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TRANSCRIPT OF NEW MEXICO TRIBAL CONSULTATION

HELD ON

TUESDAY, MAY 27, 2025

10:00 A.M.

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| <p style="text-align: right;">Page 2</p> <p>1 NEW MEXICO 2 WORKFORCE EFFICIENCY/PRODUCTIVITY AND 3 EMERGENCY PERMITTING CONSULTATION 4 HELD ON 5 THURSDAY, MAY 22, 2025 6 10:00 A.M. 7 8 BEN DUNCAN: Well, good morning. Want to 9 welcome folks to today's consultation, seeking 10 comments on two topics, the Assistant Secretary for 11 Indian Affairs Reorganization Plan as part of 12 Executive Order 14210, Department of Government 13 Efficiency Workforce Optimization Initiative, and 14 the Department of Interior Emergency Permitting 15 Procedures as part of Executive Order 14156, 16 declaration of a national energy emergency. 17 As we go through today's session, we'll 18 refer to theses workforce efficiency and 19 productivity, and emergency permitting procedures. 20 By introduction, my name is Ben Duncan. 21 Part of a contract team, contracted by Department of 22 Interior to be impartial facilitation. I'm joined 23 by my colleagues there in the corner, Sam and 24 Elizabeth, who will be providing technical support 25 today.</p> | <p style="text-align: right;">Page 4</p> <p>1 folks to comment. 2 Could we go to the next slide. 3 Couple logistics for today. As you can 4 see, there's exits both in the corners and top of 5 the room. The restrooms are in the lobby around the 6 corner to the right, as I imagine most folks came 7 in. And then just a real place of gratitude for the 8 SIPI culinary program. There are coffees and 9 pastries that are available in the lobby, and right 10 around noon there will be lunch available from a 11 food truck outside. 12 I'll note that you might have seen the 13 sign that says no food or drink in the auditorium. 14 They have graciously trusted all of us to bring food 15 and drink into the auditorium, so as we go through 16 this, please take care of yourself. Feel free to go 17 out, grab some food, and come back in. 18 We'll try to build some breaks as we go 19 through today, but just make sure you all are taking 20 care of yourself as we spend our time together. 21 Next slide. 22 A few more notes as he go through some 23 housekeeping. This is a hybrid consultation, so we 24 do have a number of folks that are joining online. 25 For those of you online, all virtual attendees will</p> |
| <p style="text-align: right;">Page 3</p> <p>1 We also have Derrick Beetso approximate 2 Hayiilka, part of the contractor team that's going 3 to be recording comments that we hear throughout 4 today. 5 And along with the leadership, they will 6 introduce themselves from Department of Interior, we 7 also have other Department of Interior 8 representatives actively listening to the comments 9 that are made. 10 I will also note this meeting is being 11 recorded, and all the information will be shared 12 with Department of Interior leadership. 13 I'll note that as folks came in, there 14 were QR codes on the table, so if you were able to 15 access that, it will bring you to the consultation 16 page. It has access to the slides that will be 17 shown today. It has information about how to submit 18 written public comment, and other information about 19 other consultation sessions that will be occurring. 20 I'll also note if there are Tribal 21 leaders, we had kind of two tables. There was a 22 registration table. There's also a sign-up table 23 for Tribal leaders or non-Tribal leaders that would 24 like to offer comment today, so if you miss that, 25 let us know and we'll help get you on the list for</p> | <p style="text-align: right;">Page 5</p> <p>1 be muted and off camera until opening up for 2 comment. 3 If you are on Zoom, we're going to ask you 4 to rename yourself to include your name, your 5 position title, and the Tribe or organization you're 6 attending on behalf of. In order to do that, you 7 can hover over your name or the box where you are. 8 There should be three dots or ellipses that show up. 9 Click on that, scroll to rename, and then name, 10 position title, Tribal organization. 11 If you do have technical issues during the 12 meeting, you can use the chat function or email 13 Elizabeth Herrera at EHerrera@kearnswest.com. 14 We are not accepting comments via the 15 chat, but we will put a link in for those online to 16 submit written comments. I will note that again the 17 session is recorded and it's closed to the public 18 and to the press. 19 Next slide. 20 So as soon as I'm kind of done moving 21 through some of the logistics, we'll move through 22 our full agenda. We will start and invite Governor 23 Huron for an opening prayer, and then we'll provide 24 an overview of kind of the purpose and why, and what 25 brings us together today.</p> |

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| <p style="text-align: right;">Page 6</p> <p>1 So you'll get an introduction to some of 2 the leadership from Department of Interior who are 3 here today. You'll get some background on Executive 4 Order 14210 and 14156 as well as the Secretary's 5 Order 3429. And then a review of some of the 6 proposed workforce efficient strategies that the 7 department is seeking input and consult on. 8 This is primarily focused today on leader 9 to leader consultation on both of those topics. So 10 we are going to prioritize Tribal leaders throughout 11 most of the comment period. We will, as I said, 12 build in some breaks, and given the time we have, 13 we'll also then invite Tribal organizations and 14 other Tribal representatives to provide comment. 15 I'll just note for the leaders, we are not 16 putting any time constraints. You all will take the 17 time that you need. If we get to the Tribal 18 organization and other representatives, depending on 19 the number of folks, we might put a time limit on, 20 so just a heads up on that and we'll try to get you 21 out sometime later in the afternoon. 22 Next slide. 23 And just to reiterate the point, as we go 24 into the comments section, and I'll give more 25 direction when we get to that place, we're going to</p> | <p style="text-align: right;">Page 8</p> <p>1 So just as a final reminder, this is 2 closed to the public and to the press. It is 3 recorded. We do have a court reporter who will be 4 creating a transcript to ensure that everything that 5 is brought forward today is accurately captured, and 6 we capture the full substance of comments offered. 7 We will be posting both the slides that are on there 8 and you can access, and ultimately -- westbound 9 page, and then finally a couple notes. 10 So if you did sign up as a Tribal leader, 11 you got a laminate card. We're going to ask you to 12 leave it at the podium when you provide your 13 comment, and I'll say this again later. But I'll 14 also have a roaming mic so if there are folks that 15 are offering comment and it's easier for you not to 16 have to come down the stairs to the podium, please 17 just let me know and I'll run it up to you. As you 18 give your comment, please say your name, your title, 19 and Tribal affiliation. 20 Next slide. 21 Kelly, I think I'm going to pass it to 22 you. Yes, so can you -- or I can invite the 23 governor up, yeah. 24 So Governor Huron, we're going to invite 25 you up for an opening prayer to start today.</p> |
| <p style="text-align: right;">Page 7</p> <p>1 prioritize comments and dialogues with leadership or 2 designated leadership from federally recognized 3 Tribes before we hear from others. After that time 4 we'll move to Tribal organizations and other 5 representatives who would like to offer comment. 6 For the Tribal leaders online, as I said, 7 we had a sign-in sheet for folks that are here in 8 person. In you're online we're going to ask you to 9 raise your hand now as a Tribal leader who would 10 like to give comment, and we will get you in the 11 queue so we can hear from you as we open up that 12 period of discussion. 13 And then finally, as I said, when we open 14 it up we're going to ask that folks are mindful of 15 the time so we can hear from as many people as 16 possible. We might put some time limits based on 17 who signs up. 18 And then finally written comments can be 19 provided by email and consultation at BIA.gov or by 20 mail to Department of Interior, Office of Regulatory 21 Affairs and Collaborative Action, 1001 Indian School 22 Road Northwest, Suite 229, Albuquerque, New Mexico 23 87104, on or before 11:59 p.m. Eastern time on July 24 7th, 2025. 25 Next slide.</p> | <p style="text-align: right;">Page 9</p> <p>1 GOVERNOR HURON: (Native language spoken). 2 Thank you. 3 KELLY RAE: Good morning, everyone. My 4 name is Kelly Rael. I am currently serving as 5 Senior Advisor to the Assistant Secretary of Indian 6 Affairs, and it's a pleasure to be here with you. 7 Thank you all for coming. I know many of 8 you have traveled near and far, but I want to thank 9 each and every one of you for making this trip. 10 I'm going to start off by giving a 11 statement from the Office of the Secretary of 12 Interior. 13 During his time as North Dakota governor, 14 Secretary Burgum was recognized for fostering 15 positive relationships with the state's Tribal 16 Nations. The Department of Interior, the Bureau of 17 Indian Affairs remained committed to our trust 18 responsibilities of protecting Tribal treaty rights, 19 land assets, and resources in addition to its duty 20 to carry out that mandate of federal law with 21 respect to American Indian and Alaska Native Tribes 22 and Villages. 23 Before proceeding with any potential 24 reduction in force actions, the department will work 25 through the Tribal consultation process to ensure</p> |

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| <p style="text-align: right;">Page 10</p> <p>1 any proposed actions are informed by meaningful 2 input from Tribal Nations, and fully consider the 3 delivery of service to Indian country. 4 Okay. So I do want to make a note, 5 because of the holiday weekend we have had some 6 members that are supposed to be here on the panel, 7 running behind. We have Tony Deerman, director of 8 BIE. We have Sharon Pinto sitting in his place 9 right now. 10 We have Scott Davis who is the PDAS but is 11 currently acting Assistant Secretary of Indian 12 Affairs. His whole flight got canceled last night, 13 so he apologizes for not being able to make it here 14 today. 15 We have Jason Freihage, the Department 16 Assistant Secretary for Management. We have Kevin 17 Bearquiver, Director of Trust Operations for BTFA, 18 and we have Margaret Williams who is the acting 19 director online, and we have Bart Stevens who is the 20 Deputy Bureau for Field Operations here. 21 Next slide. 22 Purpose of consultation. The purpose of 23 this consultation is for the DOI Indian Affairs to 24 engage directly with federally recognized Tribes and 25 BIE stakeholders to receive direct input as we</p> | <p style="text-align: right;">Page 12</p> <p>1 and optimization of administrative functions within 2 the Department of Interior. Following your 3 feedback, and yes your feedback, we will listen and 4 we will document everything that we gather here 5 today, and we will go through it. 6 We will consider if we at Indian Affairs 7 will consolidate some of these functions at the 8 department level. 9 Next slide, please. 10 The Office of Secretary of Indian Affairs. 11 Next slide. 12 Next I'll just give a brief summary of 13 each of the functions within Indian Affairs office 14 and programs, starting with the Office of Assistant 15 Secretary. 16 The Office of the Assistant Secretary of 17 Indian Affairs major functions include providing 18 leadership over Indian Affairs, which is the 19 Assistant Secretary of Indian Affairs, Bureau of 20 Indian Affairs, Bureau of Indian Education, and 21 BTFA. 22 Overseeing development of new and revised 23 regulations, and developing operational policies. 24 We also oversee the White House Council on Native 25 American affairs, as well as congressional relations</p> |
| <p style="text-align: right;">Page 11</p> <p>1 develop plans to implement the executive orders and 2 secretarial orders. 3 Specifically with Executive Order 14210 on 4 government efficiency workforce optimization, 5 Secretarial Order 3429 on consultations on 6 functions, and Secretary Order 14156 on regarding 7 the national energy emergency. 8 Next slide. 9 All right. The Department of Government 10 Efficiency. The purpose of this order is for the 11 federal bureaus to restore accountability to the 12 American people by eliminating waste and bloat 13 through critical transformations. Specifically as 14 we develop a plan, we seek feedback on the 15 following. 16 Restructural Indian Affairs to support 17 more efficient interactions with Tribes, addressing 18 critical funding structures including efficiency 19 barriers to expedite funding to Tribes and Tribal 20 programs, an increasing support for Tribal self- 21 governance and self-determination. 22 Next slide. 23 Secretarial Order 3429, consultation. The 24 purpose of this secretarial order is to authorize 25 and direct actions for consultation, unification,</p> | <p style="text-align: right;">Page 13</p> <p>1 and public affairs. 2 Lastly, providing oversight for management 3 and operations of Indian gaming, federal 4 acknowledgement, self-governance, and Tribal 5 economic development. 6 Next slide, please. 7 DASM. DASM major functions. 8 Next slide, there we go. 9 The Deputy Assistant Secretary of 10 Management major functions include providing 11 executive leadership, guidance, and directions for 12 the following Indian Affairs operations. The Office 13 of Budget and Performance Management, the Office of 14 Chief Financial Officer, the Office of Human Capital 15 Management, Office of Facilities, Properties, and 16 Safety Management; and the Office of Information 17 Technology. 18 Next slide, please. 19 All right, BIA. BIA's major functions. 20 The Bureau of Indian Affairs' major functions 21 include carrying out federal responsibilities to 22 protect and improve the trust assets of American 23 Indians, Indian Tribes, and Alaskan Natives. 24 BIA is responsible for the administration 25 and management of 55 million surface acres and 57</p> |

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| <p style="text-align: right;">Page 14</p> <p>1 million acres of subsurface mineral estate held in 2 trust. 3 BIA is the primary agency charged with 4 carrying out United States trust responsibilities 5 and maintain federal government to government 6 relationships with federal recognized Tribes, and 7 promoting self-determination. 8 BIA implements federal laws and policies, 9 and administers programs established for American 10 Indians, Alaska Natives under its trust 11 responsibilities. The BIA director provides direct 12 oversight to the bureau director's four core agency 13 components. 14 Next slide. 15 First one is the Office of Justice Service 16 who is responsible for upholding Tribal sovereignty 17 and providing safety top Indian communities through 18 enforcing laws, maintaining justice, and order by 19 ensuring that sentenced American Indian offenders 20 are confined in safe, secure, and humane 21 environments. 22 Second is the Office of Indian Services 23 who manage programs in human services, Indian self- 24 determination, Tribal government, transportation, 25 and workforce development.</p> | <p style="text-align: right;">Page 16</p> <p>1 healthy and successful. 2 BIE provides direct services and/or 3 funding to support education for more than 400,000 4 Indian students across the United States. These 5 direct services and funding support 183 bureau- 6 funded elementary and secondary schools on 64 7 Reservations in 23 states, 55 are BIE operated and 8 123 are Tribally controlled charter schools. 9 BIE oversees direct operations for two 10 postsecondary institutions which includes Haskell 11 and here at SIPI, and funding support for 33 Tribal, 12 independent Tribal colleges and universities and 13 higher education scholarships. 14 BIE supports the operations of off- 15 reservation residential schools, peripheral dorms 16 near reservations, prenatal and infant and toddler 17 services, adult education services, and preschool 18 programs. 19 Next slide, please. 20 Bureau of Trust Funds Administration major 21 functions. First is fulfilling the secretary's 22 fiduciary trust responsibility by managing the 23 financial assets of trust beneficiaries to include a 24 portfolio of over \$9 billion in investments, which 25 include more than 4,300 Tribal accounts and 414,000</p> |
| <p style="text-align: right;">Page 15</p> <p>1 Third, the Office of Trust Services whose 2 job is to carry out Indian Affairs trust 3 responsibilities associated with management and 4 protection of trusts and restricted lands, natural 5 resources, and real estate services. 6 These programs administer real estate 7 services, land titles, records, probate, natural 8 resources, forestry, wildland fire management, 9 irrigation, and power safety and dams, environmental 10 services, Tribal community resilience, Indiana 11 development, energy development, land consolidation, 12 and geospatial services. 13 Lastly the Office of Field Operations who 14 supports the director of BIA by overseeing 12 15 regional offices and 86 agencies across Indian 16 country. The office provides organizational 17 direction and coordination of ensuring field offices 18 adhere to BIA policies aligned with strategic goals 19 and effectively meet customer needs. 20 Next slide, please. 21 The Bureau of Indian Education's major 22 functions. The Bureau of Indian Education major 23 functions include in partnership with Tribes, BIE 24 proceed notes culturally based and comprehensive 25 education that prepares and empowers students to be</p> | <p style="text-align: right;">Page 17</p> <p>1 individual Indian money's IMM accounts. 2 BTFA offers robust technical guidance on 3 trust accounts which enhances beneficiaries, 4 understanding and ensures that their specific needs 5 are met. BTFA provides timely support and 6 assistance to beneficiaries across all 50 states, 7 three U.S. territories, and 27 countries through 8 proactive outreach and the Trust Beneficiary call 9 center. 10 BTFA oversees trust records and operates 11 the American Indian records repository which 12 preserves historical documents related to federal 13 treaty and trust obligations to Native Americans. 14 Next slide. 15 And finally, sorry, I have one more point. 16 Sorry. BTFA also handles critical documentation 17 production for litigation and manages historical 18 accounting issues, ensuring fairness through the 19 administrative appeals process for beneficiaries. 20 Now next slide. 21 Okay. So proposed workforce strategies. 22 In the next two slides I will summarize Indian 23 Affairs proposed workforce efficiency strategies 24 including bureau specific strategies for BIE and 25 BTFA.</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 Next slide.</p> <p>2 Across Indian Affairs, we remain focused</p> <p>3 on upholding our trust responsibilities to Tribes</p> <p>4 and ensuring alignment with executive order and</p> <p>5 efficient use of DOI resources. As we look for ways</p> <p>6 to strategize and work around workforce</p> <p>7 efficiencies, we are proposing the following core</p> <p>8 approaches.</p> <p>9 Number one is focus on continuity and</p> <p>10 improvement for federal services by expanding Tribal</p> <p>11 self-determination and Tribal self-governance to</p> <p>12 reduce the federal bureaucracy and red tape.</p> <p>13 Number two, focus on data-driven decision</p> <p>14 making to align with priorities and needs of Tribal</p> <p>15 communities, including investing in technology</p> <p>16 modernization to support this effort.</p> <p>17 And number three, re-align internal</p> <p>18 resources and mission objectives to better meet</p> <p>19 Tribal priorities by exploring merging of office and</p> <p>20 removing management layers in addition to building</p> <p>21 capacity in critical function areas to improve</p> <p>22 performance and service delivery.</p> <p>23 Next.</p> <p>24 So BIE and BTFA specific. BIE and BTFA</p> <p>25 have additional proposed strategies to support their</p> | <p style="text-align: right;">Page 20</p> <p>1 of their financial trust assets, and utilizing</p> <p>2 comprehensive data to modernize and improve systems</p> <p>3 and processes for transparency, access, and</p> <p>4 efficiencies.</p> <p>5 Next I'm going to call on Bart Stevens to</p> <p>6 go over the secretarial order and emergency</p> <p>7 permitting procedures.</p> <p>8 BART STEVENS: Good morning, everyone.</p> <p>9 It's good to be with all you good people this</p> <p>10 morning and share some critical information with you</p> <p>11 all.</p> <p>12 Just a little bit on the energy resources</p> <p>13 and the executive order pertaining to that with</p> <p>14 development. I don't want to read the exact</p> <p>15 executive order to you, but the language talks about</p> <p>16 streamlining the emergency and what we're going to</p> <p>17 do to quicken the process for those things.</p> <p>18 So energy resources are defined as crude</p> <p>19 oil, natural gas, lease contracts, natural gas</p> <p>20 liquids, refined petroleum products, uranium, coal,</p> <p>21 biofuels, geothermal heat, and kinetic movement of</p> <p>22 flowing water and critical minerals.</p> <p>23 So both new and exists projects are</p> <p>24 eligible to request the use of the emergency</p> <p>25 permitting process. As you see on the slide,</p> |
| <p style="text-align: right;">Page 19</p> <p>1 specific service population. BIE remains focused on</p> <p>2 their commitment to higher quality education. As</p> <p>3 BIE looks for ways to strategize around workforce</p> <p>4 efficiencies, they are proposing the following core</p> <p>5 approach.</p> <p>6 Investment in front line educators through</p> <p>7 empowerment of support of teachers, counselors, and</p> <p>8 school leaders. That's how all of this happens is</p> <p>9 because of those front line workers. Including the</p> <p>10 use of data to access student needs and drive</p> <p>11 resources allocation decisions that support academic</p> <p>12 achievement and well-being.</p> <p>13 And lastly strengthen Tribal consultation</p> <p>14 and education policies, program development to</p> <p>15 ensure culturally responsive practices are embedded</p> <p>16 at every level.</p> <p>17 With BTFA, they remain focused on their</p> <p>18 commitment to streamline and prioritize. As BTFA</p> <p>19 looks for ways to strategize around workforce</p> <p>20 efficiencies, they are proposing the following</p> <p>21 approach.</p> <p>22 Focus on statutory regulations by</p> <p>23 prioritizing key fiduciary duties of receiving,</p> <p>24 investing, disbursement, reconciliation, and</p> <p>25 reporting. Strengthen beneficiaries' understandings</p> | <p style="text-align: right;">Page 21</p> <p>1 there's a QR code. There is also a hard copy of</p> <p>2 this PowerPoint out front, and I encourage you all</p> <p>3 to take a snapshot of the QR code which shares more</p> <p>4 information regarding the executive order.</p> <p>5 So it's important to note that these</p> <p>6 procedures do not apply to rights of way which, if</p> <p>7 required, can present a lengthy process that we all</p> <p>8 know sometimes delays things, especially if</p> <p>9 individual allotment owners, individual Indian land</p> <p>10 owners and the fractionation of those lands and the</p> <p>11 consent required to grant right-of-ways for those</p> <p>12 types of land exists.</p> <p>13 So the bureau and the Department of</p> <p>14 Interiors now planning for the implementation of</p> <p>15 these procedures. It's important to note that</p> <p>16 through consultation, Indian Affairs is requesting</p> <p>17 input on these alternative accelerated procedures,</p> <p>18 knowing there are different impacts to the process</p> <p>19 with either seasons, winter, and other things that</p> <p>20 impact the prompt evaluation of the land of which</p> <p>21 these impact.</p> <p>22 Next slide, I think. Right?</p> <p>23 Anyway, want to speak to share information</p> <p>24 on what role the BIA has in implementing the natural</p> <p>25 environment, the NEPA process. So BIE's permitting</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 jurisdiction is limited Tribal lands. As we all 2 know for project sites on Tribal lands, BIE would 3 typically serve as the lead agency. For projects 4 sited off Tribal lands, but the cross Tribal lands 5 BIE is typically serves as a cooperating agency, and 6 those in the area understand some of our work with 7 our federal partners in how we go about doing that 8 as co-partners or cooperating agencies.</p> <p>9 In oil and gas permitting, BIA permits 10 project development on the surface while BLM, our 11 federal partner, activities below the surface. Many 12 of you in this room are familiar with that process.</p> <p>13 Just providing a general overview of these 14 three sets of emergency permitting procedures that 15 proponents can request for NEPA, the National 16 Historic Preservation Act, and the Endangered 17 Species Act.</p> <p>18 Before we dive into each one of those, I 19 wanted to just provide a little bit of how this 20 applies. So the Deputy Secretary of Interior, or 21 the Secretary of the Interior, is a responsible 22 official approving eligibility under the alternative 23 procedures, and that needs to be noted.</p> <p>24 BIA will not be utilizing these procedures 25 unless the proponent requests and is approved for</p> | <p style="text-align: right;">Page 24</p> <p>1 a significant impact is flagged, additional analysis 2 and/or mitigation may be required by law, and we 3 will carry that out in the most efficient manner 4 possible.</p> <p>5 The BIA is also working towards preparing 6 for categorical exclusions or cat-exes as we refer 7 to them, for oil and gas production on Tribal lands. 8 So a categorical exclusion or a cat-ex as we refer 9 to them is not an automatic NEPA approval. Rather, 10 it is a lower level review of those actions in a 11 certain category that normally do not have a 12 significant effect on the human environment.</p> <p>13 Since many of oil and gas projects on 14 trust lands fit the criteria of cat-exes, 15 approximately 69 percent of BIA oil and gas projects 16 are expected to benefit from use of this cat-ex, and 17 that's what I have for you at this point, and look 18 forward to having you ask questions and us being 19 responsive.</p> <p>20 Thanks.</p> <p>21 BEN DUNCAN: The next slide. Do you want 22 me to walk through this, to introduce the questions? 23 Okay.</p> <p>24 Let's go to the next slide. 25 So we're going to move into the</p> |
| <p style="text-align: right;">Page 23</p> <p>1 all other activities, the normal procedures will 2 apply.</p> <p>3 For approval of the action itself, 4 decisions will be made by the assistant secretary 5 land and minerals management, Deputy Secretary of 6 the Interior, Secretary of the Interior, or their 7 acting equivalents, and those officials exercising 8 the delegated authority of these positions.</p> <p>9 In addition, we all know that permitting 10 on Tribal lands must also involve Tribal 11 consultation. The BIA will be reaching out to 12 respective Tribes immediately once an emergency 13 permit is requested involving Tribal lands as 14 approved. This is key because it will allow 15 potential impacts to be identified at the onset.</p> <p>16 Additionally these procedures may work 17 particularly well for Tribes who are looking to 18 develop their energy resources and have completed a 19 compliant NEPA, NHPA, and ESCA review themselves.</p> <p>20 We stand ready to expedite our permitting 21 approvals in support of Tribal self-determination 22 and sovereign economic growth.</p> <p>23 As a reminder, the BIA is responsible for 24 trust lands and therefore there may be situations 25 where he's timelines will be impossible to meet. If</p> | <p style="text-align: right;">Page 25</p> <p>1 consultation. Before we do so, just reminder of 2 some of the key questions that Department of 3 Interior is seeking input on.</p> <p>4 On the restructuring of Indian Affairs, 5 what recommendations would you make to Indian 6 Affairs to improve efficiency through staffing 7 changes, resource sharing, process improvements, and 8 potential consolidation of programs and offices.</p> <p>9 In regards to addressing current funding 10 structures, Indian Affairs is seeking input on how 11 to better support Tribes by reducing the 12 administrative burden to access and administer 13 funding, improving communications with Tribes on 14 funding opportunities, and improving technical 15 assistance and direct support to Tribes to obtain 16 and administer funding, and in relationship to 17 increasing Indian Affairs support for Tribal self- 18 governance and self-determination.</p> <p>19 How can Indian Affairs optimize its 20 functionality and effectiveness to provide Tribes 21 with improved flexibility, to foster economic 22 growth, address the specific local needs of their 23 communities, and increase pathways to self- 24 determination and self-governance.</p> <p>25 Go to the next slide.</p> |

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| <p style="text-align: right;">Page 26</p> <p>1 And for the national energy emergency 2 consultation, they're seeking Tribal input on the 3 following proposed categorical exclusion to be 4 established as NEPA implementation procedures at 516 5 DM 10.5 G(5), I don't know how to say that so I did 6 a second. 7 So I'll just read this out for folks, so, 8 quote, approval, modification, or renewal of rights- 9 of-way and/or applications for permit to drill for 10 oil and gas development activities on Indian trust 11 or restricted surface or mineral estate, provided 12 these activities are within an existing disturbance 13 footprint or result in no more than 25 acres total 14 new service disturbance for the proposed actions, 15 and that they comply with all applicable 16 requirements including regulations and onshore 17 orders. 18 So as a starting point for discussion, do 19 you have any concerns with the proposed process and 20 timeliness, and are there applicable situations that 21 are not covered by the proposed process and 22 timelines, time frames? 23 So that's the baseline for the 24 consultation input. 25 So before we kind of formally move, I'll</p> | <p style="text-align: right;">Page 28</p> <p>1 phone, you can dial star 9 to raise your hand to 2 enter the queue. And then once you're called on by 3 our facilitator online, you can dial star 6 to 4 unmute and begin speaking. 5 Again, we have the written comments 6 details at the bottom of this slide. 7 So if we could go next slide, we'll move 8 right into our comment period. So what I'll be 9 doing is calling folks out. I'll just ask for your 10 grace based on my pronunciation and sometimes your 11 handwriting. I'll do the best I can, but please 12 give me some grace. 13 Our first invited Tribal leader would be 14 Speaker Curley, so can I invite you to the mic or I 15 can run a mic to you? 16 SPEAKER CURLEY: Good morning. (Native 17 language spoken). And I do come from the five 18 district chapters of Tselani/Cottonwood, Blue Gap, 19 Tachee, Low Mountain, and also Nazlini and Many 20 Farms. 21 And good morning to our federal partners 22 and also all of our Tribal leaders that are joining 23 us here today, and all of our knowledge holders, our 24 professionals that continue to work with our federal 25 government on a daily basis.</p> |
| <p style="text-align: right;">Page 27</p> <p>1 just remind folks of kind of the process. So for 2 those that are in person, I'll invite Tribal leaders 3 to where you see Sam, the front microphone, to give 4 comment. 5 If you're unable to or it's easier to 6 provide it from where you are, just raise your right 7 hand when I call on you and I'll run the mic up, get 8 my stairs in for today, but we'll make sure, please 9 speak into the mic. We are capturing this as part 10 of a transcript, so making sure we're getting all of 11 what we say captured. 12 For those that are virtual, and I'll do 13 another call-out, if there are Tribal leaders that 14 would like to offer comment online, I'd ask you to 15 just raise your hand and keep it up so we can 16 capture the list of folks online that are Tribal 17 leaders that would like to submit comment for the 18 leader to leader consultation. 19 And then again for those that are 20 organizational or other representatives, we'll come 21 back to you later and I'll ask for hands raised 22 then. So please, if you're online raising hands, it 23 should be Tribal leaders that are interested in 24 providing comment. 25 If you are on the phone or end up on the</p> | <p style="text-align: right;">Page 29</p> <p>1 My name is Crystalyne Curley, and I do 2 serve as the speaker of the 25th Navajo Nation 3 Council, and I'm originally from Fish Point, 4 Arizona, within Tselani and Cottonwood area, so next 5 door is Cottonwood Day School, about three miles 6 north of there. 7 And thank you again for the opportunity to 8 be here before you, and being able to speak on the 9 behalf the Of Navajo Nation, and also Navajo Region. 10 First of all, just want to be aware, 11 there's no time limit? Okay. We're good? Okay, 12 we're good. 13 So I do have several pages of different 14 areas that I wanted to express my support, also 15 frustrations and challenges that we see within our 16 BIA region office. 17 And thank you again to Secretary Burgum 18 for being able to hold this consultation here for 19 us, back close to home. 20 First is the restructuring recommendations 21 for Navajo Nation BIA regional office. The BIA 22 office within our Navajo region continues to grow, 23 and the Navajo Nation is the largest nation in the 24 U.S. with over 400,000 enrolled members with a land 25 base of more than 27,000 square miles spanning over</p> |

