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U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Tribal Treaty Rights Memorandum of Understanding

Consultation on Implementation

Friday, September 16th, 2022
2:02 P.M. to 3:43 P.M. (EST)

Attended via Zoom Webinar

1 C O N S U L T A T I O N A T T E N D E E S

2

3 Bryan Newland

4 Assistant Secretary of Indian Affairs

5 Avida Boyd

6 Daron Carreiro

7 Senior Policy Advisor for Native Affairs

8 Jane Nashida

9 EPA Assistant Administrator

10 Office of International and Tribal Affairs

11 Heather Dawn Thompson

12 USDA Director

13 Office of Tribal Relations

14 Melanie Benjamin

15 Chairman, Mille Lacs Band of Ojibwe

16 Matt Dannenberg

17 Department of Energy

18 Sandra Sampson

19 Treasurer, Confederated Tribe of the

20 Umatilla Indian Reservation

21 Faron Jackson

22 Chairman, Leech Lake Band of Ojibwe

1 C O N S U L T A T I O N A T T E N D E E S

2 (continued)

3

4 Geoffery Standing Bear

5 Principal Chair, Osage Nation

6 Jared Hautamaki

7 White House Council

8 Kim Teehee

9 Cherokee Nation Delagate

10 Mario Gonzalez

11 Tribal Counsel, Oglala Sioux Tribe

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1 P R O C E E D I N G S

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3 **OLIVER WHALEY:** We welcome your comments
4 today. If you would like to make a verbal
5 comment, please raise your virtual hand. To do
6 this, go to reactions and select raise hand and
7 the Assistant Secretary will call on individuals
8 to speak.

9 If you are unable to raise your virtual
10 hand, please type your comment into the chat box.
11 When you are called upon to provide a verbal
12 comment, please provide your name, title, and
13 tribe.

14 For those of you joining us by a
15 toll-free number, please hit star nine to raise
16 your virtual hand and star six to mute and unmute
17 yourself.

18 If you need closed captioning services,
19 I will provide a link to that in the chat box.
20 There will also be a link provided in the chat box
21 for the Dear Tribal Leader letter as well as the
22 Draft Tribal Consultation Policies and Procedures.

1 As for written comments, please provide
2 your written input to consultation@bia.gov by
3 October 10th, 2022, and please include Tribal
4 Treaty Rights MOU in the subject line.

5 And again, those links and the email
6 address will be in the chat box. Thanks again for
7 being here today. I will now tur the floor over
8 to the Assistant Secretary for Indian Affairs,
9 Bryan Newland.

10 **BRYAN NEWLAND:** Thank you so much,
11 Oliver.

12 (WHEREUPON A NATIVE LANGUAGE WAS
13 SPOKEN.)

14 **BRYAN NEWLAND:** My name is Bryan
15 Newland. I have the privilege of serving as
16 Assistant Secretary for Indian Affairs and I want
17 to thank all of you for taking the time to join us
18 this afternoon, morning for some of you for this
19 Government-to-Government consultation on Tribal
20 Treaty and Reserved Rights and the MOU between
21 agencies on how we can best conduct Federal
22 affairs while making sure we're fulfilling our

1 obligation to uphold the United States Treaty
2 obligations.

3 I want to make sure that as always, we
4 begin these consultations in a way that's
5 respectful of the Nation-to-Nation relationship,
6 and that we're starting off appropriately. And so
7 today, I'm going to acknowledge Avita Boyd (ph.)
8 from the Mille Lacs Band of Ojibwe to start us off
9 with some words of blessing and prayer, and then
10 from there we'll turn it over to our Senior Policy
11 Advisor for the White House Domestic Policy
12 Council, Daron Carreiro.

13 So, Ms. Boyd.

14 **AVITA BOYD:**

15 (WHEREUPON A NATIVE LANGUAGE WAS
16 SPOKEN.)

17 **AVITA BOYD:** So, to serve just a brief
18 translation, in Ojibwe Country here, we typically
19 use tobacco, and we offer tobacco to those powers
20 that be in our area here, and then also, where
21 everybody here on this call comes from, and I just
22 ask that our work be supported by those money dues

1 and those spirits that help us so that what we're
2 working on is very clear and that there's clarity
3 in how we move forward in the best way possible.
4 Meegwetch.

5 **BRYAN NEWLAND:** Meegwetch, Ms. Boyd.
6 Thank you so much for sharing that with us today.

7 So, Daron, let's start with you.

8 **DARON CARREIRO:** Thank you, Assistant
9 Secretary Newland and Avita, thank you for that
10 prayer to start today's consultation. Good to see
11 you as well, Chairwoman Benjamin.

12 My name is Daron Carreiro. I'm the
13 Senior Policy Advisor for Native Affairs at the
14 White House Domestic Policy Council. Protecting
15 tribal treaty rights and reserve rights to land,
16 water, and historic practices like hunting,
17 fishing, gathering, protecting these rights are
18 among the most important things the Federal
19 Government is responsible for. It's one of our
20 most solemn obligations.

21 It's a priority for the Biden/Harris
22 Administration and is one of the cornerstones of

1 the President's relationship with Tribal Nations.
2 These treaty obligations are not limited to a
3 particular department per agency. They're duties
4 owed on behalf of the entire Federal Government,
5 which is why we're trying to accomplish this work
6 through an all of Government approach through the
7 White House Council in Native American Affairs.

8 And that's the case today through the
9 Tribal Treaty Rights MOU. We had seventeen
10 agencies commit to setting best practices for
11 identifying and protecting tribal treaty rights
12 and reserve rights in the Federal Agency decision
13 making. This was a huge commitment, and we were
14 thrilled to announce that at last year's Tribal
15 Nation Summit, as successful as we were in getting
16 that commitment, it's just as important that we do
17 a good job implementing it and achieving success
18 through implementation.

19 What these seventeen agencies have been
20 working on this year and the work we hope to
21 accomplish with tribal leaders today and next
22 week, this type of implementation, it takes hard

1 work. But if we can do it right, it can be
2 extremely meaningful in our engagement with tribes
3 and in holding and protecting tribal treaty
4 rights.

5 This means embedding the work into
6 agency practice, treaty rights, the protection of
7 sacred sites, co-management, co-stewardship of
8 Federal Lands and the recognition of indigenous
9 knowledge, embedding these into everyday agency
10 practice, doing it across departments and agencies
11 and with staff throughout the entire country. And
12 that's why an all of Government approach is
13 critical here.

14 We're thankful to be part of the White
15 House Council on Native American Affairs in the
16 interagency work that's going on to try to
17 implement this treaty rights guidance for Federal
18 agencies and employees.

19 Thank you especially to the subcommittee
20 co-chairs leading this important work, the EPA,
21 Interior and USDA and all of the seventeen
22 agencies who make this commitment and continue to

1 do this work and that we know of who have been
2 working really hard on this work throughout the
3 year.

4 I look forward to being here with you
5 today. I look forward to today's consultation and
6 with that, Bryan, I'll turn it back over to you.

7 **BRYAN NEWLAND:** And thank you Daron and
8 thanks for taking the time to join us. We've all
9 been busy this week with consultations across the
10 Federal Government, and Daron is especially busy
11 when that happens, and I appreciate that you've
12 taken the time to join so many of us across the
13 Government at these sessions this week from the
14 White House.

15 Today is the first interagency
16 consultation facilitated by the White House
17 Council on Native American Affairs and under this
18 Administration we have seen a lot of firsts for
19 Indian Country.

20 Of course, it's the first Administration
21 to have a Native cabinet secretary with Secretary
22 Haaland here at the Department of the Interior,

1 and the Secretary Haaland also co-chairs the White
2 House Council on Native American Affairs.

3 It's the first Administration to have a
4 Native American Treasurer of the United States
5 with Lynn Malerba, who's the Chief -- lifetime
6 Chief of the Mohican Tribe being sworn into her
7 position earlier this week.

8 It's also the first Administration to
9 have a senior level appointee for Tribal Affairs
10 at the Office of Management and budget, and I want
11 to give a special shout out and congratulations to
12 Liz Carr for taking that appointment and we're
13 really excited to have her there at OMB.

14 And this administration has hit many
15 milestones in terms of the scope and depth of
16 federal resources made available to Indian Country
17 with the American Rescue Plan, the Bipartisan
18 Infrastructure Law, the Inflation Reduction Act,
19 and historic budget requests submitted to
20 Congress. This is billions and billions of
21 dollars with a B, in Federal funding for tribes
22 and tribal communities on a scale that we've never

1 seen before in this country's history.

2 And today we're inviting tribal leader
3 perspectives on another set of firsts with the
4 work completed under the 2021 tribal treaty rights
5 MOU as announced at last year's Tribal Nation
6 Summit, including three documents that will help
7 guide Federal staff on the protection of tribal
8 treaty and similar rights.

9 The MOU builds on the treaty rights MOU
10 signed under President Obama's Administration in
11 fall of 2016. And the purpose of today's
12 consultation is to honor our
13 Government-to-Government relationship and to get
14 feedback from the expertise of tribal leaders so
15 that our best practices guide, and the flow charts
16 are stronger, and that the implementation of this
17 MOU aligns with tribal priorities.

18 The goal of these consultations is to
19 have policy documents that reflect the priorities
20 of Indian Country, the Administration's commitment
21 to those priorities and for the documents that
22 have a practical and positive effect for Federal

1 staff as we go about our work.

2 For today's consultation, I'll ask my
3 fellow co-chairs for the White House Council
4 Committee on Climate Change, Tribal Homelands and
5 Treaties to help lead this discussion.

