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TRANSCRIPT OF MINNESOTA TRIBAL CONSULTATION

HELD ON

THURSDAY, MAY 29, 2025

10:01 A.M.

3815 AMERICAN BOULEVARD E.

BLOOMINGTON, MINNESOTA 55425

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<p>1 MINNESOTA</p> <p>2 WORKFORCE EFFICIENCY/PRODUCTIVITY AND</p> <p>3 EMERGENCY PERMITTING CONSULTATION</p> <p>4 HELD ON</p> <p>5 THURSDAY, MAY 29, 2025</p> <p>6 10:01 A.M.</p> <p>7</p> <p>8 MR. DUNCAN: Good morning. So I'd like to</p> <p>9 welcome folks to today's consultation seeking comments on</p> <p>10 two topics: The Assistant Secretary for Indian Affairs</p> <p>11 Reorganization Plan as part of Executive Order 14210,</p> <p>12 Department of Government Efficiency Workforce Optimization</p> <p>13 Initiative, and the Department of Interior Emergency</p> <p>14 Permitting Procedures as part of Executive Order 14156,</p> <p>15 declaration of a national energy emergency.</p> <p>16 For clarity, throughout today's session we will</p> <p>17 refer to these as Workforce Efficiency and Productivity and</p> <p>18 Emergency Permitting Procedures.</p> <p>19 By matter of introduction, my name is Ben Duncan.</p> <p>20 Myself and colleagues, we have Kyle and Ruby in the back.</p> <p>21 They'll provide technical assistance and support today. We</p> <p>22 also are joined by Derrick Beetso from Hayiilka, who's</p> <p>23 recording comments as we go through our time together.</p> <p>24 We are a third party providing impartial</p> <p>25 facilitation, tech support, and really hopefully making</p>	<p>1 time together.</p> <p>2 Go to the next slide.</p> <p>3 And then a few notes. So obviously we have some</p> <p>4 folks here in person. We are also joined by a virtual</p> <p>5 audience. So today is a hybrid consultation. All the</p> <p>6 virtual attendees will be muted and off camera until</p> <p>7 offering comment.</p> <p>8 For those of you who are on Zoom, we're going to</p> <p>9 ask you to rename yourself to include your name, your</p> <p>10 position title, and the tribal organization you're</p> <p>11 attending on behalf of. To do that, if you hover over your</p> <p>12 box or your name, you can click on the top right to the</p> <p>13 three dots or the ellipses, click rename, and then you can</p> <p>14 shift to name, position title, or tribal organization.</p> <p>15 If you do have -- for our online attendees, if</p> <p>16 you have any technical issues during the meeting, you can</p> <p>17 either use the chat function or you can email</p> <p>18 <a href="mailto:rubygonzalez@gonzalez@kearnswest.com">rubygonzalez@gonzalez@kearnswest.com</a>.</p> <p>19 I will note that comments will not be accepted</p> <p>20 via the chat, and we are providing a link to submit written</p> <p>21 comments. This consultation, as I said, will be recorded.</p> <p>22 It is closed to the public and to the press.</p> <p>23 Next slide.</p> <p>24 So how we're going to spend our time together.</p> <p>25 Thank you.</p>
Page 3	Page 5
<p>1 sure today runs smoothly.</p> <p>2 Along with the leadership that will be introduced</p> <p>3 here soon, we also have other Department of Interior</p> <p>4 representatives that are actively listening to the comments</p> <p>5 that are submitted today.</p> <p>6 We are also recording this meeting, and all the</p> <p>7 information captured will be shared with Department of</p> <p>8 Interior leadership.</p> <p>9 I'll also note, as you all signed in, we have</p> <p>10 sheets with QR codes. So all the slides that we're showing</p> <p>11 today, the links to offer written comment and information</p> <p>12 about the consultation sessions will all take you to that</p> <p>13 page.</p> <p>14 So if you've used a QR code, you hover over it</p> <p>15 with your phone and it'll prompt you to take you to a link.</p> <p>16 Could we go next slide? Oh, it's showing there,</p> <p>17 but not here. Okay. There it is.</p> <p>18 So for building logistics, folks, if you walked</p> <p>19 in through the doors here, the restrooms are down the hall</p> <p>20 to the left. There's exits here and exit doors also to</p> <p>21 your left as you go out. There's a drinking fountain also</p> <p>22 near the restrooms, if that's helpful.</p> <p>23 And just note that we're going to be here all</p> <p>24 day, so please take care of yourself, get up, move around,</p> <p>25 whatever you need to be comfortable as we go through the</p>	<p>1 We're going to have an opening prayer, then I'll</p> <p>2 introduce our speakers here in a moment.</p> <p>3 Then we'll move through some overview and</p> <p>4 information on the consultation topics, introduce our</p> <p>5 panelists today from leadership from Department of Interior</p> <p>6 Bureau of Indian affairs, and then give you some background</p> <p>7 information on the Executive Order 14210, Executive Order</p> <p>8 14156 and Secretary Order 3429.</p> <p>9 We will then move into a leader-to-leader</p> <p>10 consultation on both of those topics simultaneously.</p> <p>11 And I'll talk more about the comment period, but</p> <p>12 we really are prioritizing a leader-to-leader consultation.</p> <p>13 If and when we have time, we have some folks that</p> <p>14 signed up for non-leader comment, and we will open that</p> <p>15 space at that time.</p> <p>16 We will build in a break if we can, find times</p> <p>17 that makes sense as we go through our day together, and</p> <p>18 then we will wrap up. I believe the building is requiring</p> <p>19 us to be out of here by 4:30, so we'll time our day</p> <p>20 accordingly.</p> <p>21 So then before we continue, I'd like to invite</p> <p>22 Chairman Seki and the spiritual advisor for the Red Lake</p> <p>23 Band of the Chippewa Indian Tribe, Fred Desjarlait, to do</p> <p>24 an opening prayer.</p> <p>25 (Traditional opening prayer in Native language.)</p>

<p style="text-align: right;">Page 6</p> <p>1 CHAIRMAN SEKI: Welcome, everybody, Tribal 2 Leaders. Welcome to this consultation we're having here. 3 You know all the things that are going in 4 Washington D.C. You know that trust, responsibility, 5 Washington, Congress, Senators have on the United States 6 Constitution, the agreement they made with our Chiefs. Now 7 they're violating the Constitution. So we're here to talk 8 about it to make sure that we tell our story, what's going 9 on in our reservations. And we're always forgotten with -- 10 all these promises are always broken promises. (Native 11 Language.) 12 MR. DESJARLAIT: (Native language). So Fred 13 Desjarlait is my name in English. "Lightning Man," is my 14 name in Anishinaabemowin. And today I came here today on 15 behalf of -- of everybody. 16 You know, this is really important that we gather 17 like this in these spaces to share collective gifts, 18 wherever you come from, whatever capacity you are. In the 19 end, it's all about people. It's all about our resources. 20 It's all about our little ones and everything that we're 21 gathering to set our moccasin path moving forward. 22 So in these spaces it's important also to 23 remember to ground yourself with our cultural and 24 spirituality. No matter what nation and background you 25 come from, it's important to hold that in front of</p>	<p style="text-align: right;">Page 8</p> <p>1 behalf of all the nations, our leaders, you know, as a 2 community, collective community here today. 3 You know, we're in another moment of challenging 4 times, and I ask these spirits to watch over our leaders in 5 this time of our people's history, you know, keep us 6 together, keep us wise like our ancestors. We ask for 7 their protection. 8 And also they're sitting here today, too. 9 They're sitting in these seats that are here behind you. 10 So I acknowledge that. 11 And also to, you know, as we sit here, we protect 12 our homelands and all our relatives, that we follow our 13 tobacco, just like our ancestors did and continue to stay 14 connected to them through our lifeways, through our 15 ceremonies, through our language, through our gifts of just 16 being a relative. 17 So and today, you know, as I smoke this pipe 18 today, that smoke went up and echoed into the universe, you 19 know, and that all our thoughts are heard here, all our 20 energy is heard here. And that way they continue to show 21 us a good way to move forward, a good way, you know, as we 22 all have a good meeting today. 23 So thank you for listening. Thank you for 24 letting me make this offering. 25 And as I close it out, I'm going to sing this</p>
<p style="text-align: right;">Page 7</p> <p>1 everything you do. The Creator gave us all these paths, 2 all these gifts to bring to the table, just like we sit 3 here in this meeting today. 4 So that's why I came here today. I really 5 believe in everybody here. I believe in the collective 6 gifts of what we do and who we are, where we come from. 7 And how we do that back home is we offer tobacco. So I 8 brought my drum today, and I'll sing one song after this 9 Smoke and Talk, and then I'll share in Nagamojigwin what 10 I'm saying, so everybody knows what we're gathering here 11 for and what is said. 12 So I really appreciate everybody's time, patience 13 and energy and everybody for organizing this meeting. 14 Again, I think it's really important that we sit at tables 15 like this together, you know, and make sense of what we're 16 going through. We've been through it for 500 and some 17 years now. And our ancestors were wise, our tribes were 18 wise, and everybody that we worked with were wise. So I 19 just wanted to say that before I offer this tobacco. 20 (Speaking Native language) for everybody's time again. 21 (Smokes) 22 (Traditional opening prayer in Native language. 23 MR. DESJARLAIT: So I just thank these spirits 24 for bringing us all together in this meeting. And I was -- 25 I'm really grateful to stand here and make this offering on</p>	<p style="text-align: right;">Page 9</p> <p>1 song, and I'll just do one push-up, and it's just inviting 2 our ancestors to come dance with us. And it's because of 3 them we live this good life. It's because of them we show 4 the love for them and one another. And that's kind of what 5 the words are saying. So I'm just going to do one push-up, 6 and I'll do that now. 7 (Sings in Native language.) 8 MR. DESJARLAIT: So again, as we open up our 9 meeting, you know, it's always good to ground yourself in 10 an opening that makes sense to us, and that's what we did. 11 So I really thank you for your time, your energy and 12 everybody's efforts for making a change. (Speaking Native 13 language.) 14 MR. DUNCAN: Thank you. So moving into our 15 consultation today, I'm going to provide a little bit more 16 background and then pass it off to DOI leadership. So as I 17 mentioned before, we're going to prioritize comments and 18 dialogue with leadership or designated leadership from 19 federally recognized tribes before we open it up and hear 20 from others. So after that time, we'll move to tribal 21 organization and other representatives who would like to 22 offer comments. 23 So we do have sign-up sheets. So if you're a 24 tribal leader and you'd like to offer comment and haven't 25 signed in, we do have sign-in sheets. You can give us a</p>

<p style="text-align: right;">Page 10</p> <p>1 hand raise and we'll make sure you have that. For tribal 2 organizational or other leaders or other representatives, 3 we have a sign-in sheet that's distinct and separate. 4 So again we'll hear from the individual tribal 5 leaders and tribes once before offering second 6 opportunities to speak. So I'll just ask that folks honor 7 that. And then when we open for broader comment, we're 8 going to ask that folks are mindful of the time they take. 9 So just to be clear, we are not going to cut off or ask for 10 time limits for tribal leaders, but when we open it up for 11 organizational representatives, we may, depending on the 12 number of folks, offer and ask people to honor a time 13 request. 14 Written comments can be provided by emailing 15 consultation@bia.gov or by mail to Department of the 16 Interior, Office of Regulatory Affairs and Collaborative 17 Action, 1001 Indian School Road Northwest, Suite 229, 18 Albuquerque, New Mexico 87104 on or before 11:59 p.m. 19 Eastern Time on July 7, 2025. 20 I do want to pause if there's tribal leaders that 21 are joining us virtually. If you could raise your hand, 22 we'll get you in a queue. Our tech folks will track any 23 tribal leaders, again, that would like to offer comment. 24 Please raise your hand. If you're on the phone, you can 25 click star9, and that will indicate that you would like to</p>	<p style="text-align: right;">Page 12</p> <p>1 to hearing from you all. 2 So I'm going to walk us through some slides, but 3 before I do that, I want to introduce all my colleagues up 4 here on the panel. So I'll start on the end. We have 5 Kevin Bearquiver, who's the Deputy Director at the Bureau 6 of Trust Funds Administration, Tony Dearman, the Director 7 of the Bureau of Indian Education, Jason Freihage, the 8 Deputy Assistant Secretary of Management within Maine 9 Interior, and then Scott Davis, our Senior Advisor, who's 10 exercising the authority as Assistant Secretary of Indian 11 Affairs. 12 Before I dive into the slide decks, I did want to 13 give Scott just a few moments to maybe introduce himself 14 and say a few words. So let me hand it off to Scott, 15 please. 16 MR. DAVIS: Thanks, Bryan. Good day, everybody. 17 Manjuani, Amita, Akyape, Chante Waste, Pizza Tawa, 18 Patakele, Kiwa Pitini, Machape, Standing Rock, Turtle 19 Mountain, Oyate, Buffalo Boy, Pleats, Davis, Tayoshbe. 20 Good day, everybody. Scott Davis, my English name here. 21 Proud member of the Standard Rock Sioux tribe on my mom's 22 side and Ishinabe side, Trail Mountain Banachipa on my 23 Dad's side from Dr. Jim Davis. 24 Certainly a pleasure to be here. Super humbled 25 to be here with you as a relative. As Bryan said, I kind</p>
<p style="text-align: right;">Page 11</p> <p>1 offer comment going forward. 2 So just as a reminder, the consultations are 3 closed to the public and to the press. The session is 4 being recorded. We have a court reporter that will create 5 a transcript to ensure that we accurately capture the 6 detail and substance of all comments provided today. Those 7 slides, transcripts will be posted on the BIA webpage. 8 Again, you have a QR code that can take you to that link. 9 And then finally, as folks come up, we have a 10 podium for those leaders that are in person and would like 11 to comment. Please state your name, your title and tribal 12 affiliation so we can capture it accurately for the record. 13 Another just a logistical detail. You have a number that 14 you were given. There's a little basket on there. If you 15 could leave it there. 16 Finally, if folks in the room, I do have a 17 roaming mic, so I'll be calling folks up to the podium, but 18 if that's any challenge for you, just let me know. I'll 19 run a mic to you and we'll capture your comments there. So 20 with that, I'm going to pass it to Bryan Mercier. 21 MR. MERCIER: (Speaking in Native language). Good 22 morning. My name is Bryan Mercier. I'm an enrolled member 23 of the Confederate Tribes of Grand Ronde in western Oregon 24 of Kalapuya and Clackamas descent. I'm here today as the 25 Director of the Bureau of Indian Affairs and look forward</p>	<p style="text-align: right;">Page 13</p> <p>1 of have some long title there on my card there, which kind 2 of really means nothing to me. I'm here today with my 3 colleagues and my team here as your relative through this 4 consultation process. As we all know, it's required 5 through law, through our treaties, through our sovereignty, 6 to conduct these meetings nation to nation, government to 7 government. 8 We have a good team here. When I got on board 9 here in March 13th or something like that, but prior to 10 that, I keep calling him a governor. Secretary Burgum and 11 I worked together for six years. I worked with him in 12 North Dakota when he was governor as Indian Affairs 13 Commissioner. So Doug and I have a long relationship 14 together. He asked me to join his team in D.C. I 15 reluctantly said yes, I would come because I'm not really a 16 D.C. guy. But here I am and trying to do the best we can 17 in a good way for you and as relatives and for your 18 nations. 19 So again, part of this process is required 20 because decisions are made. Here we are. We come here in 21 a good way as relatives. We know there's concerns. 22 There's uncertainty. I totally understand that. Prior to 23 my appointment, I was in your seats as well. I worked for 24 my tribes for a long time. When I leave this position, I'm 25 going right back to those seats, be doing the same thing</p>

<p style="text-align: right;">Page 14</p> <p>1 you're doing. So this work continues. But make no doubt, 2 we come here in a good way to conduct dialogue, to 3 questions, to have ideas, thoughts, you know, different 4 paths.</p> <p>5       Aside from consultation, what we're doing now, 6 I'm very proud of the fact that our team has conducted over 7 100 consultations with over 100 tribal nations since we've 8 taken office. That will always continue. So as I meet 9 relatives from across Indian country, invite us out. You 10 know, it's one thing to -- you can see, and we always roll 11 the red carpet out for you as relatives. But bring us out 12 to your country and help me learn your areas, your area's 13 concern, opportunities and so forth, whether it's in higher 14 ed -- my dad was a Tribal College President for years. VIE 15 is here. Schools, infrastructure, law enforcement, all the 16 other areas that we all want to work hard together as 17 relatives. So again, we come here a good way and really 18 look forward to the consultation today, but more 19 importantly the follow-up of us and our team coming out to 20 visit your homelands and go from there.</p> <p>21       And lastly but most importantly, Mr. Desjarlait, 22 thank you for that Chalupa, that Waka. That's very -- I'm 23 glad we start that way out here in your lands, too. It's 24 important for me and my family. Anyone who are going into 25 ceremonial season, wish all the best for you, your prayers,</p>	<p style="text-align: right;">Page 16</p> <p>1 efficient and effective on behalf of tribes, ensuring that 2 we meet our trust responsibilities and increasing support 3 for tribal self-determination and self governance.</p> <p>4       Secretarial Order 3429 is a consolidation 5 Secretary order by Secretary Burgum, which largely affects 6 many of the back office functions that we have within the 7 Department of the Bureau of Indian affairs and BIE at the 8 Department of Interior. So think IT, think HR, think 9 budget, finance, those kind of functions that right now 10 have been separated into each individual bureau and 11 hallway. This Secretary order actually contemplates 12 consolidating those within single functions within the 13 department.</p> <p>14       Okay. So I'm going to talk a little bit about 15 the structure of the Office of Assistant Secretary, which 16 includes all the bureaus up here with my colleagues. So 17 AS-IA, as we call it, the Assistant Secretary of Indian 18 Affairs, provides policy and leadership to the bureaus that 19 are listed here. There are individual offices within AS- 20 IA. We have the BIA, BIE, and BTFA. They, as I stated, 21 also oversee -- they provide policy and guidance to those 22 bureaus, and they also oversee the White House Council on 23 Native American Affairs.</p> <p>24       So Jason, I'm going to let you go ahead and talk 25 a little bit about DAS-M and hand this off so I'm not doing</p>
<p style="text-align: right;">Page 15</p> <p>1 that your ceremonies are conducted good and healthy and 2 those prayers are heard Gitche Manitou Ticasua. So with 3 that, thank you. (Native language).</p> <p>4       MR. MERCIER: Thank you, Scott. So I have a few 5 slides I want to make sure we get through to just set the 6 table the context for why we're here today. The purpose of 7 today's consultation is largely to address a couple 8 executive orders and secretary orders around government 9 efficiency and workforce optimization and then streamlining 10 our NEPA process for energy projects. I'm not going to 11 spend a lot of time on these because we really do want to 12 get to your comments. This is, I believe, the fifth 13 consultation we've done, and these meetings tend to last 14 five to seven hours. So the less talking we do and the 15 more you all do, the better.</p> <p>16       So 14210, the Government Efficiency and Workforce 17 Optimization Executive Order. You all recall early in the 18 Trump administration, the second Trump administration, this 19 was signed, which set us on a path of optimizing our 20 workforce. Early in the administration, the Department of 21 Interior agreed that we would conduct serious consultation 22 with tribes prior to implementing any of the large-scale 23 reductions in force that are contemplated in the Executive 24 Order. And here we are today doing much of that. It's 25 largely about restructuring our workforce to be more</p>	<p style="text-align: right;">Page 17</p> <p>1 all the talking, but next up is DAS-M. Do you want to just 2 use your mic there? Will that work? Let's see if that 3 works. That way we don't --</p> <p>4       MR. FREIHAGE: That's it, yep.</p> <p>5       MR. DUNCAN: Is that working? The mic's not 6 working?</p> <p>7       MR. MERCIER: Yeah, turn it on, please. Press 8 the little button.</p> <p>9       MR. FREIHAGE: Okay. There we go. All right. 10 So Office of the Deputy Assistant Secretary for Management. 11 That's a long acronym. Basically, what we do are the 12 business operations across BIA, BIE, the Office of the 13 Assistant Secretary, and to some degree, BTFA. We either 14 directly provide the services or do oversight.</p> <p>15       So the first area is in Budget Performance 16 Management Office. They handle budget formulation strategy 17 across all of Indian Affairs and initiate overall manage 18 the execution process. BIE has its own budget office that 19 does the execution further down and provides input on 20 formulation. We work with the budget staff and the BIA 21 regions, and then we also coordinate the formulation 22 process for BTFA's input into the broad formulation process 23 for all of Indian Affairs. This is the group that works 24 with TIIC and to do most of the interaction with the 25 Department's budget office, OMB and appropriation staff.</p>



<p style="text-align: right;">Page 18</p> <p>1 Next, we have our Chief Financial Officer, which 2 is kind of your classic finance shop, doing things like 3 audit, coordinating the systems that move the funds, and 4 they also do acquisitions. So this is the team that's been 5 leading the more aggressive use of the Buy Indian Act over 6 the last several years. We went from about 25 percent of 7 our funds going to Indian economic enterprises to the last 8 few years, 75 percent. And we also increased overall 9 obligations through acquisitions from about 300 million to 10 over 600 million. So through aggressive use of Buy Indian 11 Act, that's hundreds of millions going more to tribal 12 economies.</p> <p>13 Next, we have our Office of Facilities, Property 14 and Safety Management. They do a lot of the oversight for 15 property and safety inspections across all of Indian 16 Affairs, which are implemented by the BIA regions and BIE 17 team. Similarly, they coordinate the funding of facility 18 improvement and repair projects, roughly \$10 million and 19 less, which are implemented by BIE for their schools in the 20 BIA regions, for detention centers and admin facilities, 21 and then the team manages the major construction projects, 22 so replacing detention centers, schools. And those 23 projects tend to range from about \$50 million to over 200 24 million.</p> <p>25 And then finally, something that people are</p>	<p style="text-align: right;">Page 20</p> <p>1 very familiar with the BIA, I'll just share that, you know, 2 we are the primary Trust D on behalf of tribes and 3 individual Indians across the country for 55 million acres 4 of surface and 57 million acres of subsurface rights. We 5 also are the chief advocate within the federal family on 6 behalf of tribes and individual Indians. And there are 7 just a whole slew of programs, over 60 different programs 8 that we administer to fulfill those trust and treaty 9 obligations.</p> <p>10 The way we're structured currently is we have 11 four separate components, each with a deputy bureau 12 director. The first is the Office of Justice Services, 13 which is the law enforcement and detention services and 14 tribal courts function that many tribes across the country 15 have contracted or compacted. We have less than 40 tribes 16 that still receive direct services on law enforcement. The 17 second is the Office of Indian Services. This includes a 18 lot of tribal government, social services, transportation, 19 workforce development, a lot of the services that aren't in 20 our trust assets, and that issued by a deputy director as 21 well.</p> <p>22 Third is the Office of Trust Services. This 23 includes our lands programs, probates. There's lots of 24 different aspects in Trust Services, a very large 25 organization of over 300 employees in the main interior.</p>
<p style="text-align: right;">Page 19</p> <p>1 probably pretty familiar with, because some tribes don't 2 have BIA facilities locally. But we also have the 105L 3 leases, which tend to get to the areas where there aren't a 4 lot of facilities. So that's the team that does that.</p> <p>5 So let's see. Then we have Office of Human 6 Capital, which does the classic HR. They deliver actual HR 7 services to AS-IA, BIA, and then they provide policy 8 oversight and coordination with BIE, who operates its own 9 team and BTFA.</p> <p>10 And then last, we have our Office of Information 11 Technology, which is kind of your -- this is more the 12 classic enterprise services for IT. They do a bit more 13 operational work in that they've been building out the 14 learning management system and IT upgrades at BIE schools. 15 So -- and that's it.</p> <p>16 And these are -- Bryan alluded earlier to the 17 Secretary order to consolidate business functions at the 18 department level. They've already done that with all the 19 other bureaus for finance, IT, HR, grant making, that kind 20 of stuff. They haven't done that with Indian Affairs yet. 21 So that -- but most of DAS-M would be folded into that 22 consolidation, if that happens, if they're included in the 23 departmental consolidation.</p> <p>24 MR. MERCIER: Great. Thank you, Jason.</p> <p>25 So next I'll touch on the BIA. Since you all are</p>	<p style="text-align: right;">Page 21</p> <p>1 And each region has a number of trust staff as well.</p> <p>2 And then finally, the Office of Field Operations, 3 which is the deputy bureau component that oversees the 12 4 regions. And they are structured similarly in each region 5 with a Trust Services and Indian services component as 6 well.</p> <p>7 Now, I'll hand it off to Tony to talk a little 8 bit about BIA.</p> <p>9 MR. DEARMAN: Thank you, Bryan.</p> <p>10 Good morning, everybody. It's an honor to be 11 here with Tribal Leaders. Thank you for attending. And 12 the functions of the Bureau of Indian Education, you're 13 going to hear us say over and over, is to work with our 14 tribes. We work with our tribes to make sure that we're 15 setting the unique needs for the tribes for their cultural 16 and economic well-being.</p> <p>17 Some of the things that we do in the Bureau of 18 Indian Education as far as functions is we provide funding 19 for direct services and other education services that 20 impact up to 400,000 students. We provide direct services 21 within our schools for approximately 40,000 students. And 22 the remaining, the gap that makes up over 400,000 is the 23 other funding that flows through the department BIE.</p> <p>24 In the Bureau of Indian Education, we have 183 25 schools across 23 states and 64 reservations. One hundred</p>

<p style="text-align: right;">Page 22</p> <p>1 and twenty-eight of those schools are actually operated 2 through grants or contracts, and we directly operate 55. 3 Also in that, we directly operate Haskell Indian Nations 4 University as well as Southwestern Indian Polytechnic 5 Institute. And we provide funding for 33 TCUs across the 6 United States.</p> <p>7 We do have funding. We also have funding that 8 also goes into the public school system. And we touch 9 approximately 317,000 students through our Johnson O'Malley 10 contracts for our public school system. So we have a very 11 wide range of services that we provide our Indian students 12 across the school system across the United States. Thank 13 you, Bryan.</p> <p>14 MR. MERCIER: Thank you, Tony. Next up we have 15 BTFA. So Kevin, please.</p> <p>16 MR. BEARQUIVER: Thank you, Bryan. Boozhoo, Good 17 morning. It's great to be back in the land of the 18 Anishinaabe once again. Kevin Bearquiver, Deputy Bureau 19 Director for Bureau of Trust Funds Administration.</p> <p>20 I wanted to say that Margaret Williams is the 21 Acting Director for the Bureau of Trust Funds 22 Administration. She sends her warm regards. She could not 23 be here this morning, but she is available online. And 24 with the Bureau of Trust Funds Administration, the Bureau 25 of Indian affairs manages the land tenure in working with</p>	<p style="text-align: right;">Page 24</p> <p>1 So thank you, guys. Thank you. Miigwec.</p> <p>2 MR. MERCIER: Thank you, Kevin. So we're 3 wrapping up here, but I do want to share with you a little 4 bit of the proposed strategy that we're looking for your 5 feedback on.</p> <p>6 So Indian Affairs really is approaching the 7 Executive Order with these three core strategies. First 8 and foremost, we want to ensure that we uphold the trust 9 responsibility to tribes. So we're focused on continuity, 10 improvement of federal services through workforce 11 efficiency initiative. We want to expand tribal self- 12 determination, self-governance, and reduce federal 13 bureaucracy and regulation. We also want to implement 14 collaborative and sustainable workforce strategies with 15 tribes through this consultation.</p> <p>16 Second core strategy is ensure alignment with the 17 Executive order. So we want to use data-driven decision- 18 making. So potentially investing in technology and 19 automation to ensure that Indian Affairs services continue 20 to leverage. I've been about seven years now at Interior, 21 and to be honest, the Indian Affairs shop is a bit behind 22 on technology. We've been catching up in recent years, but 23 there's a lot of room for improvement around technology in 24 Indian Affairs.</p> <p>25 The third core strategy is to realign our</p>
<p style="text-align: right;">Page 23</p> <p>1 tribes. We manage the financial assets of roughly \$9 2 billion that we receipt, disperse and invest annually. We 3 disperse over \$1 billion annually to tribes and tribal 4 members IIM account holders. We have over 411 IIM account 5 holders at the current time.</p> <p>6 As we've been transitioning more, modernizing a 7 little bit more, we recently -- like the things we're 8 working on is like online access. Soon we will have online 9 access available to all the tribes to access their 10 accounts. Right now we have 24-hour service via an IVR for 11 tribes, too, which is an interactive voice response. So 12 beneficiaries can now access their accounts 24/7. And 13 roughly 3,000 beneficiaries a month access via self-service 14 right now. We're working to expand that to tribal entities 15 to be able to access their accounts online as well.</p> <p>16 Those are the kind of things that we've been 17 working on to modernize and try to streamline processes for 18 our beneficiaries and for the tribes. We manage the trust 19 records through the American Indian repository. So all the 20 trust records we also help manage the Bureau of Indian 21 Affairs, the Bureau of Indian Education, and then the other 22 thing that we also offer is litigation support. So we have 23 ITLO. And so we (audio disruption). And ITLO, we help with 24 litigation support throughout the country for a lot of the 25 litigation that we work on with Red Lake.</p>	<p style="text-align: right;">Page 25</p> <p>1 internal resources and mission objectives to better meet 2 emerging tribal priorities, including self-governance and 3 self-determination. So we're going to explore potentially 4 emerging offices, eliminating management layers to ensure 5 that the direct service providers are the ones that we 6 maintain and sustain longer term. So our management 7 structure is something that we're going to look very 8 closely at after the consultation and based on the feedback 9 we hear from the tribes.</p> <p>10 So I think BIE and BAE strategy. So I'll go 11 ahead and Tony, just talk briefly about BIEs. I think 12 their strategy is largely going to be to invest and focus 13 on their frontline educators, protecting those folks, 14 ensuring that they have the resources and the ability to 15 continue to deliver services, including through the 16 contracts and grants that they have. BTFA, it's largely 17 going to be focused on continued investments in automation 18 and technology and ensuring that they meet the statutory 19 requirements going forward. That's the shorthand of their 20 two strategies there for the sake of time.</p> <p>21 So I'll briefly touch on the emergency permitting 22 procedures as well. So the other executive order, second 23 executive order that we're speaking to is the national 24 emergency that the President declared regarding energy. On 25 April 23rd, I believe, the Department issued a notice that</p>

<p style="text-align: right;">Page 26</p> <p>1 we would be implementing the streamlined NEPA procedures 2 for energy projects. So it's very narrow scope. 3 The energy projects would need to apply and be 4 approved to apply these emergency NEPA procedures. But 5 they do streamline quite a bit. the NEPA process. It's -- 6 I think an EIS, typically two years would be streamlined to 7 28 days. An EA, an environmental assessment, which is 8 typically a year, would be streamlined to 14 days. ESA and 9 section 106 NHPA notices would be shortened to 7 and 14 10 days, respectively. So definitely a streamlined approach 11 with our NEPA processes, but again, very narrow scope. 12 Tribal compensation would still be required for many of 13 these projects, if applied and approved. So there's still 14 the opportunity for tribes to be engaged with this. 15 Okay. I think we're going to hand it over to Ben 16 now so we can start hearing from the tribal leaders. 17 That's why we're all here. So thank you all for coming. 18 And Ben, I'll hand it to you. 19 MR. DUNCAN: So I'm going to provide just a 20 reminder, folks. Haven't seen the questions for 21 consultation today. So as it relates to 14210, 22 Restructuring of Indian affairs, what recommendations would 23 you make to Indian Affairs to improve efficiency through 24 staffing changes, resource sharing, process improvements 25 and potential consolidation of programs and offices?</p>	<p style="text-align: right;">Page 28</p> <p>1 with all applicable requirements including regulations and 2 onshore orders." 3 So as a starting point for conversation, do you 4 have any concerns with the proposed process and timeframes, 5 and are there applicable situations that are not covered by 6 the proposed process and timeframes? 7 So as we move into the comment period, for in 8 person, I'm going to invite tribal leaders to the front 9 microphones. I said earlier I will also have a roaming 10 microphone. If it's easier for you, just give me a wave 11 when I call your name. I will run a mic to you so we can 12 capture your comment. Only the comments that are spoken 13 into the microphone are able to be captured by the court 14 reporter. Again, we're creating a transcript of all 15 comment that's received, so please ensure that we're able 16 to do so. 17 For virtual attendees, tribal leaders, and we've 18 had some folks raise their hand who are online with us 19 today will be asked to identify themselves for that, 20 leader-to-leader consultation. When that comes, our tech 21 team will invite you to unmute, turn on your camera, and we 22 will open up for that comment. And then when we get to the 23 place when we have organizational or other representatives, 24 we'll also ask for raised hands. We have some folks that 25 have already signed up on their way in person.</p>
<p style="text-align: right;">Page 27</p> <p>1 Addressing current funding structures. Indian 2 Affairs is seeking input on how to better support tribes by 3 reducing the administrative burden to access and administer 4 funding, improving communications with tribes on funding 5 opportunities, and improving technical assistance and 6 direct support to tribes to obtain and administer funding. 7 And finally, increasing Indian Affairs support for tribal 8 self-governance and self-determination. How can Indian 9 Affairs optimize its functionality and effectiveness to 10 provide tribes with improved flexibility, to foster 11 economic growth, address the specific local needs of their 12 communities, and increase pathways to self-determination 13 and self-governance? Can we go to the next slide? Is it 14 up there? 15 For the National Energy Emergency Consultation, 16 Indian Affairs seeks tribal input on the following proposed 17 categorical exclusion to be established as NEPA 18 implementation procedures. Never know how to read these -- 19 516 DM 10.5(G)(5). Quote, "Approval, modification or 20 renewal of rights of way and/or applications for permit to 21 drill for oil and gas development activities on Indian 22 Trust or restricted surface or mineral state, provided 23 these activities relive an existing disturbance footprint 24 or result in no more than 25 acres total new surface 25 disturbance for the proposed action and that they comply</p>	<p style="text-align: right;">Page 29</p> <p>1 And again, if you are on the phone or end up on 2 the phone at any point, Star9 is to raise your hand, Star6 3 to unmute. Nope, sorry we're not on a short break. Okay, 4 so we're going to -- sorry, that was a little quick. So 5 I'm going to start with our first invited Tribal Leader, 6 Chairman Seki. 7 CHAIRMAN SEKI: (Native language.) Good morning, 8 everyone. My name is Daryl G. Seki Sr., Chairman of Red 9 Lake Man of Chippewa Indians. Red Lake is responsible for 10 providing critical services to our 17,140 members who call 11 our 840,000-acre reservation their home, all of which is 12 held in trust by the United States. I want to thank Indian 13 Affairs for holding a Tribal Consultation in Minnesota. 14 Please consider my comments today in conjunction with the 15 written comments I'll be providing. And I want to invite 16 you all to Red Lake, which is located about four and a half 17 hours north of here. 18 That being said, I am disappointed that this 19 Consultation on restructuring of Indian Affairs comes after 20 you made and implemented decisions that have resulted in 21 many of the Indian Affairs employees we rely on leaving the 22 agency. This makes me concerned that despite Secretary 23 Burgum's emphasis on the importance of tribal consultation 24 in his confirmation hearings and testimony before the House 25 and Senate Interior Appropriations Subcommittee, this is</p>