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| <p style="text-align: right;">Page 30</p> <p>1 three states, Arizona, New Mexico, and Utah.</p> <p>2 The Navajo Nation entered a treaty with</p> <p>3 the United States government in 1868, promising</p> <p>4 health care, education, agricultural assistance,</p> <p>5 protection, and continued improvement of the well-</p> <p>6 being of our Navajo people. Based on these</p> <p>7 treaties, the United States government is legally</p> <p>8 and morally bound with its responsibility to trust</p> <p>9 obligation to support the Nation in improving the</p> <p>10 quality of life for our Navajo people.</p> <p>11 Overrule the Navajo region consists of at</p> <p>12 least one-third of all American Indians living on</p> <p>13 the reservations is within our Navajo Nation. The</p> <p>14 Navajo Nation BIA office is essential to providing</p> <p>15 services to our people, and appreciates the time and</p> <p>16 energy that our regional office has taken to learn</p> <p>17 about our needs.</p> <p>18 So I am a firm believer in institutional</p> <p>19 knowledge, and the BIA region continues for many</p> <p>20 decades being able to be specific to our needs,</p> <p>21 specifically to our region.</p> <p>22 For example, within the central area of</p> <p>23 our region, roads, road maintenance is, continues to</p> <p>24 be very important. Education. We do have many BIE</p> <p>25 schools within the rural parts of our Navajo Nation,</p> | <p style="text-align: right;">Page 32</p> <p>1 many of the talking points that I have today.</p> <p>2 And the Navajo Nation further supports</p> <p>3 strengthening and expanding as needed by other</p> <p>4 Tribes in the other regional office, that they play</p> <p>5 a critical role to all Indian country and must be</p> <p>6 protected from any cuts or diminishment, cuts or any</p> <p>7 abolishment with not saved resources, they would</p> <p>8 increase insufficiencies through delays.</p> <p>9 Many of the times we hear this throughout</p> <p>10 the Trump administration, that word, efficiency.</p> <p>11 Being able to either consolidate or to demand cuts</p> <p>12 within the BIA budget not only weakens that.</p> <p>13 So overall that we do not support any</p> <p>14 restructuring or combination or commenting or</p> <p>15 abolishment of our Navajo region office. And also</p> <p>16 continue to make sure that our BIA regions are fully</p> <p>17 staffed within personnel, within transportation,</p> <p>18 road maintenance, and also the Navajo partition land</p> <p>19 offices. Some of these offices are also located</p> <p>20 within the districts outside of Navajo region</p> <p>21 office.</p> <p>22 And again, consultation must continue as</p> <p>23 well, not only when it is convenient. Tribal</p> <p>24 consultations are meant to give Tribes the</p> <p>25 opportunity to engage diplomatically with federal</p> |
| <p style="text-align: right;">Page 31</p> <p>1 and the nearest public schools are usually about an</p> <p>2 hour away, or many of our students have to wait at</p> <p>3 5:30 in the morning to catch the public school bus.</p> <p>4 But just down the road is a BIE school,</p> <p>5 and that's more convenient for our Navajo people, so</p> <p>6 institutional knowledge is very important, and over</p> <p>7 decades we have developed strong working</p> <p>8 relationships with our regional staff, which can't</p> <p>9 be replicated.</p> <p>10 And I know right now we have the threats</p> <p>11 of RIFs and also early retirements, early buyouts,</p> <p>12 and I know it is a voluntary program, however we</p> <p>13 hope that the region and also underneath Secretary</p> <p>14 Burgum that many of these positions are filled, and</p> <p>15 advertised and replaced.</p> <p>16 Many of the current buyouts were taken</p> <p>17 within our transportation department within BIE, and</p> <p>18 those we do consider as essential services that</p> <p>19 continue to be provided for our Navajo people. And</p> <p>20 again, that is a trust responsibility and underneath</p> <p>21 the council of our Navajo Nation as an official</p> <p>22 governing body, being able to make positions for the</p> <p>23 Nation.</p> <p>24 We do have numerous resolutions that will</p> <p>25 be submitted as supporting comments to also defend</p> | <p style="text-align: right;">Page 33</p> <p>1 leadership through dialogue that allow input to</p> <p>2 federal agencies on policies and procedures that</p> <p>3 could also impact the Navajo Nation.</p> <p>4 We must continue to maintain a healthy</p> <p>5 government to government relationship, but agencies</p> <p>6 continue to be inconsistent in their implementation</p> <p>7 of the consultation mandates.</p> <p>8 Many agencies treat consultation as an</p> <p>9 opportunity to remind Tribes of the work that they</p> <p>10 have done, which leaves very little time for Tribal</p> <p>11 leaders and/or designees to actually be consulted.</p> <p>12 So again, DOI has always been put at the</p> <p>13 forefront to deal with Tribes, but again there are</p> <p>14 other departments that directly work with our</p> <p>15 Tribes. We also, as a department within Secretary</p> <p>16 Burgum, I know this was another area that we wanted</p> <p>17 to strengthen not only with his, but working</p> <p>18 collaboratively with other departments at the</p> <p>19 federal level.</p> <p>20 We further call on Interior to issue a</p> <p>21 minimal timeline by which notices of consultation be</p> <p>22 sent out, and recommended a 60-day minimum.</p> <p>23 For example, this consultation was, many</p> <p>24 of us, many of the Tribes in our surrounding regions</p> <p>25 didn't feel that it was enough time to come together</p> |

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| <p style="text-align: right;">Page 34</p> <p>1 for consultations, and also in different regions. 2 I mean, if there is going to be a 3 consultation by DOI, it should be by region. I know 4 that Albert Creek isn't a region within itself, but 5 it would have been nice to have a consultation 6 within our Navajo region. 7 These comments apply equally to STAC and 8 to other Tribal advisory committees. These 9 committees are essential for creating open spaces 10 for direct dialogue and must continue. And we do 11 appreciate the secretary spending so much time with 12 DOI STAC, but we must continue to lead the way by 13 ensuring that these committees continue to grow and 14 thrive under this administration, and also to other 15 departments. 16 Consult with us in accordance with the 17 respect owed to us by our treaty and our nation to 18 nation relationship. And within regards of Office 19 of Justice Services, I know I'm here joined by my 20 esteemed colleagues of the Law and Order Committee 21 who will also extend deeply into many of the public 22 safety inadequacy of funding that we do experience 23 on the Navajo Nation. 24 And I specifically wanted to speak to 25 President Trump's skinny budget proposal to reduce</p> | <p style="text-align: right;">Page 36</p> <p>1 crime, drug trafficking, missing MMIP cases, and 2 violent crimes in Indian country. So overall the 3 Navajo Nation doesn't support any type of proposal 4 for a skinny budget for any public safety line 5 items. 6 And also too, public law 102-477, the 7 workforce development, the NDCFS plan for the 477 8 program is meant to reduce administrative burdens, 9 improve service coordination, and support self- 10 sufficiency for Navajo individuals and families 11 through job training, employment services, child 12 care, education, family support services, job 13 training, employment, and cultural revitalization 14 and community healing and others. 15 This program is to implement -- to 16 implement the program efficiently, it needs to 17 remain in contact with their federal partners, yet 18 recent restructuring has made it increasingly 19 difficult for this to happen. 20 With the recent restructuring from the 21 Department of Health and Human Services, the NDCFS 22 has already lost contact with their partners in the 23 low income home energy assistant, LIHEAP. In 2023 24 alone this program responded to over 1,000 child 25 welfare referrals, supported more than 5,000</p> |
| <p style="text-align: right;">Page 35</p> <p>1 funding to OJS by over 100 million, with the funds 2 to be made up through competitive grants issued by 3 the Department of Justice and the Department of 4 Homeland Security. 5 Altering or reducing funding for OJS would 6 undertake the government from its treaty and trust 7 obligations, and endanger the well-being of the 8 Navajo Nation and its citizens, as well as increase 9 in crime, human trafficking, and drug trafficking in 10 the Southwestern United States. 11 Competitive grants should never be the 12 answer for funding of central services nor carry out 13 the federal government's trust and treaty 14 obligations. The Navajo Nation depends upon 638 15 contracts from BIA OJS to operate the Navajo Nation 16 police department and Navajo Nation criminal 17 investigations department. 18 These agencies on a day to day basis, play 19 a critical role in ensuring law and order over 20 27,000 square miles. Any reductions in funding and 21 BIA OJS, which is already underfunded by billions, 22 would have a detrimental effect on the Navajo Nation 23 in the southwestern region overall. 24 Keeping OJS under Interior and increasing 25 its funding to address the disproportionate rate of</p> | <p style="text-align: right;">Page 37</p> <p>1 children in foster relative care, and helped re- 2 unify 275 families. 3 The program has also provided additional 4 resources including support for victims of violence 5 and elder protection, and home care for 769 6 individuals, and over 1,100 home studies for 7 guardianship or custody. 8 So we recommend the department maintain 9 open communication with the Tribes regarding their 10 restructuring plan to ensure they are not limited 11 from any agency that falls under the purview of 477 12 plans, so not to breach the statute. 13 We also recommend the department does not 14 alter its structure to remain in accordance with the 15 477 plan's goals to streamline bureaucracy and cut 16 through red tape. 17 Lastly we also recommend the department 18 consult with Tribes on adding more agencies under 19 the purview of the 477 plan mandate to increase 20 efficiency in streamlining in federal and Tribal 21 programs. 22 And in respect to the Indian Arts and 23 Crafts Act, we also, our arts are not wildlife 24 products. They are an extension of our identity, 25 culture, and economic livelihood. And supporting</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 the development of Tribally administrated or 2 Tribally co-designed database modeled after STOP Act 3 export certification system.</p> <p>4 This registry would protect the 5 authenticity of Native or Navajo made goods, empower 6 Tribes to flag counterfeit sellers, and this has 7 been an on going issue that we do have here on the 8 Navajo Nation, especially within the highest tourism 9 traffic areas of our region.</p> <p>10 Continuing to support Navajo artisans 11 asserting their economic rights and urge the 12 department to create a Tribal cultural protective 13 task force model on the STOP Act's working group, 14 providing -- which will help provide annual 15 recommendations on enforcement, training, and 16 funding.</p> <p>17 And also the Navajo Nation is open to be a 18 partner within the pilot projects to build a 19 regional artist registry, co-in-force IACA with BIA 20 or other agents.</p> <p>21 And one of the most important points that 22 I also wanted to do was highlight the potential 23 closure of ONHIR. In 1974, Navajo and Hopi Land 24 Settlement Act mandated the removal of approximately 25 16,000 Navajo people. This was the largest forced</p> | <p style="text-align: right;">Page 40</p> <p>1 allocations until well into the school year, 2 sometimes as late as April, which leaves only a 3 limited window to obligate and extend the funds. 4 This often creates the misleading impression that 5 the Navajo Nation does not require its full JOM 6 award.</p> <p>7 Furthermore, the reduction in JOM funding 8 for the upcoming school year will comply several 9 school districts to reassess their programs and make 10 necessary adjustments in response to the decreased 11 appropriations.</p> <p>12 The Navajo Nation is in full support to 13 forward funded the JOM program. There are school 14 districts on the Navajo Nation who have yet to 15 receive their payments, and further forward funding 16 would also achieve several outcomes providing 17 funding for at least two years, make fundings 18 available for on July 1st aligning it with state 19 public school education budget cycles, allow Tribes 20 and other contractors to disburse grants fundings 21 ahead of the academic year, shield the funds from 22 continuing CERs and government shutdowns.</p> <p>23 Interior should recommend that Congress 24 forward fund JOM. Additionally BIE should work with 25 the Navajo Nation to restore funding to pre-</p> |
| <p style="text-align: right;">Page 39</p> <p>1 relocation of U.S. citizens since the Japanese 2 American internment camps of World War II.</p> <p>3 And as a citizen and a representative of 4 NPL, ONHIR is set to run out of funds at the end of 5 this fiscal year. The Navajo Nation's position is 6 that ONHIR must not close until its mission is 7 complete, however we are willing to negotiate the 8 closure terms to ensure that the remaining six to 9 ten relocatees are provided for, that we are able to 10 select the remaining 13,000 acres of land owed to us 11 under the act, and that we have a seat at the table 12 to determine how ONHIR's statutory obligation should 13 be transferred, whether it is to the BIA or the 14 Navajo Nation.</p> <p>15 Closure of ONHIR lies on the sole 16 discretion of the president of the United States, 17 but however if there is going to be any potential 18 transfers, that we have the adequate consultation on 19 how to do so, and also to implement some of the 20 recommendations that we may have.</p> <p>21 And also to the Johnson O'Malley program, 22 the reoccurring delays in the distribution of JOM 23 funds significantly hinder effective financial 24 planning for the academic year.</p> <p>25 Many school districts do not receive their</p> | <p style="text-align: right;">Page 41</p> <p>1 modernize the levels.</p> <p>2 And regards to self-governance and self- 3 determination, the Navajo Nation is currently in 4 negotiation for its first self-governance compact 5 with the Department of Transportation, and we are 6 fully supportive of this administration's initiative 7 to provide increased opportunities for Tribes 8 seeking to engage in self-governance.</p> <p>9 We note that any expansion of self- 10 governance must be combined with sufficient funding 11 and technical assistance so that Tribes are not 12 being set up to fail.</p> <p>13 And regards to the BIA 105(1) lease 14 program, Congress should fully authorize Section 15 105(1) lease payments as mandatory funding. This 16 ensures Tribes are guaranteed timely and adequate 17 compensation for facility costs, aligning with the 18 federal trust responsibility and honoring the self- 19 determination framework.</p> <p>20 This approach will isolate 105(1) lease 21 obligation from other program funds, ensuring lease 22 payments do not displace health care, education, and 23 public safety resources. A designated fund improve 24 transparency, accountability, and tracking. Amend 25 at the law to authorize multi-lease terms and</p> |

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| <p style="text-align: right;">Page 42</p> <p>1 advance appropriations for approved 105(1) leases 2 subject to periodic review and reporting. 3 This would also support long term 4 infrastructure planning and sustainability for 5 Tribes, allowing better resource use, facility 6 improvements, and alignment with broader Tribal 7 infrastructure and economic development goals. 8 Direct the Office of Tribal Leases in 9 collaboration with IHSN both BIE to develop and 10 disseminate uniform guidelines for 105(1) lease 11 applications approval and reimbursement processes. 12 Fund dedicated TA team's to support Tribes. 13 Many Tribes, including the Navajo Nation, 14 struggle with navigating the complex process and 15 delays in these lease approval, standardizing 16 procedures and increased outreach will promote 17 equitable access and prevent fusion or delays in 18 funding. 19 The subject that not most of us like to 20 talk about is home site leases. To address delays 21 in the home site lease process and to improve 22 service delivery for Navajo citizens, the BIA and 23 the Navajo Nation can implement targeted reforms. 24 And that has been a continuous goal for 25 many years for our Navajo Nation, is how to</p> | <p style="text-align: right;">Page 44</p> <p>1 updating application statutes and requests. 2 BIA should actively support Indian Affairs 3 integrated resource management plans, implementation 4 by recognizing Tribal goals as a valid under the 5 federal policies promoting self-determination and 6 facilitating regulatory waivers or flexibility where 7 allowed under federal law for Tribals would approve 8 integrated resource management plans. 9 And in regards to National Environmental 10 Policy Act, NEPA, Interior is adapting alternative 11 NEPA compliance procedures to compress the 12 environmental assessment and environmental impact 13 statement timelines drastically. 14 The Navajo Nation understands the 15 Interior's desire to reduce the timeline for NEPA, 16 but going from one extreme into the other would 17 likely create more issues and challenges and 18 misinterpretation, therefore we recommend the 19 following. 20 Mandate early consistent and meaningful 21 consultation with Tribal governments with clear 22 timelines and standards, evaluating consultation to 23 co-stewardship or co-decision making rather than 24 advisory participation, can respect Tribal 25 sovereignty and approve project outcomes.</p> |
| <p style="text-align: right;">Page 43</p> <p>1 streamline the process. Deliver additional training 2 and guidance to be BIA staff on TAAMS data field 3 definitions and data entry requirements to ensure 4 complete and accurate input for tracking leasing and 5 right-of-way processes times. 6 Implement mandatory data. Edit checks, 7 intends to require complete data entry for measuring 8 processing times and compliance with lease and 9 right-of-way deadlines. Offer similar trainings and 10 guidelines for staff on the forthcoming TAAMS 11 mortgage model that will replace the current 12 mortgage tracker. 13 Conduct regular oversight and quality 14 control reviews of TAAMS entries to ensure that all 15 required information is present. Apply similar 16 oversight to mortgage data after the implementation 17 of the TAAMS model. 18 And also we recommend using the existing 19 data to comprehensively access processing timelines, 20 and identifying operational barriers such as 21 staffing shortages at the regional office, develop a 22 corrective action plan to address insufficiencies. 23 Assess current communication practices 24 with Tribes and stakeholders. Develop policies or 25 guidelines outlining timelines and procedures for</p> | <p style="text-align: right;">Page 45</p> <p>1 Provide mechanism for Tribes to conduct 2 their own environmental assessments or environmental 3 impact statements for projects affecting their lands 4 or interests. 5 Recognizing Navajo regulatory authority 6 over these reviews would reduce delays and increase 7 cultural relevance in environmental analysis. 8 Establishing funding streams and technical assistant 9 programs for the Tribes to build NEPA-related 10 capacity. 11 This includes training and environmental 12 review, access to environmental scientists and legal 13 experts in support for Tribal environmental 14 departments. 15 Require agencies to appoint dedicated 16 Tribal NEPA liaisons who would understand Tribal 17 governance and our laws, cultural, and land rights. 18 These liaisons can facilitate communication and 19 reduce bureaucratic missteps during environmental 20 reviews. 21 Allowing categorical exclusion or 22 streamlined NEPA procedures for environmental 23 sustainable project initiated by Tribes such as 24 renewable energy or traditional land management 25 practices to reduce administrative burdens.</p> |

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| <p style="text-align: right;">Page 46</p> <p>1 And also ensuring that NEPA documents 2 explicitly address impacts to sacred sites, 3 traditional practices, and cultural landscapes. 4 Partner with Tribes to identify and safeguard these 5 resources early in planning. 6 And lastly, I also wanted to highlight 7 again the need for adequate law enforcement within 8 the Navajo Nation. 9 Further, for the purposes of our 10 evaluation of our Navajo law enforcement programs, 11 the directives and regulations that guide the 12 evaluation process should come from the Navajo 13 Nation. We have the greatest interest in protecting 14 our people, and know better than anyone how to do 15 so. 16 For example, OJS regulations on background 17 checks use an applicant's credit history as a part 18 of determining whether they are fit for employment 19 as law enforcement officers. This is unfair on 20 Navajo property, and unemployment are high and so 21 many individuals do suffer from poor credit scores 22 or history. 23 This should not be used against them when 24 determining whether they are fit for law 25 enforcement. Another example is OJS disallowing us</p> | <p style="text-align: right;">Page 48</p> <p>1 bases and all the issues that have an impact on our 2 Navajo Nation. 3 Serving as a delegate for two and a half 4 years now, really just trying to get a handle on our 5 Navajo Nation and the 27,000 square miles, it is a 6 big land base. And so we even as delegates are, you 7 know, trying to find ways to cover all of our lands 8 and make sure that we improve the lives of our 9 people. 10 And so it has been a challenge. And so 11 there's, as I appreciate that Ms. Curley, Speaker 12 Curley covered a lot of grounds and I don't want to 13 repeat some of the things she said here today, but I 14 want to bring to you two issues really, two big 15 issues that have an impact on my community. 16 And these are, they have to deal with, it 17 really is under the oversight of Department of 18 Interior, and this is something that in the previous 19 years, probably from my childhood to serving as a 20 council delegate, it is something that I've also 21 really been an advocate on as a community member. 22 So these are things that we are asking, my 23 communities are asking Department of Interior to do, 24 and in the midst of your restructuring, I would like 25 to gain an understanding on how these issues will be</p> |
| <p style="text-align: right;">Page 47</p> <p>1 from recruiting individuals 18 years and up, and 2 instead requiring us to recruit at ages 21 and up. 3 We also need the authority to do what we 4 know is best for the safety of our nation and its 5 citizens. 6 Again, thank you for giving me the 7 opportunity to allow to speak on many of the 8 ongoing, current, maybe future issues within the 9 Department of Interior within our Navajo region 10 offices, and on behalf of the Navajo Nation Council, 11 thank you for allowing this consultation. 12 We will also be forwarding as written 13 testimonies on the current resolutions that we do 14 have the official position of the Navajo Nation. 15 (Native language spoken). Thank you. 16 BEN DUNCAN: Thank you, Speaker. 17 Can I invite Council Delegate Simonson? 18 GERMAINE SIMONSON: Good morning. (Native 19 language spoken). Thank you for making your way 20 here to Albuquerque, New Mexico. 21 As mentioned, my name is Germaine 22 Simonson. (Native language spoken). 23 Good morning, and thank you again for 24 taking the time to be here. I want to thank Speaker 25 Curley for all, I believe she's covered all the</p> | <p style="text-align: right;">Page 49</p> <p>1 addressed. 2 And so as you know, Peabody Western Coal 3 Company operated in the Black Mesa mine from 1965 4 until its closure in 2005. The Kayenta mine from 5 1973 until 2019, the mines produced an average of 14 6 million tons of coal per year and pumped billions of 7 gallons of groundwater from the Navajo aquifer, also 8 known as the N aquifer. 9 One of the only potable services of water 10 in Black Mesa. For almost 50 years Peabody's mines 11 operated on Tribal lands, depleting scarce water 12 sources, but the Interior's Office of Mining 13 Reclamation did not include water use or aquifer 14 depletion in its consideration of environmental 15 damage caused by Peabody. 16 In this case, the lands are intended to be 17 grazing areas for livestock, however livestock needs 18 potable water as much as the communities that raise 19 them. And damage to the N aquifer also means damage 20 to the herds since depleted groundwater levels 21 prevent livestock from finding natural springs. 22 This oversight demonstrates a law in 23 OSMRE's criteria for environmental reclamation and a 24 failure of the part of DOI to hold Peabody 25 accountant and uphold its trust responsibilities to</p> |

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| <p style="text-align: right;">Page 50</p> <p>1 the Navajo and Hopi Tribes in Black Mesa.</p> <p>2 The coal mine at Black Mesa was made into</p> <p>3 slurry and pumped to Mojave generating plant in</p> <p>4 Laughlin, Nevada, using an estimated 1.3 billion</p> <p>5 gallons of water annually.</p> <p>6 In 2021, the Arizona Department of Water</p> <p>7 Resources found that an average of 3.5 homes can be</p> <p>8 served every year by a single acre-foot of water.</p> <p>9 One acre-feet is approximately 325,851 gallons of</p> <p>10 water, meaning Peabody used roughly the amount of</p> <p>11 water that could supply 14,000 households in a year,</p> <p>12 according to the report.</p> <p>13 The Office of Surface Mining Reclamation</p> <p>14 and Enforcement has disregarded the aquifer's</p> <p>15 overuse, both in meetings and reports, researchers</p> <p>16 say. The office also has refused to consider the</p> <p>17 region's specific aspects of reclamation in Black</p> <p>18 Mesa according to the report.</p> <p>19 The community's hold strong cultural and</p> <p>20 material connections to the land. Damage to the N</p> <p>21 aquifer threatens the ability of the Navajo and Hopi</p> <p>22 communities to continue to live on their ancestral</p> <p>23 lands as access to water becomes scarcer.</p> <p>24 The office's only not to water issue in</p> <p>25 connection with the bond release concern water</p> | <p style="text-align: right;">Page 52</p> <p>1 will.</p> <p>2 The second, the deep aquifer, there is</p> <p>3 evidence of damage to the N aquifer which leads to</p> <p>4 the second issue. There are six data points, wells</p> <p>5 that are being studied, and only two of the six</p> <p>6 shows recovery.</p> <p>7 That's two points that show recovery. At</p> <p>8 what point do you determine without a doubt that</p> <p>9 entire hydrologic system is recovering with just two</p> <p>10 data points. And so the deep aquifer is a</p> <p>11 responsibility of Department of Interior.</p> <p>12 So as we, in talking about my homelands</p> <p>13 here, and with all of the executive orders coming</p> <p>14 out of this administration, when I go home and I</p> <p>15 visit through my chapter regions where all the</p> <p>16 elders, and a majority of them are elders, they live</p> <p>17 there. And as you know, we have come through a real</p> <p>18 difficult time.</p> <p>19 We've come through COVID times. We</p> <p>20 survived COVID times. We've lost many, many people.</p> <p>21 We've lost elders. We've lost medicine people. We</p> <p>22 have lost whole families, and so our people are</p> <p>23 still suffering as I go out there and visit and hear</p> <p>24 their thoughts and where they're at in life today.</p> <p>25 They're still very much in mourning. We</p> |
| <p style="text-align: right;">Page 51</p> <p>1 quality, not water use. According to the Institute</p> <p>2 for Energy, Economics, and Financial Analysis, the</p> <p>3 total surety bonds held for the mines is 178.6</p> <p>4 million. The release of 17.3 million in bonds, 12.7</p> <p>5 million in phase 1 bonds and 4.7 million in phase 2</p> <p>6 bonds, constitutes an approval by the federal</p> <p>7 government of Peabody's reclamation efforts at the</p> <p>8 former mines in its work restoring the land for an</p> <p>9 approved use.</p> <p>10 The release of the bonds disregards the</p> <p>11 fact that OSMRE has been on notice for decades about</p> <p>12 the material damage to Peabody's use of water from</p> <p>13 the Navajo aquifer, N aquifer, in this region.</p> <p>14 Peabody can't receive the third bond until</p> <p>15 a minimum of 10 years after the release of the phase</p> <p>16 2 bonds, and the phase 2 money is conditional on</p> <p>17 survival of the flora planted during the reclamation</p> <p>18 process without human assistance for a decade.</p> <p>19 The office's only not to water issue in</p> <p>20 connection with the bond release concern water</p> <p>21 quality, not water use, stated again. The N aquifer</p> <p>22 is deep and there are two issues. The government</p> <p>23 has given no specific information about how the</p> <p>24 shallow part of the aquifer, which has been mined</p> <p>25 through, will be remediated by Peabody or if it</p> | <p style="text-align: right;">Page 53</p> <p>1 are not over COVID, and so when I listen to them,</p> <p>2 and these executive orders come out, and they come</p> <p>3 out so many per day. It's hard to keep up as a</p> <p>4 Tribal leader, and our people are trying to</p> <p>5 understand how this has an impact on their lives.</p> <p>6 And as I talk to them and we make our way</p> <p>7 to D.C., and I've had meetings with our</p> <p>8 representative, Mr. Eli Crane. I've had meetings</p> <p>9 with Ms. Stanbury, and it's interesting when I tell</p> <p>10 them about these stories. And I tell them that my</p> <p>11 people are still trying to survive COVID.</p> <p>12 And now you're giving them more heartache.</p> <p>13 You're giving them more worry. They're concerned</p> <p>14 about their Medicaid, their Medicare. They're</p> <p>15 concerned, you know, about all of these funding</p> <p>16 cuts.</p> <p>17 And so, you know, I can't, and I say to</p> <p>18 them that we're causing them more pain and more</p> <p>19 stress, which is not what our people need at this</p> <p>20 time. So if we could think about it from that</p> <p>21 perspective, and as I go out and I visit my</p> <p>22 communities, oftentimes I come upon an elder person</p> <p>23 and they share words with me in Navajo, you know,</p> <p>24 that really, in which I really think about how I</p> <p>25 serve as a council delegate.</p> |

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| <p style="text-align: right;">Page 54</p> <p>1 And one of the words that they say to me 2 is (Native language spoken), and that just, and that 3 really means, you know, have some pity on us. Have 4 some pity on us. 5 And so we are in positions where we make 6 laws and we, and they impact our people, and 7 sometimes we don't know, you know, if they're 8 detrimental. And so I believe the same, you have 9 that authority and that leadership in D.C. that you 10 can create laws. You with make executive orders, 11 but they bear real consequences. 12 And so the other issue that I want to 13 bring to you, your attention, is the Navajo 14 partition lands. In 1972 our grazing permits in my 15 region, in my five chapter regions were canceled. 16 And this is due to an act that was approved by 17 Congress. 18 And in so pursuant to Hamilton versus 19 McDonnell, the order of compliance issued on October 20 14, 1972, by the Court of the District of Arizona, 21 all grazing permits, some dating as far back as 22 1940, were canceled within one year. 23 Today as I'm standing here before you, 24 those permits have not been re-issued. My 25 communities who rely on this pastoral life way of</p> | <p style="text-align: right;">Page 56</p> <p>1 trying to settle one of the largest northeastern 2 water rights for our region, and that helps get 3 water to us as well. 4 Because Peabody has been on our N aquifer 5 for 50-plus years, the communities believe there is 6 damage. And we need to make sure that reclamation 7 is done properly. We need to make sure that the 8 original plants that were there, which are not just 9 plants, they're medicine, that they return to the 10 region. 11 And so I tell the folks at Peabody, please 12 hold Peabody accountable. And so I tell the folks 13 at Peabody that they receive some awards from 14 whoever, some somebody that says they are doing some 15 of the best reclamation efforts, but I don't call, 16 you know, one grass from the north, the Midwest 17 growing in my region, I don't call that best 18 practice. 19 That is not native to our region. And as 20 one of their workers indicated, that the native 21 plants for some reason are not coming back. That 22 already clearly is an indication that reclamation is 23 not working. 24 And so these native plants are sacred 25 plants, as you all know, and so I say to them, the</p> |
| <p style="text-align: right;">Page 55</p> <p>1 having animals where it is their economic 2 opportunity as well as their survivability, has been 3 halted for 50 years, and it really is a 4 responsibility by the Department of Interior to re- 5 issue those permits. 6 So for those years, our people have not 7 been able to apply for opportunities within our CS 8 with USDA equip to do land conservation, range 9 management efforts. We've not engaged in any of 10 those activities, and we have not been afforded the 11 possibilities. 12 And so I'm asking you today in that you, 13 as you're looking at DOGE and ways to be efficient, 14 how do we get those permits re-issued here within 15 the next six months, and you have probably the best 16 computer team in the world there working on all 17 these things and finding all kinds of ways to ensure 18 the efficiency. 19 So I'm sure there's a way, as Speaker 20 Curley alluded to, that I'm sure there's softwares 21 and ways in which we can really manage these things. 22 And so I'm asking and I'm looking to you 23 as Department of Interior that we get these two 24 issues resolved here within my region. Because 25 water is everything, and as you know we are also</p> | <p style="text-align: right;">Page 57</p> <p>1 moment and that time when the elder stands outside 2 her hogan and can look on her homelands, that she's 3 lived somebody who's lived with Peabody for 50 years 4 from the dust, the noise, solution, all of that. 5 Somebody who can step outside her hogan 6 and look on the lands again and can see all of her 7 native plants and vegetations, and trees, and at 8 that point, and she says it's good, then it's good. 9 Otherwise it isn't. 10 And so there is, in the contract that you 11 signed, and you were, Department of Interior was the 12 signer on this, in which you signed and said, one of 13 the things you said was that you would return the 14 land in as good as received. 15 And that's all we're asking for. You 16 return the land in as good as received. 17 So thank you for your time, and I hope 18 this merge finds its way, and I'll be looking for 19 some opportunity to meet with Mr. Burgum and how we 20 address these issues. 21 And I understand how you want to fast 22 track all of these other energy products, but I'm 23 here to tell you there's still a cleanup that needs 24 to happen before you proceed with those things. 25 And so this coming Friday, Speaker Curley</p> |

