

In the Matter of:

NAGPRA Tribal Consultation

Reporter's Transcript of Proceedings

January 12, 2023



GRIFFIN GROUP
INTERNATIONAL

3200 East Camelback Road, Suite 177
Phoenix, Arizona 85018

1

2

3

4

5

6

7

8

9

UNITED STATES DEPARTMENT OF THE INTERIOR

10

OFFICE OF THE SECRETARY

11

12

NAGPRA CONSULTATION

13

14

Phoenix, Arizona

15

January 12, 2023

10:00 a.m.

16

17

18

19

20

21

REPORTED BY:

HALEY DAWN WESTRA, RPR, CRR

22

Certified Reporter

Certificate No. 50762

23

PREPARED FOR:

24

U.S. DEPARTMENT OF THE INTERIOR

25

(Original)



1 NAGPRA CONSULTATION was taken on
2 January 12, 2023, commencing at 10:10 a.m., at the at
3 the offices of the Bureau of Land Management 9828 North
4 31st Avenue, Phoenix, Arizona, before HALEY WESTRA, a
5 Certified Reporter in the State of Arizona.

6 APPEARANCES:

7 SPEAKERS:

8 Bryan Newland, Tribal President Ojibue
9 Shannon A. Estenoz, Assistant Secretary
10 Melanie O'Brien, Manager of NAGPRA

11 STAFF:

12 Oliver Whaley, Director
13 Stephanie Sfiridis, Senior Policy Counselor
14 Rose Petoskey, Senior Policy Counselor
15 Samuel Kohn, Department Assistant Secretary
16 Kathryn Isom-Clause, Deputy Assistant Secretary
17 Joaquin Ray Gallegos, Special Assistant
18 Melanie O'Brien, Manager of NAGPRA
19 Shannon A. Estenoz, Assistant Secretary
20 Bryan Newland, Tribal President Ojibue
21 Stephen Simpson, Esq., Solicitor's Office
22 Brady Blasco, Esq., Solicitor's Office

23 TRIBAL LEADERS:

24 Harold Jacobs
25 Desiree Duncan
Melanie Deer
Gerald "Shane" Anton
Darius Enos
Reylynne Williams
Brenda Tomaras
Vernelda Grant
Larry Benallie, Jr.
Sunday Eiset
Fannie Suvlu
Karyn Stricklan



1 BRYAN NEWLAND: All right. Well, good
2 morning, everybody.

3 In Ojibwe, "Minogizhebaawagad."

4 My name is Bryan Newland. I am a Bay Mills
5 Indian Community tribal citizen. We're a small band of
6 Ojibwe people up in northern Michigan, and I have the
7 privilege of serving as the assistant secretary for
8 Indian Affairs here at the Department of the Interior.

9 And I'm really glad to be back doing
10 in-person tribal consultations, and I'm glad to be here
11 today.

12 This is actually the first of four
13 in-person consultations that we're hosting in the next
14 day here in this room on different things that the
15 Department of the Interior is doing. And we're here
16 this morning to talk about our efforts to amend and
17 revise the Department's regulations on NAGPRA.

18 We've had a series of virtual
19 consultations. We have published a proposed rulemaking
20 this past fall.

21 And this week, I think you may have seen,
22 we've extended the comment deadline by 2 weeks to the
23 end of January. I know that was a topic that's been
24 brought up at several of our recent consultations.

25 So you can get your written comments in to



1 us by January 31st.

2 Before I -- before we get into the
3 substance, it's probably best to make sure everyone on
4 our team gets a chance to introduce themselves to you.

5 So I will turn to my friend and colleague
6 Assistant Secretary Estenoz here.

7 SHANNON ESTENOZ: Yes. Thank you. Thank
8 you very much, Bryan.

9 Good morning, everyone. I'm Shannon
10 Estenoz. I'm the assistant secretary of the Interior
11 for Fish and Wildlife and Parks.

12 So in this role, I oversee the National
13 Park Service, which, of course, administers the
14 national NAGPRA program.

15 It is an honor to be with you. It's
16 wonderful to be here in Phoenix. My first visit to
17 Phoenix. So this is -- it's great to spend it with
18 you.

19 This morning we're here to receive any
20 input that you have and want to share with us on the
21 NAGPRA proposed rule.

22 There are a couple of areas, if you do have
23 feelings or thoughts, wisdom in these specific areas,
24 we would love to hear it from you.

25 So, for example, we're keenly interested in



1 how folks are feeling about how we deal with the
2 timelines in the proposed rule.

3 So the new regulations impose timelines on
4 museums and federal agencies to carry out repatriation
5 and disposition.

6 It is not our intent to impose timelines on
7 lineal descendants or tribes or NHOs to request
8 disposition or repatriation.

9 So how can we further -- you know, what
10 we're really interested in here is further allowing
11 Indian tribes and NHOs the flexibility and discretion
12 in, you know, the step-by-step process while still
13 holding museums and federal agencies accountable for
14 completing the regulatory process.

15 So it's a balance between giving tribes and
16 NHOs the flexibility they need while still holding
17 everyone's feet to the fire to do this work and do it
18 in a timely way.

19 The second big category is tribal lands.
20 So in subpart B, Indian tribes have new
21 responsibilities now for discoveries and excavations on
22 their own tribal lands.

23 We have provided an option to delegate
24 these responsibilities to the BIA or any other federal
25 agencies, but -- but it has to be done in writing.



1 So we just -- if you've got thoughts about
2 capacity, for example, in your tribes for completing
3 this work, we'd love -- we'd love to hear thoughts in
4 that area as well.

5 And then, finally, in the subject area of
6 making requests. In subpart C, Indian tribes and NHOs
7 must make written requests for consultation and
8 repatriation.

9 So these new regulations, they provide for
10 a more streamlined and -- process, and they try to
11 simplify that process.

12 If you've got any thoughts about this
13 process, capacity, do you think the proposed provisions
14 are going to impact your tribe's capacity and resources
15 for repatriation, we'd love to hear about that.

16 Having said that, everything that you have
17 to offer us this morning is of great value, and we --
18 and we look forward to hearing it.

19 So, again, thank you for your time today.

20 BRYAN NEWLAND: All right. I want to also
21 make sure that I'm recognizing all of our team members
22 who have been involved in helping put this together.

23 So over here, on this side of the room,
24 we've got Indian -- team Indian Affairs, including our
25 deputy assistant secretary, Kathryn Isom-Clause; our



1 policy advisor, Joaquin Gallegos; and we have our --
2 our policy counselors, Sam Kohn, Rose Petoskey, and
3 Stephaine Sfiridies, and Oliver Whaley, who was really
4 instrumental in pulling these things together for us.

5 So as we -- if you have particular
6 questions on things too, we encourage you to collar our
7 folks and ask them questions.

8 And I know we have other folks here from
9 the Solicitor's Office in the back, Stephen Simpson and
10 Brady Blasco.

11 And at this time, I'll turn it over to Mel.

12 MELANIE O'BRIEN: Thank you, Bryan; and
13 thank you, Shannon.

14 I want to echo their appreciation for the
15 opportunity to be here in person.

16 We have done so much of the work on these
17 regulations and in consultation with tribes remotely.

18 It's very good to be back in person to hear
19 from all of you.

20 We do have some information to share about
21 the proposed regulations in case you haven't had a
22 chance to dig into them.

23 But we're really more interested in hearing
24 from all of you, to get your thoughts and your ideas,
25 especially on how we've done in these proposed rules.



1 So do you want me to move into the
2 presentation?

3 BRYAN NEWLAND: Sure.

4 MELANIE O'BRIEN: Okay.

5 Just a minute to move over. I'll get this
6 back to you. There's one over there.

7 BRYAN NEWLAND: Okay. I also forgot to
8 add, before you begin, Melanie, that we do have Haley,
9 our court reporter, here in the front taking notes.

10 We will take our own notes as well as we go
11 along, but this is -- since this is an official
12 government-to-government consultation on the part of
13 the Department.

14 We do create a transcript and record of
15 this. And just to let you know that -- that it's
16 important for us as we go out of the formal
17 consultation and back to the drawing board, as it were,
18 that we have these comments in writing because we do
19 reference them when we're going back over the
20 regulations and making changes based on the
21 consultations.

22 So I wanted to make sure you all understood
23 that.

24 MELANIE O'BRIEN: All right. Thank you.

25 Okay. So if -- many of you know me, but



1 just to be clear, as Bryan and Shannon both said, I'm
2 the manager of the national NAGPRA program, and it's my
3 job to assist the assistant secretaries in preparing
4 these regulations and sharing some of the details with
5 you.

6 What I have today is an outline of some of
7 the steps that we've taken so far, but also some of our
8 goals and our hopes for what these proposed rules will
9 do.

10 So the NAGPRA regulations were first
11 published as final in 1995. They have been amended
12 over time.

13 The largest amendment was in 2010. And
14 since that, since 2010, the Department has received
15 repeated requests to make a full revision to these
16 regulations.

17 In the summer of 2021, the Department
18 conducted consultation with Indian tribes and the
19 native Hawaiian community on a draft text, and we
20 received 71 individual comments -- individual letters
21 that yielded over 700 specific comments on what we were
22 proposing.

23 In addition to that, in the spring of 2022,
24 the Office of Management and Budget conducted its
25 review of the proposed regulations, and that included



1 some interagency review.

2 So that brings us to October of 2022 when
3 we published a proposed rule in the Federal Register.

4 We have some goals in this proposed rule.
5 Our main goal here is to simplify and improve the
6 process for repatriation and disposition.

7 We have incorporated input from the
8 consultations we conducted in 2021. We have
9 incorporated that to the maximum extent possible.

10 So we took all of those 700-plus comments
11 and tried to evaluate how much of them we could
12 incorporate into this proposed rule.

13 As a result, we have emphasized
14 consultation in every step of the process and required
15 museums and federal agencies to defer to the customs,
16 traditions, and Native American traditional knowledge
17 of lineal decedents, Indian tribes, and Native
18 Hawaiian organizations.

19 In the very first paragraph of the
20 regulations, that sentence is the last sentence in the
21 purpose of these regulations, that deference.

22 What we're hoping this will do is that it
23 will shift the burden off of Indian tribes and NHOs,
24 which is ultimately what Congress intended when they
25 passed NAGPRA in 1990.



1 We have imposed deadlines on museums and
2 federal agencies to complete the disposition and
3 repatriation process.

4 And we hope we have removed the offensive
5 and prohibitive sections of the regulations that are
6 preventing repatriations from occurring.

7 The benefits that we see in these
8 changes -- and, again, what we're here to do today is
9 to find out if we've got this right, if we have
10 achieved these goals and if we will realize some of
11 these benefits.

12 In subpart B, which pertains to the
13 protection of human remains and cultural items on
14 federal or tribal lands, we hope that we have
15 simplified the requirements, which will enable more
16 protection of human remains and cultural items.

17 We have prioritized and required federal
18 agencies take extra time for consultation on any
19 discovery of -- on federal or tribal lands.

20 And ultimately, we hope we've reduced some
21 of the ongoing burden and cost through the notice
22 publication process for federal or tribal lands.

23 In subpart C, which pertains to the
24 repatriation of human remains and cultural items, it is
25 our hope that we have realized Congress's goal from



1 1990 to 1996 that requires the repatriation of human
2 remains and cultural items.

3 Our hope is that we are resetting the
4 process to require museums and federal agencies to
5 complete their work specifically for human remains and
6 associated funerary objects.

7 Based on the current rate of repatriation
8 without these proposed changes, we estimate that it
9 will take another 26 years to complete the repatriation
10 of museum collections, so our hope is that we're going
11 to change that timeline.

12 And lastly, we're hopeful that this is
13 going to reduce ongoing costs, not only for museums and
14 federal agencies in curating these collections that
15 need to be repatriated, but also for Indian tribes and
16 NHOs in conducting the consultation on these.

17 Our webpage at nps.gov/nagpra, under the
18 regulations, we have provided a lot of different
19 documents related to the proposed rule; so we're
20 hopeful that these documents can assist you in
21 reviewing the proposed rule and formulating comments.

22 So I'm going to leave it there for today
23 instead of digging into any of the specifics of the
24 proposed rule.

25 Given that -- the time we have and the



1 opportunity we have to be here with you in person, we'd
2 like to shift into conversation at this point.

3 I'll leave this table of contents,
4 basically, up so we can talk about certain specifics in
5 the regulations if you have questions.

6 And part of our goal here today is to hear
7 your questions as well as to hear your comments.

8 CASSANDRA ATENCIO: I do.

9 MELANIE O'BRIEN: Yes, Cassandra.

10 CASSANDRA ATENCIO: Hi.

11 MELANIE O'BRIEN: We have a microphone for
12 you, just for the court reporter.

13 Oh, and just a note, please introduce
14 yourself with your name and your title or your
15 affiliation so that we can have that in the record.

16 CASSANDRA ATENCIO: My -- good morning. My
17 name is Cassandra J. Atencio. I am the tribal historic
18 preservation officer with the Southern Ute Indian Tribe
19 and the Cultural Preservation Department with -- in
20 Ignacio, Colorado.

21 And I'm glad to be here and to see faces
22 instead of on a Zoom, first of all this morning. And
23 I like the weather down here. It's snowy at home.

24 How -- how in line with the law do you
25 think these regs have gotten closer to and within the



1 spirit of what the law is?

2 That's my question.

3 BRYAN NEWLAND: Do you want to field that?

4 MELANIE O'BRIEN: I can if you'd like me
5 to.

6 BRYAN NEWLAND: Sure.

7 CASSANDRA ATENCIO: There's kind of been a
8 disconnect.

9 MELANIE O'BRIEN: Absolutely. The
10 disconnect, I would say, from our perspective, comes
11 largely in the repatriation provision.

12 So for collections and holdings, we feel
13 like the intent of the law in 1990 was to complete this
14 process and make human remains and associated funerary
15 objects, in particular, available to Indian tribes and
16 NHOs for repatriation.

17 And the law puts a time frame on that of
18 5 years and 6 months. It is a little bit more than
19 5 years and 6 months after November 16, 1990, at this
20 point.

21 So our hope is that we are resetting that
22 process to better align with what the act itself says
23 to require museums and federal agencies to make
24 decisions, specifically about human remains and
25 associated funerary objects, so they can go home. That



1 is -- our goal here to realign that process.

2 In subpart B, I would say that we are also
3 trying to realign the regulatory process with what is
4 in the act itself.

5 But in subpart B, I would say it's more
6 about making it clear, simplifying the process.

7 From -- the existing regulations can be
8 somewhat confusing and difficult to follow and
9 difficult to figure out what comes next, so in both
10 subparts what we've done is put in a step-by-step
11 process so that it's clear to everyone whether museums,
12 federal agencies, or Indian tribes or NHOs, what the
13 next step is, what the process is to get to the return
14 of these items to their appropriate homes.

15 CASSANDRA ATENCIO: Okay.

16 MELANIE O'BRIEN: But part of our question
17 for you is: Did we get there? You know, that's kind of
18 what we want to know with the comments is: Have we
19 realigned the process? Have we reflected the original
20 intent of Congress, in your opinions?

21 CASSANDRA ATENCIO: And the second part --
22 am I loud enough?

23 MELANIE O'BRIEN: It's more for the court
24 reporter.

25 CASSANDRA ATENCIO: The second part to



1 that, then, that wanting to go home, knowing that
2 people -- that reservation lands is not where these
3 people come from.

4 And is there a portion in the process now
5 about lands to put these ancestors on closer to where
6 they were found? Because they were put there in those
7 places for reasons.

8 I know that sometimes where intentional
9 excavations and different things, there's no land.

10 We do have a project, in fact, we're
11 working on that came from tribal private and federal
12 lands, but they're within the same landscape; so we're
13 trying to look for a place.

14 But in Colorado, we have our lands for
15 reburial work group where we try to identify lands that
16 are closer, but it just seems that it's harder.

17 It's good that we want to take them home on
18 one point; but, then, where are you taking them to?

19 And I think that that's a part of the
20 process and a part of that -- that stalemate because it
21 doesn't do any good. They're still going to sit there.

22 The other thing is that the money available
23 to do that when you're a THPO that specifically set
24 forth for THPO work and not NAGPRA work.

25 And so those budgets for NAGPRA are pretty



1 slim when it comes to competing tribes.

2 Thank you.

3 MELANIE O'BRIEN: Thank you for the
4 question.

5 I think for both lands for reburial as well
6 as funding for this work, those both fall outside of
7 the scope of these regulatory changes; however, I would
8 say that you are very fortunate in Colorado to have one
9 of the best examples of how state, federal, and tribal
10 nations can work together to come up with a solution.

11 And we often point people to Colorado as a
12 best practice in identifying lands for reburial.

13 Unfortunately, it stops at the border of
14 Colorado, and that's part of the issue.

15 We do hope that the regulatory process will
16 facilitate more conversations about what comes next.

17 Because right now, you know, our
18 perspective is that a lot of conversations around
19 NAGPRA are on cultural affiliation or disposition and
20 how things can be returned.

21 And we want to shift that conversation to
22 be about -- about lands for reburial and about where
23 these things can go once they come home so that the
24 conversation is not about just getting to that point of
25 being able to return. That -- that's part of our hope



1 here.

2 I will say that we have tried to
3 facilitate, in subpart B, better options for federal
4 land managers in terms of reburial.

5 You know, it's pretty common practice
6 across the United States that Indian tribes prefer
7 human remains or cultural items that are removed from
8 federal land to be reburied nearby.

9 And we hope that we have explained how a
10 process like that could still work under the proposed
11 rule and make it more seamless in terms of a process on
12 federal lands.

13 In terms of funding, I'll mention that
14 we are fortunate that in the last -- the newest
15 appropriation, we have additional funds for NAGPRA
16 grants, the largest amount we've ever had, just over
17 \$3 million. So it's been appropriated for NAGPRA
18 grants.

19 So we're looking for this year being a good
20 year. We encourage everybody to apply for a NAGPRA
21 grant. Those are due by March 10th.

22 But, again, the hope is that we can shift
23 the work off of the consultation process to lead to
24 repatriation and -- and shift some of that funding into
25 the repatriation work itself.



1 So, again, once we get through the process
2 of -- of these regulations, our goal would be that
3 there would be more opportunities for Indian tribes to
4 use funding for repatriation.

5 BRYAN NEWLAND: And -- and thank you,
6 Ms. Atencio.

7 I'll just add that on the federal lands
8 piece, as it relates to reburial, you know, we -- we
9 know that this whole country, from corner to corner,
10 from sea to sea to sea, was all Indian lands. It is
11 all of our homelands.

12 And so, you know, we can't -- we can't just
13 confine ourselves in our sacred places to our existing
14 reservation boundaries.

15 And we are working across the board on
16 making sure that all of our land management agencies
17 across the federal government are better incorporating
18 that into their process.

19 And there are -- as you probably know
20 better -- far better than I do, there are all kinds of
21 regulations about burying human remains on federal
22 lands outside of the NAGPRA process.

23 That's something that we are paying
24 attention to in trying to give consideration to how we
25 can be more effective and respectful on that side,



1 outside of the NAGPRA rulemaking process.

2 CASSANDRA ATENCIO: So -- so, then, you
3 know, how you're supposed to consider NAGPRA in all
4 your other -- when you do Consultation 106, 110,
5 whatever, endangered, and you think about NAGPRA in
6 cases, you know -- when you do development and ground
7 disturbance?

8 And so do you think that every federal
9 agency has its own policy, like you said, about
10 reburial and about what they do?

11 Is there a way to incorporate NAGPRA into
12 each of your -- into each of those agencies' thoughts
13 rather?

14 Because it seems like it's one-tracked when
15 it comes to consultation, whether we're talking 106
16 and, you know, 110, or whatever under NHPA.

17 And the Forest is different because it's a
18 farm bill.

19 But is there a way to make this a part of
20 what those are when you're considering your management
21 plans or whatever in those programs?

22 How to make -- how do we make this more up
23 in the front so people are noticing it and paying
24 attention to it when they're developing their 20-year
25 plans, is what I'm saying?



1 BRYAN NEWLAND: Sure.

2 If -- I can't answer the legal questions
3 about that, but what I can say is that if you have
4 recommendations for us, you know, we would be happy to
5 consider them.

6 Also, just draw your attention to this is
7 something we raised in the boarding school report that
8 came out last year, this very issue that you're talking
9 about; so it's on our radar of things that, you know,
10 we're trying to address.

11 Some of it maybe statutory, which would
12 require an act of Congress. And where we can work with
13 other land management agencies to make this work
14 better, we want to do that.

15 But if you have specific proposals that you
16 want us to consider with your expertise and experience,
17 I'd encourage you to get those to us in writing.

18 And, again, we do -- we do read all these
19 comments.

20 CASSANDRA ATENCIO: Okay.

21 BRYAN NEWLAND: People often say, "Do you
22 guys really read these comments?"

23 "Yes, we really, really do as part of this
24 process."

25 Yes, sir.



1 LARRY BENALLIE, JR.: Good morning,
2 everybody.

3 MELANIE O'BRIEN: Good morning.

4 LARRY BENALLIE, JR.: Is this on?

5 Good morning, everybody. My name is Larry
6 Benallie, and I am the archeological compliance
7 specialist with the Gila River Indian community, the
8 Tribal Historic Preservation Officers.

9 And the initial presentation that I -- I --
10 that interested me was that -- your proposal to have --
11 to allow tribes to control over data recovery
12 excavations.

13 I'm assuming it's going to be on our lands
14 that we -- because we -- because that's what -- that's
15 what -- I think that's what you mean.

16 And I totally agree with that. I totally
17 agree with that -- with that idea.

18 But I was wondering if any of you had even
19 taken into consideration the ability of tribes to
20 actually pursue control of data recovery on their
21 lands.

22 As far as I know, I can only count -- I can
23 count in fingers how many tribes are even capable of
24 doing that right now.

25 And some of us are better at it than



1 others. And I give you that. And there's a lot of
2 tribes who lack that kind of expertise and ability to
3 provide guidance in this -- in this kind of data
4 recovery.

5 And I always wonder what is the extent that
6 the NAGPRA law revisions are proposing to the tribes to
7 control data recovery on the land and what happens with
8 disposition of the ancestors, the -- the consideration
9 that all of the tribes to excavate is desecration,
10 period.

11 And -- and from the cultural views, the
12 different -- there's different cultural views, but
13 you'll amazingly find that they're all very similar.
14 We all have the same kind of idea about the thought of
15 excavations.

16 And have you even considered that cultural
17 aspect?

18 Have you even considered for the tribes who
19 are not quite in the position to start commenting and
20 taking control of the archeology that's conducted on
21 their lands?

22 Have you even considered -- are you going
23 to even provide them opportunity or expertise to help
24 them along? Because that's what they definitely need.
25 They need that assistance. And that's never been



1 provided. Nothing has ever been provided in that
2 matter.

3 We get a lot of these -- we get a lot of
4 these revisions to the law to get, "Oh, and they're
5 going to give you this money."

6 You know, the feds give you money to go
7 build power lines and to extend the Internet service,
8 you know, and cell phone service, and infrastructure.