6 This committee was instrumental in
7 getting the MOU drafted and signed by seventeen
8 Federal Departments and agencies. And those of
9 you who work regularly with the Federal Government
10 understand how big of a challenge that can be to
11 get two agencies in a room agreeing on a set of
12 principles on how to coordinate together so that
13 we did this across seventeen agencies is no small
14 task, and the leaders of this committee have
15 played an important role in getting that done.

16 The committee co-chairs here are EPA
17 Assistant Administrator for the Office of
18 International and Tribal Affairs, Jane Nashida,
19 and USDA's Director of the Office of Tribal
20 Relations, Heather Dawn Thompson.

21 This consultation is closed to the
22 press, so if you have press questions you can

1 contact as the email of InteriorPress@ios.doi.gov.
2 This is a Government-to-Government consultation,
3 so we're going to try to prioritize tribal leader
4 comments and we'll call on folks as you raise your
5 hands, but if you're in the cue and you're not a
6 tribal leader, please just be patient with us if
7 we recognize an elected tribal leader before
8 coming to you.

9 We've got a number of Federal officials
10 here from various agencies who have signed on to
11 this MOU and we'll make sure to introduce them to
12 all of you shortly.

13 Lastly, for me for a little bit is, I
14 want to remind you all that we will also accept
15 written comments on this topic all the way through
16 midnight on October the 10th, which is a Monday,
17 and you can submit that to us at
18 consultation@bia.gov.

19 So, at this time I want to turn it over
20 to my friend and committee co-chair, Heather Dawn
21 Thompson.

22 **HEATHER DAWN THOMPSON:** Thank you so

1 much, Assistant Secretary Newland. My name is
2 Heather Dawn Thompson --

3 (WHEREUPON A NATIVE LANGUAGE WAS
4 SPOKEN.)

5 **HEATHER DAWN THOMPSON:** -- I'm the
6 Director of the Office of Tribal Relations in the
7 Office of the Secretary for the United States
8 Department of Agriculture, and it is our honor to
9 be co-chair for the Tribal Treaty Rights MOU as
10 well as one of the co-chairs for the White House
11 Council on Native American Affairs Committee on
12 Climate Change, Tribal Homelands and Treaties of
13 which this is one of the deliverables.

14 I just wanted to highlight to you how
15 important that committee is as a whole. As you
16 can see by the fact that this MOU came out of it,
17 but there are also many other important
18 commitments that we as teammates have made
19 together in that committee, one of which I just
20 wanted to briefly mention was the co-stewardship
21 agreement, or the joint secretarial order between
22 the Department of Interior and the United States

1 Department of Agriculture as two of the largest
2 Federal Land Managers in our Federal family, and
3 how seriously we take that responsibility to think
4 through your former tribal homelands that are
5 currently under Federal stewardship and how your
6 treaty rights, in particular, play a role within
7 that context.

8 I'm honored to be here with you today.
9 I'll visit with you a little bit more after my
10 teammate from EPA speaks about what we're doing in
11 the treaty rights MOU context and what our next
12 steps are.

13 But before then, I wanted to introduce
14 you to our EPA teammate, our EPA Assistant
15 Administrator, Jane Nashida. Jane, thank you so
16 much for joining us today.

17 **JANE NASHIDA:** Thank you, Director
18 Thompson, and good afternoon, good morning to
19 everyone. My name is Jane Nashida. I am the
20 Assistant Administrator for EPA's Office for
21 International and Tribal Affairs, and it is my
22 honor and pleasure to join you here today with my

1 colleagues, Assistant Secretary Newland as well as
2 Director Thompson.

3 As was mentioned under the White House
4 Council for Native American Affairs, EPA serves as
5 a co-lead to the council committee, which is the
6 Climate Change, Tribal Homelands and Treaties
7 Committee. In addition, EPA is the co-chair for
8 the International Indigenous Issues Committee.

9 At last year's White House Tribal Nation
10 Summit, as Daron mentioned, the announcement of
11 the Tribal Treaty Rights MOU was delivered as a
12 key -- as a key deliverable for the summit and its
13 EPA Administrator Regan who had the honor of
14 making that announcement. EPA, along with our
15 colleagues at Department of Interior and
16 Agriculture have led the effort to bring together
17 seventeen of our federal partners in signing the
18 renewal of this MOU.

19 EPA is committed to the implementation
20 of the Treaty Rights MOU and is actively engaged
21 on the White House Council of Native American
22 Affairs Implementation Group. In addition, EPA is

1 now in the process of revising our tribal
2 consultation policy to incorporate tribal treaty
3 rights.

4 I want to take this moment right now to
5 acknowledge my colleagues from across the Federal
6 agencies who are participating in today's
7 consultation.

8 So, from the Advisory Council for
9 Historic Preservation, Reno Franklin, who is the
10 American Native Hawaiian councilmember for the
11 Advisory Council for Historic Preservation has
12 joined us from the Department of Transportation.

13 Richard Kidd, the Deputy Assistant
14 Secretary of Defense for Environment for Energy
15 Resilience is also here.

16 From the Department of Education, Hollie
17 Mackey, who is the Executive Director of the White
18 House Initiative for Advancing Educational Equity,
19 Excellence and Economic Opportunity for Native
20 Americans and Strengthening Tribal Colleges and
21 University.

22 In addition, Amy Lloyd, the Assistant

1 Secretary for the U.S. Department of Education's
2 Office of Career, Technical and Adult Education is
3 joining us today.

4 From the Department of Housing and Urban
5 Development, Heidi Frechette, the Deputy Assistant
6 Secretary for Native American Programs, and from
7 the Department of Justice, Assistant Attorney
8 General Todd Kim from the Environment and Natural
9 Resources Division, as well as a Deputy Assistant
10 Attorney General Gina Allery; from the Department
11 of Transportation, Arlando Teller, the Deputy
12 Assistant Secretary for Tribal Affairs.

13 I want to acknowledge these principals
14 as well as other political appointees and senior
15 advisors who have joined this important meeting.

16 And with that, I thank them for being
17 here and I will turn it back now to Director
18 Thompson.

19 **HEATHER DAWN THOMPSON:** Thank you so
20 much, Jane, I appreciate that. I'm just going to
21 provide you a little bit of information about what
22 the tribal treaty working group has done so far,

1 and then turn it over to -- back over to Assistant
2 Secretary Newland to talk about some of the things
3 that we're going to be working on.

4 As my colleagues pointed out, seventeen
5 Federal agencies signing this MOU is historic. It
6 is really challenging to get one agency to agree
7 to anything, much less seventeen agencies, but it
8 shows the level of commitment from this
9 Administration to treaty rights.

10 And coming from the Great Plains myself,
11 from the Shine River Sioux Tribe, obviously, this
12 is very important to my community, to my tribe,
13 and treaties has been a big part of my life and my
14 legal training as well. So, I'm delighted to be a
15 part of this team.

16 We actually meet as staff from all
17 seventeen agencies every single month to make sure
18 that we're on track, that we're implementing the
19 MOU, we're thinking through the hard questions.
20 We also created a legal working group of our
21 solicitors or our attorneys from each of our
22 agencies so that it balances the policy decisions

1 that are being made and thought about, because
2 obviously, we can make all the policy decisions in
3 the world, but if we don't have the legal
4 implementation and backing, that becomes
5 challenging.

6 So, we're really delighted and thankful
7 for our legal working group, which has guided us
8 and really helped implement the meat of much of
9 these MOU provisions.

10 One of the first recommendations that
11 the legal working group made to the team was
12 training. That is a huge issue, obviously, for a
13 lot of Federal employees that don't have a lot of
14 exposure to either Federal Indian law or to
15 treaties.

16 And so, they recommended a speaker
17 series, which I'm delighted to announce has
18 already been implemented. We had Dean Stacy
19 Leeds as our first speaker with a goal of coming
20 in and really helping Federal employees understand
21 the importance of treaties and how they applied to
22 our daily work in upholding those treaty rights.

1 And our next speaker is Dean Elizabeth
2 Crump (ph.). Many of you are familiar with both
3 of those legal deans and we're delighted to have
4 them as part of our team.

5 Another thing that we have done already
6 in implementing the Tribal Treaty MOU from a
7 perspective of information to Federal employees is
8 the Department of Interior, USDA and DOD would
9 combine financial resources to partner with the
10 Oklahoma State University to create an online
11 tribal treaty database. And we will put that in
12 the chat so that you can start to navigate that.

13 It is still in BETA format, so we
14 welcome your input, especially as you navigate
15 your own treaties and the information there. But
16 you can imagine one of the challenges in the
17 Federal Government is that accessing, just finding
18 the treaties can be a real challenge for the
19 average Federal employee that's not an attorney,
20 that doesn't have a lot of experience in Indian
21 Country. So, we started simply by digitizing
22 Kappler's and all of the -- (audio faded) -- and

1 Kappler's.

2 And then you can see when you get on
3 here, we're starting to organize it by state, so
4 that our BIA employee or a forest service employee
5 in Oklahoma can say oh, you know, I'm in Oklahoma
6 and I've got a meeting. I see Chief Standing Bear
7 on the screen, I've got a meeting with Chief
8 Standing Bear, let me go to Oklahoma, let me go to
9 Osage, let me -- let me pull up which treaties
10 apply to them so at least I can start from a place
11 of an educated conversation.

12 So, that's our goal. We're under no
13 misunderstanding that this is going to be a
14 comprehensive database of everything that you
15 would need to know, but we wanted to have a
16 starting place so that there is no excuse, that
17 every Federal employee would have a simple, easy
18 to navigate place to start to find the basic
19 treaties and to have educated conversations with
20 our tribal partners.

