hundreds of other documents which is not meaningful outreach. It is very difficult for tribes to get reliable, timely information from Department of Interior, and this is unacceptable.

The Crow Creek Sioux Tribe opposes any and all cuts to funding that benefit Indian tribes and Indian people. These cuts threaten many tribal organizations and missions. We are already underfunded, and budget should be increasing, not decreasing. Budget cuts are shortsighted and destabilizing in Indian country. Tribes cannot lead their nations if institutions are defunded. Funding delays and instability kill long-term progress, growth and prosperity. Funding needs to be stable, direct, non-competitive, timely full and complete. If there are any budget saving areas anywhere within the Federal Government found by DOGE, then those resources must be redirected to fully fund the treaty and trust obligations of the Federal Government. I understand they're sitting there saving the Federal Government a billion dollars a day with the work DOGE is doing. What are they doing with all that money they have laying around now?

The trust and treaty obligations are not areas that can be cut for a cost saving measure. Efficiency does not mean fewer services or fewer staff. It means more. It means less control works that was demonstrated during COVID. Cut the red tape. Federal staff often don't understand what self-determination and self-governance even means. That's what I spoke about earlier. So, training and education should be paramount to this administration and administrations in the future. The dysfunction across Department of Interior BIA systems is deeply frustrating. We experience a multitude of problems directly caused by the Bureau of Indian Affairs. We experience funding delays, outdated technology, slow results, burdensome procurement, underqualified and absentee staff, meaningless streamlining, and work workplace efficiency rhetoric. These delays are expensive, and a little on the extreme side.

Example, Crow Creek Sioux Tribe years ago had some private investors that wanted to invest into a wind electric generating farm that would eventually be owned by the tribe. Once we started that process, these private investors backed out immediately, went across the fence off reservation and developed their Wind Farm. Why? Because we're renting. They would have to wait 5 to 7 years for an ROI. For a private entity that is not acceptable. So, they went on to non-Indian Land, where they got that return on investment in a year or 2. An example of hindrance of development within Indian lands.

We are all for rolling back red tape and bureaucracy. There's no people on this earth as regulated as we are. My mother was a tribal leader in Crow Creek years ago. She was one of the first females. And when she came back from DC after meetings she told the council, she told the people. She said, they're still scared of us. They tie our hands with red tape and bureaucracy and hold us as prisoners.

Another example of inefficiency from the Bureau of Indian Affairs. Not long ago my tribe was looking at possibly carving out little areas of BIA law enforcement and administering at the tribal level. You know, criminal investigation, you know. The other departments within law enforcement. We just wanted to start taking that on ourselves, and eventually, you know, administer the whole program ourselves. We asked for a budget to start work from the Bureau of Indian Affairs law enforcement. They were. They then directed us to FOIA. Said, You have to go through FOIA to get this information.

Well, we went through FOIA. We still didn't get the information. And so what do we do next? And the Tribe we had to scrape money together. Hire a lawyer to sue BIA for a budget. We could have allocated that money to our youth who are experiencing some of the highest suicide rates in the nation right now. We could have elevated, allocated that to our elders who are experiencing the highest rate of elder abuse we've ever seen. We could have allocated that money towards addiction services, mental health services. Again, those numbers are elevating and increasing at an unbelievable level. So just for our humble little tribe to get a budget out of BIA, we had to sue them, for it. Is that efficient? Is that productive? These are the kinds of things we deal with on a constant basis.

The easiest solution is the simplest. Tribes are experienced with efficiencies. We know how to stretch a dollar bill. We know how to make it work from nothing. I see you do it every day. We know what efficiency looks like. We know what streamlining looks like. We know what productivity looks like. Areas that should be streamlined, mandatory contract support costs, section 105 lease payments, compacting processes, timely responses to questions and requests from the tribes, and I believe, streamlining across the whole, you know, Federal Government, I am all for that. I know we are for that, for streamlining, for efficiency. But it has to be done with thought, with prayer and with proper consultation.

Another example that we had to deal with during the beginning of Covid, a lot of tribes had to protect themselves with ordinances and laws, and put things in place to protect their elders and their people. Crow Creek Sioux Tribe did the same. Laws were created, ordinances are created to protect our people. We handed it to BIA law enforcement. And all that time we thought they were enforcing these laws, and we saw blatant breaking of these laws right in front of us, right in front of BIA law enforcement. So, we said, what's the deal here? Why aren't you arresting them? Why aren't you taking these, you know, non Indians off the reservation? They said, oh, we had to send that to the solicitor to get okay to enforce tribal law. To this day, I believe they're still sitting on the solicitor's desk. That was over 5 years ago. I have never received anything back on that. Any comment, any email, any phone call, nothing. Again, these are the kinds of things we deal with on a daily basis.

The Crow Creek Sioux Tribe opposes the national energy emergency procedures. This really should be a consultation on its own. This is too big of a subject to throw in here in this limited time and to properly consult on. So, I would request that a separate consultation will be done just on emergency permit. These are our lands, our waters, our relatives, the [native language], the animal nations that we are to protect.

The Crow Creek Sioux Tribe condemns the proposed national energy emergency procedure. We oppose any reduction in process pertaining to energy we are not being consulted with. We are being told that these emergency procedures would be enacted without engaging in tribal consultation, which is a direct violation of our treaties.

This meeting is absolutely not a consultation. Your letter does not even pretend that it is. Not only was this topic added at the last minute, but there is nothing in the letter that suggests the receipt of tribal feedback which will amount to anything. The short period timelines under NEPA, ESA, and NHPA are a direct threat to the sacred lands and tribal sovereignty. These timelines would essentially remove tribes from any sort of meaningful participation. They clearly were written to exclude tribes and any other party from participating in any consultation. The National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservations Act. The procedures are a handful of sentences that do absolutely nothing to protect the environment, endangered species, or historic properties. Tribes are not even an afterthought. Further, they serve as a backdoor to bypass consultation and fast track development. This is a misuse of emergency powers, and it is unlawful.

Again, executive orders do not supersede the supreme laws of the land. These procedures put a target on tribal lands that are wealthy in minerals and resources. I shouldn't say that. Rushing permits leads to conflict and lawsuits. Not faster energy. Also leads to the destruction [native language] the mother earth. Leads to the destruction of our relative, the water. Leads to the destruction of our other relatives, the plant nations, the animal nations, we, as indigenous people. Have something in us that we cannot stop. We cannot allow Mother Earth to be raped anymore. There's something inside of us that makes us go to that fight, even if we don't want to be there. We end up there fighting. That's who we are as a people. And I know many of us in this room will give our lives for them.

Furthermore, this should not come at the expense of the environment, the land, natural resources, sacred places, or my people or your peoples. This topic should absolutely require tribal consultation which is separate from this one. This is a dangerous path we're going down as the original stewards and caretakers of this land. We have an obligation to stand our ground, to speak up.

But my relatives, go home, braid your horse's tail, prepare yourself. Emergency permitting reforms are dangerous, broad, and vague, and unthought. Any project to be classified as an emergency undermines environmental protections and tribal sovereignty. These reef farms risk ignoring tribal input and again damaging sacred lands and ecosystems. Maximizing efficiency and productivity within the Federal Government will require more investment into staff. I want to repeat some of this that we said so. I don't get misunderstood or misheard.

Again, staffing, training, and proper education all across the board and making sure that they interact and they know what the other is doing and what the other's responsibilities are. This, what I had just described as efficiency in a workforce. It is difficult to consult without knowing what the plan is. We understand that a plan is out already and it's about a hundred pages. And that 95 to 97% of this plan has been redacted. And, so if we can unredact that, we would appreciate that.

40% of the vacancies as it stands all across BIA, Indian Health Service, Bureau of Indian Education. If everything goes through, we will go to 60 to 70% vacancies within these departments. These employees are the people who initiate the trust and treaty responsibilities of the Federal government. Any reduction in force is a detriment to the responsibilities and to the Federal departments. Reinstate positions, so there's no more delays in funding and responses. And immediately fill positions along with the proper training and education.

I want to close by reminding my relatives that though the future is uncertain and things might sting a little bit in the future. Remember, our ancestors made a prayer for us back then. They knew we were going to be here today. And so they made offerings. They sang a song for us. They made a prayer for us. That is there and we need to draw upon them. The prayers of our ancestors, the ones whose blood was spilled all over this land because of Federal policy. They made prayers for us, and they're reminding us around every corner. We just gotta open our eyes. We just have to see without seeing, and hear without hearing. That's how we hear the

prayers of our ancestors and hear their songs. They're behind us. They're standing with us. So I'll have offer them some food and some water (inaudible).

I love you, my relatives, and I thank you for your time, your prayers, your thoughts, your energy. I thank you for standing your ground against an enemy who is supposed to be our partner. Maybe our partner needs a lesson in what a healthy relationship looks like. There's reciprocity in a healthy relationship. There's understanding, commitment, loyalty, and many other things. But remember the prayer our ancestors made for us. They saw all of this that we're going through today. They saw the increase in violence in our land, the increase in drugs, the increase of abuse, the increase in suicide. Like my relative Chairman LeBeau, we, too, had shootings in Crow Creek. We had two of them, children shooting each other. So, my relatives, I love you. Thank you. And I'm here to fight beside you.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you. Chairman. Next on the list we've got Frank Jamerson is the Vice President of the Standing Rock Sioux Tribe.

Commenter 4 – Frank Jamerson, Vice President of the Standing Rock Sioux Tribe:

I'm a little bit shorter. Kelly can you do me a big favor, I'd appreciate it. Slide number 14, page number 14. Somebody, technical expert behind this. Right there. Next page, 14.

Good afternoon. What is it? Good morning still. Good morning. Good morning to all of our tribal leaders and folks that are here. Frank Jamerson, Vice Chair of Standing Rock Sioux Tribe.

I want to share a little bit of something before I get started, and just to share a little bit of history as well. But it's not going to be funny history, it's true history. You know, my first term as a tribal councilman I sit amongst the young Council right now, when it comes in terms of service to our people. I started my political suicide career back in 2006 as a junior councilman for Standing Rock. But today I love the position because, you know, we speak for our people. We have to be strong, and we have to be able to understand what's going on. And we also, you know, have to be able to be at that table in a good way.

But in 2006-7, under the leadership of Chairman His Horse is Thunder, we met at Dakota Sioux Casino, Watertown, South Dakota, and it was one of our first, my first consultations. But I think Chairman Lengkeek had pointed out some facts here. So, I remember the folks at the table. Mr. Dearman, Bearquiver, and Melville. Part of TIBC, the part of the, the how would you say, the running of action. They put these folks up here because the question was asked of them, which are you could make decisions. and nobody stood up and said, I can do it for my people, because these are all BIA officials. None of them stood up.

How I know that because we have a lot of issues at Standing Rock and none of them had come to Standing Rock and fixed all this. But I want to ask how many chair, Chairs of our tribes please stand up? Chair, Chairman LeBeau, Wooden Knife, Star Comes Out, come here. So, I want the

BIA to look at this. Now stay standing. If you're part of a tribe as a council, and you're able to make leadership decisions for your people stand up. I got all like my tribal council. So, we come with our A-Game. You know, and I say this because we have to take all of our people. Thank you, you can sit down.

We have to make decisions on behalf of our people. You know, and I can, I could say for the time, I know. Chairman Renville, LeBeau, President Star Comes Out. You know, are fierce and staunch advocates for Indian country in the DC level. And I see them quite a bit, and I just was able to friend a guy from Northern Cheyenne, President Smalls, you know, got to be able to share, you know that that platform of be of leadership amongst they all come in great leaders in the future.

And so, I bring up 2006 and 7, because again. No disrespect. We have no decision makers from the BIA. You know, we go to TIBC, we see you guys with all the concerns of Indian country. You guys hear them, but nothing ever comes out. Nothing ever comes out on that. Maybe if you, maybe we'll make one tribe happy by giving a little bit of money, but it doesn't overall fix the problems in Indian country.

And so, I asked about this slide that you see up here. The BIA's mission is to enhance the quality of life, promote economic opportunity, and to carry out Federal responsibilities to protect and improve trust assets of American Indians, Indian tribes and Alaska Natives. BIA is a primary Federal agency charged with carrying out United States trust responsibility to American Indians. Alaska. Native people maintaining the Federal government-to-government relationship with the Federally recognized Indian tribes and promoting self-supporting, tribal self-determination. So, the question that I wrote down on this next bullet BIA implements Federal laws and policies and administers programs established for American Indians and Alaska Natives under the trust responsibility and the government-to-government relationship.

President Star Comes Out, came out and said, the Oglala Sioux Tribe is not gonna accept this as a consultation. I can say with almost certainty, the Standing Rock Sioux Tribe will not accept this as a consultation. Because the same actions that happened in 2006 are happening today. You guys already have a plan that's set up to implement this as we go through this nice little slide, which is it's good, because most of the time we don't get anything. We just gotta have to figure out what you're talking about. But it's already being enacted.

And if I recall Article 6 of the Constitution, so when we take the oath of office on Standing Rock, it's the first thing we swear to uphold is the Constitution of the United States. And that's kind of crazy because it's in the home lands of the Standing Rock Sioux Tribe, it should be the constitution of the Standing Rock Sioux Tribe first. But it don't happen that way, because in Article 6 of the United States Constitution.

We all know it as a supremacy clause. That's where it outlines who we are as Indian people. And thinking about the Constitution, it acknowledges that the treaties are the supreme law of the land. Isn't that amazing? We've so long solemnly swear, right? And now it puts forward to the

Constitution of the Standing Rock Sioux Tribe, and we acknowledge the treaty of April 29, 1868. Because that's a Federal obligation of a peace treaty that was signed into, and that was recognized by the Constitution of the United States because of those grandfathers. I wanted to know that Standing Rock's Peace Treaty was not signed by my grandfather, Sitting Bull. He was not a treaty signer. But representative. We put it into effect, so we abide by, and we accept that and we know that the Federal Government now has an official obligation to the tribes who entered into these treaties.

And for a panel up here, we even, have we shared that with the DOGE? Have we shared that with the decision makers who are implementing these onto our tribes? I don't think so. I don't know if BIA at the Federal level in DC, really understand what that means to us. Because today I can guarantee every tribe is gonna reference a treaty, every tribe. And it's gonna be repetitive, because repetition is the key to learning.

Some of us were [native language], we can't hear, we don't understand. So, we have to keep telling people over and over, just as I did in 2007 to Patrick Ragsdale. Remember Patrick Ragsdale? Yes, Patrick Ragsdale was part of the decision makers for our tribe when we lacked law enforcement on Standing Rock. I got the honor and opportunity to be able to meet Patrick Ragsdale in his office. And my comment to Mr. Ragsville was, all of these pencil pushers, staffers, throw it away. Board a plane, come up to Standing Rock, and you'll see what we're complaining about. It's the same thing we complain about all the time the lack of resources in Indian country.

So, I say this to kind of go into what I want to talk about here. You know, we're talking about efficiency. And again, tribal leaders, they're gonna probably gonna repeat this over and over and over. But maybe it's best we repeat it. So, we fully understand it. So at the end of the day somebody will remember at least one thing from one of the tribal leaders, and not let it go through one ear out the other ear, because that's the common practice when we go to DC. And I'm not saying this to be disrespectful. But this is our opportunity to show United States Government we are tired of the bureaucracy. We're tired of not being heard.

And so, I wrote a note here, (inaudible) constitution. And I think my tribe and I can't speak on half behalf of them. I was. I'm here because of our Chairwoman is at another meeting. But I stand with that personally as an old member of the tribe. I can't see this as a consultation. But the Great Plains region was. I don't know if it was purposely left off? Or I don't know.

Well, guess who comes from the Great Plains Tribes, some of the strongest leaders in Indian country. We're not afraid to speak the truth. They're not afraid to stand up for who we are. You know I got Sitting Bull to thank, that's my grandfather, six generations. I got him to thank. Because that's who we are. Well, Great Plains was left off, but thankfully. And I want to say, you know this in a good way, thankfully, you have given us an opportunity, and I agree this should have been held on Standing Rock. It should have been down in Oglala. It should have been in Crow Creek. It should have been anywhere but here.

Why? Because that's where you'll see who we are. That's what Patrick Ragsdale had to do, board a plane, come to Standing Rock, jump in a squad vehicle and chase the car down our reservation. You know what he said. Holy smokes! Your guys's reservation is huge. He couldn't believe it, and I know, Mr. Melville, you've been through Standing Rock plenty of times. I was part of the search. Looking at where we're at here today in the consultation, I think we could all agree that the speakers after me are going to say, this is not a consultation.

Look at this. Handle with care. This is our recorder to prove that we had consultation, right? This, with the world's technology at the palm of our hands. We got a little digital Sony recorder that's gonna record all of our conversations. And then if they go back, they're gonna say we had meaningful consultation with the Indians, and I got the proof in the palm of my hand. Ain't that crazy! I'm not trying to make a mockery or fun. But I was thinking about that. We're sitting here because similar to my experience with Mr. Ragsdale, if you don't write down notes, very few will remember everything that's being said. But this is what's going to be the proof of the pudding that was talked about right here. So, I'm glad I just noticed this. I'm glad I'm getting it recorded.

The United States has a treaty and trust obligation to the Standing Rock Sioux Tribe. Again, we're gonna hit on that treaty because that's the supreme law of the land. We signed treaties that the United States Government in a good way in '51 at '68, April 29, 1863. The United States is required to provide programs and services to the tribe. The Oglala's, have taken the government to court, and they won court cases that prove that the treaties have its obligations. We paid upfront these services for the land and resources that were seeded in the treaty. Our homelands are full of resources. I think that's why they're coming at us in this way. The United States must live up to the treaty and its trust responsibilities. Again, this is gonna be something that's said here repetitively, because it's the truth, needs to be told, it needs to be heard.

Workforce optimization. We want BIA to staff, BIA staff to work hard and be accountable. But BIA is already underfunded, so I couldn't in my mind understand workforce efficiency. When we already know. I've been to DC numerous times, right beside, past Chairman Frazier, a Chairman, LeBeau, President Star Comes Out, all of the chairman that have gone out there we fought, we talked about how underfunded we are. So how can you be efficient when you're not even giving us enough money to even be, you know, efficient.

So, I think that just kinda it's a play of words there. The Administration should be addressing the chronic underfunding of the BIA. Amen. TIBC. Call the Hill. Never being heard, but every time we get it, where does it go? It goes to the chain, the BIA. By the time it drops down to the Indian country, it's the crumbs, that's all we get is crumbs. We can't effectively operate our programs. Our BIA superintendent is here, our own enrolled member of Standing Rock. The head of our BIA agency on Fort Gates is here. She has no power. She doesn't make decisions. That was the whole purpose of putting that Indian into the reservation, to be able to be that communicator, to be able to make those decisions.

Well, Miss White Mountain doesn't have that authority. We need local control back to the agency. We have our area director here, Olivia Steve. I'm really thankful she's here because

she's doing a lot for our area, probably the one of the best area directors I've seen since I've been on since 2006, and then that short time in 2013 and '21. She's done more in her 6 months than all the other guys did in the 20 years they were there. So, I'm glad that we were able to have her there. Not be taken up.

The administration with the Secretarial Order of 3429 seeks cost savings for American taxpayers. I'm a taxpayer. I think all of you are taxpayers, too. Where's our fair handshake into this process. This is wrong. The standard for tribal programs and service, because we're hurting our own people by trying to be efficient with underfunded programs. The Secretary must maximize the funding to fulfill treaty and trust obligations. You all know that because I see you guys at TIBC. You know, I know that because we go to our Congressional people on the hill, and we beg. An obligation isn't a begging practice. You know if I owe you something I shouldn't have to ask you. I shouldn't have to keep requesting for it, because that's your obligation. I didn't enter that in that way, you wanted those terms, so why don't you fulfill them?

The Federal Government cannot further reduce the number of staff who provide critical services for tribal communities. I can have my superintendent come up here and tell me that we don't have, no bodies in the BIA to even fulfill a quarter of our trust responsibility, because there's nobody there to do it. You know that, the DPR allowing people to retire. You know, one of my council reps have said, is, what capacity building? What about the capacity building? We had a bunch of older folks in the BIA. I think most of you know that I've been around a little bit. They're all older and they become complacent, and they become comfortable where we're not getting the full effect of what they're supposed to be doing. So, they're going out the door. But no disrespect to them, they should be teaching a new age generation to fulfill those obligations. But that's not happening. Let's just get rid of them. Because that's efficient.

Now who's gonna come in with the expertise to carry out those obligations? We have nobody, no one. The other programs that deliver essential services. The other programs touch every part of our lives from roads, law enforcement, natural resources. How can BIA staff be reduced any further? We already have enough, not enough law enforcement on Standing Rock around Mr. Melville, you know that. We're thankful for the one or two officers that have come that took the strain off our people, but their own law enforcement. Guess what they need to sleep today. Before they were running them. 24-7. They wanted to quit. They never got a break to be with their families. We're losing staff and institutional knowledge. That's what I'm saying. Nobody is being trained to take over these positions.

You know it's already struggle to ask for something from BIA. We have to wait, 2 weeks a month. And I'm glad Olivia, well, she's snapping that whip. And I really appreciate that, because now these wants go on to work like those ones that were on work from home. Guess what they can come back to work. We're getting answers, but not quick enough, because even she's short staffed.

The President's budget for the fiscal year 26 would undermine BIA programs. I think we all know that. I think we all know that the fear isn't about this big beautiful bill. That's not for us. That's

for them. What's gonna affect us is the '26, Bill, '25, we're okay. So everybody said, Don't worry about it. Don't worry about it. No, we have to worry about it, because this is me our last opportunity before we feel the effect of '26. When 26 rolls around, if Donald Trump our esteemed President gets his way, the Indian country is gonna fall apart.

That's why we have strong leadership here today, pushing the obligations through the treaty. You know, at the beginning I think some of you guys remember drill baby drill, right? How many of you guys remember that? Don't be afraid. Raise your hand. Man. These guys gotta see that raise your hand, drill baby drill. We knew this was coming. We knew what the agenda was gonna be. They're calling for an energy, emergency. But yet the price of the barrel is still within the reason. Oh, we're exporting. There was such a the emergency. We're gonna be like some of our people, you know, we're gonna hold on to as much as we can. Well, we're exporting it. But ain't no darn emergency.

Natural gas is being wasted. You know the friends and relatives to the North, they're burning all that stuff off. Everywhere you can see it, they burn as much as they can. We could be utilizing that instead of wasting that, I think that's where they need to focus their mind on the waste is the government's doing it. Not the Indians. Rushing to permit energy projects will impact treaty and trust resources.

How many guys remember DAPL, Dakota Access Pipeline. Yeah, don't be afraid to be Indian. Raise your hand. You heard it. I remember that. I wasn't part of it, but today they're operating illegally. And as many times as my tribe have put that on the table, they're still operating illegally. They haven't done a process. But today we're trying to fast track that process, because again the Indians raised hell with DAPL. So, we learned as the government, we learned what they did at Standing Rock. How can we fast track it so we don't have that same problem. And so today, they're doing away with as many of these federal regulations. Just so they don't have confrontation. So, let's call it a energy emergency. Let's just call it an emergency. So, we don't have to follow the law. We still have to follow the law, no matter what. Just because it's an emergency, you're not exempt. No tribe is exempt either from following law. But that's the reason behind all of this. So, we need to pay attention to that.

The tribe we're coming together in uniting. Interior is already implementing the energy emergency procedure without any consultation. So again, the cart before the horse. The same thing in 2006 and '7 we're supposed to consult, and then we take those meaningful comments and concerns, and we sit down. They didn't do that at DAPL because it's already planned. See. It's already planned. Interior cannot use energy emergency procedure where tribal interest may be impacted after consultation and consideration of the tribe's views.