<p style="text-align: right;">Page 30</p> <p>1 nothing but a check-in-a-box exercise.</p> <p>2 As to question number 1 on restructuring Indian</p> <p>3 Affairs. Interiors memo encouraging employees to take</p> <p>4 advantage of the Voluntary Early Retirement Authority,</p> <p>5 Voluntary separation incentive payment has already had</p> <p>6 impact on Red Lake. We have been informed that several</p> <p>7 critical employees in the BIA Midwest Region office have</p> <p>8 left. We understand BI staff had been reduced by 22</p> <p>9 percent since January, with a target reduction of 40</p> <p>10 percent, with the added rule that many of the positions</p> <p>11 cannot be rehired for five years. These staff reductions</p> <p>12 will have negative impacts for years in Indian countries.</p> <p>13 I want to know why you thought this would make</p> <p>14 Indian Affairs more efficient. There are already</p> <p>15 significant backlogs in the work they carry out. Fewer</p> <p>16 employees will not help. Look at realty and probate, for</p> <p>17 example. Secretary Burgum stated in congressional hearings</p> <p>18 on May 20th and 21st that there is a significant backlog of</p> <p>19 probate cases, 48,000 nationwide. This is not only</p> <p>20 unacceptable but a violation of your trust and treaty</p> <p>21 obligations, and it hurts tribal members who need finality</p> <p>22 in these cases.</p> <p>23 If Indian Affairs is going to encourage employees</p> <p>24 to leave the agency, then we need you to fully embrace</p> <p>25 tribal self-determination and self-governance authorities</p>	<p style="text-align: right;">Page 32</p> <p>1 tribal priority allocations and pay costs.</p> <p>2 Second, we encourage Indian Affairs to utilize</p> <p>3 formula funding based on certified enrollment numbers and</p> <p>4 Tribal Trust land base.</p> <p>5 Third, we encourage Indian Affairs to increase</p> <p>6 the use of flexible funding mechanism, like self-</p> <p>7 determination contracting, self-governance, compacting and</p> <p>8 Tiwahe.</p> <p>9 Fourth, we encourage Indian Affairs to remove</p> <p>10 administrative barriers and urge Congress to remove</p> <p>11 statutory barriers that make accessing federal funding</p> <p>12 difficult. Fifth, Indian Affairs should invest in</p> <p>13 technology and use consistent payment platforms to ensure</p> <p>14 transparency.</p> <p>15 Sixth, accept drawdowns from Treasurer's new</p> <p>16 justification requirement in order to receive our funding,</p> <p>17 which the Secretary is already required to provide us under</p> <p>18 signed compacts.</p> <p>19 As to Question 3 on increasing Indian Affairs</p> <p>20 support for tribal self-governance and self-determination,</p> <p>21 Red Lake has long utilized the ISDEAA compacting to</p> <p>22 administer an area of critical services for our members,</p> <p>23 including but not limited to healthcare, public safety,</p> <p>24 fire stations and much more. And we do so in the most</p> <p>25 efficient and effective manner. This is because ISDEAA</p>
<p style="text-align: right;">Page 31</p> <p>1 to provide tribal governments with authority and necessary</p> <p>2 resources to manage their own affairs. This includes the</p> <p>3 handling of realty and probate cases, which are in the</p> <p>4 hands of the BIA. Additionally, we encourage you to use</p> <p>5 the TIWAI Initiative as a model for success. We have used</p> <p>6 the initiative to reduce youth suicides, reunify families,</p> <p>7 provide access to culturally resilient treatment and mental</p> <p>8 health programs, increase job training and employment, and</p> <p>9 so much more. Reducing our out-of-home child foster care</p> <p>10 placement by 60 percent over the past six years, for</p> <p>11 example, has resulted in healthier families that in the</p> <p>12 long-term depend less on federal programs to meet their</p> <p>13 needs.</p> <p>14 As to question number 2 on addressing current</p> <p>15 funding structures, including identifying efficiency</p> <p>16 barriers to expedite funding to tribes and tribal programs,</p> <p>17 our first issue with Indian Affairs funding is your</p> <p>18 proposed budget to Congress of FY 2026. I hope our allies</p> <p>19 on the House and Senate Appropriations Committee continue</p> <p>20 to support us in fighting back against your unsound</p> <p>21 recommendation for proposed cuts.</p> <p>22 We hope you will request full funding for Indian</p> <p>23 Affairs programs based on the numbers provided by Tribal</p> <p>24 Interior Budget Council. Moving forward, their request is</p> <p>25 32 billion for BIA and BIE combined in 2027. This includes</p>	<p style="text-align: right;">Page 33</p> <p>1 provides tribal governments with the flexibility to make</p> <p>2 decisions based on tribal priorities and community needs,</p> <p>3 using the same dollars the federal government will have</p> <p>4 used to administer services.</p> <p>5 Indian Affairs should maximize its use of ISDEAA</p> <p>6 protocols to meet local needs. However, this does not mean</p> <p>7 that problems do not exist. For example, in FY2022 and</p> <p>8 2023, Congress enacted several general increases for BIA,</p> <p>9 including 4 million for water resources, 4 million to</p> <p>10 wildlife and parks, 3 million for the tribal</p> <p>11 Management/Development Program, the TMDP, as well as 11.5</p> <p>12 million for law enforcement. Congress instructed BIA to</p> <p>13 distribute these increases to the tribes that operate these</p> <p>14 programs, but BIA did not follow instructions. Instead,</p> <p>15 they distributed the funds in other ways.</p> <p>16 They also made mistakes in the distribution of</p> <p>17 funds. For example, in the TMDP distribution, they</p> <p>18 excluded all self-governing tribes from their share of</p> <p>19 these funds. And for law enforcement distribution, they</p> <p>20 made a mistake calculating Red Lake's share by leaving out</p> <p>21 Red Lake service population, which was part of the funding</p> <p>22 formula. Going forward, BIA must follow Congress</p> <p>23 instruction for distribution of general program increases,</p> <p>24 make sure that the tribes who operate these programs</p> <p>25 receive their fair share of the increases.</p>

<p style="text-align: right;">Page 34</p> <p>1 In closing, here, I got the United States 2 Constitution. Your leaders agreed when they were told that 3 they're going to be positioned, they raised their hand to 4 follow the Constitution, the United States Constitution. 5 Remember that. They agreed to follow this, but yet they're 6 violating the United States Constitution right now. 7 In closing, I want to remind everyone that tribes 8 are our governments and need standing as spelled out in our 9 Treaties, Article 6 of the United States Constitution, 10 which says our treaties are supreme law of the land. As 11 such, the federal government has trust, responsibility and 12 obligation to uphold our treaties and to adequately fund 13 our progress. The promises made under our treaties and in 14 the United States Constitution have too often turned out to 15 be broken promises. And this is still happening as I speak 16 today. 17 Red Lake stands ready to work with you to make 18 Indian Affairs work better for tribes. But slashing the 19 workforce up to 40 percent won't make things work better. 20 And when the Administration proposed cutting tribes' base 21 and reoccurring government operating funds, which are 22 already severely underfunded, that presents a significant 23 barrier for us to work with you all. Remember, during the 24 treaties, our chiefs gave up millions and millions of acres 25 to the United States for these promises on Article 6.</p>	<p style="text-align: right;">Page 36</p> <p>1 Indian Affairs. And I have over 30 years in law 2 enforcement with the same tribal police department back 3 home, Saginaw Chippewa. And we have one of the best 4 training programs in all law enforcement in our area. So 5 what happens after we train our people, local police 6 agencies come and recruit our people because they can offer 7 more. Better wages, retirement. And that's something that 8 we need to have happen for all law enforcement is parity, 9 so we can have the same retirement as rest of federal 10 agencies across the country. So we won't be losing 11 anymore. 12 I mean it's ridiculous. I'm sitting in a 13 restaurant within Michigan someplace, and somebody will tap 14 me on the shoulder, hey, do you remember me, Sergeant 15 Davis? I'll turn around and look, and I said, I'm sorry. 16 Because we've lost over probably 40 police officers over 17 the years. Some are Sheriff's Department sheriffs and some 18 are undersheriffs. Some are detectives. Some are criminal 19 investigators. So we do have a training -- great training 20 program, so we need to recoup our people. It's just like a 21 board of, you know, we train, train, train, and then we 22 lose them. 23 But I want to talk a little bit more. Our Tribal 24 Administration, they sat down with our tribal directors and 25 created this document right here that will be submitted</p>
<p style="text-align: right;">Page 35</p> <p>1 Remember that. All the tribes here, our chiefs, stood back 2 and gave up millions and millions of acres of land, so us, 3 as tribes, can have a home. Remember that, what I'm saying 4 to you. Take it to Washington. Tell them what we're 5 saying here. 6 That's not right for you, for the government 7 officials. The elected officials are not following the 8 United States Constitution as they swear to do so. But 9 they're not. They're failing. They've been failing 10 decades for the tribes. They promised the tribes, to take 11 care of the tribes, but they're failing. They've been 12 doing it for decades, and it's happening now. (Speaking 13 Native language). 14 MR. DUNCAN: Thank you, Chairman. 15 I invite Chief Davis. 16 CHIEF DAVIS: My name is Tim Davis. I'm the 17 Tribal Chief of the Saginaw Chippewa Indian tribe near 18 Mount Pleasant, Michigan. Today I have a written document 19 that we want to send in from our Tribal Administration. 20 All of our tribal directors sat down and got together and 21 created this. But we want to review this after this 22 meeting today to see if we need to add more substance to 23 it. 24 So I want to talk a little bit more about some of 25 the programs that we have and funded by the Bureau of</p>	<p style="text-align: right;">Page 37</p> <p>1 within the next couple of weeks. But it's -- we have a 2 school. We just opened up our new school. We was debating 3 on funding, how to go about it. And it's been a 20-year 4 process. Do we keep it public so we can get public funds? 5 Do we keep it tribal so we try to build it ourselves? So 6 we decided to go tribal, and it took a long time and a long 7 process to get open, and we finally opened it just 8 recently, our first year. And we're having a lot more 9 college graduates from our tribe. Michigan State, 10 Michigan, Central Michigan, mid-Michigan, local colleges 11 around the area. So that, that's great that that's 12 happening, that we need to educate our people and provide 13 better services to them in schools. 14 With law enforcement, we have cross deputization 15 with all of our local agencies which is, we have five 16 agencies in Mount Pleasant, State Police, CMU Police, 17 that's college, city police, county police and tribal 18 police. We all work together as a great team, you know, so 19 we watch each other's backs all the time. So I'm just 20 skipping through my quick notes here. I don't want to take 21 a lot of time. 22 So we have the same thing with the fire 23 department. We have a few full-time fire department, but 24 we have mutual aid with all of our agencies in the area. 25 We do send out people nationally to fight fires. They're</p>

1 all trained. And we pay, the tribe does, and we get  
2 reimbursed by the feds. But it's a slow process sometimes.  
3 You guys know that. You know, it's like delivering a check  
4 on a turtle's back. It gets to us eventually, but it may  
5 take a long time. So we need to speed up things like that  
6 so we can be more helpful with all communities, not just  
7 native, but all communities out there.

8 We have behavioral health programs. We had that  
9 facility now for about 20 years, and that needs upgrading  
10 and repair, and just numerous things like that. We know  
11 that programs are the ones were consolidated for the funds  
12 and now it's being requested that we send requests  
13 individually, which is going to probably slow up the  
14 process. So we would like to make sure it's all  
15 consolidated and we get the funds in one shot.

16 There's so many other things out there that I  
17 think that is so important to all tribes across the  
18 country. I think we all have similar requests, similar  
19 needs, water infrastructure, power. You know, we need to  
20 upgrade on our power, fresh water, wastewater, our housing  
21 developments, just. Those housing developments, the  
22 requirement sometimes opens the door for any and all people  
23 to live within the jurisdiction of the Sagina Chippewa  
24 tribe. And having been able to hold law over some of these  
25 non-natives is a tough situation.

1 We work very well with our local FBI agent out of  
2 Bay City, Michigan. They actually do a regular report to  
3 us, and so we have a good relationship with that. But I  
4 think that's -- out in Indian country, that may not be  
5 happening. So I'd like to speak on behalf of all tribes  
6 out there is that we need better communication with local  
7 law enforcement. It's a big thing for me. I raised a  
8 family of four sons as being a tribal police officer. I've  
9 been with the Tribal Council now for 11 terms myself. So  
10 it's something that is just close to my heart. I want to  
11 do the best for -- my youngest granddaughter is 5. My  
12 oldest is 20, grandson. And it's something that we need to  
13 focus on, our children.

14 And don't forget. I just -- we just had a  
15 meeting with the local government, non-native government,  
16 that I had to remind them that they need to take care of  
17 their children and take care of their elders. Their elders  
18 are the ones that got us here. So don't -- like I said to  
19 them, I said, don't put them in the shadows. Don't forget  
20 them. Honor them, you know, keep them in your heart. Do  
21 what you can for them. So I know they're going through  
22 tough times. Everyone's going through tough times. I  
23 guess tribal sovereignty is a must, as Chairman here said,  
24 you know, and, and I agree with a lot of stuff he said, and  
25 I'm glad he raised a little bit of hell about it. I

1 appreciate that.

2 But in closing myself, I just want to say that  
3 one thing really touched me is that we had this native man.  
4 He wasn't a tribal member, but he had property north of us  
5 about two and a half hours. And in his passing, he wanted  
6 to make sure his property went to the rightful owners. So  
7 he gave his property to my tribe, the Saginaw Chippewa  
8 Indian Tribe. That was a great gesture. So we had a  
9 little ceremony, and his family came, about 20 of them.  
10 And I had our spiritual leader and teacher, Joe Somic. He  
11 did a ceremony along with one of my councilmen, Frank  
12 Latier, and we thanked him and blessed them. And it was  
13 just a great honor to receive that and that great gesture  
14 that he did, turning that land back to the rightful owners  
15 in his heart.

16 I seen earlier a comment made about -- and that  
17 was on the news today this morning -- that the schools are  
18 going through an issue about naming their mascots Indian  
19 names and things like that. And they're taking a vote on  
20 it. And now they just want to, not the whole tribes in  
21 Minnesota, but they just want the local tribe to determine  
22 if it's okay or not. So what we did with our local  
23 university, Central Michigan University, we came to an  
24 agreement many years ago that we can let them continue to  
25 use the Chippewa name, but they got to educate incoming

1 students. Every class goes through an education, and they  
2 visit our Ziibiwing Museum, tour that and learn about us.  
3 And so I think that's good for us. That's the way we  
4 handle it, and it works out very well. So we get a lot of  
5 people that know us.

6 And these consultations that you have, and  
7 there's other departments that come forward, they say they  
8 want to learn about the tribe. This last one, they went to  
9 Ziibiwing, and they learned the history. So when he came  
10 to me with the Council, I said, so you know about the tribe  
11 now? And they said, oh yeah, we do, we do, we do. What  
12 they learned was the history, not what's current. So I was  
13 not really happy about that. They didn't inquire any more  
14 information, up-to-date information. They just thought,  
15 well, you know, they learned the history and that's good  
16 enough. But thank you for my time here. I appreciate it,  
17 you guys sitting here also, and safe travels to everyone  
18 and safe travels to all the members there. I appreciate  
19 you guys for being here. I'm not a person that is  
20 technical, so I'd rather be here face-to-face. I think  
21 it's better when you look people in the eyes. And to me,  
22 it stands a lot better for me to see faces. Thank you,  
23 guys. Thank you.

24 MR. DUNCAN: Thank you. I invite Hereditary  
25 Chief King.

<p style="text-align: right;">Page 42</p> <p>1 CHIEF KING: (Speaking in Native language.) What 2 I just said there was our traditional Ojibwe introduction. 3 I was telling you my name. My Ojibwe name is Migizinz, or 4 Little Eagle. And my family's from the Mink clan in the 5 town of Redby. My English name is Dan King. I'm 6 Hereditary Chief on the Tribal Council from the Red Lake 7 Nation, and I'm also president of the Red Lake Nation 8 College. I want to say miigwec to our federal officials 9 for holding these sessions. And I want to acknowledge all 10 the tribal leaders and guests in the room and online today. 11 Your stated objections to streamline operations 12 for efficiency, I think every tribe in this room and online 13 is in agreement with you. We're all for that. To minimize 14 the potential impact on the quality of services of tribes, 15 yes, we agree with that as well, but our biggest concern is 16 that anytime new government policies have come about, 17 historically, it's been tragic results. And you only have 18 to look back to the history of allotment, termination, 19 relocation, boarding schools, and you could go on and on. 20 Now, AIHEC, the American Indian Higher Education 21 Consortium, provided all the TCU official technical 22 requests. And I do want to acknowledge Dr. Davis, your 23 father, who was one of my mentors and a great iconic leader 24 for all tribal colleges with a beautiful heart and caring 25 for people. So I can see that you have that as well,</p>	<p style="text-align: right;">Page 44</p> <p>1 trust responsibility is a legal obligation, which the U.S. 2 has charged itself with moral obligations of the highest 3 responsibility and trust, has charged itself with the 4 highest moral obligations, responsibility and trust. So 5 this is legally enforceable, a fiduciary obligation to 6 protect tribal treaty rights, lands, assets, and resources. 7 So think about that. Our lands are called trust 8 lands. Trust lands. So we're not here today as tribes 9 asking for free handouts. We gave millions of acres of 10 land up in these treaties for promises of health care, 11 education, economic opportunity, and well-being. Our Red 12 Lake tribe gave up 11 million acres. This is one tribe, 11 13 million acres. We still have a million acres today, but we 14 gave up 11 million acres. My great, great, great 15 grandfather, Maidway Gananan, he signed the treaty for our 16 tribe with the U.S. government. He signed that treaty with 17 Abraham Lincoln. And Abraham Lincoln gave our family and 18 our tribe a U.S. flag with the promise that the U.S. would 19 follow those treaties. 20 So today, we're asking you to honor and follow 21 those treaties and those acts of Congress like we have with 22 the tribal colleges, the 1978 TCCU Act. Those are funding 23 a major part of our bread-and-butter funding for tribal 24 colleges. If needed, we will demand that the courts follow 25 this. And you know what? We will win that. We will win</p>
<p style="text-align: right;">Page 43</p> <p>1 Scott. So I appreciate that. So AIHEC will be providing 2 that. 3 I wanted to talk a little bit about the tribal 4 colleges and the big picture on your question 1 about trust 5 responsibility in this country, the USA. Every place, 6 everyone in this room today and everyone online watching, 7 every place you live was once Indian country. And every 8 place, everyone in this room and online, every place you 9 work was once Indian country, was once Indian lands. So 10 think about that. Every place everyone in this country 11 lives and works was once Indian country, was once Indian 12 lands. 13 Pre-colonization land base of the U.S. is 2.26 14 billion acres. 2.26 billion acres. Today, that's 56 15 million acres. That's only 2 percent of the original land 16 base of the U.S. is now Indian lands. That's 98 percent 17 loss. So think about that. We wouldn't have a USA if it 18 wasn't for treaties that turned it from 100 percent to 2 19 percent, because of those treaties. But you know what the 20 main point is? That we're still here. The tribes are 21 still here. 22 And in those treaties, promises to provide health 23 care, education, nutrition and economic well-being were a 24 part of those treaties. It's the U.S. legal trust 25 responsibility. The Supreme Court says federal Indian</p>	<p style="text-align: right;">Page 45</p> <p>1 that battle. But we don't want to have to do that. We're 2 here today to talk and do this dialogue, but if we have to, 3 we will fight that battle. 4 The education cuts are especially harsh, since 5 education is the best way to break our cycles of poverty 6 and hopelessness. Tribal colleges serve a unique market 7 niche that no one else serves. We serve Native in the most 8 rural areas of the U.S., and in urban areas, like our new 9 Red Lake Nation College Minneapolis site in downtown 10 Minneapolis that serves our Red Lake members who live there 11 and 50,000 Native Americans. Eighty percent of our 12 students are like me. They're first generation, the first 13 in their family that ever went to college. TCUs perform 14 better than mainstream schools at educating natives. 15 We build our people up with confidence, academic 16 skills, pride. We teach them their language, culture and 17 their history. When they come to tribal colleges, many 18 times, that's the first time they've seen a Native teacher 19 or a counselor or a college president who looks like them. 20 We are centers of hope and economic opportunity for our 21 communities. At Red Lake Nation College, our recent 22 graduation rate hit an all time high of 60 percent. Sixty 23 percent. That's among the top 10 percent for all two-year 24 public schools. The Higher Learning Commission, our 25 accrediting body, said on a recent performance, Red Lake</p>

<p style="text-align: right;">Page 46</p> <p>1 Nation College is one of the top performing two-year public 2 schools in the country. Any public school, not just tribal 3 colleges.</p> <p>4 We report to our state legislature every year 5 because we get, our students get funding for financial aid, 6 state funding, like all students in Minnesota. So we 7 reported there, and the Republicans were running this 8 committee, because they're in charge of that particular 9 committee. So they told us that the Red Lake Nation 10 College return on investment was the highest of any school 11 in the state. What they spent on that money comes back to 12 the state. That's the best return on investment for any 13 school.</p> <p>14 We have to meet the same accreditation for the 15 Midwest area as Notre Dame, Michigan, or any major school 16 in our region. Our students transfer to schools like the 17 University of Minnesota, private schools like Augsburg, and 18 even elite schools like Dartmouth, which one of our 19 students recently did.</p> <p>20 In closing, you're asking for input and dialogue, 21 and that's great. We'll provide that today. But we want 22 to emphasize the legal trust relationship in the treaties, 23 because we're not like every other group, DEI. We have a 24 legal relationship with the United States government and 25 tribes.</p>	<p style="text-align: right;">Page 48</p> <p>1 to find a way to make this work. That's not legal 2 consultation. And we can't undo the legal treaties and the 3 Acts of Congress.</p> <p>4 So we need more specifics. We need more details. 5 We need the green budget. And then after we see that, we 6 need to have chances to interact like this again with 7 tribes and the government so that we can have more meetings 8 and more discussions. Because if there are cuts to the 9 tribal college funding, that's 40 to 70 percent of our 10 budget is the federal funding. So that's our bread and 11 butter. That's what we live on. Our tribal colleges 12 cannot afford to deal with 40 to 70 percent cuts.</p> <p>13 So if there are cuts like that, then we will be 14 forced into legal action. We don't want that. We want to 15 talk about it and go back and forth. So that's why we're 16 all here today, and that's what we would like. Miigwech 17 for your time.</p> <p>18 MR. DUNCAN: Thank you, Chief. Can I invite 19 Chairwoman Nicole Boyd?</p> <p>20 CHAIRWOMAN BOYD: I met Mr. Davis in D.C. and I 21 told him I would never forget him or his name because my 22 son's name is Davis. So start with that.</p> <p>23 First, I sincerely apologize for speaking ahead 24 of my elders, but I was here early. Good morning and thank 25 you for allowing me time to speak today. (Speaking in</p>
<p style="text-align: right;">Page 47</p> <p>1 On the question you asked about restructuring for 2 efficiency, we need more people, not less people. We need 3 more people, not less people. The BIA and the BIE are 4 anywhere from 25 to 40 percent vacancies already. So 5 they're already understaffed. For the BIE, right now we 6 have one person who works with all 38 tribal colleges, our 7 analyst, Kat Campbell. She's been there for almost about 8 15-plus years. We can't afford to lose her. She's our 9 tie-in to the BIE.</p> <p>10 Your question about barriers to funding? We need 11 more funding, not less. We need more funding for programs, 12 not less. Tribal colleges are already the lowest funded 13 schools in the country at \$8,200 a student. And we do 14 question, you know, although we appreciate these sessions, 15 we question the process of having these broad topics with 16 no specifics in these skinny budgets that nobody knows what 17 it is. There's no transparency there. And NARF, the 18 Native American Rights Fund, had already started the 19 process of a lawsuit, and the main issue was failure to 20 consult and inadequacy of consultations.</p> <p>21 So it can't be the case that the budget was 22 already decided, like we've heard in the news. It's in 23 there every day. The budget's already set and they're 24 doing these final. It can't already be mandated and say, 25 all right, here's the budget and live with it. Let's try</p>	<p style="text-align: right;">Page 49</p> <p>1 Native language.) I am Chairwoman Nicole Boyd of the Loon 2 Clan from the Bay and Lakeshore with Red Cliffs, known as 3 the federally recognized Red Cliff Band of Lake Superior 4 Chippewa Indians. On behalf of the Red Cliff Band of Lake 5 Superior Chippewa Indians, I'd like to provide comments in 6 response to the consultation request from the U.S. 7 Department of Interior regarding Executive Order 14210 and 8 efforts to restructuring Indian Affairs to support more 9 efficient interactions with tribes.</p> <p>10 First, I'd like to offer some context for the 11 basis of our comments. We're located in the extreme 12 northernmost tip of Wisconsin, adjacent to the one and only 13 Apostle Islands and the Lake Superior South shoreline. Our 14 reservation covers approximately 14,000 acres, or 22 square 15 miles.</p> <p>16 We are currently served by the Midwest Region in 17 Bloomington, Minnesota, about four hours south of Red Cliff 18 and the Great Lakes Agency located in Ashland, Wisconsin, 19 about 40 minutes south of Red Cliff. We have 8038 enrolled 20 members. Of those, 1714 live in our immediate service area 21 on and near the reservation. Just over half of the entire 22 membership lives throughout the state of Wisconsin, and 23 many more reside throughout the Midwest region in Minnesota 24 and Michigan.</p> <p>25 We are not a monetarily wealthy tribal nation</p>



<p style="text-align: right;">Page 50</p> <p>1 thriving on gaming, industrial or other commercial economic 2 development that provide significant discretionary 3 resources. In fact, we are one of the smallest and 4 monetarily poorest tribes in Wisconsin. Eight-six percent 5 of our fiscal year 2024 budget was from federal sources, 6 providing direct services and projects to our community 7 membership. 8         Since we began 93638 self-determination 9 contracting with the Department of Interior, Red Cliff has 10 successfully managed close to \$65 million in federal funds. 11 This includes operating our own police Department, tribal 12 courts, Indian child welfare, natural resources, education 13 programs, roads maintenance, fire department, tribal 14 historic preservation office, Tiwahe funding, and some land 15 management. We are a couple weeks away from submitting our 16 First Public Law 102477 Indian Employment Training and 17 Related Services Plan to Department of Interior, which will 18 include 19 federal awards. It has taken us nearly two 19 years to prepare our staff and community for this much 20 needed transition, which aligns with the current federal 21 priority of reducing administrative burden and improving 22 services to our tribal community. 23         In response to DOI's consultation questions, 24 today we offer the following feedback. We fully support 25 implementation of the HEARTH Act at our tribal level,</p>	<p style="text-align: right;">Page 52</p> <p>1 official and dozens of tribal staff are managing, including 2 all modifications, fiscal reports, questions, and hundreds 3 of contacts throughout the year, most of which are done 4 through email. 5         An example of effective block grants to tribes 6 was during CARES Act in ARPA when funds were awarded 7 through other aided tribal government modifications. The 8 Tiwahe Initiative is another example of effective block 9 grant funding. Red Cliff has received multiple years of 10 incubator funding in anticipation of securing demonstration 11 status and resources. This includes preparing frameworks 12 and capacity for implementation and evaluation. 13         We truly feel this model of program operation and 14 service delivery will best meet the needs and improve 15 outcomes for children and families and aligns with our 16 cultural values and norms. We support the full funding 17 needs of this initiative. 18         As I mentioned earlier, we're in the process of 19 consolidating 19 federal awards as part of our 102-477 20 plan. These 19 awards are but a small total of the nearly 21 200 Verian awards the Tribe has open in the fiscal year. 22 We express support for DOI to work with all federal 23 agencies to expand this model. 24         Regarding the consolidation of regional offices 25 and local agencies. Decisions to eliminate, modify,</p>
<p style="text-align: right;">Page 51</p> <p>1 reducing DOI dependency. This is the only program in which 2 we currently rely on the BIA to manage all lands and trusts 3 on our behalf, despite Redcliffe staff doing 99 percent of 4 the work, processing all paperwork, working directly with 5 every land lessee, managing all compliance, and caring for 6 the physical lands. Yet, we receive no direct funding nor 7 contract support to do so from the DOI. 8         For a tribe with little to no discretionary 9 resources, this is our largest unfunded need and undermet 10 trust responsibility from the DOI. The BIA management of 11 land leases has had ongoing challenges for our membership 12 for decades, which further hinders tribal member home 13 ownership goals and community housing development. From 14 lost and poor management of records and payments to delayed 15 responses and lack of follow-through, our tribe spends 16 countless hours of damage control with our membership. 17         Despite positive working relationships with the 18 local BIA land management and realty staff and their 19 continued efforts toward improvements in the last couple of 20 years, we feel the best option is for DOI to prioritize 21 supporting and resources of tribal capacity to manage this 22 ourselves. We support reducing the number of annual 23 contracts and consolidating to a compacted block award for 24 all allocated DOI federal resources. In any fiscal year, 25 we have dozens of open awards that the local BIA awarding</p>	<p style="text-align: right;">Page 53</p> <p>1 change, add positions, departments or agencies should be 2 based on whether the needs of tribal nations are met. We 3 feel this should have been done comprehensively and that 4 this consultation process does not achieve this. Although 5 a daunting task, each tribal nation deserves their own one- 6 on-one interview scheduled at their homelands to engage in 7 meaningful discussion. 8         Anyone hastily looking from the outside or 9 passing judgment based on slanders, ideas or snippets of 10 information without context may immediately come to the 11 conclusion that DOI is overstaffed and not meeting the 12 needs, tribes are dissatisfied, and that providing a 13 refresh to the structure is in all of our best interests. 14 While we agree and appreciate that improvements are needed, 15 we respectfully ask that those decisions receive the time 16 and attention needed to ensure changes are mutually 17 welcomed, and we build upon the trusting relationships that 18 the immediate past DOI leadership did such a wonderful job 19 achieving. 20         Given all circumstances, we do deeply appreciate 21 any opportunity to share our feedback on the efforts of 22 this current administration and hope that this is a 23 continued process to building meaningful government-to- 24 government relationships. Our local BI agency in Ashland, 25 Wisconsin, employs about 40 people, most of whom are Red</p>