21 So, we're really excited about that.
22 So, that's been released in phase one. We'll

1 start to improve it, make it more sophisticated,
2 have better tagging on it. We're working on the
3 successor in interest tribes right now, so you
4 actually might get some phone calls from our team
5 confirming if this is your understanding of which
6 treaties applied to your tribe as well. We want
7 to make sure that we're confirming directly with
8 the tribes, what our understanding is and then
9 we'll start to release phase two.

10 The next steps that we're starting to
11 work on as a group is thinking through some of the
12 harder conversations, right? Dispute resolution.
13 EPA has some pretty sophisticated dispute
14 resolution provisions in place, but a lot of
15 agencies don't.

16 We're thinking about how we make sure
17 that we have lawyers at each of our agencies with
18 treaty experience and really start to hire folks
19 from that prospective.

20 Do we need a treaty office that is
21 across and applicable to the whole Federal
22 Government. So, we don't have answers to these

1 next steps and these questions, but we're asking
2 the questions and we appreciate this conversation
3 to hear directly from you and Indian Country to
4 see what you're thinking about and how we can do
5 the best job possible in implementing this MOU.

6 So, let me turn it back over to my
7 teammate, Assistant Secretary of Indian Affairs at
8 the Department of the Interior, Bryan Newland, to
9 talk about some of the things that we're
10 continuing to work on, and we look forward to
11 getting your input on.

12 **BRYAN NEWLAND:** Thank you, Heather Dawn.
13 I appreciate that and thank you, Jane, for also
14 joining us today, I appreciate that.

15 So, the 2016 version of the Tribal
16 Treaty Rights MOU created a foothold so that we
17 could be having this conversation today, but the
18 ambition and work stemming from the 2021 MOU bring
19 us to a new level and it's an important effort.
20 It's never been undertaken on this scale with
21 seventeen signatory agencies.

22 This consultation seeks feedback from

1 you on how to best implement this MOU. And part
2 of this discussion today is how the Federal
3 Government can move toward a consensus-based model
4 of tribal consultation regarding treaty and
5 reserve rights.

6 The draft products of the MOU were
7 developed with input from each of the seventeen
8 signatory agencies. The MOU workgroup and the
9 legal workgroup reviewed existing agency
10 consultation practices and developments at the
11 international level to create the best practices
12 report which Federal agencies can use to help
13 guide and inform their approaches to tribal
14 consultation, policy development and Federal
15 decision making.

16 This effort is also in line with the
17 January 26th, 2021, executive memorandum from
18 President Biden on tribal consultation and
19 strengthening the Nation-to-Nation relationships.
20 The MOU workgroup also developed a field guide for
21 agency staff that provides key principles and
22 instructions in a company flow chart for Federal

1 field staff to follow when engaging tribes on
2 treaty and reserved rights.

3 The field guide and flow chart are
4 intended to help Federal staff identify treaty and
5 reserved rights that may be impacted by Federal
6 decision making and encourage early consultation
7 and coordination with tribal governments through a
8 step-by-step process.

9

10 The MOU leadership wants to ensure that
11 these documents are meaningful and informed by our
12 perspectives. We're open to other suggestions
13 from tribal leaders to ensure that the Federal
14 Government lives up to the commitments that we've
15 made in the MOU.

16 And to start the tribal leader dialogue
17 portion, I'm going to ask that Heather Dawn
18 Thompson help moderate. We're going to take turns
19 moderating this and we want to make sure that
20 we're prioritizing tribal leader comments.

21 To take a question or to ask a question,
22 excuse me, please raise your virtual hand by using

1 the reaction button at the bottom of your screen
2 with the raise hand function. Or if you're
3 joining us by phone, you can hit star nine to
4 raise your virtual hand and then start six to
5 unmute yourself when called upon.

6 So, with that, we're going to take our
7 first comment today and that's Chair Benjamin from
8 the Mille Lacs Band of Ojibwe.

9 **MELANIE BENJAMIN:** Thank you. So, I'm
10 very excited about this conversation and the MOU,
11 and I am the Chief Executive for the Mille Lacs
12 Band of Ojibwe and so we have a lot of controversy
13 about our reservation boundaries and the treaty
14 rights that encompass all of that, and so we're
15 currently in lawsuit for that.

16 And under our Band statutes we talk
17 about the powers of where the Mille Lacs Band
18 derived those rights, and we have a group of --
19 it's like the non-removable Sandy Lake Band, the
20 Rice Lake Band, Snake River, Kennel River, and we
21 combine together to govern under the umbrella of
22 the Mille Lacs Band of Ojibwe.

1 So, now we have like descendants that
2 are not Mille Lacs Band members that now say that
3 they are a leader of one of these bands, and so
4 they want their aboriginal rights that go along
5 with that, but there was some discussion that
6 happened back in the day where everybody came
7 together and agreed to be together under that.

8 So, I'm wondering when we're looking at
9 this document and so is there going to be an area
10 in there when there are groups of individuals that
11 say now that they're the -- they are the leader of
12 a band and -- for instance, Sandy Lake, we have a
13 group that has decided that they want to assume
14 their inherent sovereignty as they talk about, so
15 I wonder if in this MOU and how you deal with the
16 different departments, but these individuals will
17 hit every department that they can to convince you
18 that they are the rightful leaders of -- when in
19 reality sometimes you're not even enrolled in the
20 tribe. That's one thing.

21 And the second thing I wanted to mention
22 too is that we had an individual from the

1 Department of Energy talking about two topics here
2 that come -- that came out and it has to do with
3 some mining. And we reminded the Federal
4 representative that there was trust
5 responsibility.

6 And the response was, yes, we all have
7 to learn to trust each other and that's how we
8 have and continue to have good relationships.

9 So, you can see when you have some of
10 these long-term Federal employees, they may not
11 understand Federal Indian law and the trust
12 responsibility. So, I think that's also that has
13 to be addressed, is that we provide training for
14 individuals, and the individual in my mind, I
15 didn't think was trying to be negative or anything
16 but wanted to establish a good trusting
17 relationship.

18 And we go beyond that. So, I hope I'm
19 not too far off of the topic here, but I think all
20 of these are intertwined when you think about
21 things, and treaty rights, and that goes to
22 membership, that goes to land, and language and

1 you know, customs and all of that.

2 So, I just wanted to throw that out and
3 I hope I was clear enough, but we will also submit
4 written documents on a lot of additional topics as
5 well. Meegwetch, thank you for listening.

6 **BRYAN NEWLAND:** Thank you for your
7 comments and your questions, so I'm just very
8 briefly try to respond before tossing it back over
9 to Heather Dawn to continue the consultation.

10 So, Chair Benjamin, on your question
11 about making sure that agencies are only working,
12 you know, with leaders or designated
13 representatives of Federally recognized tribes.
14 That's not something that we necessarily feel like
15 we need to build into this particular MOU because
16 it's the practice of the Federal Government, but
17 the point of this work is to get some best
18 practices, because not every Federal employee can
19 be a legal expert in everything that the Federal
20 Government does, particularly Indian law.

21 So, we're trying to get some really
22 simple easy to understand basics of how to make

1 sure agencies are following through on the
2 President's commitment for consultation and
3 engagement, and really, our legal obligation for
4 consultation and engagement in a way that is
5 fulfilling our trust and treaty responsibility.

6 So, this work is aimed at getting people
7 across the Federal Government the basics so that
8 they -- when they get a call from you or other
9 tribal leaders on something and it pertains to
10 your reserve treaty rights, they can say hey I've
11 got an easy-to-follow chart here. Some of the
12 basic principles to understand and then they know
13 where in the Federal Government they can get help.

14 **MELANIE BENJAMIN:** Thank you, I
15 appreciate it.

16 **HEATHER DAWN THOMPSON:** And Matt
17 Dannenberg, if you want to come online, I don't
18 want to put Department of Energy on the spot, but
19 since you did bring it up, Chair Benjamin, give
20 Matt and opportunity to respond.

21 I don't -- it's certainly not unique to
22 Department of Energy, right, it's a challenge that

1 we have as Bryan just said across the Federal
2 Government, as Assistant Secretary making sure
3 that our teammates are appropriately educated, but
4 Matt?

5 **MATT DANNENBERG:** Yeah, thanks for the
6 opportunity to respond, and thanks, Chairwoman
7 Benjamin for bringing this up and you know, since
8 we've become aware of that situation, I've had
9 opportunity to follow up with Commissioner
10 Applegate and our secretary, and actually just
11 this last week we've had a second in our series of
12 trainings on tribal sovereignty, kind of one on
13 one and treaty rights, so we are working
14 diligently to make sure we're educating our
15 workforce in DOE on these matters. So, thank you
16 for the feedback.

17 **HEATHER DAWN THOMPSON:** Thanks for that,
18 Matt, and you know, just as one example of some
19 things we've done at USDA from a best practices
20 standpoint is one, we have an internal training
21 called ag learn where you have to do all your
22 federal trainings and we've added for specifically

1 to Indian Country for everybody to take, including
2 one on treaties and the trust responsibility.

3 And then we've actually changed the way
4 we hire folks for tribal facing positions. In
5 general, we've done historically much broader
6 hiring, you know, and the tribal positions have
7 been seen as outreach positions, and we have
8 completely redone that so that these are
9 considered subject matter experts and that we have
10 a series of requirements of Indian Country
11 expertise, treaty expertise, trust, and treaty
12 responsibility before you even come on board.

13 So, I appreciate you bringing that up,
14 it's an issue that we're acutely aware of and
15 appreciate working on together.

16 I'm going to call on Treasurer Sampson.
17 And just a reminder as we go through this, we're
18 going to call on elected tribal leadership first.
19 Please make sure that you have your name
20 identifying who you are. When you introduce
21 yourself, identify yourself, your tribe, your
22 position. We look forward to hearing your

1 comments, Treasurer. Go ahead.