Goes back to the DAPL and they learned that. But let's just say emergency, and we can fast track it, to heck with the tribes if it affects them well, they're expendable. That's how they felt about my people on Standing Rock. You're supposed to go north of Bismarck. But we're expendable. Let's put it south, just north of the border. They didn't stand with us. So, we experienced that. Standing Rock learned a lot about what they're trying to do today. All of that's been already

talked about, because we have folks like Peter Tapasella who understand what was going on in the fight against DAPL.

In addition, Interior must consult with tribes on each individual application for expedited permitting, if a project may impact tribal resources. Call it an emergency. We know firsthand what can happen when the United States permits energy projects without review and community support the only (inaudible) an environmental assessment to prevent Dakota Access Pipeline. The Army Corps did not take into account our treaty rights and resources. The Army Corps did not properly assess potential impacts to our sacred sites, cultural resources, lands, and we went after THPO. I got my THPO expert with us. A 94% cut isn't gonna allow him to do his job. A 7-day window for commenting, isn't gonna allow the tribe to effectively have comments prepared. Now with a million barrels of oil per day across the Missouri River and Lake Oahe, less than half a mile straight from our lands. That's what's happening illegally. And I shared this at a non-Indian Town Hall.

State of South Dakota. I love it Because we have to follow the law down here. You go off the reservation without a driver's license or without insurance, they pull you over. Guess what happens. You get fined, your car gets towed, and if you're not intoxicated, you get a walk home. Because you're illegally operating a vehicle according to State law.

The Department of Interior has the highest responsibility for protecting our treaty rights and trust resources. I wish that we had those individuals with that heart to understand that executive orders and the President does not supersede Federal law. That's why we're sitting here. That's why we're here today. Those timelines that I talked about, it's impossible 14 days for environmental assessment, 28 days for environment impact statement. You can't even review that. Heck, those things are so thick you probably couldn't even read it the first day. There's no ESA review timeline, 7 days to identify assess historical cultural resources under NHPA, Section 106. Not enough time. We need more THPO funding, because they're the ones primarily that are directed to be able to assess that, tell the tribes what we can and can't do. The energy emergency procedures violate the law.

I think this consultation is violating the law, too. But I'm not the I'm not the expert. I'm not the lawyer, but I suppose every lawyer in here probably agree that BIA isn't even following its own law. They're just doing what they want. Again, because I think that mentality, no disrespect to anybody, but you had to remember the dumb Indian. They put people in charge of the Indians because we weren't competent. Today, we're overly competent. So competent, we're starting to pick apart everything that they're doing against us. We understand it today. Our treaty and trust resources cannot be subject to unknown emergencies without any deadline. And again it goes back to that emergency. You still follow the law. You can pull all these different hacks, but you still have to follow the law.

I wanna close this up. And you know again. I want to be diplomatic. I've always been diplomatic Just because we raise our voice, we emphasize things doesn't mean we're a bad Indian, just means we love our people, and we have to stand for them.

The consultation, that I've said, I don't believe this would be a consultation in my books. I would hope that my tribal representatives here would stand with the same understanding that this is after the fact. I hope that every tribal leader continues to force upon this so-called consultation the importance of the treaty. That we can't back down on it. And I always wondered why we don't sit with the President. To me, government to government is a government to some somebody other than we bring our chief, we bring our chairperson, our vice, our President, whoever it is, that's the leader. The leader of the United States is the President. But we never get that time out the window or at the table. But in closing,

I want to thank you for coming here and to present this information. It's very informative. I think we already know it, and I'm glad that President Star Comes Out, came out and said, we already know this, let's just get right into the meat of it. But I hope you take our comments. They're all right here. Have somebody dissect it, and write the meaningful portions of it down. And then take a step, maybe 10 steps back, and utilize our comments and our concerns. Because I'm yet to be in a meaningful consultation that was actually a meaningful consultation.

Let's be clear that government to government consultation is required by executive order in your own policies. So again, take those steps back. Some cases you're already implementing some of these policies. We're just hearing it after the fact. Engage in consultation and work with us to develop those policies. All the people in this room are the experts because we live that daily. We understand it daily. But don't be afraid to come out to Indian country and sit down with tribal leaders, tribal councils, tribal directors. If you want to know what's going on, that is the best place to get it, not in Washington, DC. With some desk behind a screen to actually be in Indian country.

And lastly, respect our treaties. We heard today they are living documents. A lot of tribes are leaning towards the great plains leadership for this, because we understand our treaty. We know those obligations. We put the treaty to test. President Stars Comes Out was one of them. The Rosebud Sioux Tribe, and they won. So that tells us that most treaties are not just pieces of papers with their names on them. Those are trust obligations. Thank you.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you. Vice Chairman. So there is Wi-fi. It's Radisson wireless. I believe the password is 1, 2, 3, 5, 1, 2, 3, 5. I'll remind you again if you didn't catch that. Next up. We've got Mario Gonzalez, who's the Oglala Sioux Tribal attorney and representative today.

Commenter 5 – Mario Gonzalez, Counsel on behalf of the Oglala Sioux Tribe:

I'm not the chairman, I'm the Oglala Sioux tribal attorney. But I just like to start off by asking a questions. You know, President Trump recently stated that the United States is subsidizing all these European countries. NATO countries, and that we should stop. But who's subsidizing who here? Because if you look at our treaties in our agreements, you know, we have, the 1851 Fort Laramie Treaty which recognized 60 million acres of land as belonging to the Teton Sioux and

the Yankton Sioux. And that includes the land west of the Missouri River, the States of North and South Dakota, Nebraska, Montana, and Wyoming, and portions thereof.

So then, you have the 1868 Treaty. And the 1868 treaty carved out a reservation under that 60 million acres. Basically, all of western South Dakota, west of the east bank of the Missouri River, 26 million acres. That left 34 million acres around the great Sioux Reservation. And then that treaty was negotiated by civil War generals, the Civil War, Sherman and all these guys. And they came to Fort Laramie and sat there and negotiated the terms, not only of our treaty, but I guess they did other, 6-8 treaties with other tribes. In our treaty, there's language in it that states that there would be a reservation created, 26 million acres, called the Great Sioux Reservation and right after that it says that we relinquish all the territory around the Great Sioux Reservation.

But when it went to the Indian Claims Commission, the Commission said that Sioux would never have agreed to that treaty if they thought they were given up even an acre of land. It's all documented right in Indian Claims Commission decisions and that the evidence is overwhelming. The Sioux would not sign that treaty. If they thought they were giving up any lands.

What happened was those Civil War generals slipped that session language into our treaties, and they admit it. And in the Claims Commission reports they admit that they slipped that in there, that language to relinquish all the territory around the Great Sioux Reservation. And when they went to the Indian Claims Commission they even included 14 million acres of non-treaty land east of the Missouri River. You're standing on some of that land right now in Bismarck. It's part of the 14 million acre, Docket 74 land.

The Docket 74 involved the Teton Tribes and the Yankton A Tribes. So, you're right now, you're standing on Cheyenne River land. None treaty lands, Rosebud land. The Yankton A land. I don't want to forget about Yankton A. They were an important part of this 14 million acre also. But that the Indian Claims Commission, they looked at that, they said we, because that fraudulent language in the treaty, that we relinquish all the land around the Great Sioux Reservation in these 14 million acres of non-treaty land east of the Missouri River. This 48 million acres.

Okay. So then, there's other provisions in the treaty that provided, I think its in this Article 4 for you know, teachers, physicians and other individuals. Where Article 5 states that there'll be a superintendent agent at each reservation that would be there, live on a reservation, take complaints, and perform those duties. And that implies that he has adequate staff. You know those are treaty obligations, the right personnel on these reservations and these services.

Okay, so then, what happens? Then we have the Black Hills Act 1877, Article 1 confiscates 7.2 million acres of our 24 million acre reservation. And called the Black Hills west of South Dakota. But there's language, read it carefully. Article 1 says that all the land around the Great Sioux Reservation is 14 million acres are relinquished based on this fraudulent language, they snuck into the treaty. Article 2, so that's fraud.

And then the Black Hills Act also states that in consideration. What does consideration mean? It means that in consideration for all that land that's been confiscated by, you know fraud. All that land that is being confiscated would include not only this land over here, but also the DAPL land that's being contested by the Standing Rock Sioux Tribe. That's included, in the confiscated land.

Okay, then, it says, and go to Article 5. It says that in consideration for that land the Government will provide all aid necessary for civilization in consideration for confiscating all that land, all aid necessary for civilization, subsistence rations for the hunting right. Because they came out and they killed all the buffalo. There's no, basically no hunting rights left. They use food as a weapon of war to force the tribes onto the reservation. So, in exchange for that hunting right, we're supposed to be getting subsistence rations, each individual as long as necessary for survival of the tribes.

And then you go to Article 8, and it says that each individual, every single Sioux tribal member would be protected of his rights of person, property, and health. That's all part of the Quid pro quo. So, what are we getting in exchange for the billions and billions of dollars they're taking out of our Territories, and that applies to other tribes around the United States. There's always a Quid pro quo, what they take, they're supposed to give something in return. Healthcare whatever, even in non-treaty tribes. So basically, who's subsidizing who here? I wanted to make that point.

And then another point I'd like to make is that even though for a panel here you look at 14210, executive order, and it seems right in the end of that Section 5, that order has to be implemented pursuant to applicable law. Have you read that? Take a look at it. What is applicable law to you? Does applicable law include treaties? You know you're violating it already. You're not only violating our treaties, you're violating that executive order. You're sitting here today, and you're promoting the violation of the executive order. You already violated it. The Government already violated it by implementing some of those provisions that the current administration is promoting in regards to Executive Order 14210. But you're also violating not only the executive order you're violating the applicable law that they referred to in that executive order which are the treaties of tribes. Applicable Law.

The 1934 Indian Reorganization Act, which in Article, Section 12, states that it'll be Indian preference for Federal employment, right? Section 12. It also says that the general civil service laws only apply to Indian service. So why are you implementing the general civil service laws against the Indian civil service employees. In personnel. You know, you need to not just blindly follow, you know, the instructions of your superiors. Because your superiors aren't reading these things properly and you're implementing it, blindly implementing the agenda of the administration.

And this is not a consultation. It's just a formality. You already have the end result, the conservative end result that the government's looking for. So, it's not really a consultation. And we have an ordinance. The Oglala Sioux Tribe, ordinance 1210. It says that consultation to only occur with the tribal council. So, we come here today participating. You know, my discussions

with the President here, Start Comes Out. We come here today to disregard this as a gathering to voice our concerns. So don't go back and say you consulted with the Oglala Sioux Tribe. We did not. If you want to consult with the Oglala Sioux Tribe, you have to go to Pine Ridge and meet with our council. That's consultation. And we did that on purpose and acted that ordinance on purpose. Because people used to come there and talk to a few tribal officials, go back and say we consulted. So, to end that practice we've passed ordinance 1011 to say that all consultations have to be with the governing body of our tribe.

So basically, I'm not going to take a lot of time here. I just want to point that out. But we do stand by our treaties, in our agreements. Even though we don't interpret all of those treaties like the Government would like us to. We don't acknowledge that (inaudible) the language in the 1868 treaty, that we relinquished 48 million acres when the Indian Claims Commission even said that we did not.

Another thing I want to point out is consultation. We asked for consultation on Docket 74 in the Biden Administration with Haaland. And we wanted consultation about Docket 74 in January of 2024. January 2025 came around and we never got a response. You know the Biden Administration, Haaland, Newland, Bob Anderson, they never responded to our request for consultation. So, I think the Standing Rock Sioux Tribe and the Oglala Sioux Tribe just basically renewed that request for consultations. Do you think that the current administration is going to honor that too? All we want to do is talk and find solutions to that land claim. In a manner that we don't have to sell out our homeland. Try to resolve it and find innovative solutions to resolve that claim. So, is current administration going to honor that request for consultations when we ask for it formally? I hope they do.

Or act like Deb Haaland, who is pretty good at photo ops, I would say, goes around the country in terms of responding to a request that she doesn't seem to care about us over here. She rather go out to the Southwest and take photos and promote herself so she can be Governor, I guess, for New Mexico.

So anyway, in essence, I just want to say that this is not a consultation. Our tribes are going to stand by our treaties, and we're not going to allow you to implement these policies. We're gonna align ourselves with other Indian nations here, the Navajos and others. We're gonna contest these policies because there being implemented contrary to our treaties, agreements, there are statutes. I don't know, maybe that's something you can take home that the Oglala Sioux Tribe and other tribes are not going to allow these policies, new changes, and the Bureau of Indian Affairs, Interior department to occur. We're gonna take them to court if we have to and fight it. You know, we're gonna still be here as tribes when this current administration is long gone. Okay, well, thank you ladies and gentlemen.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you, Mr. Gonzalez. So, we got word that the Coalition of Large Tribes has ordered pizza. It should be here in about an hour, and we'll see if we get a table set up in the back. So just FYI.

And again, since we're rolling through, we will bring in lunch for our fed team as well. Next on the list we have Mike Parker, who is the Chairman for the Eastern Band of Cherokee.

Commenter 6 – Mike Parker, Chairman of the Eastern Band of Cherokee

Hey, good morning everyone. Introduction in native language. My name is Mike Parker. I'm the Chairman of Tribal Council, a Legislative Branch of Government for the Eastern Band of Cherokee Indians. We're located in North Carolina on the far west end of the state. Just want to, first of all, reach out to each and every one of you and thank you for allowing us to share this time in this space and this place with you all. We came a long way, and I think, with the one of the presenters said earlier, it really does, everything that's been going on, it really resonates with us even now. In this time, this part of our history, national history, I think it's more important now that we stand together as we move forward into the time.

The Eastern Band of Cherokee Indians is a federally recognized Indian tribe comprised of the descendants of Cherokees that have footed the Trail of Tears in the Great Smoky Mountains, who walked to the Indian Territory, and then walked back to Cherokee homeland. The Eastern Band provides critical government services to more than 16,000 tribal members. Approximately half of whom reside on the 56,000 acre Qualla boundary for Eastern Band Cherokee reservation that covers 5 counties in western North Carolina.

Tribal nations have existed as sovereigns since time immemorial. Federal recognition is an acknowledgement of the sovereign political status of tribal nations, which have government-to-government relationships with the United States. Consultation between the Federal Government and tribal nations must directly involve the ultimate Federal decision makers. To be meaningful, consultation must involve the interactive exchange of information between all parties, and the goal must be to reach a consensus among the consulting parties. For this ongoing consultation process to constitute the legally mandated, meaningful government-to-government consultation, the Department must do more than solicit tribal input on a non-existent plan for the potentially drastic changes to the structure and operations of Indian Affairs. Additional consultation must be conducted following the development of a proposed plan and prior to any decision on that plan.

It is imperative that DOI understand that tribal programs are distinct from other federal programs, and the provision of federal services to tribal nations is a legal right, owed to sovereign federally recognized Indian tribes by virtue of their political status and their trust and treaty relations with the United States. Any diminishment in the Federal workforce or restructuring of Indian Affairs that would negatively impact services to tribal nations would breach the United States trust obligation and result in devastating consequences to tribal nations, including the Eastern Band.

We urge DOI to exempt all Federal employees, whose roles deliver on trust and treaty obligations from hiring freezes and layoffs, as well as the voluntary early retirement authority and the deferred resignation program. We further urged DOI to refrain from closing BIA office agencies, particularly the Cherokee Agency, which we rely on regularly to get business done in

areas like commercial leasing. We also rely on the Cherokee Agency for vital Forestry Service, which include forestry management, controlled burns, and mitigation of invasive species. The Agency office also assists with ensuring that fire trails are properly maintained. These are the only BIA services we have not compacted or contracted for at Eastern Band.

Tribal nations in different regions have different issues and needs. Local offices have tribe specific knowledge, experiences, and relationships that facilitate the provision of vital Federal services, but that will be lost if such offices are closed and consolidated. Significant time and resources, both tribal and federal, will be incurred if services are transferred to other offices. And federal approvals will be delayed, slowing economic growth and development in Indian country.

Closure or consolidation of offices is not in the best interest of Indian country, nor is it consistent with the Federal Government's responsibilities to tribal nations. We have been reassured within the last 2 weeks, that all 12 BIA regional offices will be maintained and kept open, including the Nashville office. Can you confirm that?

That would be a question for you (panel).

Land into trust is a key priority for the Eastern Band. We ask that any workforce or other changes, be made strategically and not disrupt or delay the process for taking land into trust with respect to both current, pending, and future requests.

Education is of the utmost importance to us as Cherokee people. So, I want to take a few moments to specifically address BIE in the context of Executive Order 14210. We are very proud of our Cherokee Central Schools, which are uniquely operated in a way that promotes Cherokee culture, values, and heritage, while providing a high-quality education to our youth. Tribal schools rely on a stable, knowledgeable and well-staffed Federal workforce to ensure the essential infrastructure is in place to maintain ongoing operations. Vacant positions must be filled.

We strongly support the streamlining of funding structures for tribal programs in a way that will expedite the release of funds and ease the burdens on tribal nations. The overly burdensome Federal approval and reporting processes should be pared down to require no more than is absolutely necessary to ensure the integrity of tribal program funding. And the Secretary should exercise his authority to waive burdensome ISDEEA regulations more frequently.

Outdated or difficult to use technology should be replaced with modern, user-friendly technology. Tribal nations should be able to track each dollar they are entitled to and should be able to access the real time status of payments. The distribution of tribal property allocations is often delayed which has a harmful ripple effect on tribal nations. These delays slow contract support cost payments, disrupt the Grant cycle and interfere with tribal development, and it forces tribal nations to implement hiring freezes and risk the loss of experienced tribal staff.

As we demonstrated during the pandemic, tribal nations are best able to efficiently and effectively serve their citizens with flexible formula based non-grant funding, streamlined guidelines and reduced reporting requirements. Providing lump sums to tribal nations rather than doling out funds piecemeal will expedite the funding process and increase efficiency.

Looking specifically at BIE operated and tribally control schools are entitled to reliable forward funding resources that allow them to plan and operate on an academic year calendar. Transparency is also a major concern. Schools and tribal governments need to access real time information about their funding awards, their drawdowns and processing status as well as increased technical assistance.

The proposed 70% reduction to BIE consultation funding in FY 2026 represents a crisis to the safety and functionality of tribal schools; 70% that's unbelievable.

EBCI has largely compacted service of the United States, increasing the efficiency and effectiveness of such services. These successes demonstrate that greater tribal control over funding for tribal services is more efficient and effective at meeting the needs of local tribal communities. However, self-governance is only effective if it is fully funded. Red tape and technological deficiencies pose significant barriers to self-governance and self-determination. The self-determination and self-governance processes must be carefully analyzed in collaboration with tribal nations, to identify ways to streamline processes and improve efficiency, we have to communicate.

DOI should abandon unnecessary payment by payment justifications from tribal nations. DOI should also immediately clarify that self-determination and self-governance funds are exempt from the ASAP requirements for drawdown justifications.

DOI staff decisions about inherently federal functions must be based on actual legal standards, and the legal justification for the decision must be documented.

Speaking again to BIE, tribes must be empowered to direct their children's education through systems that reflect their cultural values, educational priorities and community needs. Systems used by BIE and DOI for procurement, facilities and grant management make it harder for tribes to access their own funds and track awards. DOI must modernize these platforms to ensure that tribes have transparency and visibility into every stage of the funding and reporting process.

At this stage it is not even clear what the purpose is of this consultation with respect to the expedited permitting procedures because the procedures are already in place. NEPA provides crucial environmental protection for our lands, water and natural resources, and provides tribal nations their necessary seat at the table during the decision-making process for Federal undertakings. The devastating consequences a Federal undertaking can have on tribal lands and resources, and on invaluable and irreplaceable cultural resources, can only be prevented if the Federal agency meaningfully consults with the impacted tribal nations.

Tribal historic preservation officers deserve a vital statutory role in the NHPA process. Our THPOs are chronically underfunded and under resourced and rushing the NHPA review will significantly increase the burden on our THPOs. THPOs are funded by the Historic Preservation Fund, but this funding has not yet been released for the fiscal year 2025. Worst yet, it is slated to be eliminated in fiscal year 2026. These funding shortfalls for THPOs will cause delays for energy and infrastructure projects. In addition to violating Federal trust and treaty obligations.

We're also concerned that the emergency procedures for endangered species violate Section 7 of the Endangered Species Act. While the regulations provide for emergency alternative procedures, they must be consistent with other requirements under the Act. Because tribal views on these issues vary across Indian country, and because we are capable of sovereign governments, tribal nations should have the option to choose whether the expedited procedures apply to a particular federal undertaking based on what is in that nation's best interest. Empowering tribal nations with this choice promotes tribal sovereignty and self-determination, while expediting the permitting process where appropriate.

In concluding, I want to say that the Federal Government's unique legal relationship to the federally recognized tribes is found in its trust responsibility. I cannot stress enough how crucial, meaningful consultation is to ensuring, protecting and fulfilling treaty rights in the Federal trust responsibility. The bottom line is that any changes to staffing, structure, funding mechanisms, or procedures, must reduce the burdens on tribal nations and improve the timely delivery of funding and services to Indian country.

Again. I want to thank you for your time, and we look forward to any future discussions on these spiritual issues. Thank you. Thank you all.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you, Mr. Parker. Next up we've got Gene Small who is the President of Northern Cheyenne Tribe.

Commenter 7 – Gene Small, President of the Northern Cheyenne Tribe

Hi. Well, good morning. Everyone name Gene Small, newly elected President in November. Been in this game for 6 months now. Trying to be a game player here, I don't know. It's been interesting.

When I got in we had a public safety issue where the young child, right when I got in, with the 8 year old that was shot by a drive by shooting. That evening police was called up there. There was some gun activity going on up there, and they were called up there, and nobody showed up for that call. The next day is when this accident, or when this tragedy happened, this 8 year was shot. And to this day that person hasn't been charged federally, he's still sitting tribal court.

So, when I came in I was like, well that didn't make sense to me. I talked to the Council and we decided to make our trip to DC. So, February we made our journey to DC to testify on behalf of

the public safety. The issue we're having at Northern Cheyenne is in 2019, they closed our jail completely. So, we have no jail on the Northern Cheyenne. Our crime rate went up by 800% when they close that jail. And that jail today remains closed. We've got inmates going to Oklahoma. We've got inmates going to our neighbor town of Harden. We share that facility with Crow. So, we felt it was time for us to make a move, and we did. So, we went to DC. We had the opportunity to meet with Ms. Rael and Dearman. Scott wasn't in yet, but Scott did come out to Northern Cheyenne to visit us. Same with Tony Dearman, we appreciate that for coming out to look at our tribe. It was a good thing.

So, since that jail been closed, this crime rate has gone up, Northern Cheyenne went on ahead and filed a lawsuit with the US Government. We gave them ample opportunity to answer our call and that never happened. So, we went ahead and filed a lawsuit. It dates back to the treaty when we keep talking about the Fort Laramie Treaty of 1868. There's a clause, the "Band Man Clause." That's we're we are basing this lawsuit on. You know it requires us to protect our tribe and the people. So that's what this lawsuit is based on. I heard, you know in the past that these lawsuits been won. And I'm pretty confident that ours will too. That we'll move forward that way, too.