9 But they never discuss that they have to
10 comply with Section 106 with access to the Preservation
11 Act.

12 They never talk about how the people who
13 get those services are going to have to pay for them
14 later, you know.

15 There's no -- there's no guidance from the
16 Feds offering that. It's just the money. And, you
17 know, there's no expertise or revisions in the law
18 here.

19 And I'd just like to know and -- if -- if
20 the revisions in the law are going to allow for
21 expertise to be given to the tribes to -- that need it
22 when it comes to controlling data recovery on their
23 lands.

24 MELANIE O'BRIEN: Thank you. I appreciate
25 the input and the question because it focuses on an



1 issue that we have very much tried to address in the
2 revisions to these regulations, and that is what
3 responsibilities tribes have on their tribal lands when
4 it comes to ancestors and items that might be
5 discovered.

6 And it is -- it is in the act itself, in
7 the law itself, that gives Indian tribes that
8 responsibility to care for their ancestors and items on
9 their lands, on their tribal lands.

10 And we have tried to highlight that in
11 these revisions. It's in the existing regulations, but
12 it's often not exercised in that kind of a meaningful,
13 direct way.

14 So we've tried to revise that to make it
15 clear that the tribe, in the first instance, is the one
16 who can and should take care of those ancestors and
17 items.

18 But you raised a good point, which is when
19 tribes may not have the capacity to do so or the
20 necessary training or skill to do so.

21 And in those instances, the tribe can,
22 then, defer that responsibility or transfer that
23 responsibility to a federal agency or to the BIA, in
24 particular, on tribal lands. That's an option.

25 Our hope would be that this might improve



1 opportunities for tribes to have better access to
2 technology and to training to facilitate those roles.

3 For NAGPRA, of course, it's going to be
4 limited to those cases where there are ancestors or
5 items that are discovered.

6 What you're talking about certainly goes a
7 little bit broader into other areas of just
8 preservation.

9 But in terms of archaeological data
10 collection, one issue that we have actually removed
11 from these regulations, on either federal or tribal
12 land, is any expectation that there will be data
13 recovery or data collection from a discovery of
14 ancestors or items.

15 That is left up to the federal agency and
16 the tribes to decide together, again, with deference to
17 the tribe's opinions about whether there should be data
18 collection from federal land and discoveries on federal
19 land.

20 So we have tried to reduce the requirements
21 there for any kind of archaeological data collection
22 from NAGPRA-related activities.

23 I don't think it's quite a full solution to
24 the problem that you stated. And I'm sorry that we
25 can't go further. But we have tried to at least make



1 it clear what the options are when there is discovery
2 of human remains or cultural items on tribal land, that
3 it is the tribe who can determine what happens next.

4 GERALD "SHANE" ANTON: Good morning,
5 everybody. I am Shane Anton. I'm the tribal historic
6 preservation officer for the Salt River and
7 Pima-Maricopa Indian community.

8 So us, along with Gila River, we have our
9 most knowledgeable people on NAGPRA, not here, they're
10 en route, so...

11 But they sent me some of the comments. And
12 I think it's going to cover a lot of these broad ranges
13 of stuff, but I'm just going to read them off if that's
14 okay.

15 I'm not necessarily looking for an answer,
16 just that you're aware of what we're seeking.

17 So the goals of the regs: One, to get
18 funerary objects repatriated with all burials.

19 Two, to recognize the spiritual nature of
20 sacred animals, now included in the definition of
21 "human remains," that SRP-MIC, our community does
22 support that.

23 Is there transparency in decision-making
24 process?

25 And my -- my experience in that is that if



1 the agency or -- well, the agency or fed determine that
2 something is not repatriateable or goes to another
3 tribe or that they decide to keep it under whatever
4 regulation, they never disclose who made that decision.

5 It may be that we're working with the
6 people on the lower level; but if there's a board of
7 regents or somebody else that they answer to, they, a
8 lot of times, will say, "No, we won't do that," but we
9 never get the chance to meet them. So there's no
10 transparency in that sense.

11 Have museums directly answer why they won't
12 repatriate in cases where they won't repatriate.

13 Recognize PPP loans as federal funding.

14 Strengthen civil penalties.

15 Require tribal input on care, handling, and
16 housing.

17 Require a moratorium on scientific testing
18 and research unless there is a written permission from
19 tribes.

20 Disclose whether or not the ancestors or
21 any protected items have been treated with toxic
22 substances, have been on display, or if ancestors or
23 belongings have been destroyed or discarded.

24 Per recent "plain language" guidelines --
25 I'm sorry -- per recent "plain language" guidelines,



1 the regs should remove all references to legal
2 interests and instead use "plain language" decipherable
3 by the average person.

4 11, right of possession cannot ever be
5 established for human remains, funerary objects, or
6 objects of cultural patrimony. No one has the right to
7 sell or trade them for any reason.

8 That concludes the list.

9 BRYAN NEWLAND: That's really helpful. I
10 was trying to keep up. I think that -- I'm sure we'll
11 have it all in the transcript.

12 But thank you for the clear articulation of
13 your goals. And I put a star next to the federal
14 funding piece as well. That's a piece I haven't heard
15 before, and I want to make sure that we're giving a
16 thorough discussion internally.

17 SHANNON ESTENOZ: The PPP.

18 BRYAN NEWLAND: Yeah.

19 SHANNON ESTENOZ: The PPP funding, yeah.

20 BRYAN NEWLAND: Yeah.

21 Thank you.

22 Additional comments or thoughts?

23 No? We're here to hear from you to make
24 sure that we're getting this rulemaking right.

25 GERALD "SHANE" ANTON: I wanted to give



1 other people the opportunity to ask questions if there
2 was any, so we do have one -- I do have one.

3 And, again, back to the people that aren't
4 here. They're working closely together going through
5 these regs line by line.

6 And so one of the issues that we had a
7 concern on that I did -- was able to kind of see -- and
8 I'll be honest, I haven't looked through the regs, you
9 know, in that sense.

10 But one of the things that they asked me
11 was this -- I'm not sure under which guideline it is.
12 I want to say it's either 10-9 or 10-10.

13 But it's the stay of repatriation issue.
14 And it kind of lists how things go in a certain order.
15 I guess the order of the sequence of events.

16 But in that sequence of events, there
17 isn't a -- it doesn't say when things go to NAGPRA
18 review committee.

19 It seems like it goes from a dispute to
20 court or to some kind of federal court or some kind of
21 court proceeding.

22 So that whole section seems kind of muddy.
23 So I just wanted to make that comment as well.

24 BRYAN NEWLAND: Thank you.

25 Thank you for that. We'll make sure that



1 we go back and look to see if we can bring some clarity
2 to it.

3 One of the challenges with drafting
4 regulatory language is leaving yourself enough
5 flexibility to capture different situations but
6 speaking with enough clarity to deal with particular
7 situations.

8 And it's -- it really is a skill too, but
9 if you -- you know, it's often we're helped in that
10 process by getting guidance and suggested language from
11 people to make sure we're capturing everything.

12 So, again, we have extended our written
13 comment period to the end of the month.

14 I know folks, in our most recent
15 consultation, were asking for a much longer extension.
16 And one of the things I want to take the opportunity to
17 explain is that in our roles, time is a finite
18 resource. And this is one of the priorities of the
19 administration.

20 And even from this point, getting to a
21 proposed rule and then moving into a final rule, there
22 has to be a review of all the public comments, a review
23 of all the tribal comments, a disposition of every one,
24 which getting everybody in the room together to do
25 that, it's very hard to coordinate that, and then



1 drafting a preamble.

2 And then getting final rule language
3 that -- that gets reviewed by all the relevant federal
4 agencies takes many months.

5 And so even from where we sit today,
6 it's -- it's -- getting to a final rule is going to
7 take us many months.

8 And making sure that we're doing this on
9 a -- on a time frame that allows President Biden's
10 administration to complete this work and put it into
11 implementation means we don't have as much time to
12 extend the comment period as, I think, we all would
13 like. And we're always mindful of the old adage of not
14 letting the perfect solution become the enemy of a good
15 solution.

16 And so, you know, we did extend the comment
17 period to the end of the month, but it will be
18 challenging for us to meet those goals if we were to
19 extend the comment period much beyond that.

20 CASSANDRA ATENCIO: What if our comments
21 are the comments that were from the previous draft
22 before you brought up this new rulemaking? Is that
23 fine?

24 BRYAN NEWLAND: Mm-hmm.

25 CASSANDRA ATENCIO: Okay. Because we do



1 have comments from the original and then the proposed,
2 but not the one -- the newest draft ruling that came
3 out.

4 And so part of ours were, like, a purpose
5 that these regulations provide a systematic process
6 under part A for the purpose, and -- and we know
7 that -- so let me read the whole letter.

8 The Honorable Bryan Newland, Assistant
9 Secretary Indian Affairs.

10 The Honorable Shannon Estenoz, assistant
11 secretary for Fish and Wildlife and Parks and the U.S.
12 Department of Interior.

13 Assistant Secretary Newland and Assistant
14 Secretary -- "Es-ten-own-ez"?

15 SHANNON ESTENOZ: "Es-ten-knows."

16 CASSANDRA ATENCIO: "Es-ten-knows"?

17 SHANNON ESTENOZ: Mm-hmm.

18 CASSANDRA ATENCIO: Okay. The Southern Ute
19 Indian Tribe thanks you for your leadership on behalf
20 of the Department of Interior to conduct
21 government-to-government tribal consultation -- I had
22 problems with Wi-Fi, anyway -- on the draft proposal to
23 revise regulations implementing the NAGPRA, on behalf
24 of the Department to conduct government-to-government
25 tribal consultation on the draft proposal to revise



1 regulations implementing the Native American Graves
2 Protection and Repatriation Act.

3 We recommend and request that this round of
4 comments not be the only opportunity to engage before
5 the final rule and prior to the regular noticed and
6 public comment process.

7 More than 10 years have passed since the
8 Department last consulted on the NAGPRA process.
9 In the interim, with the help of transparency and data
10 reporting from the national NAGPRA program, we have
11 learned much about how the process has, at times, been
12 ineffective for Indian tribes.

13 We welcome this opportunity to assist in
14 identifying the best way to repair and replace
15 processes that lead to the healing and mending of the
16 trauma that has happened through the collection of our
17 ancestors and their cultural items.

18 We hope that this efforts leads to a NAGPRA
19 process that also repairs and heals federal agencies
20 and institutions from the burden of historic trauma
21 their collections have caused.

22 While we appreciate the overview or changes
23 provided by the National Park Service, the full draft
24 proposal is extensive and significantly restructured
25 from the current regulations.



1 We respectfully request that you provide
2 us -- and you already did -- with the draft preamble
3 that accompanies this document and the redline markup
4 of the changes, what you guys, this is -- this was
5 before December when we had first put this draft
6 together.

7 Subpart A, in general, the purpose, these
8 regs provide a systematic process for the disposition
9 and repatriation of Native American human remains,
10 funerary objects, sacred objects, and objects of
11 cultural patrimony under the Native American Graves
12 Protection and Repatriation Act of November 16, 1990.

13 We are concerned about the omission of
14 lineal descendants, Indian tribes, and NHOs which are
15 whose -- which are those who rights to cultural items
16 will be affected by the NAGPRA processes.

17 And, CU 25 USCA subsection 3002(A)12(A) and
18 (B) covering the priority of ownership and control of
19 cultural items under NAGPRA.

20 And I don't know if you've already
21 addressed these things within that, but, therefore, we
22 recommend amending the purpose to read as follows:

23 Purpose: These regulations provide for the
24 systematic process for the disposition and repatriation
25 of Native American human remains, funerary objects,



1 sacred objects, and objects of cultural patrimony.

2 Just because the first way -- it just says
3 "human remains," which doesn't give you a clear
4 distinction between Native American and other peoples,
5 besides us indigenous creatures.

6 So that was a -- one portion because, you
7 know -- and especially for the layperson because then
8 you get into -- we don't -- NAGPRA only covers tribes
9 that we only care -- you know, our only concern is with
10 Native Americans, so that portion.

11 And -- and offers to cultural patrimony to
12 lineal decedents, Indian tribes, Native Hawaiian
13 organization, and others under the Native American
14 Graves Protection Act, dot, dot, dot.

15 Applicability, these regulations pertain to
16 Native American human remains. We recommend keeping
17 the phrase "pertain" to the identification and
18 appropriate disposition of.

19 And then, 1, discovered on or excavated
20 from.

21 I'll just send these to you guys, okay,
22 rather than going through this line by line? I'm going
23 to bore everybody. Thank you.

24 But anyway, but we do have comments.
25 I just need to know this is the correct email?



1 BRYAN NEWLAND: Mm-hmm.

2 CASSANDRA ATENCIO: Okay. Thank you.

3 BRYAN NEWLAND: And Oliver can help too
4 troubleshoot the -- you know, where -- where the
5 comments go to and confirming that you got them.

6 OLIVER SHALEY: Yeah. So if you've got any
7 questions, the email address up there,
8 consultation@bia.gov, or you can email me directly.
9 It's just oliver.shaley@bia.gov.

10 And then if you need that, you can come and
11 just find me when we're done here today, and I can take
12 that for you.

13 BRYAN NEWLAND: That's the first time I've
14 heard "indigenous creatures" in a formal
15 government-to-government consultation.

16 All right. Any additional comments?

17 We're here at your disposal.

18 MELANIE O'BRIEN: Can I?

19 BRYAN NEWLAND: Sure. Go ahead, ma'am.

20 MELANIE O'BRIEN: It's always a good
21 opportunity, especially with the assistant secretaries
22 here, if you have examples or situations that you
23 experienced in trying to accomplish a repatriation or a
24 disposition, examples and real-life scenarios often
25 help us better understand how we can make the



1 regulations better fit the actual experience.

2 So if you feel like you'd like to share
3 something, that's another way to move forward and to
4 give us more input, where you've had trouble with these
5 regulations in the past.

6 I also know that could take days.

7 GERALD "SHANE" ANTON: Based on that
8 question, since you asked, I had a concern, and I'm not
9 sure how the regs would address it.

10 But as an example, we've tried to
11 repatriate things from the BA. And I don't know if
12 they're under the NAGPRA category. But they were
13 reluctant or they wouldn't do it or, rather, they went
14 the permanent loan route; in other words, "We'll
15 permanently loan it to you, but we won't follow
16 NAGPRA."

17 Are there issues that can address that so
18 they can be repatriated under the way they should be
19 repatriated?

20 And why do the agencies take that stance?
21 What's the reason they don't want to repatriate per the
22 law?

23 BRYAN NEWLAND: That's a great question,
24 and I don't have -- I don't have an answer for you
25 today, but Stephen might. He's got his hand raised in



1 the back there.

2 Oliver is getting his steps in today.

3 STEPHEN SIMPSON, ESQ.: Yeah, this is
4 Stephen Simpson with the Solicitor's Office.

5 The issue is, sometimes, one of authority,
6 especially for -- the NAGPRA gives all federal agencies
7 statutory authority, okay, the power under a statute
8 for disposition for repatriation, for taking things --
9 items out of agency collections and giving them back to
10 tribes where they should be. Okay?

11 But it's only those certain classes of
12 items.

13 The other statutes often -- will sometimes
14 do that kind of thing for other classes of items that
15 the Federal Government has, but the BIA doesn't have
16 that many of those.

17 And so we've tried -- and has actually
18 fewer of those than some other federal agencies do.

19 So we've tried to work with -- the BIA has
20 tried to work with tribes in some cases to be able
21 to -- and, quite frankly, has been probably more
22 flexible than we should -- than they should be if they
23 get legally challenged on it, but nobody has challenged
24 it.

25 So there's a few -- a few cases where we've



1 been able to do that. But it is -- it is very rare.
2 And that's the main reason why, is -- is having the
3 authority from Congress to be able to give -- to be
4 able to give you back what, yes, should be yours.

5 There is -- it's not -- it's not a lack of
6 recognition. And anybody that I've ever worked with,
7 with the BIA, in 23 years of representing the BIA on
8 all of this, it is not -- it is not any lack of desire
9 to do that or lack of a recognition that that's what
10 should happen.

11 It's a lack of authority from Congress to
12 do it.

13 SHANNON ESTENOZ: Just as a clarifying
14 question, Stephen, just so that I understand --

15 STEPHEN SIMPSON: Sure, Shannon.

16 SHANNON ESTENOZ: -- what you're
17 explaining.

18 Are you -- are you saying that objects that
19 are not covered by NAGPRA in this case? Because NAGPRA
20 does apply to BIA; correct? It gives --

21 STEPHEN SIMPSON, ESQ.: Yes -- no, he's
22 referring to -- I understand the question to be
23 referring to objects that are not covered by NAGPRA.

24 SHANNON ESTENOZ: I see. Okay.

25 STEPHEN SIMPSON, ESQ.: Yes.



1 SHANNON ESTENOZ: Got it.

2 BRADY BLASCO, ESQ.: Brady Blasco, also
3 with the Solicitor's Office.

4 I want to add that just that this authority
5 issue has been on the radar of many agencies for a long
6 time.

7 And while there hasn't -- I don't think
8 there's been an opportunity yet to address it for, say,
9 like, archaeological collections across the federal
10 government.

11 There have been some steps taken. In
12 particular, the Park Service finalized a rule this last
13 year that created some limited circumstances for the
14 deaccessioning of some archeological collections
15 collected under ARPA and some other laws in the past.

16 It is -- it is limited, but it's a first
17 step towards agencies exploring how far they can go to
18 address these other items that are not subject to
19 NAGPRA and how those might be -- "deaccession" is the
20 term museums use. So basically, they're returned or
21 transferred to folks who might have a greater interest
22 in them than the -- than the museums and the agencies.

23 STEPHEN SIMPSON, ESQ.: And to add to what
24 Brady was saying on the -- on the further efforts...

25 In 2010, when we issue -- when we issued



1 the regulation on cultural -- on return of culturally
2 unidentifiable human remains in the NAGPRA process,
3 there's a lot of discussion in the preamble of that
4 regulation of disposition of authority.

5 And to the -- and that is one of the
6 reasons why I think you mentioned earlier why
7 associate -- why we say in that reg -- said in that
8 regulation and say in the current NAGPRA regulations
9 that associated funerary objects may be repatriated as
10 part of that process, but it's up to the federal
11 agency.

12 And it depend -- and we say in that written
13 NAGPRA and the preamble to that regulation that it
14 depends upon the agency's disposition authority.

15 I wanted to note that in this update, in
16 these proposed regulations, we have changed our
17 interpretation of that portion of the act and are now
18 proposing to say that associated funerary objects must
19 go back.

20 So we've at least come that far on it.

21 BRYAN NEWLAND: Shane, thank you for
22 raising that issue. And that's something -- these are
23 always -- when I come into tribal consultations,
24 I always leave learning about issues that I didn't
25 expect to learn about.



1 And so this is another one I've marked for
2 a follow-up conversation. So thank you for that.

3 CASSANDRA ATENCIO: I have a question,
4 then.

5 So what about for, like, private museums
6 and -- and a state museum that received help during
7 COVID from the federal agencies? Now are they subject
8 to NAGPRA?

9 Because we have a museum that may have
10 replicas and may have funerary objects that are within
11 them, and they asked for -- during COVID, they asked
12 for federal assistance.

13 Now can we apply NAGPRA to them to -- to
14 engage in consultation?

15 STEPHEN SIMPSON, ESQ.: We are in
16 conversation with the Small Business Administration on
17 that point.

18 And the fact that two of you have now
19 mentioned it at consultation means that we're going to
20 have to respond to that point -- that question in the
21 final rule, and we will do that.

22 We don't know yet, but we will --

23 CASSANDRA ATENCIO: And then --

24 STEPHEN SIMPSON, ESQ.: -- but we will --
25 but we will check it out.



1 CASSANDRA ATENCIO: Because, you know,
2 we've been trying to figure out how we can make --
3 I don't want to say "make," but have this museum adhere
4 and at least engage in -- in our perspective.

5 And so that's kind have been where we're
6 at, especially with a replica on display.

7 STEPHEN SIMPSON, ESQ.: We're working on
8 it.

9 CASSANDRA ATENCIO: Okay.

10 STEPHEN SIMPSON, ESQ.: Thank you.

11 CASSANDRA ATENCIO: I wanted you to say
12 "yes."

13 STEPHEN SIMPSON, ESQ.: I know, but I have
14 to -- I knew you did, but I have to talk -- I have to
15 talk to other lawyers first.

16 SHANNON ESTENOZ: Yes -- yes -- yes, and --
17 my microphone is not working. Hello?

18 MELANIE O'BRIEN: It just takes a moment.

19 SHANNON ESTENOZ: My -- hello?

20 I've learned that "yes" and "no" don't seem
21 to be in the Government's vocabulary. Just like "yes,
22 period; no, period."

23 "No" is more frequent than "yes."

24 GERALD "SHANE" ANTON: I guess as a
25 follow-up to that example of issues, so we work closely



1 with the Pueblo Grande Museum. And they did a lot of
2 excavation, I think, back in the '20s, '30s. But
3 they -- at that time, the director -- and I can't
4 remember his name. My people will help me back
5 there -- but he -- he loaned -- and I don't know if it
6 was more of just a gentleman's agreement -- to a -- to
7 a museum in Oklahoma.

8 And the City recently found out about a
9 City archaeologists who we work with all the time, the
10 City of Phoenix, they made it known that -- I'm sorry.
11 What's the name of it? -- Woolaroc Museum, and they're
12 a private institution.

13 So the friendship between the previous
14 director and the gentleman who started Woolaroc was --
15 like I said, that's the gentleman.

16 But it was under excavation of Pueblo
17 Grande Museum. And I think the BIA came back and
18 determined that the gentleman didn't have the
19 right of -- didn't have the right to make the loan
20 based on -- again, this is back in the '30s and '40s.

21 So we required of Woolaroc, "Can you let us
22 know if this BIA has got involved with this?"

23 They say "Yes." You know, we should have
24 control of that. Woolaroc has been resistant in
25 saying, "Well, we're a private museum. We don't



1 follow -- we don't have any federal funds or any
2 federal nexus; therefore, we do not have to comply," or
3 you know...

4 But we're pretty sure they got PPP loans.
5 And that's the reason for us saying, "Yes, you did get
6 some government money. And, yes, you should comply."

7 But, again, that's just our stance and not
8 a legal stance. Just, I guess, a moral one from our
9 point of view.

10 So that's just another example. And that's
11 still ongoing. We haven't -- we're deciding now
12 whether we are going to litigate or not, but that's
13 where we are.

14 Oh, Od Elsa [phonetic], that's the
15 gentleman from Pueblo Grande.

16 SUNDAY EISET: So --

17 BRYAN NEWLAND: Oh. I'm sorry. Can you
18 share your name?

19 SUNDAY EISET: Oh, I'm sorry. I'm Sunday
20 Eiset. I'm with the Salt River Pima-Maricopa Indian
21 Community THPO. I'm a dig archeologist.

22 Similar to that, they're dealing with a
23 case where Abel Hourary [phonetic] had lent a
24 collection with -- of ancestors and associated objects
25 and other things to the Mexico City, the Museo Nacional



1 in Mexico.

2 And they are now -- and that was kind of a
3 loan that -- or not a loan -- that ASM did.

4 And so they're involved in trying -- and
5 the BIA is also involved in trying to work with the
6 Museo to return those collections. And that's been
7 very difficult.