<p style="text-align: right;">Page 54</p> <p>1 Cliff and the (audio disruption).</p> <p>2 BIA Indian preference policies should need no</p> <p>3 further explanation of their benefits. They are vetted,</p> <p>4 researched, and shown to have the best outcomes for the</p> <p>5 tribal nations they are intended to serve.</p> <p>6 We strongly feel eliminating this local agency</p> <p>7 and attempting to consolidate with the regional office is</p> <p>8 not in the best interest of our needs and the trust</p> <p>9 responsibilities of the DOI.</p> <p>10 We offer that if any relocation of these staff is</p> <p>11 considered to reduce costs of leasing spaces, that it be to</p> <p>12 the local tribal nations first. Although our ban has not</p> <p>13 met U.S. federal government requirements for the elite</p> <p>14 status of self-governance, nor do we believe we need to</p> <p>15 prove to the federal government our ability to manage</p> <p>16 resources, we have already earned and paid for in</p> <p>17 perpetuity by ceding millions of acres of land.</p> <p>18 We do express our sincere willingness to work</p> <p>19 together with DOI and their obligation to manage resources</p> <p>20 on behalf of the U.S. government for their trust,</p> <p>21 responsibility and increasing self-determination through</p> <p>22 assertion of tribal sovereignty.</p> <p>23 I thank you for listening and your time today.</p> <p>24 Miigwech. We will be providing written comments regarding</p> <p>25 executive order 14156 and the emergency permitting changes.</p>	<p style="text-align: right;">Page 56</p> <p>1 improve flexibility, to increase pathways to self-</p> <p>2 determination.</p> <p>3 So process improvements. So Great Lakes Indian</p> <p>4 Fish and Wildlife Commission primarily relies on the BIA to</p> <p>5 provide funding under PL 93-638. In general, the Bureau</p> <p>6 handles this task efficiently. However, there have</p> <p>7 sometimes been delays between the appropriation of funds</p> <p>8 and their receipt. This is problematic for GLIFWC, because</p> <p>9 we rely on the interest we earn from those -- \$638 is our</p> <p>10 only source of discretionary income. We must be able to</p> <p>11 count to a reasonable degree on timing of funds to be able</p> <p>12 to most effectively and efficiently budget our funding. If</p> <p>13 anything, the BIA should build capacity by adding an</p> <p>14 additional contract officer within the Midwest region.</p> <p>15 This could potentially help expedite payments to GLIFWC.</p> <p>16 Currently, we are delayed in our funding. We</p> <p>17 have only received the third CR for our funding end. which</p> <p>18 is not sufficient to complete our complete fiscal year.</p> <p>19 And so for those of you that that operate different,</p> <p>20 whether that's organizations or tribes, you can only</p> <p>21 realize the insecurity or the lack of comfort that may</p> <p>22 provide of being able to have your careers potentially</p> <p>23 threatened.</p> <p>24 For office consolidation, GLIFWC and its member</p> <p>25 tribes are located in northern Wisconsin, upper Michigan</p>
<p style="text-align: right;">Page 55</p> <p>1 MR. DUNCAN: Great. Thank you, Chairwoman. So</p> <p>2 we're going to do one more in person. Then I'm going to</p> <p>3 ask Kyle to invite some of our tribal leaders who are</p> <p>4 joined online.</p> <p>5 Can I invite Executive Administrator Schlender?</p> <p>6 Jason Schlender?</p> <p>7 MR. SCHLENDER: (Speaking in Native language).</p> <p>8 Good morning, everybody. My English name is Jason</p> <p>9 Schlender. I'm the Executive Administrator for the Great</p> <p>10 Lakes Indian Fish and Wildlife Commission located in</p> <p>11 Odanah. That's within the boundaries of the Bad River</p> <p>12 Reservation or Mashkiiziibii, located close to the --</p> <p>13 referenced as the Apostle Islands but also recognized as</p> <p>14 the islands that were created by our Great Uncle Inabuju.</p> <p>15 And so it's an honor to be here to provide just</p> <p>16 some short testimony here on behalf of the Great Lakes</p> <p>17 Indian Fish and Wildlife Commission, our staff, the tribes</p> <p>18 that we provide services to. For those of you that may not</p> <p>19 know who GLIFWC is, we've been in operation for over 41</p> <p>20 years, and we have 11 member tribes. And so we exercise</p> <p>21 delegated authority from those tribes to assist tribes in</p> <p>22 implementing federal court orders and the implementation of</p> <p>23 their treaty rights. So I'm here on behalf of that</p> <p>24 organization to speak on a couple things here today,</p> <p>25 specifically in the topic of to increase efficiency and</p>	<p style="text-align: right;">Page 57</p> <p>1 and east central Minnesota. For most of these tribes, the</p> <p>2 most convenient and closest BIA office is the Great Lakes</p> <p>3 Regents Office in Ashland, Wisconsin, as mentioned by by</p> <p>4 the Madam Chair from Red Cliff. We have heard reports that</p> <p>5 this office will be closed at the end of August,</p> <p>6 undermining efficiency and diminishing current levels of</p> <p>7 operational support for GLIFWC, and for a number of tribes.</p> <p>8 Closure of the Ashland office would create inefficiencies</p> <p>9 for GLIFWIC, and that staff would have to travel nearly</p> <p>10 four hours each way to meet with Midwest regional BIA</p> <p>11 staff.</p> <p>12 It is also un unclear as to if this office is</p> <p>13 closed, whether its staff would be downsized or moved to</p> <p>14 another location. Given the delays and staffing needs</p> <p>15 mentioned before, it would increase delays in delivering</p> <p>16 funding if funding were reduced, especially given the BIA's</p> <p>17 role in distributing and tracking tribal GLRI funding.</p> <p>18 Removing the Great Lakes regional office or reducing its</p> <p>19 GLRI staff would make releasing and tracking tribal GLRI</p> <p>20 funding very difficult. As the federal trustee, it is</p> <p>21 inappropriate to increase the burden on tribes in an effort</p> <p>22 to make the federal government more efficient.</p> <p>23 The next topic that I'll be speaking on is the</p> <p>24 procedures of utilizing emergency authorities for NEPA and</p> <p>25 ESA. The following comments pertain only to the emergency</p>

<p style="text-align: right;">Page 58</p> <p>1 authorities under NEPA and the Endangered Species Act.  2 GLIFWC does not undertake consultations under the National  3 Historic Preservation Act. Whatever authority DOI intends  4 to use for NEPA and ESA permitting in response to Executive  5 Order 14156, the federal government's treaty obligations  6 cannot be neglected. Unfortunately, the alternative  7 arrangement documents provided do not have any information  8 about how DOI will comply with its obligation to consult  9 with tribes when it proposes to take actions that are  10 likely to impact them.</p> <p>11 It is equally important to remember that the  12 obligation to consult includes consulting when tribes, when  13 they say that a federal action might impact them, not only  14 when the federal government unilaterally decides that there  15 is a potential for impact. This is particularly important  16 when the DOI's actions have potential to impact resources  17 that tribes retain the right to harvest and treaties with  18 the United States.</p> <p>19 This is the case in relation to the NorthMet  20 project, which is added to the FAST-41 list on May 2nd,  21 2025. Because tribes are not the ultimate decision makers  22 when it comes to projects outside their reservation  23 boundaries, it is incumbent on the federal trustee to  24 understand potential impacts on their rights, and to take  25 those impacts into account when making decisions. The</p>	<p style="text-align: right;">Page 60</p> <p>1 created, and we question whether the Administration's  2 currently declared emergency fits the parameters originally  3 intended.</p> <p>4 DOI has an obligation to consult with tribes.  5 These procedures provide almost no in the case of NEPA, and  6 no in the case of ESA, opportunity for tribes to contribute  7 to an understanding of the consequences of DOI decisions,  8 for DOI to consider those consequences or for the tribes,  9 and DOI to agree on measures that might meet the needs of  10 all parties. This undermines the legislative purpose of  11 both NEPA and the ESA. It is contrary to the principles of  12 tribal self-determination espoused by this Administration.  13 It also violates the government-to-government relationship  14 that governs federal responsibilities to tribes and is  15 therefore unacceptable.</p> <p>16 So in closing, I want to extend my appreciation  17 for those who have spoken before myself. I honor this  18 place to where we are, being that we are close to our  19 relatives, the Wanug, and also looking forward, we also  20 realize that (speaking in Native language), that there is  21 only one creator that created everything. And we are  22 thankful for everything that has been provided to us.</p> <p>23 So those of us as Anishinaabe people, as the  24 original people from this part of the world, we extend our  25 appreciation to our allies who have helped us. But there</p>
<p style="text-align: right;">Page 59</p> <p>1 proposal to prepare an EIS in 28 days in effect makes this  2 impossible. Mineral development projects are large and  3 complex, and it takes time for both agencies and tribes to  4 understand the specifics of the proposal and its  5 anticipated consequences. It is unreasonable to assume  6 that these that this information can be gathered,  7 communicated, discussed and mitigated in 28 days. It is  8 imperative that tribes be consulted at the very least  9 before the beginning of the 28-day timeline and that  10 consultation be meaningful.</p> <p>11 As far as implementation of alternative  12 procedures for informal Section 7, consultation under the  13 Endangered Species Act, it appears that no consultation  14 will be even will even be attempted. Obviously, this does  15 not allow DOI to understand or account for impacts to  16 tribes and their treaty reserved rights. The very meaning  17 of self-determination and sovereignty is that the tribes  18 have the opportunity to understand all federal decisions  19 before they happen and be able to discuss with the federal  20 government how those decisions could impact the tribes,  21 their lands and their rights.</p> <p>22 Never was it the role of DOI or any other federal  23 agency to speak for the tribes and to determine scope of  24 acceptable risk on behalf of the tribes. Even in the type  25 of true emergency, this power contemplated, when it is</p>	<p style="text-align: right;">Page 61</p> <p>1 is no one that knows more about this land, that cares more  2 for this land than the original people from this part of  3 the world. So we do our part to continue to exercise our  4 relationship, to utilize our voice, to utilize our cultural  5 ways and our actions to implement those things that have  6 been provided to us and to safeguard those things for  7 future generations.</p> <p>8 So with that, I just want to say. Miigwech,  9 Bizindaadiwag. Thank you for listening. Miigwech.</p> <p>10 MR. DUNCAN: Thank you.</p> <p>11 MR. MERCIER: Administrator? Ben? Before we go,  12 if I could just quickly respond. I appreciate, Jason, the  13 comments and I probably should have, in my opening remarks  14 mentioned. I think I misspoke. This is our fourth  15 consultation, and through the other previous three, there  16 were these rumors about consolidation, agencies closing,  17 regions being consolidated from twelve to six. Those are  18 just rumors. There have been no conversations at all, no  19 decisions that I'm aware of and no conversations at least  20 that I've been a part of and I don't believe Scott's been a  21 part of, about consolidating, eliminating agencies at all.  22 They are sincerely taking these consultations to heart, and  23 we will take the feedback we leave today. That's not to  24 say there won't be in the future, but there has been no  25 decisions at all regarding consolidation or elimination of</p>

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1 agency offices.  
2 I think the rumor started was because very  
3 publicly the General Services Administration, GSA sent  
4 notices to all these soft, what they call soft leases, so  
5 leases that federal agencies have with lessors, notifying  
6 them that we were going to -- the federal government was  
7 canceling their leases when they expire. And we were  
8 notified at the same time that many of these folks received  
9 a notification, and we've been working with GSA to ensure  
10 that all of our agency offices and duty stations remain  
11 open.  
12 We have not closed a single one yet. As those  
13 lease terminations approach, we have been working with GSA  
14 to extend them. And I think to Chairwoman Boyd's point, if  
15 there is an agency location or an office that makes sense  
16 to close, we would have a backup plan likely at the tribal  
17 headquarters or tribal community itself rather than a non-  
18 native lessor we would be working with.  
19 So I just want to talk a little bit about the  
20 rumors about consolidation and closing of agencies, that  
21 there are no decisions and to my knowledge, no  
22 conversations that have taken place about that at all. So  
23 thank you.  
24 MR. DUNCAN: All right. We're going to go to  
25 some online comments. I also want to note there is coffee,

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1 so if that's helpful to get through. I see a lot of eyes  
2 just lit up in the room. So if you're in the room, there  
3 is coffee. I do want to invite Kyle.  
4 Do you want to ask online folks? We'll go three  
5 people online, then we'll bring it back into the room.  
6 MR. VINT: Thank you, Ben. And I do just want to  
7 take a moment to thank our virtual attendees. We've had as  
8 much as 205 people online simultaneously, so we've got good  
9 numbers who are participating. I would also just remind  
10 folks that if you are a tribal leader who would like to  
11 participate virtually and provide your comment, you can do  
12 so by using the raise hand function. Sometimes that's  
13 hidden a little bit under the three dots for more options.  
14 If you're at all struggling to find the raise hand option,  
15 don't hesitate to chat one of the co-hosts of the meetings,  
16 and we can get you into the queue even if you're not able  
17 to find that function.  
18 And for the folks that we have joined via the  
19 phone, and we have a few of you, you can use Star9 on your  
20 touchpad to raise your hand and we can get you integrated  
21 into the queue. So just a little bit of housekeeping as we  
22 get turned over to the virtual comments. For anyone who is  
23 called upon for virtual comment, you will receive a prompt  
24 to let you unmute yourself. If you just accept that and  
25 begin talking, we should be able to hear you.

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1 We are also able to see you in the room if you'd  
2 like to turn on your video. It's by no means a  
3 requirement, but if you'd like to be seen in the room as  
4 you give your comment, you are encouraged or invited to  
5 turn on your video. I would also note that we've had some  
6 hands go up and go down, perhaps because of connectivity  
7 issue or just a lack of clarity about how we're handling  
8 that. I'm going to go in the order that I originally saw  
9 the hands, so it may be a little bit out of order for how  
10 you see it.  
11 We're going to start with Chairman Leonard  
12 Fineday, followed by Chairman Tehassi Hill and then  
13 Chairman Austin Lowes for our first three comments.  
14 So I'm going to come to you first, Chairman  
15 Fineday. You should be able to unmute yourself now. I've  
16 just given the prompt over to you. Go ahead and give us a  
17 test.  
18 CHAIRMAN FINEDAY: Okay. Boozhoo, can you hear  
19 me?  
20 MR. VINT: We're going to turn up your volume in  
21 the room. Go ahead, one more time.  
22 CHAIRMAN FINEDAY: Can you hear me?  
23 MR. VINT: Loud and clear. It sounds great.  
24 CHAIRMAN FINEDAY: All right. Well, Boozhoo, my  
25 name is Lenny Fineday. I have the honor of serving as

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1 Secretary-Treasurer for the Leech Lake Band of Ojibwe. And  
2 I'm honored to be able to provide these comments here  
3 today. I'm trying to turn my camera on, but it's not  
4 working. I apologize for that, but I just want to say to  
5 our federal officials, welcome to Minnesota on behalf of  
6 the Leech Lake band of Ojibwe.  
7 Mr. Davis, it was great to meet with you back in  
8 February and discuss the Tiwahe Initiative. Mr. Mercier,  
9 it's good to see you again. We again want to ensure that  
10 both of you and all of the federal folks know that you have  
11 an open invitation to come visit us here at the Leech Lake  
12 Band of Ojibwe. We'd love to see you and host you and show  
13 you some of the things that we're doing.  
14 I also want to thank the tribal leaders that are  
15 there in the room who have already spoken. There's been  
16 some excellent comments that have been provided. And  
17 again, just on behalf of the Leech Lake Band of Ojibwe, we  
18 stand in agreement with all of those comments, particularly  
19 as it relates to the history of the trust and treaty  
20 obligation that the federal government owes to Tribal  
21 Nations, and the foundation of that, as it's manifested  
22 today being the government-to-government relationship  
23 between the federal government and federally recognized  
24 tribes. This is one of the -- a consultation like this is  
25 one of the primary ways that that relationship is fulfilled

<p style="text-align: right;">Page 66</p> <p>1 in an appropriate manner.</p> <p>2 I want to focus comments today, the verbal</p> <p>3 comments today on behalf of the Leech Lake Band of Ojibwe,</p> <p>4 particularly with regard to our opposition to Secretarial</p> <p>5 Order 3429. The Leech Lake Band of Ojibwe is opposed to</p> <p>6 this secretarial order, and we are formally requesting</p> <p>7 Secretary Burgum rescind this order, or at a minimum,</p> <p>8 modify this order. We believe that it is inappropriate to</p> <p>9 delegate the authority to streamline efficiency efforts</p> <p>10 within the Department of Interior to the Office of Policy</p> <p>11 Management and Budget.</p> <p>12 And the Leech Lake Band of Ojibwe feels very</p> <p>13 strongly that the leadership within each of the individual</p> <p>14 bureaus of the Department of Interior should be the</p> <p>15 decision makers as it relates to these decisions to</p> <p>16 increase efficiency and maximize the productivity of the</p> <p>17 department.</p> <p>18 As you have heard from tribal leaders already,</p> <p>19 the Indian people in this country have had this</p> <p>20 longstanding relationship with the United States</p> <p>21 government, and we have seen a lot of good and a lot of bad</p> <p>22 in that relationship. We have definitely seen a lot of</p> <p>23 fraud, waste and abuse. But what I want to focus on for a</p> <p>24 moment is this word efficiency. The word efficiency, as it</p> <p>25 has been utilized in the last several months in the context</p>	<p style="text-align: right;">Page 68</p> <p>1 likely include actually additional spending.</p> <p>2 And as a side note, I'd just like to note that in</p> <p>3 2024, the total federal budget was \$6.8 million -- or \$6.8</p> <p>4 trillion. Excuse me. The BIA budget was less than one</p> <p>5 half of 1 percent of that, at \$3 billion. And so there's</p> <p>6 definitely a lot of areas to be looking at efficiency</p> <p>7 within the total federal government, but trying to do that</p> <p>8 on the backs of the most vulnerable, the marginalized, and</p> <p>9 especially those that the federal government owes a</p> <p>10 responsibility to, a legal, constitutional responsibility</p> <p>11 to, simply doesn't make sense.</p> <p>12 So on behalf of the Leech Lake Band of Ojibwe,</p> <p>13 again, we are requesting that Secretarial Order 3429 be</p> <p>14 rescinded or modified to allow each of the Bureau agency</p> <p>15 staff to be in charge of making those decisions as to what</p> <p>16 efficiency efforts will look like to implement the</p> <p>17 President's Executive order.</p> <p>18 We will also be providing written comments.</p> <p>19 Again, I want to thank you for your time today. Thank you</p> <p>20 for the opportunity to offer these verbal comments. And</p> <p>21 we're very appreciative of the relationship and look</p> <p>22 forward to continuing to work together. Miigwech.</p> <p>23 MR. VINT: Thank you, Chairman Fineday. We'll go</p> <p>24 next to Chairman Tehassi Hill, followed by Chairman Austin</p> <p>25 Lowe -- Lowes, I apologize.</p>
<p style="text-align: right;">Page 67</p> <p>1 of the federal government, has really manifested itself in</p> <p>2 two primary ways: to say that there'll be budget cuts and</p> <p>3 to say that there'll be reductions in force.</p> <p>4 And really, that's only one component of this</p> <p>5 word efficiency. The definition of efficiency is to</p> <p>6 maximize productivity while minimizing waste. And if we</p> <p>7 want to focus on maximizing productivity, all we need to do</p> <p>8 is look at the backlog of agencies like the Bureau of</p> <p>9 Indian Affairs and their inability at this point to carry</p> <p>10 out the essential functions that they need to do.</p> <p>11 Chairman Seki had mentioned, as the first speaker</p> <p>12 about the probate case backlog, over 30,000 open cases. We</p> <p>13 also know that there are hundreds, if not thousands of land</p> <p>14 into trust requests that are pending. The real estate</p> <p>15 services backlog within the Bureau of Indian Affairs, and</p> <p>16 this includes mortgages, leases and rights of ways. There</p> <p>17 are delays in getting these things processed. And so when</p> <p>18 we want to talk about efficiency, that's what we should be</p> <p>19 looking at, is how do we maximize productivity? And the</p> <p>20 conversation should not be limited to simply budget cuts</p> <p>21 and reductions in forces and closing offices. When we talk</p> <p>22 about efficiency, particularly in the context of the</p> <p>23 Department of Interior, as well as the Bureau of Indian</p> <p>24 affairs and the Bureau of Indian Education, we need to be</p> <p>25 talking about maximizing productivity. And that will</p>	<p style="text-align: right;">Page 69</p> <p>1 Chairman Hill, you should have the ability speak</p> <p>2 now.</p> <p>3 CHAIRMAN HILL: All right. (Speaking in Native</p> <p>4 language). Greetings, everyone. Chairman Tehassi Hill</p> <p>5 from Oneida Nation.</p> <p>6 I did try to turn my video on. It also would not</p> <p>7 work, so please bear with me. I guess I'll jump right into</p> <p>8 the questions. Number one, the restructuring support more</p> <p>9 efficient interactions with tribes. I'd respond with the</p> <p>10 Administration must prioritize the delivery of services and</p> <p>11 funding to Indian country as mandated by the trust and</p> <p>12 treaty obligations.</p> <p>13 Get a prompt. There we go. Indian Affairs</p> <p>14 programs are already operating with inadequate staffing and</p> <p>15 support, and any interaction with DOI does not have a quick</p> <p>16 turnaround. Hiring freezes and broad reductions in force</p> <p>17 further harm service delivery, harming tribal governments</p> <p>18 and economies and could lead to violations of the</p> <p>19 government's legal obligations. Recently we learned that</p> <p>20 in our regional alone, our LTRO office has an exodus of</p> <p>21 employees retiring, taking the deferred resignation plan.</p> <p>22 Oneida Nation already experienced delays in receiving title</p> <p>23 status reports, processing of fees to trust applications,</p> <p>24 and more. This will only add to the frustration for our</p> <p>25 tribal members as well as the impact of the delivery of our</p>



<p style="text-align: right;">Page 70</p> <p>1 home ownership activities including administration 2 administrating the HUD Section 184 program. We are 3 anticipating this also potentially delaying economic 4 development activities.</p> <p>5 Another example is the Office of Title Leases, 6 which manages the 105L lease program. This office is short 7 staffed in managing a backlog of 105L lease requests from 8 tribes. This has resulted in over a year's long delay as a 9 handful of staff working to process thousands of lease 10 requests. The negotiation of the 105L leases are statutory 11 under ISDIA, and leases are funded under the infinite 12 discretionary appropriation.</p> <p>13 Another example of processing of signed authority 14 to obligate documents from the Office of Self Governance. 15 This document provides a necessary backup for funding that 16 is distributed to help governing tribes to maintain proper 17 audit files. Our recommendation is DOI should look to 18 tribes that have the capacity to take on DOI activities.</p> <p>19 For example, Oneida Nation is looking into the 20 possibility of taking on some of the LTRO office functions 21 and bring them in house. DOI should immediately lift the 22 hiring freeze for Indian Affairs so offices can be 23 adequately staffed. DOI should ensure it has sufficient 24 staff, awarding officials positions to quickly push money 25 out and engage in swift decision making. DOI should ensure</p>	<p style="text-align: right;">Page 72</p> <p>1 requirement for payment by payment justifications as a 2 condition of receiving funds. Tribes should be exempt from 3 the Treasury's new ASAP justification rules for payment 4 requests. Instead, funds should be released in a lump sum 5 at the beginning of the year as required by ISDEAA.</p> <p>6 In addition, payment platforms and tracking 7 systems at DOI should be consistent, easy to use, easy to 8 access, and allow tribal nations to track every dollar 9 they're owed and where the payments are in real time. 10 Tribal Nations have proven for decades that flexible, long- 11 term funding best serves our citizens. With reduced 12 reporting requirements and flexibility, formula-based 13 funding, Tribes have designated successful programs which 14 meet our unique needs.</p> <p>15 DOI-wide communication should include more 16 clarity between offices and regions. Tribal Nations 17 consistently report difficulty obtaining timely and 18 accurate information from DOI. The point of contact is 19 frequently unclear and this will only worsen as staff are 20 reduced. D.C. DOI headquarters and local BIA and regional 21 office are not always on the same page, sometimes requiring 22 very different information to accompany requests for 23 action. Communication between the Office of Self 24 Governance and other HQ and regional offices has been 25 inconsistent, causing self-governance tribes to miss out on</p>
<p style="text-align: right;">Page 71</p> <p>1 it has fully staffed its Office of Tribal Leases located 2 within the Office of Facilities, Property and Safety 3 Management and Indian Affairs to reduce the backlog of 105L 4 leasing processing.</p> <p>5 Question number 2. Our response is federal 6 funding for the trial programs is frequently disrupted and 7 delayed. Programs funded through Indian Affairs are trust 8 and treaty obligations. They are critical to the 9 operations of our tribal governments. When Congress does 10 not successfully fund the federal government, tribal 11 programs that our communities depend on are disrupted. 12 Many of our Tribal Nations experience late or partial 13 disbursements, so tribal priority allocations delayed in 14 contract support cost payments and grant cycle disruptions 15 due to short-term continuing resolutions among other 16 delays. These disruptions waste time and resources for 17 both the federal government and tribes. It forces tribes 18 to limit our programming, delay hiring and increased costs.</p> <p>19 Advance appropriations for Indian Affairs like 20 Congress has granted for the Indian Health Service would 21 protect tribal programs from disruptions caused by short- 22 term CRS or government shutdowns. The federal government 23 should prioritize addressing overly burdensome federal 24 reporting processes and streamlined technology. Nowhere in 25 the contracts and agreements or in ISDIA is there a</p>	<p style="text-align: right;">Page 73</p> <p>1 funding opportunities.</p> <p>2 We make the following recommendations. The 3 President's budget request should include events 4 appropriation for Indian Affairs. Long-term DOI should 5 determine how to achieve full and mandatory funding for its 6 tribal programs. Tribes should be exempt from the new 7 payment justification requirements in the Automated 8 Standard Application for Payments, ASAP system, which is 9 the system that tribes receive their compacted ISDIAA funds 10 from Department of Interior.</p> <p>11 Interior should work with the treasury to issue 12 guidance that funds negotiated and agreed upon in ISDAA 13 agreements are excluded from the new ASAP justification 14 requirement. DOI should implement an update payment 15 platform that allows for awarding officials to process 16 approvals more quickly and allows Tribal Nations to track 17 the process of receiving their funds. Funding notices and 18 denials should be sent to tribes from the appropriate 19 department for all funding requests in a timely manner. 20 Contract support costs should be paid 100 percent at the 21 beginning of the fiscal year. Tribes incur these costs 22 throughout the year and should not have to wait until the 23 end of the fiscal year to receive the final 20 percent. 24 Reconciliation can occur at the end of the year to confirm 25 annual salary data.</p>

<p style="text-align: right;">Page 74</p> <p>1 Question 3. Our response, insufficient federal 2 funding for tribal programs hurts Tribal Nations' ability 3 to assume service delivery through self-governance and 4 self-determination agreements. Increasing pathways to 5 self-determination and self-governance will not work if 6 funding for Tribal programs is slashed in the process. 7 There must be stable funding for these programs. 8 Outdated Indian Affairs technology systems hamper 9 self-determination and self-governance. Tribal Nations 10 need modernization for outdated and mismatched financial 11 distribution and tracking systems to ensure timely access 12 to critical information and efficient funding distribution. 13 The financial, business and management system and the self- 14 governance database at OSG needs to be modernized to ensure 15 transfer of funds are monitored throughout the process and 16 Tribal Nations can easily access information on the source 17 of funding transferred to them. 18 Overly complex and unnecessary processing also 19 gets in the way of self-determination and self-governance. 20 Self-governance compacts and annual funding agreements are 21 legally binding documents negotiated on a government-to- 22 government basis, which outline the conditions and funding 23 amounts for the Tribal programs. Nowhere in our compacts 24 and agreements is there a requirement for payment-by- 25 payment justification as a condition to receive funds. DOI</p>	<p style="text-align: right;">Page 76</p> <p>1 all compacts and contracts, including mandatory contract 2 support costs and Section 105L lease payments. We 3 encourage DOI to streamline the compacting process and 4 reduce red tape. 5 DOI must ensure staff appropriately based 6 decisions about inherently federal function on legal 7 standards and that the legal references justifying the 8 decision is documented and shared with all tribal nations. 9 DOI should help explain self-governance and 477 to other 10 agencies like HHS and USDA who are looking to implement and 11 expand these programs for tribal service delivery. DOI 12 should make it a priority to work with Congress to support 13 the expansion of ISDAA and 477. 14 That concludes my comments. We do plan on 15 submitting written more extensive written comments, but 16 thank you for your time and attention. 17 MR. VINT: Thanks so much, Chairman Hill. We'll 18 go next to Chairman Austin Lowes. 19 Chairman Lowes, you should have the ability to 20 unmute yourself. Go ahead. 21 CHAIRMAN LOWES: Can you guys hear me? 22 MR. VINT: Yes, we can. 23 CHAIRMAN LOWES: All right, to the team here from 24 Indian Affairs, miigwech. Thank you for the opportunity to 25 share comments today as part of our government-to-</p>
<p style="text-align: right;">Page 75</p> <p>1 should ensure that self-determination and self-governance 2 are integrated and understood throughout DOI so that self- 3 governance is not isolated to and only understood by a 4 handful of staff working at the Office of Self Governance. 5 Better communication between OSG and other DOI offices is 6 needed. 7 We recommend the following. In collaboration 8 with Tribal Nations, DOI should evaluate processes 9 associated with self-determination and self-governance to 10 identify opportunities to streamline and improve 11 efficiencies. DOI should modernize outdated technology and 12 financial systems at Indian Affairs, including the Office 13 of Self Governance database, to ensure approval and 14 transfer funds to tribes are done timely, and to allow 15 Tribal Nations to easily access information on these 16 sources of funds. 17 DOI must ensure that BIA and the Office of Self 18 Governance respond promptly to travel requests using 19 efficient and modern communication tools. Poor 20 communication and lack of follow-up is unacceptable. 21 Better understanding of self-governance within other DOI 22 agencies is also needed. DOI should clarify immediately 23 that self-governance funds are exempt from recently 24 established ASAP requirements for drawdown justification. 25 DOI should guarantee full, stable and timely funding for</p>	<p style="text-align: right;">Page 77</p> <p>1 government relationship. 2 My name is Austin Lowes, and I serve as Chairman 3 of the Sault Ste. Marie Tribe of Chippewa Indians. We're 4 the largest federally recognized tribe east of the 5 Mississippi River, with more than 53,000 members, and we're 6 also a signatory to the 1836 Treaty of Washington. 7 The Sioux Tribe's number one strategic goal is to 8 promote and protect our way of life, to honor the wisdom of 9 our ancestors, and to ensure prosperity for future 10 generations. To accomplish this, we share this 11 Administration's goal of enhancing government efficiencies, 12 but not at the cost of needed services to our people and 13 certainly not without meaningful joint decision-making 14 between our nations. We are grateful that our right to 15 tribal consent consultation has been recognized here today. 16 However, we also know that decisions have already been made 17 and implemented before this consultation occurred without 18 regard for your treaty obligations or how tribal citizens 19 would be impacted. 20 I will highlight three priorities of the Sioux 21 Tribe in my comments here today, and we will follow up with 22 more detail in writing on the questions the agency sent for 23 today's discussion. First, as the Department restructures 24 Indian Affairs to support efficient interactions with 25 tribal nations, I ask that all tribal serving staff be</p>

<p style="text-align: right;">Page 78</p> <p>1 considered direct services personnel for purposes of 2 reduction in force early retirement programs and deferred 3 resignations. I also ask that efficiency programs be 4 strategic rather than generalized. This will allow the 5 Department to uphold its legal obligation and the federal 6 trust responsibility by retaining Indian Affairs personnel 7 with high institutional knowledge of how to work with 8 tribes efficiently and in a culturally appropriate way, 9 while also prohibiting quota-based reductions that do not 10 reflect the needs of our tribal communities. In short, 11 cutting staff and programs without strategy will cost the 12 government much more in the long run.</p> <p>13 I'm also concerned that there is no plan at this 14 time for the Department to operate tribal programs with 15 less capacity, meaning programs that our Tribe relies on 16 like justice services and law enforcement, fisheries and 17 wildlife and Indian education will all be harmed. Instead, 18 we feel that a better plan would be to hold off on 19 workforce reduction in Indian affairs and tribal serving 20 staff until a plan can be developed and to instead focus on 21 addressing the management deficiencies that put Indian 22 affairs on the high-risk list for cuts in the first place.</p> <p>23 Secondly, I ask that the Department prioritize 24 flexible, non-competitive funding structures for tribes 25 moving forward. Reducing administrative burdens to access</p>	<p style="text-align: right;">Page 80</p> <p>1 and fully integrated and understood throughout DOI so that 2 self-governance is not isolated to and only understood by a 3 handful of staff working in the Office of Self Governance. 4 It does no good to increase pathways to self-determination 5 and self-governance if the funding for tribal programs is 6 slashed in the process.</p> <p>7 As to the addendum questions that were added to 8 this consultation agenda late, the additional topics are 9 critical topics that need further vetting, and they made 10 this consultation too large in scope. In the future, I ask 11 that the Department and your sister agencies design 12 consultations that are more discreet in the issues to be 13 discussed so that we can bring our subject matter experts 14 to address important issues in depth. While we will follow 15 up further with more specific recommendations in general, 16 the expedited timelines proposed for environmental reviews 17 and consultation in energy development projects are highly 18 concerning to us. And I cannot overstate how important 19 proper review of environmental impacts is to our people and 20 our way of life.</p> <p>21 Reducing the review periods that currently take 22 years to requiring less than one month review undoubtedly 23 will mean that corporations working on energy development 24 will be making decisions in a vacuum that could create harm 25 for generations to come. And I say this as a leader of a</p>
<p style="text-align: right;">Page 79</p> <p>1 funding will lessen the need for costly technical 2 assistance and unnecessary paperwork on both sides. And 3 tribes have already proven that we can succeed with 4 streamlined guidelines and reduced reporting requirements, 5 even with flexible formula-based funding.</p> <p>6 For example, with the emergency pandemic tribal 7 funding, we were able to draw down funding from the U.S. 8 treasury directly when needed, which provided the 9 flexibility to use the funds to best address our local 10 community needs. This also allowed us to distribute 11 emergency supplies quickly and make local decisions about 12 public health guidelines. To make funding more efficient 13 and accessible, the Department should also reduce funding 14 use limitations. Instead, it should use streamlined 15 systems that require overlapping reports and multiple 16 applications and approvals, such as expanding programs like 17 477 and self-governance. Also, implementing an online 18 payment platform that allows approvals with a click of a 19 button and that allows tribal nations to track the process 20 in real time would assist with this. DOI leadership should 21 also make clear that local BIA offices may not impose 22 restrictions not imposed by law.</p> <p>23 Lastly, I ask that the Department work with 24 Administration leadership and your colleagues in Congress 25 to ensure that self-governance programs are fully funded</p>	<p style="text-align: right;">Page 81</p> <p>1 tribe interested in economic and energy development and as 2 a proponent of innovation. But growth and development 3 cannot come at the cost of damaging health and safety, 4 which is what would happen under the proposed emergency 5 permitting procedures.</p> <p>6 Please do not allow these damaging policies to 7 move forward under the guise of national emergency, 8 security and energy. Instead, follow the regulations and 9 the legislative process in place to make the changes 10 necessary in environmental processes. We appreciate your 11 time and consideration.</p> <p>12 MR. VINT: Thank you, Chairman. We're going to 13 come back to in person comments here momentarily, and then 14 we'll take several in person comments before returning to 15 virtual. So I know we've got a couple more people with 16 their hands raised online. We'll be coming back to you 17 after we hear from some of our in person folks first.</p> <p>18 MR. DUNCAN: Right. So I'm going to invite 19 Councilmember Kirk.</p> <p>20 COUNCILMEMBER KIRK: Okay. Can you hear me? I'd 21 like to just thank you guys for the time. Thank you for 22 allowing me to show up. I come from eastern Montana, 12- 23 hour drive. We didn't have no consultations or anything 24 close to us. I see that they added one when it came to 25 Bismarck, but we're already here.</p>