You know this administration is talking about supercharging self-governance. We're a direct tribe down in Northern Cheyenne. Most of our funding comes from the government. We've got maybe 95 98% of our money comes from the government. We 638 the dispatch and the CSIs - crime scene investigators. I wasn't in at the time, so I don't know what the thought was on, the reason was on that. But we went on ahead, they went on ahead and did that. So, it's on my table now. But when we did that on the dispatch side of it, they kept the, there was support staff that was included with that contract, and they never did get that support staff. It wasn't a big amount of money, I mean \$150,000, I think it was. But they tried to keep that from us. They kept that from us. They wouldn't give that to us, when we applied in that application, we didn't get that function. But it was part of it. So, we end up filing another lawsuit on that piece there. So, that that came right after this first lawsuit in 2022. The second lawsuit with them withholding the support staff.

And then we move on into the range program, the agriculture program. Back in '19 '18 we had the agriculture program 638, was working fine, was working good. Actually, I was the range manager. I was the one that was in charge of it. So, I know what kind of money was there. I know what was going on. I got out of there in '19, and it was retroceded back to the BIA. So, the BIA is in charge of Ag program now.

So, when I got into council, we passed a resolution that we're gonna go ahead and take that function back. We're gonna 638 the range program. So, they did. And so I had one of the gals working on the contract. And of course I'm familiar with it, because I was part of the original contract. So, when it came down to it, and I was looking at it, there was \$40,000 less than what we had '17. And I questioned that with the superintendent. I said, how come there's \$40,000 less from when we had at '17 '18? And he really couldn't answer my question. He just said, "Well, we gotta, we need to hold us back for this administration fee and this and that." I was

like, no that cuts us short. We're already short, but we're getting cut again. Well, lo and behold, here last week, he approved the contract. We've got another extra \$40,000, not an extra, I should say, we've got a \$40,000 that was owned to us, that's gonna come with the contract. So, that was good. But I still feel that it's still not enough.

Right now, the staff is not there at Northern Cheyenne with our superintendent. We finally got a superintendent. We've been out for 2, 3 years. We've finally got one now. The range staff. A lot of people are getting hurt, I shouldn't say getting hurt, they are not getting paid. The landowner, you know, Northern Cheyenne it's all cattle ranching. That's one of our biggest incomes. We had a second round allocation here two weeks ago, and the permittee's still haven't got their invoice to pay. Cattle need to be turned up, and I don't know what the hold up is, but he keeps blaming on staff. And we keep, we're still sitting. The landowners waiting on their money to get paid so they can get their income off their land. Well, that's a big issue right now for us, is trying to get these landowners paid. And it's not on the tribe, it's on the BIA.

Moving forward we do have some projects that we've been working on. We've got a broadband project. I guess I gotta bash the bureau again. I'm sorry, but. So, on this broadband project we had a, we're pushing for new broadband. We got a grant to do superhighway over here, and all this, you know, here to here. But anyway, this broadband is going to go on the same corridor as Range Telephone and (inaudible) Electric, our utility company, we go right in line with them and we're pushing for it. And the bureau put a stop to it, because they said that we need a survey. They want us to require a survey for that, for that path that we're gonna go in. We'll come to find out Range Telephone and (inaudible), the bureau never required them to have a survey at all. But they're gonna hold us responsible for survey.

So, we did write a letter. We moved it up the chain. It didn't go very far. Well, it went to the region, I sat at the region for a little bit. Mind you, it's construction season and we should be rolling with this broadband project. So, I made the call for Scott. When Scott came out we visited a little bit. We made a call to Scott, and Scott did his thing, I guess, because we got the we've got the survey waiver like the following day. So, that project starting to move now. Thankful Scott's help with it. We're ready to move.

We've got another project there, and this one here is really mind-boggling to me. It's a new road, it's about 11-mile road completely new construction. Ready to go. We've got the gravel. We've got the equipment. We've got the jobs advertised. Everything's in the hopper ready to roll. Here comes a bureau says you guys don't even have an easement on that road. You don't even have the right to put a new road there. So, I was like, what? So, I started harassing my transportation department. Of course you know, like, well, how come? How is this? You know how? The gravel is already ordered. It's hauled. So, as we looked into it a little further, come to find out. She finally found that we had a natural disaster here a while back. One of our buildings got flooded, and some of that stuff got waterlogged. They had to burn it. Within that stuff they burnt were these easements that pertained to that road. But, lo and behold, she did find the easements on a thumb drive. So, these consent forms, I should say, consent forms with compensation for that easement. We found them. They dated back to 2012, signed off by the

bureau with compensation, but was never recorded. So, the superintendent is fighting us now because he's saying there's no easement. But it was, there was. It was filed. It was given to them in 2012. I got the copies.

So now we're, me and him are kicking cans. I hate to use Scott again, but I might have to. Because we're not going anywhere. Again, we're in construction season. I guess, for me. He asked me. He says, "Well, what are we gonna do now?" We got you know, there was a one over one. And he agreed to the easement, and he wanted compensation. Now that he's gone, there's seven in there, and they're all saying No. And I said, "Well, that's not our problem. That's your problem." And I'm not a lawyer or nothing. I'm not real sure. I don't know if there's a shelf life on these, on easements or not. I'm not sure. But I'm thinking not, I think once it's signed, I think that should have been a done deal, should have been recorded. But here we are fighting over a road that's been there for a years, forever. You know, it's been there forever. So those are some of the issues that we're facing down there.

You know one of the things I look back, and thinking about, you know, where can we cut and whatnot? I think back, it seemed like back in the day. You know I ranch, I got cattle. I've dealt with the bureau. It seemed like every time there was something, somebody did something within the bureau that didn't benefit the tribe or didn't help the tribe. Or they did something wrong that wasn't right. They were never held accountable. It seemed like they're always moved up the ladder. They always got shipped somewhere else, and they got a higher paying job, you know, ship to a different, I guess, to a different tribe and put it on them, you know. I think that needs to stop. I don't think if they're incompetent, and they can't do their job I think they need to look for another job. I don't think that should be their job.

I think you know cutting the top. Cut the cream off the top of some of these jobs, too, you know, and keeping that money at the local level and actually getting somebody that's maybe educated, a little more educated or has a little more background. You know, as far as us as a superintendent having that authority to make decisions, you know, right there. Because it seems like our superintendent now wants to kind of mill around, you know I gotta go to the region, and it sits there. And it's you know, we're just not getting anywhere with that. I don't know if you guys got a chance to meet Scott yet. He's from around this area, but he sure been helpful to Northern Cheyenne. I know that.

I guess, just in closing here I feel that, just the feeling of everything here. With what everybody said, I think the decision has been made on their part of what's going to happen here. You know, Northern Cheyenne been an ally with the Sioux for a long time going back to 1876, you know. We was allied to the Sioux. So, I guess I just wanna say, you know Northern Cheyenne is on board with the Sioux. While I'm still here, whatever it is, you know. If it's a lawsuit that has to happen, whatever has to happen, we stand with you guys. And with some of the Navajo Tribe, we stand with them too. So, that's all I got. Thank you.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you, President. We're just gonna do a light reshuffling of the list, just focusing on Presidents, Chairman's, and Tribal Council members. And then we have Mr. Troy Eid here on behalf of COLT that we're gonna squeeze in because he's got a time commitment. But next up we've got Boyd Gourneau of the Lower Brule Sioux Tribe.

Commenter 8 – Boyd Gourneau, Chairman of the Lower Brule Sioux Tribe

Speaking in native language. I wanna thank you guys for the time. Hard to follow some of these speakers as well. I want say good morning, my name is Chairman Gourneau, Lower Brule Sioux Tribe. Scott and all you folks here, you know. I realize you're not decision-makers. And you know, I've been in politics since 1987, and probably longer than that. My mom was in there. And I think she kinda of feel with me with on, how thick your hide is. But we spoke with Scott, you know, at the Chairman's meeting not too long ago, and I know where his heart is. It's with us, his people. And it's good to have you folks in the positions. Who else would you want there. So, he's with us, and I know his hands are tight, and I can appreciate that. And I sympathize with you. But at the same time, you get the brunt of our frustrations. You guys are the messengers, and we're the kill the messenger folks. But you know, that's where I'm at.

And I do wanna thank the government for sending down Olivia. I don't want to brag on her, or even Craig, our new superintendent, too much, because when we get good ones, they tend to disappear, too. So anyway. Thank you for that. I guess I'd like to echo what everybody else is saying. This is not a consultation. The budget cuts are made. The buyouts have taken effect. We've got empty desks, but they're paid empty desk, and who suffers, the tribe. And that ain't right. You know Lower Brule, you know, they talk about efficiency. We stretch that penny so far we invented copper wire we never got, you know, we've never got credit for it, you know, that's what efficiency is. But, you know, that was a joke. Sorry about that.

But you know, I appreciate what you guys doing what you're trying to do. Efficiency ain't gonna work in Indian Country because we're under refunded as it is. Senator Cole told us, we're not worried about any money being misspent in Indian country because you guys don't get enough. And now we're talking on sizing down.

With that being said, I just like to plead with you, since it's. To me, its not a consultation, to promote, maybe thawing out or increasing the funds to the tribes that are being frozen. Possibly, when the funds that are obligated, give it to us on a timely basis. A week before school is out, 5 days before school was out, we got our ISEEP funds. We still haven't got our Title monies. The tribe subsidize that because we're not going to let our children suffer because of the government's inefficiency.

You know that being said, you know that it just seems like everything the government does is sets us up to fail. You know, we got housing, you guys make too much so, you're not qualified for a house. Daycare, same thing you can't make too much, you can't take your kids there. To qualify for a loan for that house, you're making the money, but you live on trust land, so you're defeated there. They won't hold that trusted land, half of them.

In Lower Brule we received a wealth allocation. We thought, great. You know, we're gonna take this and we're gonna leverage it. And we're gonna try to create some wind power, some solar power. The office said, wait a minute, we're gonna give you this allocation in a formula that affects the low energy people by 5 to 12 bucks a month. So, you know, tribes you can't do it with it, what you want. Like I said, everything's set up to fail.

In Lower Brule, you know we got an IRS opinion. So, we set up business and there's an investment. It was great. We had our folks that wanted to invest 400 million. And they said, you get me that we'll invest it tomorrow. But they wanted to quite literally to back up that investment or that opinion. And IRS said, hey, wait a minute, we didn't want to do that. That's just what we're fighting here. I guess we've always heard you shouldn't look a good person in the mouth. But in Indian country all we receive is Trojan horses. Nothing's ever. Everything has strings attached, red tape, ties you up. Like I said, the tribe gets set up to fail before it starts. You know as tribe, all tribes, you know, we're getting pretty good at making lemonade out of lemons.

In Lower Brule, we're doing pretty good in the farming and ranching. You know, as a government, you know, does not wanna hold our treaties, don't want to live up to their end. Because I feel our ancestors when they signed that, I don't think they had this in mind. But we're here now, and we're gonna do the best we can. And like, I said, if they're not, gonna hold their end, give us our land back. Let us fail or succeed on our own terms. And I want to thank you for your time.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you Chairman. Next we'll go to Katheen Wooden Knife, President of the Rosebud Sioux Tribe.

Commenter 9 – Kathleen Wooden Knife, President of the Rosebud Sioux Tribe

I'm a bit shorter than everybody. Introduction in her native language. I want to reach you all this afternoon with a good heart and a handshake, and I welcome all my relatives here. I have a few things that I wanna say, while I was listening to everyone talk.

We are going to pretty much be repetitive in what we say, because we all have the same issues. We all have the same beliefs. I was formally, before I came to the tribe, tribal political world, a Federal employee. I worked for the BIA, and I worked for the Indian Health Service. And what I have found is that when I worked for the Indian Health Service, a lot of times like sitting here now, I don't know how many of you have actually had more than the next level of our hierarchies come down here. It's always the representatives at the area level or less. At one time, only one time at the Rosebud Sioux Tribe did we have the top people from the Indian Health Service and the Bureau come to the tribe. And that's when our emergency room had failed our CMS review. And our ER was in fear of being shut down, and we wouldn't have that service provided to us.

As an Indian Health Service employee, I worked in administration, and several times I got really frustrated because we weren't getting provided the care and services that we needed for our people. I went to the Lumbee Circular and I looked up tribal to tribal, government -to-government consultation. As everyone is saying here, I want to just read the definition. Government-to-government consultation is a formal process of communication and engagement between a government and another entity, often a tribal government, to discuss and coordinate on matters of mutual concern. At that point in time, when the officials came to our tribe to discuss the closure of our facility, actually, because we were in such dire need and jeopardizing the health and safety of our tribal membership. As everyone has repetitively said here, this is not a consultation. It is not.

When the Indian Health Service came to Rosebud Sioux tribe, I was on tribal council. I was a 7 year Tribal Council representative before I came to President. And at that time, when they came, one of the main things I said is that, with Indian Health Service there is a lot of times. What happens is they recycle. They recycle the problematic employees, and they send them to our tribal nations, and we don't get improved care. We don't get the quality of care or the quantity of care that we need as a people. What we always got, and I was very adamant about saying this in a very strong voice, and saying, it is the Federal Government gives us lip service. And to me this consultation is pretty much that because a simple definition prior to what I said, was a simple definition of consultation, is the act of exchanging information and opinions about something in order to reach a better understanding of it.

As we've all said, this is coming after the fact. So where is that consultation? Where is that, what we were waiting for? I don't see it as a consultation. I see it as something as a follow up. They already made their decisions. And now they're going to be hearing from us. And I don't want to be disrespectful to those that are here listening to us. But this is how it is they're sent to listen to us. But when we have something to say, do they really listen to us. I've been a part of this since I was a BIA employee, an Indian Health Service employee, a Tribal Council Rep, and now a tribal President, I don't see anything different. We're all here to tell our story, to speak on behalf of our nation, our people. But is it going to be heard. How many times have we done this for decades and decades where you come here and we speak about this. But, what gets fixed? With the situation with our hospital. The reason I bring it up is yes, they all came, they all listened to us. We had the top, excuse me, top dog sitting there. They listened to us that day. They all sat there and they gave us that lip service. They showed us that they heard us.

Today, our ER is back in the shape it was then. And that was in 2016, or 2017. And here we are right now, and we're experiencing the same thing. Our hospital is no longer a hospital, it's becoming a clinic, and we are getting less and less services. Our ER contract has ended. We have to find another ER back. At that time they stated to us that it was temporary. That we would only have a contract for a year or 2, 2016, 2017. It's 2025 going on 2026. We still haven't a contract there. So are the words kept? Do they really fulfill what they say they're gonna do for us. I don't see that I had to use that for an example to start today.

But I wanna read some of what was prepared. At Wind Cave, in the heart of the Black Hills, the Creator gave the first woman and the first man the breath of life. Our Lakota people have the freedom to dream and follow our visions, to take care of our children and our families, and safeguard Grandmother Earth. The art in the Black Hills, and native footprints across white sands reminds us the Creator gave us birth in our homelands, the Lakota Makocha. When America brought us war we fought to defend our children, our families, and our nation. America sought peace and pledged in honor, the war shall forever cease. The government of the United States desires peace and honor and is hereby pledged to keep it.

Our 1868 treaty reserves, our original absolute right to then undisturbed use of our lands and our treaty. America agreed to help us make our permanent home a livable home with our rights respected, and treaty and immunities and services provided. Self-government the highest of the best form of government, as the Supreme Court acknowledged in ex parte quote of 1883 agriculture, including lands necessary for agriculture, livestock tools, and the seed crops. Food rations embodied the modern FDIPR and SNAP programs. Management of land, natural resources and waters, including drinking water and irrigation as necessary. Education, including schools and teachers necessary for instruction. Healthcare meaning, competent physician-led healthcare. Public safety, law, enforcement and protection from the Band Man depredation. And roads, erections and government buildings and maintenance of nation to nation relations.

The Creator blessed our Lakota people with life, liberty, and the right to pursue our dreams and serve grandmother Earth. Our people vested our Rosebud Sioux Tribe with original, inherent sovereignty and rights to self-determination and self-governance. From America's first days the United States sought out Indian nations to make treaties. And in very first treaty of 1805, with the Sioux Nation, America asked to acknowledge its sovereignty. Over 2 mile, 2 9 mile squares of Indian land in Minnesota. The earliest American treaties are enshrined in the United States Constitution and our 1868 treaty was negotiated, while the 14th Amendment was under consideration.

Upon the 200th anniversary of the Constitution of the United States, Congress passed a concurrent resolution to memorialize American treaty relations with the Indian nations. That is, Congress specifically acknowledges and reaffirms the trust responsibility and obligation of the United States Government to the Indian tribes for their preservation, protection and enhancement. Including the provision of health, education, social and economic assistance programs as necessary. And including the duty to assist the tribes and performance of Government responsibility to provide the social and economic well-being of their members and to preserve cultural identity and heritage. The Congress also acknowledged the need to exercise the utmost good faith in holding its treaties.

With the workforce reduction of government efficiency, recent administration actions have created chaos and instability for Indians and tribes and their citizens. Full staffing is required for optimal functioning of Federal programs that provide funding and services to Indian nations. Drastic cuts of Federal employees and or limitations with their travel will have a direct impact on Federal implement of treaty and trust responsibilities contrary to federal law. Any additional

loss of civil servants in Federal offices, impacts the continuity of services to tribes and tribal citizens. BIA, BIE, and IHS are already experiencing chronic staffing shortages. These personnel work at all levels to ensure that the agencies carry out all the programs, functions, activities and services that they are obligated to provide tribes. Many essential governmental programs are already running with lean workforce and further diminishment would have dire consequences to the Rosebud Sioux Tribe.

With Indian education, in our 1868 treaty, America undertook to provide education, teachers and schools. Our children are the foundation of our Indian nation, because they are our future. In our culture we view our children as Makanijah, the Creator's sacred gift to us, our parents, grandparents, and people.

Early childhood education is essential to the children's future well-being. In the early years child brain development is guided by learning experiences, and our children must be taught in nurturing environments that promote positive thinking. Social skills, academic readiness, brain growth and development and early childhood education lays the foundation for success in life. As sovereign Indian nations. We must preserve K through 12 education, including special education for children who need special needs instruction.

In the Indian Self Determined Education Assistance Act, the centerpiece of Nixon's administration, Indian Self-Determination policy, Congress found and declared:

1. True self-determination in any society of people is dependent upon an educational process with process which will ensure and development of qualified people to fulfill meaningful leadership roles.
2. The federal responsibility for and assistance to education of Indian children has not affected the desired level of education, achievement, or created the diverse opportunity and personal satisfaction which education can and should provide.
3. Parental and community control of the educational process is of crucial importance to the Indian people

With health care, our 1868 treaty requires America to provide competent physician led healthcare at the Rosebud Sioux Tribe. Yet we had pregnant women ignored while in labor. Patients with heart attacks left without services. Our hospital is closed and our patients who need critical care we're shipped 1, 2, and 3 hours from Rosebud. That means our patients are not treated during the golden hour when it is most essential to save one's life.

The Indian Health Service is chronically underfunded, with only about 20% of our needs funded. That results in the terrible mortality in Lakota country. Our average life expectancy for Lakota men is 47, Lakota women is 56, compared to 65 years in Indian country and 77 in America. We suffer major health challenges, diabetes, cardiovascular disease, liver and kidney disease, lung and stomach cancers and disparities in infection, hospitalization, fatal accidents, rape and violent victimization, suicides and homicide. Cuts to Medicare and Medicaid is going to have an adverse impact regardless of the increase in funding that would never be enough to meet the

unmet needs for our people. For fiscal year 2026, we need \$8.2 billion for Indian Health Service and for fiscal year 2027 advance appropriations, \$8.4 billion for Indian Health Service.

The Bureau of Indian Affairs, the primary mission of Indian Affairs, is to honor the nation's trust, treaty, and other responsibilities to American Indians and Alaskan Natives, and improve the quality of life in Indian country. Indian affairs plays a primary role in fulfilling the Administration's commitment to tribal nations by carrying out Federal trust, treaty and other responsibilities and statutory duties is serving 574 federally recognized tribes with a service population of nearly 2 million American Indians, Alaskan Natives and tribal and native communities nationwide. For fiscal year 2026, we need \$3.2 billion for the Bureau of Indian Affairs. The BIA is chronically underfunded and the Department of Interior should not be looking for the BIA for budget cuts.

The Rosebud Sioux Tribe plans to 638 contract all the BIA agency services at the Rosebud Agency. We have asked the BIA for technical assistance to develop our 638 contract proposal, and we are in the process of cataloging all programs, functions, services and activities (PFSA) that we plan to contract. We seek to contract Rosebud PFSA's at the fiscal year 24-25 budget level. We understand that while certain BIA Rosebud agency personnel have taken the early buyout and are being paid while on administrative leave through September 30, 2025. The BIA positions are still there and intend to 638 contract those positions to maintain a full functionality.

In our view, the BIA performs essential federal trust and treaty programs, including agency, nation to nation relations and federal trust responsibilities, child and family services, community wellness and support, trust and realty management of Indian lands, approximately 900,000 acres, natural resources and waters, fire management, roads. The BIA maintains 29,000 miles of roads nationwide. We ask that the BIA limit the workforce reduction program to Washington, DC. To the greatest extent possible to give us the chance to contract our agency, PFSA's. Law enforcement, administration and justice detention services.

Since the mid 19th, century the Department of Interior and the Department of Justice, have shared responsibility with Indian nations to fight violent crimes, reduce drug trafficking and rescue, and recover murdered and missing indigenous people. Yet Indian country suffers the highest rates of violent crimes in America. The violent crimes and murdered and missing indigenous people are devastating our reservation communities. Even though we live under federal and tribal government, public safety regimes, we are not safe. We need Federal law enforcement support.

Under our treaties America undertook the responsibility to protect our Lakota, Dakota, and Nakota people from the "bad men" who would commit depredation against us. Under the Indian Law Enforcement Improvement Act, Congress provided that the Secretary, acting through the Bureau shall be responsible for providing, for assisting in the provisions of law enforcement services in Indian country.

At the same time our Indian nations and tribes, reserved our inherent sovereign authority to administer justice, make and enforce laws, and maintain public safety in Indian country. In historic cases involving the shooting of Chief Spotted Tail, the Supreme Court ruled ex parte Crow Dog. In 1883 that Crow Dog was subject to tribal law, not Federal. The pledge to secure to the people with whom the United States was contracting as a distinct political body in orderly government, by appropriate legislation there thereafter to be framed and enacted, necessarily implies that among the arts of civilized life which is which it was the very purpose of all these arrangements to introduce and naturalize among them was the highest and, best of all, that of self government, the regulation by themselves of their own domestic affairs, the maintenance of order and peace among their own members by the administration of their own lands and customs.

I have a lot written, but I'm trying to reduce it, so I don't take up too much more time.

With respect, we call upon President Trump and the Administration to take the next steps to fight violent crimes in Indian country. On all of our great plains, Indian reservations, tribal governments contend with the crisis of murdered and missing indigenous persons and extreme violence. In Indian country, we need the leadership of the Secretary of Interior and the Attorney General. We request Congress Administration to establish the joint task force to fight violent crime in Indian country:

- A. Co-chaired by the Secretary of Interior, Attorney General and elected tribal Government leader,
- B. With the tribal government membership, including a delegate and an alternate from BIA regions for Federal and tribal government law enforcement
- C. Membership, including US Attorney, Director of FBI, OJP. VAWA, OIT. OTJ, Interior, ASIA, OJS, DHS, HUD and HHS.

The task force Mission must be an operational mission to fight violent crime in Indian country, resolve the crisis of murdered and missing indigenous people, fight drug trafficking in Indian country, support drug treatment, diversion of nonviolent Indian country drug offenders, work release, and community reentry. The US Attorney serves as our district attorney and the FBI serves as our homicidal and violent crimes detective.