8 And I'm, you know, familiar with other --
9 I'm very familiar with the Yaqui repatriation case, so
10 I know how that can go outside of the NAGPRA process.

11 And I know that there's no real framework
12 for doing this kind of thing within the framework of
13 NAGPRA.

14 But I think I would just kind of raise
15 that, again, as another example where I can see tribes
16 are having problems with museums that are international
17 in scope and respecting the wishes of the tribes.

18 SHANNON ESTENOZ: Can I ask a question of
19 Stephen?

20 BRYAN NEWLAND: Yes.

21 SHANNON ESTENOZ: Just stick -- just
22 sticking with this topic for just a moment to clarify
23 my understanding, Stephen or Brady, what qualifies as
24 federal funding.

25 So, in other words, for an institution to



1 be pulled under the NAGPRA regulations, is that defined
2 in the statute or is it an interpretation? Is it a
3 legal interpretation? Is it in the regs? And what is
4 it generally?

5 Because there are all kinds of ways of
6 getting federal funding one-off federal grants and the
7 like.

8
9 BRADY BLASCO, ESQ.: So there's a wide
10 variety of versions of federal funding that -- that --
11 that would count as federal funding under the
12 regulations, under the act, to make institution that
13 might not even normally look like a museum qualify as a
14 museum under the regulations.

15 We discussed some of that, but I think it
16 would be best to refer to the preamble where there is
17 analysis of what some of that -- some of that includes,
18 and it's fairly consistent with analysis that was done
19 in prior durations of the regulations as well.

20 SHANNON ESTENOZ: Okay. Okay.

21 BRADY BLASCO, ESQ.: Questions such as
22 about the PPP loans are difficult for us just because
23 those are so new compared to some other forms. So we
24 have to figure out what bucket those actually fit in --

25 SHANNON ESTENOZ: Yeah, okay.



1 BRADY BLASCO, ESQ.: -- but there's a number
2 of buckets addressed in the preamble, most of them
3 count as federal funding.

4 There are a few exceptions that come up
5 towards the end of that -- of that section, which
6 I could provide a page number or something if you give
7 me a second.

8 STEPHEN SIMPSON, ESQ.: And one other point
9 on that is -- and just, Shannon, it is not -- it is not
10 in the statute.

11 The statute just says "Receives federal
12 funding," and leaves the agency up to -- leaves that up
13 to all of us to figure out.

14 But one of the great ways we have
15 consistently interpreted it through the years has been
16 that in the instance, for example, of state
17 universities --

18 SHANNON ESTENOZ: Yeah.

19 STEPHEN SIMPSON, ESQ.: And their
20 museums --

21 SHANNON ESTENOZ: Yeah.

22 STEPHEN SIMPSON, ESQ.: -- that if --
23 that every -- every state receives federal funding;
24 therefore, every entity of the state receives federal
25 funding.



1 And that flows down to state universities.
2 It flows down to museums that are run by states,
3 museums that are run by state universities. It flows
4 down to local -- localities that get -- that get
5 funding -- money from the state or directly federal
6 funded and vocal -- the offices in those localities,
7 like coroners' offices that you wouldn't think of are
8 museums but actually are for purposes of this statute.

9 So it is still a fairly broad reach --

10 SHANNON ESTENOZ: Yeah.

11 STEPHEN SIMPSON, ESQ.: -- and -- and we
12 keep -- as Brady said, you know, there -- some of this
13 is well established in -- in the -- sort of the way
14 we've been working on the act and in the sort of
15 federal community.

16 Because Congress uses this -- uses this
17 criterion a lot, and so there's a lot of people who are
18 working with this -- with this issue.

19 The thing with PPP loans is they are new.
20 We haven't been able to contact -- figure out who to
21 contact and then talk to extensively enough with this
22 particular problem as to whether it -- how it works in
23 this issue.

24 We've heard how it works with people who
25 get federal grants in general or with not-for-profits



1 who get, you know, in some other contexts, but not in
2 this particular one. And that's what we're trying to
3 work with the SBA on figuring out.

4 SHANNON ESTENOZ: Okay. Thank you.

5 BRYAN NEWLAND: And, Sunday, if I can
6 just -- with regard to your example, you know, we've
7 got a brand-new law in the books now in the STOP Act
8 that President Biden just signed in the last 2 weeks --
9 2 -- I lose track of times around the holidays, so
10 forgive me -- but that deals with international
11 trafficking and objects of patrimony.

12 And so we're trying to understand now
13 the -- the intersection of that with NAGPRA as well and
14 what our obligations and -- and responsibilities are at
15 the Department of the Interior.

16 And Melanie informs me that we've actually
17 got a briefing up in the very near future to discuss
18 that.

19 So that's on -- that's on our minds as well
20 as the international context and how that all plays in
21 here.

22 But in a brand-new law, the initial
23 implementation often -- you know, when a law is first
24 put into effect, the first ways that you use it, like
25 anything else in life, becomes habit for us.



1 So we want to make sure that -- and
2 precedent -- we want to make sure we're getting this
3 part of it right and -- and meeting the spirit of the
4 law.

5 Maybe the coffee has worn off from
6 everyone, but, you know, we can -- we can hold for
7 final comments. We can break early if you want, but,
8 you know, we'll leave it up to you guys.

9 We had 3 hours scheduled, so we want to
10 make sure we are available to do the formal
11 consultation on the record. And, again, the written
12 comments are incredibly helpful as well.

13 And let me just add on behalf of the
14 Department is -- that this is -- this is one of the
15 first rules that we took up walking into the
16 Department, the president's administration.

17 Probably within our first 60 days on the
18 job, we were pulling together a team of folks to go
19 forward with this rulemaking because it's important to
20 Secretary Haaland, and it's important to us. And it's
21 our intention to get this rule done and get it to final
22 so that this administration can use it and not only get
23 the rule on the books, but then to make sure that we're
24 setting the first -- you know, we're setting the stones
25 for implementation in creating those good habits for



1 the Department for future administrations.

2 So we're going to continue to press forward
3 on this, and I just really encourage you to -- you can
4 help us along by getting comments in before the
5 deadline so that we can use them as they're part of the
6 record, which the administrative record, in all of
7 this, getting written comments, getting comments in
8 these transcripts, is very helpful for us when people
9 raise questions or challenges down the line, and we
10 can -- we can point to language in the regulations that
11 are tied back to what we've heard in the consultations.

12 Yeah.

13 DESIREE DUNCAN: Good morning. And thank
14 you for having us. I apologize for us being late. We
15 went to the wrong BLM downtown but wanted to introduce
16 ourselves.

17 I'm Desiree Duncan, the director of Native
18 Lands & Resources with Tlingit & Haida.

19 And this is Harold Jacobs. He's the
20 cultural resources specialist, and he has a wealth of
21 knowledge.

22 We are going to submit some written
23 comments, but we wanted to get President Peterson's
24 approval first.

25 But, Harold, did you want to share anything



1 about your experiences, good or bad?

2 HAROLD JACOBS: Good morning. Thank you.

3 One of the problems we had was where the
4 regulations say, "Upon receipt of a valid claim, the
5 museum has 90 days," but then there's always this word
6 where they'll stick on it and hang on it.

7 So the museums took it upon themselves to
8 determine what was a valid claim and what wasn't.

9 And we just settled a claim in May that
10 took 20 years after we submitted the claim.

11 Another museum we went to, actually, had
12 armed guards in the room watching over the objects
13 while we did a consultation. That shouldn't happen in
14 any museum. That was the Springfield Science Museum.

15 When we first got these inventories in
16 November of '93, the Denver Art Museum sent out a list
17 of five objects that they determined met the
18 requirements of NAGPRA.

19 My predecessor said, "You don't get to make
20 that determination. That's ours." But we still ran
21 into that problem.

22 And with the -- that same museum, the
23 Denver Art Museum, I was talking with another museum
24 about the problem there, and the director of that
25 museum said, "The problem is when you have a museum



1 with art collections -- an art museum as opposed to a
2 museum that has an anthropology section, where art
3 museums only view the monetary value of objects and
4 what it means to their collection and not the, shall
5 I say, human connection that the tribe needs or has.

6 And then there's the museum right in
7 downtown Juneau, which sits in the middle of Tlingit
8 territory, which has, on record, said that they don't
9 have to comply with NAGPRA. It's just an advisory law.

10 But I wanted to comment on the objects
11 taken from graves.

12 We had two museums -- we had a shaman from
13 her clan, actually, that was buried in 1853, and the
14 objects got distributed to several museums.

15 Two museums said, "Yes, we'll return them
16 as unassociated funerary objects."

17 The other the museum said, "No, his
18 predecessor had the right to sell it, so we're not
19 giving it back."

20 But should these objects be claimed with
21 that or should they -- since they once had human
22 remains with them -- be listed in an inventory
23 completion?

24 MELANIE O'BRIEN: Hello. And both of you,
25 welcome from your long journey from Alaska.



1 Harold, I don't know why every time I see
2 you, you, seem to look younger, but it -- maybe it's
3 the hat.

4 You know, I think that's one of the issues
5 we've tried to really clarify in these revisions.

6 When it comes to whether an object is -- a
7 funerary object is associated or unassociated, that the
8 only determining factor under the law is where the
9 human remains are presently.

10 So the answer to your question depends on
11 where the remains of that individual are.

12 If they were left alone and not removed,
13 then the objects are unassociated.

14 But if you do know that the human remains
15 were also removed, even if they've been returned, that
16 would qualify the object as associated.

17 So that's a part of the question -- the
18 answer to your question.

19 But I think, Harold, in light of your
20 experiences, which I have heard echoed across the
21 country by many other individuals, one aspect of these
22 revisions is adding to every definition of a sacred
23 object, an object of cultural patrimony, or a funerary
24 object, that the objects must be identified according
25 to information provided by Indian tribes and NHOs.



1 So we've added that requirement to the
2 definitions themselves so that a museum must take into
3 account your identification of the object as a sacred
4 object or an object of cultural patrimony.

5 And to get to both your situation as well
6 as to what Shane mentioned earlier, where a museum
7 refuses to repatriate an object, we require them to
8 explain that to you when they respond; and,
9 furthermore, in relation to your 20-year problem, we
10 require them to make that response within 60 days.

11 So if they're not going to accept your
12 valid claim, they must tell you why, and they must do
13 it in a certain amount of time.

14 It's our hope that those steps, even just
15 making the museum explain why they're not going to
16 repatriate, will prevent the kinds of obstacles that
17 you've faced.

18 We're hopeful if they don't have to -- if
19 they have an option of repatriating or writing down why
20 they're not going to repatriate that they may not want
21 to write it down or they may then agree to repatriate.

22 Or when they do write it down, it gives you
23 something to challenge in writing. And that's part of
24 the goal here.

25 I know all too well that -- the time and



1 effort that it takes to get museums to do what they're
2 supposed to do under the law.

3 So our hope is that these regulatory
4 changes will have an impact.

5 BRYAN NEWLAND: Thank you, Melanie.

6 HAROLD JACOBS: Another question. Has
7 the -- has any museum actually ever been fined for a
8 noncompliance?

9 MELANIE O'BRIEN: Yes. 20 museums have
10 been found to have failed to comply. Not all of them
11 resulted in a payment, but many did.

12 And, again, part of the regulatory changes
13 here are to establish a process so that when the
14 process does not occur, it is easier for a tribe to
15 make an allegation that they failed to comply.

16 So if a museum doesn't respond to you in
17 60 days, or if they respond that they're not going to
18 repatriate, and they don't explain why, those could all
19 be failures to comply, and we could seek civil
20 penalties if that's what you choose to do.

21 So we're hoping to increase the opportunity
22 if not to make those allegations and to fine museums,
23 at least to have that as an extra pressure that can be
24 applied.

25 BRADY BLASCO, ESQ.: Again, Brady Blasco,



1 Solicitor's Office, for those who walked in to know who
2 is talking.

3 I just want to add on to Melanie's point or
4 maybe emphasize that the issues you're describing at
5 present, all of these STOP points where a museum in
6 particular -- since I'm about to talk about civil
7 penalties, we're talking about museums, not federal
8 agencies -- but all of these STOP points that come up
9 with museums currently don't fit any of the listed
10 failures to comply in the civil penalty section.

11 That's an issue right now under the
12 existing regulations.

13 What's being proposed now and what Melanie
14 was just talking about is how that listing of specific
15 failures to comply would be removed in the civil
16 penalty section.

17 A failure to comply would be defined much
18 more broadly to pick up on many of these procedural
19 steps, these procedural elements, where someone isn't
20 responding in a certain time or someone isn't providing
21 a notice at the right time.

22 It provides substantially more recourse to
23 tribes to raise these issues to the Department and --
24 and seek a civil penalty investigation.

25 CASSANDRA ATENCIO: Cassandra, can you give



1 us an example, like, as far as a penalty that you said
2 "defined more broadly now"? But can you give me an
3 example? Like, is it raised? Is the number -- the
4 amount of penalty raised and -- and...

5 BRADY BLASCO, ESQ.: So, yeah, I -- the
6 penalty amount isn't itself raised -- Melanie, correct
7 me if I -- if I misspeak -- but the factors by which
8 the Department can consider how high or how low it
9 should be are broad.

10 The point I was trying to get at before is
11 less about the amount, though, and more about what can
12 actually constitute a failure to comply in the first
13 place.

14 Whereas, right now, without a time frame
15 requirement for a response from a museum, there is no
16 failure to comply with the act. The act didn't define
17 a compliance element there.

18 By adding time frames in, by adding
19 requirements for responses and what those look like,
20 there's more process in place now that can be
21 considered part of the systematic process, part of what
22 compliance looks like.

23 And then, in conjunction with the changes
24 to the civil penalties section, failure to comply with
25 those elements are now potentially subject to a civil



1 penalty, which they weren't before.

2 Because, again, there are about 11 listed
3 failures to comply. They're very specific in the
4 current regulations.

5 CASSANDRA ATENCIO: Okay. And now I have a
6 question, and that leads me to a question.

7 So what about -- so a museum sends you
8 out -- because we're getting bombarded now, right, from
9 all the different universities and museums to do that.
10 But there -- I have two interns and me.

11 And -- and so being able to consult
12 effectively within those time frames and answer -- and
13 provide a response is kind of -- is kind of a hindrance
14 for us because we have so much other beyond besides the
15 NAGPRA, and many tribal offices are the same.

16 It's how are we -- how can we
17 effectively -- is it written in there effectively --
18 communicate with each other to make sure that we stay
19 within those time frames?

20 Because I don't want, like, say, us as a
21 tribe wanting to culturally affiliate with the -- with
22 the remains from a museum and somebody else step in,
23 and we're just bombarded.

24 Is there a way to make sure that -- because
25 I know that tribes are under no -- no time frame line,



1 but museums are.

2 So that -- that works. So then, therefore,
3 we are too. And so I'm just trying to make sure that
4 we're not doing -- just being a clearinghouse for
5 remains to get off and go to somewhere without proper
6 consultation, I guess is my point.

7 And how do we make sure because if -- what
8 you were talking about, for penalties?

9 But just in those time frames, it made me
10 think about how do we as a tribe stay engaged to make
11 sure beyond just looking at the Federal Register every
12 day?

13 Because I can tell you right now, we -- you
14 know, it's, like, once a week, maybe, if I'm lucky.
15 And not just not -- not just not NAGPRA stuff but
16 everything.

17 And maybe -- and -- and besides looking at
18 National NAGPRA Review and what the universities are
19 doing, and plus whatever is on the website.

20 I just want to make sure that -- because we
21 have two museums that want to talk to us within this
22 next month in consultation and the costs.

23 So, I guess, getting to those places,
24 utilizing NAGPRA because it takes time for grant money,
25 is there a way for us to stay engaged within those



1 timelines? That's my basic question after all of that.

2 And then, as far as broadened penalties, is
3 there a way that -- is there a person that we can talk
4 to -- who do we send the penalties to are the
5 conversation from a tribe, and then is there someone
6 that can help us write that if we're not capable?

7 MELANIE O'BRIEN: Yeah, so your first
8 question, Cassandra, is -- is one of the challenges of
9 these regulations, is how do we balance requiring
10 museums to take actions by certain timelines and yet
11 providing opportunities for tribes to engage and
12 consult if they wish to do so.

13 You know, we have tried to strike that
14 balance when it comes to human remains and associated
15 funerary objects.

16 We have required museums -- under the
17 proposed rule, a museum would be required to update
18 their inventory within 2 years.

19 And the first step in updating an inventory
20 is to initiate consultation with tribes.

21 Tribes can, then, choose whether to respond
22 and whether to engage in consultation or not and can
23 set a timeline for that, but it must fit within that
24 2-year requirement unless a museum is -- wants to apply
25 for an extension to that 2-year time frame.



1 And that extension would require evidence
2 that they have reached out to tribes and that the
3 tribes are in agreement that the process should
4 continue and take additional time.

5 And I'll say that, you know, in terms of
6 responsibilities for approving an extension, that rests
7 with the Assistant Secretary Estenoz.

8 She's the one who will decide whether
9 museums can have extensions or not and whether they
10 have worked effectively with tribes to allow for that
11 timeline to be extended.

12 Likewise, with civil penalties, my office
13 is where you would send the allegation. And it doesn't
14 matter what exactly the allegation says. If there's
15 not enough information, we'll come back to you and ask
16 for more information to clarify.

17 CASSANDRA ATENCIO: Okay.

18 MELANIE O'BRIEN: But, again, the -- the
19 responsibility for that action, that civil penalty,
20 rests with the assistant secretary.

21 So, you know, I think that, you know, you
22 see me a lot, and -- and I talk about this a lot, but
23 the opportunity here with both of the assistant
24 secretaries here is that these are really the -- the
25 officials that make many of these decisions ultimately



1 about civil penalties and extensions and certainly
2 about what goes into these regulations.

3 So I think it's just an opportunity to
4 highlight that chain of responsibility that we have
5 within the Department.

6 And, you know, we certainly welcome anyone
7 to ask questions that are related to a civil penalty
8 action.

9 I think that many of you know we've hired a
10 full-time investigator. So his job is to talk to you
11 about an allegation and what he can do to help
12 understand what the issue is and try to bring it to a
13 resolution.

14 I will say that we're hampered right now
15 because of the regulations and what constitutes a
16 failure to comply.

17 I don't know if you want to add?

18 CASSANDRA ATENCIO: I have one more
19 question.

20 SHANNON ESTENOZ: Only that that's -- you
21 know, that that's yet another -- it's another reason
22 why finalizing these regulations is so important.

23 Because then when the -- you know, then
24 I am the person that gets to implement those and gets
25 to, as Bryan mentioned, start to build that muscle



1 memory for the person, then, who comes after me.

2 So if I'm able to make decisions under the
3 new regulations, that starts to set precedent so that
4 the next assistant secretary who comes, then, is
5 more -- is, you know, not necessarily bound. It is
6 that discretionary decision, but certainly the
7 precedent is there.

8 CASSANDRA ATENCIO: Okay.

9 SHANNON ESTENOZ: So thank you for -- for
10 surfacing this because this is, I think, a really
11 important element that we haven't talked about that
12 hasn't surfaced in previous consultations.

13 CASSANDRA ATENCIO: And then as far as
14 having the delivery of written documentation under the
15 regs, C, "Duty of Care," and it would -- "Duty of
16 Care," it would be 1E -- no, it would be just E -- how
17 do we make sure that these aren't FOIA-able for those
18 documents that we send?

19 MELANIE O'BRIEN: It's a very good
20 question. And the only confident answer I can give you
21 on protection of sensitive information is not to submit
22 it in writing.

23 CASSANDRA ATENCIO: But it is.

24 MELANIE O'BRIEN: Well, and that's where
25 I think you need to look at closely at what is required



1 to be submitted in writing.

2 You are required to submit requests for
3 repatriation. That is true. And that request for
4 repatriation may need to contain certain information.

5 But does that -- does the request require
6 information beyond an assertion that this is an object
7 of cultural patrimony or a sacred object? Not
8 necessarily.

9 And if that's information that the museum
10 requests of you, then that's information that you
11 protect by saying, "Let's consult on it, and we can
12 explain to you further why it's a sacred object or why
13 it's not an object of cultural patrimony," or you may
14 say it just is.

15 And, "Museum, you have to make a decision
16 based on our assertion."

17 I think that there -- there is a
18 requirement for written documentation in these
19 regulations, but we have tried repeatedly to make clear
20 that specific information, which may be sensitive
21 information, is not required to be put in writing
22 because it ultimately could be subject to some kind of
23 disclosure, whether under FOIA or other state laws.

24 CASSANDRA ATENCIO: So, then, what if you
25 have two -- what if you have two competing -- two



1 tribes that are making the same claim, though, and then
2 you're trying to think about preponderance of evidence,
3 right, and this is the museum, then would it be easier
4 to do group affiliation? Is that a part of this too?

5 MELANIE O'BRIEN: Absolutely. Yes.

6 CASSANDRA ATENCIO: All right.

7 MELANIE O'BRIEN: So we try to make very
8 clear that a joint request is not a competing
9 request --

10 CASSANDRA ATENCIO: Okay.

11 MELANIE O'BRIEN: -- And that the only time
12 that a museum must evaluate multiple requests is that
13 if they are, in fact, competing, if they are opposing
14 each other.

15 And in those circumstances, then, there is
16 information that's needed, and the museum must evaluate
17 it, but it's not necessary that the specific details be
18 provided in writing.

19 CASSANDRA ATENCIO: Can that be -- I think
20 that would be a comment to be insert in there as part
21 of confidentiality, some sort of clause within the
22 regs.

23 Like how we have Section 304. There's not
24 very meat in it, very much for 106, but we have that
25 confidentiality clause. And I think there needs to be



1 some sort of language that kind of helps a part of
2 that. That's off my head.

3 MELANIE O'BRIEN: Yeah, and this is where
4 we bump up against, you know, the limits of NAGPRA.

5 Because NAGPRA, the law, does not provide
6 for those kinds of exemptions like NHPA does.

7 So we are limited in relying on other
8 statutes like NHPA or ARPA or FOIA, but to protect
9 information.

10 NAGPRA itself does not contain those
11 protections.

12 BRADY BLASCO, ESQ.: While we do run into a
13 statutory authority issue there, we don't have a
14 statutorily provided FOIA exemption.

15 Congress can do that. And they have, in
16 fact, included some confidentiality components in the
17 STOP Act.

18 Those don't apply to other laws, but it's
19 something Congress could theoretically do or plan.

20 It's happened elsewhere, as we were talking
21 about at ARPA and the NHPA, and then most recently,
22 specifically in the STOP Act.

23 CASSANDRA ATENCIO: Okay.

24 BRYAN NEWLAND: All right. Well, I've
25 learned a lot already this morning. And it's been a



1 good discussion.

2 I just want to pause here and make sure,
3 you know, we -- doing the time check. We've got about
4 1 hour left in our scheduled time.

5 We don't have to use all of it if you don't
6 want, but we're available that long.

7 So I want to see if there are any
8 additional comments. I know we've had a few folks join
9 us in progress.

10 I want to see if there's any -- anything
11 you wish to comment today.

12 Yes.

13 VERNELDA GRANT: Good morning. My name is
14 Vernelda Grant. I'm the director for the Historic
15 Preservation Archeology Department, the THPO, tribal
16 arc, and NAGPRA rep as well.

