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

Tribal Treaty Rights Memorandum of Understanding

Consultation on Implementation

Monday, September 19th, 2022
2:02 P.M. to 3:37 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 Heather Dawn Thompson

6 USDA Director

7 Office of Tribal Relations

8 Jane Nashida

9 EPA Assistant Administrator

10 Office of International and Tribal Affairs

11 Jarred Michael Erickson

12 Chairman, Colville Confederated Tribes

13 Ron Allen

14 Chairman, Jamestown S'Klallam Tribe

15 Harold Frazier

16 Cheyenne River Sioux Tribe

17 Alicia Mousseau

18 Vice-President Oglala Sioux Tribe

19 Justin Parker

20 Clyde Estes

21 Arlando Teller

22 Department of Transportation

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

2

3 **OLIVER WHALEY:** Today we welcome your
4 comments. 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 name in the comment chat
11 box. 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. For closed captioning services I will
18 be putting a link in the chat box so you can
19 follow that link if you need those services.

20 I will also put a link in the chat box
21 to the Dear Tribal Leader Letter just for
22 reference, as well as the draft tribal

1 consultation policy and procedures.

2 To provide comments, please submit those
3 to consultation@bia.gov, written comments by
4 October 10th, 2022. Please include tribal treaty
5 rights MOU in the subject line.

6 Thank you, again, for being here today
7 and I will now turn the floor over to the
8 Assistant Secretary for Indian Affairs, Bryan
9 Newland.

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

12 (WHEREUPON A NATIVE LANGUAGE WAS
13 SPOKEN.)

14 **BRYAN NEWLAND:** Good afternoon. Good
15 morning, everybody.

16 Thanks for joining us today. My name is
17 Bryan Newland. I have the privilege of serving as
18 Assistant Secretary for Indian Affairs here at the
19 Department of the Interior and I also want to
20 extend my gratitude to all of you for taking time
21 today to join us for this consultation and the
22 implementation of the MOU on interagency

1 collaboration on the protection of tribal treaty
2 and reserved rights.

3 Before we begin the consultation, I want
4 to invite Chairman Wooten here from the Samish
5 Tribe. I believe Chairman Wooten may be joining
6 us by phone today.

7 Okay, if not, what I will do instead is
8 ask everybody to take a moment of silence to pray
9 or reflect in your own way for all of us to have a
10 good, positive conversation today in a good
11 spirit.

12 Thank you very much. I also want to
13 take a moment to offer our support and our prayers
14 for everybody in the villages in Western Alaska
15 who are dealing with the aftermath of the storm
16 over the weekend. I know that it was intense, and
17 folks were still taking stock of the aftermath,
18 but I want to make sure that those of you who are
19 joining us from that region know that our team is
20 committed to supporting you and that we are, of
21 course, offering our prayers and support for your
22 wellbeing in addition to that.

1 So, with that I want to turn it over to
2 my colleague and my friend, Daron Carreiro from
3 the Domestic Policy Council.

4 **DARON CARREIRO:** Great, thank you,
5 Assistant Secretary Newland. I know your
6 attention turned to Alaska yesterday and you spent
7 a lot of your Sunday talking to folks there, so
8 thank you for that.

9 Thank you to the tribal leaders for
10 joining us today.

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

20 This is a priority for the Biden Harris
21 Administration and it's one of the cornerstones of
22 the President's relationship with tribal nations.

1 Treaty obligations are not limited to a particular
2 department or agency. They are duties owed on
3 behalf of the entire Federal Government, which is
4 why we try to accomplish this work through an all
5 of Government approach, through the White House
6 Council on Native American Affairs and at today's
7 case, the tribal treaty rights MOU.

8 We had seventeen agencies commit to
9 setting best practices for identifying and
10 protecting tribal treaty rights and reserve rights
11 in Federal agency decision making.

12 Getting seventeen agencies to commit to
13 something of this magnitude was a major
14 achievement and we were thrilled to announce the
15 MOU at last year's Tribal Nation Summit. As
16 successful as we were in getting that commitment
17 from agencies, it's just as important, if not more
18 so, that we do a good job implementing it and
19 achieving success through implementation.

20 What these seventeen agencies have been
21 working on this year and the work we hope to
22 accomplish with tribal leaders through

1 consultation today, picking up on our conversation
2 from last week, this type of implementation takes
3 time and hard work, but if we can do it right, it
4 can be extremely meaningful to our engagement with
5 tribal nations and in upholding the Federal
6 Government's protection of tribal treaty rights.