<p style="text-align: right;">Page 82</p> <p>1 You know, the frustrating thing for us in Fort 2 Peck is that last week we lost five people. Five people to 3 this early retirement thing. You know, I feel that 4 consultation should have happened before people had this 5 chance for early retirement. You know, we even lost our 6 superintendent. We lost realty people. We have lost 7 people that deal with social services, which is a big thing 8 in Indian country. We have right around 67 cases every 9 month of child abuse when it comes to meth, fentanyl. Just 10 last week alone, we recovered five bodies that had to deal 11 with murder and situations that people were found. Just 12 two days ago, we found one just laying by our track field. 13 And when it comes to consultation, when you think 14 about workforce efficiency and productivity, that's not 15 right. Because again, by letting people go with this early 16 retirement, you know, talking to the Superintendent, you 17 know, and asking why did she take this, is because our 18 people are being forced to take this. People that are 19 there to help our people are being forced to say, either 20 take this or you're going to be fired. 21 And the last TIBC in Washington D.C., I talked to 22 Bart, and that's when Mr. Davis came on board. You know, 23 and the frustration part with me was get out to Rocky 24 Mountain region, get out to these regions and understand 25 why these positions are important to our regions. And</p>	<p style="text-align: right;">Page 84</p> <p>1 can't send them to Rosebud. The education is talking about 2 getting things sent to the state of Montana. We're in the 3 most red state that there is. And to sit there and say 4 education may go to the state of Montana. They don't care 5 about our culture. They don't care about nothing that goes 6 on when it comes to Indian country. They would rather 7 leave us behind. 8 Efficiency is not in none of this. Productivity 9 is not there. Our funds are not there. We keep talking 10 about it. We go to TIBC over and over again. Gerald says 11 the same thing over and over again. Nobody cares. The 12 trust and treaty obligation and everything that the 13 government has to our people has gone. What do we do? 14 That's the question that we ask. What do we do now? 15 Because we have to deal with this for four years. What do 16 we do to sit there and continue to fight? We'll continue 17 to go to Washington D.C. We'll continue to come here. You 18 know, I left yesterday morning at 11 o'clock, got here last 19 night at 12:30, all to speak because it matters. It 20 matters to speak. It matters to sit there and have our 21 voice be heard. Our education, our police, our kids, they 22 matter. People matter when it comes to this stuff. 23 And to sit there and do everything, addressing 24 the current funding structures, restructuring the Indian 25 Affairs, doing everything that it says, and I'm going to be</p>
<p style="text-align: right;">Page 83</p> <p>1 nobody ever did. I mean, yeah, you guys came to Billings, 2 and yeah, we, we did have dialogue there, but nobody really 3 truly understood what it meant in Fort Peck for social 4 services, for our superintendent, for all these things to 5 happen before all of a sudden they retired. 6 It gets frustrating because, our kids are, you 7 know, our generations are getting lost and these things are 8 happening. And when you see efficiency and productivity, 9 there is nothing efficient about what's going on. There's 10 nothing efficient about what we're doing. I mean, 11 President Trump does not care about us. When are we going 12 to finally start standing up? When are we going to finally 13 start saying that enough is enough? 14 Yeah, we're going to sit here. Yeah, we're going 15 to talk and we're going to do this. But how much is it 16 going to reach? How many more nations here, not only here 17 but the other places that you go to have to bury kids, have 18 to bury parents, grandparents, do all these things when it 19 comes to, while we're trying to figure out efficiency, when 20 all these positions matter to our people. How is it going 21 to -- our 638 contracts, our jail, our JDC, we have kids 22 right now 8 years old that are committing murder. We have 23 kids from 8 to 14, that should be in education, that 24 shouldn't be doing these things, committing murder. 25 And we don't have a JDC to send them to. We</p>	<p style="text-align: right;">Page 85</p> <p>1 honest, it's crap. Because it's never going to help Indian 2 country. It's never going to. And that's just the truth. 3 Been doing this now for three years, getting elected. 4 I was a drug addict just like everybody else, 5 for 15 years. Fifteen years I was addicted. Fifteen years 6 I slept on the streets just like everybody else. Been 7 clean now, 13 years sober. But then again, we sit here and 8 over and over again we continue, continue to sit there and 9 have these dialogues, have these conversations. But where 10 have anything got? 11 Chairman Seki always talks about that all the 12 time. He's been on there for years at TIBC. Over and over 13 and over again. Where have we got? Nowhere. Where are we 14 going to get with this? Nowhere. What are we going to do? 15 What's the plan going forward? Please, guys, you guys are 16 in, you guys are in positions right now in the positions to 17 speak for us, in positions to sit there and make sure that 18 our voices are heard. What are we going to do? That's the 19 questions that need to happen, is what are we going to do? 20 We can't lose people. That's not productivity. That's not 21 efficiency, losing people. That ain't going to strengthen 22 Indian communities. That ain't going to do nothing. We 23 have to do better. We have to be better. 24 Doug Burgum, like he said, is a great man to 25 Indian country. Sioux people said, he's going to carry us,</p>

<p style="text-align: right;">Page 86</p> <p>1 he's going to take us there. But it seems like ever since 2 then, jobs are getting cut, people are leaving, all these 3 things. What is he going to do to stand up to President 4 Trump? Because he does not care about us. He does not 5 care. Yeah, the border is going to help us. Stopping the 6 border is going to help us in Montana because we have car 7 fentanyl. We have fentanyl that are killing people. We 8 went from having 50 pills to all of a sudden now we have 9 10,000 pills. We're catching that every day coming in the 10 mail. We have pounds and pounds and pounds of meth over 11 and over and over again.</p> <p>12 But what do we do to stop it? When the state 13 sits there and tells us that our -- the state tells us that 14 our tribal warrants are no good in state court. So they 15 allow the cartel members to get out of jail, give their 16 money back, but we get to keep the drugs. Where does that 17 benefit us? Where is that efficiency? And when it comes 18 to anything, when it comes to funding structures, we 19 already know that we're cut.</p> <p>20 What's the ask, Jason? You know that. Where are 21 we at with public safety and justice? Three point seven 22 billion dollars that we're asking for, just that alone, and 23 we don't get that. We know that. We know what's 24 important. We know what we're there for. We hash this out 25 every quarter. Next one's going to be in Oklahoma City.</p>	<p style="text-align: right;">Page 88</p> <p>1 just dialogue and just continue to talk without the action? 2 Where's the action in this?</p> <p>3 I appreciate you guys. I do. Scott, man, you're 4 like my brother, man. I could text you and you're there. 5 Bryan, same thing. But what are we going to truly do? 6 What are we going to do for the people in Minnesota, South 7 Dakota, for this region? What are we going to do? Because 8 we can sit here and give dialogue over and over again, but 9 when are we going to finally have action with this?</p> <p>10 I'll spend \$20,000 of my own money to sit there 11 and come over and over again. But again, we need action. 12 We need to. Yes, we're heard. That's the biggest thing. 13 We are heard. When it comes to situations, we are heard. 14 But what is the actions that are going to happen behind the 15 words and what we say? Because they go to Washington, D.C. 16 and all of a sudden, you can't say nothing. People back 17 home that work for BIA can't say nothing. You know why? 18 Because the next day is they'll be fired.</p> <p>19 Is that efficiency? Is that productivity? No, 20 it's not. The same mentality, the same boarding school 21 mentality that people have had. Don't say nothing. Keep 22 your voice quiet. Don't do your culture. Don't do your 23 language. Don't do all these things. Or you're going to 24 lose your job. You're going to lose your retirement, you're 25 going to lose all the stuff that you worked hard for.</p>
<p style="text-align: right;">Page 87</p> <p>1 What we're going to do? Nothing.</p> <p>2 Guys, we got to sit there and come up with 3 something. Let's figure out something to help our people, 4 because they're going to continue to die. We're going to 5 continue to bury our kids and we're going to continue to 6 bury each other. And that's what we need to do. That's 7 what we should be talking about.</p> <p>8 Permitting processes, the biggest thing, when I 9 talk to my little cousin. My little cousin, I just texted 10 her right before I was here. She does our THPO stuff. 11 That's just going out the window when it comes to these 12 people. They're going to damage these lands, damage 13 everything. These NEPA processes and everything, they're 14 going down the drain. They don't care about what we say. 15 But what are you going to do to stand up to them when they 16 say, we're going to go desecrate all these lands? We're 17 going to desecrate this right now.</p> <p>18 The Keystone XL pipeline, we had to fight from 19 stopping at the Missouri. They were going to go right off 20 the reservation. And we stopped it. President Biden 21 stopped it. It. Now that Trump's here, they're already 22 talking about coming and firing up again. What are we 23 going to do? Are you guys going to come stand with us? 24 Are you guys going to go to jail for us? No, we have to. 25 We have to do that. But what are we going to do other than</p>	<p style="text-align: right;">Page 89</p> <p>1 So when we think about all that efficiency and 2 productivity, yes, fine, Fine. But don't fire people. 3 Don't let people go. That's not right. Right. My 4 comments went a long ways different than what I had written 5 down. But it's from my heart, because I know. It's from 6 my heart. I live in that. I live in Fort Peck. I'm the 7 Chairman of the Rocky Mountain Tribal Leaders Council also, 8 and I see what goes on in our reservations in Montana.</p> <p>9 And it's disheartening, because the OJS only 10 comes to our reservation because we have people that are 11 enrolled there. What about Fort Belmont? What about Black 12 Feet? What about Rock Boy Crow, Northern Cheyenne? 13 They're suffering, too. They're burying kids. They're 14 doing everything, too. You know, I know this was for these 15 three questions, but I don't know what it is. I don't know 16 what it is. Thank God for sitting me, taking me to a 17 different path than I was today. Because that's what it 18 is. I'm thankful to be alive. I should be a statistic 19 just like everybody else. But I'm standing here as a 20 tribal leader. Who would ever thought that, having a voice 21 for people that are struggling, listening, talking to you 22 guys here.</p> <p>23 I'm sorry to my elders and stuff that, you know, 24 for the disrespect. But again, somebody has to say it. 25 Somebody has to say it. I can't just read off a thing and</p>



<p style="text-align: right;">Page 90</p> <p>1 just say, all right, this is consult. I can't no more. 2 Went to too many of them already. And I only been doing 3 this three years. Done it so long. Just think how many 4 people went before me and said the same thing. Went off 5 the list, sat there and told me to write. I can't do that 6 no more. Because that doesn't get us nowhere. That does 7 not get us nowhere at all. 8 But please, stop firing people. Please come to 9 the reservations. Please, start seeing those things that 10 matter. Start getting these funds out to people. Stop 11 cutting these positions that mean something to people. 12 Start getting funding and helping people, and help us stop 13 burying our people. 14 I know you guys understand, I know you guys 15 matter. I understand that goes on, on each and every one 16 of your guys' reservations. But you guys are our voice 17 there in Washington D.C. And it's either stand up to Trump 18 or get fired. Please, guys, stand up with us. Stand with 19 us as we fight them. Stand with us to speak. Stand with 20 us to fight against them. Appreciate it. (Native 21 language.) 22 MR. DAVIS: I have a comment here, if I may. 23 Bryce, appreciate the words from your heart. 24 Good words. Like you, I'm not scripted either. You know, 25 it all comes from the heart. Always will.</p>	<p style="text-align: right;">Page 92</p> <p>1 like us four or five, hey, this is what we're going to do 2 and the benefit of the tribes. That's not how this works. 3 That's why we're here. We need your input. All these 4 notes, these booklets of notes I have that I look through 5 every day. Pages and pages of notes, tribe by tribe, you 6 know, of notes of ideas, of things you don't want. 7 I get it. I get it because I come from it. I 8 get it. But the only way we're going to get through this, 9 and I've being encouraged by a lot of older trouble leaders 10 like the Chairman here, been around a long time. You know, 11 he's well known in Indian country. We all respect him. 12 They give us hope that we will get to this. We just got to 13 figure out together as relatives. 14 Yeah, I got this title here. It means nothing. 15 I'm a relative. I'm always going to be a relative. I 16 speak up every day. Every day with all these notes. 17 Education, boarding schools, cuts, law enforcement. Every 18 day we speak up. We have to do it in a different way up 19 there sometimes. Do I get frustrated and angry? Yeah. 20 Lucky I got my, my counselor here, Bryan here to calm me 21 down sometimes, you know, because I'm passionate like you, 22 just like you, as you could tell. 23 But we got to figure out a way together how to 24 get through this, contrary to what Facebook says, 25 sometimes. That's why I give out my cell phone numbers to</p>
<p style="text-align: right;">Page 91</p> <p>1 But when you talk about, you know, these changes 2 and I've been, you know, like I said, over 100 tribes that 3 we've engaged with on a very short time. That was a very 4 purposeful, you know. But doing these, these changes as, 5 as we know. And I've been doing this since the '90s back 6 with my tribe. You know, we, we all know, recognize we're 7 in a time of, of big change, probably the biggest change 8 that Interior has ever experienced, good or bad, very 9 concerning. Like you as a relative, I have concerns, I 10 have worries. I got relatives who have been let go, all 11 that. Like I said, working for our tribes and going back 12 to work for our tribes, when I'm done with this, you know, 13 that work continues. 14 But I just want to say this. We do care. I 15 would never have -- I would have never took this job if I 16 didn't care. And it goes to my colleagues here as well. 17 We all care. Please don't understand that. But sometimes 18 you're given what you're -- you're kind of told what to do 19 sometimes, in a lot of jobs, right. 20 I work for my tribes. Chairman says I got to do 21 this. I work for a governor, tells me what to do. Maybe I 22 don't like it. Got to do what I gotta do, right? But how 23 do I make this -- how do we make this in the benefit of the 24 tribes. That's why we're here. That's why we're trying to 25 figure this out. Not from a government perspective, like,</p>	<p style="text-align: right;">Page 93</p> <p>1 everybody. Call me. If there's an issue or good or bad or 2 opportunity, call me. We'll figure it out. And that's the 3 access you have to me. You always will. But together as 4 we care, as we continue and go through these things that 5 trigger consultation, how do we together foresee that 6 sometimes? How do we do that? You know, workforce 7 efficiency, yeah, we lost a lot of people. Maybe some of 8 them didn't -- were there for retirement. You know, I 9 have, I have some friends that probably should have retired 10 10 years ago, quite honestly. You know, we look at that. 11 But everything that we're going through as 12 relatives here, I scrutinize everything. I ask a lot of 13 questions. Sometimes I don't get the processes. It gets 14 confused in red tape, deregulation, all this stuff that 15 really hinders us moving forward as sovereign tribes. But 16 I just want to let you know that we are working very hard. 17 And this ain't easy. It ain't easy. I get it, I get it. 18 But no, you have people and voices there that 19 understand treaties. They'll always live by sovereignty. 20 They'll always live by treaties, trust, responsibility. 21 That's in our DNA. That's in my DNA. That'll never go 22 away. But in the meantime, how do I figure this out, this 23 navigation sometimes. And like I said, I'm not a D.C. 24 guy, but I'm trying my best as a relative to figure out how 25 to navigate a best outcome of this decision for our people.</p>

<p style="text-align: right;">Page 94</p> <p>1 That's first and foremost for me, always will be. I didn't 2 go there for a title. I went there because I, like you, as 3 leaders, it's a -- you're giving up a lot. You give up a 4 lot when you're a leader.</p> <p>5 I've seen -- I've always jokingly say when tribal 6 leaders are elected, congratulations and condolences. 7 Tough jobs. We at DC, we're no different. You know, we 8 don't polish chairs in our hallway. We don't do that. We 9 don't push paper. You know, we try to figure these things 10 out for the best interest of our people. And sometimes 11 we're just kind of constrained sometimes. It's just how it 12 is sometimes. But please, as relatives and as we continue 13 the consultation today and future, and there'll be more 14 consultations, I'm sure. Just know that we're, we're here, 15 up here, and a lot of our agencies, we all care, because 16 we're relatives. That's how I told all the stuff all the 17 regional. We have a duty to our people, every region. And 18 I made this very clear in Rocky Mountain. There was years 19 ago when the BIA was all non-native. You some of us 20 remember those days. That's all changed now.</p> <p>21 So as we continue to consult and go through these 22 changes, we need to work together. And if you got to scold 23 us, I get it. Scold me. I can take that. Sometimes we 24 just got to get things off our chest. I get it. I go 25 through the same thing. That's why I have Bryan here. I</p>	<p style="text-align: right;">Page 96</p> <p>1 the AS-IA hallway, including all our probationary employees 2 being let go with less than a day's notice. That happened 3 on February 14th.</p> <p>4 On the 18th, Kelly Rael and Kenneth Belmar, two 5 of the first politicals to land our hallway, within a week 6 had successfully convinced the Administration to bring most 7 of those folk folks back, until the injunctions, court 8 injunctions required us to bring all our probationary 9 employees back.</p> <p>10 The first ERP, the first fork in the road email 11 that you all read about in the press, many of our staff 12 didn't believe it was real when we first received those 13 emails. So we've had very few people actually take it the 14 first round. The reason we did a second round was because 15 our staff were demanding it. Over the last few weeks, they 16 have been demanding to have access to the DRP, largely 17 because we have an executive order by the President that we 18 have to adhere to. We have to go through this efficiency 19 process.</p> <p>20 So the DRP is an opportunity for those that are 21 retirement eligible later in career, to pass the torch to a 22 younger generation of Native professionals that we have in 23 our workforce. And that was what our strategy was on the 24 slide deck. Right. We're hoping to retain the future 25 generation of leaders in our ranks. And so many of these</p>
<p style="text-align: right;">Page 95</p> <p>1 got to unleash some things, but I try to stay in balance, 2 because this is a, this is a road that's probably never 3 been -- we've been gone through before.</p> <p>4 But I really believe as relatives we can get 5 through this, because we all been through worse. You know 6 it and I know it. A lot of our relatives, our ancestors 7 have been through much, much worse. And we're going to get 8 through this. I just ask that we continue to dialogue, to 9 communicate as relatives and back it up with prayer. And 10 I'm glad that the Chanupa was brought here today because 11 that's been a long time since I've been in a meeting with 12 the Chanupa chairman. So miigwech for that.</p> <p>13 So I just wanted to comment on that on the 14 dialogue so far. But I'm really, really thankful for, for 15 all the comments so far. So just want to continue that. 16 (Native language).</p> <p>17 MR. MERCIER: And Ben, if I could just a little 18 bit as well, because Bryce really touched me and got my 19 heart racing, too, when he was speaking.</p> <p>20 And I just want to share a little bit of the 21 experience that we have seen in the first three-plus months 22 of this new Administration. I was the Acting Assistant, or 23 what they call the Acting Assistant secretary for the first 24 two months. And there were broader initiatives that 25 occurred before we had Scott or any of our politicals in</p>	<p style="text-align: right;">Page 97</p> <p>1 colleagues that left last week are doing just that. They 2 were retirement eligible, and they're passing the torch to 3 a younger generation. And that should, in my mind, equip 4 us to protect any further reductions in force or 5 realignment that may occur.</p> <p>6 And just like I said, with the probationary 7 employees, we've got a political team that is fighting. 8 I've seen it. They're there pushing. And Scott said he 9 cares. He's got a big heart. And we're going to do our 10 darndest to make sure that we maintain services and protect 11 the future of Indian Affairs while meeting the intent of 12 the President's executive order. He is our boss. We 13 report to him. And ultimately, we want to make sure that 14 we do this smartly, in a way that minimizes negative 15 effects in Indian country and hopefully identifying some 16 opportunity for efficiencies and gain here.</p> <p>17 But Bryce, I just wanted to speak to why that 18 DRP, that second round. It was largely at the request of 19 our staff that we did that. We did struggle with it, 20 because we didn't feel comfortable proceeding with before 21 the consultation. But the staff largely demanded it, and 22 we wanted to be fair to our staff. So thank you.</p> <p>23 MR. DUNCAN: Great. Well, thank you.</p> <p>24 And thanks, Councilmember, for your honesty and 25 directness and for our DOI staff for both the technical and</p>

<p style="text-align: right;">Page 98</p> <p>1 relational. Thank you for that.</p> <p>2 I want to invite Executive Virgil Wind.</p> <p>3 CHIEF EXECUTIVE WIND: Good morning. (Speaking</p> <p>4 in Native language). My name is Virgil Wind. I have had</p> <p>5 the pleasure of serving as the Chief Executive of the Mille</p> <p>6 Lacs Band since July 9th of last year.</p> <p>7 I want to start off by saying how greatly</p> <p>8 appreciative I am of the heart and the passion that's in</p> <p>9 the room. As a new leader at this level, it really is nice</p> <p>10 to see and to be shown where that passion really comes</p> <p>11 from. So I do appreciate that so much.</p> <p>12 I did come today prepared to speak on one of the</p> <p>13 three topics, and the Mille Lacs Band will be submitting</p> <p>14 written comment on all of it when that time comes. The</p> <p>15 Mille Lacs Band of Ojibwe is a federally recognized tribe</p> <p>16 located primarily in east central Minnesota with more than</p> <p>17 5,000 enrolled band members.</p> <p>18 We have a 61,000-acre reservation established</p> <p>19 under the 1855 Treaty of Washington and exercise</p> <p>20 governmental jurisdiction over lands in Aitken, Crow Wing,</p> <p>21 Dakota, Kanabec, Hennepin, Mille Lacs, Morrison and Pine</p> <p>22 County. We also exercise our treaty-protected rights in</p> <p>23 the 1837 Treaty of St. Peter and the 1842 Treaty of</p> <p>24 LaPointe treaty-seated territory spanning from east central</p> <p>25 Minnesota across northern Wisconsin and into western</p>	<p style="text-align: right;">Page 100</p> <p>1 infrastructure discussed in E.O. 14156 is neither sudden</p> <p>2 nor unforeseen. It does not require prompt response or</p> <p>3 intervention. And even if EO 14156 did identify an</p> <p>4 emergency, it would not absolve the United States and its</p> <p>5 agencies from their obligation to conduct meaningful and</p> <p>6 substantive government-to-government consultations with all</p> <p>7 of the affected tribes. Meaningful and substantive</p> <p>8 government-to-government consultation conducted requires</p> <p>9 sovereign tribes in the United States to collectively</p> <p>10 discuss how the United States' actions will affect the</p> <p>11 tribe's legal rights, including access to treaty-protected</p> <p>12 natural resources and other rights established in the</p> <p>13 treaties between the tribes and the United States.</p> <p>14 Consultations require in-depth discussions</p> <p>15 regarding impacts of projects assessed through the National</p> <p>16 Environmental Protection Act, impacts to the protections in</p> <p>17 the Endangered Species Act, and the impacts to the tribe's</p> <p>18 cultural and historical properties through Section 106 of</p> <p>19 the National Historic Prevention Act.</p> <p>20 The Band does not believe that E.O. 14156</p> <p>21 identifies any conditions that constitute a true emergency.</p> <p>22 I've said that a bunch of times, right? And does not agree</p> <p>23 that E.O. 14156 triggers NEPA's emergency provisions. We</p> <p>24 firmly disagree that the expedited Section 7 consultation</p> <p>25 process for ESA is necessary. Section 106 of the National</p>
<p style="text-align: right;">Page 99</p> <p>1 Wisconsin and Michigan. We have nine statutorily defined</p> <p>2 communities, two of which are on our reservation and the</p> <p>3 other seven are scattered across east central Minnesota.</p> <p>4 Again, the Band thanks you for this opportunity and thanks</p> <p>5 the U.S. Department of Interior for the opportunity to</p> <p>6 provide you with this feedback and really for the</p> <p>7 opportunity to be here and sharing this.</p> <p>8 The topic that I came prepared to discuss is</p> <p>9 Executive Order 14156. Executive Order 14156 acts like</p> <p>10 something's an emergency, something that we haven't known</p> <p>11 about. An emergency is a situation that requires an</p> <p>12 urgent, responsive action to protect the life, the health,</p> <p>13 the property, the critical infrastructure, or the</p> <p>14 environment. An emergency is a sudden, unforeseen event</p> <p>15 that demands prompt response and intervention. Nothing in</p> <p>16 Executive Order 14156 declaring a national energy emergency</p> <p>17 addresses or purports to respond to an existing emergency.</p> <p>18 While Executive Order 14156 recognizes the importance of</p> <p>19 prioritizing the powers of the United States to meet public</p> <p>20 needs for reliable domestic energy. it does not establish</p> <p>21 an immediate risk of life, health, property, or</p> <p>22 environment. It does not require an urgent action to</p> <p>23 prevent the situation from worsening or potentially</p> <p>24 escalating into immediate danger.</p> <p>25 The state of the United States energy</p>	<p style="text-align: right;">Page 101</p> <p>1 Historic Prevention Act requires federal agencies to engage</p> <p>2 in ongoing consultations to assess the potential adverse</p> <p>3 effects of any federal undertaking on the historic lands</p> <p>4 and properties. Providing tribes' mere notice and the</p> <p>5 ability to comment on a planned project or initiative is</p> <p>6 insufficient to protect the tribe's cultural and historical</p> <p>7 properties.</p> <p>8 We will submit this entire letter. The emergency</p> <p>9 cutting time, cutting consultations, not allowing us time</p> <p>10 to consult with our elders, consult with our other tribal</p> <p>11 leaders, consult with our communities is not what's going</p> <p>12 to get us there. As you guys all know, there are things</p> <p>13 that we need to protect, right? We've been charged with</p> <p>14 protecting the lands. We've been charged with protecting</p> <p>15 our people, and we need time to be able to do that.</p> <p>16 Cutting things from 14, 28 days, six months, one year to 14</p> <p>17 days is not going to get us there. Cutting it to 28 days</p> <p>18 when it usually takes years is not going to get us there.</p> <p>19 We're willing to help. We're willing to do the</p> <p>20 work that it takes, but we can't be cut off at the knees.</p> <p>21 We have to protect these lands. We have to protect our</p> <p>22 homelands. You know, we've heard conversation today about</p> <p>23 the very, very small percentages that we still retain as</p> <p>24 tribes, right? And the need to protect those is more</p> <p>25 important now than ever.</p>

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1 So I do appreciate the time. I appreciate your  
2 patience as we all work through this whole process  
3 together. And I also know and understand that we all have  
4 a job to do and we all have a boss, right? And that  
5 ability to stand up and say, you know, what? Well, what  
6 about this? What about that, right? I do appreciate the  
7 work that you guys do, but continue that work. Let us know  
8 how we can help along that process. It starts with  
9 meaningful consultation, right? And I want to close with  
10 another miigwech. And thank you for the opportunity.  
11 MR. DUNCAN: Great, thank you.  
12 Before we go forward, I want to ask. We've been  
13 going for a couple hours now. Do folks want to take a  
14 break? Maybe by hand's up if you're interested in a break?  
15 Okay. There's a few. What I'll ask -- I know our panel  
16 probably needs to eat.  
17 MR. VINT: Yeah, please.  
18 MR. MERCIER: It's all right. We can keep going,  
19 but I'd ask for your patience while we eat in front of you  
20 all as you're speaking, if that's -- if you would excuse us  
21 for that, we can keep going and power through and try to  
22 get out of here at a reasonable time.  
23 MR. DUNCAN: So what I'll suggest is that we take  
24 our online. I think we have four more online speakers. So  
25 for folks in the room, if you want to get up and move

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1 around, please feel free to do so. And then we'll return  
2 to in person comment.  
3 UNIDENTIFIED SPEAKER: Buying lunch?  
4 MR. MERCIER: There's laws against us, but you we  
5 cannot use taxpayer dollars for food. Unfortunately.  
6 MR. DUNCAN: Another red tape.  
7 MR. MERCIER: Another red tape. Yeah.  
8 So it sounds like we're going to break for the  
9 online speakers.  
10 MR. DUNCAN: Those are online speakers.  
11 MR. MERCIER: Those of us -- do you all want to  
12 grab your lunch? Now would be the time while we go through  
13 four people online. Okay.  
14 Thanks, Ben.  
15 MR. VINT: Yeah. And to our online participants,  
16 we got four hands up. We're going to go in a slightly  
17 different order than the hands because I think we had some  
18 connection issues where people got dropped and rejoined.  
19 So I'm going to go by the original order by which we saw  
20 folks.  
21 I'm going to start with Chairman Awonohopay,  
22 followed by Chairman Beaudin and then Superintendent  
23 Hutchinson.  
24 Chairman Awonohopay, you should have the ability  
25 to unmute yourself and to turn on your camera now.