2 **SANDRA SAMPSON:** Thank you. And good
3 morning here in Pendleton, Oregon. It's Roundup
4 Week, so everybody is off today, but I do
5 appreciate the database. I just jumped on, didn't
6 know about it, but I just have a few comments.
7 You know, CTR appreciates the work the
8 Administration has done to improve tribal
9 relations, including the tribal treaty rights MOU.

10 As I've been doing some research, this
11 was done back, I think the last signature was 11/9
12 of 2021, so -- and then there was a hundred and
13 eighty days to get it to the individuals to review
14 it. So, but we have reviewed the document
15 providing for this briefing, the best practices
16 for identifying protecting tribal treaty rights,
17 reserve rights and other similar rights and
18 Federal regulatory actions and Federal decision
19 making, and provide written comment, further ones
20 other than ones that I'd like to recognize in this
21 important document.

22 So, treaty rights are substantive

1 Federal law of equal importance to other Federal
2 laws and obligations. The fact is currently not
3 recognized in the regulation implemented by a
4 majority of the Federal land managing agencies
5 that CTR deals with.

6 It is absolutely critical that Federal
7 agencies recognize the treaty rights are Federal
8 law and are entitled to the same level of respect
9 as Federal law like the Endangered Species Act or
10 of a need for law or policy.

11 In regards to some of the agencies that
12 need trained on tribe and tribal rights, including
13 treaty rights. Like the Corp or Engineers, you
14 usually have a new officer in every two years.
15 So, at a lot of tribal agencies, you know, we --
16 it doesn't occur as much, but when they come in
17 every two years, it seems to make sure that there
18 is -- I appreciate what you were stating, that
19 there's going to be a document that shows exactly
20 how it works, but department agencies --
21 departments and agencies we work with within the
22 Columbia Basin such as the Forest Service, Bureau

1 of Land Management, Department of Energy, the Corp
2 of Engineers, as I mentioned, and Bonneville Power
3 Administration need to train agency leadership and
4 staff and their treaty and trust obligations to
5 Indian tribes.

6 One of the best methods to train Federal
7 employees we've found is conducting the
8 training -- for us, conducting the trainings
9 ourselves. Unfortunately, over the last
10 year-and-a-half, tribal resources have been taxed
11 by near constant demands for consultation and many
12 tribes lack that resource to engage.

13 Therefore, funding should be provided
14 directly to tribes to conduct training and
15 education for agency leadership and staff on
16 tribal rights and resources. I think that would
17 be beneficial. As I stated, many even state or
18 city, or even Federal regulations have a high
19 turnover. And we've been doing that probably for
20 the last five years with the State of Oregon or
21 Federal agencies.

22 And there was another thing that I'd

1 like to discuss was all Federal agencies,
2 including independent agencies should be included
3 in the TTR MOU. All Federal agencies including
4 independent agencies such as Federal Energy
5 Regulatory Commissions have the trust
6 responsibility to tribes under treaties and
7 judicial decisions and should be part of the MOU.

8 The only other thing I have a comment as
9 far as CRT is aware of, Federal recognized tribes
10 were not consulted on the drafting of the November
11 21 treaty MOU, only informed after it was signed,
12 and I think there was one signature that was the
13 Secretary of Ag. There was no signature on there,
14 just to -- in the information that I have read.

15 There should be an opportunity for
16 tribes to suggest revisions to the agreement. For
17 instance, the TTR MOU seems to indicate that off
18 reservation treaty rights are limited to ceded
19 lands. The MOU states that these treaties
20 guaranteed rights both on and off reservation and
21 including rights to hunt, fish, gather on land
22 ceded by tribes.

1 CTR has the right to hunt, fish, gather
2 and pasture livestock reserved in the 1855 treaty.
3 It is not limited to lands ceded by CTR under the
4 treaty. This point is well established by supreme
5 Court precedence that has stood over a century.

6 So, with that said, I do appreciate all
7 the time and effort that's gone into this, and the
8 database and I thank you for this time, and we
9 will submit further comment.

10 **HEATHER DAWN THOMPSON:** Thank you so
11 much for those comments, Treasurer Sampson, those
12 are very thorough and comprehensive. We look
13 forward to your written comments. I just wanted
14 to highlight in particular one thing that you
15 brought up about tribes conducting the training
16 themselves. This has come up in a couple
17 different contexts and is a really helpful and
18 interesting concrete suggestion.

19 I know at the Forest Service; we're
20 thinking about how we might be able to find
21 funding at the local level to try and implement
22 that in a variety of different regions. So, I

1 appreciate you bringing that up. That's a very
2 helpful solution.

3 Assistant Secretary Newland?

4 **BRYAN NEWLAND:** You bet you. Thank you,
5 Heather Dawn, and thank you Councilwoman, we
6 appreciate your comments.

7 I'm next going to call on Aaron Jackson.

8 **SANDRA SAMPSON:** And Secretary Newland,
9 we'd like to have you come to Roundup next year.

10 **BRYAN NEWLAND:** All right. I appreciate
11 that and would look forward to the chance. So,
12 Ojibwe's are not -- we're not horse people though,
13 so I might have to be careful. You might have to
14 give me a little pony.

15 Faron Jackson. You're on mute if you're
16 trying to speak. It looks like you're off mute.
17 Okay. Well, we --

18 **UNIDENTIFIED SPEAKER:** Chairman Jackson
19 -- is somebody stopping Chairman Jackson that
20 might be able to assist him?

21 **BRYAN NEWLAND:** While we wait a moment,
22 I just want a reminder for everybody that we're

1 taking your written comments on this consultation
2 as well. If you ever wonder if anybody actually
3 reads these, I assure you that we do. I often
4 read a number of tribal comments myself, but
5 oftentimes, or usually these written comments get
6 put into a matrix and then our team goes through
7 line by line all the comments to try to see how
8 they can incorporate them into our written --
9 (audio faded).

10 So please submit your comments at
11 consultation@bia.gov.

12 Mr. Jackson, Chairman, if you can hear
13 me, happy to hear from you. There's -- if you
14 wish to speak, then you can use the raise hand
15 function at the bottom of your screen.

16 You're muted, Chairman. We can't hear
17 you, I'm sorry. We'll be happy to call on you
18 again if you're able to get your technical issues
19 worked out.

20 Do we have any other tribal leaders who
21 wish to speak?

22 **HEATHER DAWN THOMPSON:** You know I'm

1 going to cold call on you, Chief Standing Bear
2 because we're related.

3 **GEOFFREY STANDING BEAR:** I appreciate
4 this document and the great efforts being made,
5 Director, and Assistant Secretary and everyone
6 here. I hope this is not the high-water mark and
7 we keep going forward. We've come a long way and
8 I really enjoy on page nine of the draft the Roman
9 Numeral XIII, recommendations for tribal
10 consultation policies acknowledgments.

11 For example, number three, as is
12 mentioned a minute ago, tribal treaties are
13 substantive Federal law and do not derive from
14 other Federal statutes. I hope our United States
15 Supreme Court has that same view.

16 I'm also interested in seeing the
17 dispute resolution process, which I'm sure you're
18 still working on, and I know you can only go so
19 far within the executive branch, but I really
20 thank everyone for this really good statement, and
21 Jose's Nation, we appreciate this.

22 So Director, that's pretty much what I

1 have to say.

2 **HEATHER DAWN THOMPSON:** Thank you so
3 much, Chief. I appreciate your time and thoughts.

4 **BRYAN NEWLAND:** And Chairman Jackson,
5 we've included in the chat here the dial in number
6 for this consultation. So, if you wanted to dial
7 into that phone number to speak, we'd be happy to
8 hear from you there. It looks like your computer
9 microphone is still not working.

10 **HEATHER DAWN THOMASON:** Still muted,
11 sir.

12 **BRYAN NEWLAND:** Be happy to have you
13 dial in if you can see that number on your screen
14 in the chat box. And are there any other tribal
15 leaders who wish to speak?

16 **HEATHER DAWN THOMPSON:** I don't know,
17 Assistant Secretary, I never thought the treaty
18 MOU was going to be the conversation where we were
19 going to be quiet in Indian Country. Where I come
20 from, you guys, we got a whole lot to say about
21 treaties.

22 There we go, we got Chairman Forsman's

1 hands up. Good to see you, Leonard.

2 **LEONARD FORSMAN:** Yes, good morning
3 still here in the great Puget Sound, Salish Sea,
4 home of the University of Washington Huskies. I
5 had to get that in there because Michigan State
6 will be in town. We're looking forward to a good
7 game.

8 I really appreciate the opportunity and
9 the Department's attention to this. As you know,
10 we are signatories to the Treaty of Point Elliott
11 1855. Chief Seattle signed for our people, and
12 that was established at the reservation where I
13 sit today. And between 1855 and present there's
14 been a lot that's occurred, and I think that this
15 Biden Administration has addressed -- is starting
16 to really address that. I think the boarding
17 school initiative document which I read outlines a
18 really important part of this relationship that's
19 been difficult but immense, and impactful, but
20 we're healing from that, and this is -- the people
21 on this call have been very integral in starting
22 that process.

1 I think about, you know, when we -- our
2 people signed that treaty, they accepted these
3 smaller reservations because they were fishermen
4 and hunters and gatherers and they thought well,
5 we can stay on these smaller reservations and we
6 can go out and fish and hunt and do the things to
7 provide for ourselves, and we'll survive.

8 Of course, that probably happened for a
9 while, but then the restrictions by the State
10 occurred and the state said, well, you know, you
11 can only fish on the reservation and the tribes
12 were very clear that we had usual and custom
13 fishing rights off the reservation. And so, those
14 were denied to us for a long time.