17 So I -- gosh, where do we start, like, from
18 the first day of creation to now? It seems like
19 there's a lot of things that we've been bombarded with.

20 And -- and amidst the actions from
21 Secretary Haaland, the -- you know, on a lot of the --
22 I think -- I see it as a lot of small projects that can
23 could be -- that are positive, like the changing the
24 name for Squaw Peak. You know, I see a lot of small
25 things that are being -- that are being addressed to



1 make good and to do good, you know, by the government
2 with the tribes.

3 There's bigger issues that -- that I think
4 that really need attention, you know, and I think that
5 we're still dealing with these issues, and it affects
6 almost, you know, everything we do on our traditional
7 lands, our homelands, our way of life. It affects
8 every bit of it, our mental capacity, our -- you know,
9 just our minds, our body, our health, our spirit.

10 And there's been such a quick -- especially
11 with this administration, possibly because of the last
12 one, that there's been such a race, it seems like,
13 to -- to address some of the small things, you know.

14 And what I mean by that is, there's good
15 intentions behind what the government is doing, what
16 you-all are tasked to do, and with the people that you
17 are -- you know, you selected to work with who are
18 Native American, American Indian, Native Hawaiian
19 members, you know, that you're working with to help do
20 work with tribal nations and Indian country and with
21 the Native Hawaiian organizations.

22 But it seems like we're slammed. We're
23 still constantly doing -- and I have to say this over
24 and over and over because things really haven't really
25 changed dramatically because every new administration



1 that comes in, it's a whole new thing, a whole new ball
2 that keeps -- that starts to roll again.

3 And as far as consultation goes, there's a
4 reiteration or a resupport of, you know, the
5 president's initiative to work with native tribes to
6 consult to conduct meaningful government-to-government
7 consultation.

8 And when -- you know, each time there's one
9 or two words adding saying, "What is really
10 meaningful?"

11 And then there's a whole swarm of federal
12 agencies that -- that come around and start throwing
13 the projects in our face, you know, throwing it into
14 the tribal nation's laps, into, you know, hiring
15 consultant companies liaisons, you know, that are
16 career building for themselves or that want some sort
17 of attention. Some of them are native people too; some
18 are nonnative.

19 And so we -- you know, you put all of those
20 things into the mix. And then you have, you know, big,
21 huge organizations and corporations coming in to
22 extract minerals or energy resources from our tribal
23 lands, holy, sacred places, cultural landscapes.

24 And then you have, you know, those entities
25 coming in buying off different portions of people that



1 work for our government, and congressional
2 representatives included.

3 And in this entire mix -- you know, in our
4 case, for San Carlos, there's only two of us from my
5 department, myself and an archeology aide.

6 And so we're supposed to, you know, jump on
7 to every scenario and consult with everyone, you know,
8 and, you know, do the things we need to do that we're
9 tasked to do within our exterior boundaries of our
10 reservation, in our reservation lands too, to prove
11 that we as native professionals, experts in the areas
12 that we're, you know, put on in these Indian
13 reservations to manage to prove to the government that
14 we can manage these tribal lands.

15 So you take all these things. You know,
16 you take -- I'm tasked to oversee and to manage
17 cultural resources, natural -- assist in natural
18 resource projects to assist and to, you know, guide and
19 to meet with all these individuals.

20 If you can just imagine putting yourself in
21 those situations and then, you know, thinking, okay, we
22 have 30 days for each one of these federal agencies,
23 you know, DOI, how many are under -- how many, you
24 know, is under the Department of Ag? How many is under
25 the Department of DOI, DOT, you know, every single



1 agency, and every -- every president's cabinet member
2 has their slew of people working for them.

3 So take all of that, and we're working with
4 every single organization and the projects they're
5 proposing and all these other elements, you know,
6 institutions, you know, private institutions,
7 educational institutions.

8 So we're just -- you know, we're trying to
9 focus -- focus on things that are being thrown at us.

10 And through these years, it seems like some
11 of these things have benefitted the tribes, have
12 benefitted the government and the tribes.

13 And there's things that began that were
14 forgotten because something else came up.

15 So what I'm trying to say is that there's
16 been layers of, you know, consultation of reaching out
17 to have listening sessions and, in particular, for
18 this, you know.

19 So with me bringing up all these other
20 things right now, it's just -- if you can just imagine
21 being in this arena and then trying to also legally
22 understand the laws behind this, you know, let alone
23 the Indian laws, then the white man's laws, and then
24 the federal Indian laws, which jumbles everything up,
25 and nobody wants to touch it when it comes -- you know,



1 when you introduce, you know, that type of specific
2 scenario.

3 And then you introduce what we're doing
4 with Oak Flood [phonetic] and Mount Graham is really
5 just rights.

6 Nobody wants to talk about religion in the
7 court system too, is what we're -- we're dealing with.

8 And so in this whole mix of everything that
9 we're dealing with as cultural resource managers, it's
10 really hard to just kind of jump on board, you know,
11 and to -- to say, "Hey, you know, this is cool. This
12 is good. You know, okay, you guys, you know,
13 everything you're proposing will be for the best of
14 everyone," but it's -- we really have to be really
15 careful, careful because it's -- we're dealing with
16 really sensitive matters and issues, the remains of
17 our -- our -- our loved ones, the remains of our
18 ancestors, the remains of our children, you know,
19 wrongfully taken away from us.

20 These discussions that we have are about
21 holy places where something that has occurred that was
22 beyond this world that has everything to do with my
23 health and well-being for me as a person, for my niece
24 or my mom, for all of us in this room, whether you're a
25 native or not.



1 And it's just -- it feels like where we're
2 on this high and going 100 miles an hour, you know, and
3 we're thrown all of these things to think about and to
4 consider and to make final rulings on immediately
5 because that was something that somebody else, a career
6 builder or some other person that doesn't know what
7 they're doing, somebody that doesn't think about how --
8 where our mind set is coming from is putting together.

9 You know, so I just wanted to just share
10 that, even though it might not seem, like, nothing. It
11 might -- it doesn't matter taking stuff like this into
12 consideration because it's not going to be written in
13 any of your final rules and regulations.

14 But it's something that -- this is where we
15 come from and this is our way of life. It's our
16 thought. It's our thinking. And, you know, it's -- a
17 lot of the stuff that that's in these laws have
18 everything to do that affects us, our mind, our
19 mental/spiritual, you know, physical health and
20 well-being.

21 The laws don't address that. You know,
22 nobody's going to be able to -- you know, how do you --
23 you know, that's not going to be able to be addressed
24 in a courtroom because there's nothing -- there's no
25 guidelines. There's nothing that can -- you know, that



1 I can say that'll make a difference, so...

2 But I just wanted to just share that with
3 people here, that this is, you know, where tribes' mind
4 sets comes from. This is what our thoughts are behind
5 the questions that they ask, the statements that are
6 read.

7 You know, it's more than just, well, you
8 know, okay, these are the questions that the -- you
9 know, are addressed to tribal leaders. There's five or
10 six questions. I guess we just need to answer this and
11 give it back to them within 30 days, you know.

12 So, you know, just for the purposes of your
13 understanding is that it's a bigger deal. It's a
14 bigger thing. And it really matters.

15 But it seems, like, in a lot of cases, you
16 know, it's another thing that could possibly be thought
17 of as rushed because I think some of these comments --
18 and not this comment now for this particular NAGPRA,
19 the final rules and regs portion that we're here for,
20 but I think the initial one came during the pandemic,
21 you know.

22 So I'm not sure who really put the words
23 and regulations and wording together for that. And
24 then it's expected that, you know, the tribes submit
25 comments.



1 I think the original comments periods
2 before that were maybe 10 to 12 years ago, maybe 2011,
3 2010, 2012.

4 And so how far back -- you know, like, I
5 guess, one of the questions that I'm asking is how far
6 back are some of those comments that the tribes
7 submitted back then, like 10 to 12 years ago and then
8 2 years ago during the pandemic, and now? Will those
9 be -- comments be considered and have they been entered
10 into some of the wording of the final ruling? That's
11 one question.

12 And then, you know, I had some concerns
13 over the definitions, like Indian group, you know,
14 versus federally Indian-recognized tribes putting
15 claims in.

16 Definitions under possessions and control.

17 There's a lot of specifics. And, you know,
18 of course, we'll be turning in comments on these
19 specifics. But, you know, like, another thing
20 that I -- a third thing is, you know, there's --
21 there's tribal comments that we're -- that you're
22 seeking, but also I think there's public comments too,
23 and what is the difference between -- if you can
24 clarify the deadlines between the two. You know,
25 that -- that's something that I was kind of curious on.



1 Funding, of course. You know, I think
2 people brought that up before, but I think there's
3 issues between -- you know, I think concerns would be,
4 you know, funding and maybe a transition time
5 between -- this was brought up in discussion earlier,
6 like the changing the enforcement from the BIA to the
7 tribes on, you know, lands that are adjacent to the
8 reservation.

9 You know, like, I think there could be
10 difficulties without any, you know, transition time or,
11 you know, funding available.

12 I think we work so well with our BIA
13 regional archaeologists that I can't see this to be,
14 myself, an easy task to take on, you know, and to
15 having to write right plan of actions and different
16 things on top of it. I don't think it could be
17 something that could be a good thing for other tribes
18 as well.

19 And also a side note from that, if that's
20 being proposed, would it have an effect on existing PL,
21 you know, 93-638 contracts that are specifically
22 written for Section 106 activities? Would something
23 like that change those type of contracts? And if so,
24 would additional funding go into those contracts?

25 Because I under- -- you know, I know that



1 in the TPA process for -- that tribes go through under
2 the BIA natural resources, and where I'm located is not
3 even close to, you know, priorities under my tribe at
4 all.

5 So if we're taking additional things, you
6 know, that BIA is -- you know, that we do successfully
7 now with BIA and place it with tribes, I just have
8 concerns that -- you know, that it might affect
9 something that's already working well across the board.

10 I know that the -- let's see. And then I'm
11 wondering if there's going to be future amendments to
12 NAGPRA due to the STOP Act, and this is mentioned
13 before, that was passed?

14 Because the STOP Act does -- I know
15 everybody focuses just on one thing, which was the
16 increase in penalties, but I know that there's other
17 specifics under NAGPRA and the STOP Act that I would
18 think there would be amendments to the NAGPRA
19 regulations because of what's passed and written under
20 the STOP Act.

21 So I'm just wondering is that something
22 that we need to look forward to in the future?

23 There's more, but, you know, these are just
24 some of the things that we're looking into.

25 Just starting off with just the statement



1 or the comments of just how inundated extremely
2 beyond -- you know, extremely inundated that we are --
3 we somehow do the best we can to be here and to be
4 present and to be active.

5 Somehow we still -- we still do what we
6 need to do. Miraculously somehow Creator puts us in
7 this path and somehow Creator guides us to meet these
8 demands or to make these statements or comments or to
9 testify or to do the things we need to do because of
10 the greater things that we're dealing with, you know,
11 when it comes to really being in a room full of human
12 remains, being in a room full of our ceremonial items,
13 you know, being in a room full of things eagle feathers
14 on it that we consider that are still alive like a
15 human person.

16 So that when it comes down to that, it just
17 seems like a lot of this stuff doesn't matter, but it
18 does matter because of the world that we live in.

19 So I hope that these comments that tribes
20 submit are really, you know, entered in some way,
21 really thought of and considered.

22 And, you know, thank you for this time.

23 BRYAN NEWLAND: Thank you, Ms. Grant, for
24 your comments but also for taking time to be here with
25 us today.



1 I just want to -- I want to acknowledge and
2 affirm what you said about being inundated by federal
3 agencies. And we know and I know that that the tribal
4 office and tribal departments, people wear many hats
5 and have many responsibilities and that you're tasked
6 with doing many other important things besides
7 responding to federal officials seeking your comment.
8 We understand that.

9 And one of the things we've tried to do is
10 to bunch together our consultations like we've done
11 here this week so that we're not doing it every week
12 someplace else with different timelines so people can
13 travel and be here for multiple consultations.

14 But I do want to just affirm that I know
15 very well what it's like to get a different
16 consulta- -- a "Dear Tribal Leader" letter in your --
17 my inbox every day from some agency, and then you have
18 to take time to say is this worth responding to, is
19 this worth going to, who are we going to send from the
20 tribe to represent us?

21 And then you've got to circulate the
22 comments within the tribal government, and someone on
23 the council has probably got a different view of what
24 should be said, and it -- but we -- I hear you.

25 And so I appreciate the fact that you've



1 taken -- that all of you have taken the time to be with
2 us today because you all have other very important
3 responsibilities that you have to attend to.

4 And then in response to your last question,
5 will these comments matter and make their way in,
6 I just want to tell you that as somebody who has spent
7 a good part of my career writing tribal consultation
8 responses for tribes and attending these on behalf of
9 tribes, I know what it's like to sit there and wonder,
10 "Is any of these bureaucrats up there going to actually
11 read these things?"

12 We do. Land those of us here representing
13 the Federal Government and the Department of the
14 Interior today know that if you're going to take the
15 time and energy and effort to point us in a good
16 direction on these things, that we owe it to you to
17 take our time, energy, and effort to give thoughtful
18 consideration to what is said.

19 And that's partly why this -- a lot of the
20 policy-making process takes so long.

21 So I do want to say that there were a
22 number of things that you raised particularly with --
23 you referenced the STOP Act. We're trying to
24 understand, again, the intersection between STOP Act
25 and NAGPRA. And that's new.



1 You had referenced some of the definitions
2 that you had concerns with, particularly as it relates
3 to the tribe -- federally recognized tribes and other
4 groups, and those are things that I want to make sure
5 that we're discussing.

6 You had asked, just on a process question,
7 about the difference between public consultation and
8 public comment.

9 One of the things I want to make sure that
10 I'm being clear and emphatic on is that tribal
11 consultation is different than public comment, which is
12 why we're having these two tracts.

13 So in the -- under federal law when
14 agencies do regulations, we're required to hear from
15 the public, but we are -- we are not lumping in tribal
16 comments into that process.

17 This meeting today in our consultations are
18 government-to-government because of our trust
19 relationship and our trust responsibility, and we've
20 had -- this is the second round that we've had on this
21 rulemaking.

22 But we certainly consider them to be
23 different processes even though they're speaking on the
24 same rulemaking.

25 So, you know, we're -- and when we go back



1 to the drawing board and consider comments, there's a
2 separate meeting/a process to consider the tribal
3 comments versus the public comments.

4 So inside the building, it operates
5 separate as well.

6 So I'll stop there, but I just wanted to
7 acknowledge your frustration about hearing from lots of
8 federal agencies while also making sure you do your job
9 with the limited funding that you get and the limited
10 capacity you have.

11 I appreciate that you took the time to be
12 here with us to comment. And then out of respect and
13 in response to that, we're going to take our time and
14 be thoughtful about everything that is said during this
15 process.

16 CASSANDRA ATENCIO: So I have a couple of
17 comments on discoveries. We give this to somebody
18 else, but I have -- on discoveries, number 2, and it
19 talks about on tribal lands in Alaska and continental
20 about how the Indian tribe can delegate its
21 responsibility, I think that the old -- some of the old
22 language needs to still stay there as far as tribal
23 lands.

24 Like for us, for instance, we have our own
25 burial protection policy as a tribe, but this seems to



1 almost negate it because there's not a reference to,
2 like, if a tribe has its own policy. So maybe there
3 should -- I recommend language that pertains to the old
4 where it says it's up to the tribe, or however the old
5 language read, to mimic -- to kind of also assert that
6 if a tribe has its own policy, that's what we'll follow
7 beyond that, because we do.

8 The other point that I wanted to make is
9 that by doing geographical and cultural affiliation,
10 geographical is already a line of affiliation, and does
11 that place hierarchy on it, or is that just because
12 you're calling it out and you're redefining it, and
13 it's already a line of evidence as far as
14 preponderance?

15 And so I don't know if that places it in a
16 hierarchy for geographic as far as, you know, lineal or
17 kinship or the other lines of evidence.

18 Thank you.

19 MELANIE O'BRIEN: So it's a good question
20 on the geographical versus cultural affiliation.

21 And the way that the regulations are
22 drafted for repatriation provisions under subpart C, a
23 museum or federal agency would be required to identify
24 both cultural and geographical affiliation to Indian
25 tribes.



1 The priority would come only if there were
2 competing claims.

3 So where multiple tribes requested
4 repatriation, and they did not agree on a joint
5 repatriation, that museum would have to prioritize.

6 And, in that case, cultural affiliation
7 would be prioritized over geographical affiliation.

8 But certainly, lineal descendent remains
9 the very first priority under either subpart B or
10 subpart C.

11 CASSANDRA ATENCIO: Should we take "land
12 claims" out of there?

13 MELANIE O'BRIEN: Unfortunately, the Indian
14 court of claims or other court of claims decisions is a
15 part of the act itself, so we are -- we have that.
16 It's still there and will continue to be there.

17 CASSANDRA ATENCIO: Okay. I have one more
18 thing, of course.

19 You guys know you wanted me to be here with
20 all of these questions.

21 So the time frame for a plan of action,
22 okay. This is a tricky one, I think, because a -- we
23 have a federal agency who because of its -- it's a BOR,
24 okay.

25 So it's a BOR. And because that has to do



1 with water and lakes and reservoirs, some of these
2 reservoirs always have unanticipated and inadvertent
3 discoveries from washing up and -- from the wakes.

4 And we have a regional office that's
5 located in a different state but holds the original.

6 When the original reservoir was built,
7 those -- those individuals, over 400 of them, that
8 they've held them for over 400 years, but now we still
9 have a yearly or seasonal every year more and more
10 discoveries, unanticipated discoveries and inadvertents
11 are coming up.

12 And so now we're having a bigger
13 discussion, and you're asking for a plan of action
14 under the proposed rules of 30 days.

15 It takes that long just for them to
16 initialize consultation.

17 Is that 30 days to initialize consultation
18 and then another 30 days to come up with the plan of
19 action?

20 Because we're already -- our first
21 consultation is when they decide that they're going to
22 get ready at the beginning of this year, but our
23 discoveries were 2 months ago. And the ones that they
24 hold that we're just learning about is over 20 years,
25 so how do we -- that plan of action seems too soon to



1 be able to come up with a plan of action prior to
2 consultation, which would probably take 30 days to get
3 all the tribes that are affiliated to come to the table
4 to have a discussion about what we're going to do with
5 that and to move forward.

6 So are those extensions -- are those soft
7 timelines or hard timelines is, I guess, my question?
8 And how to we address things in those instances?

9 MELANIE O'BRIEN: Certainly.

10 So, again, just to clarify the distinction.

11 The collections that you're talking about
12 that maybe came from the original inundation would be
13 subject to subpart C and repatriation because they
14 predated the act in 1990.

15 And then new discoveries, things that are
16 discovered today or since 1990 are handled under the
17 plan of action process.

18 It is a hard time frame, the 30 days for a
19 plan of action. And that relates to the statutory
20 requirements for inactivity that may be occurring on
21 federal land.

22 So if an activity discovered human
23 remains -- and by "activity," I mean --

24 CASSANDRA ATENCIO: Intentional.

25 MELANIE O'BRIEN: -- logging, construction,



1 other kinds of activities on federal land, if those
2 resulted in a discovery, then the federal agency has to
3 allow that activity to resume.

4 And so we've built out the time frame to
5 provide the plan of action and that same time frame
6 that Congress required in the act for the activity to
7 resume.

8 What you're talking about with an
9 inadvertent discovery through erosion or some other
10 kind of exposure would still cover under the same
11 timeline, but it would seem to me there is some -- an
12 advantage to the federal agency anticipating those
13 kinds of exposures and building a plan of action
14 without the time frame of a discovery.

15 So rather than waiting for the discovery to
16 occur and starting the plan of action, the plan of
17 action could anticipate a discovery might occur, and
18 here's what the tribes agree to happen.

19 So if that makes sense that the way that
20 the plan of action is structured, the timeline is firm
21 after a discovery; however, there's no reason you
22 couldn't start a plan of action before a discovery even
23 occurred in anticipation that the discovery might
24 happen, and then the plan of action would be ready to
25 go if that discovery did occur.



1 Does that make sense?

2 CASSANDRA ATENCIO: No.

3 MELANIE O'BRIEN: I've totally confused
4 you. Okay.

5 SHANNON ESTENOZ: Well, Melanie, can I?

6 MELANIE O'BRIEN: Yeah.

7 CASSANDRA ATENCIO: I get it, but not
8 really, no.

9 SHANNON ESTENOZ: So I imagine that when
10 these regulations become final that one of the things
11 we could do as a matter of policy and practice is to
12 begin to socialize them, provide trainings to federal
13 agencies, and in how to -- and, you know, even museums,
14 I suppose we could do that too.

15 And that's a really good example, Melanie,
16 of how we, you know, could recommend to agencies who
17 can predict, like the OR, who can predict discoveries,
18 "Hey, get a head start now and develop a plan of action
19 so that when the discovery is made and the clock starts
20 ticking, you've got a plan already. You're not just
21 taken unawares and then suddenly everyone has to
22 scramble to meet that 30-day time frame."

23 And then a question, Melanie, just to
24 clarify.

25 Is there a provision for extending those



1 deadlines, or are those deadlines solid?

2 MELANIE O'BRIEN: Right now, those are firm
3 deadlines. And, again, it relates to the statutory
4 requirement of allowing an activity to resume.

5 So we've had to structure a time frame;
6 however, again, there's no reason why the planning
7 couldn't happen before a discovery occurred. And that
8 certainly would be a best practice. And it's certainly
9 how the regulations are written and encouraging that
10 effort to plan before something happens so that there's
11 a plan in place and everyone knows, and especially the
12 federal agency knows, what the tribe's preferences are
13 for treatment in handling.

14 CASSANDRA ATENCIO: So when it says
15 "appropriate official," are we talking about that
16 federal agency official, or can that be in
17 collaboration with the tribal, with the NAGPRA
18 coordinator, say, or the THPO, as far as that official
19 for that activity to resume?

20 MELANIE O'BRIEN: So the appropriate
21 official is going to be the federal land manager.

22 CASSANDRA ATENCIO: Okay. Because I think
23 there should be some language in there that talks about
24 the distances.

25 So we've allowed things in consultation for



1 activities to resume before 30 days, but only because
2 we come up with something that says, "You're going to
3 be way over there when you start, and we're going to be
4 way over there. And in between here, we're going to
5 keep it no activity, but your activity can go there,
6 and you can restart over there, and -- but in this
7 middle until we take care of these ancestors and
8 possible funerary AFOs that" -- you know, and is that
9 the same thing as what's being said here, or can we do
10 it that way, or are we -- can that be written into
11 that?

12 MELANIE O'BRIEN: Yeah, that is the purpose
13 of a plan of action, to accommodate those kinds of
14 requests and decisions by the tribe.

15 The plan of action, again, remember,
16 requires consultation and -- and specifically requires
17 federal agencies seek consensus on what that plan will
18 be.

19 And where the federal agency cannot --
20 cannot come to a consensus of the tribes of distance or
21 time frames or treatments, then that has to be recorded
22 by the federal agency, again, explaining why they're
23 unable to accommodate the tribes' requests.