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1 CHAIRMAN AWONOHOPAY: All right. Can you hear  
2 me?  
3 MR. VINT: We can and we can see you, too.  
4 CHAIRMAN AWONOHOPAY: (Speaking in Native  
5 language). So good afternoon. It is now afternoon here.  
6 So thank you very much, Secretary Burgum, for the  
7 opportunity for all of us to come together. We here in  
8 Menominee, over time, we built a great relationship with  
9 the Midwest Regional Office of BIA. We work very closely.  
10 We have, and we continue to work very closely with that  
11 regional office.  
12 Just for some backgrounding so you understand the  
13 trust relationship between the United States of America and  
14 the Menominee Indian Tribe of Wisconsin is reflected in the  
15 Menominee Restoration Act. The Trust and Management  
16 Agreement of 1975 defines the unique trust relationship  
17 established in the Restoration Act between the Menominee  
18 Indian Tribe of Wisconsin and the federal government.  
19 One of our entities, our tribal entities is the  
20 Menominee Tribal Enterprise that works very, very closely  
21 and at times day to day with the Midwest Regional Office.  
22 For the Menominee Tribal Enterprise, the management goals  
23 have been maximizing the quality and the quantity of saw  
24 timber grown under sustained yield management principles,  
25 while maintaining the wide diversity of nature native

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1 species here in our homeland.  
2 We have always, and we continue to abide by the  
3 guidance set forth by one of our great chiefs, Chief  
4 Oshkosh, in terms of how we harvest timber here in our  
5 homeland and how this specifically relates to the Midwest  
6 Regional Office. And in his words that still live true  
7 today is we start with the rising sun and we work toward  
8 the setting sun, but only taking the most mature trees, the  
9 sick trees, and the trees that have fallen. When we reach  
10 the end of our homeland, we turn and we cut from the  
11 setting sun back to the rising sun, and the trees will last  
12 forever.  
13 In the 171-year history of forest resource use  
14 and management on the Menominee, forests stand as a  
15 principal example of sustained yield forest management, as  
16 traditionally and culturally practiced here by my people,  
17 which predates the concepts of sustained forestry currently  
18 evolving in discussions around resource managers today.  
19 The Midwest Regional Office of Bureau of Indian  
20 Affairs staff, as DOI delegated trustee, collaborates with  
21 Menominee Tribal Enterprises staff in a variety of phases  
22 within forest management assistance. And some of these  
23 include providing the PL93 638 contracts for funding for  
24 the forest management, forest development, fire  
25 preparedness programs and Cooperative Agreement Wetland

<p style="text-align: right;">Page 106</p> <p>1 Firefighters Fuels Program. BIA Midwest Regional Forestry 2 staff have a clear understanding of the federal 3 government's trust responsibility to the Menominee and in 4 the sustainable management of forests. BIA staff have been 5 an integral part in navigating federal funding which has 6 enhanced Menominee Tribal Enterprise harvest productivity, 7 which has been crucial in an area where the industry is 8 dying due to the financial cost, declining in logging 9 contractors, mill closures and pulp markets and skilled 10 labor force decline.</p> <p>11 Menominee Tribal Enterprise has frequent and open 12 communication lines with BIA staff path on a variety of 13 funding issues: training, technical support, technological 14 advances, information and prescription processes, 15 especially with National Environmental Policy Act. Our 16 current system of harvesting timber is streamlined and 17 efficient with the BIA staff which was in place to help 18 accomplish the goals within Menominee forest management.</p> <p>19 Some of the issues also that I want to make sure 20 are noted here today is tribal nations vary greatly in 21 culture, geography, and governance structures. Any 22 restructuring must allow regional offices more flexibility 23 to meet the unique needs of tribes in their area rather 24 than a one-size-fits-all model. Allowing tribal 25 governments broader latitude in how funds can be used</p>	<p style="text-align: right;">Page 108</p> <p>1 We noticed on Page 30 of the PowerPoint, there is 2 a proposed categorical exclusion to be established within 3 NEPA in circumstances of oil drilling and gas development 4 on trust land if the activities are within an existing 5 footprint or disturb no more than 25 acres of new surface 6 disturbance. For this categorical exclusion to be allowed 7 on trust land is a clear violation of established treaty 8 rights, case law precedents, federal statutes, and the 9 federal trust relationship between tribes and the federal 10 government.</p> <p>11 Regarding the NHPA, a comment period of seven 12 days is woefully inadequate. Tribal historic preservation 13 officers are required to obtain approval from their 14 governing bodies before submitting comments. Many tribal 15 governing bodies only meet once or twice a month. This is 16 simply not enough time to adequately respond and provide 17 meaningful comment. It is common for cultural and sacred 18 sites to be protected from public knowledge. This further 19 complicates the ability of tribes to adequately respond in 20 such a short time frame while protecting religious, 21 cultural and sacred sites. The results of this emergency 22 procedure will likely be the destruction of religious and 23 cultural sites.</p> <p>24 Trust land should be distinguished from federal 25 land and excluded from the emergency permitting procedures.</p>
<p style="text-align: right;">Page 107</p> <p>1 within their programs would be welcomed and are consistent 2 with self-determination and trust responsibilities. Any 3 streamlining must ensure that treaty and trust 4 responsibilities are not compromised. Streamlining cannot 5 come at the expense of service delivery to tribal nations. 6 Whatever benchmarks are used have to matter to tribes and 7 not just the federal government.</p> <p>8 How will you do that with fewer employees such as 9 the reduction in workforce and with significant budget cuts 10 proposed by the Administration? This is already 11 chronically underfunded throughout Indian country. Efforts 12 to save dollars should not come on the backs of tribes and 13 obligations owed to tribal nations who have already prepaid 14 upfront for these things with land and natural resources. 15 Any federal government initiatives to increase efficiency 16 has to be responsive to tribal needs and support tribal 17 self-determination and not hinder it.</p> <p>18 Emergency procedures should not override treaty 19 rights and the federal trust responsibility, specifically 20 speaking to the Section 106 Endangered Species Act 21 expedited compliance. There is a real danger of causing 22 harm to tribes by advancing development this way. Tribes 23 rely on critical federal processes to protect tribal lands 24 and cultural resources, and these need to be considered on 25 the forefront of any changes.</p>	<p style="text-align: right;">Page 109</p> <p>1 The federal government has a trust responsibility to 2 protect trust lands. Trust land is established by treaties 3 and are considered the supreme law of the land. These 4 procedures contradict the very core principles of federal 5 Indian law.</p> <p>6 And as I stated in the beginning of my talk, I 7 want to say (native language) and thank you very much to 8 Secretary Burgum and his entire staff for allowing this 9 opportunity to once again come together and have this 10 dialogue. And please, consider regional and more direct 11 consultation with tribes as we move forward in these 12 discussions, because these impacts will affect our many 13 tribal nations. (Native language). Thank you.</p> <p>14 MR. VINT: Thank you, Chairman.</p> <p>15 We'll go next to Councilmember Beaudin, followed 16 by Superintendent Hutchinson.</p> <p>17 Councilmember Beaudin, you should be able to 18 unmute yourself and turn on your camera now.</p> <p>19 COUNCILMEMBER BEAUDIN: Okay. I've unmuted. I 20 have to figure out how to turn on my video. So sorry.</p> <p>21 MR. VINT: I just sent a prompt over there for 22 you. Maybe you can --</p> <p>23 COUNCILMEMBER BEAUDIN: Yeah. I'm --</p> <p>24 MR. VINT: If not, no worries.</p> <p>25 COUINCILMEMBER BEAUDIN: I am trying to get</p>



<p style="text-align: right;">Page 110</p> <p>1 there. So I apologize.</p> <p>2 MR. VINT: If you're not able to -- are you able</p> <p>3 to hear us? We may have lost -- yep, it looks like. Just</p> <p>4 dropped the Internet connection.</p> <p>5 So we'll pause and come back to Councilmember</p> <p>6 Beaudin. And next we'll go to Superintendent Hutchison</p> <p>7 while we wait for her to regain the connection.</p> <p>8 Superintendent Hutchison? I see coming on camera.</p> <p>9 There we go.</p> <p>10 SUPERINTENDENT HUTCHISON: All right. Can you</p> <p>11 hear me?</p> <p>12 MR. VINT: Yes, we can.</p> <p>13 SUPERINTENDENT HUTCHISON: Perfect. Perfect.</p> <p>14 Boozhoo and miigwech for the opportunity to speak on behalf</p> <p>15 of the 387 students currently enrolled at the Lac Courte</p> <p>16 Ojibwe School in Northern Wisconsin, and on behalf of the</p> <p>17 parents and the community members that rely on the services</p> <p>18 provided by our school. My name is Jessica Hutchison and</p> <p>19 I'm the superintendent of the La Courte Ojibwe School. And</p> <p>20 I have been an employee of the school since my career began</p> <p>21 in 2001, a nearly 24-year career with the Bureau of Indian</p> <p>22 Education.</p> <p>23 I'd like to speak in opposition to the previous</p> <p>24 and proposed further reductions in force that have been</p> <p>25 felt across Indian country and through the many federal</p>	<p style="text-align: right;">Page 112</p> <p>1 management of education grants, in the receipt of 105L</p> <p>2 funds, and in the response of DFMC in school placement</p> <p>3 programs, all of which we have been asked to wait patiently</p> <p>4 to see realized. These delays are felt by tribal schools,</p> <p>5 by local leaders and most importantly by tribal students.</p> <p>6 Schools in the tribal communities that they serve</p> <p>7 need to be heard when the direction of Indian education is</p> <p>8 at stake, and further cuts to these vital resources in the</p> <p>9 name of efficiency cannot be allowed to continue.</p> <p>10 Miigewich.</p> <p>11 MR. VINT: Thank you so much.</p> <p>12 And we're going to try and come back to you here,</p> <p>13 Michelle. I'm going to give you the ability to unmute.</p> <p>14 We're seeing you on camera now. Are we also able to hear</p> <p>15 you?</p> <p>16 COUNCILMEMBER BEAUDIN: Boozhoo. Can you hear</p> <p>17 me?</p> <p>18 MR. VINT: We can. Amazing. Thank you so much.</p> <p>19 COUNCILMEMBER BEAUDIN: Wonderful. (Native</p> <p>20 language). Michelle Beaudin, governing board member of the</p> <p>21 Lac Courte Band of Lake Superior Chippewa Indians. And I</p> <p>22 just want to thank you for having this consultation. And I</p> <p>23 will say that feels very rushed, and that we don't have a</p> <p>24 lot of time to put our thoughts together and consult with</p> <p>25 our teams to be able to put a really good response. But we</p>
<p style="text-align: right;">Page 111</p> <p>1 program cuts. For example, when the BIE Tribal Facility</p> <p>2 Management was recently transitioned from the BIA to the</p> <p>3 BIE, much work needed to be done to ensure that the support</p> <p>4 to schools was done in an efficient and timely manner.</p> <p>5 The current understaffing at BIE facilities is</p> <p>6 directly impacting the level of service and communication</p> <p>7 they are able to provide as obligated to schools, which</p> <p>8 unfortunately, is being misinterpreted as inefficiency or</p> <p>9 underperformance. We here at Lac Courte just received or</p> <p>10 were the recipients of a significant HVAC upgrade, and we</p> <p>11 have absolutely nothing but positive reports to relay from</p> <p>12 the BIE Facilities Management Program. We've seen</p> <p>13 exceptional management, exceptional communication.</p> <p>14 However, we are impacted by the lack of communication due</p> <p>15 to their understaffing. There are entire regional</p> <p>16 management departments within the BIA facilities that are</p> <p>17 left unstaffed, and the workload is just reallocated and</p> <p>18 lumped on to those that remain.</p> <p>19 Here at Lac Courte, we were able to bear witness</p> <p>20 to the work done by the dedicated and professional BIE</p> <p>21 employees, specifically in education grants, management and</p> <p>22 facilities that are now being pushed out and forced to back</p> <p>23 down due to reduction in force mandates. Though we are a</p> <p>24 tribally controlled BIE school rather than bureau operated,</p> <p>25 the same slash and burn mentality is being felt in the</p>	<p style="text-align: right;">Page 113</p> <p>1 will do written response as well.</p> <p>2 But I do want to concur with all the other tribal</p> <p>3 leaders that spoke so well today. And I almost felt like</p> <p>4 hanging up after Chairman Seki. He said it all in the</p> <p>5 beginning of all the things that were all our struggles in</p> <p>6 our frustrations and the need for us to continue to fight</p> <p>7 for these things. That means so much to us.</p> <p>8 And cutting our staff, I agree with these</p> <p>9 leaders. Cutting our staff is not the answer. When we are</p> <p>10 sitting there with 105L, with leases that are not done,</p> <p>11 with land getting not into trust, with all of these areas</p> <p>12 that we struggle with. Instead, I would like to add on to</p> <p>13 that and say that not only should we increase and not cut,</p> <p>14 but I do like the idea of being more efficient. And in</p> <p>15 that, looking back as to we first were wards of the state,</p> <p>16 so to speak. and it was the government taking care of us</p> <p>17 instead of us doing things for ourselves. And there's been</p> <p>18 so much red tape and maybe burdensome opportunities that we</p> <p>19 have to be constantly under the scrutiny. Whereas other</p> <p>20 departments or other sovereign nations and other -- I</p> <p>21 should say not sovereign nations, but sovereigns, such as</p> <p>22 states, they don't have to do all the regulations that we</p> <p>23 have. And if that could be streamlined more, and I like</p> <p>24 the idea that you're adding technology to help in those</p> <p>25 matters, but maybe even looking back at some of those</p>

<p style="text-align: right;">Page 114</p> <p>1 policies that have been more burdensome.</p> <p>2       However, as far as NEPA is concerned, I think we</p> <p>3 have to have a stronger stance in having these emergency</p> <p>4 orders where they can ignore our ceremonial sites and our</p> <p>5 trust lands. And with the Apache stronghold and Tabletop</p> <p>6 for Navajo, that is just so blatantly disrespectful and</p> <p>7 outright a slap in the face to all the Tribal Nations,</p> <p>8 because it's like there is no law that they won't throw</p> <p>9 away and just do whatever they want. So we need stronger</p> <p>10 regulations where we have more say in those, and we should</p> <p>11 have a better consultation where we can really look at that</p> <p>12 and really have our TPSs be able to -- and our tribes be</p> <p>13 able to have more say in those areas that really mean</p> <p>14 something to us and that has such cultural and traditional</p> <p>15 significance to us.</p> <p>16       And I just, I feel very passionately about that</p> <p>17 and about keeping the team together, and hopefully we can</p> <p>18 have more, more things put on our plate as well, where</p> <p>19 we're not depending on the Bureau to do so much for us. We</p> <p>20 have the capabilities, we have the technology, we have the</p> <p>21 skilled workforce. And I think it's time that the BIA also</p> <p>22 looks at us and says we can share in this burden of this</p> <p>23 stuff and give it to you as Tribal Nations and, and we can</p> <p>24 take that and be those self-governed tribes.</p> <p>25       Our tribe is a 638 and we need to move more</p>	<p style="text-align: right;">Page 116</p> <p>1 sent over an unmute request. Maybe stepped away as part of</p> <p>2 the break as well. Well, okay, what we'll do is we'll chat</p> <p>3 you on the side and see if we can get you back online.</p> <p>4 We'll go to Jessica Steinberg next and then come back to</p> <p>5 you if you return or if we're able to work out whatever is</p> <p>6 preventing your microphone from turning on.</p> <p>7       Over to you, Jessica Steinberg.</p> <p>8       MS. STEINBERG: I'm not sure if my camera came</p> <p>9 on?</p> <p>10       MR. VINT: Your camera is on, but we're just</p> <p>11 seeing a black screen. It's not actually on our video</p> <p>12 feed.</p> <p>13       MS. STEINBERG: Okay. Yeah, sometimes we have</p> <p>14 that issue here. I apologize for that.</p> <p>15       MR. VINT: No worries.</p> <p>16       MS. STEINBERG: Is it okay if I continue with my</p> <p>17 remarks?</p> <p>18       MR. VINT: Of course, yes, please go ahead.</p> <p>19       MS. STEINBERG: Okay, thank you.</p> <p>20       My name is Jessica Steinberg. I'm the Self</p> <p>21 Governance Coordinator for the Little River Band of Odawa</p> <p>22 Indians. We're located here in Manistee, Michigan. We</p> <p>23 have approximately 3,800 enrolled members, and our</p> <p>24 reservation encompasses Manistee and Mason Counties and</p> <p>25 approximately 70,000 acres to be determined along the Big</p>
<p style="text-align: right;">Page 115</p> <p>1 towards self-governance. We have the HEARTH Act, which has</p> <p>2 been great, but we still have lingering things at the BIA</p> <p>3 and our local areas and that we still struggle with. And</p> <p>4 putting land into trust is one of them. The 105(1), we've</p> <p>5 been waiting for a long time, not only with our BIE school</p> <p>6 but also on our other departments as well.</p> <p>7       So we need to maybe refocus some of that staff,</p> <p>8 but I'll leave that up to you guys to do. But we are very</p> <p>9 passionate about not cutting. I mean, we're the first ones</p> <p>10 that always get cut. And even if it's temporary, it never</p> <p>11 stays temporary, always becomes permanent when it comes to</p> <p>12 us. And so I want to thank you all for your hard work as</p> <p>13 well and reaching out to us. (Native language).</p> <p>14       MR. VINT: Thank you so much, Councilmember. And</p> <p>15 I'm glad we were able to get your camera and microphone</p> <p>16 working so that you could provide your comment.</p> <p>17       We have two more hands raised virtually, so I'll</p> <p>18 pause again to remind folks that if you want to participate</p> <p>19 and are a tribal leader, you can use the raise hand</p> <p>20 function. If you're not able to find it, you can chat Ruby</p> <p>21 Gonzalez or Kyle Vint, and we will add you to the queue</p> <p>22 manually. We're going to go next to President Larsen and</p> <p>23 then Jessica Steinberg as our two remaining hands.</p> <p>24       So President Larsen, you should have the ability</p> <p>25 to unmute yourself now and to turn on your camera. Just</p>	<p style="text-align: right;">Page 117</p> <p>1 Manistee River.</p> <p>2       (Native speaking). Little River Band's trust</p> <p>3 obligation is defined in Public Law 103-324, the Little</p> <p>4 Traverse Bay Band and Little River Band Act, in which we</p> <p>5 have a social and political relationship prior to the IRA</p> <p>6 of 1934. Our relationships are defined in that Act as</p> <p>7 having United States government, state government and local</p> <p>8 government collaborations and consultation. Our</p> <p>9 relationship was reaffirmed by that law.</p> <p>10       I want to thank the leadership from the Bureau</p> <p>11 today for having provided this opportunity for</p> <p>12 consultation. And I guess the first thing I'd like to</p> <p>13 address is the Executive Order 14210 discussing government</p> <p>14 efficiencies. One of the ways to create efficiencies</p> <p>15 within the tribal government is to expand self-</p> <p>16 determination and tribal self-governance across all of</p> <p>17 Indian country, and giving us the opportunity to continue</p> <p>18 to provide services at the local level to our people</p> <p>19 because we understand their priorities best.</p> <p>20       One of the problems with this expansion, however,</p> <p>21 is the 2026 discretionary budget which reduces Bureau of</p> <p>22 Indian Affairs funding, if I'm reading this correctly, by</p> <p>23 some \$617 million. In particular, it reduces funding for</p> <p>24 social services, housing, roads. Those are all critical</p> <p>25 infrastructure for our nations, and particularly social</p>

<p style="text-align: right;">Page 118</p> <p>1 service delivery, which we've heard from several tribal 2 leaders today, has not only a role but a responsibility to 3 keep our own people safe, well, and healthy. We consider 4 these essential core services.</p> <p>5 It's ironic to me that we're talking about 6 efficiencies. When I was reading a report by CBS that was 7 published back in April on the 28th regarding DOGE, 8 basically saying that DOGE saved the United States 9 government \$160 billion. However, the cost to the 10 government was \$135 billion. What I would like to suggest 11 is that we redirect these efficiencies and forward fund for 12 Bureau of Indian Affairs programs so tribes can do the work 13 that we need to do at the local level and serve the people 14 that are dependent upon our governments. That savings 15 alone would fully fund Bureau of Indian Affairs.</p> <p>16 We also have a comment about the Secretary Order 17 3429, and that is don't make a decision about us without 18 us. In other words, wouldn't it make sense to convene some 19 sort of joint committee to examine where some of these 20 efficiencies or restructuring decisions should be placed 21 and have tribal leadership at the table in full partnership 22 with the Bureau to review and to make those determinations.</p> <p>23 One of the things I'm really concerned about is 24 economic growth. I see the Guaranteed Loan Program has 25 been eliminated in the in the upcoming 2026 budget. And</p>	<p style="text-align: right;">Page 120</p> <p>1 opportunity to bring these comments forward. We are going 2 to be presenting some written comments back before the 3 deadline. And again, I say miigwech. Safe travels to 4 everyone. (Native language).</p> <p>5 MR. VINT: Thank you so much. We did have one 6 more hand raised for President Larsen. We'll be back 7 later. So I'll come back in when they return and re-raise 8 their hand, but I think we should go back to in person 9 comments now.</p> <p>10 MR. DUNCAN: Great. Thank you, Kyle.</p> <p>11 I want to invite Representative Sommers. Maybe 12 Representative Sommers snuck out for lunch maybe. Well, 13 then we'll move to Secretary Robinson.</p> <p>14 SECRETARY ROBINSON: (Native language). How are 15 you? I will tell you who I am. My English name is 16 Cheyenne Robinson. I belong to the Black Shoulder Buffalo 17 Clan. I am a woman leader of the Omaha people, or in 18 formal terms, I'm the secretary of the Omaha Tribe in 19 Nebraska. I am honored to join this consultation and speak 20 on behalf of our Omaha relatives. I began today by 21 grounding our dialogue in the legal and historical 22 agreements that form the foundation of the relationship 23 between our governments.</p> <p>24 The Omaha Tribe of Nebraska is a sovereign nation 25 and signatory to the Fourth Treaty of Prairie Du Chien of</p>
<p style="text-align: right;">Page 119</p> <p>1 one of the comments in the budget narrative says that 2 tribes have the availability to access these types of funds 3 and other programs. And that's not always the case. 4 Smaller tribes like ourselves don't have large grant 5 departments. We don't have large departments that can go 6 out and create economic development arms very effectively 7 or efficiently. So again, don't make these decisions 8 without us.</p> <p>9 As far as Executive Order 14156 and the 10 abbreviated time frame for review on energy development 11 projects, that's not appropriate or safe for any of the 12 people that we serve here in Indian country. Those 13 abbreviated timelines could have a severe negative impact 14 on the health of the people in our communities. And I, for 15 example, wrote a testimony having to do with line 5 this 16 year, earlier this year. You know, the Great Lakes are one 17 of the largest freshwater deposits in in the Northern 18 Hemisphere. And my fear is that tribes won't have an 19 opportunity to weigh in on the impact and the detriment to 20 these environmental essential places and spaces and 21 culturally significant waterways, especially here in the 22 Great Lakes. And we're going to have a detrimental impact 23 to that freshwater reserve. And it's going to impact not 24 just here, it's going to impact all of the United States.</p> <p>25 So again, I do thank you for having the</p>	<p style="text-align: right;">Page 121</p> <p>1 1830, one of the several important agreements that help 2 shape the political geography of this region. Under that 3 treaty, lands in this area receded in good faith on the 4 premise that the federal government would honor its 5 responsibilities. We are also party to the Treaty of the 6 Omaha of 1854, in which the United States formally 7 recognized the sovereignty of the Omaha people and made 8 explicit promises regarding our land, resources and the 9 welfare of our nation.</p> <p>10 These treaties are not relics of the past. They 11 are living, legal instruments that continue to define the 12 federal government's obligations to our people today. As 13 this Administration moves forward with efforts to 14 streamline operations and reorganize federal agencies, we 15 remind you that efficiency must never come at the cost of 16 treaty rights, tribal sovereignty, or trust responsibility. 17 The Omaha Tribe is deeply concerned about any federal 18 workforce reorganization that may reduce the capacity 19 within Indian and Affairs or related bureaus.</p> <p>20 Workforce reductions, restructuring or efficiency 21 measurements often result in fewer resources and diminish 22 service delivery to our communities. These cuts can have 23 disproportionate and long-lasting impacts on our tribal 24 programs. Any agency reorganization plan must be developed 25 with full tribal consultation and co-creation, not merely</p>

<p style="text-align: right;">Page 122</p> <p>1 feedback. We requested transparency on which positions and 2 regions or programs may be reduced or consolidated, how 3 these potential reductions will be mitigated to prevent 4 service disruptions to the tribes, and the basic premises 5 of this all, the cost-saving analysis. 6 Are tribes expected to assume functions currently 7 carried out by the BIA or other Indian Affairs Bureau? If 8 so, this must clearly be articulated. Most importantly, 9 what funding, training and infrastructure support will be 10 distributed to build tribal capacity to take on these 11 responsibilities? Tribes must have access to a tribally 12 specific impact analysis before any changes are 13 implemented. This one-size-fits-all planning is not 14 acceptable. 15 While we understand the urgency of energy 16 development, expedited permitting cannot override the legal 17 protections for tribal lands, sacred sites and the 18 environment. We have significant concerns about the 19 compressed review timelines under the National 20 Environmental Policy Act, the Endangered Species Act, and 21 the National Historic Preservation Act. Fourteen and 28- 22 day reviews are not sufficient for meaningful tribal 23 consultation or proper environmental, cultural and historic 24 analysis. These rushed timelines risk irreparable harm to 25 tribal lands, sacred sites, endangered species and our</p>	<p style="text-align: right;">Page 124</p> <p>1 representation from diverse tribal nations. 2 Number two. Pause implementation of emergency 3 permitting procedures until tribal concerns are fully 4 addressed and legal obligations are met. 5 Number three. Conduct tribal impact assessments 6 before rolling out any reorganization or permitting 7 acceleration, especially in regions with high cultural 8 sensitivity. 9 And number four. Ensure funding and staff so 10 tribal consultation processes are not reduced as part of 11 efficiency measures. 12 In closing, the Omaha Tribe is not just a 13 community. We are a sovereign nation, and our rights are 14 not negotiable. We expect this Administration to act in 15 accordance with the treaties it signed and the trust 16 responsibility it holds. We also wish to offer our 17 partnership in educating this Administration about the best 18 practices in tribal engagement, consultation and 19 governments. True efficiency and reform cannot happen 20 without informed, respectful, reciprocal relationships with 21 tribal nations. We look forward to continued dialogue, 22 transparency and meaningful engagement moving forward. 23 (Native language). Thank you. 24 MR. DUNCAN: Thank you, Secretary. 25 Chairwoman Schmidt?</p>
<p style="text-align: right;">Page 123</p> <p>1 treaty reserve resources. 2 The Omaha Tribe demands that free, prior and 3 informed consent must be obtained before any federal 4 approval of energy projects affecting tribal lands or 5 interests. The Tribal Historic Preservation Office must be 6 fully consulted, not merely notified during the NEPA 7 process. There must be a mechanism to pause our hot 8 projects if tribal concerns are not adequately addressed. 9 Streamlining and efficiency must not become euphemisms for 10 neglecting federal responsibilities to tribes. This trust 11 responsibility is not optional. It is legally and morally 12 binding. 13 Any agency must uphold treaty obligations, tribal 14 sovereignty and our right to protect our homelands and 15 cultural resources. We are not stakeholders. We are 16 sovereign governments and must be treated as such. Above 17 all, the Omaha Tribe insists that no federal 18 reorganization, policy shift or emergency directive should 19 move forward without full, transparent, and good faith 20 consultation with tribal nations. Our sovereignty is not a 21 barrier to efficiency. It is a legal and moral framework 22 that the United States government is bound to respect. 23 To this end, we recommend the following. Number 24 one. Establish a tribal federal working group to co- 25 develop the agency reorganization plan with the</p>	<p style="text-align: right;">Page 125</p> <p>1 CHAIRWOMAN: SCHMIDT: I'll move this down. I'm 2 short. (Native language). Good afternoon. I have the 3 honor to serve as the Chairwoman for Ponca Nation. The 4 Ponca Tribe of Nebraska is a federally recognized tribe 5 that was restored through an Act of Congress in 1990 after 6 being unjustly terminated in the 1960s. We are perhaps 7 best known for the landmark 1879 trial of Chief Standing 8 Bear in which Standing Bear argued for the recognition of 9 Native Americans as persons under U.S. law. 10 Today we serve more than 5,700 enrolled members 11 across a 15-county service area in Nebraska, Iowa and South 12 Dakota. While we do not have a reservation, we operate a 13 wide range of government services, including full-service 14 health clinics, transportation services, food distribution, 15 housing, elder care, cultural programming, and much more. 16 From our offices and clinics in Omaha, Lincoln, Norfolk, 17 Niobrara and Sioux City. 18 We go to great lengths to ensure our citizens can 19 access these services regularly, regardless of geography. 20 This means we interact with a broad array of federal 21 programs across multiple agencies. The current system, 22 fragmented, inconsistent, and administratively burdensome, 23 often hampers our ability to deliver timely and effective 24 services. As such, the modernization of Indian Affairs 25 presents both a challenge and an opportunity.</p>

<p style="text-align: right;">Page 126</p> <p>1 We offer the following recommendations based on</p> <p>2 our lived experience as a non-reservation service-based</p> <p>3 tribal government committed to self-determination. Efforts</p> <p>4 to improve efficiency at Indian Affairs must begin with</p> <p>5 tribal sovereignty as a guiding principle, not an</p> <p>6 administrative convenience. Tribal nations are not program</p> <p>7 recipients or sub agencies. They are sovereign governments</p> <p>8 with diverse government models, capacities and needs.</p> <p>9 True efficiency comes not from consolidation but</p> <p>10 from strengthening the federal workforce ability to work in</p> <p>11 a genuine partnership with the governments they are meant</p> <p>12 to serve. That starts with staff who understand the legal</p> <p>13 foundations of the trust relationship and who are trained</p> <p>14 in how tribal governments operates today, especially for</p> <p>15 tribes like ours, which deliver services across a broad</p> <p>16 multi-state area without a single centralized land base.</p> <p>17 Indian Affairs can improve internal functionality</p> <p>18 by building cross-disciplinary teams and reducing the silos</p> <p>19 between infrastructure, public health, cultural</p> <p>20 programming, and community development. Instead of scaling</p> <p>21 back capacity, the Department should consider new roles</p> <p>22 focused on tribal engagement, people whose job it is to</p> <p>23 help tribes navigate federal systems and integrate those</p> <p>24 tools with locally governed strategies.</p> <p>25 Efficiency should also be defined by the strength</p>	<p style="text-align: right;">Page 128</p> <p>1 federal requirements in ways that don't disrupt local</p> <p>2 priorities. Tribal governments also need flexibility.</p> <p>3 Program structures that must be broad enough to allow us to</p> <p>4 respond to local realities rather than force us into rigid</p> <p>5 categories. Timelines must reflect the urgency of the</p> <p>6 issues we're addressing. When services like transportation</p> <p>7 or food distribution stall due to paperwork delays, our</p> <p>8 communities suffer.</p> <p>9 Indian Affairs must also commit to clear and</p> <p>10 consistent policies that respect tribal control over</p> <p>11 program data and implementation, especially as more systems</p> <p>12 move to digital platforms. Improving access means reducing</p> <p>13 friction, respecting sovereignty, and recognizing the day-</p> <p>14 to-day realities many tribal governments face.</p> <p>15 Effectiveness should not be measured by how quickly forms</p> <p>16 are processed, but by whether tribes are able to govern</p> <p>17 more fully, more flexibly, and more sustainably. A</p> <p>18 functional Indian Affairs is one that moves with urgency,</p> <p>19 humility, and trust in the leadership of tribal nations it</p> <p>20 serves.</p> <p>21 Now, I just wanted to provide additional comments</p> <p>22 on the NEPA and the NHPA Emergency Order. The Ponca Nation</p> <p>23 strongly encourages that any invocation of emergency</p> <p>24 authorities, particularly in the context of environmental</p> <p>25 permitting, not bypass tribal participation or diminish the</p>
<p style="text-align: right;">Page 127</p> <p>1 of tribal engagement, not the speed of the internal</p> <p>2 processes. That means placing more staff in the field,</p> <p>3 supporting deeper regional relationships, and ensuring</p> <p>4 those staff have the cultural knowledge and follow-through</p> <p>5 to build trust. Modernizing internal systems like digital</p> <p>6 document sharing, interagency coordination, and real time</p> <p>7 communication would allow tribes to spend less time</p> <p>8 navigating bureaucracy and more time governing. Efficiency</p> <p>9 should never come at the expense of access, sovereignty, or</p> <p>10 trust responsibility.</p> <p>11 For many tribes, access to federal programs is</p> <p>12 limited not by eligibility but by structure. The current</p> <p>13 funding system is difficult to navigate with multiple</p> <p>14 application portals, shifting reporting requirements and</p> <p>15 long disbursement delays. These inefficiencies can cause</p> <p>16 real harm slowing urgently needed work in areas like</p> <p>17 housing, food distribution, transportation, and health</p> <p>18 care.</p> <p>19 Indian Affairs should lead the way in building a</p> <p>20 centralized, tribal friendly digital platform for</p> <p>21 applications, grant management, and compliance. Reducing</p> <p>22 administrative burden also means investing in the kind of</p> <p>23 technical assistance that reflects actual tribal needs,</p> <p>24 support not only with grant writing but also with long-term</p> <p>25 planning, integration across programs, and navigating</p>	<p style="text-align: right;">Page 129</p> <p>1 federal government's trust responsibilities. Tribal</p> <p>2 nations are essential partners in identifying, evaluating,</p> <p>3 and mitigating potential impacts to culturally and</p> <p>4 environmentally significant lands. This is not just a</p> <p>5 legal obligation, but a practical necessity. All federal</p> <p>6 lands were once indigenous lands, and even where tribes no</p> <p>7 longer maintain a formal land base, their interests and</p> <p>8 histories remain deeply tied to those landscapes.</p> <p>9 Fast track permitting cannot come at the cost of</p> <p>10 tribal inclusion. If the goal is to accelerate energy</p> <p>11 development timelines, that effort must begin by engaging</p> <p>12 tribal nations and engaging them early, during pre-</p> <p>13 application and project scoping, not after major decisions</p> <p>14 have already been made. Compressed review windows of</p> <p>15 seven, 14 or 28 days are simply unworkable. Federal</p> <p>16 agencies must instead institutionalize tribal engagement</p> <p>17 during the earliest stages of planning when concerns can be</p> <p>18 addressed meaningfully and collaboratively. Some agencies</p> <p>19 like the Federal Energy Regulatory Commission, DOE, and the</p> <p>20 U.S. Forest Service have already begun to adopt this</p> <p>21 proactive model, and it should become standard practice</p> <p>22 across the board.</p> <p>23 Another critical piece is funding. Meaningful</p> <p>24 participation in the federal review process requires</p> <p>25 resources. Whether funded directly by the federal</p>



<p style="text-align: right;">Page 130</p> <p>1 government or built into project-based recovery mechanisms, 2 tribes must be equipped to analyze proposals, engage in 3 consultation, and participate in permitting decisions on an 4 equal footing.</p> <p>5 Equally important is elevating tribes as full 6 partners, not just consulted parties. Creating formal 7 opportunities for tribes to serve as a cooperating agency's 8 environmental reviews would increase transparency, improve 9 the quality of decision-making, and establish long-term 10 frameworks for oversight and collaboration. Tools like 11 programmatic agreements can help streamline permitting 12 while still ensuring appropriate review and tribal input is 13 critical to shaping those frameworks effectively.</p> <p>14 In conclusion, the Department has an opportunity 15 and a responsibility to realign its workforce, programs and 16 internal systems with the lived realities of tribal nations 17 and the evolving demands of self-governance in the 21st 18 century. The Executive Order's focus on workforce 19 efficiency and productivity must not become a technocratic 20 exercise. It should be a turning point, a chance to shift 21 away from a fragmented prescriptive bureaucracy and toward 22 a model to a government-to-government partnership rooted in 23 trust, flexibility and respect for tribal sovereignty.</p> <p>24 Like those before me, I thank you for the 25 opportunity to provide comments today on these important</p>	<p style="text-align: right;">Page 132</p> <p>1 be reduced to six, so cutting 50 percent of them. We 2 obviously don't support that.</p> <p>3 And then number two are concerned. It comes with 4 the messages we've been getting from this new 5 Administration. So I'll just read it. We are concerned 6 that the Administration is sending Indian country two very 7 different messages when it comes to self-governance. One 8 of the major goals of these consultations as written in the 9 April 15th letter inviting us, inviting us to hear is 10 increasing Indian Affairs support for tribal self- 11 government and self-determination.</p> <p>12 This is a goal most tribes, including White Earth 13 supports. Yet, two weeks after the letter was sent, the 14 Administration sent a proposed budget to Congress that 15 includes \$6,617 million cut in federal self-governance 16 programs. Let's see. So I guess my tribe, they're asking 17 which one is the real policy and which one is the fiction, 18 to fool either tribes or Capitol Hill?</p> <p>19 Number three. Right now, one of the most common 20 complaints tribes have about the Department of Interior and 21 BIA is the extremely long wait times. And then another 22 thing is with the -- it seems like this Administration 23 really wants to do mineral extraction and really tap into 24 those resources that tribes hold. And one thing that 25 really concerns me is that I feel like tribes aren't</p>
<p style="text-align: right;">Page 131</p> <p>1 issues. You will also receive written comments from us on 2 our behalf. I personally want to thank each and every one 3 of you for being here and for what you do. I know you also 4 all have a very difficult, hard job, and so I just hope 5 that you remember to take care of yourself along the way. 6 (Native language). Thank you.</p> <p>7 MR. DUNCAN: Thank you, Chairwoman. 8 Representative Sommers?</p> <p>9 REPRESENTATIVE SOMMERS: (Native language). My 10 name is Eugene Sommers. I'm from the White Earth Nation. 11 I got a letter here that my Chairman sent with me pretty 12 much reiterating what we've been hearing all day. So I 13 don't want to go through it. I just want to summarize it 14 to save time.</p> <p>15 One of our first concerns is are these 16 consultations real consultations? And I have faith in 17 Scott. I remember the first time I met this guy, I was in 18 a leadership cohort. And he came and presented and kind of 19 told us about the importance on how to engage with the 20 federal government and how important is for us to have a 21 seat at the table. And happy that I get to be working with 22 you. Another rebuilder. Miigwech.</p> <p>23 But one of the things that you guys already 24 mentioned is the cuts. So there's a rumor going around 25 that we have 12 regional sites and then those are going to</p>	<p style="text-align: right;">Page 133</p> <p>1 brought to the table in those, what would you say, those 2 talks or those plans.</p> <p>3 And right now, there's a lot of helium and stuff 4 going on in the Midwest region here in Minnesota. And I 5 feel like the THPO process being, you know, slashed down 6 to, I think it was like seven days or four days, White 7 Earth Nation, we have 830,000 acres and then we have over 8 17,000 tribal members. So that's not adequate enough time 9 to assess anything, in four or seven days. That's too 10 little of a time period for us.</p> <p>11 White Earth Nation also operates the tribal 12 police, Indian child welfare program, tribal court, sports, 13 gaming, other business enterprises, Department of 14 Transportation, Department of Natural Resources. And then 15 we're also the biggest employer in our area. We put out 16 payrolls in excess of millions of dollars every week going 17 on to government and gaming enterprises and other business 18 enterprises. So we're a huge employer.</p> <p>19 And one thing that I see is that we've been 20 working a lot with the BIA since the inception of White 21 Earth in 1867. And since then, our relationship with the 22 BIA hasn't really been the best. We've been displaced from 23 our land. Over 99 percent of our land base was taken from 24 us, and we bought it back now. We're about 11 percent. 25 But I don't know, just looking back at our histories, we</p>