15 And of course, we have reasserted those
16 since the Boldt Decision and the Rafeedie
17 Decisions adjudicated those rights. So, I find
18 that very important, and of course, we've also
19 extended that to -- remember that we also have a
20 right to protect these resources, shellfish
21 resources and have a habitat and ecosystem
22 protection as well, and we continue to do that

1 today.

2 We spent a lot of time on that this
3 week, working through an issue regarding in water
4 navigation and fishing and impacts and our
5 corporate -- you know, with the Army Corp of
6 Engineers, you know, issuing permits that require
7 that, you know, treaty rights be taken into -- in
8 fact, they impact the fishing rights. It's super
9 important for us to be able to protect what we
10 have left out here.

11 One other thing I'd just like to mention
12 is that education, when the Indian agent came to
13 our reservation in 1856, a year after the treaty
14 was signed, he met with a couple of the chiefs,
15 and they were asked -- first off, they wanted to
16 know when was the treaty going to get ratified,
17 because it hadn't been ratified yet, and they knew
18 that Congress needed to ratify that treaty if we
19 were going to be able to get what was promised to
20 us.

21 And second, they wanted to know where
22 the school was. So, you know, it's important to

1 remember that because I can read a little bit from
2 this. It said that the Indians exhibit a great
3 anxiety on the subject of the ratification of the
4 treaty made with them and express the hope that
5 those old and decrepit people who's pressing once
6 had that they been relieved by the bounty of the
7 Government, might live to see the day when
8 schoolhouses would be erected for the instruction
9 of their grandchildren in accordance with the
10 stipulations of the treaty.

11 And of course, they expected those to be
12 schools on the reservation, but as you know, we
13 had the Toyette (ph.) Boarding School where my
14 grandma went, and you know, I just want to say
15 thank you for the work that's being done on that
16 and Secretary Haaland for, you know, embracing
17 what happened to our first nation's people and
18 incorporating that into your guy's workload and we
19 all on this call have been impacted by that, and I
20 know that sometimes I will be on calls now and
21 it's a tribute to the Biden Administration, I'll
22 be on calls and I'll say well, I got all these

1 Federal officials, I need to, you know, give them
2 a history of Indian tribal relations, Federal
3 tribal relations and go oh wait, they're all
4 Indians on here. It's like I can skip that part,
5 get to what we get to do.

6 So, yeah, we've had -- some of this is
7 being implemented out here. We've got good state
8 travel relations and the support of pretty much
9 the support of, you know, a population out here of
10 free rights and understand how important they are
11 to us and how important it is to the region, and
12 the Navy is one that we work with a lot. They've
13 incorporated a lot of this into their actions.
14 Not that they didn't originally have to be kind of
15 drug to the table, but they're being more and more
16 proactive in that and we've -- you know, some of
17 the private parties are sometime a challenge to
18 deal with, but we've had some help with that, and
19 I know other states don't have the same
20 recognition, and it takes a while. Education is
21 super important for us to remember.

22 I remember one time we had a traditional

1 cultural property over here near Bremerton near a
2 naval installation, and we'd been arguing back and
3 forth with the staff about whether this was, you
4 know, actual authentic significant traditional
5 cultural property that should be listed, and the
6 staff was always pushing back on us and we got
7 this new captain and he -- we asked him about this
8 question and he goes well, I took this training
9 and it said I took an oath to uphold the
10 constitution and honor Indian treaties that are
11 part of the constitution, so why wouldn't I
12 recognize this as a cultural property? I went
13 wow, he was listening to the training.

14 So, I think that that's important to
15 help the tribes and other places that have more
16 hostile relationships around honoring their
17 treaties, you know, that's -- getting more of the
18 real truth out there is important and I think that
19 hopefully we can incorporate that and help those
20 tribes with investment in helping that information
21 get out there. That's why I work so hard on
22 education, because it's super important.

1 So, that's all I have.

2 **BRYAN NEWLAND:** Thank you, Chairman
3 Forsman, and when I saw your hand go up, I was
4 confident you were going to be wearing your
5 Huskie's shirt and I've been warned against
6 wearing my Spartan helmet to the office. The
7 first three times did not go well, but I
8 appreciate that.

9 **LEONARD FORSMAN:** Well, the Seahawks are
10 looking forward to your Kenneth Locker joining the
11 team on their next game, so I look forward to
12 that. So, we're even.

13 **BRYAN NEWLAND:** Thank you, Chairman, I
14 appreciate your comments.

15 **HEATHER DAWN THOMPSON:** Bryan, we
16 have -- you know, we were having trouble with
17 Chairman Jackson getting on the line and he's
18 actually on the phone now on 218 if we are able to
19 open that line.

20 Chairman Jackson, can you hear us, and
21 are you able to say hello?

22 **BRYAN NEWLAND:** You have to press star

1 six to unmute yourself. Chairman Jackson, if you
2 can hear us and you're on your phone, press star
3 six. That will unmute you. I can hear you.

4 **FARON JACKSON:** Hello.

5 **BRYAN NEWLAND:** There you are, Chairman
6 Jackson. We go you.

7 **FARON JACKSON:** I'm sorry I'm having
8 that technical difficulty. I want to thank you
9 for allowing me to speak here on behalf of Leech
10 Lake. Good afternoon. My English --
11 (unintelligible). I'm from the Badland and I
12 serve as the chairman of the Leech Land Band of
13 Ojibwe, the third largest tribe of eleven
14 federally recognized tribes in Minnesota.

15 I want to thank the Biden Administration
16 for holding this consultation and for highlighting
17 the importance of protecting tribal treaty rights.

18 The Leech Lake Band of Ojibwe is working
19 with three Federal agencies to implement the MOU
20 on treaty rights. On Monday we have a meeting
21 with these agencies to discuss the Federal permits
22 that will really impact our treaty rights.

1 We are opposed to the Huber Frontier
2 Project which is a plan to construct 160-acre
3 manufacturing facility for oriented-strand board
4 adjacent to a critical treaty wild rice bed less
5 than a mile from the reservation border.

6 The following Federal agencies are
7 considering permits: The Army Corp of Engineers
8 is considering a 404 permit to fill undeveloped
9 wetlands with direct hydrological connection to
10 Black Water Lake of the Mississippi River, one of
11 the most important wild rice waters in Minnesota.

12 Number two is the Fish and Wildlife
13 service is continuing to cut down and destroy two
14 eagle nests at that same location.

15 And the third here is Environmental
16 Protection Agency will review numerous new major
17 source air permits as one of --
18 (unintelligible) -- with water quality standards.

19 We reviewed the draft guidance documents
20 and appreciate the work that went into it. Our
21 primary recommendation is that the identification
22 of treaty rights needs to be built --

1 (unintelligible) -- procedures. If it isn't on
2 the permit application form the Federal agency
3 will never consider treaty rights unless the
4 tribal government finds out and makes an issue out
5 of it.

6 Too often that means tribes get to the
7 table late in the process. The Leech Lake Band
8 heard about the Huber's Frontier Project from a
9 press release from the Governor's office and then
10 weeks out to the Federal agencies. Meanwhile, the
11 agencies were moving forward on permit
12 applications that included both information about
13 proximity or impacts to tribal homelands or treaty
14 resources.

15 Federal permit applicants should be
16 required to answer a question. Will the project
17 affect tribal lands or treaty resources? The
18 agencies should also identify affected Indian
19 tribes through use of the tribal treaty database,
20 the BIA tribal land locator tool and the Forest
21 Service tribal connections.

22 We believe the references to these map

1 databases on permit applications will remind
2 Federal employees to consider the impacts on
3 tribal lands and treaty resources. Federal
4 regulation should also be amended to include
5 treaty rights. As an example, the 404 wetlands
6 regulations comes into play frequently. Although
7 the 404-regulation reference, the Endangered
8 Species Act, and other laws, they do not mention
9 treaty rights at all.

10 We believe that would improve the
11 protection of treaty rights if they were
12 specifically referenced in Federal regulations
13 like the 404 guidelines.

14 One last final comment is about
15 integrating treaty rights into the NEPA process.
16 Many treaty rights involve the right to hunt, fish
17 and gather natural resources. And tribal concerns
18 are about impacts of Federal decisions and failure
19 to consider alternatives.

20 For these reasons, the environmental
21 impact statement under NEPA is offered the best
22 instrument to coordinate multi agency review of

1 the impacts on treaty rights, and EIS has the
2 advantage of an established process for
3 interagency cooperation and the opportunity for
4 the tribe to be a cooperating agency.

5 (Unintelligible) -- our treaty rights should be
6 given priority on any -- (unintelligible) --
7 guidance because these impacts are significant,
8 highly controversial and the affected tribes are
9 sovereign nations with stewardship
10 responsibilities for these resources.

11 I just want to thank you for considering
12 our topics today and we look forward to working
13 with you to implement the MOU and to protect our
14 treaty rights for our future generations.

15 Meegwetch.

16 **BRYAN NEWLAND:** Meegwetch, Chairman.

17 Thank you so much. Appreciate your comments and
18 appreciate the frustration you expressed about the
19 different processes.

20 Just very -- without speaking to any
21 agencies specific, permit reviews just generally,
22 this is a big reason why we're undertaking this

1 work to make sure that tribes are included in
2 these conversations at the earliest possible time.
3 That's one of the hallmarks of meaningful
4 consultation and you know, to make sure that we
5 are -- that we're giving the tools to agency staff
6 across the Federal Government, that they need to
7 understand when and how their work might impact a
8 tribe's reserved rights or interest if it -- you
9 understand probably as well as anybody that many
10 times Federal -- agency officials, it's not
11 intuitive that if they're taking action outside of
12 reservation, that there's a legal interest that a
13 tribe has there. So, that's one of the main
14 reasons why we've undertaken this work, to make
15 sure that there's a stop and look and engage
16 process here.