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| <p style="text-align: right;">Page 58</p> <p>1 here has initiated a forum in my region and Black 2 Mesa where she's going to be meeting with the local 3 people to talk about the impacts of coal mining. 4 Because the recent news about how 5 President Trump is trying to revitalize coal was 6 very devastating to my people. It was, it hurt 7 them, and it caused them a lot of pain and anger 8 because they saw that their lands have not been 9 reclaimed, and it will be another 10 to 20 years 10 before they can even build on those lands. 11 And so I appreciate that, Ms. Curley here, 12 Speaker Curley, probably one of the first speakers 13 of the Navajo Nation who is willing to host a forum 14 out in our region so she can hear from the people 15 firsthand what that experience has been like for 16 them. 17 So I appreciate that, and if anybody from 18 your department can come out into our community, 19 because this is a community that has contributed to 20 lighting up entire cities and running the cap down 21 to Phoenix, and creating all of these opportunities 22 for many people, when today my elders within 50 feet 23 of these water pumps still don't have water. 24 And so I welcome you, encourage you to 25 come visit my community. And thank you for your</p> | <p style="text-align: right;">Page 60</p> <p>1 drain in Indian Affairs. 2 We do see a need to make government more 3 efficient, and there are clearly some individuals 4 that should find another line of work, but help us 5 help you. 6 Provide us with these proposals in 7 advance. Share a list of the existing vacancies 8 throughout the BIA. Conduct employee valuations and 9 make targeted reductions that will improve morale 10 within the department and improve services to our 11 people. 12 To some degree, the BIA is top-heavy. For 13 decades additional staff has been needed at the 14 local level to help meet treaty and trust 15 obligations to Tribal governments, but again, this 16 must be done in coordination with Tribal leaders who 17 see where the gaps in service are so we can partner 18 with you to improve services to our communities. 19 And just recently I did find out within 20 the BIA southwest regional office, there are 21 approximately 30 to 50 staff that have taken the 22 deferred resignation offer, and we're a bit worried 23 about that. 24 Funding delays are too common and place 25 the burden on Tribal departments. We support</p> |
| <p style="text-align: right;">Page 59</p> <p>1 time. (Native language spoken). 2 BEN DUNCAN: Thank you, Council Delegate. 3 Can I invite President Padilla? 4 THORA WALSH PADILLA: Good afternoon. For 5 more than two decades now, every administration 6 dating back to Clinton has agreed that meaningful 7 consultation before federal decisions are made, is a 8 right that is owed to Tribal governments. 9 Interior has issued two rounds of early 10 retirements, and plans a second round of RIFs in the 11 coming weeks, all without consultation to Tribal 12 governments. So while we appreciate this meeting 13 today, the department is clearly making decisions 14 that impact Indian country without following your 15 own consultation procedures. 16 The restructuring process for Indian 17 Affairs that is already taking place without 18 consultation, seems inefficient and will only 19 draining resources that should be going to Indian 20 country. 21 Paying individuals to either retire early 22 or leave federal service means that those resources 23 are spent without any services provided to the 24 Reservations. This is also going to lead to a great 25 loss in institutional knowledge and serious brain</p> | <p style="text-align: right;">Page 61</p> <p>1 efforts to either provide forward funding or advance 2 appropriations to basic BIA services and programs. 3 Most of all, what I find is really 4 stressful about this, it's important not to cut 5 staffing at the regional offices such as the 6 awarding officials which process funding under 638 7 contracts and compacts. 8 Recent actions like the justification 9 requirement for ASAP payment requests, they only add 10 administrative burdens to Tribal reporting 11 requirements. Regarding the effort to increase 12 self-determination, the Mescalero Apache Tribe used 13 the federal government's most fundamental treaty and 14 trust obligations to provide for public and fire 15 safety on Indian lands as nonnegotiable. 16 For that reason, our community relies on 17 the BIA's Mescalero agency to provide direct 18 services for the critical public safety functions of 19 law enforcement and firefighting services on our 20 Reservation. However, the Tribe has entered into 21 several 638 contracts to provide a number of 22 services to our community, and again self- 23 determination drawdowns should be made exempt from 24 the newly imposed ASAP justification requirements. 25 Regarding the National Environmental</p> |

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| <p style="text-align: right;">Page 62</p> <p>1 Policy Act and other types of review, Mescalero has 2 contracted -- the contracted programs that we have 3 assumed, we have been completing NEPA requirements 4 for these programs for many years. We are open to 5 expedited reviews in certain circumstances, but 6 overall the new timelines are far too short to 7 provide adequate consultation or even notification 8 to Tribal governments.</p> <p>9 The proposed 7-day review for NHPA Section 10 106 is not workable given the fact that Tribal 11 historic preservations offices are so poorly 12 underfunded, and they are funded through another DOI 13 program, the National Park Service.</p> <p>14 Permitting referral cannot come at the 15 cost of sacred sites and natural and cultural 16 resources that are vital to our way of life. It's 17 our job to protect these places for those that will 18 come after us.</p> <p>19 Once a sacred site is decimated, it isn't 20 coming back. It will be lost forever. However, we 21 are open to discussions to improve and expedite 22 certain reviews, particularly in forest management. 23 Too much of our forests, and our federal forest and 24 BLM lands go untreated because of delays or 25 officials simply refusing to move forward on a</p> | <p style="text-align: right;">Page 64</p> <p>1 ground disturbing work does not create conditions 2 that degrade water quality.</p> <p>3 Our groundwater and numerous springs are 4 one of our precious resources that provide not only 5 domestic water supply, but also support recreational 6 opportunities such as rainbow trout fishing as well 7 as being central to all life in our creation story.</p> <p>8 So again, we would welcome this debate 9 with you, but let's lay proposals on the table with 10 details, and let's iron out how we can work together 11 as partners.</p> <p>12 Thank you very much.</p> <p>13 BEN DUNCAN: Good reminder for speakers. 14 You have your little placard, you could leave it in 15 the little basket there. Thank you, President.</p> <p>16 I want to invite Councilman Edward 17 Wemytewa.</p> <p>18 COUNCILMAN EDWARD WEMYTEWA: Good morning. 19 (Native language spoken). I really appreciate this 20 opportunity.</p> <p>21 My name is Edward Wemytewa, and I am a 22 councilman with the Pueblo Zuni. Our Reservation, 23 our main Reservation is in New Mexico, 500 square 24 miles. On the Arizona side, the Reservation is 25 about half the size, about 200 square miles.</p> |
| <p style="text-align: right;">Page 63</p> <p>1 treatment project because of the unreasonable length 2 of time it takes to go through the process.</p> <p>3 And I'll give you an example. We're 4 stepping outside of this agency, but down in the 5 Mescalero agency we have the Lincoln National Forest 6 to either side of our Reservation. There was the 7 South Sacramento Restoration Program. It was a 8 thinning, hazardous fuels reduction thinning project 9 to be done on the Sacramento side of the Lincoln 10 National Forest.</p> <p>11 They started out doing an EA in 2018. It 12 then got elevated to an environmental impact 13 statement, and they are just releasing this project 14 this year.</p> <p>15 It was just thinning.</p> <p>16 As you know too well in the west, the 17 result is devastating wildfires that are impacting 18 all of our communities, taking lives, destroying 19 property and natural and cultural resources, all 20 coming at great economic cost.</p> <p>21 One of the other programs that's not 22 really being considered here, Mescalero was one of 23 the Tribes that has program authorization under 24 Section 106 and 319 of the Clean Water Act. One of 25 the things we would want to ensure is that our</p> | <p style="text-align: right;">Page 65</p> <p>1 I want to approach my conversation, 2 talking about landscape, because normally when we 3 deal with federal agencies, for example, on the 4 Arizona side we deal with BOR, National Park 5 Service, USGS, and oftentimes we talk about cultural 6 sites or archeologic sites in isolation, but I want 7 to talk about our cultural sites in terms of 8 landscape, because a lot of things are connected.</p> <p>9 We deal with the Colorado River. We deal 10 with the Little Colorado River, and the Zuni River. 11 The Zuni River died 30, 50 years ago, and so I'm the 12 last generation that grew up with the Zuni River. 13 The river has been dead for some time.</p> <p>14 So what happened along the Little Colorado 15 River is -- is basically deja vu, but the Zuni River 16 died and now we're experiencing the fact that the 17 Little Colorado River is dying.</p> <p>18 I have a background clearance through the 19 Department of Interior to represent the Zuni Tribe 20 in the conversations under the Glen Canyon Dam 21 Adaptive Management Program. So as a Zuni speaker 22 on behalf of the Zuni Tribe, I often meet with six 23 western states during our Glen Canyon Dam Adaptive 24 Management Programs.</p> <p>25 So at the table it's usually about 40</p> |

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| <p style="text-align: right;">Page 66</p> <p>1 municipalities, and so we talk about water, hydro 2 power, cultural sites, endangered fish, protected 3 species, and so on and on. 4 We are all there because of the Glen 5 Canyon Protection Act. And so I want to be positive 6 about this. When, as partners we are at the table, 7 we talk about how we can uphold the protection of 8 the Grand Canyon, but sometimes as an individual 9 representing an Indian Tribe, sometimes our comments 10 are unheard. 11 We have an open dialogue, and I've been up 12 front with my partners, and we're trying to make 13 sure that there is some balance between western 14 science versus Indigenous knowledge, Indigenous 15 science. 16 It's gotten to a point where I had to 17 invite my partners who are at the table speaking on 18 behalf of the Grand Canyon to step out of their 19 comfort zone, and I say come join me. Join me in a 20 day tour along the Little Colorado River. So that 21 way you might see what happened to the Little 22 Colorado River will happen to the Colorado River. 23 And so I've, on behalf of the Zuni Tribe, 24 I've hosted our partners from BOR, National Park 25 Service, USGS, to spend a day touring the Little</p> | <p style="text-align: right;">Page 68</p> <p>1 throughout the continent of the, or at least the 2 U.S. country, many of our sacred sites, many of our 3 wetland sites, rivers, have died out. 4 And so we have a cultural mandate to make 5 sure that we restore the wetlands, and we've been 6 successful. It's taken some time. In 2003, June of 7 2003 we had a settlement with the surrounding 8 municipalities and companies like Salt River 9 Project. 10 These are some of the partners that agreed 11 to the water settlement, and so the point here is 12 that sometimes we have to pull our partners away 13 from the Grand Canyon and come back and look at our 14 wetland restoration site at the Little Colorado 15 River and The Zuni River. 16 We're very proud of it. We own some 17 property, we had to buy a lot of our property back. 18 We have water rights, and so the project continues. 19 And I really want to say this, because again that's, 20 for a Zuni Tribe like Zuni to make sure that our 21 ancestors and what they envisioned is brought back 22 for the sake of our country, the international 23 community, because the wetlands, sacred springs are 24 dying out. 25 We're dealing with climate change. If we</p> |
| <p style="text-align: right;">Page 67</p> <p>1 Colorado River. There is a confluence, the Zuni 2 River and the confluence of the Little Colorado 3 River, that's one of our most important cultural 4 sites. 5 And as the Zuni Tribe, we really value 6 that cultural site. It's called Zuni Heaven. We 7 had lost children there at that site in ancient 8 time, and so we make pilgrimages back to that site 9 to remember those children that were consumed by the 10 flood. 11 And culturally speaking, it's where the 12 children's spirit became the water spirit in 13 Indigenous terms. And so today, meaning in the 14 recent years, the Zuni has had this cultural mandate 15 to make sure that we bring some sense of life back 16 to this place called Zuni Heaven. 17 It's in the Hunt Valley. It's the 18 geological, the hydrologic place, is a recharge 19 zone. So before any dams or diversions happened, 20 this recharge zone had a healthy springs called 21 Whispering Springs, or (Native language spoken). 22 It was a sacred springs, very active, 23 until a dam was built upstream. The Zion Dam, 24 eventually Lyman Dam, and so on and on. This is not 25 an isolated scenario, because again if you look</p> | <p style="text-align: right;">Page 69</p> <p>1 don't make water a priority, I mean, heard our 2 sisters from the Navajo Nation talk about water, or 3 the lack of it, but the DOI needs to make sure that 4 water protection is a priority, whether it's for 5 municipalities or for sacred sites. 6 Wetland projects need to be protected. To 7 give you a deeper scenario, during the settlement 8 negotiations when we talked about getting water from 9 the Lyman Dam, we own 12 percent of what is 10 contained in the Lyman Dam. 11 When we asked to have water releases 12 during the regular agricultural season, we weren't 13 allowed that luxury. We have to wait until the 14 surrounding communities, the non-Indigenous 15 communities get their water first before we get our 16 water releases. 17 So just think about that. Is there any 18 balance or equity to that? No, it's not. As the 19 peoples of the land, we get our water releases from 20 September, mid September to mid October, after the 21 farming season has done. 22 So I'm not going to go too deep in this, 23 but I just want to say that we're concerned about 24 the humpback chub. The humpback chub is an 25 endangered, well, actually, it's not endangered but</p> |

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| <p style="text-align: right;">Page 70</p> <p>1 it's more protected fish.</p> <p>2 So there aren't any more humpback chubs in</p> <p>3 the upper river of the Little Colorado River, but</p> <p>4 there is humpback chub in the lower Little Colorado</p> <p>5 River and the Colorado River. It's coming back, so</p> <p>6 that's a good sign, and I have to thank our partners</p> <p>7 at the Glen Canyon Dam Adaptive Management Program.</p> <p>8 So having partners between Tribal nations</p> <p>9 and federal organizations can work, and I believe in</p> <p>10 it.</p> <p>11 Also as I mentioned, that there are</p> <p>12 associated cultural sites. Many of our Pueblo and</p> <p>13 cultural sites had been established and continue to</p> <p>14 live along waterways. Within our main New Mexico</p> <p>15 Zuni Reservation, we have five waterways. Most of</p> <p>16 them are gone.</p> <p>17 There's no water source that runs</p> <p>18 throughout the year. Again, I'm the last generation</p> <p>19 that grew up with the river. At that time the Zuni</p> <p>20 River flowed all year around, every year.</p> <p>21 So just to give you an example of what I</p> <p>22 mean by cultural sites, one of our, I guess,</p> <p>23 important cultural sites is Chaco Canyon, not just</p> <p>24 to Zuni but where the many of the 19 Pueblos here in</p> <p>25 New Mexico.</p> | <p style="text-align: right;">Page 72</p> <p>1 funding has been released, but not all of it has</p> <p>2 been cleared. It's delayed some of our projects,</p> <p>3 and again we're talking about Tribal projects in</p> <p>4 collaboration with federal projects.</p> <p>5 Some of our joint collaborative projects</p> <p>6 are being held back. One example, the Zuni Tribe</p> <p>7 does a river monitoring trip every year. Last year</p> <p>8 our monitoring trip was in May. This year we were</p> <p>9 scheduled for early May, when it was cool enough for</p> <p>10 us to be out there.</p> <p>11 However, because the delay in funding, our</p> <p>12 river monitoring trip on the Colorado River was</p> <p>13 delayed, and so we won't be out on the river until</p> <p>14 late July, when it's extremely hot.</p> <p>15 So the point here is that when funding is</p> <p>16 delayed, whether it's to protect natural resources,</p> <p>17 protected resources, or whether it's supporting our</p> <p>18 historic school or our WIC program, it impacts us.</p> <p>19 We have to use our own funding to make</p> <p>20 sure we make it over these little humps. And it's</p> <p>21 not so bad right now, but we don't know what it's</p> <p>22 going to be like next year or two years down the</p> <p>23 road.</p> <p>24 The other point too is that if, in our</p> <p>25 conversations between Tribes and agencies like</p> |
| <p style="text-align: right;">Page 71</p> <p>1 It has been degraded because of the</p> <p>2 continued permitting by DOI. Oil and gas and</p> <p>3 mineral extraction has impacted the Chaco region.</p> <p>4 And so we have to think in terms of how are we going</p> <p>5 to make sure that protections will continue.</p> <p>6 And so at this point one Tribe is suing</p> <p>7 DOI because of the 10-mile radius protecting Chaco.</p> <p>8 The Pueblos are resisting. On June 11th of 2003</p> <p>9 when Chaco, when we were going to have a Chaco</p> <p>10 celebration, June 11th, 2003, as Pueblos we weren't</p> <p>11 allowed to go visit Chaco Canyon.</p> <p>12 In fact, the Secretary of the Interior was</p> <p>13 not allowed to go in. And so without going any</p> <p>14 further, I want to say that we can't, as Tribes, as</p> <p>15 Pueblos and surrounding Tribes, we can't afford to</p> <p>16 fight.</p> <p>17 We have to make sure that there is open</p> <p>18 negotiation including representatives from BIA, DOI,</p> <p>19 and other federal agencies. We can't afford to</p> <p>20 fight, because we're all fighting for some of the</p> <p>21 same natural resources. Water. Access to sacred</p> <p>22 sites, and so on.</p> <p>23 So I guess I'll keep my points short.</p> <p>24 I'll just say that with the introduction of EO 14210,</p> <p>25 the DOGE, it has, just holding back funds. Yes,</p> | <p style="text-align: right;">Page 73</p> <p>1 Bureau of Reclamation or The National Parks, and if</p> <p>2 Tribes were submitting our comments based on the</p> <p>3 laws, whether it's through the NEPA processes or the</p> <p>4 NHPA 106 processes, and if our comments aren't being</p> <p>5 recorded or heard, then who holds the agencies</p> <p>6 accountable?</p> <p>7 DOI has to make sure that the agencies are</p> <p>8 accountable. Because remember, we're buying our</p> <p>9 lands back. We're using a lot of our Tribal funds,</p> <p>10 hard earned funds to make sure that we have</p> <p>11 consultants that would assist us in addressing these</p> <p>12 things.</p> <p>13 And so again, when we talk about a</p> <p>14 cultural landscape, we're talking about the economic</p> <p>15 landscape as well.</p> <p>16 So again, thank you for making this time.</p> <p>17 I genuinely appreciate your time and especially from</p> <p>18 our surrounding communities, Tribal communities.</p> <p>19 Thank you for all being here. Good day to</p> <p>20 you.</p> <p>21 BEN DUNCAN: Thanks, Councilman.</p> <p>22 Next I'd like to invite Lieutenant</p> <p>23 Governor Jojola.</p> <p>24 LIEUTENANT GOVERNOR CHARLES JOJOLA:</p> <p>25 Morning. Thank you for allowing me to make these</p> |

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| <p style="text-align: right;">Page 74</p> <p>1 following comments on behalf of our Pueblo. 2 My name is Charles Jojola, and I'm 3 currently serving as 1st Lieutenant Governor for the 4 Pueblo of Isleta. The Pueblo of Isleta is a 5 federally recognized Tribe located in the middle of 6 Rio Grande Valley south of Albuquerque, New Mexico. 7 I would like to offer brief comments on 8 the topics related to the workforce optimization 9 initiative. The Pueblo will present comments 10 concerning BIA in detail at the BIA specific 11 consultation this Friday. 12 The Pueblo of Isleta will also be 13 submitting detailed comments in writing. 14 As a federally recognized Tribe, the 15 Pueblo engages often in government to government 16 discussions, whether it be with the governor of New 17 Mexico or the mayor of Albuquerque. 18 Tribal consultation with the federal 19 government is unique as Tribes have nation to nation 20 relationship to the United States. Tribal 21 consultation is a right. The Pueblo has engaged in 22 many Tribal consultations with the federal 23 governments in the past. 24 The Pueblo of Isleta is very grateful that 25 our right to Tribal consultation has been recognized</p> | <p style="text-align: right;">Page 76</p> <p>1 probationary staff. The BIA have not been fully 2 discussed and consultation only includes vague 3 nonspecific requests. 4 We request that the department reschedule 5 additional consultations specific to the separate 6 topics invited for consultation in the Dear-Tribal- 7 Leader letters that include clear perspective 8 policies and proposed procedures for comment. 9 The restructuring of Indian Affairs to 10 support more efficient interaction with Tribes. 11 Concerning the restructuring of Indian Affairs as 12 you will hear multiple times throughout the day, 13 Indian Affairs has already been operating with 14 little staff and support. 15 Reductions in force will have immediate 16 significant impacts on Tribal government across the 17 country. It is worth noting that BIA, as numerous 18 federal reports online, currently does not have 19 enough staff to be efficient, is serving Indian 20 country and our students with only bare bones staff 21 and notably inadequate human resources and 22 facilities. 23 Numerous federal reports demonstrate that 24 the BIA efficiency would be best served through 25 additional staff. In 2014 the Government</p> |
| <p style="text-align: right;">Page 75</p> <p>1 today. However, the Pueblo, like many other Nations 2 here, is aware that many important decisions have 3 already been made and implemented before today's 4 consultation. 5 We object to three different consultation 6 topics into a single set of consultation 7 opportunities. 8 Tribal Nations were originally invited to 9 consult on BIA's workforce efficiently and 10 productively actions related to Executive Order 11 14210. Therefore the department amended the 12 invitation to cover emergency permitting procedures, 13 interior develop, to respond to a purported national 14 emergency. 15 The first topic of workforce 16 reorganization alone merited the department's 17 scheduling of eight separate consultation sessions 18 across five states. 19 Attempting to cover two additional 20 complicated and continuous topics without any 21 additional time will inevitably severely reduce the 22 quality of the consultation. 23 One five-hour virtual consultation 24 dedicated to BIA is likewise insufficient, 25 especially the devastating impacts of the hiring of</p> | <p style="text-align: right;">Page 77</p> <p>1 Accountability Office report, 15-121 directed the 2 revision of BIE's strategic workforce plan to ensure 3 that BIA had adequate staff with the requisite 4 knowledge and skills to effectively oversee BIA 5 school expenditures. 6 That is hiring staff will lead to better 7 and more efficient management and use of BIE funds. 8 In 2016 the GAO report, 16-313, directed development 9 of a hiring plan to build the BIE's capacity to 10 address health and safety issues caused by 11 deteriorating facilities. 12 In other words, hiring staff will lead to 13 better and more efficient upkeep of BIE owned 14 facilities, and in turn promote safety, learning, 15 working environments for BIE students and staff. 16 If the department and the bureau is truly 17 interested in efficient execution of its trust 18 obligations to Tribal nations and our students, the 19 department and bureau should heed the advice that 20 Tribal Nations, the GAO, and the bureau itself have 21 forwarded for over a decade. 22 Hiring staff will promote responsible 23 final management and ensure BIE moves closer to 24 fulfilling all of its legal duties. We are also 25 concerned about the implementation of voluntary</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 early retirement authority, and the deferred 2 resignation program within Indian Affairs. 3 Not because we believe these staff do not 4 deserve to participate, but because those programs 5 absolutely encourage staff with the most expertise 6 in Indian country, to leave, draining institutional 7 knowledge. 8 We are already operating in many regional 9 and field offices at the lowest possible capacity, 10 which hinders the progress of important projects and 11 issues. 12 Just last Friday the Pueblo was made aware 13 of the departure of extremely knowledgeable 14 employees and partners on key federal projects. 15 This will have a swift and immediately impact, 16 matter that are important to the Pueblo, whether it 17 concerns education or water rights. 18 DOI must ensure it has sufficiently 19 staffed awarding official positions. Quickly push 20 money out and engage in swift decision making. This 21 includes hiring additional regional staff who can 22 support Tribes in providing adequate documentation 23 for grant requests. 24 Identifying efficiency barriers to 25 expedite funding to Tribes and Tribal programs. The</p> | <p style="text-align: right;">Page 80</p> <p>1 supports invest in our students at Haskell and SIPI, 2 including thorough scholarships and Tribal advising. 3 Our students have described to us their fear for 4 their educational future, especially with the sudden 5 lack of student support and advising. 6 The Isleta Pueblo has previously consulted 7 with BIE about the importance of developing and 8 supporting degree programs important to our Nation, 9 but without strong resemblance and stability at 10 Haskell and SIPI, our students will not feel secure 11 enough to pursue those degree programs. 12 So essential to self-determination and 13 community health. Concerning self-governance and 14 self-determination agreements, the Pueblo engages in 15 many 638 self-determination agreements. Our 16 departments have diligently been working towards 17 ability to take advantage of more self-governance 18 funding with the understanding that self-governance 19 compacts provide full funding for Tribal programs. 20 This step has required many hours of 21 dedicated staff time, however insufficient federal 22 funding levels for Tribal programs diminishes the 23 Pueblo's ability to assume our own service delivery. 24 There must be stable programs funding for 25 government to benefit from self-governance and self-</p> |
| <p style="text-align: right;">Page 79</p> <p>1 federal government has a trust and treaty obligation 2 to provide adequate funding to Tribal nations. 3 When the federal government isn't 4 adequately funded, it leads to a wide variety of 5 delays and disruptions that have made real 6 consequences in Tribal communities. 7 The Pueblo of Isleta has already 8 experienced this disruption, and unfortunately can 9 only do so much to adequately prepare for the future 10 disruption. 11 For example, in addition to experiencing 12 delayed funding at the outset due to short term 13 continuing resolutions, the Pueblo has often 14 required to one five-hour consultation dedicated to 15 BIA is likewise insufficient. 16 Especially since the devastating impacts 17 of the firing of probationary staff, the BIE have 18 not been fully discussed that consultation only 19 includes vague, nonspecific requests. 20 We request that the department reschedule 21 additional consultations specific to the specific 22 topics invited for consultation in the Dear-Tribal- 23 Leaders that include clear perspective policies, 24 procedures, and comment. 25 The Isleta Pueblo's education department</p> | <p style="text-align: right;">Page 81</p> <p>1 determination agreements. The Pueblo of Isleta 2 recommend that the Department of Interior transition 3 an existing advisory role in the Secretary's Office 4 of Self-Governance Advisor to ensure all offices and 5 bureaus of DOI are promoting and supporting self- 6 governance opportunities. 7 The department should evaluate processes 8 associated with self-determination and self- 9 governance within collaboration with all Tribal 10 Nations. 11 National emergency permitting procedures. 12 Turning to the addendum to this Tribal consultation 13 session, the additional topics expanded a 14 consultation already large in scope to an almost 15 unimaginable size. 16 It is not practical for any Tribal leader 17 to be expected to engage in the discussion with a 18 dramatically large scope with limited time to 19 prepare. But as Lieutenant Governor of the Pueblo, 20 it is my responsibility to represent the interests 21 of my people. 22 Briefly on this topic, the protection of 23 our traditional homelands, water resources, and 24 cultural sites are extremely important. While the 25 Pueblo is not opposed, some reform of current permit</p> |

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| <p style="text-align: right;">Page 82</p> <p>1 and environmental review processes, such reform 2 cannot come as a cost of harm to our natural 3 resources and cultural sites. 4 NEPA has an important purpose. 5 Environmental reviews are fundamental to carrying 6 out trust and treaty obligations. This includes the 7 requirement of meaningful Tribal input. The 8 proposed 14 days for environmental assessments and 9 28 days for full environmental impact statements is 10 simply not enough time for any Tribe, including the 11 Pueblo of Isleta to meaningfully participate in this 12 process. 13 This provides no time for Tribes to 14 receive notice and confer with their leadership and 15 experts for meaningful comments. 16 Tribal historic preservation processes 17 under Section 106 of the NEPA is essential to the 18 integrity of federal and review processes, and more 19 importantly it's critical to the protection and 20 preservation of our religious freedoms and cultural 21 heritage. 22 The proposed review timelines offered by 23 the Department of Interior are unheard of. 24 Replacing the existing 30-day consultation period 25 with a 7-day notification window is simply not</p> | <p style="text-align: right;">Page 84</p> <p>1 there's a Tribal leader online, raise your hand. 2 We'll get you in the queue to provide input. 3 CHAIRMAN MELVIN BAKER: Well, good 4 morning. (Native language spoken) means hello, good 5 morning. 6 My name is Melvin J. Baker. I am the 7 chairman of the Southern Ute Indian Tribe. We are 8 located on the Southern Ute Indian Reservation in 9 Southwest Colorado. 10 Thank you for the opportunity to provide 11 input on how the administration can improve 12 efficiency within the interior department while 13 upholding your trust treaty and treaty obligations 14 to Tribal Nations. 15 Restructuring of Indian Affairs to support 16 more efficient interactions with Tribes with DOI 17 requesting feedback on Indian Affairs, staffing 18 changes, resource sharing, process improvements, and 19 potential consolidations of programs and offices for 20 improving efficiency, reduction in force, RIF. 21 The administration's focus for improving 22 work efficiency and productivity in Indian country 23 should be on the process of improvements, not RIFs. 24 The administration's stated goal is to 25 enhance government efficiency while upholding trust</p> |
| <p style="text-align: right;">Page 83</p> <p>1 consultation. 2 It only undermines the integrity of the 3 process, but disregards Tribal sovereignty and 4 traditional knowledge. 5 In closing, the Pueblo of Isleta demands 6 additional Tribal consultation concerning education. 7 If the department or BIE determines despite Tribal 8 input and BIE and GAO's long positions on building, 9 not diminishing capacity, the BIE should nonetheless 10 reduce its workforce. 11 BIE must disclose to the Tribal Nations 12 the extent of those cuts and conduct additional 13 consultations with Tribal nations on how to 14 distribute such reductions in force to minimize the 15 harms to Tribal Nations and our students prior to 16 implementation. 17 Thank you very much for this opportunity 18 for these statements. 19 Thank you. 20 BEN DUNCAN: Thank you, Lieutenant 21 Governor. 22 Can I invite Chairman Baker? 23 As the chairman is coming up, I'll do 24 another reminder. I don't think we have any hands 25 raised for Tribal leaders online, so just again, if</p> | <p style="text-align: right;">Page 85</p> <p>1 and treaty obligations. There is no way to achieve 2 that goal by arbitrarily reducing the workforce. 3 Staffing shortages at the BIA are infamous. 4 At the Southern Ute agencies there are 5 multiple vacant positions. This is nothing new. 6 Currently there is no one to process reality 7 transactions. If they don't get processed payments 8 by the federal government to trust beneficiaries are 9 not properly made. 10 And up at Southern Ute agency, I think we 11 have maybe three or four people in the office to 12 take care of everything. We do have the BIA fire 13 crews which are like skeleton crews, so it was 14 really a lot, you know, that we need help with. 15 Inefficiencies in Indian country including 16 in the areas the administration wants to streamline 17 such as NEPA, stem in large part from a shortage of 18 competent personnel. 19 We often hear nothing from the BIA on NEPA 20 requests. Process improvements could also help, but 21 the improvement that would most help is filling more 22 positions more quickly, and rewarding competency. 23 It can take a full year to fill a position 24 before the background checks takes so long. This 25 needs to change. No one is going to wait a year for</p> |