<p style="text-align: right;">Page 134</p> <p>1 don't have the best relationships.</p> <p>2 But Scott, I know you care and you want to make</p> <p>3 the, those relationships better. So I'm really excited to</p> <p>4 be working with you guys. I don't think this is going to</p> <p>5 be the last consultation White Earth comes to. We're going</p> <p>6 to be coming with you, giving you ear beatings, the whole</p> <p>7 road.</p> <p>8 But let me see what else we got here. So one</p> <p>9 thing with the BIE. So I used to be a teacher for our BIE</p> <p>10 schools. I think one thing you guys need to do is update</p> <p>11 that student portal. That thing's so old. That was a</p> <p>12 really big barrier.</p> <p>13 But then another thing is, is any of that funding</p> <p>14 going to be, you know, the red tape loosened up on it so</p> <p>15 our kids could actually do cultural events and cultural</p> <p>16 activities? Because a lot of times, we're put into this</p> <p>17 box and all of our -- all tribal nations are different, and</p> <p>18 we don't usually fit in that box. So our cultural</p> <p>19 activities are often -- we have to use the general fund</p> <p>20 money to do that, to teach our kids our education. So I</p> <p>21 don't think that really -- if we can do a little work</p> <p>22 there, that'd be great.</p> <p>23 The reduction in force. So that was a really big</p> <p>24 thing coming from our Chairman. You know, we have good</p> <p>25 relationships right now, and reduction in force, if that</p>	<p style="text-align: right;">Page 136</p> <p>1 going to have to -- because we have no choice. We're going</p> <p>2 to have to, you know, adapt to this whole situation. But</p> <p>3 one thing I don't want to do is I don't want it to impact</p> <p>4 our kids' education. White Earth, we do have a BIE school.</p> <p>5 And I'd really hate to see our kids having to go to like a</p> <p>6 different school or non-tribal school just because of some</p> <p>7 of the decisions we make here.</p> <p>8 Let me see. I don't know. I know that we have</p> <p>9 some infrastructure projects too, that are talking about</p> <p>10 getting impacted. But other than that there's like,</p> <p>11 there's so much. But I wish that like these consultations,</p> <p>12 I think we -- are you guys going to keep this format? Are</p> <p>13 you going to do a different format? Because it's kind of,</p> <p>14 get some smudge, get some food, you know, some good stuff.</p> <p>15 Well, we'll love to have you guys on White Earth.</p> <p>16 You guys come stay at the Shooting Star. We'll feed you,</p> <p>17 show you our reservation. (Native language). And yeah,</p> <p>18 I'll see you at the next one.</p> <p>19 MR. DUNCAN: Thank you, Representative.</p> <p>20 Representative May?</p> <p>21 REPRESENTATIVE MAY: (Native language). My name</p> <p>22 is Robert May. I'm one of two Red Lake District</p> <p>23 representatives for the Red Lake Band of Chippewa Indians.</p> <p>24 I'm also a licensed teacher at our school district in Red</p> <p>25 Lake. So I get the privilege and the honor and joy of</p>
<p style="text-align: right;">Page 135</p> <p>1 ever happened and it impacted us, it impacts the 17,000</p> <p>2 members we have. And like I said, we coordinate a lot with</p> <p>3 you guys, and any reduction in force or any disruption in</p> <p>4 services, it's going to be put back on us, the tribal</p> <p>5 leaders. And I'm pretty sure everybody in this room knows</p> <p>6 that some of the things the Administration is putting down,</p> <p>7 it's making our jobs a lot more difficult.</p> <p>8 But I guess in closing the biggest concern I have</p> <p>9 is with the mineral extraction and this big energy boom</p> <p>10 that we're going to be seeing. What are we going to leave</p> <p>11 for our kids? You know, because I know like my grandpa</p> <p>12 fought real hard to have what little we have now, and that</p> <p>13 just keeps going down. And what are we going to leave our</p> <p>14 kids? Our waters here are already impaired, and we have</p> <p>15 the largest wild rice bed in the world here, and it's</p> <p>16 really sacred to us. And these permits and stuff, you</p> <p>17 know, that permitting process, that kind of protects us and</p> <p>18 gives us a head's up so we can go consult. And with that</p> <p>19 getting eliminated or being dwindled down to just a couple</p> <p>20 days, it's not going to work.</p> <p>21 We heard other tribal nations talking about the</p> <p>22 opioid epidemic, and just the disparities all of our tribal</p> <p>23 nations have. And from what it looks, just to be honest,</p> <p>24 it looks like you guys are getting ready to slash the</p> <p>25 funding. And then for us it's just seems like what are we</p>	<p style="text-align: right;">Page 137</p> <p>1 working with our students every day up there. And so being</p> <p>2 in this seat, it really allows me to be able to speak up</p> <p>3 for our children. And, you know, that's one thing I'm here</p> <p>4 today to do.</p> <p>5 I'm glad to be here with you all today, all of</p> <p>6 our guests and other tribal leaders. It's good that we</p> <p>7 have these consultations. It's important that our voices</p> <p>8 are heard. You know, we have a seat at that table. It's</p> <p>9 important to our tribes, our land, our resources, our</p> <p>10 people, and to our futures, that we're here.</p> <p>11 And as tribal nations, we carry an enduring</p> <p>12 responsibility. It's rooted in culture, tradition, and</p> <p>13 spiritual obligations to honor, protect and preserve the</p> <p>14 earth and all living beings. I know we just had a meeting</p> <p>15 yesterday with the Minnesota DNR and the Lieutenant</p> <p>16 Governor. And that's one thing that I shared with them is</p> <p>17 the teaching that we teach our students at Red Lake is</p> <p>18 that, it's important to remember as Anishinaabeg, as Native</p> <p>19 people, that, you know, before we were here, the other</p> <p>20 nations were here, the four legged, the winged ones,</p> <p>21 swimmers, plants, trees, medicines, insects. And out of</p> <p>22 all those other Nations, we're the only ones that wouldn't</p> <p>23 survive if those other ones were taken away. But yet, if</p> <p>24 you took us away, they would all flourish.</p> <p>25 So it's important that we remember that in the</p>

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1 things that we're doing. You know, we take that back to  
2 D.C. We share that. We're here today to discuss these  
3 changes on our minerals, our resources, but yet we're  
4 forgetting that. And it's important that we remember that.

5 And we're not here today to tell you all things  
6 that you haven't known, that haven't been told already.  
7 But we're hoping that you take the things that are said  
8 here today and you take them back to D.C. with you. And  
9 you, you stand up for them. You fight for them and you  
10 share them with those in D.C. who can make those changes.

11 Because the United States government has a legal  
12 and moral obligation, and it's rooted in treaties, the U.S.  
13 Constitution and court decisions to honor its trust  
14 responsibility to tribal nations. These treaties promised  
15 our ancestors that in exchange for lands, the federal  
16 government would provide health care, education, housing,  
17 economic opportunities for our people, amongst many other  
18 promises that were made and were broken. We did not give  
19 up anything. We retained what was most important to us,  
20 our identity, our land, and our sovereignty.

21 Our chiefs agreed to help the United States, not  
22 surrender our existence. Today we continue to see outdated  
23 funding formulas from the 1990s that underfund essential  
24 services by up to 76 percent. This chronic underfunding  
25 undermines treaty promises and erodes basic dignity. As a

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1 tribe, we oppose any cuts that would go against the trust  
2 responsibility. We need to be investing in our future, not  
3 putting up barriers or roadblocks that are going to weaken  
4 our sovereignty. And the emergency procedures under NEPA,  
5 ESA Section 7 and the National Historic Preservation Act,  
6 Section 106 must never override tribal sovereignty or  
7 meaningful consultation.

8 Tribes must be consulted before any federal  
9 action that could impact our lands, resources, our sacred  
10 sites. Sovereignty is not a barrier to progress. It is  
11 the foundation of true partnership, and it must be  
12 respected and adhered to. Seeing requirements like under  
13 NEPA, Section 5C not recognize tribes shows how tribes  
14 still to this day are looked at. Many of our tribal  
15 nations, we run our own DNRs. We run our own resource  
16 management departments. And our guidelines, our rules are  
17 stricter than the EPA's, our state guidelines. And yet,  
18 when you look at that section under -- I have it written  
19 down here, I just read it -- but when you look under that  
20 section, it says the Department of the Interior will follow  
21 the federal and state guidelines. It doesn't have anything  
22 about tribes in there. And that says a lot to us as  
23 elected officials, as tribal leaders in this room, is that  
24 we're not even included in that when we're the stewards of  
25 Nimaamaa-aki, our Mother Earth.

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1 And we strongly oppose any cuts to programs that  
2 are essential to tribal self-sufficiency, self-governance,  
3 self-determination and our overall community health. This  
4 includes Medicaid, CMS, Indian education and JOM, NAHASDA,  
5 housing, HUD, low income heating energy assistance  
6 programs, and cultural and language revitalization  
7 programs. These aren't handouts. They're treaty  
8 obligations and trust commitments. Protecting them is an  
9 investment in the next seven generations.

10 And while I have your ear, I also want to mention  
11 our Red Lake Land and Lake restoration efforts. We've  
12 tried to meet with previous secretaries of the Interior,  
13 and the Red Lake Band of Chippewa Indians continues to seek  
14 the return of our stolen lands and our sacred lake. Upper  
15 Red Lake was never lawfully ceded. It was taken through  
16 deception, fraud and theft. Recent legislative efforts in  
17 Minnesota are steps forward. But true justice requires  
18 federal support to return and restore our lands and our  
19 lake in full. And we look forward to further consultations  
20 on this matter. It's a starting point, and hopefully we  
21 can have more consultations, meaningful ones where like  
22 Mr. Sommers was saying, where you come to us.

23 I know there's 560-some tribes in the United  
24 States, but we're rooted into the DNA of America. If it  
25 wasn't for the sacrifices our ancestors made, there

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1 wouldn't be an America. And yet, we all got to come from  
2 Montana, Michigan, six hours away. We got to drive here to  
3 share these thoughts with you. You know, how is the that  
4 upholding the trust responsibility?

5 And I'm not here to chew you out. I know the  
6 work that you're doing is important and we're lucky to have  
7 you in those seats. But some recommendations that I have  
8 to the Department of the Interior is to ensure that if  
9 you're going to make changes to timelines, make changes to  
10 the feed of trust process. Many of us, they say, it was  
11 rooted down, dwindled down to six weeks. Some of us have  
12 fee-to-trust applications that have been sitting there for  
13 10 years, longer. They can take this and take a month,  
14 six-month process and turn it into seven days. Why can't  
15 they do the same for our fee-to-trust process?

16 Some of us have been waiting years and years, and  
17 our population keeps increasing, but yet we don't have the  
18 land mass to be able to provide houses for our people. And  
19 also publicly reaffirm the U.S. trust responsibility and  
20 treaty commitments and uphold those promises. Prevent the  
21 misuse of emergency powers to bypass tribal consultation  
22 and NEPA Section 106 protections. Fully fund tribal  
23 programs based on current needs, not outdated formulas.  
24 Support legislation and executive action to return lands  
25 and sacred waters to Red Lake Nation and all tribal nations

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1 who are fighting to right those wrongs that were due to our  
2 ancestors. Prioritize tribal sovereignty and self-  
3 determination and all department actions.

4 I have another one written here, but it's too  
5 small. And this is something that comes from our  
6 interactions with the state government here in Minnesota.  
7 Something that the Department should be pushing for is  
8 having tribal and federal relations training. A lot of  
9 times, we have to educate these legislators. We have to  
10 educate these people about who we are. And yet, they're on  
11 our land. We need more efforts for them to learn about the  
12 tribes that gave up, made those sacrifices. That would be  
13 really something, if we had consultations that were going  
14 to educate those people in those seats that make policies,  
15 that make laws that affect us every day, affect our people.

16 We call on the Department of the Interior and the  
17 U.S. government to remember the commitments made to our  
18 ancestors and to work in true partnership with us, one that  
19 centers on tribal sovereignty, upholds treaty obligations,  
20 and protects the land and water for the next seven  
21 generations. (Native language).

22 MR. DUNCAN: Thank you, Representative.  
23 Sorry if I mess up your name, Chairwoman  
24 Kitcheyan.  
25 CHAIRWOMAN KITCHEYAN: Good afternoon, everyone.

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1 My name is Victoria Kitcheyan. I serve as the Chairwoman  
2 of the Winnebago Tribe of Nebraska. And I want to thank  
3 you for this opportunity to be amongst the relatives and  
4 have this discussion. I want to thank Chairman Seki for  
5 that prayer this morning and the protocols that you shared  
6 with us all that kind of strengthened our spirit and  
7 started this day off strong.

8 I want to thank you guys all for coming here and  
9 bringing the strength of your spirit and the strength of  
10 your people so that we could kind of uphold each other,  
11 hold each other up. And that's what I came here to do. So  
12 it's really good to see other folks here from Nebraska.

13 Chairwoman Secretary, good to see you.

14 And the women, the women are visible. So I want  
15 to say good to see you all, too, that we are here amongst  
16 the warriors. We're here amongst all the sacrifices that  
17 were made. And I just really think that the women that are  
18 emerging into all these tribal leader positions are going  
19 to restore the balance in our communities, and I really  
20 believe that. And so those prayers this morning reminded  
21 me of that.

22 And I drove up from Nebraska last night, and I  
23 was cruising up, and I've driven that road many times, but  
24 for whatever reason, I noticed new things along that road.  
25 And one of them was it said treaty site. And so this

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1 morning I woke up, and I had to look that up because I  
2 wanted to know which treaty site was that. What took place  
3 there?

4 And it's a historical society is what that  
5 building is. And the treat that Dakota ceded 24 million  
6 acres. And so that was significant. I cruised by there.  
7 I was like, wow, that's what took place right there. And  
8 then when I drove through Mankato, I always get a little  
9 sad and grossed out when I go through Mankato. And we have  
10 the Dakota 38+2. And those two were Winnebegos. And so we  
11 acknowledge what took place there.

12 And I'm just mentioning this history because this  
13 is the kind of devastation that we stand on. This is the  
14 sacred ground that we come from. And these are the  
15 hardships that we bring here today to visit with you guys.

16 And it's also where we draw our strength. And when we  
17 acknowledge that our ancestors recognize that we had a  
18 place on this creation, and our place was to remind all the  
19 relatives to take care of Mother Earth.

20 And so the things that our tribes are  
21 experiencing and this consultation exercise we're going  
22 through and what may come of this is what I'm going to call  
23 a modern-day massacre. Because the devastation that's  
24 going to come from some of these changes are going to be  
25 felt in our communities. And I just want to kind of

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1 reframe that thinking. And when I drove through Mankato  
2 and I drove through that treaty site, there was devastation  
3 that took place, too.

4 And so I just want to remind you guys that be  
5 thinking of the collateral damage that will happen from  
6 these decisions that are made in Washington, D.C. on our  
7 behalf. And so it's really important that we be visible  
8 and we be diligent and that we come to these meetings. And  
9 this gentleman drove all the way from Montana -- I don't  
10 know where he went -- and that's what we got to do. And I  
11 hope some of my leaders are going to go to the one in  
12 Bismarck. And I encourage everyone just to go more than  
13 one. Just listen, learn from one another. I feel  
14 encouraged by what I heard this morning.

15 So just wanted to open up by saying that, because  
16 when I come to some of these gatherings, there's always a  
17 spirit. And the spirit that was brought by those songs and  
18 by that prayer is strong today. And the relatives and the  
19 land that was ceded and the land that we're standing on,  
20 that we acknowledge, is going to bring us power.

21 But with all that acknowledgement, I also want to  
22 mention that it was encouraging in the past few years to  
23 see the Indian Affairs come out with reports on MMIR, come  
24 out with reports on the boarding school era, and to have  
25 data from our communities that should aid in decision-

<p style="text-align: right;">Page 146</p> <p>1 making and funding decisions. But rather we're seeing 2 something of the opposite. We're seeing a diminishment of 3 our services and a diminishment of those treaty rights. 4 And so the suggestions and the kind of leaning of these 5 agencies' offices is as yet to be witnessed. And I think 6 it's going to be difficult. And we'll just talk about that 7 in another consultation.</p> <p>8 But it's some of these poor federal policies that 9 we're working through today, and it's that trauma that we 10 need these programs to be responsive to. And so at home, 11 we talk about healing the families. And I really 12 appreciate all the work that's come out of Tiwahe to 13 demonstrate that when you put the resources in the hands of 14 the tribe, and they're able to design programs that meet 15 the needs of the family, we have healing.</p> <p>16 And so going into kind of some of what brought us 17 all here today, these kind of guiding themes. First, 18 restructuring of Indian affairs. Support more efficient 19 interaction with tribes. In addition to being underfunded, 20 Indian Affairs programs are already operating with 21 inadequate staffing and support. Reduction in force would 22 further exasperate the situation, impacting our 23 government's economy and neighboring communities. And so 24 that's what I mean about the devastation. It's really hard 25 to even summarize the impacts of our daily lives, impacts</p>	<p style="text-align: right;">Page 148</p> <p>1 part of the Great Plains region. And I'm thankful that you 2 guys established that Bismarck meeting, because we felt 3 really left out, and that we weren't acknowledged and that 4 there wouldn't be a meeting taking place in our area. So 5 thank you for having me here at the Minnesota meeting.</p> <p>6 So it's not going to be centralized. We look 7 forward to hearing more about the Interior's plan to 8 diminish workforce and the capacity of those offices. 9 Second, addressing current funding structures, including 10 identifying efficiency barriers to expedite funding tribes 11 and tribal programs.</p> <p>12 The fact that our programs have already been 13 underfunded, and I just want to share that. We've heard it 14 all today that the trust responsibility has not been 15 upheld, that the resources that our tribal communities need 16 and the unmet need has yet to have been provided. And the 17 President's budget is an indication of what we have to look 18 forward to. And so these chronic underfundings and 19 failures to fulfill the trust responsibility is leading to 20 some of our disparities, and causing disruptions in those 21 technical assistance offices is only going to put us in 22 more distress. So we urge administration to work closely 23 with Congress on this budget and that it reflect the true 24 needs of Indian country.</p> <p>25 One of the things that I get really fired up</p>
<p style="text-align: right;">Page 147</p> <p>1 of the youngest to the oldest on what these changes are 2 going to bring, and the generational outcomes of. Of that 3 is also yet to be shared.</p> <p>4 The tribe is also concerned about the 5 implementation of the Voluntary Early Retirement Authority 6 and the Deferred Resignation Program. We're already 7 operating in -- we're with skeleton crews, and to see some 8 of these hit our agency. We're also in contact with our 9 superintendent because we want to have an understanding of 10 what was already vacant, who was riffed and how does that 11 impact our current operation. And so wanting to really 12 dial down on what does this mean for the Winnebago people, 13 what does this mean for the Winnebago agency is something 14 that I don't think has been shared, or maybe the 15 superintendents haven't been encouraged to have those type 16 of situations.</p> <p>17 But that's what we really want to know. We want 18 to know what services are going away, who's getting 19 consolidated. And I was really happy to hear you say, 20 Mr. Mercier, that there would not be the elimination of 21 some of these agencies, because I was already going to ask 22 my colleagues from the Nebraska Tribal Nations to stand 23 together that the Winnebago agency that serves four tribes 24 not be eliminated. And much like the gentleman in Montana, 25 in Nebraska, we feel a little bit left out, too. We're a</p>	<p style="text-align: right;">Page 149</p> <p>1 about is that when the federal government passes resources 2 onto the state, those do not make it to Indian country, and 3 grants are just a poor undertaking and fulfillment of the 4 trust responsibility. And so even that, if we're going to 5 change -- I really like the comment made earlier about all 6 these billions of dollars saved. Well, you know where the 7 unmet need is. You know where the disparities are, and we 8 need to shake the those savings down and make sure some of 9 that come to Indian country.</p> <p>10 And expanding self-governance is also another way 11 that I think that we could deal with some of these cuts, 12 because I do believe that the funding's there. And I would 13 like to see statutory changes to retain federal functions. 14 And there are certain things that the feds say, oh, only we 15 do that. Like, well, you know what, we're sophisticated. 16 We're armed with the knowledge and experience to carry out 17 these functions. And so I just don't believe that some of 18 these retained federal functions are really being the best 19 use of those resources. And so if there are ways that we 20 could talk about reclassifying those, or if these are 21 statutory changes, the Winnebago Tribe stands ready to take 22 those on.</p> <p>23 And that if this era that we're in can't even be 24 defined by what we're seeing in the news, what we're seeing 25 happening around the world, what are they going to call</p>



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1 this? We had the treaty-making era, we had the termination  
2 era. What are they going to call this era? Because we're  
3 right in the midst of it. And it's hard to call it  
4 something because it's terrible.

5 And so looking at this young man over here --  
6 where'd he go? He's not here anymore. And I was thinking,  
7 like, man, we just kind of got off graduation season, and  
8 we've got all this hope, all this hope for our young  
9 people, all this encouragement, all this legacy of learning  
10 and all this commitment. It's a responsibility. And when  
11 our Indian kids go to school, they carry that  
12 responsibility.

13 And so it's our job that have come here today to  
14 carry that forward so that there's something left for them,  
15 and that they could stand on these shoulders, and then I've  
16 stood on the other ones. And I just want to acknowledge  
17 that we have had it worse. And I'm looking to all the  
18 smart people in this room and throughout Indian country  
19 that are allies to Indian country, and our position to tell  
20 us what's really going on. Just tell us what we need to  
21 do. Guide me to the solution, or tell me who I need to  
22 talk to, and we'll do just that.

23 And because we're trying to survive, and if we  
24 have to survive through this Administration and don't ask  
25 for anything, just to preserve, I don't know if that's a

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1 strategy. But I just want to also emerge as we cannot  
2 stand silently. And I know we can't do things like occupy  
3 the federal building. But what do we do? What do we do to  
4 say enough is enough? And we are not going to be  
5 whitewashed in this DEI or whatever they call it on any  
6 given executive order, and that our people have survived  
7 Thomas Jefferson. I just think that we're going to survive  
8 Donald Trump.

9 So there's much more to say, but I just wanted to  
10 get up here and just thank everybody. And we'll also be  
11 submitting some written comments, but I just wanted to  
12 capture our responsibility here today, and that we can  
13 submit all the written comments to this wonderful team.  
14 But we have to bring our narratives, we have to bring our  
15 stories, and we have to bring our strength. So thank you,  
16 everybody, for being a part of this work, and we look  
17 forward to working with you cooperatively and respectfully.  
18 And we're going to get a little fired up. And I just hope  
19 that you understand that that's coming from the heart and  
20 that's coming from the ancestors. Because when I was on  
21 that cruise, I'm telling you, they were with me, and they  
22 reminded me that you come here today and you say those  
23 things. So thank you.

24 MR. DUNCAN: Thank you, Chairwoman.  
25 Mr. James Schlender?

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1 MR. SCHLENDER: Number 13. I don't know if  
2 that's good or bad. (Native language). Following along  
3 with the other introduction protocols, my name is Jim  
4 Schlender. And I'm an attorney for the Lac du Flambeau  
5 Tribe. My Council wants to send its regrets for not being  
6 able to come here. The short notice of the meeting was  
7 one. Their schedules are another. And a third is the  
8 funding that it costs for people to travel is -- that's a  
9 decision that Council members need to make, and it invites  
10 scrutiny from tribal members when there are discussions of  
11 cuts and services, and the idea that they're going to  
12 travel to long distances to have meetings that may or may  
13 not be productive. So I'm also enrolled member for Lac  
14 Courte, and so these comments being one of the later ones,  
15 I've gotten a lot of comments from my council, so I'll try  
16 my best to put all this together.

17 First, I want to acknowledge the area that we're  
18 in. This is Dakotaland. My brother calls him the Buang.  
19 And history is important. This is the site where in 1862,  
20 those tribal leaders, the one who also dealt with the same  
21 challenges that we have now, only their food was taken.  
22 And when they rose up against the settlers that came in,  
23 they were executed by the United States government. And  
24 we're not too far away from where they rest.

25 And as the Chairwoman that just spoke, we're also

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1 near treaty area for the 1837 Treaty, which is important  
2 for the Ojibwe. And it's kind of a little bit relevant.  
3 It's weird that we bring that up. My dad was a tribal  
4 attorney. My brother was just here talking a little bit.  
5 My cousin was on the phone. So LCO is pretty well  
6 represented. Lac du Flambeau is well represented.

7 1837 was one of the treaties that is taught in  
8 Indian law, but Indian law is not taught at every law  
9 school. And so education is important. But the 37 treaty,  
10 as it was taught to me by my dad, was one of the treaties  
11 they called the perfect treaties because it put in language  
12 that reserved the right to hunt, fish and gather. It also  
13 reserved and recognized the boundary lines that are still  
14 in place today. But the thing that he spoke the most was  
15 is it's one of the few treaties that acknowledged the  
16 negotiating strength of the headmen and the people that  
17 traveled.

18 And so we traveled a lot of time here, and we're  
19 late in the day. But the St. Peter's is where they signed  
20 the 37 treaty, and the headmen came from as far away as  
21 Michigan. Upper Michigan is what we call it now, Upper  
22 Minnesota, and as far as some of the areas, and some of the  
23 bands that were in Green Bay. And they stayed for two  
24 weeks, and they negotiated that treaty. Article 5  
25 specifically retains the right to hunt, fish, and gather.

<p style="text-align: right;">Page 154</p> <p>1 And there's specific language in there that's  2 been litigated more than once. Doesn't need to be  3 repeated. But my dad taught me, and I taught students that  4 I've taught and clients that I've worked with, tribes that  5 I've represented. It did-- one of the things that I  6 actually talked with my counsel about this last week is the  7 headman that negotiated that treaty, knew what was coming,  8 that -- if you want to talk about problem with immigration,  9 we had an immigration problem back in 1837. And we had  10 people coming that didn't get -- didn't come with papers.  11 They came with the idea that there was this free land and  12 that there was these inconveniences of these tribes that  13 they were coming in contact with.  14 And so the headmen, when they negotiated that  15 treaty, they wanted to preserve the one thing that was  16 going to maintain our identity. And for all of us Ojibwes  17 that get up and speak today, and we speak our language and  18 we tell our name, where we're from, what clan we are, what  19 our family is, that's our protocols. And that's our --  20 that's the stories that are given to us. And that is in  21 our teachings, that our name is the story of our life, and  22 that when you go and find your name, you see a segment of  23 it, and you take back that little bit of story. Either the  24 name giver gives it to you, or you find it.  25 And so those headmen and those grandmothers that</p>	<p style="text-align: right;">Page 156</p> <p>1 those treaties was for us, it was that same law that was  2 given, and that tobacco is important. And that carries  3 that obligation that makes it so that -- and this is --I'm  4 digressing -- but this is the promise that those tribes  5 made to the United States. Right. It wasn't to the state  6 of Wisconsin, it wasn't to Minnesota. In fact, they didn't  7 even exist when those treaties were signed.  8 And so one of the things that you're going to  9 hear about me about this today is the misplaced authority  10 that the state has been exercising in terms of these  11 conduct of the tribes. And you got townships, you've got  12 counties, you've got all of these other players that are  13 coming in and doing it at the expense of tribal authority.  14 And that's not contemplated. That needs to be addressed.  15 And as a lawyer I have known -- I understand the  16 argument that you're going to have coming back and saying,  17 well, we're limited in our authority or our jurisdiction is  18 this, the Court has said that. But it's hard to tell that  19 to a tribal leader who doesn't have different agencies that  20 they can respond to. What they're going to hear is from an  21 elder that said, the DNR came in and took our fish. What  22 am I going to do for, what am I going to do for food? And  23 we can't say, well, you know, the regulations said that you  24 can go on from this, from this time to this time, or you  25 had to get this fish at this level or had to be measured</p>
<p style="text-align: right;">Page 155</p> <p>1 negotiated those treaties -- and I got to make sure that we  2 don't forget the women that are important. Because if you  3 ever want to learn about efficiency, go visit our aunts.  4 They'll tell you real quick on how to get things done in an  5 efficient manner. So what they did is they preserved the  6 boss foods that are necessary for our ceremonies. And so  7 hunt fish and gather, we get to hunt deer, we get to  8 harvest the fish, we make sure we have our berries and that  9 we also have the ability to have our wild rice. And that's  10 for our Ojibwe people. And I know that the other tribes,  11 the other nations have their own teachings, their own  12 ceremonial steps.  13 But by putting that into that 37 treaty, that  14 preserved the ability that regardless of the land base,  15 regardless of your location, you still had that ability to  16 have those ceremonies. And so that when a baby is born,  17 when they get their name, when they get sick, when they get  18 married, when they get ill, when they come back from war,  19 they have those ceremonies. And then when we finally do  20 that final send-off, we have that final one where we send  21 them off to the relatives, that we still have those ability  22 to have that ceremony. And that's the most important  23 aspect.  24 So when those treaties were signed, those were  25 promises that were made, because when what's also done in</p>	<p style="text-align: right;">Page 157</p> <p>1 like this.  2 And the hard thing is that we've got tourists  3 that come to our reservations, and they will harvest, they  4 will kill more fish with their boat props than what we take  5 in the harvest. And so that doesn't compute when we're  6 dealing with subsistence harvesting and we're dealing with  7 federal regulations and then this idea of downsizing. But  8 when that SAMEA was given by those tribal leaders and given  9 to those treaty negotiators, that came that commitment.  10 Part of that commitment was, is that we were going to  11 protect this land.  12 And so we, including myself, my brother, my dad,  13 my aunts, my uncles, my grandfathers, we all served in  14 the military. We all served. I served. I'm a combat  15 veteran in the Marine Corps. And we took that not as a  16 recruitment bonus. That was an obligation that stuck to us  17 by our grandparents to honor that treaty obligation of  18 protecting this nation, regardless of whether we have the  19 ability to live in this neighborhood or that neighborhood,  20 that we protect what this area is. Because that's where  21 our ancestors come from. That's where our teachings come  22 from. That's where our clans are based from. That's where  23 our life and our existence is. And so until we pass to the  24 next time, we're responsible for what's here.  25 And so the blood of our veterans are also an</p>

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1 investment that's been made by these tribes. And it  
2 sickens the Council, it sickens tribal members to see that  
3 disparaged when we see these citizens, these -- you know, I  
4 don't want to say it in a negative way because, you know,  
5 we're all supposed to be all Americans -- but we see them  
6 disparage our, our teaching, our customs, with the idea of  
7 mascots, with the idea that Indian education is not  
8 something that's important in schools, that we teach more  
9 in U.S. history about this eminent domain and this manifest  
10 destiny than we talk about the resiliency that tribes have  
11 exercised to preserve their lifestyle to this day.  
12 And if you go to these BIE schools --  
13 And Mr. Dearman, I don't mean to be critical  
14 because -- and believe it or not, I've actually met all of  
15 you in some capacity, so I'm the face that looks kind of  
16 familiar, but you don't remember me. And so it's the life  
17 of a tribal attorney.  
18 But we need to put some kind of curriculum back  
19 into the BIE schools so that we're not being taught this  
20 anti-American curriculum, so that we grow up this idea that  
21 we're all Americans, which is fine, we all subscribe to  
22 that, but we're also Ojibwe. I mean, most of us have the  
23 benefit of being Ojibwe. And the rest of you can enroll if  
24 you want, but I mean, it's up to you.  
25 And so our BIE schools should start teaching this

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1 idea and not this romantic version of being on horseback  
2 and being whatever, about modern government, about voter  
3 participation, about what delegation of authority is, about  
4 how -- we talked about the United States Constitution.  
5 Every single tribe has a constitution, whether it's the  
6 written one that was passed down from their ancestors or  
7 the ones that were forced on us in 1934 when we had to  
8 prove our jurisdictional component. No one teaches that in  
9 schools anymore. The only time that they learn it is when  
10 these tribal leaders get elected, and then they get these  
11 attorneys that come in and to try to jam that knowledge  
12 into two weeks or two months.  
13 And then when they try to transfer that knowledge  
14 to the membership, then they end up getting voted out  
15 because then they don't sound like they're Indian anymore.  
16 They sound like they've compromised a part of themselves.  
17 And for us who grew up on reservation and went to school,  
18 we know what that sacrifice is like. We know what it's  
19 like to go to a school that doesn't recognize tribal  
20 sovereignty, and you're watching these guys do these  
21 tomahawk bops at the football games, and they're watching  
22 then wear the headdresses and run around. And you're  
23 driving on roads that call Squaw Bay and all of that,  
24 right?  
25 And you don't want to speak up because you don't

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1 want to get your -- well, this is not public, right? So  
2 you don't want to get your ass kicked, right? And so --  
3 but you also don't want to. You also don't want to  
4 disrespect your grandmothers. My grandmother never got a  
5 chance to vote in any state election. Taken into boarding  
6 schools when she was 6. Never came home until she was 19.  
7 Three of her children were all taken away by social  
8 services over the years for all the reasons that the social  
9 services will do that, right? Never had a chance to vote,  
10 but yet she encouraged her son and her grandchildren to go  
11 to school because she told me that you were not going to  
12 survive if we're just going to be these romantic Indians,  
13 and we're going to fade away if you forget where you come  
14 from and you become this modern person.  
15 So this woman, who probably never had the  
16 benefits of anythings that we have right now, right, she's  
17 the one that advocated for the education and encouraging  
18 her children to survive in this modern culture.  
19 So I'll say this because, Lac du Flambeau's  
20 position is, yes, we disagree with the Executive Orders.  
21 We disagree with this, with this rushed consultation. This  
22 really is not fair to ask for a detailed response, to do it  
23 in this way, and you put us in front of all of our  
24 relatives from all these other tribes. And so we don't  
25 want to come in and be so negative that we just tell you,

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1 well, this is wrong and this is wrong and this is wrong.  
2 And we also don't to want not pay homage to -- because my  
3 grandma and my dad also told me never go to a place where  
4 they don't let you speak the language of your grandmother.  
5 And so we want to -- you hear these stories. And  
6 so you guys, for the whole course of this day have heard  
7 these stories. You've heard -- and you've heard them from  
8 Alaska to Albuquerque. In preparing for this meeting,  
9 we've all sat on the other consultations, and so we know  
10 that you've heard these stories ad nauseam. You know what  
11 the trust responsibility is. You know what the treaty  
12 obligation is. You've got your own personal stories in  
13 terms of how your grandparents were treated, how your  
14 children are being treated in schools right now.  
15 This current political climate has empowered  
16 these non-tribal people to be more free with their racism  
17 and their violence against us. We just finished our  
18 spearing season up in northern Wisconsin, right, the area  
19 that we now know as northern Wisconsin. My cousin had his  
20 tires slashed, had sugar put into his gas tank because he  
21 was out spearing at night. And we don't have enough law  
22 enforcement to protect their exercise of their treaty  
23 rights. But yet, these people, when they're confronted,  
24 they'll say, well, we can't charge you because we don't  
25 know if it's a crime for you to interfere with an Indian

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1 going spearing. But if you go on -- if you trespass on  
2 their property, well, we can arrest you because that's  
3 their property. You can't cross that line.  
4 So I'll tell you, one of the things that Lac du  
5 Flambeau wants is if you need to address the land  
6 management component, right? And you've got notes on this  
7 already, right? Right of ways. Lac du Flambeau right now  
8 is in active litigation and trying to preserve the exterior  
9 boundaries of the reservation. Because we've got property  
10 owners who have this as a second home who want to have  
11 lakefront property, and because we're trying to protect the  
12 milfoil infestations of the lake which is going to kill the  
13 fish, right. That's going to deplete the treaty resource  
14 of which is necessary for our ceremonies.  
15 And so what they're going to do is instead of  
16 waiting for the permitting process that's coming from the  
17 tribe because the state of Wisconsin tells them that the  
18 tribe doesn't have regulatory authority over their conduct  
19 because the navigable waters issue. Right. The lawyers  
20 understand what I'm talking about.  
21 What they're going to do is they're going to  
22 build their own boat landing. And so they're going to let  
23 their cousins and their people that they rent their  
24 property to to come in and put that boat in the water,  
25 which will be unregulated, unsafe, and at the discretion of

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1 the property owner. But yet, this parcel is in the middle  
2 of the 1854 treaty allocation for Lac du Flambeau.  
3 So is that land treaty land or not? Is it  
4 reserved to the livelihood of the tribe, or is it not?  
5 And I'll tell you it's not because the state of  
6 Wisconsin will say, well, we have navigable waters. So  
7 that means within the state we have the ability to regulate  
8 that. And we're going to say that we don't have a  
9 regulation against them using their property to put a boat  
10 landing in. (Audio disruption) within the reservation  
11 boundary, how did they get that land first, and then we go  
12 into this idea of jurisdiction. So that takes us to nexus  
13 to law enforcement, right?  
14 So if you're going to tell us that you're going  
15 to cut in other areas and that there's going to be a  
16 priority for law enforcement, then I hope you come through  
17 with that. Because we're about 15 officers short, and our  
18 reservation is smaller than some of the tribes that have  
19 come up here and have spoken.  
20 But they're also -- and the Mille Lacs chair is  
21 left -- we have judges, sheriffs, law enforcement officers,  
22 county elected personnel, township elected personnel,  
23 people who swear to uphold the constitution in the  
24 furtherance of their duties, purposely neglecting or  
25 ignoring tribal court orders.