7 One of the keys in this case, again, is
8 implementing this guidance in a uniform manner
9 across all departments and agencies with staff
10 throughout the entire country. That is why an all
11 of Government approach is critical here, and it's
12 why the White House Council on Native American
13 Affairs has driven this work and coordinated this
14 consultation through its committee on climate
15 change, tribal homelands, and treaties.

16 Thank you so much to the committee
17 co-chairs at EPA, Interior and USDA and all the
18 other agencies who I know have been working hard
19 on this. We were in the waiting room just prior
20 to this call and there was something like thirty
21 Federal officials from across the entire Federal
22 Government, and I know many were logged on today,

1 just demonstrating the Administration's commitment
2 to these issues and to this guidance.

3 We are really looking forward to the
4 consultation today and moving this guidance
5 forward.

6 With that, Bryan, I'll turn it back over
7 to you.

8 **BRYAN NEWLAND:** Meegwetch. Daron, thank
9 you so much. It's always great to have you here
10 from the White House, the DPC, especially, you
11 know, considering how busy you are working across
12 the administration to make sure all the chess
13 pieces are moving down the board, so I appreciate
14 you taking the time to join us today.

15 This is the second in the series of
16 consultations, but this is as a whole the first
17 interagency consultation facilitated by the White
18 House Council on Native American Affairs. And
19 this administration under President Biden has been
20 full of firsts for Indian Country.

21 It's the first administration to have a
22 Native Cabinet Secretary with DOI, Secretary

1 Haaland, my boss, and who also co-chairs the
2 council on Native American affairs.

3 It's also the first administration to
4 have a Native American Treasurer of the United
5 States with Chief Malerba being sworn in to her
6 new role just last week.

7 And it's the first administration to
8 have a senior level appointee for Tribal Affairs
9 at the Office of Management and Budget with Liz
10 Carr's recent appointment.

11 And President Biden's Administration has
12 never before seen milestones in terms of the scope
13 and the depth of Federal resources committed to
14 Indian Country through the American Rescue Plan,
15 the Bipartisan Infrastructure Law, the Inflation
16 Reduction Act as well as the annual budget. This
17 is billions and billions of dollars in Federal
18 funding for tribes and tribal communities.

19 And now today, we're asking for your
20 feedback and perspective on another set of firsts
21 under this administration with the work completed
22 under the 2021 Tribal Treaty Rights MOU announced

1 at last year's Tribal Nation Summit.

2 The MOU builds on the treaty rights MOU
3 signed in the Obama Administration in the fall of
4 2016, and the purpose of today's consultation is
5 to honor the Nation-to-Nation relationship and to
6 elicit the expertise of tribal leaders so that the
7 draft best practices guides in the flow charts are
8 stronger and implementation aligns with tribal
9 priorities.

10 The goal of these consultations is to
11 have policy documents that reflect the priorities
12 of tribes, the Administration's commitment to
13 those priorities and for the documents that have
14 practical and positive effect for Federal staff.

15 For today's consultation I'll ask my
16 fellow co-chairs of the White House Council on
17 Climate Change, Tribal Homelands and Treaties to
18 help lead this discussion. This committee was
19 instrumental in getting the MOU drafted and signed
20 by seventeen Federal departments and agencies.

21 The committee co-chairs are the EPA
22 Assistant Administrator for the Office of

1 International and Tribal Affairs, Jane Nashida,
2 and USDA's director of the Office of Tribal
3 Relations, Heather Dawn Thompson.

4 Today's consultation is closed to the
5 press, so if you are a member of the press and you
6 have questions you can disconnect and contact us
7 at interior_press@ios.doi.gov.

8 This is a Government-to-Government
9 consultation and tribal leader's comments are
10 going to be prioritized and we'll seek them out
11 first. We have a number of Federal leaders here
12 from the various signatory agencies and we'll
13 introduce them shortly.

14 As a reminder, written comments can be
15 submitted to us by midnight on Monday, October
16 10th, and you can send those to
17 consultation@bia.gov.

18 At this time, I want to turn it over to
19 my friend and co-chair from USDA, Heather Dawn
20 Thompson.

21 **HEATHER DAWN THOMPSON:** Thank you so
22 much, Assistant Secretary Newland. It's a

1 pleasure to be with everybody today. Heather Dawn
2 Thompson, --

3 (WHEREUPON A NATIVE LANGUAGE WAS
4 SPOKEN.)