So Indian country needs an operational law enforcement task force to fight violent crimes and MMIP. In the Great Plains, our Indian tribes have 12 million acres of Indian country, including reservations and Indian trust lands. That's 20% of Indian country in the United States. The DOJ OJP programs are segregated into special purpose areas and paid out through the competitive grants. Our Great Plains Indian tribes are not able to keep up with the paperwork and administration of meeting grants. So even though we suffer the most violent crimes and drug trafficking crime, our tribal government are not able to keep up with DOJ grant system. The COPS program is formulated for state and local governments, and the rules of funding overtime and other issues are not applicable and not supportive in Indian country self-government. We need a system that authorizes the Secretary and Attorney General to jointly contract and compact with our tribes without the red tape.

In short, major DOJ block grants fight violent crimes in MMIP Indian country are required. From the Rosebud Sioux Tribe, we have made sure that Indian country supports the efforts, and have secured NCIA resolutions in evidence of that support.

I'll end with answering some of the questions that were provided to us. The first principal in American, is that America must comply with its treaty obligation and trust responsibilities. The Rosebud Sioux Tribe is a federally recognized Indian tribe and a sovereign Indian nation. Our Lakota Oyate (native language), seven council (inaudible) of the great Sioux nation, entered several treaties with America, beginning in 1805, and continuing through 1868 treaty with the great Sioux nation to which Rosebud Sioux Tribe is signatory.

Our 1868 treaty reserves our original absolute right to the undisturbed use of our lands. And in our treaty America agreed to help us make our permanent home a livable home with our rights respected and treaty annuities and services provided for self-government, the highest and best form of government, as the Supreme Court acknowledged in the exportee. Agriculture, including land necessary for agriculture and livestock, food rations, management of land, natural resources and water, including drinking water and irrigation as necessary. Education, including schools and the teachers necessary for instruction. Healthcare meaning, competent physical led healthcare. Public safety, law enforcement and protection from the "bad man" deprivation.

I realize some of what I'm saying is repetitive. However, as said earlier, sometimes we have to repeat to be heard. So, I am repeating what has been said by some of you that have come to the stand before me.

BIA should provide full funding to the Indian tribes for programs on October 1, at the start of the fiscal year 2026, or as soon thereafter as possible. BIA should seek advanced funding in Indian affairs to avoid the barriers of Federal Government shutdowns and recognize the mandatory nature of our treaty based programs, services, functions and activities. BIA should promote coordination with the federal departments and agencies under BIA law 102-477, and Public Law 93-638, as amended. For example, the Secretary of the Interior has treaty, trust, and statutory responsibilities in law enforcement, public safety, administration of justice and detention services. The DOJ and FBI are also important law enforcement functions mandated by the 1868 Treaty "bad man" clause, the Indian Major Crimes Act and the Indian country crimes today.

The Administration and Congress should establish a DOI-DOJ Indian country task force to fight violent crimes and redress the MMIP crisis. The task force should be statutory, operational, and co-chaired by the Secretary, the Attorney General, the tribal leaders within Indian country, under federal tribal jurisdiction. And the task force should be mandated to provide operational oversight of law enforcement, public safety, administration of justice, detention in Indian country, consistent with Indian sovereignty, treaty rights and Federal trust responsibility. Make recommendations for funding for DOI-DOJ and tribal programs. Maintain a highly successful,

VAWA and OVC program and funding for Indian country. Establish major DOJ block grants for Indian country with formula distribution based on area of Indian country, tribal population and violent crime rates.

Cut the bureaucracy. Sorry I'm getting dried out here. Red tape on cops and other DOJ programs. Provide the Cross Cutting Agency, 477 and 638 contracts, compacts under DOI and DOJ for law enforcement, public safety, administration of justice, detention, work reentry, drug alcohol misuse, and prevention treatment. The Administration should work through Congress in the normal course of legislation process and hearings and testimony, markups, amendments, and ensure compliance with Indian sovereignty, tribal treaty rights and Federal trust responsibility.

Establish a major block grant in Indian tribes and DOI coordinate Federal agencies with formula distribution based area of Indian country, tribal population service met need. Cut the bureaucratic red tape on Federal programs. Provide cross-cutting agencies for 477, and 638 contract/compact under DOI and coordinate agencies.

I'm finally to the end. Conclusion. Recent administrative actions have created chaos and instability for Indian tribes and their citizens. Full staffing is required for optimal functioning of Federal programs that provide funding and services to Indian nations. Drastic cuts of Federal employees, and or limitation of their travel will have a direct impact on Federal fulfillment of treaty and trust responsibilities contrary to Federal law. Any additional loss of civil servants in Federal offices, impacts the continuity of services to tribes and tribal citizens. BIA, BIE and IHS are already experiencing chronic staff short-aging. These personnel work at all levels to ensure that the agencies carry out all the program, functions, activities, and services that they are obligated to provide to tribes.

Many essential governmental programs are already running with a lean workforce, and further diminishment would have dire consequences on the Rosebud Sioux Tribe. Accordingly, we urge the Administration and Congress to exempt our essential tribal government program services, functions and activities from proposed cuts. The Rosebud Sioux Tribe, acknowledging that the Administration is planning to move away from the direct service model of Federal employees working at our agency to provide government services, declares our intention to fully contract and compact BIA agency services, positions, and facilities on the Indian Self-Determination Act and Indian Self Governance Act. Provided the Rosebud Sioux Tribe calls upon the United States of America to fully honor its treaties with the Rosebud Sioux Tribe and the great Sioux nation, and to fully respect our treaty rights and the Federal trust responsibilities.

That was long. But I thank you for listening. One of the things I want to share before I step away is, these cuts are affecting all tribal nations. Recently I had put out a state of emergency due to the drug trafficking, the drug violence and crimes on our reservation. We had a young man shot and it was drug related. We have a young lady missing, and it was drug related. We have a lot of crimes. We had a few mothers on meth that had babies at our facility that were tweaking from the meth they were on. We need to take care of our people, our elders, and our young. People

are all suffering from the meth that's coming to our reservations. In a recent interview I did, I made it clear because of something that was said about all of our nations by our former governor.

Meth did not come from our reservations. Meth came to our reservations, as well as Fentanyl. These drugs are not prejudiced on who they affect. They not only affect the reservations, they not only affect tribal member, they affect non-tribal. These drugs that come and affect the safety and futures of our reservations come from off of our reservation. And I just wanted to make that statement because it's really hard not having enough funding for law enforcement or for our health care services, or the care that's needed for those addicted to meth.

We need behavioral health service improvement. Our needs are vast and these needs are on every reservation. And so I just wanted to share that and thank you all for listening and for being here today, and thank all of you for listening.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you Ms. Wooden Knife. We're gonna take a short, just 10 minute break because the pizza's here. And then when we come back, we got Chairman Renville on deck, and then we'll squeeze in Mr. Eid. I'm gonna turn microphone over to President Frank Star Comes Out, who's gonna help facilitate the prayer on the food.

Frank Star Comes Out, President Oglala Sioux Tribe

Yes, again, I just wanted to announce that we're gonna take a short recess here to. We'll get some pizza. Wake up, walk around. Get rejuvenated for the second half of the day here. At this time I'm gonna pray before the meal, and I'm gonna turn it over to Richard here.

Richard (unknown last name) provided the lunch prayer in his native language. Thank you very much.

Frank Star Comes Out, President Oglala Sioux Tribe

Okay. Let's get right back here so we can get started again. Again, it's just a short break.

-----PAUSED FOR A BRIEF LUNCH BREAK-----

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Alright, everybody. I think we're gonna get started again here. I'll give it just a few minutes for folks to find their seats, and then we got Chairman Reinville of the Sisseton Wahpeton Sioux Tribe

Commenter 10 – J. Garret Renville, Chairman of the Sisseton Wahpeton Sioux Tribe

Well, good afternoon. Just happy to get started again for this afternoon session. I just wanted to

thank our lawyers and COLT for providing, making the call for lunch, pizza. So we're happy to feed you as COLT. And the other thing, too, is not sure if you knew, but we have a couple of Crow up here. They're behaving here because they're surrounded by Sioux.

I just wanna start by thanking all our partners here at the table. Scott and his whole team here. Director Dearman. I apologize for not knowing everybody's single name there, Kelly Rael. Everybody else.

We at Sisseton Wahpeton, stand in defense of our sovereignty and the binding commitments made under our 1867 treaty between our nation and the United States Government. That treaty was not a gift. It was negotiated agreement. A sacred promise. But it came at the cost of land, our lives, and our future. In return, the Federal Government committed itself to specific permanent responsibilities to our people, including healthcare, education, housing, infrastructure, and commitments for agriculture.

Yet today under the latest proposed legislation, we see not investment but abandonment. The cuts to tribal programs are not just budgetary. They are, as we all agree, breaches of treaty. They are a continuation of a long pattern of underfunding that weakens tribal nations. While strengthening the bureaucracies built to manage us. Let us be honest, the Bureau of Indian Affairs has become an institution more focused on regulating Indian country than empowering it. Well tribes stretch every dollar to meet the needs of our people, the BIA consumes a significant share of Federal Indian funding just to maintain itself. It's offices, its systems, it's delays. It's inefficiencies.

It's time to say what many of us have known for years. If the Bureau of Indian Affairs cannot deliver resources promised in our treaties, then it should disband itself in DC and redirect every dollar directly to tribal governments it was meant to serve. We need full funding, direct funding. We need the Department of Interior and Congress to uphold treaty obligations with the same urgency and commitment that the Federal Government applies to its defense budget, and or international aid to other nations. At Sisseton Wahpeton, we're not asking for any favors. We are serving our rights as a treaty nation. The United States Government values its own word, then let it prove so

By fully funding the treaties it signed, and by trusting tribal governments to lead our own futures without interference, delay, or disrespect. As I mentioned, I'm also the Chairman of Coalition of Large Tribes, and have to say, we've been focused on responding to a lot of the challenges we're facing. And you know, we just had a quarterly meeting up in Oregon this past week, and as much as we're focused on responding, you know, one thing I've been in in saying quite a bit of is as tribal nations in times of challenge, there's always opportunity. And so I think it's our responsibility as tribal leaders to find those opportunities to have the vision to find, you know those opportunities as I mentioned.

One thing also wanna. And I'll keep my comments short. I don't have a whole lot. I just wanna mention as a recommendation and utilizing pro bono attorneys who have recently settled with President Trump, to clear the probate backlog.

The second thing is regular order and need for realty personnel on land into trust decisions, and leasing, and support for 151 regs. Because recently, as the end of March, I was invited by our relatives in Manitoba. There's five Dakota tribes up there who invited me to a meeting with Premier Rob Canoe. And so one of the interesting conversations we had and it's in regards to opportunity and nation to nation trade. It was a pretty good conversation, you know, we as nations, we always traded as far back as you know, the 1700s even farther back than that. And so you know, that's something I wanna bring to the attention of our Federal partners is helping us to do some of that nation-to-nation trade. And seeing past these colonial borders, we call. And so I see former secretary Flutes here, former chairman, assistant. I know he's at Homeland now, too, and anyway, you can assist us. And being able to do that with our relatives when it comes to nation- to-nation trade.

We appreciate your help in that COLT. A lot of the COLT members are, you know, kind of straddled that that northern border. All of our tribes in Montana are close. Washington, Coville Tribe actually has about 90,000 acres in in Canada. So, in light of all the potential cuts on the horizon, you know, I think again, as tribal nations, we need to focus also on opportunity. Wherever those may be, we're all a little different. But we have to focus on economic development which brings me to another ask is the guaranteed loan program. We'd like to see that continue on to be able to fund opportunities in Indian country

After me, we do have Troy Eid who's gonna speak a little bit more to the law enforcement, public safety challenges. So I guess I just want to thank you guys for all being here and standing together as the Great Plains. Great Sioux Nation! It's always powerful when we come together like this. And so, I appreciate every single one of you nations that are here, standing up for your nations. And so, with that. Thank you.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you, Chairman, just quickly, before you go. Sorry bump you back. But Vice Chairman Jamieson, Standing Rock Sioux Tribe, graciously agreed to provide us with a song. So we're gonna give him the floor now.

Frank Jamerson, Vice Chairman of the Standing Rock Sioux Tribe

Thank you. I was graciously asked to do this, so I will fulfill that. But you know earlier. I spoke about that consultation, and the late Chairman, Ron His Horses Thunder talked about how people. We talk about. We use our voice to be allowed to speak our words. We could also use silence to speak volumes on issues. But at that meeting in Watertown we used our feet. And we spoke loudly by walking out, and we didn't have consultation. So I just wanted to finish that on behalf of the late Chairman. He went to the spirit world, and there's a proud descendant [spoke in native language], Sitting Bull. So, I wanted to share that.

-----Vice-Chairman sang a song in his native language-----

Commenter 11 – Troy Eid, Counsel on behalf of Coalition of Large Tribes

Thank you, Chairman Renville. I appreciate it very much. Assistant Secretary Davis, it's good to see you. Thank you for your service and State government as well, which was great and all the Federal leaders.

I'm here representing COLT on law enforcement issues. And I'm here to talk about the need for more cops. So, who the heck am I? I'm Troy Eid, I was the chairman of the Indian Law and Order Commission from 2010 to 2014. Visit many of you, know many of you. I was the United States Attorney under President George W. Bush, for Colorado. I'm the President of the Navajo Nation Bar Association. And I am an expert witness for the Oglala Sioux Tribe on the need for law enforcement services, policing, basic law enforcement service levels in Indian country. And I've been working at Pine Ridge for 18 months now, thanks to President Star Comes Out and the Tribal Council.

I want to report on what's happened over the last 18 months. Because I think I have some of the most current information as to why, respectfully, we've got to find a way to fund police criminal justice services in Indian country. It's not optional at this point. We must do this. We have to find a way in this budget. And I would just tell you that during the course of those 18 months as an expert witness for the tribe, I have been on ride alongs, as long as 22 hours of the stretch. I have helped effectuate arrests, because that's what happens when you have only one officer per unit. I have been pleased to experience what it's like, or maybe not pleased to be in a vehicle for 400 miles on a single tour with an officer trying to make it within a 24 hour shift. Double shift, triple shift you name it. It is an incredible situation out there, and I'm not just talking about Pine Ridge. I'm not in any way trying to minimize or overlook anything else with your tribes around the rest of Indian country. I'm just using this as a case study because it's current. And we need to talk about what this is about in the present, who really shares our desire for more law enforcement, and he does.

Because on April 28th he issued an executive order, and it's entitled Strengthening and Unleashing America's Law Enforcement to Pursue Criminals and Protect Innocent Citizens. And it's great, and we should all read it. And it says that we need more local police, and that includes local police in Indian country. So, we need to do as the President says. which he's speaking for Indian country, when he says, in the same executive order, quote "That safe communities rely on the backbone and heroism of a tough and well-equipped police force." And I can tell you I've seen so much bravery from our OSG officers, men and women, and there are so many women out there alone as officers working in these horrific conditions which I will describe.

Because back in 1999, at Pine Ridge Indian Reservation we had 140 officers. That's what we had. We have 33 authorized today, but we usually have between 27 and 28. That's all we have. Think of what's happened to the population. It went from about 20,000 people to maybe 40,000. We're not sure but it about doubled during that time period. We now get more 9-1-1 calls than

Rapid City does. Rapid City got about 115,000 emergency calls in fiscal year 2020-22. They have 176 sworn officers. We got, during the same period, roughly 133,755 reported calls. So about 15,000, something more than that, more than Rapid did with between 28 and 34 officers during that time.

We're getting more crime than you can even imagine out there. We've had as many as 5 homicides in a single month. Because of the change in crime. And I got to just tell you that the response times now, because of the closures. And this is not a Democrat or Republican issue, we don't have time to waste. And I've been doing this for a long time, folks, I've been out in Indian country working on law enforcement issues literally since I was a (inaudible). And I got to tell you this is not getting better, and every administration has let this slip. It happened under Obama. It happened under other presidents as well as under Republicans, but we have a chance now to honor what the President is saying, which is, we can make a difference on law enforcement because he supports law enforcement. And respectfully, that's what we need to do. We need to make the case for why we need more cops and criminal justice services.

And I will tell you that when you ride along at Pine Ridge, as many of you know, it's got to be seen to be believed, frankly. And I say this, having visited more than 75% of all the tropical homelands in the United States and Alaska in the last 4 years as Chairman of the Indian Law and Order Commission, and as a US Attorney.

During my last ride along, which was 16 hours, we had one lone police lieutenant and I, we drove 300 miles. We responded to a reported, aggravated sexual assault, was still in progress, was still going on. The officer hit speeds of 130 miles an hour. I checked afterwards the tire logs the tires had at least 50,000 miles on them. Think of the roads out there, folks think about what we were doing! We almost hit a horse at 2 in the morning. The horse was right there the horse was, thank God, the horse didn't know what meteorite was going down that highway, because if he had gone or she had gone another 2 or 3 feet forward we would have been dead, and as the officer joked, oh, well, we have 2 vehicles, 2 units in the in the parking lot right now that have been totaled by horses in the last 7 months. It's an open range.

The vehicles are so poorly maintained. There was one officer, she couldn't have her vehicle stop, because if she did, she couldn't restart it. The ignition would work. So it's an exercise in making sure she doesn't run out of gas. So, you're gassing up with the engine on while you're at the filling station. I mean, this is the reality of what we're dealing with. This is not the way to treat human beings, police officers. This is not fair for those communities who are out there. They're missing loved ones. They're missing loved ones.

And then at 3 in the morning the whole dispatch system goes offline. Which, I'm told happens. Having interviewed all the dispatchers, I'm told this happens on a regular basis, no police dispatch system at all. So, then the officer starts using his cell phone. So, we're responding now to violent crime on an officer's private cell phone personal cell phone. That's what we're reduced to. Because there's no maintenance for keeping up a basic 9-1-1 system in a CAD system.

That begins to give you a picture, perhaps, of what it's like, I'm like, where's the camera footage? I want to look. I'm the expert witness. I want to look at the camera footage. Oh, we don't record camera footages. Well, why don't you do that? You're supposed to have officer cameras and cameras in the vehicles? Well, we don't have systems that can handle that, and we have not had that for years. So, they don't record anything, there's no footage. The community needs accountability in place. Don't we all want accountability? We want to make sure that people are safe. We want evidence to use in a court of law. How do you use evidence when you can't even download a file from a camera in a police car or an officer's camera. The first rule when you're on a ride along right is what stay in the vehicle, no matter what. Well, you don't really do that at Pine Ridge, because there's not backup coming, and I try to make the most of my time on these many ride alongs that I've done. I try to figure out what's going on in the community as best I can.

I've noticed and logged at least 75 homes on the reservation that have blown up burned from methamphetamine. There's probably more. I've counted 75. And you know you've got people living in those homes. They're partially boarded up. Sometimes you can't even believe it. You see, little children running out. Have those homes been remediated from that contamination? What happens. Does anyone know what happens when you have a little bit of fentanyl that might actually touch your skin in a certain situation? We have children, families at risk out there. they have nothing they're reduced to living in burned out meth homes. That's what we come to.

And you go out and you see, and I'm sorry. With all due respect. I've been doing this a long time. I've been a prosecutor for a long time, and I've worked in the in this criminal justice field for a long time. Where do you see groups of young people walking around, drugged or stoned on the scale? Where do you see it. It is literally there are times of the night you're looking for any clear face. You're trying to make eye contact with someone who's not impaired by methamphetamine, alcohol, whatever it might be. You're trying to find a way for that officer to do his or her job. Do you get out of the car and question that suspect., Or that victim. What do you? What happens when they leave the car?

Well, what is that we will tell you is time and time again is as soon as the officer picks somebody up. 2 things happen. Number one is that they have to go get a clearance from the Indian Health service. Right? We got to find out what drugs are in their system, and that takes according to the work that we've done an average of 2 hours. So that officer is offline now for 2 hours, transporting that person to IHS to be cleared medically. To figure out what's in their system. And the second thing that happens is that as soon as you leave you pick up that person in the vehicle and you head through the clearance. What do the bad guys do?

Are they excited about the crimes that they cannot commit, knowing there's no backup, and that basically on a given night at Pine Ridge you may have 8 officers, but you usually, according to my work, have between 4 and 6 officers on duty at a time, patrolling an area the size of Connecticut. 4 to 6 people. Some of them working like I'm saying, for 20 hour or more to stretch. That's, you take one of them offline.

Well, guess what happens if they have some sort of a mental health issue. Maybe someone has suicidal ideation. I was on one ride along where the officer had just come. She had had to do for the previous 2 days what has to be done on so many reservations, including at Oglala. The officer had to take that person into the IHS for clearance. And then it turned out that they had suicidal ideation. Then they had to go to Yankton in South Dakota. That's 2 days officer offline for 2 days. The Feds don't pay for that. The officer's not in the reservation. The officer is doing his duty. Of course.

These are serious situations. This person wants to kill themselves, maybe wants to harm someone else, too. But they're gone for 2 days. There's no allowance made for that. So you've reduced the law enforcement presence by between one eighth and one-fourth by just having somebody who has suicidal ideation. And that goes on for a day or 2, just given how long it takes to drive up to Yankton and back.

This is the reality of what happens. And don't even get me started on prosecutions as former prosecutor. How do you do these cases? Well, we have, I'm sorry to say there are sometimes weeks, or even months, where we don't really have cases. Because we really just are investigators. They're just too busy trying to do the basic triage. They're triaging 9-1-1 calls. They're trying to figure out among the 9-1-1 calls. What do we respond to first? What order do we in the field decide to take these calls. That's what we come down to with this minimal force level.

But when the prosecutor's office, just one month, I'll just take one July 2022 statistics. The AG's office at Oglala, Pine Ridge handled 261 arraignments, 161 depositions. Get that 161 depositions. Anybody ever been deposed, and when taking a deposition does it, is it done in an hour? It takes typically hours to do a decent deposition, prepare one that will hold up in court to have that person answer the questions in orderly way to achieve admissible evidence in the court of law? Can you really do 161 depositions in a month? Has anyone tried that? In my experience with the solicitors office I was very fortunate when I could do 2 or 3 depositions a month. I certainly didn't do 161.

117 reviews of substance abuse compliance in one month alone. 590 calls coming in. That's a staff of 7 people that I'm talking about when it was at its peak back then, and that's more than 20 depositions discounting depositions per attorney. That that's not a functioning justice system. That does not comport with the treaty. Does not comport with the statutes that does not comport with all due respect, with the same requirements that the BIA requires. OJS requires for tribes to be 638. It doesn't meet any of those standards. So we've got to do something different. And I'm not here to complain. I'm just here to ask respectfully. We've got to find a way to get this budget situation turned around with respect to law enforcement.

We need to be able to build on the very refreshing things that the Trump Administration is saying about reinvigorating law enforcement. We need to build off of the fact that Kash Patel, the head of the FBI, is moving FBI agents out of Washington. We need those agents. We need

more of those agents. We want to be able to support, assistant US Attorneys to be able to do more Federal prosecutions and referrals, and to help with training.

I know from my own experience that this is not retractable. When I became the US Attorney in Colorado in August 2006, we had a violent crime wave at Ute Mountain Ute reservation. I'm the outside counsel in full disclosure, to that tribe, and have been since I served as the US Attorney. My last day of office. I became, the next day outside legal counsel for Ute Mountain Ute. The year I arrived, there were 15 homicides in a community with only 2,000 people. There were 15 homicides. That's because we only had between 2 and 4 officers available to patrol an area the size of Rhode Island. So, what happened? We went to Congress. We pushed on it, and eventually we were able to get Congress's attention. And, as I testified in June 2009 Senate Committee on Indian Affairs on a given night, we only have one officer on duty to patrol the entire reservation, sometimes 2. We got to go into 3 States. The entire department only consists of 5 officers. They all work more than 12-hour shifts. They work 12-hour shifts at least 6 days a week on average, that the response time on our reservation was more than 1-hour. And keep in mind at Pine Ridge, it's a lot longer on average than 1 hour.