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1 In Wisconsin, we have this thing called Chapter  
2 51, which is supposed to be this state statute that is  
3 supposed to identify medical services for people who need a  
4 civil commitment, like, you know, drug use or mental health  
5 -- mental issues. They will only recognize state orders,  
6 and they can't recognize a tribal court order because it  
7 explicitly does not include tribal in the legislation.  
8 So that means then that when they have a person  
9 who's still considered a citizen of the county, they're  
10 going to triage it because they're going to say, well, if  
11 that's a tribal person, well, they got tribal resources.  
12 We're going to go to the next non-tribal person in line.  
13 and we're going to give them services for that. That to me  
14 is discrimination, but that's legal discrimination because  
15 that's what the state statute does.  
16 And so before I hear the idea that while we don't  
17 have any control over the states, you can't really say that  
18 because in 1953, the federal government stripped away the  
19 federal authority, or the authority that we had for  
20 criminal enforcement on reservation in Wisconsin, in  
21 Minnesota, in California, I think it's in Alaska, but you  
22 have this Public Law 280 statute that is this really vague  
23 idea, right. But it somehow now has stripped away the  
24 authority for the tribes to protect themselves within their  
25 boundaries.

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1 So I have six sisters. Six sisters. And if any  
2 of them get assaulted by anybody on the reservation, there  
3 is nobody that can enforce it with the exception of a state  
4 officer. Right. A federal officer is not going to come on  
5 there, because it's too small of an area for them to send  
6 the FBI up in there. And the tribe doesn't have authority  
7 to use that personnel, even though the nexus of the crime  
8 happens within an area where we keep saying that we still  
9 have criminal jurisdiction. So this goes into a little bit  
10 of the HEARTH Act, goes into law enforcement. The federal  
11 government, the BIA specifically, if it really wants to  
12 work on efficiency, it should work on doing what is an  
13 active and a meaningful consultation.  
14 So the tribal government meets, our tribal  
15 government meets every two weeks, and they have all of the  
16 range of issues that come on there, from IHS, dental,  
17 health to housing to law enforcement to treaty natural  
18 resources to civil matters, to the court matters and all of  
19 that. Right. But if we were to meet with the federal  
20 government, HHS is in one whole separate area. Housing is  
21 a whole other separate area. Law enforcement is a fourth  
22 separate area. And we can say, well, we need help with IHS  
23 funding. Well, you can say, well, that's interior, but you  
24 really need to go talk to this person. And so make it so  
25 that if you want to be efficient, then be efficient in your

<p style="text-align: right;">Page 166</p> <p>1 delivery of services back to us.</p> <p>2 And the other part is some of these tribes,</p> <p>3 you've just heard from LCO. Internet is the way of the</p> <p>4 future, but tribal nations doesn't seem to be part of that</p> <p>5 same conversation. So there has to be an investment in</p> <p>6 Internet infrastructure. In order for that meaningful</p> <p>7 consultation to happen, you have to bring everybody up.</p> <p>8 And I say that, because I'll tell you, my Council and my</p> <p>9 relatives are tired of coming here with an open hand</p> <p>10 saying, can you help us one more time? Can you help us?</p> <p>11 The whole thing back in the 90s was this Cobell</p> <p>12 settlement. Now, if we're going to know our history, then</p> <p>13 we should know our history. And these tribal leaders</p> <p>14 should be told that the Cobell settlement was initiated</p> <p>15 because back when these treaties were first signed back in</p> <p>16 the 1800s, they were supposed to be -- the management of</p> <p>17 the resources was supposed to be collected, and the funds</p> <p>18 and the resources collected from that was supposed to go</p> <p>19 back to the tribes so that those services could be provided</p> <p>20 for, and they weren't. Instead, billionaires were made</p> <p>21 from the land, the mineral rights, the grazing rights, the</p> <p>22 water rights, all of the other, even the air rights, the</p> <p>23 land. All of that was taken, even through the Dawes Act,</p> <p>24 right? All of that was taken and lost. Billions upon</p> <p>25 trillions, trillions of dollars was lost.</p>	<p style="text-align: right;">Page 168</p> <p>1 still Ogichidaakwe. I still carry up my bundle. And so we</p> <p>2 have this responsibility to speak to that, because they</p> <p>3 remember the sacrifices, that we've made the contribution.</p> <p>4 So these budget cuts that are coming and we're</p> <p>5 having to fight for \$1, you know, all of us fighting for</p> <p>6 that \$1, that's -- I mean, that's Inevitable. You won't</p> <p>7 convince Congress to give more money because of what was</p> <p>8 done before because we're too much into this current party</p> <p>9 over nation drama that's happening, that's gripping this</p> <p>10 country right now.</p> <p>11 Just know that -- I'm going to say this on behalf</p> <p>12 of Lac du Flambeau and on behalf of LCO, but I'm sure the</p> <p>13 other tribal members are going to agree with this, the</p> <p>14 other nations, that we're going to survive this. Leaders</p> <p>15 come and go. Trump is going to be here for a while. He's</p> <p>16 going to try to convince everybody for a third term. But</p> <p>17 even a fourth term or even a fifth term. Our blood history</p> <p>18 goes back to the end of the creation. And we're going to</p> <p>19 be here until whatever we have left has been taken from us.</p> <p>20 And it will only be without a -- not without a fight.</p> <p>21 And so as the agencies think about what they're</p> <p>22 doing for downsizing, tribes are already adjusting to these</p> <p>23 cuts. Every time there's an emergency declared, tribes are</p> <p>24 the first ones to get cut. An emergency only gives the</p> <p>25 government a legal definition to triage services. So the</p>
<p style="text-align: right;">Page 167</p> <p>1 So if you talk about budget cuts and deficits,</p> <p>2 you know, we already paid our share. We sacrificed</p> <p>3 trillions of dollars, and we were given hundreds of dollars</p> <p>4 in order to waive any more claim against the federal</p> <p>5 government because Elaine Cobell asked for a reckoning,</p> <p>6 which is what a trustee, the trust, trust corpus, the</p> <p>7 trustor, all of that, that responsibility for accounting</p> <p>8 for that money that was supposed to be collected on our</p> <p>9 behalves, that was supposed to be providing for our</p> <p>10 services.</p> <p>11 So we don't live free. This is not on the</p> <p>12 government dole. We're not just, you know, poor, broke</p> <p>13 Indians looking for a handout. These were obligations that</p> <p>14 were shattered and taken away. And so when you come in</p> <p>15 here, and I say this because I saw you guys kind of react a</p> <p>16 little bit more and -- and Mr. Davis, we met once, but it</p> <p>17 was a long time ago. I get your response. And if you're</p> <p>18 going to get that worked up over one person, you got a long</p> <p>19 couple years ahead of you.</p> <p>20 But I'm just going to say that the sacrifice of</p> <p>21 our elders needs to be remembered, because when we speak</p> <p>22 for this, when we do our protocol, we do this because we</p> <p>23 want to acknowledge our spirits that are here. Right?</p> <p>24 Even though I'm an attorney hired by Lac du Flambeau to</p> <p>25 represent, we're still -- I'm still an Ojibwe person. I'm</p>	<p style="text-align: right;">Page 169</p> <p>1 emergency, whether it's real or imagined, depends on what</p> <p>2 news station you're listening to at the time, we're the</p> <p>3 ones that are kind of misplaced or misunderstood,</p> <p>4 disregarded.</p> <p>5 But next time when someone goes spearing, there's</p> <p>6 going to be some people that are going to be there to help,</p> <p>7 you know, protect our treaty harvesters. Next time someone</p> <p>8 goes hunting, they're going to be paying attention to their</p> <p>9 surroundings. They're going to be aware. Next time we go</p> <p>10 ricing and there's a -- you want to talk about rumors?</p> <p>11 There's a rumor that we're going to lose the wild rice in</p> <p>12 our lifetime. And that happens, there's going to be some</p> <p>13 serious consequences.</p> <p>14 I know this Administration's dedicated itself to</p> <p>15 this idea of mineral extraction. Well, I'm going to tell</p> <p>16 you, the one thing that's going to be sad -- and you guys</p> <p>17 will understand this, but your counterparts are not going</p> <p>18 to understand, that there's teachings that go with what's</p> <p>19 going on. And so if you want to extract what's from the</p> <p>20 ground, you're going to deal with those manoomin that are</p> <p>21 down there, because they are not going to vote on party</p> <p>22 lines. They're not going to wait for a budget year. And</p> <p>23 if you take something and it breaks something that they</p> <p>24 have, they will respond.</p> <p>25 And you talk about climate change, I'm telling</p>



<p style="text-align: right;">Page 170</p> <p>1 you, this Earth is stronger than all of us combined. We're 2 but guests here. We're here for a limited purpose, a 3 limited time. One of the others once said that we're the 4 ones that can't survive without them. This planet can 5 survive without all of us. And so if you think that making 6 sure that gas is less than 2 bucks a gallon, that's going 7 to come at a consequence that is going to be larger than 8 those people.</p> <p>9 And to do this when we're touting this idea of 10 tax cuts for the billionaires because they feel that 11 they're paying an unfair share of taxes to live in this 12 country, which, regardless of all of the history, is still 13 one of the better countries in the history of the world. 14 And if they think that that's too much of a burden for 15 them, then there's a way of how things equal out. And I 16 would hope that greed isn't the single motivation.</p> <p>17 The last part is got to work on the water 18 protection. We really need to work on this navigable idea. 19 And it's difficult. So I get this from my client a lot 20 when I tell them about the trust duty. And we made a big 21 deal of doing that. And it's a talking point for the 22 federal government, it's a talking point for the 23 secretaries, to say that we're going to honor that trust 24 responsibility. But that trust responsibility is a burden 25 on us because that makes us, in order for us to protect</p>	<p style="text-align: right;">Page 172</p> <p>1 I say this, and I hope that they are watching, because I've 2 got to have to prove that I was here. So someone could get 3 a picture of this up there so I can take it back or someone 4 else can send it. The IDC rates. So there's a concern 5 that with the budget cuts that the Bureau is experiencing, 6 that the cut that the Bureau is going to take for their 7 funding based on the tribal allocations is going to 8 decrease the amount of funds that the tribe is going to 9 have available.</p> <p>10 And I understand that the Bureau needs to have 11 its own funding source so that it can deliver its services, 12 but you're almost borrowing from the people that you're 13 providing the services from in order to do the job that 14 you're supposed to do for them. And I'm not going to argue 15 against wages, because anybody who takes this work, you 16 know, we're not paid at the market rate of what our 17 contemporaries are. But we don't do this for that. We do 18 this because we understand what our obligations are. We 19 understand that our kids are watching us and learning how 20 to speak like this so that they can speak about this 50 21 years down the line.</p> <p>22 But if there's a way to protect what is the 23 indirect cost rate and that whatever the Bureau's funding 24 is, if that can be somehow separated and that the funding 25 allocations that are being set up for the tribes, whether</p>
<p style="text-align: right;">Page 171</p> <p>1 ourselves, we have to go ask somebody else to speak on our 2 behalf in order to act out, whether it's in court or not to 3 act, to infer them to that trust responsibility. Our 4 government cannot go to the state of Wisconsin and say, 5 tell your people to get off our boat landing. Because 6 there's too many other laws and too many things that 7 interfere with that, and part of that is that trust 8 responsibility.</p> <p>9 Education. I guess I got a couple smaller points 10 in here. The Interior needs to do better to protect the 11 tribal CDFIs. You keep talking about economic development. 12 You keep talking about trying to diversify the portfolios 13 and the economic engines that exist on tribes. But at the 14 same breath, you put us in competition against the ones 15 that have already clearly established. Established. So 16 these CDFIs needs protection because you're going to make 17 us compete. You're going to make these tribal companies 18 that are brand new, probably 10 years, 15 years competing 19 against these billionaire companies. these trillionaire 20 companies, these highly invested corporations, are going to 21 have not only control of the laws and the courts and the 22 mechanisms and the regulators and all of that, but you're 23 going to put us at a completely disadvantage with CDFIs 24 being undermined as they are right now.</p> <p>25 Another thing that the Council wants to make sure</p>	<p style="text-align: right;">Page 173</p> <p>1 it's under the CRSs or the future budgets, if there's ever 2 a budget, that that also be -- my Council's texting me as I 3 talk -- so try to protect the funding so that we can 4 maximize the amount of money that's actually allocated to 5 the tribes without undermining the mission of the Interior.</p> <p>6 And we got road funding. So I have to bring this 7 up. So we have -- the Interior needs to figure out a way 8 to involve itself in the discussion between townships and 9 counties. So I understand that there are certain areas of 10 responsibility with like the roads funding and other areas. 11 But do you have a duplication of services for like road 12 maintenance between townships, counties and tribes? And if 13 you really want to be efficient, there should be one. But 14 we're afraid if we ask for the efficiency, it's going to 15 cut the tribal program and give the county more money or 16 give the township more money.</p> <p>17 And when the county and the township, there's a 18 fundamental legal question as to how does a township even 19 exist within a reservation boundary when that's supposed to 20 be trust land from the onset in a time when before that 21 state was even created.</p> <p>22 So state of Wisconsin comes around in 1848. These 23 boundary lines were established in, first it was 1825, then 24 it was reestablished in 1837, 1842 and then 1854 was the 25 non-removal treaty that we had for the Ojibwes, at least in</p>

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1 Wisconsin and northern Minnesota. How is it that these  
2 townships can exist within these boundary lines? And how  
3 does a state supersede federal responsibility? And how  
4 does the federal government allow the state to interfere  
5 with tribal government operations? That needs to be  
6 addressed. That has to start being addressed.

7 And then I guess the last part, and then I will  
8 wrap this up, is housing. It's out of your area. I know  
9 HUD is different than what you guys are. But the NAHASDA  
10 funding and ONAP preservation for those offices need to  
11 remain in place. We're already dealing with homelessness.  
12 To come in and say that we have to make more people  
13 homeless because we don't have any more support from the  
14 federal government. I would tell you that Lac du Flambeau  
15 is already making its own efforts to try to address that,  
16 and there's been some improvements. But in terms of just  
17 the Section 184, the foreclosures components and all that,  
18 there's been an improvement there.

19 But we need a commitment. And I know that you  
20 guys are committed, and I know that the agencies are  
21 committed, and I know that your staffers are committed.  
22 But there has to be a more publicly broadcast commitment.  
23 I know that the President enjoys his time in the spotlight,  
24 and that in order to serve in this Administration you need  
25 to pay homage and you have to do this loyalty thing, right?

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1 You have to do something that shows that you're going to  
2 carry on the mission of what the President wants to carry  
3 out as we go through this unitary presidential kind of  
4 evolution of this government. But what's happening with  
5 the lack of discussion on this -- and I'm not talking DEI  
6 or even the desecrations that are happening to people that  
7 have gender issues -- not issues, but gender -- they're  
8 being challenged on their identities, is this lack of  
9 recognition of tribal sovereignty.

10 And just saying that you respect it and then  
11 letting these townships and these protesters and these  
12 idiots come in here and disrupt that with no consequences  
13 of their actions, it's demoralizing for our tribal law  
14 enforcement, it's demoralizing for our tribal members, and  
15 it's teaching our children that even though we can say that  
16 we're being respected, they're being disrespected in  
17 school, they're being disrespected in the public, and  
18 they're being disrespected on a TV screen. So those are  
19 your challenges.

20 I will say, Mr. Mercier, we met in February, and  
21 I will tell you that the specific request that Lac du  
22 Flambeau had made, your agency responded with leaps and  
23 bounds. It's been a massive improvement. The Ashland  
24 office, Ms. Dietz, in her acting capacity as  
25 superintendent, has been amazing in what she's been doing.

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1 From what has been previously months to no phone calls, to  
2 now we get calls back within the hour. And that that's  
3 important. The answers are not the greatest, but at least  
4 there's a phone call coming back. And we know that this is  
5 an ongoing struggle. There's no solution. You're not  
6 going to walk out here with an answer today, but you're  
7 going to walk out here with these other stories.

8 And I'll end with this. Just because I'm a  
9 veteran and because I'm a Marine Corps veteran, my dad, he  
10 said that the preservation of our identity and our culture  
11 can't be based on this romantic idea of what it was like  
12 before. And so every time he went to DC, every time he  
13 would take different congressmen, different secretaries,  
14 he'd go down and show them the Iwo Jima Memorial. And  
15 there's something significant about that. And if you go  
16 down there, if they haven't cleaned it up, there's a bunch  
17 of tobacco down there. Because every time, there's always  
18 people that come from the people that knew my dad.

19 In that Memorial, there is Ira Hayes, and I don't  
20 know his name, and this veteran, a Marine Corps veteran,  
21 who participated in one of the many wars that the United  
22 States has engaged in. And we honored our obligation and  
23 went there. And he's pictured in there, but the way he's  
24 pictured in the Memorial, my dad said, look at that. He  
25 said, you can see him reaching for the idea of what that

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1 flag represents. But he never gets it because every time  
2 he gets closer, there are other three white guys ahead of  
3 him, keep raising it higher and he never gets to where he's  
4 at. Kind of meant it as a joke at the time, but that's  
5 still kind of symbolic of what we do as tribal nations. As  
6 we make this obligation of these treaties and we honor our  
7 obligation, our children, they learn this English language.  
8 They learn this civic government. They learn this idea of  
9 being an American and being loyal to this idea, but yet  
10 half of them is disregarded. We have this insane, asinine  
11 idea of blood quantum, defining what our identity is.

12 I mean, Mr. Davis, you identified yourself as  
13 Lakota and as Ojibwe. And my dad said that when we pass --  
14 and I keep saying my dad a lot, and I don't mean to be  
15 disrespectful -- but he said that, you know, a quarter of  
16 you is not going to go to one place and go somewhere else.  
17 And we're the only ethnicity in the entire world that ever  
18 has to take, and we have to acknowledge one parent's  
19 lineage, and we can pay homage to -- we almost jeopardize  
20 the other tribe by saying, well, we're also from there as  
21 well. And then we created this idea of descendancy, which  
22 is like almost a curse word with some tribes because of  
23 their lack of resources. And so there's this threat of  
24 revoking this federal recognition, cutting off what little  
25 money still comes to these tribes because they're afraid

<p style="text-align: right;">Page 178</p> <p>1 that one of these relatives are going to try to say, well, 2 I'm a descendant from here. 3 Chairman Boyd talked about Red Cliff being one of 4 the more challenged in terms of the financials. So my 5 nieces and my nephews LCO and Red Cliff. And so when we 6 had to tell them, well, you got Redcliffe and you got LCO, 7 be good-looking or you got a good tan. And so they picked 8 the good-looking side. and, knowing Red Cliff, just they 9 know where they come from. But we're the only group that 10 has to make that kind of decision. And so to have that 11 forced on us and have that idea of federal recognition held 12 over our heads as a way of compliance, that's something 13 that also needs to be discussed but won't be fixed today. 14 With that, I apologize for talking as long as I 15 have. And I know there's other elected leaders that should 16 be speaking before me. Just want to prove to my Council 17 that I made it down here and that I did my best with the 18 talking points I had. And Miigwech and I hope everyone has 19 a safe travel. (Native language). 20 MR. DUNCAN: So we're going to -- I think we have 21 one more tribal leader that signed up, President Larsen on 22 the line. 23 So Kyle, if you could invite President Larsen? 24 MR. VINT: President Larsen, it looks like you've 25 been able to make it back. I'm going to go ahead and give</p>	<p style="text-align: right;">Page 180</p> <p>1 unknowingly, of the unjust local legal process, also 2 resulting in the federal law of Dakota Removal Act that is 3 still a valid law. In that capacity as the original 4 caretakers of this land, Minnesota, for thousands of years, 5 where our origin stories are, I welcome you here. 6 Again, I'm Robert Larson, President here at Lower 7 Sioux, and I'll share our vision statement. The vision 8 statement of Cansa'yapi is a healthy, safe and happy 9 community, grounded and guided by Dakota culture, 10 traditions and language, where every person contributes to 11 a diversified social and economic life. The people grow, 12 adapt and innovate together through opportunities that span 13 the generations and seek continuous success. 14 Again, I appreciate this opportunity and the 15 accommodation. And I got to say, I appreciate the words 16 that I've heard today. Passionate and heartfelt. 17 Appreciate my relatives. Cansa'yapi does intend to follow 18 up with written comments as well. 19 But regarding the restructuring of Indian Affairs 20 to support more interactions with tribes, your Dear Tribal 21 Leader letter dated April 14, 2025, references a third 22 party review in 2013 and the implementation of significant 23 changes to the agency structures. Cansa'yapi would like to 24 know the highlights of those structure changes. We do not 25 want more staffing shortages for the sake of efficiency, as</p>
<p style="text-align: right;">Page 179</p> <p>1 you the ability to unmute, and you should be able to turn 2 on your camera if you're able to. I see it turning on. 3 We're seeing you and hearing you now, too. 4 PRESIDENT LARSEN: (Native language). Greetings, 5 relatives. First want to say thank you for accommodating 6 me. I had an appointment with my surgeon. We have some 7 low bandwidth here, so I keep kind of freezing, but I will 8 do my best. (Native language) English, Robert Larson. 9 (Native language) I serve as President of the Lower Sioux 10 Indian community in the state of Minnesota. Cansa'yapi, 11 our historical name for this area. And I've been serving 12 since 2013. (Native language). 13 I'm from the Arrowhead Clan. I descend from 14 Wabasha, principal chief of the Dakota people eight 15 generations before me. We're a small tribe of near 1,200 16 citizens living on a small land base of around 2,000 acres. 17 The United States knows this as our people are descendants 18 of those surviving the 1862 War, resulting in the largest 19 U.S.-sanctioned mass execution in U.S. history. Thirty- 20 eight men and two executed due to the land grab plans of 21 Alexander Ramsey, who was also responsible for the Dakota 22 extermination policy, and the origination of the term 23 Redskin as the bounty of Dakota people needing to show the 24 red skin on the scalp to collect that \$200 bounty. And 25 through the decision of President Lincoln, knowing or</p>	<p style="text-align: right;">Page 181</p> <p>1 it undermines the United States trust responsibilities to 2 tribes. Regarding funding structures and identifying 3 efficiency barriers to expedite funding to tribes and 4 tribal government programs, Cansa'yapi appreciates the 5 agency's consideration to adding a search function of prior 6 award recipients and making available recordings of 7 technical assistance webinars for those who are not able to 8 attend live, like I was. I'd much rather be there today. 9 We'd also like to see an increase in initial 10 notice of funding opportunity postings for six to eight 11 weeks before submission deadline and decrease notice of 12 award time frames and provide additional post-award 13 technical assistance by providing more engagement during 14 the grant implementation period. Ultimately, we would like 15 more deference in acknowledging and accepting practice- 16 based evidence instead of evidence-based programs in grant 17 applications. More deference to tribal sovereignty and 18 funding award negotiations. 19 Regarding the second addendum to the Dear Tribal 20 Leader letter on emergency permitting procedures on the 21 alternative NEPA compliance process and alternative 22 procedures to the National Historic Preservation Act, 23 Cansa'yapi has concerns that these shortened time frames 24 for review do not take into consideration that tribal staff 25 are sometimes just one person reviewing and doesn't</p>

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1 accommodate meaningful input or response from us. As  
2 original caretakers of Minnesota and beyond, the community  
3 has need for adequate time to respond to these  
4 undertakings. As I stated, we're a small tribe,  
5 historically a huge land base. We don't review these  
6 emergency and alternative procedures as an effective way to  
7 maintain our government-to-government relationship.  
8 Again, I appreciate the time. I appreciate  
9 everyone that's there in person, the words that we heard  
10 today. Can't say how much I agree with all our relatives  
11 that have given statements, and I appreciate you all for  
12 being there. (Native language).  
13 MR. DUNCAN: Thank you. So we're going to close  
14 and pivot from our Tribal Leader Consultation discussion  
15 and I'm going to give some directions. I'm going to wait  
16 for Scott to come back into the room and then I'm going to  
17 ask and describe how we'll take non-tribal leader  
18 organizational comments.  
19 So you can see on the slide. For folks, if  
20 you're in person, we have a sign-up sheet. So if you  
21 didn't get it, if you're organizational representative that  
22 would like to offer comment, you can raise your hand and  
23 I'll run this out to you. If you're online, I'll ask that  
24 you raise your hand with the raise hand button or Star9 if  
25 you're on the phone. Because of our time, I'm going to ask

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1 in contrast to our tribal leaders where we didn't have any  
2 kind of time constraint, I'm going to ask that folks that  
3 are offering organizational comment, stick to that about  
4 three to five minutes. So I'm just going to ask for that  
5 respect.  
6 So, Kyle, are we seeing hands come up? Just one.  
7 Okay. Why don't we take -- so let me let's start in the  
8 room. I'm going to start -- can't tell if it's Nicci Lehto  
9 Gardner. Okay. Thank you. Welcome.  
10 MS. GARDNER: (Native language). Good afternoon.  
11 My name is Nicco Lehto Gardner. I am Ogijibani'okwe, or  
12 Iron Woman. I'm a member of the Prairie Island Indian  
13 Community and I serve as our federal government relations  
14 specialist. And I'm what I like to call a recovering  
15 tribal council member.  
16 So unfortunately, our tribal council president,  
17 Grant Johnson, had a conflict and he was not able to attend  
18 today, but he asked me to present these comments or his  
19 comments. And we do plan on sending formal written  
20 comments.  
21 Before I get into the comments quickly, I just  
22 wanted to say that I stand behind Councilmember Kirk. I  
23 think it was Bryce Kirk. I stand in support of him and I  
24 concur everything that he said. But I also at the same  
25 time hear what Mr. Davis -- I can't remember his title

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1 because it's really, really long -- sorry, what he said,  
2 and also Director Mercier, what you said as well.  
3 I understand that, and I want you to know that I  
4 see all of you and I hear all of you, and I also recognize  
5 the positions that you're in and that you -- I want to just  
6 inform you that you don't need to be alone in this process.  
7 You're definitely the voice, but we can all stand behind  
8 you. We just need to know how. So I ask that you let the  
9 tribes know and let our people know what more can we do?  
10 We all come in, we do these comments. As someone said  
11 earlier, for generations we've been doing these comments.  
12 So what more can we do outside of that? How can we support  
13 you? And how can we influence change and protect our  
14 people?  
15 A little bit about our tribe. I'm going to go  
16 back to my actual comments, but Tinta Wita, or Prairie  
17 Island, is a community that's located in Minnesota or along  
18 the banks of the Mississippi River. We out of our vast  
19 historical territory as we are on right now, the federal  
20 government set aside a small amount of land for us on an  
21 island, which is Prairie Island in the Mississippi river in  
22 the late 1800s and 1930s. The land forms the core of our  
23 reservation today at Prairie island.  
24 We have long suffered multiple overlapping harms  
25 caused by federally built and federally licensed

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1 infrastructure projects that benefited other communities at  
2 our expense. The first was an Army Corps dam that was  
3 erected but destroyed our tribal village and homes and  
4 cultural resources when it was built. And now it  
5 contributes to constant flooding of our lands.  
6 Second, we have a busy rail line with trains  
7 carrying hazardous freight that poses catastrophic risk to  
8 our people in the event of a derailment. It also bisects  
9 our reservation and cuts off emergency access to and from  
10 our reservation.  
11 And finally, we have a nuclear power plant and a  
12 nuclear waste storage site located less than 700 yards from  
13 our reservation. It makes us the closest community in the  
14 nation situated next to a nuclear power plant and stored  
15 nuclear waste. Again, I just want to re-emphasize that we  
16 are the closest community, tribal and or non-tribal in the  
17 in the United States to a nuclear power plant and stored  
18 nuclear waste.  
19 Our tribe is an enduring model of generational  
20 trauma and devastation that can happen as a result of  
21 federal energy decisions that are expedited or made without  
22 tribal consultation and the harm that it can inflict on the  
23 tribe. And I just have to personally express that I have  
24 these latest nuclear EOs that were sent out on Friday are  
25 scaring me and especially our people as well, because of