24 BRYAN NEWLAND: Okay. Just...

25 MELANIE O'BRIEN: Sorry. I turned it off.



1 BRYAN NEWLAND: Okay. Just for a time
2 check here and housekeeping, we're at 12:20.

3 We're scheduled until 1:00. We typically
4 leave the last 5 or 10 minutes to make sure we read
5 back what we think we heard in case there's any
6 clarifying points or if we missed any big themes.

7 So I just wanted to make sure you all knew
8 how much time we had left here for this.

9 REYLYNNE WILLIAMS: Okay. I have a
10 comment.

11 BRYAN NEWLAND: Sorry. Could you introduce
12 yourself?

13 REYLYNNE WILLIAMS: Yes. Yes.

14 My name is Reylynne Williams. I am the
15 cultural resource specialist for the Gila River Indian
16 Community Tribal Historic Preservation Office and the
17 designated NAGPRA representative.

18 Thank you for this opportunity to provide
19 verbal comments on the proposed rule for the Native
20 American Graves Protection and Repatriation Act.

21 We worked jointly with the Salt River
22 Pima-Maricopa Indian Community Tribal Historic
23 Preservation Office in providing comments on the draft
24 regulations for NAGPRA in September of 2021 and on
25 behalf of the four southern tribes of Arizona,



1 consisting of the Ak-Chin Indian community and the
2 Tohono O'odham Nation, respectively.

3 So far in our joint review of the proposed
4 rule for NAGPRA, we have seen that some of our comments
5 were included in this current draft.

6 We strongly believe that we can create an
7 efficient and effective government-to-government effort
8 to assist with the development of a new proposed rule
9 for NAGPRA.

10 So we would like to request that another
11 round of tribal consultations occur before any final
12 notice of proposed rulemaking moves forward because of
13 the opportunity for public comment, which includes the
14 public and museums and institutions and federal
15 agencies.

16 Under the definition of "human remains,"
17 the four southern tribes in previous comments recommend
18 to include and recognize formally entered animal
19 burials; for example, dogs, birds of prey, or animals
20 of cultural significance, with or without associated
21 funerary objects, being whole or partial, as part of an
22 intentional archeological excavation or inadvertent
23 discovery and/or encountered in a museum or federal
24 agency collections and documented in the archaeological
25 record.



1 We were able to work with Arizona State
2 Museum to include and recognize formally entered animal
3 burials in the project specific burial discovery
4 agreement that is in compliance with the Arizona
5 Revised Statutes that we refer to as Arizona burial
6 discovery laws because that language is similar to
7 NAGPRA and was passed in the same year as NAGPRA.

8 We believe that the animals have a
9 spiritual connection to not only our tribal communities
10 but to other tribes across the U.S. who also view
11 animals in such a way.

12 We have also made comments, previous
13 comments, requiring a moratorium on scientific testing
14 and research of any ancestral and human remains,
15 funerary objects, sacred objects, and objects of
16 cultural patrimony unless there is written permission
17 from the tribes.

18 We have also worked diligently with Arizona
19 State Museum and some of the institutions here in
20 requiring a written letter or statement from the tribe
21 for any future research.

22 We've also commented that -- and we'd like
23 to reiterate that the right of possession cannot ever
24 be established for human remains, funerary objects, or
25 objects of cultural patrimony.



1 No one has a right to sell or trade our
2 ancestors and cultural objects for any reason. And
3 it's an unfortunate situation, you know, that our
4 ancestors are in possession of people that have no
5 connection to -- no relation to, no familiar -- no
6 family bond to, you know, and so they don't -- they
7 don't own these ancestors.

8 And we want to ensure that and remind them
9 that the ancestors belong to us. They're our families.
10 They're are relatives. And we want them home.

11 So I thank you for allowing me to make the
12 comments. And do want to follow up with -- to
13 Cassandra's comment regarding the NAGPRA plan of action
14 and training.

15 We have come to realize that there is a lot
16 of turnover within federal agencies and a lot of the
17 staff that we work with to develop NAGPRA plan of
18 action.

19 Some don't have the experience or
20 understanding under NAGPRA and what the law requires
21 and what previous staff members have done to ensure
22 that a NAGPRA plan of action is in place.

23 I would -- I would recommend contacting
24 some of the federal agencies here, staff people here,
25 in Arizona as they are very familiar with how to



1 develop a NAGPRA plan of action and how they work with
2 the tribes in developing that plan of action prior to a
3 project specific or in the event of an inadvertent
4 discovery.

5 And I believe that they -- we work with
6 them so much here in Arizona that I feel confident that
7 their level of understanding is -- is up there, and
8 they would be a good asset in providing assistance in
9 this area when the proposed rule is finalized.

10 Thank you.

11 MELANIE O'BRIEN: If I could just follow up
12 on that last point, Reylynne, and -- are there specific
13 federal agencies, bureaus, department level that you
14 would recommend?

15 REYLYNNE WILLIAMS: The Bureau of
16 Reclamation -- oh, the National Park Service, the
17 Forest Service --

18 SUNDAY EISET: Tonto.

19 REYLYNNE WILLIAMS: -- yeah, Tonto National
20 Forest, Coronado National Forest, and the local and
21 national parks, the Casa Grande Ruins national
22 monument, Montezuma, Tuzigoot National Monument.

23 SUNDAY EISET: Pueblo Grande.

24 REYLYNNE WILLIAMS: No, they're not
25 federal.



1 Those are the ones we work with very
2 closely.

3 BRYAN NEWLAND: Any additional comments
4 today?

5 Thank you very much, Ms. Williams.

6 GERALD "SHANE" ANTON: Good afternoon,
7 again. Just to follow up on the last comments about
8 training.

9 In my early, early days of NAGPRA, when
10 they held the review committee meetings a day prior,
11 they had trainings for anybody that wanted it.

12 So if you arrived a day earlier, you could
13 take the training. And it was free.

14 Now, I don't know. I think NAGPRA
15 contracts with -- I don't know who it is exactly to do
16 trainings.

17 But there's also that -- again, that
18 financial burden on tribes to -- you know, travel isn't
19 cheap these days. It's kind of sketchy even to begin
20 with, so based on the flight schedules recently.

21 So if there's a way to provide free
22 training to both Feds and the tribes too so that we
23 can -- that they can fully better engulf themselves in
24 the law, in the regulations, I think that would be a
25 lot of help.



1 BRYAN NEWLAND: All right. We'll start
2 looking to wind down, make sure, folks, if you have
3 final comments or final thoughts or you haven't weighed
4 in yet, we certainly want to hear from you.

5 So I think maybe what Melanie and Assistant
6 Secretary Estenoz and I can do is maybe just give a
7 read-back of what we think we heard this morning,
8 general themes captured.

9 You know, we started off with some comments
10 about making sure that these regulations are aligned
11 with the NAGPRA statute and the emphasis on the need to
12 make sure that there's tribal capacity, including
13 funding available for implementation.

14 We also discussed about the availability of
15 federal lands and other state public lands or even
16 private lands to rebury ancestors close to where they
17 were found.

18 We -- there were comments about data
19 recovery.

20 And, again, on tribal capacity with respect
21 to implementation, there were comments about making --
22 making sure that we were reburying associated funerary
23 objects with human remains, recognizing the spiritual
24 value of animals, transparency in decision-making.

25 There were several comments about expanding



1 the reach of NAGPRA through -- through another look at
2 what constitutes federal funding, a reference to
3 different COVID programs, including paycheck protection
4 loans for private museums.

5 There were comments about a moratorium on
6 scientific research.

7 And there was one comment about needing
8 clarification on what a "stay of repatriation
9 proceedings" means and just making sure -- oh, we had
10 the reference to "indigenous creatures," which, again,
11 I appreciate hearing in a formal
12 government-to-government consultation.

13 Let me see. There were questions about the
14 BIA's legal authority to return items that were outside
15 the scope of NAGPRA. And there was a lot of
16 back-and-forth conversation about that.

17 There was some -- there were comments about
18 the international component. And then, you know, we
19 had to explain that we were going to look at the STOP
20 Act as it relates to NAGPRA and how -- how we're going
21 to sort through that as a department.

22 The comments about the -- the ability of
23 museums to determine for themselves the timeline for
24 compliance, with some examples provided.

25 And then there were comments -- more



1 comments relating to the process that museums use for
2 compliance and some comments also about FOIA.

3 There were a few comments about the process
4 that we're using, in consultations in general, and some
5 very specific comments, one about 638 contracting and
6 Section 106 programs.

7 The recent discussion that we just had
8 about discoveries on federal lands and that process.

9 Again, more comments about recognizing the
10 spiritual value and components of animals that are
11 buried with human remains and another request for a
12 moratorium on scientific research.

13 And then we wrapped up with a discussion on
14 training, the importance of training for federal
15 officials and the amount of turnover that happens
16 across federal agencies.

17 Melanie, did you want to walk through maybe
18 some of your impressions and thoughts?

19 MELANIE O'BRIEN: I think that was a really
20 effective summary of what we've heard today, and some
21 of it is -- our comments that we haven't heard
22 previously and others are echoing comments we have
23 received.

24 I think both are valuable, certainly the
25 echoing of other comments as to -- to our requirements



1 to respond fully and as -- as much as we can to those
2 comments, but also the new comments, the new topics
3 that we need to consider in revising these regulations
4 for a final rule is important.

5 I think that for me the value is always in
6 hearing your stories and hearing your experiences and
7 better understanding how these regulations really play
8 out in your lives and in real-world scenarios because
9 that only improves our ability to make them effective,
10 even in the stale regulatory language. We can envision
11 them in real scenarios when you provide that kind of
12 feedback. So I really appreciate that.

13 I certainly appreciate the opportunity to
14 see many of you in person that I haven't seen for so
15 long. That's also very nice.

16 I don't know if -- Shannon, if there was
17 anything you wanted to add.

18 SHANNON ESTENOZ: No. Just a couple of --
19 Bryan takes very complete notes, and so they tracked
20 closely with mine. I noticed his handwriting is better
21 than mine, so I'm always glad he goes first in these
22 things, these recaps.

23 Just a couple of little details to fill in.

24 On the FOIA matter, we, you know, made
25 clear that it's important that the -- that we put in --



1 we put in writing what the statute rules require and
2 not more than that, and that there are other --
3 although NAGPRA doesn't have its own FOIA exemptions,
4 there are other laws that we rely on to provide for
5 confidentiality. And those would, of course, be taken
6 in concert with any action under NAGPRA.

7 I also wanted to repeat the suggestion that
8 when it comes to building our training curricula and
9 think about who our trainers might be that we come to
10 Arizona and -- because, apparently, there is a lot of
11 knowledge and experience here in Arizona in our own
12 agencies, like the OR and National Park Services and
13 our sister agencies over at USDA like the Forest
14 Service.

15 So I have learned a lot. The PPP
16 conversation was absolutely fascinating.

17 I just want to remind us that we understand
18 that there's a conversation with the Small Business
19 Administration. We've asked these questions. And so
20 we're also waiting to hear what the answer to that is.
21 So...

22 BRYAN NEWLAND: So with that, we can wrap
23 up the formal government-to-government consultation on
24 this and, again, remind you we have extended the
25 deadline -- we have extended the deadline to



1 January 31st for written comments.

2 Cassandra, did you have one additional --
3 anything else?

4 CASSANDRA ATENCIO: Yes. Of course. Of
5 course I have two more questions.

6 I think, A, when you said "plans of actions
7 that could be developed beforehand," I think that's
8 kind of hard because plans of action should include
9 those tribes to be included about what that plan of
10 action should look like, you know.

11 And so I think that yes, a federal agency
12 could do that, but in that consultation with the tribe
13 to say, "This is what they should be."

14 I mean, they could maybe do the precursor
15 with using the steps, but if you don't have tribes in
16 there inserting an opinion or being there in
17 collaboration about what that POA should be and should
18 look like, then it's only one-sided.

19 The other thing is I think there still
20 should be something in there like what she stated about
21 scientific research not being that component because
22 I didn't see it in the -- in the new draft regs, and
23 I think that that insertion -- that assertion and the
24 old regs about scientific research not going beyond
25 because of DNA collection, some of us have that -- that



1 taboo and -- and within our own burial policies, that
2 there will be nondestructive analysis and -- and beyond
3 that, and I think that wording should stay within the
4 new regs.

5 Thank you. I'll leave you with that.

6 SHANNON ESTENOZ: May I ask just a quick
7 question?

8 BRYAN NEWLAND: You're the boss.

9 SHANNON ESTENOZ: So I -- I just offer up
10 maybe just food for thought, when we're thinking about
11 plans of actions, I wonder if, particularly in cases
12 where you've got a specific activity that might be
13 unfolding on federal land -- the construction of a
14 reservoir, a new logging plan or something like that,
15 where, you know, you have a known area that's going to
16 be disturbed or impacted -- whether a federal agency --
17 you know, whether there's a best management practice
18 before you authorize that -- before the commencement of
19 that activity, a plan of action be drawn up in
20 consultation with tribes, right?

21 You haven't made a discovery yet, but by
22 golly you know that once you start moving things
23 around, you might. And so you begin that plan of
24 action.

25 Cassandra, I think your point is absolutely



1 spot on. Those should not be developed without
2 consultation with tribes.

3 But I do think there's going to be a
4 category of activities on federal land where that
5 preplanning can happen because enough is known in the
6 event of a discovery that, then, steps can be taken in
7 those 30 days in a more realistic way.

8 CASSANDRA ATENCIO: Which is what we kind
9 of did when we did our Animas-La Plata thing. We
10 developed a NAGPRA component within the MOA, under 106.
11 And we developed a component of a POA would be
12 developed within the plan, and then we talked about
13 that.

14 But that started with the 106 process, and
15 then that developed that NAGPRA plan into that
16 agreement document, so...

17 BRYAN NEWLAND: As we wrap up too I want
18 to -- just a couple of other housekeeping items.

19 So we have a second consultation here this
20 afternoon at the departmental level -- what time are we
21 starting that -- at 2:00 p.m., on how whether and how
22 the Department should add in other programs beyond the
23 BIA and to self-determination -- being available for
24 self-determination contracts and self-governance
25 compacting.



1 We have two consultations tomorrow as well
2 on our proposed land into trust regulations as well as
3 our proposed regulations on tribal state gaming
4 compacts.

5 And if by the end of tomorrow you haven't
6 had enough of us, don't worry, we will be back here in
7 Phoenix next week because Secretary Haaland and I are,
8 next Friday -- what's the date on that, Joaquin?

9 JOAQUIN GALLEGOS: The 20th.

10 BRYAN NEWLAND: The 20th.

11 We will be at Gila River Road to Healing
12 Tour where the secretary and I will be hearing from
13 people who attended federal Indian boarding schools as
14 well as their family members about their experiences.
15 So we invite you and your community members to join us
16 there.

17 And then 2 days after that, Secretary
18 Haaland and I will be up at the Navajo Nation for
19 another boarding school listening session there.

20 So we're going to be very busy here doing
21 very what I think are meaningful and important and
22 healing work on behalf of the Department.

23 So I want to thank you-all very much for
24 your time with us this morning. Again, I know how busy
25 you are, how many hats you wear, all of the



1 responsibilities you have, especially at the start of a
2 new year, the to-do list builds up real quickly over
3 the holidays. We understand this. So much gratitude
4 to all of you for taking your time and sharing with us
5 today.

6 And that will conclude our consultation and
7 hope you-all have safe travels back home.

8 (12:43 p.m.)
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1 STATE OF ARIZONA.)
) ss.
2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing proceedings
4 were taken before me; that the witness before
5 testifying was duly sworn by me to testify to the whole
6 truth; that the foregoing pages are a full, true, and
7 accurate record of the proceedings, all done to the
8 best of my skill and ability; that the proceedings were
9 taken down by me in shorthand and thereafter reduced to
10 print under my direction.

11 I CERTIFY that I am in no way related to
12 any of the parties hereto, nor am I in any way
13 interested in the outcome hereof.

14 [] Review and signature was requested.
15 [] Review and signature was waived.
16 [X] Review and signature not required.

17 I CERTIFY that I have complied with the
18 ethical obligations set forth in ACJA 7-206(F)(3) and
19 ACJA 7-206 J(1)(g)(1) and (2).

20 Dated at Phoenix, Arizona, this 25th day of
21 January, 2023.

22 _____
23 HALEY DAWN WESTRA, RPR, CRR

24 Certified Reporter

25 Arizona CR No. 50762

26 * * * * *

27 I CERTIFY that GRIFFIN & ASSOCIATES, LLC,
28 has complied with the ethical obligations set forth in
29 ACJA 7-206 (J)(1)(g)(1) through (6).

30 _____
31 GRIFFIN & ASSOCIATES, LLC
32 Registered Reporting Firm
33 Arizona RRF No. R1005



	9:11	30	54:5	17,19 90:5,13,16,
\$	1996	73:22 77:11 88:14,	93	17,20,22,24 91:18
	12:1	17,18 89:2,18 93:1	54:16	93:13,15 97:13,18,
\$3	1:00	107:7	93-638	22 98:1,2 104:6
18:17	94:3	30-day	79:21	105:8,10 106:19,
	1E	91:22		24
(66:16	3002(A)12(A)	A	actions
		35:17		63:10 70:20 79:15
(B)	2	304	Abel	105:6 106:11
35:18		68:23	46:23	active
	2	30s	ability	81:4
1	3:22 51:8,9 63:18	45:2,20	22:19 23:2 101:22	activities
	78:8 85:18 88:23	31st	103:9	26:22 79:22 90:1
1	108:17	4:1 105:1	absolutely	93:1 107:4
36:19 70:4	2-year		14:9 68:5 104:16	activity
10	63:24,25	4	106:25	89:22,23 90:3,6
34:7 78:2,7 94:4	20	400	accept	92:4,19 93:5
10-10	54:10 58:9 88:24	88:7,8	57:11	106:12,19
30:12	20-year	40s	access	actual
10-9	20:24 57:9	45:20	24:10 26:1	38:1
30:12	2010		accommodate	adage
100	9:13,14 41:25 78:3	5	93:13,23	32:13
76:2	2011	5	accompanies	add
106	78:2	5	35:3	8:8 19:7 41:4,23
20:4,15 24:10	2012	14:18,19 94:4	accomplish	52:13 59:3 65:17
68:24 79:22 102:6	78:3	6	37:23	103:17 107:22
107:10,14	2021	6	account	added
10th	9:17 10:8 94:24	14:18,19	57:3	57:1
18:21	2022	60	accountable	adding
11	9:23 10:2	52:17 57:10 58:17	5:13	56:22 60:18 72:9
29:4 61:2	20s	638	achieved	addition
110	45:2	102:5	11:10	9:23
20:4,16	20th		acknowledge	additional
12	108:9,10	7	82:1 85:7	18:15 29:22 37:16
78:2,7	23	700	act	64:4 70:8 79:24
12:20	40:7	9:21	14:22 15:4 21:12	80:5 99:3 105:2
94:2	25	700-plus	24:11 25:6 34:2	address
12:43	35:17	10:10	35:12 36:14 42:17	21:10 25:1 37:7
109:8	26	71	48:12 50:14 51:7	38:9,17 41:8,18
16	12:9	9:20	60:16 69:17,22	71:13 76:21 89:8
14:19 35:12	2:00		80:12,14,17,20	addressed
1853	107:21	9	83:23,24 87:15	35:21 49:2 70:25
55:13	3	90	89:14 90:6 94:20	76:23 77:9
1990			101:20	adhere
10:25 12:1 14:13,			action	44:3
19 35:12 89:14,16	3		64:19 65:8 87:21	adjacent
1995	52:9		88:13,19,25 89:1,	79:7



administers 4:13	59:8 72:12 73:22 82:3 84:14 85:8	amazingly 23:13	anticipating 90:12	Arizona 94:25 96:1,4,5,18
administration 31:19 32:10 43:16 52:16,22 71:11,25 104:19	91:13,16 93:17 95:15 97:16,24 98:13 102:16 104:12,13	amend 3:16	anticipation 90:23	97:25 98:6 104:10, 11
administrations 53:1	agencies' 20:12	amended 9:11	Anton 27:4,5 29:25 38:7 44:24 99:6	armed 54:12
administrative 53:6	agency 20:9 25:23 26:15 28:1 39:9 42:11 49:12 74:1 82:17 86:23 87:23 90:2, 12 92:12,16 93:19, 22 95:24 105:11 106:16	amending 35:22	apologize 53:14	ARPA 41:15 69:8,21
advantage 90:12	agency's 42:14	amendment 9:13	apparently 104:10	arrived 99:12
advisor 7:1	agree 22:16,17 57:21 87:4 90:18	amendments 80:11,18	Applicability 36:15	art 54:16,23 55:1,2
advisory 55:9	agreement 45:6 64:3 96:4 107:16	American 10:16 34:1 35:9, 11,25 36:4,13,16 71:18 94:20	applied 58:24	articulation 29:12
Affairs 3:8 6:24 33:9	agency's 42:14	Americans 36:10	apply 18:20 40:20 43:13 63:24 69:18	ASM 47:3
affect 80:8	agree 22:16,17 57:21 87:4 90:18	amidst 70:20	appreciation 7:14	aspect 23:17 56:21
affected 35:16	agreement 45:6 64:3 96:4 107:16	amount 18:16 57:13 60:4, 6,11 102:15	appropriated 18:17	assert 86:5
affects 71:5,7 76:18	ahead 37:19	analysis 48:17,18 106:2	appropriation 18:15	assertion 67:6,16 105:23
affiliate 61:21	aide 73:5	ancestors 16:5 23:8 25:4,8, 16 26:4,14 28:20, 22 34:17 46:24 75:18 93:7 97:2,4, 7,9 100:16	approval 53:24	asset 98:8
affiliated 89:3	Ak-chin 95:1	ancestral 96:14	approving 64:6	assist 9:3 12:20 34:13 73:17,18 95:8
affiliation 13:15 17:19 68:4 86:9,10,20,24 87:6,7	Alaska 55:25 85:19	animal 95:18 96:2	arc 70:16	assistance 23:25 43:12 98:8
affirm 82:2,14	align 14:22	animals 27:20 95:19 96:8, 11 100:24 102:10	archaeological 26:9,21 41:9 95:24	assistant 3:7 4:6,10 6:25 9:3 33:8,10,13 37:21 64:7,20,23 66:4 100:5
AFOS 93:8	aligned 100:10	and/or 95:23	archaeologists 45:9 79:13	associate 42:7
afternoon 99:6 107:20	alive 81:14	animal 95:18 96:2	archeological 22:6 41:14 95:22	assuming 22:13
Ag 73:24	allegation 58:15 64:13,14 65:11	animals 27:20 95:19 96:8, 11 100:24 102:10	archeologist 46:21	Atencio 13:8,10,16,17 14:7 15:15,21,25 19:6 20:2 21:20 32:20, 25 33:16,18 37:2 43:3,23 44:1,9,11 59:25 61:5 64:17 65:18 66:8,13,23 67:24 68:6,10,19
agencies 5:4,13,25 10:15 11:2,18 12:4,14 14:23 15:12 19:16 21:13 32:4 34:19 38:20 39:6,18 41:5,17,22 43:7	allegations 58:22	Animas-la 107:9	archeology 23:20 70:15 73:5	
	allowed 92:25	anthropology 55:2	area 6:4,5 98:9 106:15	
	allowing 5:10 92:4 97:11	anticipate 90:17	areas 4:22,23 26:7 73:11	
			arena 74:21	