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| <p style="text-align: right;">Page 86</p> <p>1 a job, and we hear that all the time. Oh, the 2 background checks, it takes that long. 3 Why? You can go get a job at McDonald's 4 and hired that afternoon, you know. Again, I don't, 5 that's something that we struggle with. 6 Other employees don't have this problem, 7 why does the BIA? Many BIA staff are not 8 responsive. There is a backlog of projects. Calls 9 and emails are not returned. 10 Rather than reduce a number of the 11 positions at the BIA, the focus should be on 12 performance, and you should discuss with the Tribes 13 who the non-performing employees are. 14 If you hold the employees accountable, 15 perhaps the performance would improve. Poor 16 performing employees should be let go. High 17 performing employees, particularly those who are 18 responsive and have critical institutional 19 knowledge, should be retained and supported with the 20 staff necessary to enhance efficiency and process 21 projects and requests more quickly. 22 But broad indiscriminate layoffs will be 23 counter productive. You do not need to reinvest the 24 wheel to make improvements. Inefficiencies in the 25 BIA have already been studied. Resources have</p> | <p style="text-align: right;">Page 88</p> <p>1 they're doing away and go take care of that for the 2 better of all the farmers and ranchers in the area. 3 But we have been taking good actability of 4 the man hours, the equipment, everything, and over 5 the years like I mentioned, it was up to \$9 million 6 that was owed to our Tribe for their using their 7 funds. 8 Not all Tribes can afford to fund the 9 programs while they await the BIA payments. This 10 directly undermines the intent of the ISDA and 11 deters Tribes from entering into 638 contracts, 12 probably knowing you may not get your money back. 13 We raised this issue during a consultation 14 here in Albuquerque 14 months ago. We met with 15 Patricia Mattingly, and we talked about it. We gave 16 her a printout of everything that was owed to our 17 Tribe, and we were told we would be getting, you 18 know, they'd be working on it soon. 19 Again, this was 14 months ago. We've got 20 some, but not all of it. We still have not been 21 paid everything we are owed for our 638 contracts. 22 We were told that the payments were 23 delayed because there were not sufficient trained 24 staff to approve the process in the payments. I 25 don't know if that's true or not, but that's what we</p> |
| <p style="text-align: right;">Page 87</p> <p>1 already been spent identifying the problems. 2 BIA should take the steps to address the 3 deficiencies noted in the GAO reports. 4 Addressing current funding structures 5 including identifying efficiency barriers to 6 expedite funding to Tribes and Tribal programs with 7 DOI requesting feedback on reducing administrative 8 barriers to assessing an administration of funds, 9 improving communications with Tribal Nations, and 10 improving technical assistance. 11 The DTLL makes mention of Tribal priority 12 allocations. One-time awards, grant funding, and 13 formula funding, and seeks to discuss all current 14 funding structures. 15 One area ripe for improvement in this 16 process for making payments to Tribes for their 638 17 contracts. In recent years the Southern Ute Indian 18 Tribe at times also been owed as much as \$9 million 19 in outstanding amounts from the BIA. 20 So realistically we are a checkerboarded 21 Reservation, and let's just use our Pine River 22 irrigation project for example. That does not just 23 feed the Tribal farmers or ranchers. That feeds a 24 non-Tribal community as well. And at times when we 25 have issues, our Tribal resources have to put what</p> | <p style="text-align: right;">Page 89</p> <p>1 were told. 2 Reduction in force for already 3 understaffed agencies will unquestionably worsen the 4 problem, but the process for approving and making 5 payments to the Tribes should be looked at as an 6 area where efficiency could greatly improve. 7 The Indian Self-Determination Act requires 8 contract funds to be released at the beginning of 9 the year in one lump payment, but instead are 10 released intermittently after the Tribes make 11 requests for payment. 12 This practice is not only inconsistent 13 with the law, but it is less efficient. It creates 14 more work for the agency and the Tribe. The 15 secretary has the authority to waive regulations and 16 should do so in more instances to reduce the burden 17 on the Tribes administering programs under ISDA 18 contracts. 19 Increasing Indian Affairs support for 20 Tribal self-governance and self-determination with 21 DOI requesting feedback on how to optimize the 22 functionality and effectiveness of self-governance 23 and self-determination, including under the Indian 24 Self-Determination and Education Assistance Act, 25 ISDEAA.</p> |

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| <p style="text-align: right;">Page 90</p> <p>1 Stated goals are to improve flexibility 2 for fostering economic growth, address the specific 3 needs of local communities, and increase pathways to 4 self-governance and self-determination. 5 When Tribes perform work under 638 6 contracts, there are substantial savings. Tribes 7 can do the work more cost effectively than the 8 federal government. DOI could increase Tribal self- 9 determination by creating more opportunities for 638 10 contracts. 11 The describes have an incentive to make 12 more efficient use of federal dollars. They can 13 spend the money saved to provide more and better 14 services. 15 In addition, describes are incentivized 16 because they are providing the services directly to 17 their membership and programs and projects in their 18 communities. We know how best to efficiently spend 19 the money to meet unique needs of our communities. 20 An example, the Southern Ute Indian Tribe 21 had a 638 funding for a large construction project 22 to repair an irrigation pipeline. The contract was 23 for \$610,000. 24 The Tribe completed the project with a 16 25 percent cost savings. The whole project was</p> | <p style="text-align: right;">Page 92</p> <p>1 We have been told that to assist with 2 TAAMS and coding, we would need to do a 638 contract 3 for the entire 638 function. The Tribe does not 4 want to assume responsibility for the entire TAAMS 5 function of the agency, nor is it asking for 6 funding. 7 We simply want to assist with the backlog. 8 The BIA needs to get out of its own way and stop 9 creating hurdles for Tribes. Let us help you help 10 us, and I heard that earlier this morning by another 11 leader. 12 Let us help you, and that's one of the 13 things that when I first got on council I was 14 learning from my elder leaders, we would tell the 15 BIA, how we can help you help us. We're telling you 16 what our needs are, and nothing's being done. Who 17 knows best than the leaders in this room, of what 18 they are for the Reservations or Pueblos. 19 An addendum to the above consultation 20 topics was issued on April 16th, 2025, seeking 21 feedback on three emergency permitting procedures in 22 response to the president's national energy 23 emergency. DOI is seeking feedback on those new 24 permitting procedures. 25 One, an alternate national Environmental</p> |
| <p style="text-align: right;">Page 91</p> <p>1 completed in less than six months. I know that the 2 process you got to go through, you got to get your 3 bids, you know, you got to send it down here to get 4 reviewed, when we were already doing all that, you 5 know. 6 We're not going to just use anyone. We're 7 going to use people that are going to get the job 8 done, because again when the funding is there, it's 9 there for a reason, to get things done, to help 10 enhance the Tribes. 11 Similarly, the BIA could relinquish more 12 of what they have defined as inherently federal 13 functions. If those functions could be performed by 14 the Tribes, the BIA would have more time to perform 15 other functions. 16 Tribes wouldn't be waiting on BIA to 17 perform the functions, meaning projects would move 18 more quickly. At the same time if a Tribe has 19 capacity to assist in performing federal functions, 20 a 638 contract should not be required. 21 For example, at Southern Ute we have 22 Tribal employees who are trained in trust assets 23 accounting management systems, TAAMS, and coding. 24 We could assist the agency with TAAMS and coding, 25 but the agency cannot allow us to do that.</p> | <p style="text-align: right;">Page 93</p> <p>1 Policy Act, NEPA compliance process requiring 2 environmental assessments to be completed within 14 3 days and full environment impact statements to be 4 completed within 28 days. 5 Two, an expedited Endangered Species Act, 6 ESA, Section 7 consultation process and alternative 7 procedures for NHPA compliance. Permitting 8 processes should not operate as regulatory obstacles 9 that the Tribe must overcome to develop our 10 resources, conduct business, and preserve our 11 precious cultural, natural, and historic resources, 12 but rather should serve as a tool to inform 13 sovereign Tribal decision making. 14 We support reform to the extent that 15 reform reflects these principles, and continues our 16 sovereign right to engage in timely and meaningful 17 consultation. The NEPA process must be streamlined. 18 The Tribe supports permitting reform, but Tribal 19 lands are different than federal and public lands. 20 If the administration is going to 21 streamline permitting under NEPA, you must treat 22 Tribal lands differently than public lands, and 23 require Tribal consent for any streamlined 24 permitting on Tribal lands. 25 Tribes should have greater authority and</p> |

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| <p style="text-align: right;">Page 94</p> <p>1 autonomy to administer the statute on our own lands 2 to put the American energy first. NEPA is pervasive 3 in Indian country, and unfortunately to often 4 impedes the exercise of Tribal autonomy and self- 5 determination, leaving great energy and 6 infrastructure projects in limbo. 7 NEPA reform actions should, one, make 8 clear distinction in the law between NEPA for Tribal 9 trust resources and NEPA for federal public 10 resources. 11 Two, limit public participation in the 12 NEPA process for Tribal trust resources to Tribal 13 members and those directly impacted by NEPA 14 triggering action. 15 Three, allow Indian Tribes to conduct 16 their own environmental review as a substitute for 17 NEPA review. And I know that we do have our own 18 environmental department up at Southern Ute. 19 In regard to the air quality and water 20 quality from the State of Colorado, the Tribe has 21 written their own policies, and our policies on air 22 and water quality, they surpass the State of 23 Colorado's because as Indian people, we know what's 24 better for us. So we surpass even the State of 25 Colorado standards.</p> | <p style="text-align: right;">Page 96</p> <p>1 generations of our Tribal members, we must use these 2 resources responsibly and preserve their habitats. 3 A key piece of this preservation involving 4 the biological opinions FWS must develop during the 5 formal consultation process. These opinions must 6 base their analysis on the best available scientists 7 and commercial data. 8 These opinions analyze species and 9 habitats that may be present in the action area 10 contain analysis and potential action effects, 11 suggest reasonable and prudent ways to minimize 12 impacts on species and happen at that time, and 13 propose alternatives. 14 Critically these opinions include 15 information from Tribes concerning traditional 16 knowledge and expertise of the area, our resources, 17 and our rights, and I also heard earlier about 18 protection of all the plants out there, the animals. 19 As Native people we do that. We have to look out 20 for the best interests of those that the creator has 21 given us. 22 These opinions or something substantially 23 similar must be maintained, otherwise it risks 24 violating our treaty protected rights and 25 irreparably damaging the fish and game we have</p> |
| <p style="text-align: right;">Page 95</p> <p>1 Clarify and simplify laws around Tribal 2 Energy Resource Agreements, TERA. Currently no 3 Tribe engages in a TERA because their regulatory 4 complexity require that Tribal consent for any 5 declaration of national energy emergency 6 streamlining of permitting under NEPA and related 7 statutes. 8 Tribal autonomy in energy development will 9 prevent the impairment of energy development. 10 Expedited Section 7 ESA consultation. Any 11 alternative procedures must prioritize Tribal 12 practices, participation, and consideration. An 13 expedited process must not sacrifice ESA Tribal co- 14 stewardship opportunities in the name of expediency. 15 Tribes rely on this consultation process 16 to protect our resources and federally protected 17 rights. We have federally protected hunting and 18 fishing rights outside of our Reservation in 19 Colorado in the Brunot area. These rights are also 20 recognized in multiple memoranda of understandings 21 with the State of Colorado. 22 These rights must be protected. Our 23 ability to exercise these rights is critical to the 24 survival and well-being of our people. To preserve 25 the resources in the Brunot area for the future</p> | <p style="text-align: right;">Page 97</p> <p>1 relied upon for survival since time immemorial. 2 The ESA requires Tribal consultation 3 whenever the agency is aware that an agency action 4 may effect Tribal resources or the exercise of 5 Tribal rights. DOI must clarify that this 6 requirement that Tribes be consulted still exist 7 when agencies pursue alternative procedures. 8 One of our biggest things, and we talk 9 about consultation, it's not an email or a phone 10 call. Consultation is across the table, talking it 11 out with Tribes and leaders. 12 This is a core tenet of the trust and 13 treaty obligations owed to us by the federal 14 government, and it cannot be abandoned on any 15 process, whether standard or expedited, the Tribes 16 should maintain their role in determining impacts on 17 Tribal resources. 18 We know best, and DOI should create a 19 process that would make room for value and 20 prioritize Tribes sharing our knowledge about how to 21 protect and minimize impacts on these resources. 22 Again, I want to thank you for letting me 23 speak today. I heard some really good things. 24 Again, we don't know what the future brings, but as 25 we speak here today, I know the leaders are sharing</p> |

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| <p style="text-align: right;">Page 98</p> <p>1 the hardships and impediments that we're all facing 2 in Indian country, and it's just not really moving 3 very quickly, and with all the RIFs that they're 4 talking about, again, in our opinion that's not 5 going to help the Native Tribes, our Tribes and 6 Pueblos. It's not going to help them. It's going 7 to cause more chaos.</p> <p>8 So again, we hope that you're listening to 9 what we're saying and you're carry that message 10 back, because we are serious here. We're here for a 11 reason, because we need to be heard and we have 12 struggles on each of our homelands.</p> <p>13 So again, thank you for allowing me to 14 speak today. Have a great rest of your day. 15 (Native language spoken).</p> <p>16 BEN DUNCAN: Thank you, Chairman.</p> <p>17 Before we continue, I'm going to ask that 18 and propose that we take a short break. As a 19 mentioned earlier, courtesy of the SIPI culinary 20 program that's a food truck outside. These are 21 students, so it's kind of a big deal for them to be 22 able to host and feed so many folks.</p> <p>23 I'm going to read off the menu so you can 24 plan. It's kind of grab-and-go, and there's no 25 substitutions. So just give them grace, right,</p> | <p style="text-align: right;">Page 100</p> <p>1 have permission to unmute at this time and begin 2 your comment.</p> <p>3 Why don't we go ahead with our next in- 4 person commenter, and we'll come back to Manuel.</p> <p>5 BEN DUNCAN: Okay, thank you.</p> <p>6 So I'd like to invite Councilman Gonzales.</p> <p>7 COUNCILMAN JOHN GONZALES: Thank you. And 8 thank you, all of you, for your attention. I know 9 that you've had quite a bit of words that have been 10 spoken to you this morning. I hope that a lot of 11 that goes forward with you to whoever it is that you 12 have to answer to as far as the consultation and the 13 information that is provided to you.</p> <p>14 I'm John Gonzales, and I am Councilman 15 from San Ildefonso Pueblo, and San Ildefonso Pueblo 16 is located about 90 miles north of here near Los 17 Alamos, New Mexico.</p> <p>18 And we will be submitting some written 19 comments to you all as far as the specific areas 20 that we wish to cover.</p> <p>21 I don't want to kind of reiterate some of 22 what has been said by some of the Tribes, and there 23 had been some good comments. I especially like 24 Chairman Baker's comments about performance as 25 opposed to efficiently. I think that's important.</p> |
| <p style="text-align: right;">Page 99</p> <p>1 again. These are students learning.</p> <p>2 So the menu, there's buffalo burgers with 3 lettuce, tomato, onion, served with chips. Buffalo 4 hot dogs served with chips. You can add on diced 5 onion or pulled brisket. There's a red chili pork 6 stew, tender pork and red chili with potatoes served 7 with a slice of bread and a side of three sisters 8 salad. And then a red chili brisket, slow cooked 9 brisket served over Navajo jalapeno cornbread topped 10 with tomato, green onion, and cilantro sour cream.</p> <p>11 So we'll take a short break. Folk can go 12 grab some food. You're able to bring it in. Ignore 13 the sign that says don't eat and drink in here. And 14 we'll come back as soon as folks are reconvened.</p> <p>15 Thank you.</p> <p>16 (WHEREUPON, a break was taken.)</p> <p>17 BEN DUNCAN: Manuel Heart. So Sam will 18 help them get online, and then in the room we'll be 19 inviting Councilman Gonzales.</p> <p>20 SAM LEVY: All right, Manuel. I'm going 21 to go ahead and invite you to unmute. You can go 22 ahead and unmute. You are welcome to turn your 23 video on, and provide your comment. If you have not 24 made it back from break, no problem. We will come 25 back to you after our next commenter, but you do</p> | <p style="text-align: right;">Page 101</p> <p>1 When you look at some of the struggles 2 that the Tribes, and challenges that the Tribes are 3 facing as far as working with the Bureau of Indian 4 Affairs and the Department of Interior, as far as 5 getting projects funded, getting projects underway, 6 getting rights-of-ways approved and so forth.</p> <p>7 And the thing that many of us are facing 8 is the lack of staff, and that's important for you 9 all to understand is that rather than working on the 10 premise that the BIA is an inefficient agency, I 11 think you really need to look at the funding of the 12 Bureau of Indian Affairs and whether or not the 13 staffing is something that is a weak point as far as 14 getting things done with the agency, because I think 15 that that is a major cause of the challenges that 16 Tribes are facing, is the fact that there is a need 17 for additional staffing, not for less staffing.</p> <p>18 Bureau of Indian Affairs, as you all know, 19 has been here forever. And years past, many of our 20 past Tribal leaders, they fought for preference in 21 hiring. They were successful, and I would hope that 22 this administration sees that as something that's 23 positive, not negative, and is not cause for the 24 bureaucracy that we find many Tribes find 25 challenging to deal with.</p> |

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| <p style="text-align: right;">Page 102</p> <p>1 It's basically dealing with that</p> <p>2 bureaucracy that is the problem, I think. We have</p> <p>3 people that have served in the Bureau of Indian</p> <p>4 Affairs for many, many years. A lot of our</p> <p>5 families, family members have made their career</p> <p>6 there and made their living and raised their</p> <p>7 families, and that's a good thing.</p> <p>8 So I hope that it doesn't get caught up in</p> <p>9 this examination of things like DEI and all that</p> <p>10 other stuff. So please keep that, you know, if you</p> <p>11 could pass that message on to whoever it is that</p> <p>12 you're going to report to, that that's something</p> <p>13 that needs to be, I think, echoed and amplified and</p> <p>14 reinforced with this administration.</p> <p>15 That's not something that Tribal leaders</p> <p>16 or Tribes, or at least San Ildefonso is not in favor</p> <p>17 of.</p> <p>18 Just one other thing I wanted to mention</p> <p>19 is that there are a number of Tribes that don't have</p> <p>20 a single agency, they're not in a single Tribe</p> <p>21 agency. San Ildefonso is in a multi-Tribe agency.</p> <p>22 There are eight Tribes within the Northern Pueblos</p> <p>23 agency, and sometimes we find it very difficult to</p> <p>24 deal with issues that we need to try to work out</p> <p>25 with them because of the lack of staffing and</p> | <p style="text-align: right;">Page 104</p> <p>1 that we accomplish and not eliminate those positions</p> <p>2 that may be allocated towards law enforcement.</p> <p>3 The last point I wanted to make is that</p> <p>4 when it comes to trust responsibility, we often find</p> <p>5 that there's kind of contradictory practices that we</p> <p>6 encounter. Sometimes when we try to implement a</p> <p>7 project or get something, like for example, in the</p> <p>8 NEPA process, get a categorical exclusion or</p> <p>9 something like that, we get pushback from staffing</p> <p>10 saying that, well wait a minute, we have a trust</p> <p>11 responsibility and we have to do our due diligence</p> <p>12 and so forth.</p> <p>13 Well, the Tribal individual, the Tribal</p> <p>14 folks have certainly a certain expertise on staff</p> <p>15 that can provide that information. It goes back to</p> <p>16 what some of the Tribal leaders that have talked</p> <p>17 before, is that we can help you. Tell us what we</p> <p>18 can do and we can help you out.</p> <p>19 I know it's not relieving you all of the</p> <p>20 Tribal trust responsibility, but at the same time</p> <p>21 why not enter into partnerships with us and use some</p> <p>22 of the resources that the Tribes have as far as the</p> <p>23 expertise is concerned.</p> <p>24 That's just the last thing I wanted to</p> <p>25 mention. I know some of the Tribes here, Tribal</p> |
| <p style="text-align: right;">Page 103</p> <p>1 because of the fact that there are some Tribes there</p> <p>2 that are self-governance Tribes.</p> <p>3 So we are not a self-governance Tribe.</p> <p>4 We're a direct service Tribe. We have challenges as</p> <p>5 far as law enforcement is concerned. There are</p> <p>6 three Pueblos that are direct service Tribe when it</p> <p>7 comes to law enforcement, however the way the</p> <p>8 geographic location of each one is such that it, you</p> <p>9 know, I can somewhat sympathize with the Navajo</p> <p>10 Nation as far as when they talk about trying to get</p> <p>11 an officer to respond who is maybe a hundred miles</p> <p>12 away.</p> <p>13 Well, that's kind of the same situation</p> <p>14 with us, but because of the fact that there are</p> <p>15 three Pueblos that are direct service Tribes when it</p> <p>16 comes to law enforcement.</p> <p>17 And then a lot of those law enforcement</p> <p>18 individuals, when they're fully staffed they get</p> <p>19 detailed out. They get detailed to Mescalero, they</p> <p>20 get detailed to Ute Mountain Ute, to Southern Ute</p> <p>21 and so forth. So that provides the challenge as far</p> <p>22 as the law enforcement on our Reservation is</p> <p>23 concerned.</p> <p>24 So that's something that there again, you</p> <p>25 come to trying to become fully staffed is the hope</p> | <p style="text-align: right;">Page 105</p> <p>1 leaders that are going to speak after me have a lot</p> <p>2 of valuable information they can share with you, and</p> <p>3 I hope that this isn't just falling on deaf ears and</p> <p>4 that something is actually going to come out of this</p> <p>5 consultation.</p> <p>6 Some of us have been in this business for</p> <p>7 a long time, myself included. I've been in this</p> <p>8 business for over 40 years and gone through the talk</p> <p>9 of BIA restructuring, been through the talk of, you</p> <p>10 mention it, we've been through it. We've discussed</p> <p>11 it. We've argued about it. We fought about it.</p> <p>12 And here we are again. So hopefully what</p> <p>13 we have after this effort is all said and done, I</p> <p>14 hope it's something that will be more efficient in</p> <p>15 the right sense of the word.</p> <p>16 Thank you.</p> <p>17 BEN DUNCAN: Thank you.</p> <p>18 Can I invite Council Delegate Notah?</p> <p>19 NATHAN NOTAH: Good afternoon. Welcome to</p> <p>20 the Southwest. My name is Nathan Notah. I'm one of</p> <p>21 four, 24 council delegates for the Navajo Nation. I</p> <p>22 represent five chapters in my district on the New</p> <p>23 Mexico side, Tohatchi, Naschitti, Mexican Springs,</p> <p>24 Coyote Canyon, and Twin Lakes.</p> <p>25 I serve as the Vice Chair of the Law and</p> |

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| <p style="text-align: right;">Page 106</p> <p>1 Order Committee, and we've gone to D.C. on a number 2 of occasions. We've met with all of our 3 representatives from New Mexico, Arizona, and Utah, 4 and some of the other states as well. 5 So these are things that we've discussed 6 with them, and I think some of this information has 7 already been mentioned earlier, but I just want to 8 reiterate some of it real quick. The one thing, our 9 program, with the Law and Order we do represent, 10 have oversight over public safety, the criminal 11 investigators, the Department of Corrections, 12 Emergency Management, Emergency Medical Services, 13 and then the judicial branch, so we do have a lot 14 that's on our plate as far as the Law and Order 15 Committee is concerned. 16 One of the biggest things that we've gone 17 to D.C. and requesting is for mandatory funding. 18 We'd like to get our program. And this is my second 19 year as a council delegate. The two times that I've 20 been in the two years, we've made that request on 21 numerous occasions to all of our representatives in 22 New Mexico, or in the Southwest here. 23 We also, just like everybody else, we are 24 very, very short on manpower. I think with the 25 national average, with what we have, we're supposed</p> | <p style="text-align: right;">Page 108</p> <p>1 least I do, and I would really appreciate whoever 2 your representatives are that work in that 3 department, to basically maybe contact me if you 4 don't mind. 5 We have housing issues as well. We get 6 police services, or when we have police that are 7 hired, emergency medical services, they have to 8 travel two hours in many cases to get to their work 9 locations. 10 I think the speaker mentioned earlier this 11 morning, we're trying to get to where our police 12 officers, we can hire them at 18 years of age, and 13 that's one of the things that we've been working on 14 for the last couple of years. 15 The other thing that I want to mention is 16 our public safety buildings. We're trying to build, 17 make a really diligent effort as the Law and Order 18 Committee. We need like 12 new substations across 19 the Navajo Nation. This would be in Utah, in 20 Arizona, and New Mexico. 21 One of those is in my location in 22 Tohatchi, and we desperately need substations 23 because of the circumstances, we have to deal with 24 to get these police services out to our communities. 25 The other thing we've advocated are school</p> |
| <p style="text-align: right;">Page 107</p> <p>1 to have at least 500-plus police officers. We only 2 have about 140 police officers at this point in 3 time. 4 And as you know, like the gentleman just 5 mentioned a little while ago, we do, when you make a 6 call to the police department, it takes hours for 7 them to come out and provide you the services that 8 they need. 9 The other thing I think I want to mention 10 is the 638 contracts. I've been up to D.C. I'm not 11 the Land, Water, and Natural Resources Committee for 12 TIBC, so I've been there the last two years, the 13 Tribal Budget Committee that's there, and we've 14 talked about 638 contracts. 15 Like I said, I'm kind of new to council, 16 being two years, and I fell that for myself, and I 17 think a lot of the Navajo delegates are relatively 18 new. We have a whole new delegation of council 19 members, and we do need some guidance I think in 20 working with these 638 contracts. 21 Some of our contracts, they have not been 22 revisited in almost 15 years, and we just dealt with 23 those issues with our law enforcement, our EMTs, and 24 other aspects of the 638 contracts. So we really 25 desperately need to get some guidance related to, at</p> | <p style="text-align: right;">Page 109</p> <p>1 police officers. We have quite a few schools all 2 across the Navajo Nation, and we only have a few 3 school safety resource officers. They're not 4 allowed to carry any kind of weapons, mace or 5 anything, bats, batons, anything like that. 6 And we've done trial tests where we mocked 7 a school shooting, and in both cases it took the 8 first responders, in one case it took them about 30 9 minutes to get to the location, the site. And then 10 in another case in Arizona, it took over an hour for 11 first responders to get to that location. 12 So those are things that from the BIA I 13 guess we are looking to hopefully get some 14 assistance with. And then some of the other things 15 that have been mentioned, that's my issues regarding 16 Law and Order. 17 These RIFs, these incentive resignations, 18 they are having an impact on our communities. In 19 Transportation, they've been telling you how big 20 Navajo Nation is in size, 27,000 square miles. 21 We've lost 10 operators within the BIA and 22 Transportation. And there's serious talk about 23 shutting that program, that project down. 24 And we need those roads for emergency 25 purposes. We need those roads to get kids to</p> |

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| <p style="text-align: right;">Page 110</p> <p>1 school. The speaker mentioned earlier that kids get 2 on the bus stop like at 5:30 in the morning in some 3 cases, and we do need, that's going to have a 4 massive impact that continues. 5 The other thing is, again, because of the 6 size of the Nation, we do need natural resource 7 officers within our BIA system. We've lost two 8 already, and the ones that are left over, they have 9 to cover just huge, huge amounts of land. And so 10 I'm saying that these RIFs and these incentive 11 resignations are going to have those impacts on our 12 Nation. 13 The last thing I think I want to say is, 14 like I said, I did get to TIBC in the last two 15 years, and this morning in the welcome address, 16 there was something addressed about accountability, 17 efficiency, and unification. I think that's what we 18 need to do, and that's what, at least myself as a 19 Tribal leader, that's kind of what I expect from the 20 BIA, BIE, and the IHS and all those institutions. 21 I, like I said, I have five communities 22 and I attend regular meetings, the monthly meeting, 23 and people are scared. They want to know what's 24 going on with this new administration. 25 And so I would ask for more from that</p> | <p style="text-align: right;">Page 112</p> <p>1 corrected and hopefully make some sense out of all 2 that's going on today. 3 Thank you again. Again, welcome to the 4 Southwest. Welcome back to Navajo country, and 5 thank you for having me. 6 BEN DUNCAN: Thank you, Council Delegate. 7 I'm going to invite our online comment. 8 SAM LEVY: All right. Manuel, you'll be 9 up first. I'm going to go ahead and invite you to 10 unmute. You can also turn your video on if you'd 11 like to, and you are welcome to provide your 12 comment. 13 MANUEL HEART: Hey, can you hear me? 14 SAM LEVY: We can hear you. Go ahead. 15 MANUEL HEART: Okay. Thank you again, 16 appreciate the opportunity to come and have the 17 consultation meeting here today. 18 Like all Tribal leaders, I'd like to thank 19 all of them that have made comments today, pretty 20 similar in a way. I am from the Ute Mountain Ute 21 Tribe. I am the Tribal Chairman for the Ute 22 Mountain Ute Tribe, and I wanted to just do an 23 overview real quick. 24 We have 600,000 acres of land that 25 expanded to three states, Utah, Colorado, and New</p> |
| <p style="text-align: right;">Page 111</p> <p>1 accountability standpoint, more communications from 2 you guys. I feel like even our area office, they're 3 mouths are closed. For the Navajo area, they're not 4 communicating very much to us. All the agency, the 5 BIA, the BIE, and also the IHS. 6 We just recently had a meeting, but they 7 weren't able to give us much as council delegates, 8 and this stuff we have to get back to our 9 communities. I have to get this back to my 10 communities. 11 And it's really difficult to keep telling 12 them now for a hundred-plus days that there's no 13 news. There's no news. We don't know what's going 14 on, and there's not much taking place as far as 15 communications with us. 16 We do have the office in Washington D.C., 17 and I know that they work extra hard to get a lot of 18 this information out to us. 19 So those are the comments that I have. My 20 counterpart I think addressed some of the other 21 issues that we're dealing with on Navajo. There's 22 just a tremendous amount of issues in Indian 23 country. You guys understand that. You know that. 24 You lived it, and we just, my perspective, again, 25 just need your help in getting these things</p> | <p style="text-align: right;">Page 113</p> <p>1 Mexico. The majority of our land is trust land. We 2 have some fee land. We also have some allotment 3 land. We have 2,100 enrolled members. Our land is 4 all trust, majority of it. 5 We have probably about 350 miles of BIA 6 638 program. We are today talking about 7 consultation from a government to government 8 understanding that sovereign nations as Indian 9 Tribes based on the treaties that they have. 10 Our treaty dates to 1868, and the federal 11 government's responsibilities in working with the 12 Tribes. I know some of these executive orders that 13 come out do not pertain to a government to 14 government. We as Tribes are part of the 15 Constitution and are implemented in there as a 16 government, as a sovereign nation, just like in a 17 commerce clause. 18 As we start to look at commerce, foreign 19 nations, states, and Indian Tribes. So we are part 20 of the process of who we are. We didn't get 21 recognized at United States citizens until 1924. 22 And we are the first ones of this country, even 23 before it became a country, so we need to be 24 respected in that way. 25 We have lost a lot over the years, which</p> |