So, what did we do back then? What did Congress do? All I'm here to say is that money made the difference for us, money. The tribe knew what to do. The OJS knew what to do when they got the money as well, because they don't print money. They have to make the case. Ultimately the President sets priorities in the budget, and the Administration will have to decide.

Let's do what happens in that situation. Which was by 2011 we had tripled the number of police officers, thanks to BIA OJS, and we didn't have a homicide for 3 or 4 years. And we didn't have more than one in most years. And since then, we've not had typically more than one or zero. Because we have a decent number of police officers. This is not rocket science folks. We don't have enough cops on these reservations, and the Federal Government is the only one that can fund them, and they need to be funded.

We learned this not just in that experience at Ute Mountain, but we learned it during the so-called surge. Remember the surge, and some of you have referred to the surge. This was back when BIA OJS had four reservations that they selected. It was during administrations of George W. Bush and Barack Obama. They use grants from DOJ, they temporarily expanded the number of available law enforcement officers, boots on the ground. Okay? And what happened? Indian Law and Order Commission documented to Congress in 2014, "For approximately 24 months, spanning 2009 to 2011, OJS increased staffing levels in four Indian reservations to achieve parity." Meaning parity between tribes on reservation versus similarly situated rural communities. The same number of officers just raise it up to that level. And what happens on average, violent crime rates across those four reservations fell 35% over two years. 68% of Mescalero Apache alone.

So that's it. I think that there's no argument that we need to do this. I think that if the President knows that we need to do this, that he will respond. I think anyone would respond to this. And

we we've got to be able to keep making this case and to not be distracted by other issues. Thank you for your time.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you, Mr. Eid. We've kind of just done a light reshuffling and so focusing on Presidents Chairman's, and Tribal Council representatives. So, if you're not that category, we'll skip by you. But, we will get to you. Next up we've got Steve Moran Tribal Council representative with Cheyenne River Sioux Tribe. Mr. Moran, are you here? Alright! We'll just mark him, if he comes back. We'll move on to President Frank Star Comes Out with the Oglala Sioux Tribe.

Commenter 12 – Frank Star Comes Out, President Oglala Sioux Tribe

Spoke in his native language. It's good to see my relatives here today. It's an important day for Indian country and to sit here to listen to all the talk this morning. All the good words that were said based on treaties. That's what I want to hear. Made me feel proud this morning to hear all that talk. And that's the route we need to go, because without treaties this organization would not exist. So, we need to base our stats on the treaty.

There's a treaty coming up the 100th anniversary next month. Actually 1925, when the Government agreed to take the Oglala Sioux Tribe, under its belt and protect it. And what are they doing today? They're choking us out. You know, I had a speech lined up here. But it probably bore all of you

Most of the time, when I speak, I don't make pre-written speeches. Because I believe we need to speak from the heart. If this was a true consultation, I would have asked one of my tribal elders, or a number of them to attend. Our spiritual leaders to attend. There would have been a buffalo robe right there with a (native word) on it. But today, for the record, I am here to listen to and listen only. This is not a true consultation, meaningful consultation. and I hope you all understand that.

So, I challenge you. The great (in native language). To take the word back to your people, your tribe. And let them know that we must take a treaty stand. If we interpret that treaty to today's standards, the United States Government is guilty and at fault for all the wrongdoings they're doing to Indian country, and they know it. Why do you think they've been ignoring us for decades, centuries. They know what they did. You heard all the language this morning. You. heard from some attorneys, who recited some of the provisions in those treaties. So, I think it's time to take that stand.

We had our relatives from the South come out today, the East. They want to come join forces based on treaties because it's that time. It's that time, our prophecies say it. Our elders say it, our spiritual leader say it. And for those of you who follow those ways, that's our law, spiritual law, traditional laws. Right now it's not being honored. You know, the future of our children depends on us, depend on us now. That's what we need to think about. So, we need to think

about hard. We need to think of our children, our children's children. We need to stand up like our ancestors stood up for us, fought for us, died for us.

It was said here, and I always say this whenever I go speak, is that treaty is a living, breathing document. And it was proven. We proved it in court, in the (native language) world. We proved it. And that's the route we need to go. To me, our treaties have been violated, challenged, broken, and it's time to stand up. And stand on it, stand behind it, stand on it. Because it affects us all.

I know when I mentioned this to other tribal leaders, you know it's a little hesitant. I know we have to take it back to our councils. We have to take it back to our people. Council needs to take it back to their people. I'm a strong believer in grass roots. That's what carried me on my first administration, and my second. Now going on my second administration. Is the people, we have to listen to the people. And the (in native language). That is our voice. So, I challenge you to stand up. Listen to your people and let's move forward to the next challenge. That's gonna be a huge challenge. But I believe it needs to happen. It needs to happen now. All these things were saying, these, all these problems we're having with our programs.

How many times did I testify in Washington, DC, through TIBC. And I'm sure TIBC is pretty tired of me voicing on behalf of Indian country. But it's not going nowhere. I said this in testimony. You have it. I read the testimony. You have it. All these problems we face in Indian country. Well, one thing I did, that really bothered me is, every year we go to Washington we sit down, we listen, we get in line. testify. And I'm sitting there listening to all these tribal nations, these tribal leaders throwing out the same problems, asking for more funding. Hell. I didn't see a damn thing change since I've been in office. I took it upon myself to change it up. Ask the questions back on them. You'll have my written testimony. We need to ask those real questions. What are you gonna do to help us? Because it's so frustrating? When the conversations one sided and we're on that sideline of the deaf ears.

We need to change that. We need to take a stand. For tribal nations that treaty, Oglala Sioux Tribe has three treaties. Some of you maybe more, maybe less. States it right in there. You know, I could recite something. Maybe I will. In Section 12 of the IRA, in that it requires Indian preference in Indian services. but it also provides that the General Civil Service do not lie to the Indian service.

But yet we're losing BIA employees. We're losing IHS employees, BIE employees. Why is that? When it says it right there in their own language? That's what I mean. a one-sided conversation. We are nations. We signed a peace treaty. We did not submit to this government, this United States Government. And that's the frustrating part about it as we can go and advocate time after time in Washington. I always say, well, it's important for us to be there at the table, because it involves spending, funding. But they're just making us pitch pennies at each other. Moving money around. Isn't that part of their, against some of their regulations, you cannot move money. Look what they're doing! They're taking the money that they owe us and using it on us with the same funding source. So, the treaty, if you think about it, it shouldn't affect us

when it comes to RIFFs, furloughs, government shutdowns, buyouts. That's not our problem. We made a treaty with you.

And as far as I'm concerned, I'm against competitive grants because it makes us fight each other over grants. Or not fight each other but compete. For grants, for treaty rights. That's a treaty right! It should go off of, based upon population, our membership. The size of our tribe, all those things that the data that's given to them, or they take. Personally, that funding formula is crap.

Because the government knows we are severely underfunded. It's inaccurate. Why do you think we're in court? How do we know? Because we proved it already, and we won. But the government still ignores us. And we took them back into court again. Rosebud did the same thing.

So, my relatives, that's what we need to do, for those of us that have treaties. We need to come together. We need to sit down with our government, our government officials, leadership and figure out how the heck do we get our rights back? How do we get back to square one? When we sat down with the United States Government, signed that peace treaty, and they promised us to take care of us for the use of our land. And for some of us that sign peace treaties, they broke the treaties. By breaking they're part of the agreement. Is that an act of war? To fight back. To fight back what is ours? How do we take that back? When those treaties are broken, we have to think like that. To me it's so frustrating.

It's so frustrating when you fight for your people, and then when you go home to your people, there's so many problems there, and they wonder, what did you do for us? And it's really heartbroken. We don't have answers for them, because we're so severely underfunded. We're so severely poor. Our resources is just unbelievable. And like this gentleman here was saying about some of the resources in public safety, it's ridiculous. You try that off the reservation borders, they won't tolerate it.

Why are we ignored? Why, I'll tell you why? Because we don't stand on those treaties. We don't hold the United States Government accountable for the things they are doing to us. When I go to TIBC, we sit there, we prioritize our programs. Who do we need to fund first? With a pot of money that's just not suitable for Indian country. We're operating at 13% in law enforcement. 13%! I know when I go there I speak for large tribes. My tribe. Large tribes. Of the difference between large tribes and small tribes. The funding resources. Who made that formula equation? I like to know! But those are some of the things that we need to stand on and address. Not just address, we gotta do something else.

What do we do to get their attention to ensure that the safety of our children in the future are being met. Our tribes are protected. Our lands protected. There's talk of MOUs where tribes can get involved. We did one. We did a MOU, but the funding it's frozen with this administration. And that came from the Great Plains Tribes. We thought we had a good relationship. The MOU still there, but not the funding. Why was the funding froze?

We just lost a lot of opportunities between the United States Government and tribes in the Black Hills. You mentioned when I heard conversations on Docket 74. The reason I'm saying this, this is because it pertains to the Great Plains Tribes. And I know COLT knows the data on how much percent of the large land-based tribes make up. Out of 576 tribes and how much land, large land based tribes have that outweigh the rest. And it's unbelievable that the small tribes have more power than we do. That's another thing that we need to address is that funding formula for TIBC. Why is it a tribal with 55,000 only have one vote? Why is the Navajo Nation only have one vote? Why is the system set up that way? Where it defeats us. We have no control, no say so when it comes to Indian country. Because if you go to large land based tribes and look at their reservation, you're gonna see our data being used at TIBC. You're gonna see our data being used by small tribes for funding. Where's the accountability in that?

So, we need to look at some things. We need to regroup, reorganize, but we all need to come together. So, I challenge you. Let's stand together. Let's stand as one as a nation. The original landowners of this country. Because the United States Government owes us. The United States Government needs to live up to its treaty obligation and not just say it. I know I've said in testimony in past, all the ranking members. They all verbally mention that. Yes, the treaty obligations are not being met. And they admitted it. But they're not doing anything about it. No action to this day, this hour, this minute, this second. Nothing's changed. Nothing's changed.

Again. I wasn't going to. I'm not going to read 4 or 5 pages. Because you said it all. I just wanted to come out and mention that the Oglala Sioux Tribe does not consider this as a consultation. And I hope you, your tribe, follow suit. Because we need to take a treaty stance. We need to come together. [In native language], as one. We did it before we came together. We stood as one, and that was just recent. So, you know, it works. That's what needs to happen. So, I challenge you my relatives, pass the word we need to go to next step. In the future we'll have talks of taking the next step. Because I don't know about you, but I'm tired of hearing or repeating myself over and over and over and over. And not a damn thing happening.

So, with that I want to say [in native language] to each and every one of you who showed up today. Even our counterparts, the government. Because to me this is already laid out. They're just going through the formalities. We can't take that. We can't submit to that. This treaty says it all. We need to stand on it. I don't know how many times I'm gonna be saying that, but it's time. [In native language].

Scott Davis, exercising the delegated authority of the Assistant Secretary for Indian Affairs:

Thank you, Chairman. Introduction in native language.

First of all, apologize for being late. First and foremost, I'm not, I'll try to be a (inaudible) for my relatives, and especially the nature of this meeting. The respect for all the (in native language) in the room from across Great Plains and abroad. The DC flights these days they kind of get messed up. So, I apologize for that.

But I just want to thank everybody for being here to this last consultation. Being that's the last one, especially from home, from Standing Rock, Turtle Mountain. I lived across the river in Mandan. I took this job about 3 months ago on May 13th was exact date. Prior to that, I did a lot of work with, as some of you know, the State Indian Affairs for 12 years, three governors, and worked with about 30 tribal chairs. But beyond that it sort of. Back in the '90s when Charlie Murphy (inaudible), Murphy, and (inaudible), Jay Take Aline Bird, were our leaders back then. And that's kind of where I started my listening and learning about how our treaties work. All those things. So, what everybody's talking today about our treaties and so forth. You know, for me, you're preaching to the choir. I know these things. These are the things I've grown up with, my dad, my relatives, uncle Danny, you know, tribal councils. You know, it just continues today.

So, when Burgun was being prodded for a Secretary in December, give or take, he asked me to join his team. And I reluctantly say, no. But hell, no. DC wasn't a place for me. You know. I was working for the tribes. I was doing actually working for my tribe, which has always been my dream job, doing my thing. Take care of my family, you know, just living, living peacefully. But as a new administration took office, Doug and I kept communicating on a lot of things.

And what really got me very upset was these cuts. And the first one was to our schools. In particular, Haskell. I come from a education front family, my dad, Dr. Jim Davis. So, I lost him in January. You know, I grew up in that in those educational settings. My mom was in IHS for 30 years. So, I was pretty lucky to grow up in those ways and understand those systems. How dysfunctional they are. And so, these are the things I've always had talks with my parents about how dysfunctional, you know, our services are in regards, and how they relate to our treaties. They don't relate to our treaties.

So, this is like 30 years for me of doing this stuff from the time the '90s, to state government, to where I'm at now. But yeah, I was really conflicted coming to DC, because I'm not a DC guy. You know this, I gotta laugh at this title thing here. I still don't know what that means. You know I just I don't understand. To me I'm just Scott Davis, (native name), that's who I know my relative is. It's simple as that.

And I know, I know what we go through. Every day I know what you go through. So, when I decided to go to DC because of Tony Dearman. Our educational systems were being cut. I got really upset. I got angry, like you. No different. Upset, I hear it, I feel it, every day, no different. So, I had a long talk with my wife, my family. I got a young son, you know, young daughters, you know. And I know what I was getting myself into. There's no different being asked from, you know, governance to work from. I knew I knew what I was getting myself into. It ain't gonna be easy. And who taught me that was, he passed on, he's one of our legal lawyers from Cheyenne River. Big Steve Henry, big Steve told me that. He's talking to me, "You know what this job means." You know he's talking to me. I know what he meant. They ain't gonna be easy job, he told me. I knew that.

But these consultations. I've watched these consultations for years for years. And you're right, Mr. Gonzalez, they're backwards. I've said that upstairs when. Dell knows. If we go upstairs the

6th floor right. You know. We're on the 4th floor. So, I hear these things, and I see these things. And I'm even frustrated with my colleague Oliver, about consultation. This is backwards. It's not effective. Not effective of your time. Not effective of my Council's time. You know, my staff, we should be out in the field doing work, providing services for you all. My staff from the area offices, you know, we're sitting here for hours. We should be providing services for y'all. So, I really get frustrated when we go through these things, and I hear it, I believe it, and I see it, and I. But for me, when I'm back in the building, I always run upstairs and say, Hey, timeout! Cuts this, changes, RIFFs, layoffs, DOGE, all that stuff.

Every day, every day. Unfortunately, it has to be every day. I gotta tell them how we, how this works for us as (in native language) Great Plains, as MHA Nation. I understand that fully cause it's right here. Every day it's right here. As you can see. So how do we change this for the betterment? You know this consultation, it's wrapping up. But you know I said it very clearly, very loud, this has got to be different. Because when I go home or we come to DC, I already know you're gonna be mad. Why are they mad? Because I'm mad. I'm upset. It's been this way for me for 30 years, 25 years. Starting with Charlie and Jay, my councils. I get it.

And now here I am in this seat. God knows how I got there. It's you know. But I went to DC to battle. To battle. And the way I battle is maybe different from my relatives here. Yes, I use our treaties sometimes. Yes, I have to do that. Because a lot of them don't understand the truth. They walk over our treaties. I see that. Yeah, okay, yeah, whatever, you know. So how do I navigate? How do I battle in a different way? How do I articulate a different message that maybe it's a (native language).

School closures, Tony and I battled on that. Battle. You know that TIBC, don't be messing with our schools. That's coming from my dad. My dad was in my ear, you know, right there. School choice. Voucher systems. We have school choice. My dad fought so hard for that for many years. My dad was very adamantly against an archaic government way of boarding school education. I grew up with that. We need to teach our culture. We need to teach our language. We need to teach our ceremonies in our school and have that sovereignty to do that. The freedom.

But the American way is about freedoms and liberties That's what I see out there is freedom is a liberty. Okay, how does freedom and liberties translate to our sovereignty? How does it translate to our treaty? So, I have to articulate this thing and put this in parity and articulate to spin it, and then say it. So, they understand. That's my battle.

Pete, your water. Pete got to sell your water. Battling for that. All these budgets that I see Dakota Water Resource from Standing Rock. I'm battling for that. But I don't know everything. I know everything, but I don't know everything. So, I get these things that incoming about our budgets, you know. I read them. And I tell every tribe, 170. I met 170 plus tribes. I've met with 170, either direct, out in Indian country, or in DC. 170 and growing. That's how busy I am. I'm battling.

But what I need help with is to understand that piece of paper, of that budget that's been cut, that's been suspended. Example is the water lines, Great Plains Waterline, (inaudible). Dougie, yours, Valley Tree. Because I don't know. I know them but I don't know the literature, the scope, the white paper right. Once I get that and look at it, articulate it, formulate it, and then I can run it upstairs. As Dell knows we run upstairs, you know. And hey, this needs to be walked back. Knock on wood. We've been real lucky.

And I wish I could do everything. In my little position there means something. Maybe it doesn't mean anything. I don't know. But as long as I'm there, I'm battling for you. I'm gonna be that voice. I'm gonna be those eyes. [In native language]. But I want victory like you. I'm tired of hearing these stories, too, Chairman, with respect. Because I've heard them. I feel them. But I gotta hold that in a different way, to not to be angry about it all the time. Cause I'm angry! My staff knows that. Scott, you need to calm down. Can't help it. Because I know the sacrifices. Your preaching the choir, to me. Maybe it's something my staff, because a lot of my relatives here, not from here, but we, (native language), we know, we know.

But how do I articulate those things. You know, in a good way. So, we can have a victory. Maybe it's a little victory of a \$180,000 for your budget. You know, maybe it's \$10 million. I don't know. Maybe it's that funding. But what is that? So, every tribe I met with, all 170 plus tribes I met with you, please give me that white paper so I can understand what that is. Put prayer behind that. Every tribe I made a commitment to (native language), I did this, we're gonna do this government thing all day long. We could do it all day long all night. Let's do it. Well, we gotta back it up a prayer. Mark, you heard me say that at NCAI a few days ago. This is nothing unless we put that in (native language). I'm just a believer in that.

Sun Dance is coming up. Sacrifices. I told my sister I can't even Sun Dances this year. I'm busy. I battled for you. Always have. Contrary to some people that downright hate me. I've battled on that Hill, up at the Capitol for years. For 12 years about a lot of stuff, and my battle is a different way sometimes. Which maybe you don't understand. But every day when I put these boots on, I lace them up, our people are first.

That's why I went to DC. I didn't want to go to DC. Hell, no, you crazy. Go to the swamp. That's that. But for some reason you pray about these things. You pray about (in native language). You know how emotional I get sometimes. It's just me. Because I care about our people. There always gonna be first. And then when I do this time, Dale was there. You know, these guys were there. He did his turn. I'm doing my turn. Regardless of who's President, Democrat or Republican? Who cares? We're on the same team here.

So, I need to say that in a emotional way or a good way. But as relatives you have to know this that I'm battling. So, when you come to DC, the red carpets out for them. I got notes and notes of homework to do. You're rights-of-way Chairman Small, not good enough. Three weeks, we've been working on that. My staff in Rocky Mountain is gonna hear from me. If you know me, I crack the whip. I'm just old school like that. It ain't good enough. One week, two weeks, they

know from a regionally. All my staff knows this. Law enforcement knows this as well. Ain't good enough.

You had two declarations, Chairman. Emergency. Three years, I'm like this is nuts. Glenn, we jumped on that. That wasn't perfect, but we did something. I wish we could do more. I wish we had full law enforcement. I wish we had full funding. I wish I had my magic wand to give everything. But I'm gonna do what I can do within my space, within my power. Whatever that power is. For us, for us, (in native language). I want you to know that.

Because all this, this good talk with our treaties. You know that's here. Uncle Everett, talk about our Black Hills! (Inaudible) make a run of that. I'm not gonna sit, I don't polish chairs. I don't polish chairs in my office. My staff knows that. We move. We're always moving. I'm moving. Black Hills, you know. Yeah, read those dockets so many times in my lifetime, you know. Hopefully, they will give me another stack, another stack to read. More homework for me. Meet with Burgum. Yes, we're gonna do that.

So again, relatives, I just want you to know that I need your help. Whether it's in prayer, ceremonies, or these budgets. Or whatever it is that's in your wheelhouse. I need to know these things. Whether it's, (inaudible) you have my cell number. Jeremy, you got my cell number we text all the time. You know I don't have gatekeepers. You know. I don't have that. I don't want that. You know. I'm nobody. I'm just a relative, text me. Talk to me. I'll follow up on it, and there's channels.

And what bothers me, too, is all this red tape. I'm with you. My God! This red tape boy, just like I'm personally not one who's bound up like that. I just, I've never been like that. That's probably why I speak softly, I don't like big government. Give me the rules. So that's one thing about this administration that I do like is deregulation for us. What is deregulation? How many layers and steps that we have to go through for our tribal members to get something. Jesus. It's crazy the stuff I found out. It's ridiculous. No wonder why you can't get nothing done.

Probate. We can go on and on. But every one of those issues that we're talking about here today, please know that I'm on those things every day. Land into trust, probate, all those things. All those things that Dale had worked on for years. And I hope I solve them. I really do.

You know, I pull in my friends. I pull in COLT. I pull in other Chairman's. Hey? What do you think? You know. Guide me, help me! COLTs been really good to me. Appreciate that. Because we're working on something. And I know I was gonna get beat up here today. I know that. Nothing new to me, I've been beat up before. Got the earbeats, you know. I expected that.

But I knew I had to come up here and say something from my heart. I'm not scripted either, Chairman. I'm not scripted. You know, you get talking points. You give me your handout, you know, script. I'm not scripted. It's all right here. It's always right there, cause it's every day. Every day. Every, you know, weekends. It's not gonna change. So, know that I didn't go to DC to polish chairs. I'm working. I'm battling. So, I got a battle a different way. I've got a battle with our

treaties. I've got to have those, that armor. You know these things, our protection. Hey, don't do that to our people. It's gonna be a bad decision.

So, with this consultation. The next thing that's gonna trigger, something else is gonna trigger consultation. We know it. We all know it. What is that? And when it is triggered, how do we do it differently than this? Than this? That's what I want. In 30 years doing this backwards. How do we do this? And I'm all open ears. So, I got time after here. You guys know where I live. You guys know my cell phone. I'm always ready to talk.

But I'm just here in the best way I can, as you're relative. And just please notice that I'm. You're always number one. You're always first people, always first and be united. Be good to each other. Because god dang, I hate when we fight amongst each other. Politics, all this stuff I hear all the time. Get along. Be good to each other. Elections are coming up. Be good to each other. Ceremonies are coming up. Pray about these things. Just know I love you. I'm gonna do all I can for you, but I need help. (In native language), talk to me. And know that I'm gonna to follow through. (In native language).