17 So, thank you for raising that and
18 thanks for your patience with us, and we're happy
19 to have you join us.

20 **FARON JACKSON:** We really appreciate
21 that on behalf of the Leech Lake Band of Ojibwe.

22 **BRYAN NEWLAND:** Meegwetch.

1 **HEATHER DAWN THOMPSON:** And Assistant
2 Secretary, if I may, I wanted to address the map
3 and the boundaries issue that the Chairman brought
4 up and a couple of different tribal leaders have
5 sort of touched on in the conversation today. I
6 know the Chief from Mille Lacs mentioned this as
7 well.

8 This is a real challenge, you know.
9 There's not one -- there are certain databases --
10 I shouldn't say there are none. There are certain
11 databases that do try to touch on the treaty
12 boundaries, but there is not unanimity in their
13 accuracy.

14 And so we are, as a team, particularly
15 with the lead of Department of Interior, trying to
16 think through what those mapping opportunities
17 should look like. But it is challenging, right,
18 and we do seek your advice on that. That is one
19 of the reasons on the treaty database you don't
20 see a map right now, because there is so much
21 margin for error and there is such a difference of
22 opinion sometimes between the tribe and others,

1 and some of it's still being litigated.

2 So, just flagging for you that we
3 acknowledge and recognize that in the end you are
4 the experts on your treaty boundaries, and we rely
5 on you, and there isn't one stop shopping of
6 finding those boundaries of when those permits are
7 triggered, and those conversations are triggered.
8 That is uniformly agreed that is reliable. So,
9 just sharing that and being transparent with you
10 guys on that.

11 I think we have a question in the chat.
12 Assistant Secretary Treasurer Sampson asks
13 according to the MOU, any agency may opt out with
14 a sixty-day notice. And during the Obama
15 Administration there was to be a comprehensive
16 policy. After this two-day consultation on the
17 tribal treaty right MOU, what will occur for the
18 final MOU, and when will Congress get an annual
19 report?

20 So, I can address the annual report. I
21 don't think there is an annual report requirement
22 to Congress that I'm aware of unless I'm

1 misspeaking.

2 **BYRON NEWLAND:** No, there's an annual
3 report to the Executive Director of the White
4 House Council.

5 **HEATHER DAWN THOMPSON:** And then I don't
6 know if Jared, or Morgan or Bryan want to talk to
7 the next steps.

8 **BRYAN NEWLAND:** I'd ask Jared to maybe
9 address those really quickly, or Morgan.

10 **JARED HAUTAMAKI:** My name is Jared
11 Hautamaki. I'm serving on the White House Council
12 implementing the MOU and the consultation here
13 today, we're going to take the feedback that we
14 receive on the draft documents and work on
15 incorporating that feedback and revising the best
16 practices document and the field guide and flow
17 charts and incorporating tribal feedback into
18 those and issuing those.

19 I see, you know, Executive Director
20 Rodman is on the screen. I want to defer to him
21 in terms of answering this as well.

22 **MORGAN RODMAN:** Jared, I think you've

1 got it. This is just to get tribal leader
2 guidance on the further implementation to get
3 guidance on where we've gotten so far and to just
4 really make this a stronger all of Government
5 foundational document and all of the deliverables
6 and tools that come from the MOU. So, everything
7 has been very productive so far and constructive,
8 so thank you so much.

9 **HEATHER DAWN THOMPSON:** Thank you both
10 for that. And you know, as you know, we are
11 hoping that there will be another tribal leader
12 summit with the President later this year and we,
13 of course, are working diligently to finish our
14 deliverables to make sure that we are responsive
15 to the President and to you as our partners, as
16 the tribal nations.

17 Okay. I see Cherokee Nation Delegate
18 Kim Teehee has her hand up. Delegate Teehee, you
19 can take yourself off mute and turn on your video.

20 **KIM TEEHEE:** All righty. Well, good
21 afternoon. Thank you so much. First of all, I
22 just want to commend the Federal family. I know

1 we had many agencies represented on this call
2 today, and I just commend the work that you've
3 done, the mammoth undertaking it is to come to an
4 agreement between the Federal family on putting a
5 document out there for our review, and I think --
6 obviously, I can't speak for everybody on here,
7 but I think that sort of the shyness you're
8 experiencing today is not a lack of interest at
9 all.

10 We're so used to being consulted with on
11 areas where we want to complain, and we want to
12 disagree. And this is unprecedented, I think, in
13 a lot of ways, because it's so pro treaty, pro
14 sovereignty, pro-Government-to-Government
15 relationship, and I appreciate that.

16 It reminds me of when the United States
17 issued its -- we sought consultation on the United
18 Nations Declaration of the Rights of Indigenous
19 Peoples. We did consultations and people really
20 didn't say a whole lot. It wasn't because it
21 wasn't important, it's just when you finally get
22 through the door and get at the table and you have

1 an Administration that really wants to do
2 something, that's pro tribal, pro sovereignty,
3 it's so important as this document is, you know, I
4 think we sometimes just sit back in kind of shock
5 sometimes, I think.

6 I don't know. But with that said, I
7 also know that feedback is important to you, and
8 there's ways to improve this, I think. We
9 certainly can do that. And I, for one, have
10 had -- basically just skimmed the document, and I
11 thought wow, this is great.

12 But I do have, you know, just some
13 thoughts. One is, you know, just having gone
14 through this a little bit because the Cherokee
15 Nation has -- (unintelligible) -- treaty rights in
16 its treaty, but it's removable treaty that calls
17 for a delegate in the House of Representatives.
18 Its mandatory language is not discretionary.

19 Some of the things that we've
20 encountered is that the body reviewing the treaty
21 right undertakes a legal review, right? We know
22 it's about a treaty right. We know it's never

1 been abrogated before, but there is, you know --
2 if these treaty rights are being included as part
3 of decision making and policy, I suspect, you
4 know, you're going to have the lawyers and the
5 agencies wanting to first determine if it's a
6 valid treaty right, right? That's an examination
7 of the legal history, any case law that might have
8 developed. And that takes time. So, there's
9 going to be some delay there.

10 So, I guess, I don't know what the
11 process is for determining that, if there is just
12 a deference given to the tribe or what the process
13 would be there, but I suspect, just because I've
14 had to go through this, you know, and it was
15 months in the making to get lawyers within
16 Congress to say yes, this is a valid legal treaty
17 right, you know, something that we knew all along,
18 and provided the legal analysis that we understand
19 that the body, itself, has to -- that the body
20 that we're trying to convince to do something, to
21 take action, has to agree with us too.

22 So, I just wanted to throw that out

1 there, that it sounds like we're -- in determining
2 the weight of these instruments in decision
3 making, it also sounds like, you know, just be
4 mindful of each agency's probably wanting some
5 process in order to determine if the treaty right
6 that's at issue is actually valid, and the time
7 that it might take to actually do that, and what
8 do you do if there is disagreement there?

9 I would also say too, that we should
10 also look at treaties that are unique. Every
11 treaty is unique, but there are some treaties that
12 have such unique provisions that only apply to
13 maybe one, maybe just a handful of tribes. And
14 so, I don't know that consultation, if you have a
15 treaty right that only applies to one tribe, for
16 example, is necessary in that instance.

17 But so, acknowledging that there are
18 unique factors that are taken into account when it
19 comes to analyzing somebody's treaty right, and
20 when these agencies are working with a tribe, that
21 there may be, in fact, a treaty right that is not
22 applicable to the rest of Indian Country, and so

1 therefore complication, you know, may not fit in
2 that particular circumstance, but a consultation
3 with that particular tribe instead is something
4 there.

5 The other thing, too, is, you know, in
6 consulting, how do you determine how to move
7 forward when you have similarities in treaty
8 rights? Are you seeking consensus? Consensus can
9 be hard to measure because for the reason I just
10 mentioned, not every tribe is the same. Every
11 tribe, you know, has a similar treaty rights. For
12 those who don't have the thing that's being
13 consulted on have the ability to weigh in on how
14 treaty rights are to be interpreted, and in any
15 particular agency action, what do you do if there
16 is disagreement about that?

17 And so, you know, there is a -- a
18 consensus type of measurement that's being
19 considered, I think that would be worthy of input
20 as well. How would you -- how do you determine
21 that in decision making as well?

22 I think also a top-down strategy, I

1 mean, all the people on this particular meeting
2 are what seems to me to be all the senior
3 political, right? But we know that the people
4 under you are the ones to actually implement the
5 day-to-day work here, and how do we make sure that
6 you execute the top-down strategies so that there
7 be -- it would be properly imputed, you know.

8 And then, I would also say too that
9 while this is amazing, and maybe the final product
10 is an executive order on this in this
11 administration. That would have more legs than
12 MOU, and you're almost there anyway, right? You
13 got this wonderful MOU, but an executive order
14 would actually bring it up a notch, I think, too,
15 in this as well.

16 And I think another thing is, you know,
17 in how we consult. I know that we oftentimes say
18 elected leaders only and you know, in my case, I'm
19 an appointed cabinet level position in the Chief's
20 office. I'm the Cherokee Nation's Delegate to
21 Congress. And our tribal council, in fact,
22 confirmed me. But yet there are tribal

1 complications that even though I'm a direct result
2 of the treaty right, there are consultations that
3 I can't participate in because I'm not an elected
4 leader.

5 And so, I think, you know, just
6 respecting tribal nations, processes, how they
7 determine who their representatives are, as well
8 as you engage in these kinds of conversations with
9 them, I think is helpful.

10 And I'll just say too, I would be remiss
11 if I didn't say this, we are -- with regard to
12 Cherokee Nation's quest to have the Cherokee
13 Nation Delegate seated in House of
14 Representatives, we're not hoping for a movement
15 this year, you know, in the House of
16 Representatives, and at some point if the
17 Department is called upon to express its views,
18 especially given this MOU, our hope and desire,
19 and frankly, expectation is that this Department
20 would scream loudly that it supports our treaty
21 right.