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| <p style="text-align: right;">Page 114</p> <p>1 will be 250 years next year that the United States 2 has become a country. And we have these obligations 3 that the federal government should honor and respect 4 us.</p> <p>5 So really looking at the consultation 6 process that we have for a sovereign to sovereign 7 government to government, the unique relationship 8 that we have with all 574 federally recognized 9 Tribes in this country.</p> <p>10 I'd like to thank you for that. Thank 11 everybody that's online.</p> <p>12 First I'd like to address the skinny 13 budget. The impacts to Indian county is cutting the 14 funding for essential services and programs for a 15 lot of Tribes, including the Ute Mountain Ute Tribe. 16 We are currently and have been underfunded for a lot 17 of our programs across the country, and not all 18 Tribes have a land base.</p> <p>19 Not all Tribes have unique service 20 programs that provide services for their Tribal 21 members, but the ones that do have a land base, that 22 is their foundation, and to protect that land base 23 is key to the federal government in protecting us 24 and advocating for us.</p> <p>25 At times when we talk about some of our</p> | <p style="text-align: right;">Page 116</p> <p>1 term. They stay there for a short term, and then 2 they move on.</p> <p>3 Background checks have been a real big 4 issue. When you apply for a position in the BIA law 5 enforcement, it takes about a year for the 6 background check. By that time the officers look 7 for other positions, can't wait for a year to have 8 the Bureau of Indian Affairs or the Department of 9 Justice go through the process for that.</p> <p>10 We have also requested as Ute Mountain Ute 11 Tribe, could we 638 the background check process so 12 it expedites hiring officers. And I was told that 13 it was not possible, but looking into it a little 14 bit more. There has been a time where Tribes have 15 638 the process for background checks.</p> <p>16 We do have a community over in Southeast 17 Utah. We contract with the Northern Pueblo to come 18 up, their rotating officers to come meet the needs 19 of the safety of the community of White Mesa in 20 Southeast Utah, but they're limited in hours. They 21 only come in at 12:00 noon to 12:00 midnight. So 22 the rest of that time from midnight to noon there is 23 no officers. There is no law enforcement there to 24 see what's going on for the safety of the community.</p> <p>25 There has been some things going on there</p> |
| <p style="text-align: right;">Page 115</p> <p>1 natural resources, the federal government doesn't 2 take that opportunity to advocate for, they sit 3 there and they don't really advocate on our behalf. 4 At times Tribes have to step up and say, federal 5 government, where are you at on protecting our 6 natural resources?</p> <p>7 Whether it's fossil fuels, water, timber, 8 whatever the case may be, we need to have that 9 support from the federal government based on the 10 treaties that are in place.</p> <p>11 So in the skinny budget, one of the things 12 that really impacts us is public safety. We are not 13 in favor of the skinny budget as being proposed. 14 Public safety, we too are running into issues of law 15 enforcement. We have a BIA law enforcement that 16 takes care of two communities, one in Southeast 17 Utah, one in Colorado.</p> <p>18 And we only have four officers. We had, 19 supposed to have a detail of 10 answers, and three 20 officers' positions were taken away based on the 21 cost of living increase. That left us seven 22 officers. So four of them decided to move on, and 23 now we're down to the three officers and one chief.</p> <p>24 We do have a temporary chief in place 25 right now. Chiefs are hard to come by for long</p> | <p style="text-align: right;">Page 117</p> <p>1 with shootings, with people drinking, substance 2 abuse. They know when the officers are not there, 3 so that's the time that they come out and start 4 breaking some of the laws that are there. So public 5 safety is a real big issue.</p> <p>6 I too have been a part of the process for 7 the funding, the TIBC. And we also worked with the 8 COLT organization, Coalition of Large Land Based 9 Tribes, and we know that we're underfunded under 10 public safety by \$3 billion.</p> <p>11 We asked for, requested an increase of 4.5 12 billion in public safety. That takes care of 13 everything that pertains to courts, law enforcement, 14 increase of about 27,000 new officers for the Indian 15 communities that are working through the BIA system.</p> <p>16 So that's a real big issue that really 17 helps out the safety as was mentioned by some of the 18 Tribal leaders. When a person is to report a law, 19 somebody breaking the law, then there's retaliations 20 from some of these people, so it's hard for them to 21 do any kind of neighborhood watch programs.</p> <p>22 And it's hard for them when the areas that 23 are fallen under lack of security, trying to take 24 care of the communities. Our Reservation is a dry 25 Reservation, so we are supposed to have no alcohol</p> |

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| <p style="text-align: right;">Page 118</p> <p>1 on the Reservation, but yet 90 to 95 percent of our 2 court cases are alcohol-related.</p> <p>3 So there a deficit in really having 4 accountability on the public safety side.</p> <p>5 The next one I'd like to bring up is NEPA 6 as was mentioned. The expedition of review and the 7 process of 14 to 28 days for some of this review 8 takes time to go through. You have to consult with 9 the Tribes on a lot of these cultural protections of 10 this NEPA.</p> <p>11 To expedite this process is not in the 12 favor of the Tribes, so the NEPA compliance and 13 timeline for it is just not going to be beneficial. 14 It takes time to go through these reviews, 15 environmental reviews and trying to take care of 16 them in that way.</p> <p>17 Consultation is key in working with this, 18 and the stewardships that are out there to help 19 protect the cultural sensitivity of some of these 20 areas. Sometimes it's always an education process, 21 to educate people about cultural values and 22 protections of traditional sites.</p> <p>23 Not every Tribe is unique and uniform in 24 the cultural areas. There's different ceremonies. 25 There's different traditions. So you really have to</p> | <p style="text-align: right;">Page 120</p> <p>1 that authority to protect the natural resources of 2 these reservations.</p> <p>3 And we for one, as Ute Mountain, have an 4 1868 water treaty in Southwest Colorado, and the 5 thing I'm alluding to is the Lake Nighthorse. The 6 Ute Mountain Ute and Southern Ute Indian Tribe are 7 developed a reservoir there called Lake Nighthorse, 8 but it has no delivery system. It sat there for 10 9 years, no compensation, no delivery system.</p> <p>10 We're right at the state line, and our 11 land base goes into New Mexico so I cannot cross the 12 state line based on state water compacts. So how am 13 I ever going to utilize or get my fulfillment for 14 the 1868 water treaty that was obligated and signed 15 off in 2000 and authorized in 2000, when it just 16 sits there.</p> <p>17 So compensation, undeveloped, unused, and 18 unquantified are issues that we face in Indian 19 country, and the Colorado River basin. Some of the 20 states have already over allocated some of their 21 water plan or water uses for any of the five uses 22 that are in these states.</p> <p>23 And with the interim guidelines coming in 24 in 2026 for the management plan, and with the 25 timeline that they're trying to expedite this quick</p> |
| <p style="text-align: right;">Page 119</p> <p>1 rely on the expertise of their cultural people, 2 whether it's THPO, Tribal Historical Preservation 3 Office, or whether it's our chiefs that pertain to 4 some of these ceremonies and takes care of them on 5 behalf of the Tribe.</p> <p>6 Things on the cultural side are not 7 written. They're handed down and protected and 8 given to the younger generation through ceremonies 9 and understanding how to protect it and take care of 10 it for the future, the Tribe as they move forward 11 into the future.</p> <p>12 So the NEPA process as being proposed 13 right now is not in the best interest of Tribes in 14 identifying, and we need to identify Tribal liaisons 15 that would help in the process for taking care of 16 protecting the Tribes as a whole.</p> <p>17 Energy development. I know that the 18 president is opening fossil fuels up again, but you 19 can see the impact here in the Colorado River basin, 20 the impacts to the water. We just don't have enough 21 of a supply to meet the demand for 40 million people 22 in the Colorado River basin.</p> <p>23 So seven states, two countries, and 30 24 Tribes. Some of these Tribes have not quantified 25 their water rights as Department of Interior has</p> | <p style="text-align: right;">Page 121</p> <p>1 and get us going by January, is not in the best 2 interest of some of these Tribes that have not 3 utilized their water rights in their best interest.</p> <p>4 I've always asked that we start to look at 5 to the Bureau of Reclamation and to the federal 6 government storage on Tribal lands. That way they 7 can look at the future on their future uses on how 8 they're going to utilize it, whether it's municipal, 9 industry, environmental recreation, or agricultural.</p> <p>10 Any of these uses should be up to the 11 Tribes to take on that initiative for their water 12 plan for the future. Also the energy development 13 that's happening within the Department of Energy. 14 Uranium is coming to be a part of the nuclear power 15 future, and the impacts for what is being faced in 16 these fossil fuels being taken away, then being 17 brought back.</p> <p>18 Renewable energy is also part of the 19 process. Hydro is another one that pertains to 20 water, but as we start to develop some of these, if 21 we have a plan or project that's coming about, 22 interconnections to like WAPA.</p> <p>23 We're having a challenge with WAPA trying 24 to do an interconnection as that's a government- 25 owned utility and we're trying to work with that and</p> |

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| <p style="text-align: right;">Page 122</p> <p>1 meet the needs of the development of energy into the 2 future.</p> <p>3 There's also the uranium that's going on 4 right now. There is a uranium development being 5 cleaned up on the Navajo Nation, and some of these 6 are coming to a site close to our community in 7 Southeast Utah. And it's the only wet facility in 8 the country.</p> <p>9 It's called White Mesa uranium mine. It's 10 for tailings, uranium tailings, and there's other 11 uranium tailings but they're not wetland. This one 12 had three legacy cells, and those three legacy 13 cells, the life of them has already passed, so some 14 of them are leaking right now.</p> <p>15 And they've already contaminated the 16 shallow aquifer in the White Mesa region, Southeast 17 Utah, so right now they bought more land, put in 18 more cells. So what we're asking is for an 19 epidemiology study.</p> <p>20 We've seen increases to cancer of our 21 elders that have lived there a long time in the 22 White Mesa community which impacts about 150 to 175 23 Tribal members, and up to 200 with community members 24 that are included.</p> <p>25 So we have this concern on uranium</p> | <p style="text-align: right;">Page 124</p> <p>1 As was mentioned earlier, transportation, 2 638 funding is limited to what the 638 contract was 3 signed to. Our roads are needing work on. Funding 4 is just at a level that is not adequate for these 5 roads that are looking at the deterioration of 6 asphalt.</p> <p>7 The asphalt life is probably 10 years, and 8 you start to look at that. We start to just band- 9 aid all of our roads. You look at curb and gutter, 10 you look at lighting for the community, and you look 11 at sidewalks for the safety of some of these Tribal 12 members that are walking on the side of these 13 community roads, which some of them don't even have 14 any sidewalks.</p> <p>15 So the 638 for transportation needs to be 16 re-evaluated if we're bringing up the consultation 17 process today and really looking at how we're going 18 to be moving forward.</p> <p>19 So I just wanted to end there. Really 20 appreciate everyone's comments today. I know that a 21 lot of the Tribal leaders went over some of the same 22 things, and trying to look out, how can we really 23 move forward.</p> <p>24 Consultation is one step to really look at 25 how we're going to put things on the table and</p> |
| <p style="text-align: right;">Page 123</p> <p>1 tailings as they're starting to do clean-ups across 2 this country, but not only from within this country. 3 We've seen some uranium coming in from Japan, and 4 Astonia, from Russia, and other ores that are coming 5 in, so we want to see if we can work with the 6 environmental department.</p> <p>7 We have made some presentations and went 8 back to testify to the Nuclear Regulatory Commission 9 on the regulatory for Energy Fuels. Energy Fuels is 10 the owner of the uranium tailing company down in 11 Southeast Utah, and they're not complying with air 12 quality, water quality.</p> <p>13 We've taken this to the regulatory State 14 of Utah government. We've also gone to Region 8 15 environmental department, and have also gone back to 16 Washington D.C. to the National Environmental 17 Department to regulate better the communities.</p> <p>18 Even though it's a small amount of people, 19 still we have to look out for the health and well- 20 being of all of these Tribal members that are right 21 next to this uranium tailing mine, which is only 22 about three miles from that.</p> <p>23 So the aquifer has been impacted, not only 24 from our community, but the surrounding towns, 25 including our neighbor Tribe, Navajo Nation.</p> | <p style="text-align: right;">Page 125</p> <p>1 discuss it. The next step is how do we take it to 2 the next level. We have identified the problem. 3 Now how do we resolve it?</p> <p>4 And make recommendations through this 5 consultation process, the main part of it is 6 funding. How do we get more funding to meet the 7 needs of a growing population, which we call Native 8 American Indian, the Natives that really were here 9 before every other ethnic group came into this 10 country.</p> <p>11 So we have to have that obligation filled 12 through these treaties to meet the needs of our 13 growing communities.</p> <p>14 So with that, I appreciate everything, and 15 our consultation today on behalf of the Ute Mountain 16 Ute Tribe, thank you. (Native language spoken).</p> <p>17 BEN DUNCAN: Thank you, Mr. Heart.</p> <p>18 I'd like to invite Chapter President 19 Garcia.</p> <p>20 CHAPTER PRESIDENT MARTHA GARCIA: (Native 21 language spoken). Greetings to each and every one 22 of you that are here, Tribal leaders, and we have 23 people that are from different organizations, and 24 also the platform staff that are here. And it's 25 good to see you all.</p> |

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| <p style="text-align: right;">Page 126</p> <p>1 Mr. Bart Stevens, you have worked with me 2 before. Sharon Pinto, and the rest of you will get 3 to know me from today on, and know who I am. 4 My name is Martha Garcia. I'm from the 5 Ramah Band of Navajos out in West Central New 6 Mexico. I live in a place called Pine Hill, and 7 that's what I am. I represent the people as a 8 Chapter President, Ramah Navajo Chapter President. 9 Just so you understand what we are like 10 out there within our region, Ramah Navajo is 11 separate geographically and also federally, meaning 12 we have a different relationship with the federal 13 government from the rest of the Navajo Nation. 14 Our relationship with the federal 15 government through the BIA is in what is now known 16 as the Southwest Region, and that's where we get our 17 funding and programs and services through the 18 federal government. 19 And it has been a longstanding type of a 20 situation. Back in the 1920s, federal government on 21 horseback going to Zuni, found out that there's a 22 group of Navajos that are out there. And sure 23 enough, that was Ramah Navajo, and we started the 24 relationship back then. 25 For a while we were under the Crownpoint</p> | <p style="text-align: right;">Page 128</p> <p>1 It not only impacts us, but it impacts the 2 people that we work with on the federal government 3 side. For example, last week on a Monday with a 4 good intention and everything, we had some issues 5 and concerns. We went to the Southwest Region, met 6 with the region director, Tricia Mattingly and two 7 other staffs. 8 Friday she was gone. So who's going to 9 really listen? Are you guys going to really listen 10 and take this forward and help us? And say, this is 11 what the Tribes want. This is what they want. 12 I just wish that the Secretary of Interior 13 himself, the secretary for the BIA, whoever that 14 would be, would be here to really listen to us. 15 Then they won't be listening to you like oh, is that 16 what they said? Well, this is what the executive 17 order says and we have to implement it. 18 I don't think that's the proper 19 consultation that we're going to go forward with. 20 And we are in this together. We have a partnership 21 that we have to work with, and when the Tribe is 22 fighting for the needs to survive and also to make 23 sure that the government holds its trust 24 responsibility, then we want you at our side 25 fighting for the same thing, and not being told, if</p> |
| <p style="text-align: right;">Page 127</p> <p>1 Agency for about couple of years, but they said it 2 was too far for them to come out to Ramah, so they 3 placed us back under Albuquerque, under United 4 Pueblo. And we have been under that situation ever 5 since then, and we have established a really good 6 relationship. 7 Sometimes not so good at times. If you 8 recall, we had to file a lawsuit. It went on for 20 9 years, and we won at the Supreme Court level. 10 So speaking from that, I don't know how 11 things are going to go forward from here on when you 12 look at the situation itself. It not only impacts 13 the Tribes of the executive orders that are coming 14 down, and what they want to do, and that's doing it 15 without really looking at what we are like. 16 We are very different from one another, 17 from one Tribe, from one Pueblo, whatever we want to 18 call ourselves. We're very different from one 19 another, but we have a lot of common issues and 20 challenges that are before us. 21 And when you have these executive orders, 22 you wonder what's going to happen, how is it going 23 to impact us. When they talk about consolidating 24 the programs or consolidating the whole division, 25 what does that mean?</p> | <p style="text-align: right;">Page 129</p> <p>1 you talk too much you're going to be gone. 2 And that shouldn't be the case. So that's 3 my main concern that I've come to the conclusion 4 today. And to go further, we have a very remote 5 location and great distance when we were under 6 Albuquerque area and United Pueblo, but as a result 7 we established ourself, began to establish ourself 8 in the 1960s. 9 And in 1970 we formed the Ramah Navajo 10 school board, meaning that it was not under any 11 public service or under the federal government or 12 state. 13 And from there on, we began to contract 14 with the BIA. Even though at that time the BIA says 15 we have no money for you, but one of our elders, a 16 Navajo lady, sat at the door and said, I'm not 17 moving. Here's my blanket. Put your money there. 18 And that was a relationship of getting a contract 19 from there on, and we have been contracting since 20 then. 21 So we have provided essential services and 22 programs to our community, and we have a 23 longstanding relationship. And this has been 24 endorsed not only by the federal government, but by 25 the Navajo Nation itself. They have always</p> |

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| <p style="text-align: right;">Page 130</p> <p>1 supported us when we have issues and concerns about 2 moving Ramah where else, or doing away with it. 3 And we have come to you at those times, 4 and so far we have been very successful working 5 together to remain as an agency. 6 1972 was the year that our Tribal leaders 7 back then, our chapter leaders back then requested 8 to have a separate agency at Ramah instead of at the 9 Zuni agency. And it was granted, and it's still 10 there as of today. It may not have the programs 11 that used to run because we contract most of the 12 program. 13 The only thing we haven't contracted is 14 the Wildland Fire Department. They maintain that, 15 and then they take care of all our contracts with 16 the Ramah Navajo Chapter and with the Ramah school 17 board. 18 So that's the situation that we have, and 19 it has worked very well for us. And to remove our 20 Ramah Navajo Agency and place it with another agency 21 at Southwest Region or to consolidate it with other 22 regions, it's not going to work for us because of 23 the distance we have. 24 The relationship that we have established 25 has to be maintained, and it's working for us. Some</p> | <p style="text-align: right;">Page 132</p> <p>1 that the role and responsibility of being efficient 2 and effective is at the local level, at the local 3 region level, so that they would be able to help the 4 Tribes that come to them with issues and concerns. 5 That's what we want to see, not something 6 that we're not familiar with and they're not 7 familiar with. It's going to be a failure all the 8 way around when that happens. 9 And that brings me to thinking, what are 10 they doing? We talk about self-determination. That 11 has been very, very helpful, a very helpful act that 12 was implemented, Public Law 93-638. That has really 13 helped us as Tribes to either contract under 638 14 laws or to be self-governed. 15 Many of the Tribes have taken advantage of 16 that, and in our effort in the 1970s, up to '75 I 17 think when it was enacted, we were really involved 18 and talked about what the intent should be. 19 Somewhere along the line that intent has 20 begun to shift. We need to go back to the original 21 intent and have the Tribe and the federal government 22 be in a partnership and make things move to be more 23 efficient and to be more helpful in every way that 24 they can so that what they need to do their the 25 Tribes at their local level will be something that</p> |
| <p style="text-align: right;">Page 131</p> <p>1 of you know that that has always been the situation. 2 It was walking across the street and having things 3 done and working with things that needs to be done. 4 And it works to be having those 5 relationships at the local level. That's where it 6 belongs. People know each other. People, programs 7 know each other. They know what they're going to 8 do. They know, okay, when Ramah Chapter comes in, 9 this is what they want. They know exactly what 10 we're talking about. 11 If it was centralized, no, that would not 12 happen. The streamlining, they talk about 13 consolidating, and if they do that, consolidation is 14 probably going to be at the headquarters in 15 Washington D.C., and people there don't know us one 16 bit. They don't even know where we are from. They 17 probably think we're in Mexico and might put a fence 18 around us or whatever, but that's how it is when you 19 go back there. 20 They don't know who we are unless they 21 have been in the the situation. If they're 22 Indigenous people, then they may know and be very 23 helpful in that way. 24 And that's the thing that, when they talk 25 about streamlining, we want them to streamline it so</p> | <p style="text-align: right;">Page 133</p> <p>1 we're still looking for. 2 The intent has never been reached, and we 3 need to continue to do that. So instead of 4 following that, what are we doing now? It sounds 5 like we're moving to termination of Tribes and the 6 responsibility. 7 We don't want that to happen. People 8 should not overlook the treaties, the trust 9 responsibility that has been put in place. The 10 executive order that was meant for the Tribe, the 11 public laws that have been enacted on behalf of the 12 Tribe, in all areas, health, education, the 13 different programs that we have out in our 14 communities. 15 We've contracted under the Ramah Navajo 16 Chapter almost all of the federal government's 17 programs that they had out there. We have the road 18 departments. We have the law enforcement, the 19 correction center. The natural resource, the 20 facilities management. 21 Facility management funds have been cut 22 and cut, so it looks like we're just getting \$7 at 23 one time. So that shouldn't be the case. We need 24 to be working together to ensure that we get all of 25 the money that we have in what's ever in our</p> |

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| <p style="text-align: right;">Page 134</p> <p>1 interests, our shared interests, and more because 2 each year there's a COLA that comes in place. 3 Our employees under 638 have never 4 received any adjustment for a long period of time, 5 so they have the same salary for at least four or 6 five years before we see any adjustment. And just 7 to help them out, we have to dig into our 638 8 funding to add a little bit of money to them. And 9 that depletes the service supplies and things that 10 are needed out there. 11 So with that understanding, we want to 12 move forward and take care of our people, and that's 13 the whole intent. We have suffered deep cuts over 14 the years, and then the other one that has been 15 mentioned is we don't get our funds in a timely 16 manner. 17 Our contracts and agreement, 638 18 agreement, our annual funding agreement says we're 19 supposed to get our contract at the beginning of our 20 contract year. Ramah is on a calendar year, so when 21 we get our funds, it doesn't come, all of it, on 22 January 1st like we're supposed to. 23 So we're waiting for the CR to be 24 completed. When it's finally completed, we have 25 lost out on the interest. We have done that with</p> | <p style="text-align: right;">Page 136</p> <p>1 that the Tribe has to us. 2 We want it put into the, our input was 3 that when we got our treaty, you stated that would 4 you give us a teacher for every 30 students. And 5 based on that, that's how we started our contract. 6 And there are many other agreements that have been 7 made that need to be upheld by the federal 8 government. 9 Thank you for your time, and it's all good 10 to see each and every one of you here. Thank you 11 for all the Tribal leader that are here. 12 Thank you. 13 BEN DUNCAN: Thank you, President Garcia. 14 If I could invite Governor Riley. 15 GOVERNOR CHARLES RILEY: (Native language 16 spoken). Good morning, everybody. My name is 17 Charles Riley. I am the Governor for the Pueblo of 18 Acoma. Greetings to all my fellow governors and 19 other Tribal leaders who are present today. 20 Prior to my appointment as governor, I was 21 an employee of the Bureau of Indian Affairs for 25 22 years, and as such, I engaged in several 23 consultations with Indian Tribes. 24 My comments today reflect both my 25 appointment as governor and my longstanding</p> |
| <p style="text-align: right;">Page 135</p> <p>1 the Ramah Navajo school board. At one time they 2 came back and says, you did not give us the full 3 funding July 1st, therefore you owe us interest. 4 And they won that, and they got the 5 interest. And if we add ours up it's going to be a 6 pretty fair amount that should be coming to the 7 Ramah Navajo Chapter at this time. 8 And again, I just want to reiterate that 9 even though we have these executive orders, we have 10 to find a way to maintain our trust responsibility 11 that the federal has a role in it. They have a lot 12 of responsibilities for that, and we want that to be 13 at the local level and not be sent up to the central 14 level to someone that doesn't know what is going on 15 with the Tribe. 16 And that would be my spill on that. And 17 mainly because we see that the federal government 18 says it's committed to ensure that the self- 19 governance and the self-determination does have its 20 full support. 21 And if they really are saying this and not 22 just talks, that they need to walk the talk and make 23 sure that the Tribes receive this. Because for us 24 out in Ramah, that's what we depend on and that's 25 what we use. And that's the trust responsibility</p> | <p style="text-align: right;">Page 137</p> <p>1 experience to fulfill the trust responsibilities to 2 Indian Tribes as a bureau employee. 3 Tribal governments have the right to 4 expect genuine consultation that goes beyond just 5 merely checking a box. What we are experiencing 6 today falls short of consultation. Tribal 7 consultation is a right and a goal in trying to 8 reach consensus on decisions, on federal proposals 9 that effect Tribes. 10 Finding consensus rarely occurs in a 11 single meeting such as this, but is the result of 12 several discussions. While it is heartening to be 13 invited to speak, this is not true consultation 14 because we all know that decisions have already been 15 made and implemented before this consultation 16 occurred. 17 During my time with the BIA, this approach 18 would have not been considered acceptable 19 consultation practice. On May 22nd, the all public 20 council of the governors that were meeting over at 21 the IPPCC facilities, I was waiting there all day 22 hoping that somebody from the region would come over 23 and tell us what's going on. 24 They already put in their deferred 25 retirement or the VERA, so they had nothing to lose.</p> |

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| <p style="text-align: right;">Page 138</p> <p>1 We didn't hear anything from anybody. That was 2 really disheartening. We were right across the 3 street. Twenty Pueblo leaders waiting for some kind 4 of information on what was going on. 5 That's what I mean by my previous 6 comments. We expect these positions to be filled 7 with competent people, and we will hope as in past 8 practices, that Interior would at least consult or 9 give us a chance on who we think that would be the 10 best person to serve our communities in the 11 Southwest region. 12 On May 9th a memo from DOI leadership 13 directed the initiation of voluntary early 14 retirements and deferred resignations, a change in 15 policy, before Tribal consultation and in conflict 16 with earlier promises made by DOI. 17 These policy implementations and changes 18 were made without any prior consultation with Tribal 19 comment. The laundry list of topics we have been 20 asked to address in a single meeting is inconsistent 21 with meaningful consultation. 22 Effective and meaningful consultation 23 requires issues focused distinct consultation, even 24 if it takes more than one effort from both Tribes 25 and the department. This is an initial meeting, in</p> | <p style="text-align: right;">Page 140</p> <p>1 for years. 2 To be efficient, there must be sufficient 3 staff. Currently BIA approval for variety of 4 projects including Tribal economic development, is a 5 year-long process. Acoma has had a land into trust 6 application pending for a decade. 7 Generalized reductions in staffing through 8 reductions in force or forced retirements have had 9 significant impacts on Tribal governments and 10 economic, and those surrounding communities. For 11 example, Acoma settlement of long outstanding water 12 rights issues was supported by federal team with two 13 members with a wealth of experience who have now 14 been forced to retire under the Voluntary Early 15 Retirement Authority, or deferred resignation 16 program. 17 Therefore Acoma water rights, unresolved, 18 are going to remain unresolved in a water scarce 19 environment. The Voluntary Early Retirement 20 Authority, or VERA, and the deferred resignation 21 program within Indian Affairs has been disastrous, 22 not because the staff did not deserve to 23 participate, but because these programs encourage 24 staff with the most expertise in Indian country to 25 leave, draining institutional knowledge.</p> |
| <p style="text-align: right;">Page 139</p> <p>1 our view, and not consultation. 2 The first meeting is to consultation, 3 should be the beginning of a series of meetings to 4 try and reach consensus with adequate time for 5 reflection and reconsideration of initial 6 propositions. Repositioning to questions raised 7 today without further engagement would be deeply 8 inadequate. 9 Out of respect for our sovereignty and in 10 the interest of efficiency, we expect the federal 11 government to send officials with decision making 12 authority to each Tribal consultation session. It 13 is difficult to justify Tribal leaders' attendance 14 while department counterparts with authority are 15 absent and not here. 16 Regarding the restructuring of Indian 17 Affairs to support more efficiency interaction with 18 Tribes, delivery of the services and adequate 19 funding must be the priority of the department and 20 its agencies. 21 Indian Affairs programs already operate 22 with inadequate staffing and support. At the 23 Southwest Region, previous reorganizations have 24 reduced the bureau to a skeletal staff of a level of 25 inefficiency that the Tribes have had to deal with</p> | <p style="text-align: right;">Page 141</p> <p>1 We are already operating in many regional 2 and staff offices with the lowest possible capacity, 3 and hiring freeze still remains in effect. 4 We are witnessing the reduction of already 5 minimal staff without apparent plan to address 6 diminished capacity. There is and has been no 7 succession planning in the past. The federal 8 government needs adequate people in order to deliver 9 upon its legal obligations to Indian country. 10 Entire program staffs have been eliminated through 11 these workplace initiatives without a plan for how 12 to continue Tribal services. 13 In 2013, DOI consulted with Tribes about 14 restructuring, and Tribes cautioned DOI that 15 centralization would mean loss of responsiveness, 16 and that regional offices already have a wide range 17 of different issues to learn and cover. Any 18 restructuring effort today must honor these lessons 19 and move forward strengthening field offices and 20 travel partnerships, not eliminating them. 21 Indian Affairs must take steps to address 22 management deficiencies identified by the U.S. 23 government accountability office which previously 24 determined that high staff vacancy rates make it 25 impossible for the BIA and BIE's ability to support</p> |