Unidentified speaker:

Scott, you've been our relative. You've been my brother for 50 years and I've watched this guy grow up with him. He's a couple of months older than me, but our parents are friends since Haskell. And I want to say that I haven't properly got to say congratulations. Shake your hand in a way that we do as warriors, as leaders, and as relatives. And I don't know if anybody here has got to seriously shake his hand during a prayer or during a ceremony for his courage of what he's doing in DC for us. So, I've asked one of our relatives to sing an encouragement song with his name as we come up here and give him a handshake, and I know we've got some other testimonies to go on.

But, Scott's a good guy. He's my brother. His dad was my dad. His mom is my mom. My dad is his dad, and my mom is his mom too. And I always tell people that we grew up together, and we shared a responsibility of being brothers. And I still want to be there for him today and tomorrow in any position. Any position. But I gotta tell you he sucks as a left fielder. You better work on that softball. Golf now.

But what I'd like to do with your permission, is have a relative to sing an encouragement song. Shake your hand, give you a hug. We need prayers, brother. You need our strength. Because I don't know if anybody has done this for you yet. And when you come down to Standing Rock, I know you're not going to be able to dance this year, with us. But we're gonna, I'm gonna dance for you. I'm gonna dance for you this year, brother. That's my honor right now. So, with that Courtney, if we could take 5 minutes, real quick, just to give him the encouragement, and I ask for everybody to come up and shake his hand and give him that hard help. Give him some prayers. Give him some strength because he really needs it. We don't need him crying, because that comes from your heart. It takes a real warrior and a man to show your heart, and he does that. So, we need to continue to encourage him.

Unidentified speaker

I'll sing a song. I know Scott comes down to Standing Rock to hunt. Every time he comes down to hunt I'm gonna tie up a deer for him, so he's able to get one. We know you work in that position. But we as Lakota, there's more than Lakota Dakota here, so. As natives, we always find that time to be humorous as well.

You know I had a big spiel. A big spiel for Standing Rock. I had all this but I'm gonna submit it for a written comment. I could not follow President Star Comes Out. I was almost ready to storm the Capitol with him right after that speech. Come on, guys, rip my shirt off. (In native language). I don't know if anybody else. Yeah, I don't know if anybody else felt that way. But I was ready to storm for no reason. Storm the North Dakota State Capitol.

I have faith that Scott (in native language) here. He's in a position where he has bosses, and they have their marching orders. And at least we have one of our own that could be in there trying their hardest to get us the funding. Make them abide by the treaties that they signed with us. So, I'm gonna ask him to stand, and we could shake his hand afterwards. Although I've been a singer for 30 some years my voice isn't as strong as it used to be. And I met about 10 people that seen me on the History Channel last week. I never even saw it myself so. I said, Courtney, I was seen on the History Channel. Aye. But I'm gonna sing him an encouragement song and thank him and know that our prayers are with him and our thoughts and our everything that goes on in DC. That's a place I don't want to be, either.

You know. I have a lot of comments, but I'll submit them for written comments. So just stand. And I'm gonna do my best to sing him a song, and if he lets me know when he's coming down, I'll find that deer and tie it up for him, you know.

-----MEETING PAUSED FOR AN ENCOURAGEMENT SONG FOR SCOTT DAVIS-----

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

We still have comments. We are recording these so that it can be notated and taken up to departmental leadership. And so even if Mr. Davis doesn't join, it'll be recorded and available to him. Next on the list I have is Lisa Deville, District Area 4 representative for MHA. Is she still here?

Commenter 13 – Lisa DeVille, North Dakota District 4A Representative, Mandan, Hidatsa, & Arikara Nation

[In native language] everyone. My name is Lisa DeVille, I'm an enrolled member of the Mandan, Hidatsa, & Arikara Nation. My family and I are lifelong residents of Mandaree community on Fort Berthold reservation.

I am the co-founder of Fort Berthold Protectors and Water Earth Rights. I'm also the North Dakota Chip Coordinator Representative. And I want to make it clear before I read my testimony. I'm not against oil and gas development. Revenue from our resources has done a lot for our

community. But I believe any extraction must be done responsibly. So, I'm going to share. I already spoke to Scott Davis. It does involve Scott Davis something to add.

So, I'm testify in opposition to the Department of Interior's ongoing consultations regarding Executive Order 14210, and the proposed changes under the Indian affairs workforce efficiency and productivity plan. I'm very concerned by what appears to be yet another attempt to diminish tribal sovereignty and Federal trust responsibilities under the appearance of deficiency.

This proposal is to streamline emergency permitting timelines under Executive Order 14210. While efficiency is important, these expedited protocols directly threaten the Federal Government's duty of trust responsibility to all tribes. This process will open the door to oil and gas exploitation on our sacred sites and ecologically sensitive lands. This abbreviated process does not feel meaningful. Nor does it reflect genuine consultation as defined under the Federal law or meeting tribal expectation, as these consultations are not being held on every reservation.

This decision effectively disfranchises thousands of tribal citizens who cannot travel to centralized inaccessible venues. If this were a serious consultation, tribal leadership, tribal members alike would be engaged in their own terms and territories. Not according to an agency's convenience.

We are witnessing a flawed process that appears to prioritize the needs of oil and gas industry or native rights and land and sovereignty. As someone who lives directly impacted by oil and gas along the (inaudible) basin, I question the intent of this process. Is the department seeking meaningful tribal input or tribal sign off. The distinction matters as native communities have not forgotten the history of Federal decisions made under the pretense of consultation. We have attempted to raise these same concerns with the current Interior Secretary in a prior role as Governor of North Dakota. Only to be redirected to staff or ignored entirely.

It is difficult to ignore the larger context in which this is occurring. The Secretary has shown unwavering support for oil and gas development even at the cost of sacred sites, environmental integrity, and indigenous voices. When tribal members attempted to secure National Park. Recognition of the Maah Daah Hey Trail, ancestor land of the Mandan, Hidatsa, & Arikara Nation. But an area also holds culture and spiritual significance to many tribes in North Dakota. We were met with apathy from the former Governor Burgum, and outright resists from his appointed leadership.

The Maah Daah Hey region holds cultural and spiritual significance of the Mandan, Hidatsa people. It is the sacred site where our ancestors received the rights to the eagle feathers. And we're entrusted with our medicine bundles that are central elements of our identity and ceremonial life. We were on the verge of securing this national monument designation to protect Maah Daah Hey when the process was abruptly derailed. Two non-native North Dakota delegates were brought in by Scott Davis to oppose the designation citing potential impact on oil and gas development.

Following their opposition, the MHA Nation Council withdrew its support. Despite our good faith efforts to address concerns, providing answers to every question raised by both MHA Council and State delegates, we were denied the follow-up meeting we had been promised. Once those concerns were resolved, this betrayal of process and disregard for tribal voices once again illustrates how quickly sacred lands can be sacrificed for resource extraction. This is not the behavior of a steward of public trust. It is the behavior of someone of opening the gates to exploitation.

I'm particularly troubled by the alignment of this plan with interests of the same political figures who have demonstrated repeated malfeasance in their handling of tribal relations and public land management. Leadership that dismisses tribal consultation and repeatedly enables oil and gas extraction, not accountability, is not acting in the interest of the American people, and at least of all native people. The failure to uphold treaty obligations and the trust responsibility enshrined in law is not only unethical, but it is also a violation of your federal duty.

The broader federal context of this efforts includes ongoing attacks on the National Environmental Policy Act (NEPA), weakening of the Endangered Species Act, the redefinitions that limit what is considered harm to tribal lands and ecosystems. These changes do not occur in isolation. They form a pattern of rollback that benefits extraction industries at the direct expense of tribal nations.

Moreover, the expedited Section 7 consultation process under Endangered Species Act, raises alarms about the protection of our wildlife and the habitats that are integral to our cultural practice. These species are not just numbers, they are relatives and vital to our spiritual and cultural existence. Rushing these consultations jeopardize not only the species themselves, but also our connection to the land.

The changes to the National Historical Preservation Act are equally troubling. The new seven-day comment period fails to recognize the deep historical and cultural significance of many sites to our tribes. This timeline is insufficient for meaningful engagement and dialogue which are essential to preserving our heritage. Our sacred sites are irreplaceable, and the rush processes dismiss the need for respectful consideration of our culture, practices and beliefs.

While the stated intent is to improve efficiency and responsiveness, these changes appear to be disproportionately benefit extractive industries at the expense of tribal sovereignty, culture, protection, and environmental review. The proposal to shorten NEPA reviews 14 or 28 days sites that's meaningful consultation under Section 106 of the National Historical Preservation Act, and Section 7 of the Endangered Species Act and centralized Indian affairs operations under the appearance of administrative reform belongs to a dangerous rollback of trust responsibilities.

These actions do not line with the Federal obligation to honor tribal treaties, or protect sacred lands and resources. The Federal Government must not continue down a path that prioritize short-term industrial gain over long-term tribal survival, land stewardship and climate

responsibility. The process of utilizing executive orders and workforce restructuring is a Trojan Horse for undermining tribal consultation, reducing tribal engagement, and clearing a smooth path for oil and gas development on or near our travel lands.

In closing, I urge the agency to commit to holding hearings on every reservation affected by this policy. Clarify whether the process is intended to gather tribal input or tribal approval. Address the conflicts of interest presented to pro-oil and gas leadership within the Department. Hold the fast tracking of workforce changes that weaken tribal engagement or environment oversight. Acknowledge and repair the erosion of the trust responsibility occurring across multiple Federal initiatives.

I also have attached two resolutions from the United Tribes of North Dakota. Resolution number 25-06 0 title, Resolution Opposition to the Removal of NEPA Implemented Regulations, and Resolution 25-05-0 title, Resolution Opposing the Advisory Council on Historic Preservation Using of Section 106 Emergency Provisions Without Tribal Consultation and Request for Oversight. Thank you.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you, Ms. DeVille. I'm gonna do one final call for Mr. Steve Morin Tribal Council rep with Cheyenne River Sioux. Are you here? Alright. So, I know we reshuffle folks a bit. So, I think we'll be able to go back through the list now that we've kind of hit all the President's, Chairmans, Tribal Council Members. So, Courtney Twolance who's with OST today and GPTCA with the Oglala Sioux Tribe.

Commenter 14 – Courtney J. Two Lance, Oglala Sioux Tribe

I know you can't see me behind his podium. But. I just want. One thing I want to ask each one of the official or the BIA representatives. What tribe are you from?

Response from Bureau representatives:

I'm a Citizen of the Cherokee Nation.

I am an enrolled member of the Makah Tribe from Washington.

I'm not an enrolled member, but my family lineage is Choctaw.

Oh. Thank you. And when you're not being paid by the Federal Government, you're a tribal member first, right? Just like the rest of us. And when it comes to this Executive Order and basically your marching orders, you know, because I have a few relatives that do work for the bureau and they work for IHS, and when they're told something, you know, they don't want to do this. But they don't want to be fired and lose their benefits either, and I can understand that. And I was really upset when I had two of my nieces who applied, and they were just happy. We got it. We got it, and you know, and then, all of a sudden, they don't have a job. So, that's a learning experience for them. They're young, thank God, they can go on.

But I did some research with some of the other TIBC members. And for those of you, TIBC is the Tribal Interior Budget Council. And for the Great Plains Region, I do represent this region on four of the committees, and I co-chair another committee. And to date how really old I am, I've been there for 20 years with TIBC.

And yeah. And. So, when one of the things that was brought up to me was on February 26, 25, a memo went out to all of the executive departments regarding their reductions in force and reorganizations. And they were told, or they were required to turn in an agency reorganization plan on March 13, 25. They call that phase one. And then phase two was basically your final plan, and that was to be submitted on April 14th of 2025. And phase two will be implemented on September 30th, 2025.

So, I did ask what was the Interiors phase one plan. And it wasn't shared according to the other TIBC members in their consultations. It was not shared with any region. And when we looked on there, the March 13th plan that was submitted from the Interior, 99.9%, 64 pages of that plan was redacted. So, they sent it to me. I opened it. I looked, it's all black, 64 pages. And so I started to question some things about.

Can you go to that page 14 on the slide here, page 14. But when you do agency plans or you do performance plans, you have to follow the. It's called the GPRA Modernization Act of 2010. And GPRA Modernization Act of 2010, list the people that are supposed to be involved when you're doing amendments or updates to your strategic or performance plans. And majority of them are on the slide, but nowhere does it say, up there, are in this act. DOGE. They are not one of the recognized, authorized people. Okay.

And the director of OMB. I did ask for the name this morning. I believe it's Russell Vought. Okay. He is supposed to request that, review it, and make sure. And it's in the act. Make sure that you get. It's Section 2 and Section 3 that you get input and contribution from the people or the programs, agencies, whoever this affects. They did not come to the tribes when it came to phase one and phase two of those plans. Okay, we. There's no input from us. And so that's a violation of that public law. It's Public Law 111-352. And so that's a violation.

And so when I was going more and more into the Act, it's basically a reporting tool. And we have to, when we get our contracts, or those of you that are compact, you have to report on how the money was spent, how who did you service, and if it was defective or not. And so those things to me are not gonna happen when you consolidate these programs.

One, I gave the example at another consultation. Was we have, let's say a 100 heirs to one area of plat. We have 100 heirs, but they don't all live on the reservation, they live throughout the country. And you have 7 to 10 days or 7 days to contact at least 51% of those 100 heirs. To see if we can do whatever with this plan. Is 7-days a reality? Is it attainable? No, it's ridiculous.

And so when you're shrinking all of these positions, you're gonna get somebody in there who may not be cross trained, who may not have the knowledge or may not be culturally sensitive to

the tribes. There's protocols when you go to the tribes. Each one is different. There's, you know. If you go to (inaudible) Tribal Council, you have to speak in Crow. Your paperwork has to be in their language. And you know that's not with every tribe. But that's one tribe. Are these people that you're losing, who had that knowledge, who understood and respected that communication? Is that gonna happen? I don't think so. One thing I'm worried about is, we are not gonna get quality services. It was slow, but at least it was right. You know, we went through a lot of stuff with that. And it's not gonna be realistic when you come to efficiency. Because how much money are you gonna spend to train these people when you had the knowledge over here. And you know I don't blame these guys because. I'm not disrespecting, Glenn, but I love terrorizing Glenn.

But I said it before when we went to a meeting in DC. Don't send the janitor to do the boss's job, because you don't have the authority to tell us anything. You don't have the authority to make the decision. And I was really upset when I didn't see Bryan. You know, and I talked to him at TIBC for a long time about some things that we needed to address. And he's not here.

But there is a lot of people that, like your Human Capital, is that still Bart Stevens. Is that Bart? Or who is. Okay. So we're gonna have to get to know these new people again. And what is their functions? Look, if I was you, I would really look at this public law because it does tell you what they are responsible for. What they're supposed to be doing when it comes to strategic plan, a performance plan. But you don't have anything that says tribes. All it is just like GPRA, answer these questions, meet these targets. Not for the tribes. You're not taking real tribal data statistics. You're just answering one of 2 of 136 GPRA questions. That's it.

But you're meeting their targets. You're not meeting the tribes targets to justify unmet need. To justify unfunded mandates. Those things probably didn't even come into consideration when they did these plans that we don't get to see. And we need to know. How is this going to be affected? Who's going to take on dual or maybe triple responsibility? You know, who's gonna do that for us?

And the other thing was, I was talking. When they went through and did these plans, on strategic plannings, did they have the goals that Indian country prioritized. Make that separate from ranking. We just rank the programs to see who gets the money first and who's second? Who's third? No. Do they have the goals that match Indian country, the needs of Indian country. And that's strategic planning.

Then you have program management. Did they consider, especially in a large region like Great Plains where we have combined 16 tribes, enrollment of over 250,000, and a total land base of about, I think they said, 33 million. And so did they think about that when they started dismantling or shrinking these positions. You know I sit there, and I think about if I have to deal with something with probate. and the person that was there for a very long time now is not gonna know how many heirs do you have to that plot. And then I would say, 150 heirs. The new person that's coming in is not gonna know that. They're not gonna take the time to get to know

that track. Or that agencies not gonna have that information because you did not give your agencies that authority anymore. You're taking it away.

I don't know who in here is self governance. Okay, I can say this. When you go self governance, you take your tribal shares at the agency and the regional level. Right? Okay, you take your tribal shares. And what basically, what that means is you take your tribal shares of that source or that service. Okay, it's no longer there because you got your money, that tribal share. You're saying, we can do this by ourselves. Okay, we're direct or self determination. And we still depend on those Federal employees to do that job for us, per treaty.

Okay, we did not let the Federal Government off the hook. When you. I don't know if they've explained self-governance very well, but once you take that. Let's say I had a thousand members and I want self-governance. I get my tribal shares for a thousand members. That's all I get from here to whatever just for a thousand numbers. But let's say my enrollment increased by 5,000 members over so many years. I don't get any more money for those other 5,000 members. I just get it for a thousand members. So, when they was in these suggestions or recommendations, and they were trying to push all tribes to go self-governance. No, that gets them off the hook.

And so that's something I don't support. Something that's very well known, actually, that I don't support that. Because we have treaties. I was raised with that too. My grandpa always told me all these things, and he said, "You remember you're thinking seven generations ahead. That's your job now. It was a great, great grandpa's job. Now it's your job."

And the one thing is, we have to be a compliance as tribes. We have to be in compliance with the regs, or as per regs, and with the money and whatnot. Is the Federal government and these decisions that are being made, are they in compliance with our treaties? You know we need to think about that.

And when it comes to the NEPA as well as the other, you know, suggestions that are trying to happen. Did they understand that as tribes we don't write a lot of stuff down because some things are very sacred and spiritual and secret, because we don't want those places destroyed. But we have cultural standards that you have to, I guess, abide by before you come through the tribe. If we have to put them in writing, we're gonna have to go back, tribe by tribe, to get those standards done when it comes to cultural, historical, or spiritual. There's a lot of places on our reservations that are spiritual. And we don't mess around there. We know what the purpose is, but that's oral. We know that. But if we have to put it in this GPRA law, you can do the format for this, and it could be kept secret. So, we can use that to our advantage if we have to come up with standards when it comes to the Tribal Historic Preservation Office.

One thing at TIBC I did recommend, or I did push was to establish Cultural Resource Offices. So, if it looked like we were duplicating the Tribal Historic Preservation Office. And we would put that money under either natural resources or something like that. That's where we put the money. And they would be the ones that established these standards. They would have to go back to our people and some of our elderlies and say, Is it okay, if we just mentioned this place,

but we won't tell everything about it. But you have to get those criteria established, tribe by tribe. As one way to protect ourselves, too.

But you know, I had so many people texting me. Say this, say this, you know. But I'm just gonna go back to old school where there used to be this. It was a tool that they used to use with programs a long time ago. And it was a program assessment rating tool. It was replaced by GPRA. But that went into program, purpose, and design. That went into strategic planning, program management, and results. But it gave me 25 questions, where you can really look at these, not only programs, but departments and agencies.

That was a true where DOI did a strategic plan, but they came to the regions and the tribes. And they said, Is this a tribal need? Is this something that we should be putting in our strategic plan. You know, that happened at one time. And then it kind of got thrown out. But that is something that we gotta do, especially when it comes to this stuff here. because you're not looking at what the tribes truly need. You're not following, or you're not in compliance with those treaties.

You know, I was told not only by elders, but when I worked with Mario, when I first came back from college, I worked for Mario. And he gave me the opportunity to look into the Dawes Allotment Act. To look into all of these things that happen throughout. And I had to learn it. And the one thing that I learned from that whole working with elders and everything was, you have to be responsible for this. For something to be for those future (inaudible), those grandkids. You have to know this stuff. You have to learn this stuff. And if we didn't protect those things. And you know we can work together. Like I said, I tease these guys when I go to TIBC. I'm one that will give them a hard time. But yeah, we could still talk. And because I know they're just doing their job. They have to do what is being told.

But when it comes to learning the treaties and whatnot. There are a lot of people in DC, who do not understand what treaties are. They don't. They don't. They may not even have a tribe in their state, so they don't have to deal with those issues. Those are the ones that we have to educate. Those are the ones that we have to say, look, this is what happened then. This is this.

I shared the joke this morning with some of the younger people who were, that I was texting with. When Chairman Lengkeek said, wait for Custer. That was funny. And so I shared that with some of the younger ones, and they were just like, "is that what we're talking about? We're talking about the treaties." And it was so good to hear that, they're younger, but they're learning it. They're learning what they're responsible for, because they're tribal members now. And they're part of (in native language) too. So, they have to be protective. They have to learn to be protective.

And I'm just kind of hoping that, you know, we get to the point where, if it takes a lawsuit, or if it takes, you know, more lobbying up to DC. That they really go region by region in these class. Because we're not the same as Oklahoma. We're not the same as California or Eastern. There's 12 regions that we meet with at TIBC, and our issues are not the same as the rest of them. We're kind of the same with Rocky Mountain and Navajo, because we're large land base and

large populations. But more Rocky Mountain because of the demographics, or the geographic areas. And we do not have enough money for all the services.

So you know, we're different, and I would love to see them doing region by region. At least our tribes can come together. And we can really, truly input for performance, for reporting. For you know, transparency. Because if that's what they want to see, well, you need to be transparent. I should have been able to sit here, or we should all been able to sit here and see phase one and phase two that they submitted. And we didn't get to see it. And I know they don't have the authority to share it with us. Maybe Scott would have. You know. Maybe he could have.

But who knows? And I know, I don't want to take everybody else's time that needs to talk. But I want to thank you guys, to let you know that. You know, I like to look into this stuff. And I'd like to research a lot of stuff. Because you have to prove to me, how did you get that information, or how did you make that decision when you didn't come to the Oglala Sioux Tribe to talk to us. You know, because if we make a decision like that, I guarantee tribal members gonna come after you.

And it's a good thing I'm short. They can't find me. But we have to answer to our people. So you guys need to answer to us. And like, I said tribal member first, regardless of who pays you're a tribal member first. You're in that position to help us. If you can, if you can. I know there's certain restrictions. But you can help us. You can help us figure some of this stuff out. And that's the one thing that I would like. And I would appreciate from you guys. Because, you know, even though I give you guys a hard time at TIBC, I still (inaudible) you guys. Yes, I do.

Glenn is my example, because he's with OJS. And so when there's a rule that they make in OJS and I'm sitting there saying, that ain't gonna work in Pine Ridge, because, you know. If Glenn comes and raises hell and he's from Makah. And I can't arrest him. I can detain him, you know. But so those are the things that they think about those things when they put these plans together.

How do you deal with all those different situations. And I believe somebody brought up funding formula. Funding formula for your programs. I sit on the budget subcommittee at TIBC. And it's so hard for us to get the historical information on how they develop those formulas. But the one thing that they don't do is they don't consider the actual land base, the time it gets from one community to another community, or the service population. Not just enrollment, but the service population. Glenn comes to Pine Ridge gets jumped. He's not Oglala. But we have to do that service. Right? But we don't get to count it, and we don't get money for it. So, those are some things that they should think about. Realistically look at those things.

I did bring TIBC to two of your reservations. The Rules and the Budget and Public Safety Subcommittees. Some of these committee members are very well to do tribes, very small tribes. They may be in a 280 state. And so, for them to actually come to a reservation. And they came to Pine Ridge and I took them all the way to Wounded Knee. And you know we drive in. There like how many buses. So, we were given statistics, buses, ambulance, police, vehicles, I was kind

of shocked at some of the reports that I got from my different programs. There's 4,000 cars that traffic a week into Pine Ridge, and those are (inaudible) your workforce, your ambulance, your police, visitors. You know, that's per week. And so, when this crew came up and they went and drove with me. I took him everywhere (inaudible). Even to the pure (inaudible) collected places. I wouldn't even go myself, but I took them. And I wanted them to see. You know I wanted them to see. Well, the report at the end of it, when we had a closeout report. Your roads are terrible. The distances from this community to this community, it's too long. You know, and we needed houses. We needed a courthouse. We needed more officers. There was so much in there.

