

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

CONSULTATION ON THE LIST OF PROGRAMS ELIGIBLE FOR
INCLUSION IN FUNDING AGREEMENTS NEGOTIATED WITH
SELF-GOVERNANCE TRIBES BY INTERIOR BUREAUS OTHER
THAN THE BUREAU OF INDIAN AFFAIRS (BIA)

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1 PARTICIPANTS:

2 BRYAN NEWLAND
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1 P R O C E E D I N G S

2 (5:06 p.m.)

3 MR. WHALEY: All right. It looks like
4 everyone has signed in. You've all been placed
5 into the consultation. We're grateful and welcome
6 you today. Please ensure that your microphone
7 remains on mute until the specified time for
8 comments. You could also take a moment and add
9 your title and affiliation to your name in Zoom.
10 That would be wonderful. To do this click on the
11 participant list, find your name, click on the
12 blue "More" next to your name, and choose
13 "Rename."

14 As a reminder, this is a
15 government-to-government consultation.
16 Consequently, this consultation is closed to the
17 press, so if you are a member of the press we do
18 ask that you disconnect at this time.
19 Additionally, this session is being recorded and
20 transcripts will be created. So, if you do not
21 consent to be recorded we also ask that you
22 disconnect at this time.

1 At this time, I'll turn the floor over
2 to the Secretary for Indian Affairs Bryan Newland.

3 MR. NEWLAND: Miigwech, Oliver. Thank
4 you so much and good afternoon, good evening to
5 everyone joining us today. My name is Bryan
6 Newland and I do have the privilege of serving as
7 the Assistant Secretary for Indian Affairs here at
8 the Department of the Interior. I'm joined by
9 several of my colleagues today from the
10 Department. We have our senior policy counselors,
11 Samuel Kohn and Rose Petoskey, along with Oliver
12 Whaley, who's the head of our Office of Regulatory
13 Affairs and Collaborative Action. And we're
14 excited to be with you today as part of this
15 consultation on behalf of the entire Department of
16 the Interior.

17 Before we begin, we always try to make
18 sure that we provide an opportunity to start our
19 government-to-government engagements in a
20 respectful, appropriate way, making space for
21 prayer or reflection. So, we don't have anybody
22 lined up today to offer us words of blessing.

1 What I will do at this time is simply take a
2 moment of silence and allow everyone here to take
3 a moment to pray in your own way or reflect, and
4 then we will begin.

5 (Moment of silence)

6 MR. NEWLAND: All right. Thank you very
7 much. So, we're here today to hear from you on
8 the list of non-BIA programs here at the
9 Department of the Interior that are eligible for
10 638 contracting and self-governance annual funding
11 agreements. This is a list that, as many of you
12 know, the Self-Determination Act authorizes
13 agencies outside of the Bureau of Indian Affairs
14 to engage in these types of contracts and
15 agreements with Tribes. And we publish a list
16 every year in the Federal Register of those
17 programs eligible for those 638 contracts and
18 self-governance agreements. But typically, or as
19 we've all seen in our experiences, the
20 Department's list tends to carry forward year
21 after year, and we're looking for feedback from
22 all of you on how we should look at that list.

1 Can we go to the slide, Oliver? As you
2 see here, prior versions of the list have included
3 non-BIA programs or portions of programs eligible
4 for inclusion. They've also included fiscal year
5 programmatic targets for non-BIA bureaus under
6 Title IV. And this list is not a definitive list
7 of all potentially contractable programs. And it
8 can be -- there may be many other programs that we
9 have not yet identified.

10 Next slide, please, Oliver. So,
11 Secretarial Order 3403 directs the Department's
12 bureaus to make agreements with Tribes to
13 collaborate in the co-stewardship of federal lands
14 and waters under the Department's jurisdiction,
15 including for wildlife and its habitat. And the
16 Department views this day as an important means
17 for fulfilling the goals of Joint Secretarial
18 Order 3403 and the list as a valuable resource for
19 Tribes seeking ways to develop collaborative
20 arrangements in the co-stewardship of federal
21 lands and waters.