69:23 85:16 87:11, 17 89:24 91:2,7 92:14,22 105:4 107:8 attend 83:3 attended 108:13 attending 83:8 attention 19:24 20:24 21:6 71:4 72:17 authority 39:5,7 40:3,11 41:4 42:4,14 69:13 101:14 authorize 106:18 availability 100:14 average 29:3 aware 27:16	3:5 based 8:20 12:7 38:7 45:20 67:16 99:20 basic 63:1 basically 13:4 41:20 Bay 3:4 began 74:13 begin 8:8 91:12 99:19 106:23 beginning 88:22 behalf 33:19,23 52:13 83:8 94:25 108:22 belong 97:9 belongings 28:23 Benallie 22:1,4,6 benefits 11:7,11 benefitted 74:11,12 BIA 5:24 25:23 39:15, 19 40:7,20 45:17, 22 47:5 79:6,12 80:2,6,7 107:23 BIA's 101:14 Biden 51:8 Biden's 32:9 big 5:19 72:20 94:6 bigger 71:3 77:13,14 88:12	bill 20:18 birds 95:19 bit 14:18 26:7 71:8 Blasco 7:10 41:2 48:9,21 49:1 58:25 60:5 69:12 BLM 53:15 board 8:17 19:15 28:6 75:10 80:9 85:1 boarding 21:7 108:13,19 body 71:9 bombarded 61:8,23 70:19 bond 97:6 books 51:7 52:23 BOR 87:23,25 border 17:13 bore 36:23 boss 106:8 bound 66:5 boundaries 19:14 73:9 Brady 7:10 41:2,24 47:23 48:9,21 49:1 50:12 58:25 60:5 69:12 brand-new 51:7,22 break 52:7 briefing 51:17	bring 31:1 65:12 bringing 74:19 brings 10:2 broad 27:12 50:9 60:9 broadened 63:2 broader 26:7 broadly 59:18 60:2 brought 3:24 32:22 79:2,5 Bryan 3:1,4 4:8 6:20 7:12 8:3,7 9:1 14:3,6 19:5 21:1,21 29:9, 18,20 30:24 32:24 33:8 37:1,3,13,19 38:23 42:21 46:17 47:20 51:5 58:5 65:25 69:24 81:23 93:24 94:1,11 99:3 100:1 103:19 104:22 106:8 107:17 108:10 bucket 48:24 buckets 49:2 Budget 9:24 budgets 16:25 build 24:7 65:25 builder 76:6 building 72:16 85:4 90:13 104:8 builds 109:2 built	88:6 90:4 bump 69:4 bunch 82:10 burden 10:23 11:21 34:20 99:18 Bureau 98:15 bureaucrats 83:10 bureaus 98:13 burial 85:25 96:3,5 106:1 burials 27:18 95:19 96:3 buried 55:13 102:11 burying 19:21 Business 43:16 104:18 busy 108:20,24 buying 72:25
<hr/> B <hr/>				<hr/> C <hr/>
BA 38:11 back 3:9 7:9,18 8:6,17, 19 30:3 31:1 39:1, 9 40:4 42:19 45:2, 4,17,20 53:11 55:19 64:15 77:11 78:4,6,7 84:25 94:5 108:6 109:7 back-and-forth 101:16 bad 54:1 balance 5:15 63:9,14 ball 72:1 band				cabinet 74:1 calling 86:12 capable 22:23 63:6 capacity 6:2,13,14 25:19 71:8 85:10 100:12, 20 capture 31:5 captured 100:8 capturing 31:11



care 25:8,16 28:15 36:9 66:15,16 93:7	challenge 57:23	101:8	Colorado 13:20 16:14 17:8, 11,14	compacting 107:25
career 72:16 76:5 83:7	challenged 39:23	clarify 47:22 56:5 64:16 78:24 89:10 91:24	commencement 106:18	compacts 108:4
careful 75:15	challenges 31:3 53:9 63:8	clarifying 40:13 94:6	comment 3:22 30:23 31:13 32:12,16,19 34:6 55:10 68:20 70:11 77:18 82:7 84:8,11 85:12 94:10 95:13 97:13 101:7	companies 72:15
Carlos 73:4	challenging 32:18	clarity 31:1,6	commented 96:22	compared 48:23
carry 5:4	chance 4:4 7:22 28:9	classes 39:11,14	commenting 23:19	competing 17:1 67:25 68:8,13 87:2
Casa 98:21	change 12:11 79:23	clause 68:21,25	comments 3:25 8:18 9:20,21 10:10 12:21 13:7 15:18 21:19,22 27:11 29:22 31:22, 23 32:20,21 33:1 34:4 36:24 37:5,16 52:7,12 53:4,7,23 70:8 77:17,25 78:1,6,9,18,21,22 81:1,8,19,24 82:22 83:5 84:16 85:1,3, 17 94:19,23 95:4, 17 96:12,13 97:12 99:3,7 100:3,9,18, 21,25 101:5,17,22, 25 102:1,2,3,5,9, 21,22,25 103:2 105:1	complete 11:2 12:5,9 14:13 32:10 103:19
case 7:21 40:19 46:23 47:9 73:4 87:6 94:5	changed 42:16 71:25	clear 9:1 15:6,11 25:15 27:1 29:12 36:3 67:19 68:8 84:10 103:25	commenting 23:19	completing 5:14 6:2
cases 20:6 26:4 28:12 39:20,25 77:15 106:11	cheap 99:19	clearinghouse 62:4	comments 3:25 8:18 9:20,21 10:10 12:21 13:7 15:18 21:19,22 27:11 29:22 31:22, 23 32:20,21 33:1 34:4 36:24 37:5,16 52:7,12 53:4,7,23 70:8 77:17,25 78:1,6,9,18,21,22 81:1,8,19,24 82:22 83:5 84:16 85:1,3, 17 94:19,23 95:4, 17 96:12,13 97:12 99:3,7 100:3,9,18, 21,25 101:5,17,22, 25 102:1,2,3,5,9, 21,22,25 103:2 105:1	completion 55:23
Cassandra 13:8,9,10,16,17 14:7 15:15,21,25 20:2 21:20 32:20, 25 33:16,18 37:2 43:3,23 44:1,9,11 59:25 61:5 63:8 64:17 65:18 66:8, 13,23 67:24 68:6, 10,19 69:23 85:16 87:11,17 89:24 91:2,7 92:14,22 105:2,4 106:25 107:8	check 43:25 70:3 94:2	clock 91:19	concern 30:7 36:9 38:8	compliance 22:6 60:17,22 96:4 101:24 102:2
Cassandra's 97:13	children 75:18	close 80:3 100:16	concerned 35:13	comply 24:10 46:2,6 55:9 58:10,15,19 59:10, 15,17 60:12,16,24 61:3 65:16
category 5:19 38:12 107:4	choose 58:20 63:21	closely 30:4 44:25 66:25 99:2 103:20	committee 30:18 99:10	component 101:18 105:21 107:10,11
caused 34:21	circulate 82:21	closer 13:25 16:5,16	common 18:5	components 69:16 102:10
cell 24:8	circumstances 41:13 68:15	coffee 52:5	communicate 61:18	concern 30:7 36:9 38:8
ceremonial 81:12	citizen 3:5	collaboration 92:17 105:17	communities 96:9	concerns 78:12 79:3 80:8 84:2
chain 65:4	City 45:8,9,10 46:25	collar 7:6	community 3:5 9:19 22:7 27:7, 21 46:21 50:15 94:16,22 95:1 108:15	concert 104:6
	civil 28:14 58:19 59:6, 10,15,24 60:24,25 64:12,19 65:1,7	colleague 4:5		conclude 109:6
	claim 54:4,8,9,10 57:12 68:1	collected 41:15		concludes 29:8
	claimed 55:20	collection 26:10,13,18,21 34:16 46:24 55:4 105:25		conduct 33:20,24 72:6
	claims 78:15 87:2,12,14	collections 12:10,14 14:12 34:21 39:9 41:9,14 47:6 55:1 89:11 95:24		
	clan 55:13			
	clarification			



conducted 9:18,24 10:8 23:20	constitutes 65:15 101:2	continental 85:19	country 19:9 56:21 71:20	95:20 96:16,25 97:2
conducting 12:16	construction 89:25 106:13	continue 53:2 64:4 87:16	couple 4:22 85:16 103:18, 23 107:18	culturally 42:1 61:21
confident 66:20 98:6	consulation 12:16	contracting 102:5	court 8:9 13:12 15:23 30:20,21 75:7 87:14	curating 12:14
confidentiality 68:21,25 69:16 104:5	consult 61:11 63:12 67:11 72:6 73:7	contracts 79:21,23,24 99:15 107:24	courtroom 76:24	curious 78:25
confine 19:13	consulta- 82:16	control 22:11,20 23:7,20 35:18 45:24 78:16	cover 27:12 90:10	current 12:7 34:25 42:8 61:4 95:5
confirming 37:5	consultant 72:15	controlling 24:22	covered 40:19,23	curricula 104:8
confused 91:3	consultation 6:7 7:17 8:12,17 9:18 10:14 11:18 18:23 20:4,15 31:15 33:21,25 37:15 43:14,19 52:11 54:13 62:6, 22 63:20,22 72:3,7 74:16 83:7 84:7,11 88:16,17,21 89:2 92:25 93:16 101:12 104:23 105:12 106:20 107:2,19 109:6	conversation 13:2 17:21,24 43:2,16 63:5 101:16 104:16,18	covering 35:18	customs 10:15
confusing 15:8		conversations 17:16,18	covers 36:8	<hr/> D <hr/>
Congress 10:24 15:20 21:12 40:3,11 50:16 69:15,19 90:6		cool 75:11	COVID 43:7,11 101:3	data 22:11,20 23:3,7 24:22 26:9,12,13, 17,21 34:9 100:18
Congress's 11:25		coordinate 31:25	create 8:14 95:6	date 108:8
congressional 73:1	consultation@bia.gov 37:8	coordinator 92:18	created 41:13	day 3:14 62:12 70:18 82:17 99:10,12
conjunction 60:23	consultations 3:10,13,19,24 8:21 10:8 42:23 53:11 66:12 82:10,13 84:17 95:11 102:4 108:1	corner 19:9	creating 52:25	days 38:6 52:17 54:5 57:10 58:17 73:22 77:11 88:14,17,18 89:2,18 93:1 99:9, 19 107:7 108:17
connection 55:5 96:9 97:5		Coronado 98:20	creation 70:18	deaccession 41:19
consensus 93:17,20		coroners' 50:7	Creator 81:6,7	deaccessioning 41:14
consideration 19:24 22:19 23:8 76:12 83:18		corporations 72:21	creatures 36:5 37:14 101:10	deadline 3:22 53:5 104:25
considered 23:16,18,22 60:21 78:9 81:21	consulted 34:8	correct 36:25 40:20 60:6	criterion 50:17	deadlines 11:1 78:24 92:1,3
consistent 48:18	contact 50:20,21	cost 11:21	CU 35:17	deal 5:1 31:6 77:13
consistently 49:15	contacting 97:23	costs 12:13 62:22	cultural 11:13,16,24 12:2 13:19 17:19 18:7 23:11,12,16 27:2 29:6 34:17 35:11, 15,19 36:1,11 42:1 53:20 56:23 57:4 67:7,13 72:23 73:17 75:9 86:9, 20,24 87:6 94:15	dealing 46:22 71:5 75:7,9, 15 81:10
consisting 95:1	contents 13:3	council 82:23		deals
constantly 71:23	context 51:20	counselors 7:2		
constitute 60:12	contexts 51:1	count 22:22,23 48:11 49:3		



51:10	70:15 73:5,24,25	105:7 107:1,10,11,	98:4 106:21 107:6	documented
Dear	83:13 98:13	12,15	discretion	95:24
82:16	101:21 107:22	developing	5:11	documents
December	108:22	20:24 98:2	discretionary	12:19,20 66:18
35:5	Department's	development	66:6	dogs
decendents	3:17	20:6 95:8	discuss	95:19
10:17 36:12	departmental	difference	24:9 51:17	DOI
decide	107:20	77:1 78:23 84:7	discussed	73:23,25
26:16 28:3 64:8	departments	difficult	48:15 100:14	dot
88:21	82:4	15:8,9 47:7 48:22	discussing	36:14 73:25
deciding	depend	difficulties	84:5	downtown
46:11	42:12	79:10	discussion	53:15 55:7
decipherable	depends	dig	29:16 42:3 70:1	draft
29:2	42:14 56:10	7:22 46:21	79:5 88:13 89:4	9:19 32:21 33:2,
decision	deputy	digging	102:7,13	22,25 34:23 35:2,5
28:4 66:6 67:15	6:25	12:23	discussions	94:23 95:5 105:22
decision-making	descendent	diligently	75:20	drafted
27:23 100:24	87:8	96:18	display	86:22
decisions	descendents	direct	28:22 44:6	drafting
14:24 64:25 66:2	5:7 35:14	25:13	disposal	31:3 32:1
87:14 93:14	describing	direction	37:17	dramatically
defer	59:4	83:16	disposition	71:25
10:15 25:22	deseccration	directly	5:5,8 10:6 11:2	draw
deference	23:9	28:11 37:8 50:5	17:19 23:8 31:23	21:6
10:21 26:16	designated	director	35:8,24 36:18	drawing
define	94:17	45:3,14 53:17	37:24 39:8 42:4,14	8:17 85:1
60:16	desire	54:24 70:14	dispute	drawn
defined	40:8	discarded	30:19	106:19
48:1 59:17 60:2	Desiree	28:23	distance	due
definition	53:13,17	disclose	93:20	18:21 80:12
27:20 56:22 95:16	destroyed	28:4,20	distances	Duncan
definitions	28:23	disclosure	92:24	53:13,17
57:2 78:13,16 84:1	details	67:23	distinction	durations
delegate	9:4 68:17 103:23	disconnect	36:4 89:10	48:19
5:23 85:20	determination	14:8,10	distributed	Duty
delivery	54:20	discovered	55:14	66:15
66:14	determine	25:5 26:5 36:19	disturbance	
demands	27:3 28:1 54:8	89:16,22	20:7	
81:8	101:23	discoveries	disturbed	
Denver	determined	5:21 26:18 85:17,	106:16	eagle
54:16,23	45:18 54:17	18 88:3,10,23	DNA	81:13
department	determining	89:15 91:17 102:8	105:25	earlier
3:8,15 8:13 9:14,	56:8	discovery	document	42:6 57:6 79:5
17 13:19 33:12,20,	develop	11:19 26:13 27:1	35:3 107:16	99:12
24 34:8 51:15	91:18 97:17 98:1	90:2,9,14,15,17,	documentation	early
52:14,16 53:1	developed	21,22,23,25 91:19	66:14 67:18	52:7 99:9
59:23 60:8 65:5		92:7 95:23 96:3,6		

E



easier 58:14 68:3	27:10	33:14	69:14	104:24,25
easy 79:14	enable 11:15	ESQ 39:3 40:21,25	exemptions 69:6 104:3	extending 91:25
echo 7:14	encountered 95:23	41:2,23 43:15,24	exercised 25:12	extension 31:15 63:25 64:1,6
echoed 56:20	encourage 7:6 18:20 21:17	44:7,10,13 48:9,21	existing 15:7 19:13 25:11	extensions 64:9 65:1 89:6
echoing 102:22,25	53:3	49:1,8,19,22 50:11	59:12 79:20	extensive 34:24
educational 74:7	encouraging 92:9	58:25 60:5 69:12	expanding 100:25	extensively 50:21
effect 51:24 79:20	end 3:23 31:13 32:17	establish 58:13	expect 42:25	extent 10:9 23:5
effective 19:25 95:7 102:20	49:5 108:5	established 29:5 50:13 96:24	expectation 26:12	exterior 73:9
103:9	endangered 20:5	Estenoz 4:6,7,10 29:17,19	expected 77:24	extra 11:18 58:23
effectively 61:12,17 64:10	enemy 32:14	33:10,15,17 40:13,	experience 21:16 27:25 38:1	extract 72:22
efficient 95:7	energy 72:22 83:15,17	16,24 41:1 44:16,	97:19 104:11	extremely 81:1,2
effort 58:1 83:15,17	enforcement 79:6	19 47:18,21 48:20,	experienced 37:23	
92:10 95:7	engage 34:4 43:14 44:4	25 49:18,21 50:10	experiences 54:1 56:20 103:6	F
efforts 3:16 34:18 41:24	63:11,22	51:4 64:7 65:20	108:14	face 72:13
Eiset 46:16,19,20 98:18,	engaged 62:10,25	66:9 91:5,9 100:6	expertise 21:16 23:2,23	faced 57:17
23	engulf 99:23	103:18 106:6,9	24:17,21	faces 13:21
element 60:17 66:11	ensure 97:8,21	estimate 12:8	experts 73:11	facilitate 17:16 18:3 26:2
elements 59:19 60:25 74:5	entered 78:9 81:20 95:18	evaluate 10:11 68:12,16	explain 31:17 57:8,15	fact 16:10 43:18 68:13
Elsa 46:14	96:2	event 98:3 107:6	58:18 67:12	69:16 82:25
email 36:25 37:7,8	entire 73:3	events 30:15,16	101:19	factor 56:8
emphasis 100:11	entities 72:24	everyone's 5:17	explained 18:9	factors 60:7
emphasize 59:4	entity 49:24	evidence 64:1 68:2 86:13,17	explaining 40:17 93:22	failed 58:10,15
emphasized 10:13	envision 103:10	examples 17:9 37:22,24	exploring 41:17	failure 59:17 60:12,16,24
emphatic 84:10	erosion 90:9	101:24	exposure 90:10	65:16
en	Es-ten-knows 33:15,16	excavate 23:9	exposures 90:13	failures 58:19 59:10,15
	Es-ten-own-ez	excavated 36:19	extend 24:7 32:12,16,19	61:3
		excavation 45:2,16 95:22	extended 3:22 31:12 64:11	
		excavations 5:21 16:9 22:12		
		23:15		
		exceptions 49:4		
		exemption		



fairly 48:18 50:9	feedback 103:12	fire 5:17	forgot 8:7	frustration 85:7
fall 3:20 17:6	feel 14:12 38:2 98:6	firm 90:20 92:2	forgotten 74:14	full 9:15 26:23 34:23 81:11,12,13
familiar 47:8,9 97:5,25	feeling 5:1	Fish 4:11 33:11	formal 8:16 37:14 52:10 101:11 104:23	full-time 65:10
families 97:9	feelings 4:23	fit 38:1 48:24 59:9 63:23	formally 95:18 96:2	fully 99:23 103:1
family 97:6 108:14	feels 76:1	flexibility 5:11,16 31:5	forms 48:23	funded 50:6
farm 20:18	feet 5:17	flexible 39:22	formulating 12:21	funding 17:6 18:13,24 19:4 28:13 29:14,19 47:24 48:6,10,11 49:3,12,23,25 50:5 79:1,4,11,24 85:9 100:13 101:2
fascinating 104:16	fewer 39:18	flight 99:20	fortunate 17:8 18:14	funds 18:15 46:1
feathers 81:13	field 14:3	Flood 75:4	forward 6:18 38:3 52:19 53:2 80:22 89:5 95:12	funerary 12:6 14:14,25 27:18 29:5 35:10, 25 42:9,18 43:10 55:16 56:7,23 63:15 93:8 95:21 96:15,24 100:22
fed 28:1	figure 15:9 44:2 48:24 49:13 50:20	flows 50:1,2,3	found 16:6 45:8 58:10 100:17	future 51:17 53:1 80:11, 22 96:21
federal 5:4,13,24 10:3,15 11:2,14,17,19,22 12:4,14 14:23 15:12 16:11 17:9 18:3,8,12 19:7,17, 21 20:8 25:23 26:11,15,18 28:13 29:13 30:20 32:3 34:19 39:6,15,18 41:9 42:10 43:7,12 46:1,2 47:24 48:6, 10,11 49:3,11,23, 24 50:5,15,25 59:7 62:11 72:11 73:22 74:24 82:2,7 83:13 84:13 85:8 86:23 87:23 89:21 90:1, 2,12 91:12 92:12, 16,21 93:17,19,22 95:14,23 97:16,24 98:13,25 100:15 101:2 102:8,14,16 105:11 106:13,16 107:4 108:13	figuring 51:3	focus 74:9	frame 14:17 32:9 60:14 61:25 63:25 87:21 89:18 90:4,5,14 91:22 92:5	
	fill 103:23	focuses 24:25 80:15	frames 60:18 61:12,19 62:9 93:21	G
	final 9:11 31:21 32:2,6 34:5 43:21 52:7,21 76:4,13 77:19 78:10 91:10 95:11 100:3 103:4	FOIA 67:23 69:8,14 102:2 103:24 104:3	framework 47:11,12	Gallegos 7:1 108:9
	finalized 41:12 98:9	FOIA-ABLE 66:17	frankly 39:21	gaming 108:3
	finalizing 65:22	folks 5:1 7:7,8 31:14 41:21 52:18 70:8 100:2	free 99:13,21	general 35:7 50:25 100:8 102:4
	finally 6:5	follow 15:8 38:15 46:1 86:6 97:12 98:11 99:7	frequent 44:23	generally 48:4
	financial 99:18	follow-up 43:2 44:25	Friday 108:8	gentleman 45:14,15,18 46:15
	find 11:9 23:13 37:11	food 106:10	friend 4:5	gentleman's 45:6
	fine 32:23 58:22	Forest 20:17 98:17,20 104:13	friendship 45:13	geographic 86:16
	fined 58:7	forgive 51:10	front 8:9 20:23	
	fingers 22:23			
	finite 31:17			