<p style="text-align: right;">Page 186</p> <p>1 those risks that we face.</p> <p>2 We support all efforts to ensure we have a</p> <p>3 functional and efficient trustee. And because of these</p> <p>4 threats, the efficient and timely functioning of our</p> <p>5 trustee is particularly important to our community. In</p> <p>6 response to restructuring for more efficient interactions</p> <p>7 with tribes, we appreciate very much the Department is</p> <p>8 asking to make interactions more efficient. Among other</p> <p>9 things, though, acquisition of new trust land located at a</p> <p>10 distance from the threats that I previously mentioned has</p> <p>11 been of critical importance to my tribe. But even</p> <p>12 relatively simple fee-to-trust applications can sometimes</p> <p>13 take many, many years to to process. We currently have</p> <p>14 just a housing trust application that's been pending for 10</p> <p>15 years. We urge the Department to take actions to ensure</p> <p>16 that the Bureau has adequate realty and environmental</p> <p>17 compliance personnel to expedite fee-to-trust.</p> <p>18 BIA's Midwest Regional Office already is</p> <p>19 responsible for providing services and assistance to 36</p> <p>20 tribes and with lands encompassing 62 million acres in four</p> <p>21 states. Reports about consolidating these regional offices</p> <p>22 are very concerning. It is important to us that the</p> <p>23 regional office has personal physical access to us and that</p> <p>24 we have physical access to it.</p> <p>25 Reports about reducing Bureau staff are also very</p>	<p style="text-align: right;">Page 188</p> <p>1 specific needs of our members. We urge the Department to</p> <p>2 reduce administrative burdens and reporting requirements</p> <p>3 and streamline funding criteria to ensure that funding is</p> <p>4 distributed quickly and efficiently. This allows tribal</p> <p>5 governments the time they need to plan and maximize the</p> <p>6 amount of programmatic dollars they receive.</p> <p>7 In closing, we thank the Department for the time</p> <p>8 to hold these consultation sessions today and for the</p> <p>9 opportunity to provide feedback. We hope to meet with</p> <p>10 Secretary Burgum in the future to discuss issues that are</p> <p>11 important to our tribe, and we look forward to working with</p> <p>12 Mr. Kirkland following his hearing and confirmation, which</p> <p>13 we hope will be soon.</p> <p>14 We also invite you to our reservation, invite you</p> <p>15 to Tinta Wita, and we welcome an opportunity to speak with</p> <p>16 you. And we hope that you can see our people, see our</p> <p>17 community and experience what our people experience every</p> <p>18 single day. To everyone, thank you.</p> <p>19 MR. VINT: We're going to transition to online</p> <p>20 commenters. Again, if you'd like to participate virtually,</p> <p>21 you can use the raise hand function. We are open. So not</p> <p>22 just tribal leaders at this point. We have one hand raised</p> <p>23 and that's for Iktomi Waste Winyan Favel.</p> <p>24 Iktomi, I'm going to go ahead and ask you to</p> <p>25 unmute and then you can turn on your camera if you would</p>
<p style="text-align: right;">Page 187</p> <p>1 worrying. From our perspective, the Bureau is already</p> <p>2 understaffed and underfunded, and we need to make sure that</p> <p>3 we have advocacy that is available. We would appreciate it</p> <p>4 if you could tell us more about what the Department is</p> <p>5 planning, since it is hard to give feedback when we don't</p> <p>6 know what the proposed changes are.</p> <p>7 In response to self-governance and self-</p> <p>8 determination funding structures, while we applaud the</p> <p>9 administration for wanting to support and expand self-</p> <p>10 governance and self-determination, adequate funding for</p> <p>11 these programs is vital to support true self-governance and</p> <p>12 true self-determination. We are deeply concerned about the</p> <p>13 reports of deep budget cuts. We urge the Department to</p> <p>14 maintain or increase funding for all Indian Affairs</p> <p>15 programs, including those for self-governance and self-</p> <p>16 determination functions.</p> <p>17 In regard to funding structures, vital Federal</p> <p>18 Vital federal funding programs that tribes depend on are</p> <p>19 often difficult to access. They impose limitations on</p> <p>20 tribal governments or reporting and other requirements on</p> <p>21 tribes that burden limited tribal resources. Tribal</p> <p>22 governments know the needs of our people, and we know best</p> <p>23 about what our communities need. And federal programs for</p> <p>24 tribes should be administered in a flexible and efficient</p> <p>25 manner that allows tribes to define and address the</p>	<p style="text-align: right;">Page 189</p> <p>1 like to as well. We are seeing you.</p> <p>2 MS. FAVEL: Hi. My name is Iktomi Waste Winyan</p> <p>3 Favel, and right now I have a Faith Spotted Eagle with me</p> <p>4 to comment.</p> <p>5 CHAIR SPOTTED EAGLE: Greetings everyone.</p> <p>6 (Native speaking). My English translation is Faith Spotted</p> <p>7 Eagle. I'm the Chair of the Ihanktonwan Treaty Committee,</p> <p>8 known as the Yankton Sioux in government language. I have</p> <p>9 a number of comments. As the chair of the Treaty</p> <p>10 Committee, which is on equal standing, lateral standing</p> <p>11 with the elected leadership. I have a lifetime appointment</p> <p>12 since treaty matters are intense and long.</p> <p>13 But as an initial matter, I wanted to address the</p> <p>14 flawed consultation process, because it's a legal right for</p> <p>15 tribes by virtue of our sovereignty, our treaties in the</p> <p>16 government to have what the U.S. it's vital to ensuring.</p> <p>17 So I hope it's beyond the listening session that it is</p> <p>18 government to go to government.</p> <p>19 If it's going to be meaningful, it also has to</p> <p>20 realize that we have our own consultation protocols as a</p> <p>21 sovereign. We have those written. We used them in during</p> <p>22 the DAPL and the KXL controversy, and it was recognized.</p> <p>23 It can acknowledge and comply with our existing tribal</p> <p>24 protocols, which are a reflection of who we are as tribal</p> <p>25 sovereignty entities.</p>



<p style="text-align: right;">Page 190</p> <p>1 With respect to the expedited permitting process, 2 it is unclear what purpose this serves to expedite. We 3 think we have an idea. All of us have an inkling, but we 4 are very, very concerned about that, because we do not have 5 adequate time in those short time periods to respond to 6 numerous federal agencies like NEPA, NHPA, Endangered 7 Species, on down the line. 8 These federal statutes have particular importance 9 to tribal nations because they provide some of the few 10 mechanisms that we have available to defend our land and 11 water. We are particularly overly concerned about living. 12 We are river people. We live on the Missouri River and the 13 tributaries, the James river on into Minnesota. We've 14 always been river people, water people. But we are at a 15 point where, of course we were casualties of the dams. We 16 were homeless, and now our rivers are being threatened by 17 mercury and uranium levels. So that is a direct impact on 18 reproductive justice for our babies, our unborn babies. 19 And in one of our communities in Greenwood, South Dakota 20 probably three-fourths of the population has died from 21 cancer. 22 So there's a terrible thing that's happening. 23 It's unseen, but it's definitely a killer. So when we have 24 to comply to these last-minute 14-day deadlines, this is 25 greater than 14 days. And so we ask that from your heart</p>	<p style="text-align: right;">Page 192</p> <p>1 We are also concerned that tribal nations that 2 have been removed from their homelands or who have 3 ancestral lands that we are distant from current 4 reservations will be inadvertently overlooked by an agency 5 hurrying to get through these expedited processes. So a 6 lot of these areas are our homelands. And we know in the 7 past, cultural resources were identified and linked to our 8 homelands of our previous places that we lived in the last 9 500 to a thousand years. And so that has to be taken into 10 consideration. 11 An example, the five-state area that the Yangton 12 Sioux, the Dakota have inhabited, we still watch over those 13 in cultural resource work. They're very important to us 14 because they carry the burials of our ancestors, and they 15 carry our history. Those symbols, those stone rings that 16 are on the ground, they are telling us stories in the 17 preservation of who we are. 18 The alternative procedures under NEPA, NHPA and 19 the Endangered Species Act do not seem to account for the 20 fiduciary relationship between U.S. and Indian tribes. 21 Rushing these statutory processes risks violating the 22 federal trust responsibility and impairing tribal treaty 23 rights. The Article 6 of the U.S. Constitution, the 24 supreme law of the land with treaties. Without adequate 25 tribal consultation meaningful, and an agency cannot know</p>
<p style="text-align: right;">Page 191</p> <p>1 and from practical reasons that these time periods are 2 unreasonable. How can a federal agency possibly identify 3 all the tribes potentially impacted by an undertaking? 4 It's large. And it's not just the Yankton Sioux Tribe, 5 it's the Confederation, the Seven Council fires that we are 6 downstream from, from the headwaters of the Missouri down 7 to where we meet the Mississippi. It's all downstream, and 8 it all affects our bodies, our minds and our families. 9 This timeline is particularly problematic for 10 tribes with limited resources. And so the word that we 11 have gotten down the pipeline is THPOs are going to not 12 lose their funding. And, of course, with 500 years of 13 experience with the immigrants, we know that we will find a 14 way. But when it happens this suddenly, the THPOs have a 15 hard time covering. They call it consultation fatigue. 16 There's no way any of those impacts will even be measured. 17 And it's going to fall to grandmothers like myself. 18 I am 76 years old. I'm grassroots, but I'm also 19 very connected to our tribal government, and I have a whole 20 league of grandmothers behind me. We have grandchildren we 21 have to take care of, but we are ready to stand up and get 22 these to you, but it is an unreasonable demand within those 23 short time periods. And what if there's a delay? If 24 something happens beyond our control, that means that that 25 door closed, and that is really problematic for us.</p>	<p style="text-align: right;">Page 193</p> <p>1 where tribal cultural resources and sacred sites are 2 located, what regions are you used for cultural, spiritual 3 or subsistence at this period of time? Even now, it's not 4 in the past. How a project's impact will affect those 5 tribal interests or how those impacts can be avoided are 6 very, very concerning to us, because there's so many layers 7 in the federal agencies. 8 And we get the opportunity to observe how they 9 act on the stage. Some are 100 degrees apart. Different 10 responses. Different rationale. And with this expedited 11 time process, it is literally going to be impossible to 12 adequately take care of our lifeway, our history, our 13 burials, the future of our people, in essence. Because who 14 we are, the stories and all of that history is who we are. 15 As you look at me as a 76-year-old grandmother, I carry 16 that with great responsibility. And all the other 17 grandmothers on my homeland are appealing to you. You are 18 like at your ages, most of you are younger than us, and 19 you're like grandchildren. Grandchildren can learn a lot 20 from the elders. And we're telling you that we are a 21 period of time in our history where Mother Earth has a 22 fever. There are things going on that are not natural. 23 And we implore you to ask us. We know traditional 24 knowledge, which can help our relatives like the animals, 25 those that live in the water. The water has -- watersheds</p>

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1 have memory. We know the memory of those watersheds even  
2 before the engineers appeared with their masters and  
3 doctoral degrees.  
4 So I give you handshake from the Oceti Sakowin,  
5 the Ihanktonwan Treaty Committee, and we stand strong on  
6 our 1851, 58 and our relative 68 treaty. And we look  
7 forward to you talking to us. Listen to us. You're  
8 welcome to our homelands, and we will feed you good. Thank  
9 you as a relative for listening to me. Take care and I  
10 pray for good health for you. (Native language).  
11 MR. DUNCAN: Thank you.  
12 Ryan Wilson?  
13 MR. WILSON: I want to thank the relatives that  
14 mentioned, too, that this is Dakotaland and not to start a  
15 holy war with our other relatives, but I thought that was  
16 important. It took all afternoon to get to, and I  
17 appreciate it. And then we were betting in the back who  
18 was going to finish lunch first.  
19 And Bryan, you're 10 minutes ahead of everyone.  
20 So you're a hungry guy, you know, you knocked it out. So  
21 yeah, we're looking at your guys' anguish and your fatigue  
22 and just wanted to say something slightly humorous.  
23 I'm with the National Alliance to Save Native  
24 Languages. And this organization started back in 2005.  
25 And we worked on a lot of the landmark language efforts at

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1 the federal level. We're very proud of that.  
2 So in hearing what all the good relatives said  
3 today, I'm trying to express something you heard already.  
4 I endorse everything that's been said. Well, almost  
5 everything that's been said. But I wanted in the spirit of  
6 what you guys asked for with the EO 14210 and the workforce  
7 efficiency and productivity, we have a serious concern with  
8 the Branch of Cultural Resources out of the Albuquerque  
9 office and also a body of laws and statutes that you guys  
10 have some purview, if not all purview, over. And then  
11 also, you know, Director Dearman, you know, at one time we  
12 had a good immersion account in the BIE and that we were  
13 working with interior appropriators on. And we have an  
14 interest in that being preserved too, in a manner that's  
15 effective and impactful.  
16 But what I want to suggest to you, and again, a  
17 whole, Scott, for your team, all the principals being here,  
18 it's not unnoticed. This is very special to see all of you  
19 guys here. And I just want to say, (Native language), for  
20 that, in that respect. I want to respect your time by  
21 saying something a little bit different.  
22 Back in the testimonies last week, Secretary  
23 Burgum talked about the 48,000 probate backlog. So I know,  
24 brother, you recently lost your dad. I lost mine the same  
25 few days that my son was born. My son's now five years

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1 old. We don't have my dad's probate done. That's on the  
2 Wind River Agency over there in Wyoming, God's country.  
3 And I'm bringing that up, what he said, 48,000.  
4 We have even a larger backlog on NAGPRA, and we don't  
5 really have a methodology for what's going to be done to  
6 really expedite that more. But my point is, is we have a  
7 body of cultural writing stuff from the same tree. It's  
8 the American Indian Freedom Act of 1978. And when I look  
9 at NAGPRA, it's symptomatic of a deeper malice, which is,  
10 these universities shift these collections around and  
11 nobody holds them to account. But here we are, trying to  
12 pull federal money from universities across the country for  
13 not doing things that are ideologically consistent with  
14 what the President's vision is for this country.  
15 And I would recommend to you as well that, you  
16 know, you look at Secretary Burgum issuing a secretarial  
17 order on expediting these NAGPRA issues with these  
18 universities, these museums that have these collections and  
19 remains in them. There's no reason not to. And this is  
20 already by statute. They're just sitting on this.  
21 Another body of laws that are from ARFA come with  
22 safeguarding tribal objects and patrimony. Ninety-nine  
23 percent of Indian country's never even heard of the Stop  
24 Act. But we worked very hard on the Stop Act. We're very  
25 proud of that. There is even money put aside in the

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1 Interior appropriations so that we could staff that, have  
2 an office for it. What's going to happen to that? For the  
3 relatives that don't know this was to help maintain our  
4 cultural ceremonial items, not ending up in auctions  
5 overseas, fees or being dealt on the black market and so  
6 forth. And every other week in America, we have sacred  
7 items that are up for auction here through from private  
8 collections, and we don't know all the how they came. But  
9 this was a part of America maintaining its antiquities,  
10 especially our tribal objects. And so that's yet another  
11 one.  
12 And we have, which has been mentioned here  
13 National Historic Preservation, tribal historic  
14 preservation. What's going to happen with those offices?  
15 The Living Languages Program. We work very hard on that.  
16 What's going to happen with that? The Indian Arts and  
17 Crafts Act. What is going to be the execution of that  
18 mandate as well, which is really important.  
19 And then I look at co-management of tribal lands  
20 or federal lands, lands with tribal communities as well.  
21 And what I'm getting at here is if you're going to  
22 streamline, if you're going to make more efficient, we need  
23 a designated office that's visible, not out necessarily in  
24 Albuquerque. I'm not against a satellite being out there.  
25 But we need something in Washington that we can point to

<p style="text-align: right;">Page 198</p> <p>1 that could be a quarterback for this body of laws that's</p> <p>2 part of the American Indian Religious Freedom Act family,</p> <p>3 the follow-along legislation that came from the that.</p> <p>4       So I want to recommend that to you, gentlemen.</p> <p>5 And I can name even more that were policy declarations or</p> <p>6 that were efforts by previous secretaries to do that. But</p> <p>7 that's something that I think we can do. I think that</p> <p>8 would be a tangible. I think it would be something that</p> <p>9 you could help -- I don't like to use that word consolidate</p> <p>10 -- but that you could put it under one purview that we</p> <p>11 could look at and help you build that out in a way that</p> <p>12 would be impactful, in a way that would have transparency,</p> <p>13 and in a way that would be responsive to Indian country.</p> <p>14       And then moving on to EO 14156, I just have a</p> <p>15 couple comments because so much was already said about it.</p> <p>16 Everybody's looking to Interior to set the Indian policy</p> <p>17 for this Administration. And you know, Scott, you and I</p> <p>18 have had visits about this as well, about you are the role</p> <p>19 model, how you guys do things for the rest of the federal</p> <p>20 government. f they see you guys diminishing Section 106,</p> <p>21 what do you think transportation is going to do? What do</p> <p>22 you think agriculture is going to do? What do you think</p> <p>23 the Energy Department's going to do? So if we start making</p> <p>24 these exceptions -- and I know some tribes want this and</p> <p>25 they should be respected too -- but if we start making</p>	<p style="text-align: right;">Page 200</p> <p>1 is how do we have a public-private partnerships and tribal</p> <p>2 involvement and conservation easements that can open up</p> <p>3 opportunities to save sacred sites? And you guys need to</p> <p>4 facilitate that.</p> <p>5       And I want to mention this. The Land Water</p> <p>6 Confirm Conservation Fund, the Great American Outdoors Act.</p> <p>7 Over in the Farm Bill, we have Conservation Reserve and</p> <p>8 Conservation Enhancement. None of those dollars are going</p> <p>9 towards off reservation conservation efforts and</p> <p>10 partnerships with private landowners, with municipalities,</p> <p>11 states and tribes to protect sacred sites. We need to</p> <p>12 create the framework where that can happen. And we can do</p> <p>13 it.</p> <p>14       And as has been said earlier, these</p> <p>15 instrumentalities of the government can be used for good.</p> <p>16 They don't always have to be a negative thing that's going</p> <p>17 to diminish us. We could use these for good and we could</p> <p>18 set a framework together that would make this possible and</p> <p>19 share those vast resources.</p> <p>20       And I close by saying this. We had a good visit</p> <p>21 a couple days ago down at Pipestone at the quarry, which</p> <p>22 has been threatened its boundaries of it, and so much of</p> <p>23 it's underground and isn't all the way marked. But one</p> <p>24 thing I learned in my own ignorance, I didn't know this.</p> <p>25 It was white people that petitioned the federal government</p>
<p style="text-align: right;">Page 199</p> <p>1 these, who's to say these other secretaries aren't going to</p> <p>2 come out with their own secretarial orders also and fast</p> <p>3 tracking these things.</p> <p>4       We have a situation in Indian country where the</p> <p>5 Department of Education funds crop conversion in Texas, the</p> <p>6 only place in America where sacred medicine grows that</p> <p>7 members of the Peyote religion harvest and use. And</p> <p>8 they're plowing thousands of acres every year of the last</p> <p>9 finite resource of this medicine, which is going to</p> <p>10 diminish the opportunity for that to be a viable religion.</p> <p>11 And it's the only religion in America that has a statute.</p> <p>12 It's the 1994 amendment to the American Indian Religious</p> <p>13 Freedom Act, the only religion in our country.</p> <p>14       So Bryan, you know, you, you're out in the</p> <p>15 Northwest. You understand treaty tribes there. What good</p> <p>16 is a treaty if there's no salmon to harvest, or if the</p> <p>17 environment's been degraded to the point where salmon can't</p> <p>18 even survive? Are we all just going to get our fish out of</p> <p>19 hatcheries? Or how are we going to do that?</p> <p>20       So these are things that can be really looked at.</p> <p>21 When we applied, tribes applied for Section 106, they</p> <p>22 couldn't even get an audience with the Secretary or anybody</p> <p>23 in consultation with USDA. And part of it was because it's</p> <p>24 not their homelands, it's down in Texas. No tribes are</p> <p>25 down there in that area. So what we have to look at here</p>	<p style="text-align: right;">Page 201</p> <p>1 to create a historic site for that, that created a national</p> <p>2 park for that, that wanted that to be done. And that</p> <p>3 started in the late 1800s, and they did that. But being</p> <p>4 there is a very good reminder to me that so much of what we</p> <p>5 do, we're ridiculed. And people, they want to think almost</p> <p>6 in a sense that this is mythology, that these are fairy</p> <p>7 tales, that these protocols are kind of made up or we're in</p> <p>8 a new day now.</p> <p>9       And in this occupation of our country, we're in</p> <p>10 the first inning of it. This is the very beginning. And</p> <p>11 if we plan on co-existing here in America with the</p> <p>12 visitors, we're just right at the beginning. And look at</p> <p>13 everything that's been lost already, in just this first --</p> <p>14 out of the gate, this first couple hundred years. So that</p> <p>15 Pipestone, again, it's symptomatic of everything that we're</p> <p>16 working towards.</p> <p>17       But I want to say (Native language) to you guys</p> <p>18 and thank you. And I, again, some of these federal</p> <p>19 responsibilities really can't be transferred to tribes, and</p> <p>20 they don't have the mechanisms to execute them. And a lot</p> <p>21 of us, if we walk up to a private landowner and say,</p> <p>22 there's medicine on your land, we'd like to work with you</p> <p>23 to gather that, they might shoot you. Even feds have been</p> <p>24 shot at down at Wind River when I was in high school, over</p> <p>25 water, people just checking water gauges down there.</p>

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1 So we have to have a quarterback. We have to  
2 have an identifiable space there that can coordinate that  
3 in cooperation and incentivize it. And then with that  
4 being said, this body of laws is already in statute. It's  
5 already written in the books of laws in America. We have  
6 to execute it in a way that makes sense. This is what I'm  
7 recommending to you on behalf of the National Alliance to  
8 Save Native Languages.

9 We chair the Language Task Force at National  
10 Congress of American Indians. We also chair the Peyote  
11 Task Force there as well. This is what tribal leaders are  
12 telling us, too. I just wanted to share that today and  
13 thank you and thank everybody. (Native language).

14 MR. DUNCAN: Thank you.

15 Kyle?

16 MR. VINT: We're going to take our last  
17 commenter. We have a hand raised online from Emilia  
18 Holstine.

19 Before we go to you, Emilia.

20 I just did want to note, President Larsen, if  
21 you're available to do the closing prayer, why don't you go  
22 ahead and raise your hand and let us know that you're still  
23 available and open to doing so. And then we'd come to you  
24 after Emilia.

25 And I saw your hand come up. So we'll come to

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1 you after this comment for our closing prayer.

2 Before that we're going to go to Emilia Holstine  
3 Emilia, you should have the ability to unmute yourself now  
4 and turn on your camera should you like.

5 MS. HOLSTINE: All right, give me just a moment  
6 and I'll try to turn on my video. There we go. My name is  
7 Emilia Holstine. I'm the Land Information Manager here at  
8 Fond du Lac Band of Lake Superior Chippewa.

9 There's been a lot of really good comments today,  
10 but a lot of really important, heavy stuff. Mine isn't  
11 nearly as far-reaching in some ways. It's a little more  
12 specific. But one of the things we were concerned about  
13 with funds being cut to the BIA is that here at the Land  
14 Information Department, we extensively use GIS software,  
15 and that GIS software is supplied to us through the BIA.  
16 Without it being supplied through the BIA, it would be  
17 prohibitively expensive for us to use.

18 And just to give a sense, GIS software, GIS  
19 stands for Geographic Information Services. GIS software  
20 is really important to managing any sort of government,  
21 local, federal, tribal. But it's especially important to  
22 tribal governments, given our extremely complicated history  
23 with land ownership. Any data that is tied to a specific  
24 geographic location can be processed through GIS data.

25 So here in our department, we make maps and do

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1 geospatial analysis, both for other departments within the  
2 band as well as for the public, and a non-exhaustive list  
3 of some of the areas we touch or make maps or do. Data  
4 processing for using this GIS software includes land use,  
5 THPO, permitting, addresses for social services, public  
6 utilities, roads, land ownership, conservation, the police  
7 department, linguistic conservation, economic development,  
8 the fee-to-trust process, wetlands, brownfields, forestry,  
9 right-of-ways, fire management, probates, leases to tribal  
10 organizations as well as individual band members so that  
11 they can make use of tribal land, and treaty harvesting.

12 Like I said, that's a non-exhaustive list. But that kind  
13 of gives a sense of just how much this software is utilized  
14 by the band as a whole.

15 And we're concerned that if they cut funding to  
16 the BIA, we won't -- first off, we won't get access to the  
17 software. And also, we deal with probates, which has been  
18 mentioned before, take a very long time to process, as does  
19 fee-to-trust. I'm a little bit newer employee here. I've  
20 been here about, about six months, but we're still waiting  
21 for access to the TAMS system through the BIA. The TAMS  
22 system manages, or is basically a giant repository for the  
23 history and ownership land records for all the reservation  
24 land. As the land manager here, I kind of need access to  
25 that. And yet the BIA, due to lack of funding and short

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1 staff, I still don't have access to that vital data that I  
2 need to do my job to the fullest extent. So we just wanted  
3 to say as the Land Information Department, we're concerned  
4 about how cuts to the BIA will likely affect the way we are  
5 able to actually do our job moving forward. Miigewich.

6 MR. DUNCAN: Thank you. So as part of our  
7 closing, I'm going to ask our, our Department of Interior  
8 panel to offer some reflections, and then we're going to  
9 invite President Larsen to close us out in the right way  
10 with prayer.

11 MR. MERCIER: Yeah. So thank you very much  
12 everyone for coming and speaking and being here and for  
13 Bryce who took off earlier for driving 12 hours to be here.  
14 It's reflective of the commitment we see in a lot of Indian  
15 country and our tribal leaders, which means a lot to us.

16 So I've got I think four or five pages of notes  
17 here. I just wanted to reflect on with you all what the  
18 next steps are. So we are halfway through our in person  
19 and virtual consultations. After those consultations,  
20 there will be a 30 day written comment period that where  
21 we'll be accepting written comments. And so sometime in  
22 mid July we'll begin to compile what we've heard and begin  
23 conversations with departmental leadership on what  
24 efficiencies, if any, we've identified.

25 A lot of what I've heard today is equipping me

<p style="text-align: right;">Page 206</p> <p>1 and Scott and others up here on the panel to do our jobs 2 better in these conversations that we have with 3 departmental leadership. Some really great data, great 4 talking points, great stories that we can share to ensure 5 that we try to, like I said in the strategies earlier, 6 minimize the effects of these efficiencies and 7 reorganizations to ensure that we protect the services to 8 Indian country.</p> <p>9 So thank you from, from me personally, I'm sure 10 from the rest of the panel for sharing your stories and 11 coming and engaging with us today. It is valuable, very 12 valuable to all of us to hear from you.</p> <p>13 So Scott, I don't know if you have anything you 14 want to say in closing?</p> <p>15 MR. DAVIS: Sure. Thanks, Bryan.</p> <p>16 Again, first of all, just thank you all as 17 relatives for hosting us in your lands, even though it's 18 part of its Dakota according to Ryan Wilson.</p> <p>19 But, yeah, it's my first consultation, you know, 20 for me. Kind of got baptized here. It was what I 21 expected. Apologize for getting worked up. You know, Jim, 22 I'm in. I guess I do get worked up, as you can see. I get 23 emotional. And the day I stop getting worked up is the day 24 I got to quit this job. You know, it's just who I am, you 25 know, because it's about you, it's about us, it's about,</p>	<p style="text-align: right;">Page 208</p> <p>1 personally, you know, with my office, with my desk, it's 2 always there. I'm always consulting with, with tribes.</p> <p>3 I mean, even offline, when I go home, Ryan and I, 4 we'll have a cup of coffee or something and talking as 5 relatives, as friends. That's just who I am. I'm not 6 going to change that. So how do we figure this out? How 7 do we figure this out together? There's just more to come. 8 I know there is.</p> <p>9 But I'm really grateful. And I think bringing in 10 that pipe today really set the tone for me. Really. It 11 really made me feel differently. And my relative, the 12 lady over there, chairwoman who, who drove up here, really. 13 Boy, that was hard. Dakota 38+2. I mean, that, you know, 14 something there. They're here. They're here. So we just 15 continue this Chanjku Luta, this red road together. If we 16 can do that, we're going to be okay. I just make that 17 commitment to you, and just do it in a good way. Are you 18 upset? Do you get frustrated? I do, too. I do, too.</p> <p>19 Believe it. My wife knows about that. So but take care of 20 ourselves. We're going into ceremonial season. You know, 21 I'm excited for that. It's a time for those ceremonies to 22 happen. And you know, we put all this into prayer, like I 23 do every day, just like you, every night. You know, it's 24 always in prayer for us.</p> <p>25 That's kind of who I am. And I just really</p>
<p style="text-align: right;">Page 207</p> <p>1 you know, everyday life back home where you guys come from. 2 So it's very, very personal to me. Very. And I can't help 3 but keep some of the stuff on my sleeve, you know. Here I 4 go again. And I hate this. I hate these moments, believe 5 me. But it's a commitment that, that like you, you made. 6 You know, they're tough jobs. Sometimes you're -- and 7 we've been going through this for generation after 8 generation. I get it. You know, we all live it.</p> <p>9 And so there's times in our lives where you're 10 asked to step up and you don't want to go, but here you are 11 and you're doing your best you can with what you got. I 12 understand, how this thing works, right? Meanwhile, you 13 want the magic wand to make life in any country the best, 14 you know, just like you. And I make no bones about this 15 when I've said this to many, every tribe I meet. I want 16 what you want. I do. How do we get there together? You 17 know, help me navigate through all this stuff as our team 18 here, here helps me navigate through all the D.C. 19 regulations, the CFRs, and to get to this place of where 20 it's good for our people.</p> <p>21 And that's where I rely on you, as relatives to 22 help me as well. All these notes that we compile, you 23 know, they're just not notes for notes. I read them and 24 check off to-do lists all the time. So that's always this 25 ongoing consultation that I have in my -- for me</p>	<p style="text-align: right;">Page 209</p> <p>1 appreciate the time, and I just really look forward to 2 meeting with you as relatives in your homelands and to get 3 stuff done. Get some base hits. Sometimes you want that 4 home run like I do. Aim for the fence all the time and 5 swing hard and, you know, close your eyes. But sometimes 6 you just got to be strategic and get a base hit. And right 7 now I'll take a couple base hits. So thank you.</p> <p>8 MR. FREIHAGE: I just, I think a lot's already 9 been said. I just want to thank you all so much for the 10 time that you've all taken today, both in traveling to get 11 here and all the important input you've provided to us, and 12 just for your leadership and your communities at home, too. 13 Thank you.</p> <p>14 MR. DEARMAN: I want to start off by thanking all 15 the tribal leaders and stakeholders. You're going to hear 16 me say this over and over. You've heard me say it a lot. 17 And our team, our strength comes from our tribal leaders 18 and our stakeholders. And I want to thank our team from 19 BIE online and here personally, because we're very proud of 20 our team, because we really take to heart what our tribal 21 leaders and our stakeholders say.</p> <p>22 The one thing that I got from today, that really 23 makes me proud of doing what we do every day is we're not 24 going anywhere. We're still here. And the strength that 25 we heard and the words from today is incredible. And that</p>



<p style="text-align: right;">Page 210</p> <p>1 gives us the strength and motivation to keep pushing, 2 pushing. So thank each and every one of you that made 3 comments today.</p> <p>4 MR. BEARQUIVER: Yeah, I'd just like to echo 5 everything that's been said. Greatly appreciate the 6 participation by all the tribal leadership, all the tribal 7 entities. I wanted to thank all of our staff here that 8 volunteered to help and then also Derrick Beetso's group 9 for traveling with us and doing this. We've been in fourth 10 one now and it's a lot of work, and we're all jet lagged. 11 And so I greatly appreciate all the help that we've had 12 during this last couple weeks. Thank you.</p> <p>13 MR. DUNCAN: Thank you all. So I want to invite 14 President Larsen as we started today in a good way to be 15 able to close in a good way. I know you've had bandwidth 16 issues, so hopefully you're able to get on and get on 17 camera. Folks in the room already. Thank you.</p> <p>18 PRESIDENT LARSEN: Thank you for that, for the 19 opportunity. I just want to say I'm not a Wakami Choctaw. 20 I'm just a common man, but I ask you to join and we'll do 21 this the best we can.</p> <p>22 (Traditional closing prayer in Native language.) 23 Grandfathers, come to you first and say thank 24 you. We thank you for this breath of life, this day you've 25 given us, our health, our safe travel and for this meeting.</p> <p style="text-align: right;">Page 211</p> <p>1 Ask for blessings for everyone involved and everyone that 2 is represented, the ones that put it together, the ones 3 that speak, the ones they speak for, the ones listening and 4 asking them to implement what we're asking, asking. We ask 5 for strength, for perseverance and for peace, Grandfathers. 6 We're carrying on what's been happening for generations and 7 we ask for that guidance. Our hearts, our minds and our 8 actions take care of one another. We do these things the 9 best that we can and we can't do it without you.</p> <p>10 We ask that you be with us, guide this process, 11 ask for safe travels for everyone on their next journey. 12 We pray for our families back home taking care of things 13 while we're here so we can do this work. Pray for them, 14 sustain them, make them happy, keep our families strong. 15 Thank you, Grandfathers.</p> <p>16 MR. DUNCAN: Thank you.</p> <p>17 Well, that concludes our consultation. I'll wish 18 everyone a safe travels, and wonderful evening. Thanks for 19 being here. Have a wonderful night.</p> <p>20 (WHEREUPON, the proceedings recessed 4:30 p.m.) 21 22 23 24 25</p>	<p style="text-align: right;">Page 212</p> <p style="text-align: center;">CERTIFICATE</p> <p>1 2</p> <p>3 I, Kendall Zavodny, do hereby certify that I 4 reported all proceedings adduced in the foregoing matter 5 and that the foregoing transcript pages constitutes a 6 full, true and accurate record of said proceedings to the 7 best of my ability.</p> <p>8</p> <p>9 I further certify that I am neither related to 10 counsel or any party to the proceedings nor have any 11 interest in the outcome of the proceedings.</p> <p>12</p> <p>13 IN WITNESS HEREOF, I have hereunto set my hand this 14 5th day of June, 2025.</p> <p>15 16 17 <i>Kendall Zavodny</i> 18 19 Kendall Zavodny, #3216 20 21 22 23 24 25</p>
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