22 Next slide, please, Oliver. So, we held

1 some listening sessions and had some conversations
2 about this very topic, including at the
3 Self-Governance Conference last August at which
4 non-BIA program staff were on hand to answer
5 questions and provide answers. And we heard from
6 many of you there that further consultation on the
7 format and content of the list would be helpful.

8 Oliver? So, we issued a "Dear Tribal
9 Leader" letter to every Tribe in the United States
10 asking for feedback on three topics. These are
11 framing questions, of course. We always welcome
12 your feedback and your comments on this topic
13 beyond these three questions or issues, but these
14 are what we are soliciting feedback on.

15 First, the value of the current format
16 of the list the Tribes seeking contracting,
17 self-governance agreements, and/or contacting
18 ISDEAA. Whether adding to the list of all
19 contracts, self-governance agreements under
20 compacts entered into by the Department bureaus
21 other than the BIA would be helpful for Tribes
22 that are seeking to contact or contract with

1 non-BIA bureaus. And third, whether general
2 guidance on the principles governing contracting,
3 self-governance agreements under compacting under
4 SDS should be included in the list.

5 Next slide. So, that's really how we're
6 going to frame this conversation. That's what
7 we're looking for from you. Now we're going to
8 get to the most important part of this
9 consultation, which is me no longer talking and
10 our team no longer talking and turning to all of
11 you and hearing from you. I will recognize --
12 we'll open the floor up now to those of you
13 wishing to speak. We are making a record, so
14 we'll simply ask that you identify yourself by
15 your name, the Tribe or Tribes you're representing
16 so that we can get that in the transcript. You
17 can use the "Reactions" button in the bottom of
18 your Zoom screen there and use the "Raise Your
19 Hand" function. And I'll just recognize speakers
20 in the order they raise their hands.

21 We are scheduled for three hours today,
22 so ask you to be mindful of the time and of others

1 who wish to speak in making your comments. And of
2 course, we are also accepting written comments as
3 part of this consultation, and I will make sure or
4 we will make sure that we get that information,
5 the deadlines and the email address, in the Chat.

6 So, right now we'll open the floor up to
7 any Tribal representative who wishes to speak.

8 Another call for comments or questions.
9 No? In the Chat we have Oliver's included the
10 written comments submission. We will take your
11 comments up until midnight on February the 20th.
12 And you can submit those comments to us at
13 consultations@bia.gov.

14 I'll do another call for Tribal
15 comments. Okay. I'm not seeing any activity, no
16 hands raised.

17 We don't have to take more of your time
18 if you're here to observe rather than comment. I
19 will take a breath here and a sip of my water and
20 I'll do a last call for comments. And if no one
21 wishes to raise their hands, we can conclude the
22 consultation today.

1 Final call. All right. Well, seeing no
2 interest or hands raised, and doing several calls
3 for Tribal comments, we can wrap up this session
4 today. And those of you who are, you know,
5 working to pull together written comments, I look
6 forward to getting those from you. We actually do
7 read those. You can submit those, again, all the
8 way until midnight on February the 20th. And you
9 can send those to consultations@bia.gov.

10 So, with that, if there are no last
11 chances or no last-minute rushes for the
12 microphones from anyone seeking to comment, we
13 will conclude today's consultation session.

14 (Whereupon, at 5:16 p.m., the
15 PROCEEDINGS were adjourned.)

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1 CERTIFICATE OF NOTARY PUBLIC

2 DISTRICT OF COLUMBIA

3 I, Nate Riveness, notary public in and
4 for the District of Columbia, do hereby certify
5 that the forgoing PROCEEDING was duly recorded and
6 thereafter reduced to print under my direction;
7 that the witnesses were sworn to tell the truth
8 under penalty of perjury; that said transcript is a
9 true record of the testimony given by witnesses;
10 that I am neither counsel for, related to, nor
11 employed by any of the parties to the action in
12 which this proceeding was called; and, furthermore,
13 that I am not a relative or employee of any
14 attorney or counsel employed by the parties hereto,
15 nor financially or otherwise interested in the
16 outcome of this action.

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18 (Signature and Seal on File)

19 Notary Public, in and for the District of Columbia

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