22 And finally, I was just listening to

1 Chairman Forsman and Assistant Secretary Newland
2 talk about the Huskies. I wanted to also say that
3 this weekend, I think the Huskies are recognizing
4 legendary football player and Cherokee citizen,
5 Sonny Sixkiller, for his standout work through the
6 years. And so, we're obviously very proud of him,
7 too. And also, I'm proud of you know, ATNI for
8 its support of delegates to Congress, too. And
9 there's other who are on the call.

10 **BRYAN NEWLAND:** Thank you so much, Kim,
11 I appreciate those comments and they're very
12 helpful in terms of providing us a lot of
13 direction and thoughts on how we move forward with
14 the implementation of this in the work that we're
15 doing.

16 You know, just one point I want to
17 respond to very briefly that you raised about the
18 termination of whether a treaty right exists.
19 That's something that we've discussed a lot in
20 this context, and on page eight of the first
21 document that was sent up, we included language in
22 there that it says in consultation agencies should

1 carefully consider tribal views on the nature and
2 scope of the treaty and reserved rights, and
3 agencies should also consider tribal views on the
4 likelihood and level of impact to those rights by
5 the proposed agency action and how best to
6 accommodate tribal rights.

7 The larger part of that discussion is
8 the recognition that these are agreements between
9 sovereigns and so that there's a -- it can't be a
10 one-way street in making that determination that
11 there's got to be the engagement on it.

12 But thanks for raising your other points
13 and it's great to hear from you and
14 notwithstanding, honoring Casey -- or excuse me --
15 Casey Sonny Sixkiller tomorrow, I still hope the
16 Spartans win. So, thank you, Kim.

17 **HEATHER DAWN THOMPSON:** And I'm going to
18 say, Kim --

19 **LEONARD FORSMAN:** That's not how it
20 turned out -- excuse me -- I was just going to say
21 that's not how it turned out when 1971, I think we
22 won that game, so we'll see how it goes.

1 **HEATHER DAWN THOMPSON:** It quickly
2 digresses into a football fight. I'm going to
3 take Kim's call to action to shamelessly plug our
4 own Office of General Counsel's position because
5 we have heard you -- Delegate Teehee and the
6 tribal leaders say that we need more treaty
7 expertise in our General Counsel's offices and our
8 Solicitor's offices, and we took that very
9 seriously. And so we're just really thrilled. We
10 have a lot of attorneys that have it as their
11 secondary component of their work, but we don't
12 have a full-time career attorney that is
13 exclusively focused on treaties and Federal Indian
14 law, and we are hiring that position a senior
15 level attorney, so please do forward it. We want
16 to make sure we get someone from Indian Country
17 with this level of expertise.

18 Next to the Department of Interior we
19 are the other larges manager of federal lands,
20 former tribal lands, former treaty lands and we
21 want to make sure that we have just an excellent
22 stand out attorney to be able to help us interpret

1 the treaties in this space, so please do promote
2 it. I put the link there in the chat.

3 **KIM TEEHEE:** All right, since I hear
4 silence here, if I could real quickly, Heather
5 Dawn, you reminded me of something. I think, and
6 I was heartened to hear Bryan say that there's
7 been plenty of conversations inside. And one of
8 the things that I think would be very helpful, if
9 that -- if those conversations haven't already
10 addressed this, which is how do you interpret a
11 treaty between a tribe. You know, we had to go
12 over the hump off lawyers who were unfamiliar in
13 the Congress with treaties between tribes because
14 they were applying, for example, international
15 standards and law when it comes to treaties and
16 how they're executed, how are they -- you know,
17 and going through the analysis of treaties with
18 tribes. Tribes are domestic by nature, therefore,
19 they're self-executing in their spring level land.
20 That's been the law forever.

21 But somebody that's not familiar with
22 Indian law, Indian treaties are not familiar with

1 that, and therein lies some delay until you
2 convince the lawyers on the other side that this
3 is what the law is and such, but you know, having
4 some -- you know, that's just an example, but
5 that's -- there's others, that we've had to go
6 through, but certainly, you know, having some kind
7 of treaties one on one, you know, not just the
8 deference to the tribes and how you interpret the
9 treaty, but other things to that would impact the
10 execution of a treaty right.

11 I think that's such a good point, Kim.
12 And again, not to belabor this position that we've
13 advertised, but you know, Indian Country, we
14 encourage our attorneys to go work for our tribes,
15 for our non-profit native organizations, et
16 cetera, and to Department of Interior to an
17 extent, but even then, there's not a huge movement
18 to get out Indian law experts and treaty experts
19 into the Federal Government.

20 But as you pointed out, you know, the
21 buck kind of stops at the Federal Government, even
22 if they're doing good consultation, they are going

1 to be their own arbiters of what they believe the
2 treaty rights are, and it has huge impacts on
3 tribal nations. And USDA and DOI in particular,
4 but other of our partners as well, EPA. There's a
5 handful of us that are tribal attorneys but not
6 nearly enough, and not as many that are really
7 steeped in treaty law in particular, which is a
8 whole other subset of specialty within Federal
9 Indian law.

10 So, you know, as tribal leaders, as
11 leaders in your tribal communities, as your
12 counseling, you know, young attorneys, you know,
13 please do encourage folks to think about the long
14 game of being a part of the Federal Government in
15 our legal department -- it's not just our policy
16 department -- to be the person that's on this end
17 interpreting our treaties from a Federal
18 Government perspective. That is going to
19 institutionalize a different perspective on how we
20 do business together.

21 **BRYAN NEWLAND:** Thank you, Heather Dawn.
22 So, we've got open speaker's cue, and we have

1 about thirty minutes left in our scheduled time
2 today. I'm happy to go all the way up until our
3 scheduled time, but if we don't have folks who
4 want to speak, we're happy to break early as well
5 and accept your written comments on this.

6 And so, we'll do another call for
7 speakers here. I just ask you to raise your
8 hands. If you are on the phone, as I know many of
9 you are, you can press star nine to raise your
10 hand on the phone and see if we have anyone
11 raising their hand.

12 **MARIO GONZALEZ:** Mr. Chairman, is it
13 possible for me to make a statement for the Oglala
14 Sioux Tribe?

15 **BRYAN NEWLAND:** Sorry, I missed who that
16 was.

17 **HEATHER DAWN THOMPSON:** Hi Mario. Do
18 you have proxy for the Oglala Sioux Tribe?

19 **MARIO GONZALEZ:** Well, I was just
20 notified by Jennifer Hughes that our tribal people
21 could not participate and she's asking somebody
22 like me to get on and participate. So, I think

1 I'm the only Oglala on right now.

2 **HEATHER DAWN THOMPSON:** Mario Gonzalez
3 as tribal counsel for the Oglala Sioux Tribe,
4 please proceed.

5 **MARIO GONZALEZ:** Yeah. I just want to
6 state that, you know, I have been directly
7 involved with some of these new plans commission
8 proceedings and in Court of Claims, and we have a
9 great concern about the 1868 Fort Laramie Treaty.
10 There was an earlier, I think, 1851 treaty that
11 recognized our territory and our equal pride, and
12 that was part of the reservation 1850's, and our
13 territory was defined -- recognized territory
14 defined. And then there was a '68 treaty.

15 We found out that there's a lot of
16 language we never agreed to slipped into that
17 treaty, it was like language. And already go too
18 after defining the Great Sioux Reservation, there
19 was language in there that we relinquished all the
20 territory outside that reservation, and that
21 included thirty-four million acres of western
22 Missouri. And later in the plans commission they

1 reached out and grabbed another fourteen million
2 acres of original land that were never agreed to.

3 And then in Article XI, it says that we
4 would not occupy that thirty-four million acre
5 unceded territory, but we could hunt there as long
6 as a -- to justify a chase.

7 So, what happened was that those
8 treaties were not negotiated. They were just like
9 the IRA constitutions, they were just, you know, a
10 form passed out by the Bureau of Indian Affairs to
11 tribes and then you just adopt that standard form
12 in your constitution while the 1868 treaties are
13 pretty similar and they want to negotiate it, they
14 were just -- just drafted by the Government and
15 handed out, the -- (unintelligible) -- treaty, the
16 Lakota treaty, some of the other 1868 treaties.

17 I think likewise, the 1866 treaty was
18 similar in Oklahoma. But the '68 treaties are all
19 alike and they were not negotiated. In fact, the
20 commissioners had already left when Chief --
21 (unintelligible) -- came in, there was one person
22 left and, you know, after explaining to him this

1 language, and then later on we found out that we
2 didn't agree to all that language.

3 And they submitted to the Indian Claims
4 Commission, when it went to the Indian Claims
5 Commission, the Indian Claims Commission made a
6 finding that the Sioux never agreed to any of that
7 language and that they wouldn't have signed the
8 treaty if they had known that it was in there.
9 And based on historical evidence, the Indians
10 would fight to the death in the --

11 (unintelligible) -- indicate that its people did
12 not want to give up the land according to Indian
13 Claims Commission, 241.

14 Lone Horn stated that the Sioux would
15 never cede their country according to Indian
16 Claims Commission 248, Sitting Bull announced that
17 he had no intention of selling any land to the
18 Whites.