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| <p style="text-align: right;">Page 142</p> <p>1 and oversee programs.</p> <p>2 Indian Affairs should undertake</p> <p>3 comprehensive workforce planning to increase the</p> <p>4 effectiveness of Indian Affairs and Tribal Nations</p> <p>5 should be consulted in the creation of these</p> <p>6 workforce plans.</p> <p>7 As we all know, federal funding for Tribal</p> <p>8 programs is frequently disrupted and delayed,</p> <p>9 creating sufficient inefficiencies. It is essential</p> <p>10 that the department and bureaus have sufficient</p> <p>11 awarding officials to quickly push money out and</p> <p>12 engage in swift decision making.</p> <p>13 As I have already noted, when Congress</p> <p>14 does not successfully fund the federal government,</p> <p>15 Tribal programs and Tribal communities depend on</p> <p>16 that are required to be funded under trust and</p> <p>17 treaty obligations are forced to halt. That leads</p> <p>18 to varied consequences for Tribes.</p> <p>19 We routinely experience late distribution</p> <p>20 of Tribal priority allocations, delays in</p> <p>21 contracting support cost payments, and repeated</p> <p>22 grant cycle disruptions due to short term continued</p> <p>23 resolutions, along with other delays. These delays</p> <p>24 force hiring freezes, interrupt construction</p> <p>25 projects, halt procurement, increase costs, and</p> | <p style="text-align: right;">Page 144</p> <p>1 have to wait until the next grant cycle.</p> <p>2 We received flexibility to use the funds</p> <p>3 to best address local community needs. We have</p> <p>4 shown that we can succeed with streamlined</p> <p>5 guidelines, and reduce reporting requirements, even</p> <p>6 when flexible of formula based funding is concerned.</p> <p>7 DOI communications should include more clarity</p> <p>8 between offices and regions. Tribal Nations</p> <p>9 consistently report difficulty obtaining timely and</p> <p>10 accurate information from DOI.</p> <p>11 The points of contact are frequently</p> <p>12 unclear, and they are only worsened as staff are</p> <p>13 reduced. DOI headquarters and local BIA and other</p> <p>14 regional offices are not always on the same page,</p> <p>15 sometimes providing in consistent information or</p> <p>16 requirements for action requests.</p> <p>17 The scheduling of consultation and other</p> <p>18 meetings must be done, taking into consideration</p> <p>19 adequate time to prepare, and thoughtfully consider</p> <p>20 the issues or matters to be addressed.</p> <p>21 The following are changes to funding</p> <p>22 structures that could increase agency efficiency.</p> <p>23 The president's budget requests should immediately</p> <p>24 include advanced appropriations for Indian Affairs.</p> <p>25 Longer term, DOI should determine how to</p> |
| <p style="text-align: right;">Page 143</p> <p>1 threaten the retentions of experienced Tribal staff.</p> <p>2 The federal government should prioritize</p> <p>3 addressing overly burdensome federal approval and</p> <p>4 reporting process and streamlined technology. For</p> <p>5 instance, Tribal Nations are required to seek</p> <p>6 approval and report on use of federal funds too</p> <p>7 often. These approval processes take too long,</p> <p>8 including through Treasury's new ASAP justification</p> <p>9 rules for payment requests.</p> <p>10 Instead, funds should be released in a</p> <p>11 lump sum at the beginning of each year as required</p> <p>12 by the Indian Self-Determination Act. Payment</p> <p>13 platforms should be consistent, easy to use, easy to</p> <p>14 access, and allow Tribal Nations to track every</p> <p>15 dollar they are owed and where payments are in</p> <p>16 realtime.</p> <p>17 The secretary has the authority to waive</p> <p>18 regulations and should do so in remote instances to</p> <p>19 reduce the burden on Tribal Nations administering</p> <p>20 programs under ISD regulations.</p> <p>21 Tribal Nations have proved that flexible</p> <p>22 non-grant funding best serves our citizens. For</p> <p>23 example, with the emergency pandemic Tribal funding</p> <p>24 we did not have to compete for the funds. We were</p> <p>25 able to draw down funding when needed, and did not</p> | <p style="text-align: right;">Page 145</p> <p>1 achieve full and mandatory funding for all its</p> <p>2 Tribal programs. DOI should implement an online</p> <p>3 payment platform that allows awarding officials to</p> <p>4 approve with the click of a button, and that allows</p> <p>5 Tribal Nations to track the process.</p> <p>6 DOI should increase the technical</p> <p>7 assistance to Tribal programs and to Tribal Nations</p> <p>8 to support grant writing, financial management,</p> <p>9 procurement, data collection, and prioritizing</p> <p>10 Tribally led training, and peer to peer models.</p> <p>11 The Indian Affairs website should be</p> <p>12 centralized hub where information on every Tribal</p> <p>13 consultation across the entire federal government is</p> <p>14 published and can be found in one centralized</p> <p>15 location.</p> <p>16 As for increasing Indian Affairs support</p> <p>17 for technical for Tribal self-governance and Tribal</p> <p>18 determination, insufficient funding levels for</p> <p>19 Tribal programs thwarts the Tribe's ability to</p> <p>20 assume service delivery through self-governance and</p> <p>21 self-determination agreements.</p> <p>22 Self-government requires full funding for</p> <p>23 Tribal programs. This has not been the case in the</p> <p>24 past. Funding budgets must recognize that</p> <p>25 individual Tribal governments need more to do the</p> |

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| <p style="text-align: right;">Page 146</p> <p>1 same because Tribal operations will not have the 2 economics of scale that exist when a single BIA 3 office performs a service for many Tribes. 4 It does no good to increase pathways to 5 self-determinations or self-governance if the 6 funding for Tribal programs is slashed in the 7 process. There must be stable and sufficient 8 program funding for Tribal governments to assume 9 under in the self-determination agreements. 10 Outdated Indian Affairs technology 11 systems, data management, and information sharing 12 mechanisms hamper self-determination and self- 13 governance. Tribal nations need modernization for 14 outdated and mismatched financial distribution and 15 track systems to ensure timely access to crucial 16 information and efficient funding distribution. 17 For oversight or timely delivery of funds, 18 the finance business and management systems and the 19 self-governance database need to be modernized to 20 ensure transfers of funds are monitored through the 21 process, and that Indian Nations easily access 22 information on the source of funds transferred to 23 them. 24 Overly complex and unnecessary processes 25 also get in the way of self-determination and self-</p> | <p style="text-align: right;">Page 148</p> <p>1 within DOI. 2 In collaboration with Tribal nations, DOI 3 should evaluate processes associated with self- 4 determination and self-governance to identify 5 opportunities to streamline and improve 6 efficiencies. 7 DOI must ensure that BIA and the self- 8 governance office respond promptly to Tribal 9 requests using efficient and modern communication 10 tools. DOI should make it a priority to work with 11 Congress to support the expansion of ISD and 477. 12 Regarding the national energy emergency 13 permitting procedures, Tribal Nations are not 14 opposed to reforming current permitting and 15 environmental review processes, including those on 16 Tribal lands, but reforming these processes should 17 not come at the expense of harming the health of our 18 communities or irreparably harming our natural 19 resources sacred places. 20 This includes protecting our traditional 21 homelands, water resources, and sites of cultural, 22 religious, and historical significance as well as 23 our people and our cultures. 24 Indian country supports the goal of energy 25 independence, but it cannot come at the expense of</p> |
| <p style="text-align: right;">Page 147</p> <p>1 governance. For example, self-governance compacts 2 and annual funding agreements are laterally binding 3 documents negotiated on the government to government 4 basis which outline the conditions and funding 5 amounts for Tribal programs. 6 Now here in the compacts and agreements, 7 not in ISD or in implementing regulations, is there 8 a requirement for payment by payment justifications 9 on a condition of receiving funds as now required by 10 the federal government. The whole purpose of ISD 11 was to allow Tribal nations to govern themselves and 12 decide how and best to meet the needs of their 13 people without erroneous and burdensome federal 14 oversight. 15 DOI needs to assure that self- 16 determination and self-governance are integrated and 17 understood throughout DOI so that self-governance 18 that's only understand right now that several- 19 governance is only understood by a handful of staff 20 working in the self-governance office. 21 ISD with its sister 477 program enable 22 federal programs to work for Tribal Nations, and 23 Tribal Nations have long been working for their 24 expansions. However, both programs are frequently 25 misunderstand across the federal government and even</p> | <p style="text-align: right;">Page 149</p> <p>1 the federal government's trust and treaty 2 obligations to Tribal Nations, including the 3 protection of our religious freedom, cultural 4 heritage, and natural resources. 5 We want to move forward with energy 6 production and other projects, but in a manner that 7 ensures environmental and cultural protection. NEPA 8 is an important tool for ensuring Tribal Nations to 9 have a seat at the table in federal decision making 10 that affects us and streamlining cannot override 11 sovereignty. 12 Environmental reviews and their associated 13 Tribal consultations including those for permitting 14 processes are fundamental to carrying out DOI's 15 trust and treaty obligations. They give Tribal 16 Nations a voice to ensure federal agencies and 17 actions avoid damage to Tribal lands, our natural 18 resources, and cultural resources, and the 19 environment. 20 And they help avert potentially costly 21 litigation activities. For Tribal interests, 22 streamlining compliance should remain an option, not 23 a requirement. The main focus should be maintaining 24 meaningful Tribal input without compromising that 25 input for development expediency.</p> |

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| <p style="text-align: right;">Page 150</p> <p>1 The proposed 14 days for environmental 2 assessment for EA's and 28 days for a full 3 environmental impact statement is simply not 4 adequate for meaningful participation in the NEPA 5 process. 6 Tribal Nations do not receive timely 7 notice of federal projects, and then they are 8 require to engage with their leadership and subject 9 matter experts to provide informed comments that 10 reflect Tribal priorities. 11 Any expedited process must not sacrifice 12 Endangered Species Act, Tribal co-stewardship 13 opportunities in the same name of expediency. 14 Comprehensive Section 7 consultations between 15 agencies implementing ESA are essential to 16 protecting Tribal resources, especially on 17 fractionated Tribal lands. 18 Expedited consultation as the default ESA 19 process will harm Tribal Nations' efforts to 20 conserve species. The expedited consultation 21 process under Section 7 is only appropriate when a 22 federal action is routine, noncontroversial, and 23 poses minimal threats to ESA listed species. 24 Tribal Nations should maintain the role in 25 determining impacts even under expedited measures.</p> | <p style="text-align: right;">Page 152</p> <p>1 effective and efficient process cannot be used. The 2 7-day requirement effectively disregards Tribal 3 sovereignty and Tribal knowledge, and it undermines 4 the integrity of the process. 5 THPOs are crucial in the federal review 6 process for infrastructure and energy projects, 7 including those slated for emergency approval by the 8 administration. THPOs Exercise federal statutory 9 authority under the National Historic Preservation 10 Act to review impacts to historic and cultural 11 resources. 12 Their participation is crucial in moving 13 federal agency reviews forward in a timely and legal 14 manner. THPO's only source of federal funding comes 15 from the Historic Preservation Fund. Currently the 16 25 historic preservation funding has not been 17 released, and the Historic Preservation Fund is 18 earmarked for elimination in FY 26. 19 The failure to reduce FY 25 funds and the 20 elimination of FPH for historic preservation funding 21 altogether would only serve to delay energy and 22 infrastructure projects, and reduction fails to 23 uphold the federal government's trust and treaty 24 obligations for Tribal Nations. 25 I invite you all and your superiors to</p> |
| <p style="text-align: right;">Page 151</p> <p>1 Tribal nations invite DOI to create processes for 2 Indian country to share our traditional knowledge in 3 the EAS processes. 4 Tribal historic preservation processes 5 under Section 106 of the National Historic 6 Preservation Act are essential to the integrity of 7 federal law, federal review process, and more 8 importantly are critical to the protection and 9 preservation of our religious freedom and cultural 10 heritage. 11 The review timelines currently proposed by 12 DOI are impossible, particularly giving the chronic 13 underfunding of Tribal historic preservation 14 offices, and the usual process of bringing on Tribal 15 Nations long after the agencies are aware of 16 proposed projects. 17 Acoma has had great success when it is 18 brought in early in the permitting process with 19 Acoma actively participating in the initial 20 identification of cultural resources and routing of 21 a complex right-of-way across our lands. The entire 22 Section 106 process was minimized because all sites 23 of important were avoided. 24 No mitigation was needed. With a mere 7- 25 day notification window, this Acoma process, this</p> | <p style="text-align: right;">Page 153</p> <p>1 Acoma to see the needs of our people, and imagine 2 the impacts of what actions without consultations 3 will bring. 4 So I invite you all out to Acoma, just 5 give us a call. We'll set up something for you, and 6 you can come see our Pueblo and see our people and 7 the needs that we have. 8 Thank you for your time, and thank you 9 other Tribal leaders for your time. I know it's 10 valuable. 11 Thank you very much. 12 BEN DUNCAN: Thank you, Governor. 13 I invite Governor Shendo. Governor 14 Shendo? Let's go to Governor Mitchell? Oh, sorry. 15 Governor Shendo. 16 GOVERNOR GEORGE SHENDO, JR.: (Native 17 language spoken). Good afternoon, Tribal 18 consultation panel. My name is George Shendo, Jr., 19 Governor for the Pueblo of Jemez. Jemez is one of 20 19 Pueblos here in the State of New Mexico. 21 The Pueblo of Jemez is a Title 4 self- 22 governance Tribe and has been since 2013. As a 23 self-governance Tribe, Jemez has successfully 24 implemented programs, functions, services, and 25 activities under our authority.</p> |

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| <p style="text-align: right;">Page 154</p> <p>1 While we appreciate the funds that come 2 with the Title 4, this certainly has never been 3 enough to operate the program, and we have had to 4 supplement the operation with our own Tribal funds. 5 And we have consistently requested additional funds 6 during our negotiations, but have never received 7 added funds to operate our programs. 8 This Tribal consultation is to help the 9 Department of Interior increase its workforce 10 efficiency and productivity. The Pueblo of Jemez 11 can and will assist, but we are requesting adequate 12 resources including funds to help in this process. 13 We understand that this new administration 14 supports Tribal self-governance, however we are also 15 aware that there has also been discussion to 16 decrease self-governance and self-determination, but 17 we have not been appraised of what that actually 18 means. 19 As a self-governance Tribe, the Pueblo of 20 Jemez supports the following. 21 1. Create a more efficient website where 22 we can get up-to-date data for our budget. Right 23 now only the Office of Self-Governance Finance staff 24 have access, and we have to repeatedly ask for 25 updates.</p> | <p style="text-align: right;">Page 156</p> <p>1 Executive Order 14210, implementing the president's 2 Department of Government Efficiency workforce 3 optimization initiative, I wish to begin by 4 reminding all of us of BIA's definition of Tribal 5 consultation, which is taken directly from the BIA's 6 website. 7 A Tribal consultation is a formal two-way 8 government to government dialogue between official 9 representatives of Tribes and federal government 10 agencies to discuss federal proposals before the 11 federal agency makes decisions on these proposals. 12 The federal agency provides sufficient advance 13 notice to appropriate Tribal leaders of upcoming 14 consultation sessions and following the constitution 15 sessions, explaining to those Tribal leaders how the 16 final agency decision incorporates Tribal input. 17 The defining features of a Tribal 18 consultation are: 19 1. Provide notice to Tribes at least 30 20 days in advance of the first scheduled consultation 21 session and contains sufficient details of the topic 22 to be discussed to allow Tribal leaders an 23 opportunity to fully engage in the consultation. 24 2. Ensure federal government decision 25 maker participation.</p> |
| <p style="text-align: right;">Page 155</p> <p>1 2. Implement advanced appropriations of 2 all our funds. Funds should not be subject to 3 continued resolutions where we are only getting 4 portions of our funds throughout the year, including 5 contract support costs. This greatly affects our 6 ability to operate programs efficiently. 7 3. Educate all BIA staff on self- 8 governance. Self-governance does not mean that the 9 BIA staff can wipe their hands clean from providing 10 any technical assistance to Tribes. It is clearly 11 stated in the self-governance compact that BIA is 12 still and always will be obligated to provide 13 technical assistance and funds to the Tribes. 14 4. The Pueblo of Jemez has successfully 15 operated all of our BIA programs for 12 years 16 without having to continually ask for permission 17 from BIA. However, beginning May 9th, 2025, we are 18 directed to provide justifications when we draw down 19 our funds through ASAP. 20 This directive runs count(e) to the 21 purpose of self-governance and adds unnecessary 22 administrative burden and undermines the principle 23 of Tribal self-governance. DOI needs to revisit 24 this directive. 25 Now more specifically in response to</p> | <p style="text-align: right;">Page 157</p> <p>1 3. Ensure discussion between Tribes and 2 federal decision makers. 3 4. Ensure a formal record of proceedings, 4 transcripts, or meeting notes. 5 5. Provide federal responsibility to 6 Tribes regarding how Tribal input was incorporated 7 into the final federal decision. 8 Agency action has substantially direct 9 affect on: 10 1. One or more Indian Tribes. 11 2. The relationship between the federal 12 government and the Indian Tribes. 13 3. The distribution of power and 14 responsibilities between the federal government and 15 Indian Tribes. 16 On behalf of my people, I ask BIA the 17 following questions. 18 Question 1. The Department of Interior 19 has historically been unsuccessful at fulfilling key 20 positions at its agency that assists Tribes. As a 21 result, reviews and approvals of important documents 22 and submittals such as funding contracts, lease 23 agreements, right-of-way applications, NEPA 24 experiences, and transportation system inventories 25 are consistently delayed.</p> |

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| <p style="text-align: right;">Page 158</p> <p>1 How would a massive reduction in workforce 2 improve this dire situation?</p> <p>3 Question 2. Is it the intention of the 4 DOGE to proceed with the massive cuts to the 5 Department of Interior workforce after this round of 6 regional Tribal consultation?</p> <p>7 Question 3. Why is the Department of 8 Interior planning to consolidate BIA regions from 12 9 to 6 regions without formal Tribal consultation?</p> <p>10 Question 4. The Pueblo of Jemez workforce 11 capacity is limited and already experienced 12 pressures on its staff due to the federal workforce 13 deferred resignation programs. Already some duties 14 normally performed by the BIA have been passed on to 15 our Jemez staff, sufficient as realty functions. Is 16 it the intention of the Department of Interior to 17 increase the funding to the Tribes for assuming 18 their duties previously performed by the Department 19 of Interior staff?</p> <p>20 Question 5. Is it the OSG's scan to 21 successfully support Tribes and distributions of 22 self-governance funds with a drastically reduced 23 workforce?</p> <p>24 Question 6. Why did the Department of 25 Interior enact a new rule to submit a budget with</p> | <p style="text-align: right;">Page 160</p> <p>1 supported by 70 percent. Reducing Tribal education 2 programs by over 80, eliminating, block housing 3 grant altogether.</p> <p>4 These and many other aspects of support 5 are established legal and moral obligations of the 6 federal government to Tribes. How does the 7 Department of Interior envision upholding its legal 8 and moral obligations Tribes, and when these 9 proposed actions are implemented? Of</p> <p>10 The Pueblo of Jemez has additional input 11 in reference to the drastic budget cuts which we 12 will be addressing in a letter form, and those 13 drastic cuts are to the Department of Interior 14 Indian Affairs operation, Indian programs, 724,000. 15 33 percent cut.</p> <p>16 Bureau of Indian Education, construction 17 accounts, 187 million. 70 percent cut. Indian 18 guaranteed loans and land consultation projects. 19 Combined 21.9 million. Fish and wildlife Tribal 20 grants 13.6 million cut. Housing and Urban 21 Development Native American programs 456.7 million- 22 dollar cut. That's a 32 percent reduction.</p> <p>23 Department of Education, Tribal programs. 24 288.9 million. That is an 87 percent reduction. 25 Low income home energy assistance program,</p> |
| <p style="text-align: right;">Page 159</p> <p>1 every drawdown for self-governance Tribes, without 2 formal consultation with Tribes? This new rule adds 3 unnecessary administrative burden and undermines the 4 principle of Tribal self-governance.</p> <p>5 Question 7. The Department of Interior 6 and associated agencies that support Tribes are 7 consistently understaffed. How would the 8 president's proposal to cut 724 million or 33 9 percent of the budget for the Department of Interior 10 Indian Affairs operation of Indian programs improve 11 the service to the Tribes?</p> <p>12 Question 8. The Department of Interior 13 has proposed to completely eliminate the Tribal 14 historic preservation office, THPO program. The 15 THPO program is one of the most effective means for 16 Tribes to advice federal, state, and local agencies 17 for overseeing Tribal historic properties and to 18 instruct how to apply the federal mandates Section 19 106 reviews.</p> <p>20 How does Department of Interior envision 21 Tribes working together with federal, state, and 22 local municipalities to manage historic properties 23 without a THPO program?</p> <p>24 Question 9. Department of Interior has 25 proposed cutting Tribal education infrastructures</p> | <p style="text-align: right;">Page 161</p> <p>1 eliminated of 46.6 million. The AFS community 2 service block grant cut by 6.9 million. Substance 3 abuse mental health service administration non-block 4 grant programs, 139.8 million. 69 percent cut.</p> <p>5 The Environmental Protection Agency, state 6 resolving funds, clean drinking water, 4.6 million. 7 That is a 23 percent cut. Environmental Protection 8 Agency, environmental justice, and Tribal government 9 to government programs, \$27.1 million cut.</p> <p>10 Department of Interior Ecosystem Restoration 11 Program, the justice for the system, \$58.1 million 12 cut. National Park Service, Tribal Historic 13 Preservation Office, THPO, eliminated, \$23 million 14 cut.</p> <p>15 The National Park Service Recreation and 16 Preservation grants, eliminated, \$13 million cut.</p> <p>17 US Department of Agriculture, rural development, 18 excluding water waste grants, \$84.3 million cut.</p> <p>19 The Native CDFI funds, \$28 million cut.</p> <p>20 Small business Native American outreach, \$5 million 21 cut. Minority Business Development Administration, 22 Native programs, \$6.5 million cuts. Institute of 23 Museum and Library Services, \$10 million cut.</p> <p>24 National Endowment for Arts and Humanities, \$2.6 25 million cut.</p> |

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| <p style="text-align: right;">Page 162</p> <p>1 These are some of the drastic cuts that we 2 will be addressing in letter form to be delivered at 3 a later point in time. 4 I thank you for listening to my concerns, 5 and wish you all a good afternoon. Thank you very 6 much. 7 BEN DUNCAN: Thank you, Governor. 8 Governor Mitchell? 9 GOVERNOR MARK MITCHELL: Good afternoon. 10 My name is Mark Mitchell, former governor from the 11 Pueblo of Tesuque. Currently I am the Governmental 12 Affairs liaison for my Tribe. (Native language 13 spoken). 14 Again, good afternoon. My name is Mark 15 Mitchell, former governor from the Pueblo of 16 Tesuque. Just for your understanding and 17 geographical mindset, maybe I can paint this picture 18 in your mind's eye. Pueblo of Tesuque sits north 19 central New Mexico. The City of Santa Fe is sitting 20 on our ancestral homelands, so we're just right over 21 the hill. 22 We are one of the eight northern Pueblo 23 Tribes, and I want to thank you all for taking this 24 time out of your busy lives to be here with us. 25 First and foremost, I just want to say</p> | <p style="text-align: right;">Page 164</p> <p>1 the comment period is open until July 7th. So after 2 that, within -- so that's the initial period of 3 doing the consultations themselves, getting written 4 comments until July 7th. 5 And then through July into August, that's 6 when we'll be looking at consultation comments and 7 reviewing, kind of looking at the latest status of 8 Indian Affairs organizations, and we'll also produce 9 a summary of all the consultation input. 10 So I don't -- we don't have the exact 11 dates after that, but probably late summer is when 12 you'll be seeing consultation comments, and then 13 possible next steps. So I can't get much more 14 specific than that. 15 And just for everybody, because this came 16 up at other consultations, we do have a court 17 reporter at each one of these so we are taking 18 notes, just because it helps us capture it, but it 19 is all being captured by court reporters, all of 20 these. 21 And then just the last comments I want to 22 make, one of the questions in the last session was 23 about the rumor that's been out there of 24 consolidating from 12 regions to 6, and there are no 25 current plans to go to six regions.</p> |
| <p style="text-align: right;">Page 163</p> <p>1 that consultation is a lot of things, but to me 2 consultation should be meaningful, and meaningful in 3 my definition is whatever the Tribes say, whatever 4 recommendations they are making, that it should come 5 out on your documents. It should be implemented by 6 you all. 7 Secondly, we should not be thought of as 8 ten steps down the road. Whenever there is an issue 9 at hand, the Tribes need to be there front and 10 center. That's consultation, government to 11 government. I hope you realize that, because as to 12 the leaders before me, they brought up the issues. 13 You know the issues, and we're working backwards. 14 So how are you going to correct that? 15 What is your time frame? Because my leaders want to 16 know. 17 No time frame? Okay. Let's move on. The 18 issues at hand are your proposed rules, time frames. 19 To me that's nonnegotiable. 20 BEN DUNCAN: Let me just address your 21 question. 22 GOVERNOR MARK MITCHELL: Sure. 23 BEN DUNCAN: Obviously the consultations 24 -- we'll continue the consultations. They run 25 through June 12th at this point, and then we have</p> | <p style="text-align: right;">Page 165</p> <p>1 I can't say some sort of something may 2 happen down the road, but there's been no 3 discussions to date. That was just -- we don't know 4 where that came from, so just wanted to clarify on 5 that point too. 6 GOVERNOR MARK MITCHELL: Appreciate that. 7 Thank you for your response. I think that's all 8 we're asking for as leaders, that we have this 9 discussion and that you're frank and honest with us, 10 as we are with you. 11 And as we move forward, the concerns of 12 this proposed rule change and time frames, we don't 13 appreciate and we don't support. 14 To the fact that the leaders before me 15 that spoke, you know, the timing is difficult. We 16 have to go through all these other hoops that you 17 guys have to go through in making sure that we're 18 educated on the issues, and sometimes we might need 19 professional services to help us out as we move 20 forward, and that's time consuming. 21 So as far as BIA is concerned, we're part 22 of the Northern Pueblos Agency, and to my brother 23 earlier who spoke about the Northern Pueblos Agency, 24 they are a multi-Tribal agency, and we're dependent 25 on them as well.</p> |

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| <p style="text-align: right;">Page 166</p> <p>1 So I hope that this opens your mind's eye.</p> <p>2 There are things like this across the Nation in</p> <p>3 different locations that people are going to be in a</p> <p>4 world of hurt as you move forward.</p> <p>5 When it comes to employees, we've always</p> <p>6 had that concern of the bureau, or any other federal</p> <p>7 agencies when it comes to employees, that we have</p> <p>8 had a good rapport, this we have educated as to the</p> <p>9 Tribal needs, the Tribal process, and then all of</p> <p>10 the sudden we find that they got detailed somewhere</p> <p>11 else without no notification.</p> <p>12 And we've been asking, how can that</p> <p>13 process be stopped, so that that individual, whoever</p> <p>14 it may be, he or she, can finish their work, retire</p> <p>15 from, whether it's the Albuquerque area or other</p> <p>16 areas where we have grown to work together, and we</p> <p>17 better understand each other as we move forward.</p> <p>18 So with that being said, I want to</p> <p>19 emphasize a lot of the issues that were brought up</p> <p>20 in the past. We support the discussions and the</p> <p>21 words that were brought here before me by the</p> <p>22 leaders before me.</p> <p>23 One of the things we look at too is</p> <p>24 partnerships. How can we create a partnership that</p> <p>25 is a win/win situation for the Tribes at 51 percent?</p> | <p style="text-align: right;">Page 168</p> <p>1 time to the federal government, to the state</p> <p>2 government, to the county government, but it seems</p> <p>3 like it falls on deaf ears.</p> <p>4 And we're standing here going through this</p> <p>5 process with nothing to show for it at the end of</p> <p>6 the day. So I hope that you all understand that to</p> <p>7 the leadership that's here, one of the governors</p> <p>8 said time is precious.</p> <p>9 I hope you understand that phrase, because</p> <p>10 we sit at the level of the president of the United</p> <p>11 States. When it's government to government, he</p> <p>12 should be sitting here with us. We have staff that</p> <p>13 you all can talk to. We say that at the state</p> <p>14 level. We say that at the county level, the city</p> <p>15 level. So I hope you understand.</p> <p>16 And as we move forward, going forward from</p> <p>17 here, as one of the governors said, we would like to</p> <p>18 be informed on the step by step as to how things are</p> <p>19 unfolding, and that it's going to be impactful to</p> <p>20 Tribes.</p> <p>21 We should be there at the table at whoever</p> <p>22 is making these decisions so that we have a</p> <p>23 meaningful consultation. And in our eyes, we're in</p> <p>24 this relationship whether we want to be or not, and</p> <p>25 you know, in relationships we have ups and downs and</p> |
| <p style="text-align: right;">Page 167</p> <p>1 I believe that the Tribes have already shown their</p> <p>2 stats. They know what's going on in their</p> <p>3 communities, and they need to be heard. Not just on</p> <p>4 paper, but they need to be heard.</p> <p>5 When it comes to accountability, you all</p> <p>6 should be accountable to us. We as Tribal</p> <p>7 governments, you're working for us. And we</p> <p>8 understand the situation that everybody's in, but I</p> <p>9 want to emphasize this to you all.</p> <p>10 We the Pueblo of Tesuque, we're not about</p> <p>11 to let you off the hook by way of your fiduciary</p> <p>12 responsibility, your trust responsibility, because</p> <p>13 our ancestors already paid it forward in perpetuity</p> <p>14 and we are the beneficiaries of their work. And I</p> <p>15 hope you understand that.</p> <p>16 I hope the president understands that, and</p> <p>17 what's going on in D.C. impacts all of us.</p> <p>18 One of the questions we have for the White</p> <p>19 House is, what is the ultimate goal in doing this?</p> <p>20 Are they going to redirect those funds back to DOI?</p> <p>21 Direct funding to Tribes with no middle man attached</p> <p>22 to it so that the Tribes get full funding? And they</p> <p>23 know how to use it.</p> <p>24 And the way we would be accountable is by</p> <p>25 a single audit. We have been saying this quite some</p> | <p style="text-align: right;">Page 169</p> <p>1 we might not see eye to eye, but we have to work at</p> <p>2 it.</p> <p>3 And that's your role. So I hope that you</p> <p>4 take to heart that all of the information that</p> <p>5 leaders before me spoke, and I hope that we can see</p> <p>6 the results in a timely manner, because we too have</p> <p>7 constituents. Those are our people, our elders, our</p> <p>8 youth, our newborns, and those yet to come.</p> <p>9 We are responsible for them. We need</p> <p>10 those services, and again I hope that as time goes</p> <p>11 by that we could at least have time to meet with the</p> <p>12 president, with the secretary, at least a whole</p> <p>13 week, because there are 500-plus federally</p> <p>14 recognized Tribes and there's 23 sovereign Nations</p> <p>15 within our state.</p> <p>16 And to let you all know that we still</p> <p>17 speak our languages, as you heard. So I hope that</p> <p>18 you hear us and don't fall on deaf ears, that you</p> <p>19 take action, because we would like to see it.</p> <p>20 And lastly, safe travels. May the creator</p> <p>21 take you home back to your families in a safe</p> <p>22 manner. May our prayers all be answered, because</p> <p>23 we're living in a time of insecurity, not knowing</p> <p>24 what's going to happen to day to day.</p> <p>25 So with that, we will also forward our</p> |