This one tribe, and you guys can probably guess, but they have 24 casinos, and his tribal council pay was \$800,000 a year. And I looked at him, and I was like holy smokes. You get more money than I do for my roles, you know. And their President makes \$1.3 million a year. So, when he was telling me that I was like, Are you serious? And he was like, Yeah, and I was like, Wow, that's more money than we get public safety funding, that President salary.

But for them to actually come to the reservation and actually see this. And then, when we had TIBC the next meeting, they were there fighting for Great Plains Region because they actually see what happened. They actually witnessed it. I told them I'll let you come through here in the wintertime. I'd love to see you go down Yellow Bear Canyon, you know. And cause they asked me, how do you open this road. And we took them out to Badlands because there's some old people that live out there. And they were like, How do you get out here? And I said, they're stuck if we get a storm. But fortunately some people go out there on, you know, the 4 Wheelers or the Snowmobiles, and they go check on these people. So, we still have that compassion. And you know we should do that for each other.

But do you see this (inaudible) needs on roads. I loved it when I brought transportation out to Pine Ridge, and I told our transportation people keep them off the highway, keep them off the highway. Show them where the kids get on the bus. Show them where that grandma lives. Show them where the ambulance has to go. And when they went through one of these communities, the people just put boards across, this little stream they put boards. And then they're like, we're not driving over that. It's like, how do you think that grandma has to drive over to get groceries? So I drove them over it. And, man, they were like panicky. And I loved it that we got stuck. Yeah, going to some kids' house we got stuck. And they had to get up and push their car. Push it out. It's all muddy. But I said, now you know what we have to go through.

Now you know why we come TIBC and we say these things. Now you understand why my eye rolls. Now you understand, you know. And because we showed them and they supported us at the end. So together, we need to be supportive. We need to really research this stuff. You know, I'm there to fight for you at TIBC. I'm there as much as I possibly can, but we need to work together. Like the message that was shared amongst some of the Chairmans that we need to unite again. We need to be that Great Plains Region. That everybody didn't like to come to this region. But we may (inaudible), you know, not to (inaudible) but, at least they came here. And we don't consider this consultation. We just consider this, that we're airing out things that you

violated our treaties. You are not in compliance with our treaties. It's time to be in compliance with those treaties.

But I thank you guys and have safe travels home.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you, Miss Two Lance. So we've got about eight left on the tribal leader sheet, and then six on the non-tribal leader sheet. I'm not sure how many of them are still here. So, we'll move through. I know we're kind of getting late in the day, so just keep that in mind. But again we're here to listen. Next up. We've got Catherine Everett from MHA.

Commenter 15 - Catherine Everrette, on behalf of Mandan, Hidatsa, & Arikara Nation

Good afternoon, everybody. My name is Catherine Everett, and I'm here to represent Chairman Mark Fox of the MHA Nation. He regrets he could not make it here today. But I'm here to read off the letter he has prepared for this consultation.

Dear Acting's Assistant Secretary Davis,

On behalf of the Mandan, Hidatsa, & Arikara Nation, I would like to thank you for your ongoing commitment to tribal consultation and dialogue.

While I regret that I was unable to personally attend the recent consultation session, I wish to express my appreciation for the Administration's proactive efforts to engage tribal nations on this important matter. The MHA Nation supports the Administration's recognition of the critical role energy development plays in both tribal economic stability and national energy security.

We commend the Interior leadership for fostering an environment of open dialogue with tribal leaders during this time of significant policy action. In particular, we recognize and appreciate the leadership of Secretary Doug Burgum, and yourself. You both have demonstrated a long standing commitment to tribal engagement and have worked constructively with MHA Nation in their respective roles.

As Governor of North Dakota, Secretary Burgum, partnered with tribal nations to advance shared infrastructure, workforce and economic development priorities. Through your service within North Dakota's Indian affairs, you have continually advocated for tribal sovereignty and self-determination. Both of your leadership when addressing energy permitting challenges in a manner that respects tribal rights and cultural resources is greatly appreciated.

While we support the efficient delivery of services, we are very concerned about the program funding and employment cuts being proposed. Reduction to critical program areas, such as realty, land, government operations, energy, probate and other trust services, directly impact our ability to advance responsible energy development on tribal lands. Realty functions are foundational to the permitting, leasing and land management process required to move energy

projects forward. Any erosion of these services will create bottlenecks, delay project timelines, and hinder tribal efforts to generate revenue, promote energy sovereignty, and support local economic growth. We strongly urge that these program areas be prioritized and adequately resourced to ensure continued progress in tribal energy development. We also urge the Interior Department to remember its treaty obligations and the United States trust responsibility to our tribal nations. Cutting capable employees and programs that are essential to the delivery of trust services could be inconsistent with these obligations.

The emergency permitting procedures outlined in the DTLL addendum, including accelerated timelines for the NEPA, Endangered Species Act consultation, and National Historic Preservation Act, Section 106 compliance, present both opportunities and challenges. We encourage the Department to continue working closely with tribal nations to ensure that these expedited processes do not inadvertently undermine tribal consultation obligations or cultural resource protections.

We look forward to working with your office personally and continued engagement with your office as this initiative moves forward. Thank you again for your leadership, transparency, and commitment to tribal consultation and partnership.

Respectfully, Mark Fox, Chairman of the Three Affiliate Tribes.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you. So next on the list, we got Tyrel Iron Eyes, Tribal Archaeologist, Standing Rock, and then we'll move to Alysia LaCounte, and then we will move to Reno Red Cloud.

Commenter 16 – Tyrel Iron Eyes, Tribal Archeologist, Standing Rock Sioux Tribe

Introduction in his native language. My name is Tyrel Iron Eyes, the Standing Rock Sioux Tribe, tribal archaeologist. I was asked by some of my council people to come up and address the emergency permitting procedures, specifically.

I work for a Tribal Historic Preservation office. I deal with section 106. I deal with the permitting. That is my entire job. And what they're attempting to do with these so-called emergency processes and emergency permitting procedures, is to gut these federal laws and cut tribes out of that consultation.

The way that emergency declarations typically go, is an emergency is declared for 30 days, and we address that emergency. And at the end of those 30 days we leave or we reassess and decide whether or not to continue the emergency state, or we declare everything has been addressed to the best of our ability, and things resume as normal. The way that this so-called energy emergency has been written, there is no 30 days. There is no time limit. It's for as long as they want it to be. It is unnecessarily vague by design.

There's no provisions for what constitutes a project eligible for these alternative evaluations or these alternative permitting procedures. We've had some projects come through where it's a power line that's above ground, and they're trying to move it beneath the ground. And they're saying that that's part of the energy crisis, and that we have 7 days to review it. I don't know how often you guys, what the mail situation is like on your guys reservation. But from the time that we put something in the mail it takes at minimum 2 days for it to process, and at least another day to actually get there. So, if it's 7 days from the time that they write the letter, we're not getting it until 3 days into that 7 day process. That means I have 4 days to try and respond to this. And realistically, that's more like 2, so that I can make sure that my response gets in the mail in a time that they're actually gonna be able to accept it.

These current regulations that they've already implemented. This isn't a consultation for a lot of reasons. But specifically, with regard to this, they're not even asking us if we're okay with it. This got tacked on just so that they could say, How do the tribes feel about what we're already doing? And that's not okay. No one, none of the tribes that were in here, or are currently in here, waived our rights to consultation. None of the tribes that are here waived our rights to free prior and informed consent whenever these decisions are made.

We didn't go through the PowerPoint today. But one of the questions in there, they had three questions at the end of the section on workforce optimization. And then they had one section one question at the end of the section on these emergency permitting procedures. The single question was, Are you guys okay if we make energy projects a categorical exclusion? How does everyone feel about that? And I vehemently disagree? Categorical exclusions are typically reserved for low impact, low risk undertakings. If you're going to do maintenance on a fence, there'll be a categorical exclusion. Are you replacing a faulty Internet line, might be a categorical exclusion. It's things like that. But if you're trying to tell me about a transmission line that's gonna cover 300 miles of distance, and the transmission line itself is 600 miles away from me. And you're gonna call that a categorical exclusion. That's an insane amount of disturbance. Both ground disturbance, auditory disturbance, visual disturbance, and cultural disturbance.

One of the more forgotten or underutilized, I should say, aspects of the National Historic Preservation Act, and eligibility for criteria, and how we deem adverse effect, is feeling. Does an undertaking affect the feeling of a location. And I don't know how often you guys have been around wind farms. But I spend a lot of time around them lately. And a lot of these farms have popped up in places that I've spent a lot of my childhood. And going there today versus when I was there as a kid, pre wind farm and post wind farm, that area feels so different.

And this isn't me trying to dog on wind farms. Like development's gonna change the feel of a place. But if we're just gonna unilaterally assume that all energy related projects are categorical exclusions, we're not gonna have a say in whether or not these things get affected. And again, there's no limit to what actually constitutes a project related to the supposed energy crisis. If, again, power line maintenance that they're claiming. And as long as you can stretch the truth enough to make it fit in one of these little loopholes, I'm sure they'll let it fly, and that's not okay. I know that our tribe full well, did not consent to that. Did not waive our rights to

consultation. Did not waive any of our rights to be involved in these processes. And effectively, that's what they're trying to do.

I never thought I would say that eight years ago, when Zinke sent out his memorandums on what an EIS and EA should look like, and how long the process should take. I never thought I would call that generous. Cause he was trying to get everything done in 60 days. But looking at this new declaration that we've gotten, that's a generous timeframe compared to 7 days, 24 days. It's no time at all for us to do what we need to do.

I can't make a judgment on whether or not something is going to have an adverse effect when it's 700 miles away from me, and I can't get boots on the ground. If you get a chance, I want you to just pull up, pull up a place that's important to you. Pull up a spiritual place that you know. Pull it up on Google Earth. Look at it from a top down satellite view, and ask yourself, can I tell that this is a spiritual place? Can I see what makes this place significant? And if you can't, as someone who's been there, someone who's lived through that, if you can't see that from a satellite view. How is a regular archaeologist, a non-native archaeologist going to be able to do that? How is someone three states away gonna be able to do that from a satellite view? And that's what we're being asked to do.

The other thing that I kind of want to call attention to and this isn't necessarily disrespect to you guys. But we had. We asked you guys earlier if you guys were decision makers and no one could raise their hand. This whole room, almost everyone in here stood up. We're always asked to bring our decision makers to the table, and yet we never received the same kindness in response. Very rarely does the Federal Government actually follow through and reciprocate and send their decision makers to us. And again we're meeting specifically with Bureau of Indian Affairs right now. Where's the rest of the Department of the Interior. Where's the USDA? Where's the Department of Energy? Where's the Department of Defense? Where's the Department of Homeland? These are all agencies, all institutions that are gonna have a role to play in these permitting procedures. And yet they're not here to hear what we have to say.

But she's got that up here and addressed us all as tribes. And he got really emotional, I get it. And so we all feel that emotion. When all the Chairman, Councilmen, and all the individuals before me got her to speak, you could hear that emotion in their voice. You could see it in their eyes. You could see it in their body. And now we're giving the burden of communicating all of that emotion, all that feeling, to this table. They have to take that higher up. And I don't know about you guys, but I don't know that that's something that I can communicate to someone else.

I can't communicate how President Star Comes Out feels to someone else. I can say his words. I can say what I think he was feeling. But I can't convey that same level of emotion. I can't convey that same, the exact same feelings. They need to be here with us, to hear these things. To feel the feelings that we're feeling. To look us in the eyes and know how we feel. How these questions make us feel, and how ready we are for change, for us to actually address these concerns.

There's been a lot of repetition today. And that's not necessarily a bad thing. It just reinforces that this is a problem throughout Indian country not just unique to one reservation. Not just unique to one tribe. That's all I have to say at this point in time. But it's been good to listen to everyone. Even if it's been frustrating, knowing how long we're fighting these battles. [Closing words in native language].

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you. Next on the list we've got Alysia LaCounte the General Counsel for Turtle Mountain Band of Chippewa. Are you still here? Okay, we'll move on to Reno Red Cloud, Oglala Sioux Tribe.

Commenter 17 – Reno L. Red Cloud, Water Resources Director, Oglala Sioux Tribe

Good afternoon. My name is Reno Red Cloud. I'm an Oglala Sioux Tribal member. The 6th generation, direct descendant of Chief Red Cloud. You know my public service with the Oglala Sioux Tribe has been 35 years of working in water. So, my whole career has been working for the tribe. Started in 1978 with OST Water Development. I went into OST water and sewer from 1983 to 1994. I went to the (inaudible) Water Project from 1994 to 2010. Currently on the OST Water Resource Department (inaudible). I deal with water. So, my whole life's been water maintenance, and water management.

I wanted to address the. Right now my department is public law 638 funded. And I started in 2013. In 2013, there were four employees. In just as I've seen through 2013 to now, the funding for my department diminished gratefully. I just barely got on a secretary last year. But what I'm saying though, is, you know, you're talking about workforce efficiency and productivity. I haven't even seen that even before Donald Trump was even elected. Because we're in lack of funding and a lot of these BIA program fund appropriations.

Today, I just wanted to emphasize, you know, in my job right now, the water code. To me the water code is an extension of the treaties of 1851 and 1868. Through our treaty water rights, through our (inaudible) doctrines. Through our, you know our water codes. And right now I have a lot of issues that are going on with Pine Ridge. With water quality issues. One is the Cheyenne River being influenced by mining in the Black Hills. There was a study in 2017, done by the South Dakota School Alliance. Where there is uranium in the water, the river bed, the riparian areas. And this year we tried to get funding for a proposal to do another water study, but it got terminated.

But anyway, I'm trying to use that same proposal to seek other funding to accomplish this task because this is so vital to us. Water quality, water quality. Right now, with climate change, we better be aware of what's recharging in our groundwater and our surface water. So, I said this one time before, in the future water is gonna be more valuable than gold.

But I'm also the Vice Chairman of the Great Plains Tribal Water Alliance. The Great Plains Tribal Water Alliance was originally the (inaudible) organization, but they modified into the Great Plains in 2008. And then in 2013, we reactivated it. As of now today, our membership is Oglala Sioux Tribe, the Rosebud, Standing Rock, Flandreau Santee Sioux Tribe, Cheyenne River, Lower Brule, Yankton Sioux Tribe. We're appending Sisseton Wahpeton, Crow Creek. We're looking at Northern Cheyenne to join us, too. These are all treaty tribes.

When we talk about the treaties, you know, and I know that you know, since my lifespan, the BIA has diminished its trust responsibility. It's only plain to see now. I'm not here to bash you, but I'm just telling you that what they're presenting in these workforce efficiency and productivity, you know, that's coming on strong. But, being a descendant of Chief Red Cloud, I think we need to honor and recognize our 1851 and 1868 treaties. I think our lawyers need to come together and do a legal review and all the violations to it. Because I think right now our treaty has been violated so much that, you know it's coming to a head where we need to assert ourselves. What are you doing to the Great Sioux Nation. The treaties of 1851 and 1868. I don't even know why we're having this meeting today because you're saying a consultation. I've had consultations where the Oglala Sioux Tribe, with the Army Corps, U.S. Forest Service, Bureau of Land Management, the NRC. But those followed our 11 and 10 consultation ordinance. That protocol that we have with the Oglala Sioux Tribe.

This one right here is not, no protocol to this. Because, like Mario was saying, and Frank, the President, Frank Star, if you gonna be a meaningful consultation, you come to our council, and you meet with us in person. That's part of the protocol. You can't just get a bunch of people together and say, Oh, yeah, we meet with the Sioux tribes. No. But today I just wanna just emphasize that.

You know right now, one of my jobs right now is, I'm having a lot of issues with mining in the Black Hills. I see where he wanted, or on this paper it says Executive Order 14156 emergency permitting procedures. Indian affairs seeks tribal input on the following proposed category exclusion to be established as NEPA implementation procedures. You know, that's insane. Giving us seven days. No. No. Black Hills is our origin story. It's our treaty land. It's our ancestral land, and yet they're taking it from us right in front of our eyes.

But I just hope that there's some kind of sensibility comes to protecting the (in native language). Because once they destroy it. That's it. I'm having a big issue over uranium mining on protecting the Cheyenne River. You've got World War 2 with Edgemont, the southern part of the Black Hills. Well back then in World War 2, they opened Pit mine, took all the uranium out and built the bombs. And yet they left open pit mines still there to this day. There's no reclamation. So every year the sun, the water, rain, just wash it right back into the Cheyenne River. And one of our biggest, well you say nemesis, to the adversary to the state permitting process. Because every time they do a state permit for. Like right now, we have Craven Canyon, and it's petroglyphs writings on the wall in the Southern Black Hills, 7,000 years old. And yet they're drilling all the way around it. And then you got (inaudible) Lodge right in the middle of the Black Hills. And yet they're trying to do a graphite mine right next to that.

But you know I've always said this. I don't want to be a critic. But as our water goes. You know there's three jurisdictions. You got Federal, tribal sovereignty in the states. But even on our reservations, fee lands are still state jurisdiction. And I'd like to see an exercise where anything within the exterior boundaries, is sovereign jurisdiction. But these are just issues that I was brought up to the BIA. The water codes; I'm glad to have Halland and took the moratorium off of them. Just I think last year, a couple of years ago. Because they had a moratorium on them. And I think that was directed towards the treaty tribes because we were gonna exercise our treaty water rights in those codes. And yet the BIA is a Federal agency that we had to get funded by. They didn't want, you know us to get too aggressive and start looking at lawsuits against the Government. And they are Federal agency.

You know you gotta really see the picture, the big (inaudible). I'm looking at it because it's all treaty honoring recognition. But today I just wanted just to, to see if our tribe can come together and get a tribal legal review. Look at all the violations of our treaties. And if you guys take anything home, prioritize trust responsibility. Because the (inaudible) Water Project. So, there's a Congressional act, Congress. And it's made of treaty water rights. And it's serving our people because southwestern South Dakota is a lot of interminable soil in the Badlands where you don't get the pertulation. Our reservations unique because on the southern part you got the Oglala aquifer. Middle side we got the high plains aquifer. And on the northern part you got the Badlands, where the water quality is bad from uranium and arsenic. So you know, it's just. That's why the (inaudible) was based on water quality issues. Arsenic and uranium.

Today I just want to emphasize honor and recognize our treaties, follow them and adhere to trust responsibilities. As far as funding. You know, we're gonna put our programs. You're cutting public service for us to have good clean water to have, you know, good services that are treaty responsibilities. I'd like to see recommendation where, instead of decreasing the funding, look at increasing some of it. But that's just, you know, from my historical background and just my perspective from my job as a water resource director.

I got one more thing. We have some. I'm on the Great Plains Tribal Water Alliance as the Vice Chairman. But we have some grants frozen. Was wondering if we could work with you guys on, looking on getting them unfrozen. There tribal climate resilience grants. And we really do. You know, we're low. We're low funded, lack of funding for our programs. And how we were surviving was getting BIA grants to supplement our program needs for water resource management. And you know, just for drought adaptation, for climate change, water conservation. Because these things are coming yet, they're still coming. You know. There ain't gonna be the recharge that we had previously. You could just see it. The seasons are changing. It's getting hotter. There's less precipitation. But, you know, just wanted to emphasize that. You know, treaty responsibilities. They're there. They're law. They just need to be honored, recognized, and follow through, and complied with.

Well, that's just mainly all I have. Thank you, guys.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you, Mr. Red Cloud. Is Cora Whitehorse still here? I think she might have left. Okay, next up is Courtney, and I believe it's Yellowfat. But I might have pronounced the last name wrong. He's not here. Okay. Mark Van Norman, Council for Cheyenne River Sioux Tribe. You ready to go, chairwoman? All right.

Commenter 18 – Lonna Street, Chairwoman of the Spirit Lake Tribe

I have to bring in water whenever I talk, because my grandson would say, I talk too much, and I have no more saliva in my mouth.

Good afternoon, everybody. My name is Lonna Street, and I'm the Tribal Chairwoman for the Spirit Lake Tribe and our tribe is comprised of around 7,800 tribal members. And I know that Chairman Lebeau, who is not here. But he talked earlier about our issues that we're currently facing at the Spirit Lake Nation with our water crisis. And so it was good to hear, you know, the previous speaker speak on some of the water issues, and, you know, the opportunities that we have. And so currently, we are not, we're not actually going to have drinkable water. We're thinking until around July 7th. And we kind of extended that date out, simply because we have an alternative system that is currently being installed right now. And so, we have to give it time to flush the water through the system, as well as getting those tests to the lab and getting the approval for them to drink the water.

But I just want to say thank you to Chairman Lebeau, you know, for mentioning Spirit Lake, because it's really it really is a crisis, you know, that we're going through, and you know, to not be able to turn on the faucet and drink water. You know it's a real, it's a hardship on our community, on our elders, you know, and on our children. It's harmful to them. So we're doing the best that we can right now. And so, I really appreciate the opportunity to speak. And I mentioned that because you know, with all the cuts that we're facing, you know, this is one of the crucial areas Indian nations face, is being able to provide good clean drinkable water to our nations. And with cuts like that, you know, we don't know the deeper issue with our water system, and it may be we need a whole new system. And if we're facing cuts, you know, then our next issue is going to be, where do we get that funding from? And so that's why I bring it up.

But I have a presentation, or a speech that I'll read, and then I'll probably talk a little more. But I don't want to take up too much time. I know it's the end of the day. But, first of all, I want to acknowledge Mr. Scott Davis. You know that we know that Mr. Scott Davis comes here with a good heart. You know he represented the Spirit Lake, or the tribes of North Dakota as our Indian Affairs Commissioner for more than a few terms, you know, and we did work well with Mr. Davis. And so we want to welcome him home. I know he's not in the room, but you know I also want to welcome, I call him Melville when we refer to him at home. So. Mr. Melville and Mr. Dearman. So I was able to speak to Mr. Dearman earlier today about some of our BIE issues that we're facing with our school and our roads, and you know that are related that run up to our school system. So I just want to say thank you, too, for you know, hanging around till the end of the day or, you know, to hear all of us. But we thank you for taking on this difficult job and we

asked, also we asked that Governor Burgum to take on the difficult job of serving as the Secretary. So please extend our greetings and thank him as well for all that he's doing, to represent Indian country.

As a member of the Spirit Lake Sioux Tribe, and also a relative of the Turtle Mountain Band of Chippewa, we want to ask you to remember our treaties and the better responsibilities that you have to all of our nations. As you know, when North Dakota became a State, the people of North Dakota promised that North Dakota would never claim our Indian lands and always acknowledge Congressional jurisdiction in Indian Affairs. Yet North Dakota has encroached on our reservation and has taken lands from our tribe.

Today we want you to uphold our treaty rights and the Federal trust responsibility that you have to us. So on behalf of the Spirit Lake Tribe, we request a Nation to Nation, government to government consultation on the Department of the Interior's proposed budget plans prior to the submission to Congress as required by law. And like I heard earlier in a couple of the speeches, and especially President Starr Comes Out, you know this isn't true consultation. But I'm going to take this opportunity to speak on behalf of my tribe and address the issues that we currently face.

Consultation recognizes tribal sovereignty as a nation-to-nation relationship between the United States and tribes, and it acknowledges that the United States holds treaty and trust responsibilities to the tribe. That means, after you hear our initial suggestions and recommendations. You need to come back to us with a concrete plan for how Secretary Burgum will uphold our treaty rights and the Federal Government's trust responsibility while promoting government efficiency. You can't just simply come here and ask us for suggestions. You need to have that consultation on what the actual plan will be when it's developed. So that way we can guide you in your work to comply with our treaties and with our needs as we see fit.