geographical 86:9,10,20,24 87:7 GERALD 27:4 29:25 38:7 44:24 99:6 Gila 22:7 27:8 94:15 108:11 give 19:24 23:1 24:5,6 29:25 36:3 38:4 40:3,4 49:6 59:25 60:2 66:20 77:11 83:17 85:17 100:6 giving 5:15 29:15 39:9 55:19 glad 3:9,10 13:21 103:21 goal 10:5 11:25 13:6 15:1 19:2 57:24 goals 9:8 10:4 11:10 27:17 29:13 32:18 golly 106:22 good 3:1 4:9 7:18 13:16 16:17,21 18:19 22:1,3,5 25:18 27:4 32:14 37:20 52:25 53:13 54:1,2 66:19 70:1,13 71:1,14 75:12 79:17 83:7,15 86:19 91:15 98:8 99:6 gosh 70:17 government 19:17 39:15 41:10 46:6 71:1,15 73:1, 13 74:12 82:22 83:13 Government's 44:21	government-to-government 8:12 33:21,24 37:15 72:6 84:18 95:7 101:12 104:23 Graham 75:4 Grande 45:1,17 46:15 98:21,23 grant 18:21 62:24 70:13, 14 81:23 grants 18:16,18 48:6 50:25 gratitude 109:3 graves 34:1 35:11 36:14 55:11 94:20 great 4:17 6:17 38:23 49:14 greater 41:21 81:10 ground 20:6 group 16:15 68:4 78:13 groups 84:4 guards 54:12 guess 30:15 44:24 46:8 62:6,23 77:10 78:5 89:7 guidance 23:3 24:15 31:10 guide 73:18 guideline 30:11 guidelines 28:24,25 76:25	guides 81:7 guys 21:22 35:4 36:21 52:8 75:12 87:19 <hr/> H <hr/> Haaland 52:20 70:21 108:7, 18 habit 51:25 habits 52:25 Haida 53:18 Haley 8:8 hampered 65:14 hand 38:25 handled 89:16 handling 28:15 92:13 handwriting 103:20 hang 54:6 happen 40:10 54:13 90:18, 24 92:7 107:5 happened 34:16 69:20 happy 21:4 hard 31:25 75:10 89:7, 18 105:8 harder 16:16 Harold 53:19,25 54:2 56:1,19 58:6	hat 56:3 hats 82:4 108:25 Hawaiian 9:19 10:18 36:12 71:18,21 head 69:2 91:18 healing 34:15 108:11,22 heals 34:19 health 71:9 75:23 76:19 hear 4:24 6:3,15 7:18 13:6,7 29:23 82:24 84:14 100:4 104:20 heard 29:14 37:14 50:24 53:11 56:20 94:5 100:7 102:20,21 hearing 6:18 7:23 85:7 101:11 103:6 108:12 held 88:8 99:10 helped 31:9 helpful 29:9 52:12 53:8 helping 6:22 helps 69:1 Hey 75:11 91:18 hierarchy 86:11,16 high 60:8 76:2 highlight 25:10 65:4	hindrance 61:13 hired 65:9 hiring 72:14 historic 13:17 22:8 27:5 34:20 70:14 94:16, 22 hold 52:6 88:24 holding 5:13,16 holdings 14:12 holds 88:5 holidays 51:9 109:3 holy 72:23 75:21 home 13:23 14:25 16:1, 17 17:23 97:10 109:7 homelands 19:11 71:7 homes 15:14 honest 30:8 honor 4:15 Honorable 33:8,10 hope 11:4,14,20,25 12:3,10 14:21 17:15,25 18:9,22 25:25 34:18 57:14 58:3 81:19 109:7 hopeful 12:12,20 57:18 hopes 9:8
---	---	---	---	---



hoping 10:22 58:21	impact 6:14 58:4	including 6:24 100:12 101:3	88:16,17	interim 34:9
hosting 3:13	impacted 106:16	incorporate 10:12 20:11	initiate 63:20	Interior 3:8,15 4:10 33:12, 20 51:15 83:14
hour 70:4 76:2	implement 65:24	incorporated 10:7,9	initiative 72:5	internally 29:16
Hourary 46:23	implementation 32:11 51:23 52:25 100:13,21	incorporating 19:17	input 4:20 10:7 24:25 28:15 38:4	international 47:16 51:10,20 101:18
hours 52:9	implementing 33:23 34:1	increase 58:21 80:16	insert 68:20	Internet 24:7
housekeeping 94:2 107:18	importance 102:14	incredibly 52:12	inserting 105:16	interns 61:10
housing 28:16	important 8:16 52:19,20 65:22 66:11 82:6 83:2 103:4,25 108:21	Indian 3:5,8 5:11,20 6:6, 24 9:18 10:17,23 12:15 13:18 14:15 15:12 18:6 19:3,10 22:7 25:7 27:7 33:9,19 34:12 35:14 36:12 46:20 56:25 71:18,20 73:12 74:23,24 78:13 85:20 86:24 87:13 94:15,22 95:1 108:13	insertion 105:23	interpretation 42:17 48:2,3
huge 72:21	impose 5:3,6	Indian-recognized 78:14	inside 85:4	interpreted 49:15
human 11:13,16,24 12:1,5 14:14,24 18:7 19:21 27:2,21 29:5 35:9,25 36:3,16 42:2 55:5,21 56:9, 14 63:14 81:11,15 89:22 95:16 96:14, 24 100:23 102:11	imposed 11:1	indigenous 36:5 37:14 101:10	instance 25:15 49:16 85:24	intersection 51:13 83:24
	impressions 102:18	individual 9:20 56:11	instances 25:21 89:8	introduce 4:4 13:13 53:15 75:1,3 94:11
	improve 10:5 25:25	individuals 56:21 73:19 88:7	institutions 45:12 47:25 48:12 34:20 74:6,7 95:14 96:19	inundated 81:1,2 82:2
I	improves 103:9	ineffective 34:12	instrumental 7:4	inundation 89:12
idea 22:17 23:14	in-person 3:10,13	information 7:20 56:25 64:15, 16 66:21 67:4,6,9, 10,20,21 68:16 69:9	intended 10:24	inventories 54:15
ideas 7:24	inactivity 89:20	informs 51:16	intent 5:6 14:13 15:20	inventory 55:22 63:18,19
identification 36:17 57:3	inadvertent 88:2 90:9 95:22 98:3	infrastructure 24:8	intention 52:21	investigation 59:24
identified 56:24	inadvertents 88:10	initial 22:9 51:22 77:20	intentional 16:8 89:24 95:22	investigator 65:10
identify 16:15 86:23	inbox 82:17	initialize	intentions 71:15	invite 108:15
identifying 17:12 34:14	include 95:18 96:2 105:8		interagency 10:1	involved 6:22 45:22 47:4,5
Ignacio 13:20	included 9:25 27:20 69:16 73:2 95:5 105:9		interest 41:21	Isom-clause 6:25
imagine 73:20 74:20 91:9	includes 48:17 95:13		interested 4:25 5:10 7:23 22:10	issue 17:14 21:8 25:1 26:10 30:13 39:5 41:5,25 42:22 50:18,23 59:11 65:12 69:13
immediately 76:4			interests 29:2	



issued 41:25	keenly 4:25	19:7,10,22 22:13, 21 23:21 24:23	82:16	light 56:19
issues 30:6 38:17 42:24 44:25 56:4 59:4,23 71:3,5 75:16 79:3	keeping 36:16	25:3,9,24 53:18 71:7 72:23 73:10, 14 79:7 85:19,23 100:15,16 102:8	leaders 77:9	Likewise 64:12
items 11:13,16,24 12:2 15:14 18:7 25:4,8, 17 26:5,14 27:2 28:21 34:17 35:15, 19 39:9,12,14 41:18 81:12 101:14 107:18	kind 14:7 15:17 23:2,3, 14 25:12 26:21 30:7,14,20,22 39:14 44:5 47:2, 12,14 61:13 67:22 69:1 75:10 78:25 86:5 90:10 99:19 103:11 105:8 107:8	landscape 16:12	leadership 33:19	limited 26:4 41:13,16 69:7 85:9
<hr/> J <hr/>	kinds 19:20 48:5 57:16 69:6 90:1,13 93:13	landscapes 72:23	leads 34:18 61:6	limits 69:4
Jacobs 53:19 54:2 58:6	kinship 86:17	language 28:24,25 29:2 31:4,10 32:2 53:10 69:1 85:22 86:3,5 92:23 96:6 103:10	learn 42:25	lineal 5:7 10:17 35:14 36:12 86:16 87:8
January 3:23 4:1 105:1	knew 44:14 94:7	laps 72:14	learned 34:11 44:20 69:25 104:15	lines 24:7 86:17
Joaquin 7:1 108:8,9	knowing 16:1	largely 14:11	learning 42:24 88:24	list 29:8 54:16 109:2
job 9:3 52:18 65:10 85:8	knowledge 10:16 53:21 104:11	largest 9:13 18:16	leave 12:22 13:3 42:24 52:8 94:4 106:5	listed 55:22 59:9 61:2
join 70:8 108:15	knowledgeable 27:9	Larry 22:1,4,5	leaves 49:12	listening 74:17 108:19
joint 68:8 87:4 95:3	Kohn 7:2	lastly 12:12	leaving 31:4	listing 59:14
jointly 94:21	<hr/> L <hr/>	late 53:14	left 26:15 56:12 70:4 94:8	lists 30:14
journey 55:25	lack 23:2 40:5,8,9,11	law 13:24 14:1,13,17 23:6 24:4,17,20 25:7 38:22 51:7, 22,23 52:4 55:9 56:8 58:2 69:5 84:13 97:20 99:24	legal 21:2 29:1 46:8 48:3 101:14	litigate 46:12
JR 22:1,4	lakes 88:1	laws 41:15 67:23 69:18 74:22,23,24 76:17, 21 96:6 104:4	legally 39:23 74:21	live 81:18
jumbles 74:24	land 16:9 18:4,8 19:16 21:13 23:7 26:12, 18,19 27:2 67:11 83:12 87:11 89:21 90:1 92:21 106:13 107:4 108:2	lawyers 44:15	lent 46:23	lives 103:8
jump 73:6 75:10	lands 5:19,22 11:14,19, 22 16:2,5,12,14,15 17:5,12,22 18:12	layers 74:16	let alone 74:22	loan 38:14,15 45:19 47:3
Juneau 55:7		layperson 36:7	letter 33:7 82:16 96:20	loaned 45:5
<hr/> K <hr/>		lead 18:23 34:15	letters 9:20	loans 28:13 46:4 48:22 50:19 101:4
Kathryn 6:25		Leader	letting 32:14	local 50:4 98:20
			level 28:6 98:7,13 107:20	localities 50:4,6
			liaisons 72:15	located 80:2 88:5
			life 51:25 71:7 76:15	logging 89:25 106:14



long 41:5 55:25 70:6 83:20 88:15 103:15	18:11 20:19,22 21:13 25:14 26:25 29:15,23 30:23,25 31:11 37:25 44:2,3 45:19 48:12 52:1, 2,10,23 54:19 57:10 58:15,22 61:18,24 62:3,7, 10,20 64:25 66:2, 17 67:15,19 68:7 70:2 71:1 76:4 77:1 81:8 83:5 84:4,9 86:8 91:1 94:4,7 97:11 100:2,12 103:9	meaningful 25:12 72:6,10 108:21	mention 18:13	mix 72:20 73:3 75:8
longer 31:15		means 32:11 43:19 55:4 101:9	mentioned 42:6 43:19 57:6 65:25 80:12	Mm-hmm 32:24 33:17 37:1
looked 30:8		meat 68:24	met 54:17	MOA 107:10
lose 51:9		meet 28:9 32:18 73:19 81:7 91:22	Mexico 46:25 47:1	mom 75:24
lot 12:18 17:18 23:1 24:3 27:12 28:8 42:3 45:1 50:17 64:22 69:25 70:19, 21,22,24 76:17 77:15 78:17 81:17 83:19 97:15,16 99:25 101:15 104:10,15	makes 90:19	meeting 52:3 84:17	Michigan 3:6	moment 44:18 47:22 98:22
lots 85:7	making 6:6 8:20 15:6 19:16 32:8 57:15 68:1 85:8 100:10, 21,22 101:9	meeting/a 85:2	microphone 13:11 44:17	monetary 55:3
loud 15:22	man's 74:23	meetings 99:10	middle 55:7 93:7	money 16:22 24:5,6,16 46:6 50:5 62:24
love 4:24 6:3,15	manage 73:13,14,16	Mel 7:11	miles 76:2	Montezuma 98:22
loved 75:17	management 9:24 19:16 20:20 21:13 106:17	Melanie 7:12 8:4,8,24 13:9, 11 14:4,9 15:16,23 17:3 22:3 24:24 37:18,20 44:18 51:16 55:24 58:5,9 59:13 60:6 63:7 64:18 66:19,24 68:5,7,11 69:3 86:19 87:13 89:9, 25 91:3,5,6,15,23 92:2,20 93:12,25 98:11 100:5 102:17,19	million 18:17	month 31:13 32:17 62:22
low 60:8	manager 9:2 92:21		Mills 3:4	months 14:18,19 32:4,7 88:23
lower 28:6	managers 18:4 75:9		mimic 86:5	monument 98:22
lucky 62:14	March 18:21	Melanie's 59:3	mind 76:8,18 77:3	moral 46:8
lumping 84:15	marked 43:1	member 74:1	mindful 32:13	moratorium 28:17 96:13 101:5 102:12
	markup 35:3	members 6:21 71:19 97:21 108:14,15	minds 51:19 71:9	morning 3:2,16 4:9,19 6:17 13:16,22 22:1,3,5 27:4 53:13 54:2 69:25 70:13 100:7 108:24
	matter 24:2 64:14 76:11 81:17,18 83:5 91:11 103:24	memory 66:1	mine 103:20,21	Mount 75:4
	matters 75:16 77:14	mending 34:15	minerals 72:22	move 8:1,5 38:3 89:5
	maximum 10:9	mental 71:8	Minogizhebaawaga d 3:3	moves 95:12
made 28:4 45:10 62:9 91:19 96:12 103:24 106:21		mental/spiritual 76:19	minute 8:5	moving 31:21 106:22
main 10:5 40:2			minutes 94:4	muddy 30:22
make 4:3 6:7,21 8:22 9:15 14:14,23			Miraculously 81:6	multiple 68:12 82:13 87:3
			missed 94:6	
			misspeak 60:7	

M



muscle 65:25	24 95:4,9 96:7 97:13,17,20,22 98:1 99:9,14 100:11 101:1,15, 20 104:3,6 107:10, 15	30:24 32:24 33:8, 13 37:1,3,13,19 38:23 42:21 46:17 47:20 51:5 58:5 69:24 81:23 93:24 94:1,11 99:3 100:1 104:22 106:8 107:17 108:10	number 49:1,6 60:3 83:22 85:18	10:2
Museo 46:25 47:6				Od 46:14
museum 12:10 43:6,9 44:3 45:1,7,11,17,25 48:13,14 54:5,11, 14,16,22,23,25 55:1,2,6,17 57:2,6, 15 58:7,16 59:5 60:15 61:7,22 63:17,24 67:9,15 68:3,12,16 86:23 87:5 95:23 96:2,19	NAGPRA-RELATED 26:22	nexus 46:2	O	offensive 11:4
museums 5:4,13 10:15 11:1 12:4,13 14:23 15:11 28:11 41:20, 22 43:5 47:16 49:20 50:2,3,8 54:7 55:3,12,14,15 58:1,9,22 59:7,9 61:9 62:1,21 63:10,16 64:9 91:13 95:14 101:4, 23 102:1	Nation 95:2 108:18	NHOS 5:7,11,16 6:6 10:23 12:16 14:16 15:12 35:14 56:25	O'BRIEN 7:12 8:4,24 13:9, 11 14:4,9 15:16,23 17:3 22:3 24:24 37:18,20 44:18 55:24 58:9 63:7 64:18 66:19,24 68:5,7,11 69:3 86:19 87:13 89:9, 25 91:3,6 92:2,20 93:12,25 98:11 102:19	offer 6:17 106:9
	nation's 72:14	NHPA 20:16 69:6,8,21	O'DHAM 95:2	offering 24:16
	national 4:12,14 9:2 34:10, 23 62:18 98:16,19, 20,21,22 104:12	nice 103:15	Oak 75:4	offers 36:11
	nations 17:10 71:20	niece 75:23	object 56:6,7,16,23,24 57:3,4,7 67:6,7,12, 13	office 7:9 9:24 39:4 41:3 59:1 64:12 82:4 88:4 94:16,23
	native 9:19 10:16,17 34:1 35:9,11,25 36:4, 10,12,13,16 53:17 71:18,21 72:5,17 73:11 75:25 94:19	nobody's 76:22	objects 12:6 14:15,25 27:18 29:5,6 35:10,25 36:1 40:18,23 42:9,18 43:10 46:24 51:11 54:12,17 55:3,10, 14,16,20 56:13,24 63:15 95:21 96:15, 24,25 97:2 100:23	officer 13:18 27:6
	natural 73:17 80:2	noncompliance 58:8	obligations 51:14	Officers 22:8
N	nature 27:19	nondestructive 106:2	obstacles 57:16	offices 50:6,7 61:15
Nacional 46:25	Navajo 108:18	nonnative 72:18	occur 58:14 90:16,17,25 95:11	official 8:11 92:15,16,18, 21
NAGPRA 3:17 4:14,21 9:2, 10 10:25 16:24,25 17:19 18:15,17,20 19:22 20:1,3,5,11 23:6 26:3 27:9 30:17 33:23 34:8, 10,18 35:16,19 36:8 38:12,16 39:6 40:19,23 41:19 42:2,8,13 43:8,13 47:10,13 48:1 51:13 54:18 55:9 61:15 62:15,18,24 69:4,5,10 70:16 77:18 80:12,17,18 83:25 92:17 94:17,	nearby 18:8	northern 3:6	October	officials 64:25 82:7 102:15
	necessarily 27:15 66:5 67:8	not-for-profits 50:25		Ojibwe 3:3,6
	needed 68:16	note 13:13 42:15 79:19		Oklahoma 45:7
	needing 101:7	notes 8:9,10 103:19		Oliver 7:3 37:3,6 39:2
	negate 86:1	notice 11:21 59:21 95:12		oliver.shaley@bia.gov. 37:9
	newest 18:14 33:2	noticed 34:5 103:20		omission 35:13
	Newland 3:1,4 6:20 8:3,7 14:3,6 19:5 21:1, 21 29:9,18,20	noticing 20:23		one-off 48:6
		November 14:19 35:12 54:16		one-sided 105:18
		nps.gov/nagpra 12:17		one-tracked 20:14
				ongoing 11:21 12:13 46:11
				operates



85:4 opinion 105:16 opinions 15:20 26:17 opportunities 19:3 26:1 63:11 opportunity 7:15 13:1 23:23 30:1 31:16 34:4,13 37:21 41:8 58:21 64:23 65:3 94:18 95:13 103:13 opposed 55:1 opposing 68:13 option 5:23 25:24 57:19 options 18:3 27:1 order 30:14,15 organization 36:13 74:4 organizations 10:18 71:21 72:21 original 15:19 33:1 78:1 88:5,6 89:12 outline 9:6 oversee 4:12 73:16 overview 34:22 owe 83:16 ownership 35:18 <hr/> P <hr/> p.m. 107:21 109:8 pandemic 77:20 78:8	paragraph 10:19 Park 4:13 34:23 41:12 98:16 104:12 parks 4:11 33:11 98:21 part 8:12 13:6 15:16, 21,25 16:19,20 17:14,25 20:19 21:23 33:4,6 42:10 52:3 53:5 56:17 57:23 58:12 60:21 68:4,20 69:1 83:7 87:15 95:21 partial 95:21 partly 83:19 passed 10:25 34:7 80:13, 19 96:7 past 3:20 38:5 41:15 path 81:7 patrimony 29:6 35:11 36:1,11 51:11 56:23 57:4 67:7,13 96:16,25 pause 70:2 pay 24:13 paycheck 101:3 paying 19:23 20:23 payment 58:11 Peak 70:24 penalties 28:14 58:20 59:7 60:24 62:8 63:2,4 64:12 65:1 80:16	penalty 59:10,16,24 60:1, 4,6 61:1 64:19 65:7 people 3:6 16:2,3 17:11 20:23 21:21 24:12 27:9 28:6 30:1,3 31:11 45:4 50:17, 24 53:8 71:16 72:17,25 74:2 77:3 79:2 82:4,12 97:4, 24 108:13 peoples 36:4 perfect 32:14 period 23:10 31:13 32:12, 17,19 44:22 periods 78:1 permanent 38:14 permanently 38:15 permission 28:18 96:16 person 7:15,18 13:1 29:3 63:3 65:24 66:1 75:23 76:6 81:15 103:14 perspective 14:10 17:18 44:4 pertain 36:15,17 pertains 11:12,23 86:3 Peterson's 53:23 Petoskey 7:2 Phoenix 4:16,17 45:10 108:7 phone	24:8 phonetic 46:14,23 75:4 phrase 36:17 physical 76:19 pick 59:18 piece 19:8 29:14 Pima-maricopa 27:7 46:20 94:22 PL 79:20 place 16:13 60:13,20 80:7 86:11 92:11 97:22 places 16:7 19:13 62:23 72:23 75:21 86:15 plain 28:24,25 29:2 plan 69:19 79:15 87:21 88:13,18,25 89:1, 17,19 90:5,13,16, 20,22,24 91:18,20 92:10,11 93:13,15, 17 97:13,17,22 98:1,2 105:9 106:14,19,23 107:12,15 planning 92:6 plans 20:21,25 105:6,8 106:11 Plata 107:9 play 103:7 plays 51:20 POA 105:17 107:11	point 13:2 14:20 16:18 17:11,24 25:18 31:20 43:17,20 46:9 49:8 53:10 59:3 60:10 62:6 83:15 86:8 98:12 106:25 points 59:5,8 94:6 policies 106:1 policy 7:1,2 20:9 85:25 86:2,6 91:11 policy-making 83:20 portion 16:4 36:6,10 42:17 77:19 portions 72:25 position 23:19 positive 70:23 possession 29:4 96:23 97:4 possessions 78:16 possibly 71:11 77:16 potentially 60:25 power 24:7 39:7 PPP 28:13 29:17,19 46:4 48:22 50:19 104:15 practice 17:12 18:5 91:11 92:8 106:17 preamble 32:1 35:2 42:3,13 48:16 49:2 precedent
---	---	--	--	--