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| <p style="text-align: right;">Page 170</p> <p>1 information on paper. I appreciate your time. 2 Thank you very much. 3 BEN DUNCAN: Thank you, Governor. 4 I think we have one -- 5 BART STEVENS: Just a moment. Good 6 afternoon, everyone. Bart Stevens again, deputy 7 bureau director, Field Operations overseeing 12 8 regions and the 86 agencies underneath those 9 regions. 10 Many of you know me in my previous roles 11 with BIE, and then also with RD out of Navajo, and 12 then now deputy bureau director for Field Ops. 13 And I just wanted to apologize to all of 14 you first and foremost with how quickly things 15 proceeded with the regional director, Patricia 16 Mattingly. You are correct, she is no longer the 17 regional director, but I wanted to announce that 18 Bryan Baldeagle, I pulled from the Eastern region as 19 the deputy RD there to act until we figure out where 20 we go from here in terms of getting that position 21 filled. 22 And again, reaching out to all of you who 23 are served by the region is certainly something that 24 we would want to do going forward when we get to 25 that point.</p> | <p style="text-align: right;">Page 172</p> <p>1 language spoken). My name is Virginia Chavez. I am 2 Councilwoman for the Pueblo of Zuni, Zuni, New 3 Mexico. 4 I just want to mention a couple of things. 5 I know it's been mentioned by other leaders, but I 6 just want to reiterate them. 7 First of all, the one that I want to speak 8 about is about funding. As the process has been in 9 the past, you know, we've requested our federal 10 funding through drawdowns through monthly 11 reimbursements, and that is not helping the Tribes. 12 What I think will work best and what are 13 the current administration at the White House level 14 is wanting to do is regarding fiscal responsibility, 15 I think this is one way that we can help the Tribes 16 at both levels. 17 It doesn't make sense when the 18 administration has reduced staff through the 19 reduction in force and through early retirement when 20 we need staff to process our reimbursements as soon 21 as possible, but rather than going through 22 reimbursements, it would be best if the monies are 23 sent to the Tribes up front in advanced funding. 24 We can do, the Tribes can do so much more 25 if the funding, the full funding comes directory to</p> |
| <p style="text-align: right;">Page 171</p> <p>1 But again, Bryan Baldeagle, B-R-Y-A-N, 2 Baldeagle, all one word, dot BIA, at BIA dot gov. 3 BryanBaldeagle@BIA.gov. I'll be getting with him as 4 soon as these consultations settle down. I actually 5 have him working on getting a letter out to all of 6 the Tribes served by the Southwest region with his 7 updated contact information. It should be the same 8 as Patricia's, and going forward. 9 But again, I apologize for the delay in 10 the announcement and confirming that. And again, 11 appreciate all your comments. Thank you. 12 BEN DUNCAN: Thank you. 13 So we have one last leader comment. If we 14 can invite Councilwoman Chavez. 15 SAM LEVY: All right, Councilwoman. You 16 are available to unmute. I have just invited you to 17 unmute. You can also turn your camera on if you 18 would like to, and you can proceed with your 19 comment. 20 You should see a pop-up on your Zoom 21 screen saying you've been asked to unmute, which 22 means you can go ahead and unmute yourself in the 23 lower left-hand corner when you're able. 24 COUNCILWOMAN VIRGINIA R. CHAVEZ: Okay, 25 there we go. Hello, hi, good afternoon. (Native</p> | <p style="text-align: right;">Page 173</p> <p>1 the Tribes rather than working on a month to monthly 2 reimbursement, you know, that, that's just, you 3 know, that is just a little bit piece of money, 4 little bit of money that doesn't really do much for 5 Tribes. 6 So my request is to request that full 7 funding for the Tribes so that we can do what we do 8 what we need to do to serve our people, to serve our 9 Tribes and our communities, and that would 10 definitely help our Tribes, you know, especially in 11 thriving and also economic development for our 12 Tribes. 13 We can do so much if we receive all the 14 funds up front rather than doing measly 15 reimbursements on a monthly basis. Zuni is going 16 through self-governance. We were going through our 17 first year of self-governance with IHS, and then 18 we're also now working on going through self- 19 governance with BIA. 20 One of the requirements for going through 21 self-governance is having good audits. So if the 22 reason why the federal funding is only sent to the 23 Tribes through reimbursement, maybe the concern at 24 the national level is about will the funds be 25 misspent, will they be used wisely.</p> |

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| <p style="text-align: right;">Page 174</p> <p>1 I don't know what the reason is, but I</p> <p>2 think we, by showing that several Tribes, so many</p> <p>3 Tribes have already gone through self-governance and</p> <p>4 the requirement is to have good audits, I think we</p> <p>5 are, we can be trustworthy in making sure that the</p> <p>6 funds are spent wisely.</p> <p>7 We have our own internal policies and</p> <p>8 procedures which we follow so that we can continue</p> <p>9 receiving federal funds. So we're kind of like</p> <p>10 going through that, through so many years, you know,</p> <p>11 we have that basic, I guess, training within us that</p> <p>12 we know what to do.</p> <p>13 We know how to manage our federal funding.</p> <p>14 So if the funds can just be sent to us in bulk, in</p> <p>15 advance, you know, we can do so much. Rather than</p> <p>16 waiting for our little, our reimbursements on a</p> <p>17 monthly basis, that isn't helping Tribes at all.</p> <p>18 But the federal funding, federal funds</p> <p>19 need to be sent to us as promised to us. And we</p> <p>20 have been promised that full federal funding so we</p> <p>21 need this funding to enhance our services, our</p> <p>22 communities.</p> <p>23 So that's one thing that I wanted to</p> <p>24 mention regarding funding. Another one I want to</p> <p>25 mention is consultation, and I know it's been</p> | <p style="text-align: right;">Page 176</p> <p>1 you? Will it be for your advantage or will it</p> <p>2 affect Tribes negatively? Whatever the reason is,</p> <p>3 or whatever the outcome may be, or whatever the</p> <p>4 thought is. We needed to be a part of the, and have</p> <p>5 a seat at the table at the beginning, not</p> <p>6 afterwards.</p> <p>7 So again, we're doing this backwards but</p> <p>8 we just want to -- I just want to reiterate that</p> <p>9 Tribal consultation comes at the beginning, not</p> <p>10 after.</p> <p>11 So again, thank you for this, meeting with</p> <p>12 us, and we look forward to many more consultations</p> <p>13 with all of you. Thank you. (Native language</p> <p>14 spoken).</p> <p>15 KELLY RAE: Thank you, Councilwoman. Can</p> <p>16 you hear me?</p> <p>17 BEN DUNCAN: Yeah.</p> <p>18 KELLY RAE: Thank you so much. I just</p> <p>19 want to make note of a few things. One, I would say</p> <p>20 DOGE was very responsive to us in the early days.</p> <p>21 I've been boots on ground along with Ken</p> <p>22 Bellmard who is in charge of the policy and economic</p> <p>23 development, since February 18th when the initial</p> <p>24 RIFs came. We did do some advocating for positions,</p> <p>25 and they were very responsive, DOGE was.</p> |
| <p style="text-align: right;">Page 175</p> <p>1 expressed by other Tribal leaders as well, just want</p> <p>2 to reiterate, and first of all, thank you for doing</p> <p>3 this Tribal consultation.</p> <p>4 We appreciate you having this series of</p> <p>5 consultations throughout the United States, getting</p> <p>6 our input, our feedback, but one of the things that</p> <p>7 I also want to mention and that's been expressed, it</p> <p>8 needed to have come before any of all these</p> <p>9 executive orders took place.</p> <p>10 Like I said, I want to thank you for this</p> <p>11 consultation, and hopefully it will be a series of</p> <p>12 many more consultations. This is the first one that</p> <p>13 we've had. So far, and like it's been said we're</p> <p>14 going backwards.</p> <p>15 So many executive orders have already been</p> <p>16 taking place, have been implemented, and now we're</p> <p>17 just finding out after the fact. We needed to be at</p> <p>18 the table at the beginning, even when these thoughts</p> <p>19 first occurred about early retirement or reducing</p> <p>20 funding or reducing staff, whatever the case, as</p> <p>21 when it was just first thought of at the national</p> <p>22 level, that we should have been at the table with</p> <p>23 you all say, okay, hey, this is what we're thinking</p> <p>24 of doing.</p> <p>25 What do you think? How will it affect</p> | <p style="text-align: right;">Page 177</p> <p>1 And we actually kind of asked for a pause</p> <p>2 on everything until we did Tribal consultation. A</p> <p>3 lot of other agencies though, right, have not,</p> <p>4 they've moved rather quickly.</p> <p>5 And so we did get some of our staff</p> <p>6 wanting to have the option to do the DRP because the</p> <p>7 longer you wait, the less incentive it is for them.</p> <p>8 And so we did open that up at their request.</p> <p>9 And there were some, you know, we do have</p> <p>10 some in the agencies that are in their 80s that have</p> <p>11 retired. It's very complicated, and there's lots of</p> <p>12 different complex situations, but I want you guys to</p> <p>13 know that I apologize for not having a decision</p> <p>14 maker here today, and I acknowledge that.</p> <p>15 But I will tell you that I'm very</p> <p>16 tenacious, and I am really good at bugging decision</p> <p>17 makers, so I am grateful to be here and hear your</p> <p>18 comments. They did not fall on deaf ears.</p> <p>19 And then just in recap, I have heard today</p> <p>20 that we need to do a better job with Tribal</p> <p>21 consultation. That will be noted. The NEPA</p> <p>22 process, you guys are open to reform, but not those</p> <p>23 specific timelines is what I've heard. Heard lots</p> <p>24 of concerns about funding, which we all acknowledge.</p> <p>25 Anything else you want to kind of recap?</p> |

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| <p style="text-align: right;">Page 178</p> <p>1 BART STEVENS: Sorry, I had to step out 2 for a minute, but again, just want to thank each and 3 every one of you. All you good people coming 4 together like this in a good way for your relatives, 5 for our relatives, the people that we serve. 6 I just want everyone to understand that 7 the Office of Field Operations, the shop that I 8 oversee and many of my colleagues here understand 9 the Indian country. 10 Born and raised on the Rez and been there 11 most of our lives, I have, all my life until I came 12 to the government, but I just want to express how 13 much I appreciate each of you coming forward and 14 being able to speak from your heart on behalf of 15 your people, and conveying to us your thoughts and 16 concerns. 17 And now the work begins on our end, as 18 Jason described, as we complete the consultation 19 process. We have a few more to go. This is the 20 third one. We did Anchorage and Sacramento, and now 21 here, and then Bloomington Thursday, right, then 22 Oklahoma, and so on. 23 And then the process begins with 24 complication of those comments, and then where we go 25 from there and how we maneuver the decisions being</p> | <p style="text-align: right;">Page 180</p> <p>1 stay in that about three minutes, if you could try 2 to honor that time. Again, we've really tried to 3 prioritize hearing from our Tribal leaders. 4 The first one I have on the list is 5 Claudia Edgewater. Come on up. Yes, please. 6 Thanks for your patience and for joining today. 7 CLAUDIA EDGEWATER: Good afternoon. 8 (Native language spoken). I am from the great 9 Navajo Nation. It was really wonderful to sit here 10 for the morning session and listen to all the 11 beautiful diverse languages and cultures brought 12 here to the podium this morning. 13 So right now I am the acting 14 superintendent for Department of Dine Education. We 15 are based in Wind Rock, Arizona. 16 So now the U.S. government is requesting 17 involvement from Tribes to guide the U.S. 18 Secretary's Interior initiative in creating 19 meaningful and respectful dialogue between Tribes 20 through consultation. 21 We appreciate the invitation to provide 22 comment on this important request. However, we are 23 also requesting for everyone to come to a one on one 24 consultation with the Navajo Nation. You've heard 25 from our leaders earlier this morning of our land</p> |
| <p style="text-align: right;">Page 179</p> <p>1 made by the department and by the assistant 2 secretary hallway. 3 But again, thanks for being here, and 4 thanks for sharing your information, and I 5 appreciate it, and I listened and took copious notes 6 to further capture what you want to convey. 7 I just want to share that with you. 8 KELLY RAE: And I still will encourage 9 you that we do have more Tribal consultations coming 10 up with decision makers there, so you will have your 11 opportunity. So please exercise your right. 12 BEN DUNCAN: We have non-Tribal, so we can 13 wrap up the leader to leader part, if you want to. 14 KELLY RAE: Okay. 15 BEN DUNCAN: So just for a process check, 16 we've heard from leaders that we had signed up, and 17 that was our prioritization today was to hear leader 18 to leader. 19 So we are going to invite some folks that 20 signed up as non-Tribal leaders to also offer some. 21 So we're kind of closing this part of our 22 consultation, and then we'll be opening it up. 23 So Team, if there's any other thoughts? 24 Good. So we had five plus one online signed up for 25 our non-Tribal leader. I'm going to ask folks to</p> | <p style="text-align: right;">Page 181</p> <p>1 mass, the population of Navajo Nation, and we would 2 like to request for a one on one meaningful 3 dialogue, on a consultation. 4 When we define the word of consultation, 5 we're just listening, taking notes and taking 6 comments, but to really respectfully engage in a 7 meaningful dialogue between issues posed at hand, 8 solutions brought to the table, having negotiations, 9 having understanding, and really gearing towards 10 meaningful conversations of having our purpose of 11 what is good for Indian country and Navajo Nation. 12 So we would like to request that. 13 We will have and expect that the 14 discussion makers are there at hand. So please 15 relay that to your subordinates. 16 So within that, we also want to make sure 17 that we say this, because we talk about education. 18 We have a lot of issues at hand. So there is 574 19 federally recognized Tribes throughout the United 20 States, and we are in the last week of May. 21 Earlier this May, President Trump had \$1.7 22 trillion budget blueprint that he provided. Within 23 that, it affects nearly a quarter of Tribal 24 programs, as we see and know. \$617 million were cut 25 to the BIA program that supports Tribal self-</p> |

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1 government.

2 Within that, the Tribal law enforcement

3 was cut \$107 million, that's 20 percent costs.

4 Within that, we also have the BIE, Bureau of Indian

5 Education construction program firsts \$187 million

6 cut there as well.

7 And that was cited due to poor management,

8 cost of overrun, and delay in repairs that was not

9 being tend to for these construction programs to

10 take place.

11 We also want to be mindful to fulfill the

12 federal government's trust and the treaty

13 responsibilities to Tribal Nations. Overall we know

14 Trump's budget proposals slash, and I want to say

15 the word slash, because when we look at that, we

16 look at it when we use the word slash as it's

17 nonmeaningful. It didn't mean anything.

18 So we want to look at, he proposed \$911

19 million, which is 24 percent of the federal programs

20 that were cut this past, within the month of May.

21 However, the Navajo Nation is arguably still the

22 largest land base in federally recognized Native

23 American Nation in the United States.

24 There are over 400, well just half shy of

25 half a million Navajos residing on the Reservation,

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1 27,000 square miles of land base that span into New

2 Mexico, Arizona, Utah. The Tribe clan is only

3 merely one-eighth of its original Navajo land base.

4 The Navajo Nation entered into a treaty

5 with the U.S. government in 1868, and we're coming

6 up on our celebration day, I believe, next Monday as

7 June 1st.

8 In order to ensure the civilization of the

9 Indian entering into this treaty, the necessity of

10 education is admitted, especially from such as may

11 be settled on said agriculture parts of the

12 Reservation. They are therefore pledged themselves

13 to compel their children, male or female, between

14 the ages of 6 and 16 years old to attend school.

15 And it is hereby made the duty of the

16 agent for said Indians to see that this stipulation

17 is strictly complied with. The United States agrees

18 for every 30 children between the said ages who come

19 to be induced or compelled to attend school, a house

20 shall be provided, but yet to this day we still have

21 students in dilapidated buildings that are not safe,

22 who are filled with asbestos, who are not meeting,

23 who generally fall in the criteria of a third world

24 country.

25 Within that, the teachers' competence to

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1 teach elementary branches, the English education,

2 and be be furnished who will reside among Indians

3 and faithfully discharge his or her own duty as a

4 teacher.

5 We know with the salaries that are given

6 to our teachers who come out of school who already

7 probably took out student loans who had to leave the

8 Reservation to go to school and attend the near

9 university to obtain an educational degree, are not

10 being properly compensated.

11 Within that, we also want to make sure the

12 provision of this article is to continue for not

13 less than 10 years.

14 So we look at these issues of the treaties

15 of 1868, which brings me to our next topic. For the

16 Navajo Nation, we have 22 high schools based on the

17 Navajo Nation. We have 32 Bureau of Indian

18 Education schools. We have 34 Tribally controlled

19 grant schools on the Navajo Nation.

20 As a superintendent of the Department of

21 Dine Education, I am responsible for these schools

22 and overseeing that they're well adhered to and to

23 advocate on their behalf.

24 Within the State of Arizona on the Navajo

25 Nation we have 11,958 students. New Mexico, we have

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1 6,726 students. Utah, we have 1,009 students. BIE

2 students enrolled is 4,518 students. Tribally

3 controlled grant school has 3,965 students.

4 So parochial and private school is 402

5 students. So we do have what Trump believes free

6 choice of education available on the Navajo

7 Reservation, as you can see. So within the state of

8 on Reservation students, we serve a capacity of

9 28,578 students.

10 Off the Reservation in Arizona, we have

11 14,720 students. New Mexico, we have 28,236

12 students. Here in Albuquerque we have the largest

13 Navajo enrolled pupil at Albuquerque public school

14 which is one of the fifth largest in the United

15 States.

16 Within that, we also have Utah with 1,872

17 students. We have residential halls that have 301

18 students who are enrolled. For off Reservation we

19 have 45,129 students. As of to date we serve for

20 the Navajo Nation a total of 73,707 students.

21 Within this, we also like I said, have

22 issues. And I was interestingly listening to

23 everybody's, the leaders earlier in the day talking

24 about law enforcement. We have a huge issue with

25 law enforcement school safety. That's one of our

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| <p style="text-align: right;">Page 186</p> <p>1 initiatives.</p> <p>2 We know that school shooting is becoming</p> <p>3 more of an everyday or every week cycle throughout</p> <p>4 the United States. We also know that being able to</p> <p>5 get services to our students with addressing school</p> <p>6 safety is important.</p> <p>7 The second thing is we also have school</p> <p>8 buses that run on bad roads, dirt roads. I guess</p> <p>9 when you guys look at the funding that's given to</p> <p>10 the Indian education, like I said, diesel fuel to</p> <p>11 run your buses is over \$5 a gallon. Our kids ride</p> <p>12 the buses from nearly 45 to an hour one way to go to</p> <p>13 school each and every day.</p> <p>14 And that's not only like our Speaker</p> <p>15 Curley had mentioned earlier, they stand at the bus</p> <p>16 stop at 5:00 or 6:00 in the morning, not under a</p> <p>17 nice little bus stop like you see here in</p> <p>18 Albuquerque. They stand in the bushes waiting there</p> <p>19 for the bus to come and pick them up.</p> <p>20 So within that, you also have the JOM is</p> <p>21 probably the most recent with everybody. The Navajo</p> <p>22 Nation would receive \$3.8 million at just JOM. This</p> <p>23 past year we only received a million dollars and</p> <p>24 some change.</p> <p>25 So also with that, we have three 638</p> | <p style="text-align: right;">Page 188</p> <p>1 sits at the federal level, and it make sure that we</p> <p>2 are not grouped in with all the other issues within</p> <p>3 the United States, but we are recognized for our</p> <p>4 sovereignty and our leadership and our self-</p> <p>5 determination as Native Tribes.</p> <p>6 So I would like to say that we shouldn't</p> <p>7 be, we shouldn't have a consultation of just hearing</p> <p>8 us out, but to be able to get to the table with us</p> <p>9 to have meaningful dialogue and help understand</p> <p>10 these issues at hand.</p> <p>11 Like I said, giving us a slice of the</p> <p>12 bread doesn't mean it's going to fix our world's</p> <p>13 problems. We need the loaf to make sure that we fix</p> <p>14 all problems. Within that, I would like for you</p> <p>15 individuals to really look at yourself at the end of</p> <p>16 the day, and please ensure that we make Indian</p> <p>17 country great again. Yeah.</p> <p>18 Thank you.</p> <p>19 BEN DUNCAN: All right, thank you.</p> <p>20 I invite Ferlin Clark. I'm going to ask</p> <p>21 to try to stay around three minutes. You'll see I</p> <p>22 won't cut you off, but I'll give you a couple looks</p> <p>23 there.</p> <p>24 Thank you, Mr. Clark.</p> <p>25 FERLIN CLARK: (Native language spoken).</p> |
| <p style="text-align: right;">Page 187</p> <p>1 contracts that come out of the Department of Dine</p> <p>2 Education. One is JOM, two is our Office of Special</p> <p>3 Education and Rehabilitation Services. And we also</p> <p>4 have our Navajo Nation scholarship. So these are</p> <p>5 being hindrance as well.</p> <p>6 I know the topic right now, and would</p> <p>7 probably, or in the coming months might even impede</p> <p>8 like Impact Aid ISEP, Title funds as well. So I'm</p> <p>9 just looking at the things of the numbers that we</p> <p>10 have in the Navajo Nation.</p> <p>11 Like I said, education is the focal point</p> <p>12 of self-governance and self-determination. It will</p> <p>13 be able to contribute to your health department,</p> <p>14 your law enforcement department, your land</p> <p>15 restructuring, getting the land back where it should</p> <p>16 be, and sovereignty within the years to come.</p> <p>17 Within this, I also see that we also, with</p> <p>18 the obligation to understand the treaty of 1868. As</p> <p>19 I heard one of the Pueblo Tribes mention earlier,</p> <p>20 please don't use this as a check box to just check</p> <p>21 the box, you know.</p> <p>22 I ask you guys to look at what you can do</p> <p>23 for the nation. So within this, we also have the</p> <p>24 Navajo language that played a crucial role in</p> <p>25 leading up to World War II. So we have history that</p> | <p style="text-align: right;">Page 189</p> <p>1 Ms. Rael, Mr. Stevens, Ms. Pinto, Mr. Indian, Mr.</p> <p>2 Non-Indian, I studied with this professor, his name</p> <p>3 was Vine Deloria, and he talked about treaty making.</p> <p>4 It seems to be like that's what's going on, kind of</p> <p>5 how many years forward.</p> <p>6 When they buried the hatchet, when they</p> <p>7 planted the tree of hope, when they agreed to make</p> <p>8 peace, they did wampum belts. In this great State</p> <p>9 of New Mexico, you have the Zia flag, started from</p> <p>10 the Taos Pueblo to the Picuris to the Ohkay Owingeh</p> <p>11 to the Santa Clara to the San Ildefonso to the</p> <p>12 Bowekaty, Nambe, Tesuque, right.</p> <p>13 There is a purpose and there's a sequence</p> <p>14 and there's an order of that. And then over here to</p> <p>15 the Cochiti to the Santo Domingo to the San Felipe,</p> <p>16 the Santa Ana, Zia, Jemez, Isleta, Acoma, Laguna,</p> <p>17 Zuni, Ysleta del Sur. And then the Mescalero</p> <p>18 Apaches, the Jicarilla Apaches, the Navajo Nation.</p> <p>19 As Tribes, as Indigenous peoples in this</p> <p>20 great country, and the reason why the Department of</p> <p>21 War was created, to make peace with Native people.</p> <p>22 That premise this they couldn't kill us all, they</p> <p>23 couldn't exterminate us all, they had to find and</p> <p>24 use the moralities of law to engage into a treaty</p> <p>25 making with us.</p> |

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| <p style="text-align: right;">Page 190</p> <p>1 And then they created different 2 organizations like the Navajo Business Council, 3 1924, so that way they can sign leases between the 4 federal government and the Navajo people. So they 5 can go after our oil, coal, uranium, and our people 6 use our language, (Native language spoken). 7 Mr. Active President Monte, over here SIPI 8 to the Institute of American Indian Arts to Haskell 9 University, they all were impacted just recently, 10 and although we may not say it, Tribes are feeling a 11 bit anxious, overly anxious, afraid, fearful. 12 You look at what's going on in this 13 country, and outside of this country, and there's a 14 sound that maybe our people many years ago were 15 concerned about, about our land. That's to me is 16 the purpose of why these treaties were made, and in 17 there is this treaty like Manelli said, for every 30 18 students a competent teacher, yet at the national 19 average 70 percent of our students in the United 20 States are performing at 70 percent. 21 Our Navajo students, and maybe Native 22 students in general, are performing at 30 percent. 23 There's just achievement gap. The federal 24 government has not fulfilled its part of that 25 responsibility, and how do we close that.</p> | <p style="text-align: right;">Page 192</p> <p>1 I also know that there's an opportunity 2 for collaboration. We collaborate with Emily our 3 visa with the Navajo BIE region. We don't want BIE 4 region to be stalled. We immediate even more 5 funding. Unfreeze those positions. Keep funding 6 those facilities. 7 (Native language spoken), Crystal boarding 8 school, we want you to fund them. IT technology, 9 all those things that are being cut, was it -- would 10 it take -- it wouldn't be that hard to restore. 11 You have impact aid because of these 12 federal trust status lands, I mean, those are like, 13 if we could advocate for one thing is to forgive all 14 the taxes that us data people have to pay. That 15 would be great. For the land that this government, 16 this United States operates on. 17 So that's the concern. As parents, as 18 educators, as elected, some of us are community 19 leaders, educational leaders, spiritual leaders, 20 cultural leaders. I chair the Navajo Nation school 21 safety task force. We don't want any school 22 shootings on the Navajo Nation, and it hasn't 23 happened. 24 So we need SROs. We need some funding for 25 more police. 140 police officers for 27,000 square</p> |
| <p style="text-align: right;">Page 191</p> <p>1 So we talked about data, using data and 2 decision making. You have cultural data. Our 3 Pueblo people are the governors, they all come over 4 here, these are like piece chiefs, Navajo leaders 5 are all peace chiefs, but they also have war 6 councils. They also have war chiefs. 7 And at that time they made peace to make 8 this treaty. So this cultural data, our plants, our 9 water, or stories, our songs, and our ceremonies, 10 this impact of this treaty really decimated the 11 identity of our Native people. 12 So our Native people want to put back our 13 stories and songs into what we call an 14 accountability plan with the Navajo Nation. That 15 through our stories, our songs, that their identity 16 to know who they are as Native people first and 17 foremost, citizens of the state, citizens of this 18 United States. That we need to protect our land. 19 I think we're worried about our land being 20 developed, and I think a lot of our leaders are 21 really kind enough and diplomatic. Governor 22 Mitchell kind of pushed that button, and the 23 governor from Acoma. They were brave enough to kind 24 of like challenge this leadership, and you as being 25 agents of the federal government.</p> | <p style="text-align: right;">Page 193</p> <p>1 miles. We have limited internet. We have limited 2 liability of communication systems. We have limited 3 jails. So to stop the bullying, period, across the 4 board in our homes, in our workplace, in our 5 government, calling people names, that's what's 6 infused in our society today. 7 So I want to also recognize our early 8 childhood, our children being born, early childhood 9 ed programs, Head Start programs. Head Start 10 programs are being slashed. It's impacted all of us 11 as Tribes. 12 Our Tribal colleges are being slashed. So 13 I come here as a concern, but also a member of the 14 Navajo Nation, a proud resident of the State of New 15 Mexico, and to work with you, but also we want to 16 challenge you, and then challenge us. 17 What's happening right now is challenging. 18 The price of eggs hasn't gone down, and the price of 19 gas is kind of steady, you know, but people are a 20 little afraid, so but the same time as Native 21 people, we're also ready. 22 This is our land. ICE can't take us and 23 take us back home. And as Native people, that's 24 something that we stand on, and we cannot be divided 25 on our land, and we need to protect that at all</p> |