Under President Trump's Executive Order 14210, federal agencies are required to promptly undertake preparations to initiate large scale reductions in force, known as RIFs, consistent with applicable law. Federal agencies should maintain employees who perform functions required by law, or necessary to protect property or life

At Fort Totten Agency on Spirit Lake Reservation, our agency personnel are required by our 1867 Treaty, including our agency superintendent, education staff and schools, public safety, realty and land, and the natural resource staff. Many laws enacted pursuant to later statutes reinforce these duties, including the Johnson O'Malley Act, Indian Reorganization Act, Trust Fund Reform Act, Indian Self-Determination Act, and Indian Law Enforcement Reform Act among others.

So, you know our difficult reality. Even with all of our Spirit Lake Tribes efforts to promote tribal economic development, our Spirit Lake reservation has persistently high poverty rates. We suffered poor health status and reduced life expectancy, and among Native Americans the homicide rate is four times higher than that among non-Hispanic whites, according to the CDC. Our statistics are always worse than the Native American national average.

Just yesterday we had an active shooter training because we suffered a multiple homicide on our reservation, on our small reservation community in March of 2025 of this year. Which resulted in two fatalities and a third person who remains in intensive care. All suffered gunshot wounds. Yesterday, we also had the BIA training that was offered from the local Camp Grafton, which is also the Indian Training Institute. So, that's located about five miles from Spirit Lake. They were able to come out and conduct ATB and UTB training for us.

You know, which. I just had a conversation with Scott about this law enforcement, and you know, and what that training institute could be doing more for Spirit Lake Tribe. You know, not just for Spirit Lake, but all the tribal nations within our Great Plains Region. You know, Spirit Lake is five miles from Camp Grafton, and we still, you know, can't get any officers out of that training institute unless they come from Albuquerque, or the training institute down in New Mexico.

You know, and it's frustrating for us because we also have a Peace Officer Training Course, which is held in Devil's Lake, North Dakota. But we still only have four law enforcement officers. And so, with four law Enforcement officers, you know. You can't imagine what it is trying to cover 250,000 acres of land. And I heard earlier from one of the other Presidents that they have around 750,000 acres with 13 officers. So, I can't imagine that hardship that their officers are going through. And especially when trying to report on some of the crimes that are happening.

So, what's happening as a result of this is our law enforcement officers are unable to accurately complete their reports. Which in turn, you know, they're not accurate. They're not able to be prosecuted timely or in the manner in which, you know, we would be receiving those cases. You know where they're being charged out and our victims are being served without justice that they deserve.

And so, poor infrastructure, unemployment, social and economic dislocation are major factors in this increased mortality. BIA, BIE, IHS, and tribal government jobs are a mainstay of our tribal economy and employment. And a drastic proposal to slash our local tribe, tribal employment will put us into a deep recession with substantial negative consequences on our Dakota people.

Such a plan is a breach of America's treaty and trust responsibilities if this was allowed to transpire. So, with respect, we request now to self-governance and compact all of our Spirit Lake Tribe agency programs, functions, services and activities pursuant to Public Law 93-638. And we ask that the Department of Interior provide us with technical assistance in negotiating the said compact.

Accordingly, we call upon you to stop reductions in force at the Fort Totten Agency to allow us a reasonable time to enter into our comprehensive 638 compact and look to Washington, DC, instead for cuts, if there must be. Upon the 200th anniversary of the Constitution of the United States, Congress adopted a concurrent resolution memorializing American Treaty Relations with Indian Nations. Congress specifically acknowledges and reaffirms the trust responsibility, and obligation of the United States Government to Indian Tribes for their preservation, protection,

and enhancement, including the provision of health, education, social and economic assistance programs, as necessary. And including the duty to assist the tribes in the performance of government responsibility to provide for the social and economic well-being of their members, and to preserve cultural identity and heritage. The Congress also acknowledges the need to exercise the utmost good faith in upholding its treaties.

Through our 1851 treaties, Dakota Tribe seeded more than 24 million acres of land for the benefit of the United States of America and its settlers. The foundation for the southern half of the State of Minnesota, populous part of the State, part of Eastern South Dakota and Northwestern Iowa. Our 1867 treaty acknowledges that continuing friendships between our Dakota people and America and establishes the Spirit Lake Reservation as our permanent home.

(Inaudible) in the 1867 Treaty America promised the Spirit Lake Tribe that our Spirit Lake Reservation would serve as our permanent reservation, and that means a livable, permanent home. America promised to assist the Spirit Lake Tribe with, that included an agency and an agent, education and schools, public safety, agriculture, houses, buildings and roads and protection of lands and of our natural resources and our waters. But cuts to the Spirit Lake Tribe BIA workforce would be extremely destructive of our economy and government services. Proposed lease cancellations would deprive us of our Government center. So, with respect, we request now to compact all of our Spirit Lake Tribe agency services, pursuant to Public Law 93-638, and we ask that the Department of the Interior provide us with technical assistance in negotiating said compact. And as most of you know or may not know, Spirit Lake does compact the majority of our services. More recently we have submitted a request to compact our law enforcement.

But listening to Mr. Scott Davis today, you know, I feel his frustration. And you know, and I feel the emotion. Because as tribal leaders we feel the same way. You know, we're forced to face our tribal members, you know, in the eye. And they ask us what's gonna happen to us? What's gonna happen to our people? You know, we have our grandmas and our grandpas and our (in Native language) our little grandkids. You know, that we worry about when we hear about cuts to BIE. You know what's gonna happen to the after-school program? What's gonna happen to the summer program? The food program? You know. I know you're all aware of all the cuts, you know the proposed cuts, so I could talk about that. But, you know the reality is, you know when are we going to sit at the table with those people that are making those decisions on behalf of the tribe? You know, and when are we going to be reassured that our treaties are going to be honored?

And we had government to government last week with the State of North Dakota. You know, where we were able to showcase our constitution, and you know, and our treaty. And that went really well, you know. But we still have issues that we face with. You know the changes to the VRA. You know, I had an interview with Bold Magazine just to discuss, you know, how is this affecting Indian Country. You know, it's another attempt, you know, to take away our voice and to take away our rights as Indian people. And so, you know, when President Star Comes Out, stands up here and says that we need to, you know, join forces, and we need to work together,

and we need to hold (inaudible) meeting and bring those people who are making those decisions on behalf of us, before us so we can ask those questions. What are we supposed to do? What are you going to do to help us now that we're faced with all of these cuts.

And so that's my question. You know. What's the plan for the tribes? You know. What's your plan for us after we face all of these cuts? And so with that, I want to say, thank you and (in Native language), for this opportunity to get up and speak before you.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you, Chairwoman. Mr. Van Norman.

Commenter 19 - Mark Van Norman, Counsel on behalf of Cheyenne River Sioux Tribe and Great Plains Tribal Chairman's Association

I'll just try to be brief, (inaudible). Mark Van Norman. I'm a member of the Cheyenne River Sioux Tribe and Council of Great Plains Tribal Chairman's Association, and I'll say that there are some technical things to think about.

You know, as you're thinking about these reforms, you know. When President Reagan was in office, they did have a committee to review regulations that they wanted to pare back, and the President did say that he wanted to limit red tape that prevents Indian Tribes from getting into economic development. He ultimately did sign the Indian Gaming Regulatory Act into law, which has turned out to be a very fundamental and important act for tribes. As we think about that and we think about the government efficiency effort, there really is no reason to have any closures of any NIGC offices or any reductions in staff for NIGC. And I hope you guys can bring this back, that the NIGC is funded by tribal fees. And so, it's not impacting the Federal budget. So, we really need to maintain our Rapid City office, and we don't want to see that close just because there's this other initiative that really doesn't pertain to the NIGC. So, we appreciate that if you can help.

Now, the Secretary did ask for recommendations about what could be done more efficiently and better. And right now we've got a situation with BIA OJS. And I'm gonna say it's a difficult situation because there are many law enforcement needs, and increased law enforcement needs, and increased jurisdiction in Indian Country. And we have a terrible problem with violent crime that's as bad as anywhere in the country. And we see in South Dakota, for example, when we see the violent crime rates, then we see the Attorney General saying, the State Attorney General saying, if we counted the actual crime rates in Indian Country in the same way that we're counting the State crime rates, our South Dakota crime rates would be double.

And then in North Dakota, we're aware that the State Attorney General made strong efforts to, you know, reduce fatalities through drunk driving accidents, and made a good and substantial effort. We have a terrible problem with violent crime. We heard Chairwoman Street. But we also hear all of our other tribes just with this terrible problem of violent crime. And when you think about the responsibilities of the Secretary of the Interior, the Secretary of the Interior has

the Indian Law Enforcement Reform Act, which says that the Secretary has the responsibility to provide public safety or to assist the cause in providing public safety. And then you think back that since 1887, the Attorney General has had the responsibility for the Major Crimes Act, and later the Indian Country Crimes Act. And we've had court decision that says, our treaty, treaties, provisions on Bad Men depredations against our people would be redressed by the United States, and that those are still in force and enforceable in Federal court.

Then we think there has to be a better system, and we think that you should have a task force. And the Great Plains Tribes have come together for a long time to say there should be a task force chaired by the Secretary and the AG, and tribal leaders to provide operational overview of law enforcement in Indian Country. And then we think they'd be more responsive in terms of the efforts to fulfill their treaty and statutory obligations. Right now, the funding has fallen by the wayside. And I'm gonna say that our number of law enforcement has dropped by maybe three-quarters from where it was at the end of the 1990's. Our population has doubled. Our violent crime rate is about four times what it was. So, it's impossible to deal with these situations when you have such a dearth of personnel.

So, we would like to see the BIA OJS, and the DOJ Major Block Grants to come together under Public Law 102- 477 model with DOJ having 638 authority, so that we could do a comprehensive plan, master plan on law enforcement between the agencies. Without that, you really have a fragmented system. And the problem with these DOJ grants is they're often three-year grants and there's a suggestion that you should come in and get a grant for a camera, for police cameras, or for police psychologists, or for vests or for particular equipment. And the COPS grants come in and they say you should have a 25 percent state and local match. But don't worry because we'll waive that match for tribes. But when we only get 75 percent of the salary, no one is going to take that job.

We also have a problem of not having equity for our tribal police, and we need pensions and benefits for our tribal police that will match nearby jurisdictions. Otherwise, we have our folks go through all this training and just go over and work for Rapid City or another nearby city or jurisdiction, because they need staff too. But then all that training effort is out the door for Indian Country. So, we really need to do better on training. There's authority under TLOA, Tribal Law and Order Act for training, that we should be able to do it at Camp Grafton or in South Dakota, or at our tribal colleges. But the funding is not forthcoming to provide that training for our people. So, we're happy to hear there may be a step forward on that. But we really need more training opportunities closer to home. Because it's too much of a hardship for people to leave their homes for weeks and months at a time. And their family situations call them back before they're able to finish down at Artesia.

So, we really need to improve our law enforcement situation to deal with the very terrible violent crime. And since we. Many of us are close relatives in Indian Country, then we feel the loss because those are our relatives. We just had a terrible tragic shooting at Cheyenne River over this past week and it just seems like every day we're hearing about that from our Great Plains Indian Country. And we need to really, really change that.

So, we need something across the board. We really need to pull in HHS and SAMHSA and get behavioral health and get, you know the alcohol and substance abuse treatment and work reentry programs. We should probably include some kind of agreements with the Bureau of Prisons so that we can have our people, if need be, transferred to us to finish their terms when necessary. I mean, in the case of Leonard Peltier, they recently sent him home for home confinement. But there could be more flexibility among jurisdictions and more respect for tribal law enforcement. So, we'll look to see that, and that that could be part of the cutting some of the red tape on these things. And we appreciate your support for that. We are always advocating for more law enforcement resources and we certainly have advocated for more detention resources, and we'll continue to do so.

We do want to see tribes treated equitably and we'd like to see the Tribal Tax Parity Act go forward as part of the big legislation. The Secretary has indicated, you know, that he's interested in working across the agencies. So, at the same time that we need law enforcement, we need jobs, and we need education, and we need to safeguard BIE education. And if Chairman Renville was here, he'd say, you can't have success, can't have economic success without health. And we need our people to have improved health status.

So, we appreciate your hard work. And we realize that this may not be your personal initiative that you're out here on. But we appreciate Mr. Davis coming out and taking the lead to really hear from the tribal leaders and to act on some of these recommendations. We need our money right away on October one. Not a lot of strings, just transfer it. We don't need the uncertainty of holding back on particular contracts. We need the money to come forward so people can get their government services. So, thank you very much.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you Mr. Van Norman. Appreciate all you that have stayed and are still here with us. Moving on now to the non tribal leader comments sheet we've got four people. So I'll just kind of roll call to see who we've got left. Ryan Wilson, President of the National Alliance to Save Native Languages. Adelina Bruns landowner from MHA. Dani Morrison a Tribal Consultant with Oglala Lakota. And Nicole Donaghy, North Dakota Native Vote.

Commenter 20 - Ryan Wilson, President of the National Alliance to Save Native Languages

Ryan Wilson, Oglala Lakota, President of the National Alliance to Save Native Languages. And then I'm also, speaking on behalf of the Native American Church in North America. We're having our 76th Annual Convention. Those are the peyote practitioners on Indian country, a membership of 300,000 tribal members, and also the only organization in Indian country that has an exclusive mission to protect and advance the American Indian Religious Freedom Act. Just to give you a little background on that.

So, thank everybody's comments for the day. Thank you for your patience, and I'll be very fast. And I think you guys [federal representatives] should be applauded too for your diligence and

your fortitude and being there. So go ahead and give these two gentlemen a big round of applause for hanging in there everybody. We've been clapping all day, we you might as well clap. Alright, we got a smile out of Tony. He's got a good poker face and we don't know what he's thinking ever.

But I wanna start by just saying that, to piggyback on what Mark Van Norman was expressing as well, and Courtney especially. If we're gonna have a maximum feasible participation and helping with this streamlining and this execution of what this executive order is wanting to do. You've asked us to do something that's impossible because there's no transparency on how those 790 now that we've been told employees that have left or took the early retirements, the deferred retirements and so forth. And why we say that is and tribes have requested that here today. We need a chart, we need a map, we need a whole breakdown on every region, on what every one of those positions were.

And I also, if Kelly was here, I have an applause for her. She's been going to almost all of these consultations. Showing tremendous stamina and going from Alaska all across Indian country. But I believe for the record, she really misspoke today when she said that employees were desirous of this, and that it was a volunteer thing, and how she challenged Chairman Labeau. We know these are our relatives. They're all telling us the same thing, "we're being forced out." Because there's a climate of fear, there's a climate of coercion. There's a climate, if you don't take the fork in the road, the alternative is worse. So, they put their whole lives and careers into this. So why is it important to us? We got lawyers in the room, they could tell you, going back to *Morton v. Mancari*, how much strides have we made since that was upheld by the Supreme Court on Indian preference.

We're talking decades of progress. Our relatives that have been flushed away in a matter of weeks. And these employees are good people. And the tremendous historical and institutional knowledge that's walked out the door it will take us a generation to replace that again. And so, let's be honest. And why I say that is because Brian Mercier, a couple of weeks ago we're in Bloomington, he told us, BIA, Indian Affairs staff, BIE, everybody has been clamoring for these opportunities to take the fork in the road. But that's not the full truth. And when he said, we're gonna pass this to a new generation of leadership, that's not the truth, either. When we lose these SES positions, the five regional directors that we've lost, they're not gonna replace those. That money went away too, and it's obligated for another five years or so.

So, we should do this from a reciprocal place of honesty and transparency, and until we see the totality of the positions we've lost, and what monies were attached to those positions, we cannot have a maximum feasible participation in helping shape what we're gonna do going forward. So, I say that in a good way to you guys just to start with. And you know the whole point, the whole point of that Indian preference, it's in the IRA, and what was upheld in the Supreme Court, it was to minimize and reduce the negative effect of non-Indians managing Indian Affairs. So here we have Tyler Hassan, and other DOGE people. Are they Indian? Are they tribal people? The DOGE people aren't any more qualified to have an expression or opinion about Indian Affairs than they are to run a lemonade stand. This is not right. So, if we're gonna

talk about, you know this progress we've made and what's happened, we need to put our own markers down. And that's what we're doing in this consultation, and I'm glad you guys are making a record of it. But this is what we got to do to go forward. So I wanted to say that.

And Courtney was talking about TIBC. I brought her little book up here that her and her colleagues all put together. And in this we're in discussions, the ceremonial people in Indian country, the prayerful people, tribal leaders too that have that belief in a way of life, to have a subcommittee on cultural rights as a part of TIBC as well. We're talking to Ron Allen, the other Co-Chair about that. But when I say that relatives, it's we have Native American Graves Protection Act. We have the STOP Act, that's a new statute that was just passed in the last Congress or two Congresses ago. We have the American Indian Religious Freedom Act. We have the Native Language bills, the Living Languages Program and the BIE Languages Program. And we have Tribal Historic Preservation. We have Sacred Sites, we have the Co-Management that's being washed away now with the Federal lands as well, what we're trying to do there.

When we dug into this budget more, and when the President's full budget came out in more clarity, we realized they're wiping out the BIE language program. The House version of the Bill and the President's budget as well. We realize they're going to reduce the Living Languages Program it's not a priority. So that's why I came back. I'm not trying to be redundant, Tony. It's more clarity is constant. We're in Blooming, and it seems like every week a little more clarity is coming. And then what's happening to our TIPO offices as well. It isn't just an attack on the treaty trust responsibility, and also all the other Indian service that come along with it, it's a full attack on our way of life as well.

If these TIPOs go away, if these Native Languages Programs go away, if this Co-Management of Federal lands goes away, what exactly are we going to be left with that the Federal Government's should be advocating for. And you can have a TIPO officer, you could fund one tribes TIPO program. You can put a hundred million dollars in that. But guess what that doesn't give them any authority. They're not going to be the ones able to negotiate with Federal lands, national parks, the Federal Government, or anything like that.

So, we have to have a quarterback. We have to have a Federal presence that's going to protect these. And that's just simply what I wanted to say here today, relatives, it's been a long day, there's more to be said. But I wanted to just contribute that little bit to this. I appreciate you guys staying (in native language), everyone, each and every one of you here.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Thank you, Mr. Wilson. Really appreciated your comments. At least we got our last commenter, here, Ms. Donaghy. Thank you.

Commenter 21 - Nicole Donaghy, North Dakota Native Vote

Good afternoon, my relatives. My name is Nicole Donaghy and I'm the Executive Director for North Dakota Native Vote. I'm a citizen of the Standing Rock Sioux Nation. Also a descendant of

the Turtle Mountain Band of Chippewa and the Mandan, Hidatsa and Arikara people. I'm testifying today on behalf of North Dakota Native Vote.

And a little bit about North Dakota Native Vote, we bridge the grassroots communities and the people with the political landscape. And so a lot of our people feel dismissed by the processes that don't include our native voices and we're here to be a part of that. To be that service for our Native American community to bring those voices in and build Native American power in North Dakota. I also want to, first of all state, I wanted to talk about how. Well, first of all thank you all for being here and taking our public comments.

I also wanted to talk, bring up a, an idea that one of my friends and relatives from the MHA Nation that passed away not too long ago, Mr. Tom Abe stated to me, when I was a young field organizer working for Fort Berthold Power. That you know the Federal Government isn't going to take away our rights as tribes or get take down our reservation systems by the stroke of a pen. They're going to do it by cutting funding. They're going to do it by cutting services. And it's very alarming to me, as not so much of a young person anymore, but a younger generation, to see the unraveling of a lot of these Federal protections. Especially in the environmental area. From Standing Rock I was one of the water protector movements and I see how these federal protections are going to impede on our rights as Indigenous people. And so I will get to reading my public testimony, my public comment here and go very briefly. I know I'm the last one to testify. But.

So, North Dakota Native vote submits this comment in formal opposition to the Department of Interior's proposed executive, proposed use of Executive Order 14210, in conjunction with the Executive Order of 14156, which declares a national emergency, national energy emergency. The legal and procedural framework set forth for informal, expedited consultation under Section 7 of the Endangered Species Act and parallel emergency processes under the National Historic Preservation Act, constitute a serious overreach of the executive authority and violate multiple, legal and procedural protections. Particularly those owed to our Native Tribes.

This application of expedited ESA procedures under 50 CFR section 402.05 is plainly inconsistent with the rules original purpose. Courts have consistently maintained that agencies must adhere to the plain language and intent of regulations, and cannot expand their scope by executive fiat. The Department's use of emergency procedures under 50 CFR 402.05 for energy development projects is a gross misapplication of the regulation. The emergency referenced in this rule was never intended to cover politically declared priorities, such as domestic energy production. But rather urgent and unforeseen events, like natural disasters that impose immediate threats to life, property, or public safety.

Declaring an emergency for the purpose of expediting, leasing, drilling, and refining operations, especially on federal and possibly tribal land, stretches this rule beyond recognition and is not supported by either the letter or spirit of the law.

Let's skip that because so many people said that.

This entire approach undermines the Federal Government's trust responsibility to Tribal Nations and flagrantly ignores consultation obligations required under Executive Order 13175, the NHPA and the American Indian Religious Freedom Act, by allowing project applicants to simply opt into these expedited procedures and stripping away meaningful review or oversight. The Department is effectively delegating public regulatory authority to private entities. This contradicts foundational principles of administrative law and raises serious due process concerns as courts have struck on similar agency action as arbitrary and capricious. Under the Administrative Procedure Act for failing to follow required procedures for delegating decision making to parties with a financial stake in the outcome.

Compounding these issues is the appointment of Secretary Doug Burgum to oversee aspects of this process. Secretary Burgum's longstanding and well documented alignment with the fossil fuel industry makes his involvement an unmistakable conflict of interest. That an individual so publicly entangled with oil and gas interests is now in a position to supervise the regulatory processes for energy permitting, especially in a Tribal lands, is not just inappropriate. It is ethically indefensible. It reflects a disregard for the appearance of fairness and objectivity required by federal ethics standards and undermines the legitimacy of the entire initiative.

I also want to raise a serious ethical and legal concern of involving Secretariat of Interior, Burgum. If Secretary Burgum and his Administration support these deregulatory efforts to streamline development on public and tribal lands, then there must be equal transparency and openness in his own dealings. Specifically regarding his privately held land in the Badlands, where he has a conservation easement and private protections in place. His refusal to allow similar industrial development on his own property, while supporting policies that impose environmental and cultural degradation on Tribal lands, represents a profound and troubling conflict of interest. This behavior raises legitimate questions under the federal ethic standards, including the appearance of impropriety and self dealing under 5 CFR 2635.101 subsection b14, which prohibits public officials from using their position for personal gain or endorsing policies that create an unfair advantage for their private holdings.

The Department's attempt to invoke a fabricated emergency to bypass legally mandated consultation processes is not only unlawful, but constitutes a direct violations on the rights of Tribal Nations. Anything less than good faith consultation practices does not represent administrative efficiency. It represents the systematic erosion of democratic governance and Tribal sovereignty in the favor of unaccountable industrial development.

Thank you so much for your time.

Oliver Whaley, Director of the Office of Regulatory Affairs and Collaborative Action, within the Office of the Assistant Secretary – Indian Affairs (facilitator):

Appreciate you guys coming. Thank you so much. And have safe travel home.

**BISMARCK SESSION ENDED
06:34.47 HOURS**