19 According to Indian Claims Commission
20 249 General Sanborn added that the Government
21 understood and quote, you tell us you don't want
22 to receive any -- that you don't wish to be

1 thought of a selling your land, we are not going
2 to give you the goods in exchange for land.
3 That's 42 Indian Claims Commission at 251. And
4 after the terms concerning the extended of Sioux
5 territory -- (unintelligible) -- keeping out the
6 Whites, were read to them -- (unintelligible) --
7 that's 42 Indian Claims Commission 252. But see,
8 Red Claw came in way after -- (unintelligible) --
9 explained to him when he signed. And then this
10 treaty was taken back and reworked by those Civil
11 War generals that came in after the Civil War all
12 the way from Fort Cloud, Oklahoma, all the way in
13 our country.

14 They negotiated these treaties. I
15 understand that they took them back and then they
16 added the succession language in afterwards, and
17 then had Congress ratify it. So, you know, it
18 went to the Indians Claims Commission, there was a
19 hearing on it. I intervened in that --
20 (unintelligible) -- other attorneys that were
21 still allotted but participated in that Indian
22 Claims Commission proceeding. And so, we were

1 able to intervene in Docket 74.

2 Strand River wanted to join us, but they
3 weren't allowed because they already had an
4 attorney of record there and our attorney had --
5 his contract expired and he had no authority to
6 represent us, so I was able to intervene for the
7 Oglala Sioux Tribe.

8 I got the counsel to pass two
9 resolutions to withdraw from that invalid --
10 (unintelligible). We didn't want to be part of
11 this fraud being perpetuated on our people, so we
12 passed two resolutions saying let us out, we don't
13 want to be part of this case. While the Court --
14 commission would not let us out, Courts would not
15 let us out, so we had -- we were forced to
16 participate in this Indian Claims proceedings.

17 And then after we -- the evidence was
18 registered in Indian Claims Commission. The
19 Commission said that even though the Sioux did not
20 agree to succession language, since it was in the
21 treaty, they can monitor that section of territory
22 contrary to the understanding of the Sioux

1 Indians.

2 So, and I argued to get out of that
3 case, I was sitting on the same side of the table
4 as the Government attorney arguing that we wanted
5 a reversal of Judge Yack's (ph.) lower court
6 decision that locked us in. And the Claims
7 attorneys, of course, were sitting on the opposite
8 table, some of them wanted to be on our side, but
9 they weren't allowed to.

10 So, I argued for the tribe to reverse
11 that lower court decision. It was indefensible
12 because any defense commission could -- life had
13 ended in '78 so it was transferred to the claims
14 board. So, Judge Offett (ph.) the one that was
15 handling it at that point, he basically adopted a
16 Government offer to settle that case for four
17 million dollars.

18 And so I -- that's why I entered into
19 the appearance in that case and argued against,
20 you know, affirming that case in Federal Circuit
21 Court of Appeals, in the Court of Appeals at that
22 time.

1 And of course, we prevailed. We got
2 them to send the case back down. The Government
3 wanted it, and we wanted it, so it was sent back
4 down to Judge Yack, but I made an appeal. I
5 appealed to the Supreme Court. I wanted to make a
6 historical record on a couple issues. One was
7 that you have to interpret treaties the way that
8 Indians understood it, and the Court was not doing
9 that. The Claims Court was not doing that.

10 So, the Supreme Court, as we anticipated
11 and expected, denied our petition. So, then it
12 went back down to Judge Yack. But there's
13 language in that -- (unintelligible) -- decision
14 that we did not like. It had said that hey,
15 there's a way here for this case to be terminated.
16 Judge Yack was concerned because it went on and
17 one year after year after year.

18 Judge Yack of the Appeals Court said
19 that the claims attorneys and tribal claims
20 counsel could get together and stipulate on the --
21 (unintelligible) -- in the case. So, they did
22 just that, and it came back down to Judge Yack's

1 Court. Our claims attorneys and the Government
2 attorneys went behind closed doors without our
3 consent, without our knowledge against our wishes
4 and stipulated away forty million acres of our
5 land for forty million dollars.

6 So, you know, that was a case we wanted
7 to get out of, we had two resolutions to get out
8 of that. So then -- I'll try to end this. I just
9 want to add that, so I'm a member of the -- to the
10 Indian Law Resource Center with Tim Coulter (ph.),
11 so I asked the resource center if they could file
12 a motion for relief and judgment, I would be
13 counsel on.

14 They did, so we filed a motion for
15 relief and judgment. Of course, it was denied,
16 and it went back to the Federal circuit, but we
17 had one dissenting opinion, Judge Newman. And if
18 you read that decision, it pretty much states our
19 position on this case.

20 So I guess what I want to bring out here
21 is that those treaties were not actually
22 negotiated. Many of them were not negotiated.

1 They were altered. A lot of tribes said, hey, we
2 got treaty rights, we got to enforce the treaties.
3 But you need to look at a lot of this language
4 that the generals snuck into those treaties, and
5 you know we can't read to that succession language
6 when you know, that's -- like we do that, we're
7 promoting and perpetuating the problem on our
8 people and we need the Government to sit down with
9 us and resolve those issues, not just say hey, you
10 got treaty rights and they're going to enforce
11 them.

12 A lot of tribes are saying the same
13 thing. There are some good treaty language --
14 treaty -- there are some good rights in a lot of
15 these treaties. And there might be a few rights
16 in that '68 treaty but it was all based on ending
17 the War, 1866 and '68. It was not based on --
18 (unintelligible).

19 So, I just wanted to bring that to your
20 attention.

21 **HEATHER DAWN THOMPSON:** Okay, thank you,
22 Mario.

1 **MARIO GONZALEZ:** We have the --

2 **HEATHER DAWN THOMPSON:** That's really
3 helpful. Thank you, Mario. I think, you know,
4 you really did a nice job highlighting several of
5 the themes that we are thinking about and need to
6 put more thought into. You know, one, obviously,
7 the importance of the cannons of construction.

8 Two, you know, how very important it is
9 for us to make sure that there's a formal
10 mechanism of some sort for tribal interpretation
11 in this conversation, because this might not, as
12 you pointed out, might not simply be interpreting
13 the language in the treaty, but really the
14 validity of the treaty itself from the tribe's
15 perspective.

16 So, I really appreciate you

17 **MARIO GONZALEZ:** (Unintelligible).

18 **HEATHER DAWN THOMPSON:** Uh-huh. Uh-huh.
19 I really appreciate you taking the time to explain
20 some of those specifics to help illuminate the
21 larger problem. That was really helpful, Mario,
22 and you are a giant in the treaty space, so thank

1 you for taking time on behalf of the Oglala Sioux
2 Tribe to be here, appreciate it.

3 **MARIO GONZALEZ:** You're welcome. Thank
4 you very much.

5 **HEATHER DAWN THOMPSON:** Assistant
6 Secretary Newland?

7 **BRYAN NEWLAND:** Thanks, Heather Dawn,
8 and thank you, Mario, for your comments today and
9 taking time. I appreciate everybody who's taken
10 time to join is today, late in the day on a
11 Friday, late in the summer, early in the fall if
12 you're from up north, and this is always a busy
13 time of year, you know, when you're changing
14 seasons and getting prepared, back to school, you
15 know, end of year work is starting.

16 So, the fact that you have all taken
17 time to be with us today and share comments with
18 us, our whole team across the Federal Government,
19 we really appreciate that.

20 Again, we're scheduled to be here for
21 another twenty minutes, so happy to hear from
22 folks as they come, but seeing as though we don't

1 have any hands raised, we'll do one last call as
2 Heather Dawn and Jared put in the chat, one last
3 call for speakers.

4 And while we wait for that, I just want
5 to note, I had served here at the Department in
6 President Obama's administration. Many people who
7 are here on behalf of the Federal Government
8 served in Federal Government in previous
9 administrations, and it's been remarkable to see
10 up close the level of coordination on Indian
11 Country issues across agencies and that is new and
12 I'm really grateful to my colleagues from across
13 the Federal Government, Department of Justice,
14 USDA, the Department of Energy, Department of
15 Transportations, Department of Defense. You know,
16 when you start listing folks off, you inevitably
17 leave people out, but it's -- people have been
18 engaging at a high level as Kim Teehee referenced
19 earlier.

20 So, EPA, of course, is a co-chair of
21 this committee. We've had a lot of agencies
22 dedicate senior staff and their time here which is

1 an incredibly valuable resource. So, I want to
2 just express my gratitude to all of our colleagues
3 across the Federal Government. It's reflective of
4 the Administration's commitment to Indian Country.

5 So, seeing now new hands raised, so I
6 guess we can wrap up this consultation. We are
7 going to take the feedback that we got today along
8 with written comments that you submitted or submit
9 and build that into our implementation plan. But
10 thank you so much everybody for taking time.

11 Dawn, do you have a few final words?

12 **HEATHER DAWN THOMPSON:** I just really
13 appreciate everybody's time. I want to second
14 Assistant Secretary Newland's request for your
15 written remarks. Even if your remark is this is
16 the most beautiful thing I've ever read, and I
17 look forward to you implanting it's helpful to
18 have it on the record. Treaty issues are
19 challenging and the more support that we can show
20 that Indian Country has for these positions, the
21 more likely they are to be implemented.

22 So, please do take some time to submit

1 your written comments. We will have another
2 consultation on Monday. So, if any of the other
3 tribal leaders or folks that were not able to
4 attend today, please do encourage them to join us
5 on Monday, and we look forward to hearing the
6 comments then.

7 Again, thank you for taking time out of
8 your very busy schedules, especially late on a
9 Friday afternoon. It shows the very importance of
10 this issue to all of our tribal nations --

11 (WHEREUPON A NATIVE LANGUAGE WAS
12 SPOKEN.)

13 **HEATHER DAWN THOMPSON:** -- have a
14 blessed weekend.

15 (WHEREUPON THE MEETING WAS
16 CONCLUDED AT 3:43 P.M.)

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1 **CERTIFICATE OF COURT REPORTER**

2

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