52:2 66:3,7 precursor 105:14 predated 89:14 predecessor 54:19 55:18 predict 91:17 prefer 18:6 preferences 92:12 preparing 9:3 preplanning 107:5 preponderance 68:2 86:14 present 59:5 81:4 presentation 8:2 22:9 presently 56:9 preservation 13:18,19 22:8 24:10 26:8 27:6 70:15 94:16,23 President 32:9 51:8 53:23 president's 52:16 72:5 74:1 press 53:2 pressure 58:23 pretty 16:25 18:5 46:4 prevent 57:16 preventing 11:6 previous 32:21 45:13 66:12 95:17 96:12 97:21	previously 102:22 prey 95:19 prior 34:5 48:19 89:1 98:2 99:10 priorities 31:18 80:3 prioritize 87:5 prioritized 11:17 87:7 priority 35:18 87:1,9 private 16:11 43:5 45:12, 25 74:6 100:16 101:4 privilege 3:7 problem 26:24 50:22 54:21, 24,25 57:9 problems 33:22 47:16 54:3 procedural 59:18,19 proceeding 30:21 proceedings 101:9 process 5:12,14 6:10,11,13 10:6,14 11:3,22 12:4 14:14,22 15:1,3,6,11,13,19 16:4,20 17:15 18:10,11,23 19:1, 18,22 20:1 21:24 27:24 31:10 33:5 34:6,8,11,19 35:8, 24 42:2,10 47:10 58:13,14 60:20,21 64:3 80:1 83:20 84:6,16 85:2,15 89:17 102:1,3,8 107:14	processes 34:15 35:16 84:23 professionals 73:11 program 4:14 9:2 34:10 programs 20:21 101:3 102:6 107:22 progress 70:9 prohibitive 11:5 project 16:10 96:3 98:3 projects 70:22 72:13 73:18 74:4 proper 62:5 proposal 22:10 33:22,25 34:24 proposals 21:15 proposed 3:19 4:21 5:2 6:13 7:21,25 9:8,25 10:3,4,12 12:8,19, 21,24 18:10 31:21 33:1 42:16 59:13 63:17 79:20 88:14 94:19 95:3,8,12 98:9 108:2,3 proposing 9:22 23:6 42:18 74:5 75:13 protect 67:11 69:8 protected 28:21 protection 11:13,16 34:2 35:12 36:14 66:21 85:25 94:20 101:3 protections 69:11	prove 73:10,13 provide 6:9 23:3,23 33:5 35:1,8,23 49:6 61:13 69:5 90:5 91:12 94:18 99:21 103:11 104:4 provided 5:23 12:18 24:1 34:23 56:25 68:18 69:14 101:24 providing 59:20 63:11 94:23 98:8 provision 14:11 91:25 provisions 6:13 86:22 public 31:22 34:6 78:22 84:7,8,11,15 85:3 95:13,14 100:15 publication 11:22 published 3:19 9:11 10:3 Pueblo 45:1,16 46:15 98:23 pulled 48:1 pulling 7:4 52:18 purpose 10:21 33:4,6 35:7, 22,23 93:12 purposes 50:8 77:12 pursue 22:20 put 6:22 15:10 16:5,6 29:13 32:10 35:5 51:24 67:21 72:19 73:12 77:22 103:25 104:1	puts 14:17 81:6 putting 73:20 76:8 78:14 <hr/> Q <hr/> qualifies 47:23 qualify 48:13 56:16 question 14:2 15:16 17:4 24:25 38:8,23 40:14,22 43:3,20 47:18 56:10,17,18 58:6 61:6 63:1,8 65:19 66:20 78:11 83:4 84:6 86:19 89:7 91:23 106:7 questions 7:6,7 13:5,7 21:2 30:1 37:7 48:21 53:9 65:7 77:5,8, 10 78:5 87:20 101:13 104:19 105:5 quick 71:10 106:6 quickly 109:2 <hr/> R <hr/> race 71:12 radar 21:9 41:5 raise 47:14 53:9 59:23 raised 21:7 25:18 38:25 60:3,4,6 83:22 raising 42:22 ran 54:20
---	--	---	--	---



ranges 27:12	reburied 18:8	recovery 22:11,20 23:4,7 24:22 26:13 100:19	regulations 3:17 5:3 6:9 7:17, 21 8:20 9:4,10,16, 25 10:20,21 11:5 12:18 13:5 15:7 19:2,21 25:2,11 26:11 33:5,23 34:1,25 35:23 36:15 38:1,5 42:8, 16 48:1,12,14,19 53:10 54:4 59:12 61:4 63:9 65:2,15, 22 66:3 67:19 76:13 77:23 80:19 84:14 86:21 91:10 92:9 94:24 99:24 100:10 103:3,7 108:2,3	relying 69:7
rare 40:1	rebury 100:16	redefining 86:12		remains 11:13,16,24 12:2,5 14:14,24 18:7 19:21 27:2,21 29:5 35:9,25 36:3,16 42:2 55:22 56:9, 11,14 61:22 62:5 63:14 75:16,17,18 81:12 87:8 89:23 95:16 96:14,24 100:23 102:11
rate 12:7	reburying 100:22	redline 35:3		remember 45:4 93:15
reach 50:9 101:1	recaps 103:22	reduce 12:13 26:20		remind 97:8 104:17,24
reached 64:2	receipt 54:4	reduced 11:20		remotely 7:17
reaching 74:16	receive 4:19	refer 48:16 96:5		remove 29:1
read 21:18,22 27:13 33:7 35:22 77:6 83:11 86:5 94:4	received 9:14,20 43:6 102:23	reference 8:19 86:1 101:2,10		removed 11:4 18:7 26:10 56:12,15 59:15
read-back 100:7	receives 49:11,23,24	referenced 83:23 84:1		rep 70:16
ready 88:22 90:24	recent 3:24 28:24,25 31:14 102:7	references 29:1	regulatory 5:14 15:3 17:7,15 31:4 58:3,12 103:10	repair 34:14
real 47:11 103:11 109:2	recently 45:8 69:21 99:20	referring 40:22,23	reiterate 96:23	repairs 34:19
real-life 37:24	Reclamation 98:16	reflected 15:19	reiteration 72:4	repatriate 28:12 38:11,21 57:7,16,20,21 58:18
real-world 103:8	recognition 40:6,9	refuses 57:7	related 12:19 65:7	repatriateable 28:2
realign 15:1,3	recognize 27:19 28:13 95:18 96:2	reg 42:7	relates 19:8 84:2 89:19 92:3 101:20	repatriated 12:15 27:18 38:18, 19 42:9
realigned 15:19	recognized 84:3	regard 51:6	relating 102:1	repatriating 57:19
realistic 107:7	recognizing 6:21 100:23 102:9	regents 28:7	relation 57:9 97:5	repatriation 5:4,8 6:8,15 10:6 11:3,24 12:1,7,9 14:11,16 18:24,25 19:4 30:13 34:2 35:9,12,24 37:23 39:8 47:9 67:3,4
realize 11:10 97:15	recommend 34:3 35:22 36:16 86:3 91:16 95:17 97:23 98:14	regional 79:13 88:4	relationship 84:19	
realized 11:25	recommendations 21:4	Register 10:3 62:11	relatives 97:10	
reason 29:7 38:21 40:2 46:5 65:21 90:21 92:6 97:2	record 8:14 13:15 52:11 53:6 55:8 95:25	regs 13:25 27:17 29:1 30:5,8 35:8 38:9 48:3 66:15 68:22 77:19 105:22,24 106:4	relevant 32:3	
reasons 16:7 42:6	recorded 93:21	regular 34:5	religion 75:6	
reburial 16:15 17:5,12,22 18:4 19:8 20:10	recourse 59:22	regulation 28:4 42:1,4,8,13	reluctant 38:13	
			rely 104:4	



86:22 87:4,5 89:13 94:20 101:8 repatriations 11:6 repeat 104:7 repeated 9:15 repeatedly 67:19 replace 34:14 replica 44:6 replicas 43:10 report 21:7 reporter 8:9 13:12 15:24 reporting 34:10 represent 82:20 representative 94:17 representatives 73:2 representing 40:7 83:12 request 5:7 34:3 35:1 67:3, 5 68:8,9 95:10 102:11 requested 87:3 requests 6:6,7 9:15 67:2,10 68:12 93:14,23 require 12:4 14:23 21:12 28:15,17 57:7,10 64:1 67:5 104:1 required 10:14 11:17 45:21 63:16,17 66:25 67:2,21 84:14	86:23 90:6 requirement 57:1 60:15 63:24 67:18 92:4 requirements 11:15 26:20 54:18 60:19 89:20 102:25 requires 12:1 93:16 97:20 requiring 63:9 96:13,20 research 28:18 96:14,21 101:6 102:12 105:21,24 reservation 16:2 19:14 73:10 79:8 reservations 73:13 reservoir 88:6 106:14 reservoirs 88:1,2 resetting 12:3 14:21 resistant 45:24 resolution 65:13 resource 31:18 73:18 75:9 94:15 resources 6:14 53:18,20 72:22 73:17 80:2 respect 85:12 100:20 respectful 19:25 respectfully 35:1 respecting 47:17 respond 43:20 57:8 58:16,	17 63:21 103:1 responding 59:20 82:7,18 response 57:10 60:15 61:13 83:4 85:13 responses 60:19 83:8 responsibilities 5:21,24 25:3 51:14 64:6 82:5 83:3 109:1 responsibility 25:8,22,23 64:19 65:4 84:19 85:21 restart 93:6 restructured 34:24 rests 64:6,20 result 10:13 resulted 58:11 90:2 resume 90:3,7 92:4,19 93:1 resupport 72:4 return 15:13 17:25 42:1 47:6 55:15 101:14 returned 17:20 41:20 56:15 review 9:25 10:1 30:18 31:22 62:18 95:3 99:10 reviewed 32:3 reviewing 12:21 revise 3:17 25:14 33:23, 25	Revised 96:5 revising 103:3 revision 9:15 revisions 23:6 24:4,17,20 25:2,11 56:5,22 Reylynne 94:9,13,14 98:12, 15,19,24 rights 35:15 75:5 River 22:7 27:6,8 46:20 94:15,21 108:11 Road 108:11 role 4:12 roles 26:2 31:17 roll 72:2 room 3:14 6:23 31:24 54:12 75:24 81:11, 12,13 Rose 7:2 round 34:3 84:20 95:11 route 27:10 38:14 Ruins 98:21 rule 4:21 5:2 10:3,4,12 12:19,21,24 18:11 31:21 32:2,6 34:5 41:12 43:21 52:21, 23 63:17 94:19 95:4,8 98:9 103:4 rulemaking 3:19 20:1 29:24 32:22 52:19 84:21,	24 95:12 rules 7:25 9:8 52:15 76:13 77:19 88:14 104:1 ruling 33:2 78:10 rulings 76:4 run 50:2,3 69:12 rushed 77:17 <hr/> S <hr/> sacred 19:13 27:20 35:10 36:1 56:22 57:3 67:7,12 72:23 96:15 safe 109:7 Salt 27:6 46:20 94:21 Sam 7:2 San 73:4 SBA 51:3 scenario 73:7 75:2 scenarios 37:24 103:8,11 scheduled 52:9 70:4 94:3 schedules 99:20 school 21:7 108:19 schools 108:13 Science 54:14 scientific 28:17 96:13 101:6
---	---	---	--	---



102:12 105:21,24 scope 17:7 47:17 101:15 scramble 91:22 sea 19:10 seamless 18:11 seasonal 88:9 secretaries 9:3 37:21 64:24 secretary 3:7 4:6,10 6:25 33:9,11,13,14 52:20 64:7,20 66:4 70:21 100:6 108:7, 12,17 section 24:10 30:22 49:5 55:2 59:10,16 60:24 68:23 79:22 102:6 sections 11:5 seek 58:19 59:24 93:17 seeking 27:16 78:22 82:7 selected 71:17 self-determination 107:23,24 self-governance 107:24 sell 29:7 55:18 97:1 send 36:21 63:4 64:13 66:18 82:19 sends 61:7 sense 28:10 30:9 90:19 91:1	sensitive 66:21 67:20 75:16 sentence 10:20 separate 85:2,5 September 94:24 sequence 30:15,16 series 3:18 service 4:13 24:7,8 34:23 41:12 98:16,17 104:14 services 24:13 104:12 serving 3:7 session 108:19 sessions 74:17 set 16:23 63:23 66:3 76:8 sets 77:4 setting 52:24 settled 54:9 Sfiridies 7:3 SHALEY 37:6 shaman 55:12 Shane 27:4,5 29:25 38:7 42:21 44:24 57:6 99:6 Shannon 4:7,9 7:13 9:1 29:17,19 33:10,15, 17 40:13,15,16,24	41:1 44:16,19 47:18,21 48:20,25 49:9,18,21 50:10 51:4 65:20 66:9 91:5,9 103:16,18 106:6,9 share 4:20 7:20 38:2 46:18 53:25 76:9 77:2 sharing 9:4 109:4 shift 10:23 13:2 17:21 18:22,24 side 6:23 19:25 79:19 signed 51:8 significance 95:20 significantly 34:24 similar 23:13 46:22 96:6 simplified 11:15 simplify 6:11 10:5 simplifying 15:6 Simpson 7:9 39:3,4 40:15, 21,25 41:23 43:15, 24 44:7,10,13 49:8,19,22 50:11 single 73:25 74:4 sir 21:25 sister 104:13 sit 16:21 32:5 83:9 sits 55:7	situation 57:5 97:3 situations 31:5,7 37:22 73:21 sketchy 99:19 skill 25:20 31:8 slammed 71:22 slew 74:2 slim 17:1 small 3:5 43:16 70:22,24 71:13 104:18 snowy 13:23 socialize 91:12 soft 89:6 Solicitor's 7:9 39:4 41:3 59:1 solid 92:1 solution 17:10 26:23 32:14, 15 someplace 82:12 sort 50:13,14 68:21 69:1 72:16 101:21 southern 13:18 33:18 94:25 95:17 speaking 31:6 84:23 specialist 22:7 53:20 94:15 specific 4:23 9:21 21:15 59:14 61:3 67:20 68:17 75:1 96:3 98:3,12 102:5	106:12 specifically 12:5 14:24 16:23 69:22 79:21 93:16 specifics 12:23 13:4 78:17, 19 80:17 spend 4:17 spent 83:6 spirit 14:1 52:3 71:9 spiritual 27:19 96:9 100:23 102:10 spot 107:1 spring 9:23 Springfield 54:14 Squaw 70:24 SRP-MIC 27:21 staff 97:17,21,24 stale 103:10 stalemate 16:20 stance 38:20 46:7,8 star 29:13 start 23:19 65:25 70:17 72:12 90:22 91:18 93:3 100:1 106:22 109:1 started 45:14 100:9 107:14 starting 80:25 90:16 107:21
---	--	---	--	---



starts 66:3 72:2 91:19	stick 47:21 54:6	substance 4:3	103:19	thing 16:22 39:14 47:12
state 17:9 43:6 49:16, 23,24 50:1,3,5 67:23 88:5 96:1,19 100:15 108:3	sticking 47:22	substances 28:22	taking 8:9 16:18 23:20 39:8 76:11 80:5 81:24 109:4	50:19 72:1 77:14, 16 78:19,20 79:17 80:15 87:18 93:9 105:19 107:9
stated 26:24 105:20	stones 52:24	substantially 59:22	talk 3:16 13:4 24:12 44:14,15 50:21 59:6 62:21 63:3 64:22 65:10 75:6	things 3:14 7:4,6 16:9 17:20,23 21:9 30:10,14,17 31:16 35:21 38:11 39:8 46:25 70:19,25 71:13,24 72:20 73:8,15 74:9,11, 13,20 76:3 79:16 80:5,24 81:9,10,13 82:6,9 83:11,16,22 84:4,9 89:8,15 91:10 92:25 103:22 106:22
statement 80:25 96:20	stop 51:7 59:5,8 69:17, 22 80:12,14,17,20 83:23,24 85:6 101:19	successfully 80:6	talked 66:11 107:12	thinking 73:21 76:16 106:10
statements 77:5 81:8	stops 17:13	suddenly 91:21	talking 20:15 21:8 26:6 54:23 59:2,7,14 62:8 69:20 89:11 90:8 92:15	thought 23:14 76:16 77:16 81:21 106:10
states 18:6 50:2	stories 103:6	suggested 31:10	talks 85:19 92:23	thoughtful 83:17 85:14
statute 39:7 48:2 49:10,11 50:8 100:11 104:1	streamlined 6:10	suggestion 104:7	task 79:14	thoughts 4:23 6:1,3,12 7:24 20:12 29:22 77:4 100:3 102:18
statutes 39:13 69:8 96:5	Strengthen 28:14	summary 102:20	tasked 71:16 73:9,16 82:5	THPO 16:23,24 46:21 70:15 92:18
statutorily 69:14	strike 63:13	summer 9:17	team 4:4 6:21,24 52:18	throwing 72:12,13
statutory 21:11 39:7 69:13 89:19 92:3	strongly 95:6	Sunday 46:16,19 51:5 98:18,23	technology 26:2	thrown 74:9 76:3
stay 30:13 61:18 62:10, 25 85:22 101:8 106:3	structure 92:5	support 27:22	term 41:20	ticking 91:20
step 10:14 15:13 41:17 61:22 63:19	structured 90:20	suppose 91:14	terms 18:4,11,13 26:9 64:5	tied 53:11
step-by-step 5:12 15:10	stuff 27:13 62:15 76:11, 17 81:17	supposed 20:3 58:2 73:6	territory 55:8	time 6:19 7:11 9:12 11:18 12:25 14:17 31:17 32:9,11 37:13 41:6 45:3,9
Stephaine 7:3	submit 53:22 66:21 67:2 77:24 81:20	surfaced 66:12	testify 81:9	
Stephen 7:9 38:25 39:3,4 40:14,15,21,25 41:23 43:15,24 44:7,10,13 47:19, 23 49:8,19,22 50:11	submitted 54:10 67:1 78:7	surfacing 66:10	testing 28:17 96:13	
steps 9:7 39:2 41:11 57:14 59:19 105:15 107:6	subpart 5:20 6:6 11:12,23 15:2,5 18:3 35:7 86:22 87:9,10 89:13	swarm 72:11	text 9:19	
	submit 53:22 66:21 67:2 77:24 81:20	system 75:7	that'll 77:1	
	submitted 54:10 67:1 78:7	systematic 33:5 35:8,24 60:21	themes 94:6 100:8	
	subpart 5:20 6:6 11:12,23 15:2,5 18:3 35:7 86:22 87:9,10 89:13	table 13:3 89:3	theoretically 69:19	
	subparts 15:10	taboo 106:1		
	subsection 35:17	takes 32:4 44:18 58:1 62:24 83:20 88:15		



56:1 57:13,25 59:20,21 60:14,18 61:12,19,25 62:9, 24 63:25 64:4 68:11 70:3,4 72:8 79:4,10 81:22,24 82:18 83:1,15,17 85:11,13 87:21 89:18 90:4,5,14 91:22 92:5 93:21 94:1,8 107:20 108:24 109:4 timeline 12:11 63:23 64:11 90:11,20 101:23 timelines 5:2,3,6 63:1,10 82:12 89:7 timely 5:18 times 28:8 34:11 51:9 title 13:14 Tlingit 53:18 55:7 to-do 109:2 today 3:11 6:19 9:6 11:8 12:22 13:6 32:5 37:11 38:25 39:2 70:11 81:25 83:2, 14 84:17 89:16 99:4 102:20 109:5 Tohono 95:2 tomorrow 108:1,5 Tonto 98:18,19 top 79:16 topic 3:23 47:22 topics 103:2	totally 22:16 91:3 touch 74:25 Tour 108:12 toxic 28:21 TPA 80:1 track 51:9 tracked 103:19 tracts 84:12 trade 29:7 97:1 traditional 10:16 71:6 traditions 10:16 trafficking 51:11 trainers 104:9 training 25:20 26:2 97:14 99:8,13,22 102:14 104:8 trainings 91:12 99:11,16 transcript 8:14 29:11 transcripts 53:8 transfer 25:22 transferred 41:21 transition 79:4,10 transparency 27:23 28:10 34:9 100:24 trauma	34:16,20 travel 82:13 99:18 travels 109:7 treated 28:21 treatment 92:13 treatments 93:21 tribal 3:5,10 5:19,22 11:14,19,22 13:17 16:11 17:9 22:8 25:3,9,24 26:11 27:2,5 28:15 31:23 33:21,25 42:23 61:15 70:15 71:20 72:14,22 73:14 77:9 78:21 82:3,4, 16,22 83:7 84:10, 15 85:2,19,22 92:17 94:16,22 95:11 96:9 100:12, 20 108:3 tribe 13:18 25:15,21 27:3 28:3 33:19 55:5 58:14 61:21 62:10 63:5 80:3 82:20 84:3 85:20, 25 86:2,4,6 93:14 96:20 105:12 tribe's 6:14 26:17 92:12 tribes 5:7,11,15,20 6:2,6 7:17 9:18 10:17,23 12:15 14:15 15:12 17:1 18:6 19:3 22:11,19,23 23:2, 6,9,18 24:21 25:3, 7,19 26:1,16 28:19 34:12 35:14 36:8, 12 39:10,20 47:15, 17 56:25 59:23 61:25 63:11,20,21 64:2,3,10 68:1	71:2 72:5 74:11,12 77:24 78:6,14 79:7,17 80:1,7 81:19 83:8,9 84:3 86:25 87:3 89:3 90:18 93:20 94:25 95:17 96:10,17 98:2 99:18,22 105:9,15 106:20 107:2 tribes' 77:3 93:23 tricky 87:22 trouble 38:4 troubleshoot 37:4 true 67:3 trust 84:18,19 108:2 turn 4:5 7:11 turned 93:25 turning 78:18 turnover 97:16 102:15 Tuzigoot 98:22 type 75:1 79:23 typically 94:3 <hr/> U <hr/> U.S. 33:11 96:10 ultimately 10:24 11:20 64:25 67:22 unable 93:23 unanticipated	88:2,10 unassociated 55:16 56:7,13 unawares 91:21 under- 79:25 understand 37:25 40:14,22 51:12 65:12 74:22 82:8 83:24 104:17 109:3 understanding 47:23 77:13 97:20 98:7 103:7 understood 8:22 unfolding 106:13 unfortunate 97:3 unidentifiable 42:2 United 18:6 universities 49:17 50:1,3 61:9 62:18 update 42:15 63:17 updating 63:19 USCA 35:17 USDA 104:13 Ute 13:18 33:18 utilizing 62:24 <hr/> V <hr/> valid 54:4,8 57:12 valuable 102:24
--	--	---	---	---



variety 48:10	watching 54:12	wondering 22:18 80:11,21	5:25 8:18 21:17 57:19,23 66:22 67:1,21 68:18 83:7 104:1
verbal 94:19	water 88:1	Woolaroc 45:11,14,21,24	
Vernelda 70:13,14	ways 48:5 49:14 51:24	word 54:5	written 3:25 6:7 28:18 31:12 42:12 52:11 53:7,22 61:17 66:14 67:18 76:12 79:22 80:19 92:9 93:10 96:16,20 105:1
versions 48:10	wealth 53:20	wording 77:23 78:10 106:3	
versus 78:14 85:3 86:20	wear 82:4 108:25	words 38:14 47:25 72:9 77:22	wrong 53:15
view 46:9 55:3 82:23 96:10	weather 13:23	work 5:17 6:3 7:16 12:5 16:15,24 17:6,10 18:10,23,25 21:12, 13 32:10 39:19,20 44:25 45:9 47:5 51:3 71:17,20 72:5 73:1 79:12 96:1 97:17 98:1,5 99:1 108:22	wrongfully 75:19
views 23:11,12	webpage 12:17		
virtual 3:18	website 62:19		
visit 4:16	week 3:21 62:14 82:11 108:7		
vocabulary 44:21	weeks 3:22 51:8		
vocal 50:6	weighed 100:3	worked 40:6 64:10 94:21 96:18	
	well-being 75:23 76:20	working 16:11 19:15 28:5 30:4 44:7,17 50:14,18 71:19 74:2,3 80:9	Y
W	Whale 7:3		
waiting 90:15 104:20	white 74:23	works 50:22,24 62:2	Yaqui 47:9
wakes 88:3	Wi-fi 33:22	world 75:22 81:18	year 18:19,20 21:8 41:13 88:9,22 96:7 109:2
walk 102:17	wide 48:9	worn 52:5	yearly 88:9
walked 59:1	Wildlife 4:11 33:11	worry 108:6	years 12:9 14:18,19 34:7 40:7 49:15 54:10 63:18 74:10 78:2, 7,8 88:8,24
walking 52:15	Williams 94:9,13,14 98:15, 19,24 99:5	worth 82:18,19	yielded 9:21
wanted 8:22 29:25 30:23 42:15 44:11 53:15, 23 55:10 76:9 77:2 85:6 86:8 87:19 94:7 99:11 103:17 104:7	wind 100:2	wrap 104:22 107:17	you-all 71:16 108:23 109:7
wanting 16:1 61:21	wisdom 4:23	wrapped 102:13	younger 56:2
washing 88:3	wishes 47:17	write 57:21,22 63:6 79:15	
	wonderful 4:16	writing	Z
			Zoom 13:22