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| <p style="text-align: right;">Page 194</p> <p>1 costs.</p> <p>2 Thank you. (Native language spoken).</p> <p>3 BEN DUNCAN: Thank you.</p> <p>4 Is it Lawrence Platero? Lawrence.</p> <p>5 LAWRENCE PLATERO: Thank you very much.</p> <p>6 Good afternoon. Consultation is what I've heard all</p> <p>7 afternoon, and I respectfully request that if we</p> <p>8 actually call this consultation, that you hear me</p> <p>9 out in my entirety, and as the words of the council</p> <p>10 people from Zuni and San Ildefonso were addressed</p> <p>11 that these words don't go unheard, and people</p> <p>12 actually listen to what the leaders today have said,</p> <p>13 and what is expressed as far as concerns among the</p> <p>14 Navajo people and the Native American people is</p> <p>15 concerned.</p> <p>16 My name is Lawrence Platero. I'm with the</p> <p>17 To'Hajilee Community School Board of Education, and</p> <p>18 I'd like to be addressing today specifically</p> <p>19 educational issues. To'Hajilee Community School is</p> <p>20 a K through 12 operated school under a grant with</p> <p>21 the Bureau of Indian Education.</p> <p>22 I'd like to thank you for allowing me to</p> <p>23 speak today regarding these issues under Executive</p> <p>24 Order 14210, establishing the Department of</p> <p>25 Government Efficiency, which I don't know has been</p> | <p style="text-align: right;">Page 196</p> <p>1 Greater transparency and education service</p> <p>2 delivery is essential for improving outcomes and</p> <p>3 accountability. In particular, we like to see more</p> <p>4 clearly how funding is allowed to BIA central and</p> <p>5 regional offices that are not contributing nor</p> <p>6 responsive to our requests and efforts to improve</p> <p>7 student performance.</p> <p>8 All too often these centralized BIA</p> <p>9 efforts, these BIA offices interfere with the</p> <p>10 efforts of this Tribally controlled schools by</p> <p>11 haphazardly requesting unnecessary reports and</p> <p>12 information that the schools we already provide this</p> <p>13 through the required annual reporting process and</p> <p>14 audits.</p> <p>15 The BIA, the BIE division of performance</p> <p>16 and accountability claims to be delivering education</p> <p>17 services, but it is really just imposing more</p> <p>18 monitoring and reporting requirements of our</p> <p>19 Tribally controlled schools.</p> <p>20 We are alarmed that the division does not</p> <p>21 appear to have any defined criteria as to when a</p> <p>22 site visit or any other other appropriate for</p> <p>23 review. In the absence of such criteria or</p> <p>24 guidelines, its actions will be arbitrarily and</p> <p>25 susceptible to abuse.</p> |
| <p style="text-align: right;">Page 195</p> <p>1 working so well. When you listen to the media,</p> <p>2 there's a lot of disappointed people throughout the</p> <p>3 world today, and things are just not going real</p> <p>4 well.</p> <p>5 And those have all been expressed as well</p> <p>6 today by the people and the leadership that have</p> <p>7 been here. I'm providing my comments today about</p> <p>8 the structure and funding of Indian Affairs, BIE,</p> <p>9 and BIA from our perspective at To'Hajilee Community</p> <p>10 School.</p> <p>11 The restructuring of Indian Affairs to</p> <p>12 support more efficient interactions with Tribes, DOI</p> <p>13 must maintain Indian ed condition program as federal</p> <p>14 education priorities change. Indian education is a</p> <p>15 trust and treaty obligation. Any structural changes</p> <p>16 must be made only after Tribal consultation.</p> <p>17 I think that's been repeated over and over</p> <p>18 today. BIE has been imposing arbitrarily and</p> <p>19 unnecessary physical programmatic and other</p> <p>20 monitoring on all schools. BIE should be more</p> <p>21 efficient in improving transparency and in how it</p> <p>22 operates in responding to requests for communication</p> <p>23 and consultation with us more quickly on both</p> <p>24 policies issue, on administration, management, and</p> <p>25 funding requests.</p> | <p style="text-align: right;">Page 197</p> <p>1 This growing bureaucracy has created some</p> <p>2 duplicative functions in offices that are waiting --</p> <p>3 are wasting federal funds that are not needed and</p> <p>4 should be redirected to schools so they can be used</p> <p>5 to improve educational programming.</p> <p>6 To be clear, we are not supportive of the</p> <p>7 wholesale elimination of offices just so the funding</p> <p>8 can be cut entirely. Instead, the funding needs to</p> <p>9 be redirected in consultation with Tribally</p> <p>10 controlled schools and Tribes. There needs to be an</p> <p>11 alignment between instructional needs and support</p> <p>12 from the BIA.</p> <p>13 For example, our administrators cannot</p> <p>14 spend enough time with our students because they are</p> <p>15 spending significant amounts of time, significant</p> <p>16 amounts of their time dealing with excessive</p> <p>17 reporting requirements imposed by the BIA.</p> <p>18 And I want to reiterate on that specific</p> <p>19 issue there. All of our schools have an annual</p> <p>20 budget. Within that annual budget, I look at that</p> <p>21 list several times, and there's no line item in</p> <p>22 there that says, BIE mandates, funding.</p> <p>23 So if the BIE continues to put down</p> <p>24 mandates, we need funding for that. Otherwise it's</p> <p>25 not going to get done. And we don't have the staff</p> |

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| <p style="text-align: right;">Page 198</p> <p>1 or the revenues to get that accomplished either.</p> <p>2 Addressing current funding structures including</p> <p>3 identifying efficient barriers to expedite fundings</p> <p>4 to Tribes and Tribal programs.</p> <p>5 Funds that go to BIE centralized offices</p> <p>6 for program oversight for Tribally controlled</p> <p>7 schools should instead be going directly to the</p> <p>8 Tribal controlled schools.</p> <p>9 For example, the school respective</p> <p>10 instructional program should be administered in</p> <p>11 total at the local level and enable administrators</p> <p>12 to prioritize student achievement activities with</p> <p>13 resources aligned to student performance and</p> <p>14 instructional needs as provided by the local</p> <p>15 schools.</p> <p>16 BIE has been imposing burdensome paperwork</p> <p>17 requirements that take instructors and</p> <p>18 administrators away from their instructional</p> <p>19 activities. Increasing BIE support in Tribal self-</p> <p>20 governance and self-determination.</p> <p>21 BIE must support the recruitment and</p> <p>22 retention of instructional and counseling staff at</p> <p>23 Tribally controlled schools. We request to allow</p> <p>24 for adjustments in the Indian school equalization</p> <p>25 formula to increase funding for compensation scales</p> | <p style="text-align: right;">Page 200</p> <p>1 that were addressed earlier was in regards to</p> <p>2 academic achievement, and what is what I have always</p> <p>3 strived for in our community and our school.</p> <p>4 Yes, we have our school there and we can</p> <p>5 say that we graduated individuals from our community</p> <p>6 school, but my question is, and I brought this up at</p> <p>7 all of these other sessions that we've had, are the</p> <p>8 students at -- at academic grade level. That's the</p> <p>9 important thing.</p> <p>10 That's what gives these students from our</p> <p>11 communities the opportunity to go out in the world</p> <p>12 and compete with the rest of the world. If they</p> <p>13 graduate and they can only read at a grade level of</p> <p>14 eighth grade, they're not going to be able to</p> <p>15 compete out there.</p> <p>16 They're going to end back on the</p> <p>17 Reservation out there. We need somebody to address</p> <p>18 that problem that we have there that kids need to be</p> <p>19 at grade level. All throughout all of our schools.</p> <p>20 And I hope today that this consultation</p> <p>21 was heard by individuals like yourselves, because I</p> <p>22 never saw anybody take any notes up there. I know</p> <p>23 you -- you're saying that these are going to be</p> <p>24 transcribed, but I know it's going to be about 50</p> <p>25 pages of reading. And the next time I see you, I'm</p> |
| <p style="text-align: right;">Page 199</p> <p>1 to allow us to compete with local school districts,</p> <p>2 such as Albuquerque in our case.</p> <p>3 Micro management of Tribally controlled</p> <p>4 schools like ours is inconsistent with Congress'</p> <p>5 intent to, that Indian education be locally Indian</p> <p>6 controlled. Our administration, administrators --</p> <p>7 administrators use up valuable and limited time and</p> <p>8 resources in production of documents trying to</p> <p>9 address BIE's demands which takes them away from</p> <p>10 their other work.</p> <p>11 BIE has received large increases of their</p> <p>12 administrative funds which they have used to</p> <p>13 establish an expansion of bureaucracy, which has</p> <p>14 resulted in the increase in administrative burden in</p> <p>15 our schools and instructional leaders and our</p> <p>16 instructional staff.</p> <p>17 BIA needs to start their instructional</p> <p>18 improvement initiatives from the school level up,</p> <p>19 not from the top down. The the instructional staff,</p> <p>20 if asked, we are -- we are sure can provide</p> <p>21 successful examples of the instructional activities</p> <p>22 that increase student achievement.</p> <p>23 These examples can be shared for adoption</p> <p>24 as applicable by all elementary and secondary</p> <p>25 schools in the BIA system. And one of the things</p> | <p style="text-align: right;">Page 201</p> <p>1 going to test you on all of these.</p> <p>2 But I thank you for giving me this</p> <p>3 opportunity to talk to you about Indian education</p> <p>4 and about how we're doing as far as our grant</p> <p>5 schools are concerned and schools throughout the</p> <p>6 Navajo Nation.</p> <p>7 Thank you very much.</p> <p>8 BEN DUNCAN: Thank you.</p> <p>9 Leonard Tsosie. There will be Leonard,</p> <p>10 and then we have David Nez, and then Francine</p> <p>11 Tsosie, and then we'll do our closing.</p> <p>12 LEONARD TSOSIE: (Native language spoken).</p> <p>13 My name is Leonard Tsosie. I used to serve on the</p> <p>14 Navajo Nation council but now I direct a program</p> <p>15 called Eastern Navajo Land Commission in Crownpoint,</p> <p>16 New Mexico.</p> <p>17 We work a lot with federal agencies like</p> <p>18 BLM, BIA. And while sitting here and before, I</p> <p>19 looked at Executive Order 14210. The Tribal leaders</p> <p>20 have expressed their concern about consultation.</p> <p>21 I would respectfully urge all of you to</p> <p>22 carry the message back to our secretary, to</p> <p>23 reconsider the application of Executive Order 14210</p> <p>24 to Tribes and Tribal programs. If you read it, it</p> <p>25 doesn't apply specifically to Tribes. There are</p> |

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| <p style="text-align: right;">Page 202</p> <p>1 exclusions, and why didn't anybody in the federal 2 government urge the secretary to say, we have a 3 trust responsibility. We have a consultation 4 requirement before we do these things to Indian 5 programs. 6 I hope one of you did. Because in me 7 talking now with the federal government agencies 8 like BLM, BIA, there's a sense of fear out there and 9 unease, (Native language spoken), and so they don't 10 -- they're not as open as they were before. 11 That is antithetical to trust 12 responsibility. To use fear to promote a program, 13 to promote a policy. That's why I strongly urge 14 that you reconsider the application of Executive 15 Order 14210 to Tribal programs. 16 And to me, it is an easy solution. 17 Because you already have an exclusion cause in 18 there, and you just need to write in there that 19 because of the trust responsibility requirement, and 20 because of the need for consultation, Native 21 programs, Indian programs or Indian Tribes are 22 excluded. 23 Then at that time, after consultation, we 24 can talk some more about the concern of the 25 president. So we strongly urge you to do that.</p> | <p style="text-align: right;">Page 204</p> <p>1 recognize computer drawn, GIS drawn homesite leases. 2 It would be less costly to the Navajo individual, 3 the Navajo homeowner. And I think it's something we 4 could do. 5 And again, that could be in a regulation, 6 to promote this now. There are so many people 7 waiting for development under ARPA as a result of no 8 homesite lease. And NTUA is waiting for the 9 homesite lease. That is inefficient. That does not 10 promote optimization. 11 And I want to mention that too, the other 12 one I think is, let me open my phone here, I was 13 taking -- oh, here it is. The -- the -- in the 14 Eastern agency where I'm at, we oversee complex 15 line. If not in the United States, so many 16 different land titles, so many different land 17 structures. 18 And I think you have to allow deference to 19 Navajo Nation to work those out in trying to do 20 that. It's rural in character and it requires 21 different funding needs. It's not near a metro area 22 like this, you know. 23 Even -- even this consultation, if you 24 call it that, you know, we are to drive all the way 25 in, got up at 3:00 in the morning, get on the road,</p> |
| <p style="text-align: right;">Page 203</p> <p>1 The other one is the Navajo Nation is a 2 resource Tribe, if you want to look at energy 3 production. And so the Navajo Nation has oil and 4 gas, has uranium, has helium, but develop -- to 5 develop those things, Navajo Nation oftentimes runs 6 into federal requirements. 7 We said this before, that with uranium 8 remediation, allow the Navajo Tribe, in consultation 9 with the federal government, to create a Navajo 10 specific regulations for uranium remediation, 11 because we're having to deal with that. 12 You could do the same thing with respect 13 to energy production, that that could be a Navajo 14 specific regulation that could end up in the CFR. 15 Then we don't bother other Tribes. It's Navajo 16 specific. And then we address the unique needs of 17 Navajo Nation in doing these things. 18 The other one too is when we're talking 19 about the NEPA, we look at CAT Act, and then also 20 the homesite lease. Currently the federal 21 government does not take computerized drawing for 22 homesite lease as being legitimate, but the surveyor 23 goes back and uses the computer and the GIS to find 24 out where he's at, rather than his equipment. 25 And so why can't you let the Tribes do and</p> | <p style="text-align: right;">Page 205</p> <p>1 and then to be here. 2 And so those that are nearby have the 3 convenience, and in funding the same thing is true. 4 When you do the funding of programs out there, it 5 costs two or three times as much, you know, to do a 6 building of structures. 7 And then also, you know, you look at the 8 students having to take long bus rides. All these 9 years, you know, we've been trying to -- the Navajo 10 people have been -- the Navajo leaders have been 11 trying to address this. 12 I think the implementation of the 13 executive order is troublesome because cutting -- 14 it's like putting the cart before the horse, you 15 know. You started cutting programs before you 16 require this so-called consultation. 17 And now so many experienced and Tribal 18 leaders have mentioned this. So many experienced 19 people have left the program. It's very hard to 20 replace them, if not irreplaceable. You know, we 21 have -- I defer to a federal worker by the name of 22 Cary Degrew. I even urged him to write a book on 23 the land thing. 24 And so I said, we need your help. And 25 when you do that, and you allow them to leave,</p> |

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| <p style="text-align: right;">Page 206</p> <p>1 through by, I would say by force, because, you know, 2 either through forced retirement or also pretty much 3 a threat of, you know, firing them, there's fear out 4 there, and people are just choosing to leave. 5 That's not optimization. That's not 6 efficiency. And it doesn't work. I'm going to have 7 to come back one of these days to try to restore 8 these things. And I don't know how you're going to 9 do the, you know, if you're trying to centralize 10 everything up -- up above in terms of contract and 11 doing contract work, you're going to find people out 12 there, somebody mentioned that not knowing what 13 Indian Tribes go through. And then having to 14 execute a contract. 15 And then where does the people that it's 16 going to affect are way down here out in the western 17 states. You know, let alone, you know, you have to 18 go to Washington D.C. to try to talk with a federal 19 leader, with the federal administrator. I think, 20 you know, we have to do this differently. 21 The other thing too is, the Tribe, 22 including ourselves in the Eastern agency, we have 23 to deal with four states relations, Utah, New 24 Mexico, Arizona, and Colorado. And Navajo Nation is 25 in a unique position in having to go through all</p> | <p style="text-align: right;">Page 208</p> <p>1 something to drink? Some coffee? (Native language 2 spoken). 3 You know, that doesn't happen, and I think 4 the -- it would be wise for the federal government 5 to adopt that, that kind of -- the other one too is 6 the turnovers. When turnovers happen in the federal 7 employees' circle, it's very hard to replace them. 8 I just recently went, we were affected by 9 a turnover. We had a GIS employee that left, and we 10 were dependent on him. And so I have been 11 encouraging the federal government to bring in GIS 12 people too, because to me, and I think to others, 13 it's part of the trust responsibility. 14 That's how you take care of the land. 15 It's an asset, taking care of an asset that the 16 federal government is responsible for. So in future 17 programs, I hope you will bring in funding for GIS 18 position also. 19 The other one is, you know, we've asked 20 EPA, move your offices to Navajo Nation, to Window 21 Rock, so you're right next parallel to the Tribal 22 workers, so you would -- you would have coffee with 23 them. You could talk with them. Just as you do in 24 D.C. 25 And so the same thing would happen over</p> |
| <p style="text-align: right;">Page 207</p> <p>1 those steps, and I think that's why it's important 2 to understand what Navajo Nation is going through. 3 In terms of consultation, I want to give 4 you an example. We would like to see meaningful 5 consultation, and I'll give you an example of a 6 meaningful consultation. All you have to do is talk 7 to Melanie Barnes in Eastern Navajo Land Commission. 8 How they consulted with each other over 9 federal oil and gas leases, contracts, lease areas 10 for over a year. So it's not one, but over a year, 11 in saying that, you know, how do we make this 12 better, how do we improve this. That should be the 13 goal. 14 And in this -- in that case, what we found 15 is when the drilling was happening, only the federal 16 government was benefiting and not the Navajo 17 allottees. After consultation, the whole thing 18 reversed. The Navajo allottees were benefiting to 19 the tune of almost a hundred percent, and the 20 federal government was backed down to the tune of 21 zero percent. 22 So that's how we help the people. That is 23 meaningful consultation, when you talk. In Navajo 24 they say (Native language spoken), let's talk. 25 (Native language spoken), should I offer you</p> | <p style="text-align: right;">Page 209</p> <p>1 here, and that's how you promote understanding. 2 That's how you promote resolutions of problems. 3 That hasn't happened yet. And now EPA hasn't 4 stationed a person out there yet. They're 5 recommending regional repository right around Navajo 6 Nation. Something that Navajo Nation did not, you 7 know, propose. 8 But it's just like, you know, talking down 9 to Indian Tribal leaders, and that is never an 10 answer. And through the history we found that out 11 to be. 12 So I wanted to mention that also. And 13 then in terms of the federal government existing, it 14 provides assurance too. Because this is not only a 15 treaty relationship, but it's also a constitutional 16 relationship from what you heard today. 17 Indian Tribes are recognized in the U.S. 18 Constitution. It's a constitutional relationship. 19 You just can't throw them out by DOGE or by DOI. 20 There's a relationship with the United States 21 government written in the U.S. Constitution, and so 22 you have to respect that and you have to say hey, we 23 just can't defund the Tribe until we consult with 24 them. 25 And so, and also I just wanted to say</p> |

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| <p style="text-align: right;">Page 210</p> <p>1 also, this is not DEI, you know. I hope you give 2 back to your superiors the argument that this is not 3 DEI. This is a political relationship between a 4 group of people that are Tribal governments to the 5 federal government. 6 And so DEI should not come into play, as 7 somebody just mentioned earlier. And so I hope that 8 argument is made over there, and that this is a 9 constitutional relationship. 10 And then I think, help us with the uranium 11 cleanup in Navajo, you know. All these wastes have 12 been left by private entities at the hands of the 13 federal government. And we have to resolve this. 14 You cannot say, somebody mentioned the White Mesa 15 mill, uranium. 16 And those things are being proposed 17 because the federal government does not want to open 18 up an area where we could take the uranium ways that 19 was created by the -- by the United States 20 government and private entities, in defense of this 21 country. 22 And so figure out a way to -- to help us 23 out with respect to that. Don't just say, that's a 24 Navajo problem. It's not even a Navajo waste. We 25 are trying to figure these things out.</p> | <p style="text-align: right;">Page 212</p> <p>1 really taking notes, I'd like to see a memo too, 2 saying to him: 3 Dear Secretary Burgum, we heard at our 4 consultation that we could make this not applicable 5 to Indian Tribes, that we can exclude them. And 6 here's the rationale. 7 Don't mention my name, but just say you 8 heard it at the consultation. And then if we see a 9 memo like that, then that tells me that you have 10 been listening. 11 So (Native language spoken), and have a 12 good day. 13 BEN DUNCAN: All right, thank you. 14 David Nez. 15 DAVID NEZ: I'm legit, so here's my card. 16 Go to see you all. Hey, Bart, (Native language 17 spoken), haven't seen you for a while. Sharon, and 18 the panel, Mr. Freihage, Mr. Indian as you were 19 referred to earlier. 20 I want to thank everybody. My name is 21 David Nez. I'm the Superintendent and Principal at 22 Ramah Navajo School Board, Point Hill High School, 23 middle school, elementary, FACE program, and our 24 Head Start program. We are located about 65 miles 25 south of Gallup in a very rural remote area.</p> |
| <p style="text-align: right;">Page 211</p> <p>1 And finally I just want to say that, you 2 know, Chaco Canyon was mentioned, and that that is 3 the Aboriginal land of the Navajo people, that area, 4 and only Navajo people live there. They have never 5 bothered anybody else. They just quietly live 6 there, but now the federal government appears to be 7 allowing intrusion. 8 Navajo people have never trashed -- it was 9 the archeologists that trashed the area. It was not 10 Navajo people. They were taught to respect the 11 structures, and they have done that. 12 And so I think, you know, by now what's 13 going on and all this hoopla about it, it's allowing 14 Tribes to be pitted against each other. And so we 15 urge you not to promote another joint use area 16 problem, or been a freeze area problem in the 17 Eastern agency. 18 And so (Native language spoken). And 19 finally, I just want to also say that although this 20 applies to the Indian Health Service, the BIE and 21 others, those are all Tribal programs. They're 22 interrelated with what BIA has to offer. 23 And so, you know, I think in the 24 exclusion, we ask you to apply the exclusion to also 25 these Tribal programs like IHS, and so if you were</p> | <p style="text-align: right;">Page 213</p> <p>1 I heard a lot of words today, and I jotted 2 some down. Support for front line workers. School 3 staff teachers, school administrators. Trust 4 responsibility. Protection of Tribal treaty rights. 5 Reorganization efficiency. Productivity. 6 Meaningful input. Restructuring. Robust programs 7 and partners. Understanding of your financial trust 8 responsibility. Transparency. And the biggest one 9 is restore accountability. 10 I was sitting there thinking, is that an 11 oxymoron with the BIE, BIA? When did they ever have 12 accountability to Native people, is my question. 13 So I think we should call it a fresh 14 start, or a new start, partnership with the federal 15 government, because in the past with all the 16 boarding schools, the history of the federal 17 government and Tribal relationship has not always 18 been good. 19 I grew up in that arena back in the '60s 20 and '70s. I'm a product of boarding school. The 21 Sanostee boarding school. When I was in the seventh 22 grade, I went on the Mormon Indian placement program 23 to Salt Lake City, and I was enrolled at Kaysville 24 Junior High. 25 And as a seventh grader, I was expected --</p> |

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| <p style="text-align: right;">Page 214</p> <p>1 I went to the math program, and my math skills were 2 so low, I mean, we were just barely starting 3 multiplication, and the school system up there, they 4 were already doing fractions. They were already 5 starting algebra. 6 I had no clue what they were doing. I 7 went to the English class and they were outlining 8 sentences with nouns and adjectives and 9 prepositional phrase, I can't even still say to this 10 day. Prepositional phrases. I had no clue what 11 they were talking about. I had no idea what was 12 going on because I was a product of BIA schools. 13 We're trying to change that on the 14 Reservation, and today's theme is around effective, 15 efficient, productivity. And with education like 16 that, educating kids like that with insufficient. 17 They tested me for special education at Kaysville 18 Junior High, and they found out that I was 19 intelligent. And on that paper they wrote, 20 insufficient education, poor education. 21 That's just not me. That's a lot of kids. 22 My generation, my generation we were plagued with 23 alcoholism, drug abuse, domestic violence, suicide, 24 because a lot of my compadres, we were stuck between 25 two worlds, between the Western world and our Native</p> | <p style="text-align: right;">Page 216</p> <p>1 researched the funding, and we found out that the 2 BIE operated schools get a funding of approximately 3 between 7 and \$8,000 per student. 4 State of New Mexico gets between 12 and 5 \$14,000 per student. The Department of Defense gets 6 over \$21,000 per student. Now tell me what's equal 7 about that. Maybe they met all the Indians and it 8 will be equal down at the bottom, the equalization 9 project, down at the bottom of the totem pole. 10 In order to run effective schools that 11 will serve as a long term investment for the Tribes, 12 the children of a nation, the children of a Tribe is 13 the most vital resource that they have. And right 14 now with the funding cuts and all the things that 15 are going on, there is no evidence that we are 16 investing in our children. 17 We need to invest in the children. With 18 the old cliché, an ounce of prevention is worth a 19 pound of cure. If we can educate our children to be 20 productive in their Native language and culture, and 21 also in the dominant society's ways, we will have 22 children that will grow up to be productive citizens 23 of the United States and their Tribes. 24 We will not have to waste millions and 25 thousands of dollars on alcoholism programs, drug</p> |
| <p style="text-align: right;">Page 215</p> <p>1 culture. 2 We were in a gray area where we were told 3 that our Native land, which was not to be used, that 4 our culture was no good, that we needed to become 5 christians. We needed to become like the white man. 6 And so we were confused. A lot of my 7 compadres turned to alcoholism, and a lot of them 8 have passed on. A lot of their children to this day 9 are affected with fetal alcohol syndrome. A lot of 10 them are in the federal penitentiary system because 11 we had lost our ways. 12 So I want the federal government to also 13 be reminded that the Navajo language also saved this 14 country during World War II. That they need to be 15 reminded that we are also members of this nation. 16 We are contributing members of this United States of 17 America, and we should be treated as such. 18 Although we are a political group where we 19 are recognized in a nation to nation relationship, 20 the federal trust responsibility needs to be carried 21 out, and that needs to be understood by the current 22 administration. 23 One of the things that really gets to me 24 is our funding is called Indian school equalization 25 program. Equalization, what a great word. We</p> | <p style="text-align: right;">Page 217</p> <p>1 programs, suicide programs, Tribal police preventing 2 fights and domestic violence. We will not have to 3 spend those monies later because we had invested in 4 our children. 5 So I urge Congress to also look at the ISA 6 funding. That formula is outdated. It needs to be 7 updated so it is in time, it is in step with the 8 current funding situations that we have. 9 So in order to run effective schools, it 10 needs to be fully funded. It needs to be fully 11 funded so we are producing students that are going 12 to be productive, that are going to contribute to 13 the Nation, that are going to be good citizens in 14 both the Tribe and the United States of America. 15 The other thing I would like to address 16 today is our facilities, our buildings, our school 17 buildings. They are dilapidated. They are old. 18 The BIE had a program to replace a lot of these 19 school buildings, but that plan has practically 20 stagnated. 21 We sought funding at Pine Hill schools. 22 We traveled to Washington D.C. three years in a row, 23 and we were given funding through a special 24 appropriations to replace our school and to 25 recondition it.</p> |

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| <p style="text-align: right;">Page 218</p> <p>1 But it's taken over eight years just to 2 even just to get started on the design, because 3 every time we came up here to DFMC in Albuquerque, 4 this is our third team that we're working with. Oh, 5 so-and-so left. Oh, we were planning with this guy 6 but he's not here anymore. Oh, she's not here 7 anymore, we got a new guy. 8 Well, did you give the new guy all the 9 paperwork? Oh, no, the other guy took it. 10 So we had to start all the way from the 11 beginning again. Did that three times. So we 12 finally got the funding. We finally did an RFP 13 which was another very inefficient, ineffective 14 process, trying to get a construction company on 15 contract. We finally got that done. 16 So I want to thank the federal government 17 for getting us this far, and hopefully by next year 18 we're going to be doing the ground breaking. 19 But people that listen to this, people 20 that we've met in Washington D.C., a lot of them I 21 figure that they've never been to an Indian 22 Reservation. They have never driven our roads. 23 They have never been to any of our schools. They 24 don't know when we talk like this. 25 They don't know what we're talking about.</p> | <p style="text-align: right;">Page 220</p> <p>1 We are now ranked 45th on the national 2 percentile in mathematics, and we are doing 3 everything we can out there at the grass roots level 4 with very limited funding, being effective, being 5 productive, and being efficient. 6 Thank you very much. Have a good day. 7 BEN DUNCAN: Thank you. 8 SAM LEVY: All right. Francine, you are 9 going to be our next commenter. I'm going to go 10 ahead and ask you to unmute. You can start your 11 video if you'd like, and we are ready to hear your 12 comment. 13 Francine, I saw you just lowered your 14 hand, so if you are no longer interested in 15 providing comment, that's okay. We want you to know 16 we are still here to listen to your comment, if you 17 are interested. 18 So I'll give you just a moment, if you do 19 want to come off mute. Otherwise we will move 20 forward. 21 BEN DUNCAN: Well, we're going to close 22 then. That was our last signed-up comment. 23 So just as we say good-bye, I'll express 24 on behalf of all of us, the appreciation for folks 25 that showed up and shared so much expertise and</p> |
| <p style="text-align: right;">Page 219</p> <p>1 I urge any one of them to come out to the 2 Reservation, to come out to Pine Hill, to see with 3 their own eyes what we are talking about, because 4 there's a huge discrepancy between the public 5 schools, the BIE funded schools, either the BIE 6 operated schools or the BIE Tribally controlled 7 schools. 8 That needs to be understood. There needs 9 to be a report that's written on that, because 10 that's a national disgrace, in my opinion. 11 We are not educating all the children of 12 this nation equally, and if we want to put meaning 13 to the Indian student equalization programs, that's 14 where we need to start. 15 But I thank everybody for being here, all 16 the Tribal leaders that had concerns today, sat here 17 all day, changed my notes about five times, but I'm 18 here to have my voice heard. 19 And we deal with this down at the grass 20 root level, with very limited funding. Pine Hill 21 schools, we did a three-year spring to spring to 22 spring data, and we had over 14 percent increase on 23 our proficiency in mathematics and 12 percent in 24 reading. And that's compared to schools across the 25 United States and nationally.</p> | <p style="text-align: right;">Page 221</p> <p>1 story, and input for the leaders that are here 2 today. 3 Also want to really express some gratitude 4 for SIPI for hosting us, for the students in the 5 culinary program for feeding us, which was 6 wonderful. 7 And just a lot of appreciation and love 8 for everyone that came out today. 9 So with that, I'm going to close this out. 10 Much love, enjoy the rest of your day, and I 11 appreciate you. 12 (WHEREUPON, the proceedings concluded.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p> |

CERTIFICATE

I, Christina Lorence, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 3rd day of June, 2025.



Christina Lorence, #3699

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