5 **HEATHER DAWN THOMPSON:** I'm a citizen of
6 the Shine River Sioux Tribe and I'm honored to
7 serve in this administration directly with
8 Secretary Vilsack and his office as the Director
9 of his Office of Tribal Relations.

10 Serving on this committee on climate,
11 homelands and treaty rights has been a significant
12 commitment by Secretary Vilsack and by his entire
13 team, and as you can see by the treaty MOU as well
14 as many of the other work products that have come
15 out of this committee, we've been very busy.

16 I just wanted to briefly mention one of
17 our other work products, which is the Joint
18 Secretarial Order, which is between Secretary
19 Vilsack and Secretary Haaland at the Department of
20 Interior to really encourage and additional tribal
21 participation in all Federal Land Management
22 decision making.

1 So, we appreciate the many different
2 tribal leaders that have been having conversations
3 with us about co-stewardship within that context
4 as well.

5 We had a very robust conversation with
6 tribal leaders about treaty rights in this draft
7 on Friday and we look forward to continuing that
8 conversation today.

9 I want to introduce our other co-chair,
10 EPA Assistant Administrator Jane Nashida, who has
11 been really instrumental to the tribal treaty
12 rights MOU.

13 Jane?

14 **JANE NASHIDA:** Thank you, Director
15 Thompson.

16 As mentioned, good afternoon and good
17 morning. My name is Jane Nashida. I am the
18 assistant administrator for EPA's office for
19 international and tribal affairs, and it is a
20 pleasure to be with you today.

21 As indicated, EPA serves as one of the
22 co-leads, along with Department of Interior and

1 Agriculture for the White House Council for Native
2 American Affairs, Climate Change, Tribal Homelands
3 and Treaties Committee. We are also honored to be
4 a co-chair for the White House Council's
5 International Indigenous Issues Committee as well.

6 As mentioned, last November at the White
7 House Tribal Nation Summit, Administrator Regan
8 had the honor of announcing the renewal of the
9 2016 Tribal Treaty Rights Memorandum of
10 Understanding as a key deliverable which we are
11 going to discuss today in terms of its
12 implementation.

13 EPA has worked closely with the sixteen
14 other Federal Agencies who signed on to the
15 renewal of the MOU, and EPA continues to be
16 committed to the strong implementation of the
17 tribal treaty rights MOU and is actively engaged
18 on the White House Council of Native American
19 Affairs Implementation Workgroup.

20 I want to take this moment now to
21 acknowledge my colleagues across the Federal
22 family who have joined today's consultation. From

1 the Advisory Council on Historic Preservation,
2 Reno Franklin, who is a member for the Advisory
3 Council for Historic Preservation.

4 In addition, Jordan Tannenbaum, the
5 Chief Development Officer for the United States
6 Holocaust Museum and the Acting Chair for the
7 Advisory Council on Historic Preservation; from
8 the Department of Defense, Richard Kidd, the
9 Deputy Assistant Secretary for the Department of
10 Defense for Environment and Energy Resilience;
11 from the Department of Education, Hollie Mackey,
12 the Executive Director for the White House
13 Initiative on Advancing Educational Equity,
14 Excellence and Economic Opportunity for Native
15 Americans and strengthening tribal colleges and
16 university; from the Department of Housing and
17 Urban Development, Iris Friday, the Native
18 American Program Specialist in the Office of
19 Native American Programs; From the Department of
20 Justice, Assistant Attorney General Todd Kim from
21 the Environment and Natural Resources Division,
22 and Deputy Assistant Attorney General Gina Allery;

1 from the Department of Transportation, Arlando
2 Teller, who is the Deputy Assistant Secretary for
3 Tribal Affairs.

4 I also want to acknowledge that other
5 senior level advisors and appointees are also
6 joining us and attending and representing their
7 signatory agencies.

8 Thank you, again, for being with us
9 today and we look forward for our discussion, and
10 I will turn it now back to Director Thompson.

11 **HEATHER DAWN THOMPSON:** Thank you so
12 much, Assistant Administrator Nashida.

13 Just a couple things that we wanted to
14 go over with you about some of the other projects
15 that the treaty rights MOU team has been working
16 on to frame out today's conversation.

17 First, the senior appointees that you're
18 meeting now and that are on the call today, we
19 want to let you know and assure you we've been
20 meeting on a monthly basis, which is a very
21 aggressive cadence for Federal employees to really
22 work through, Assistant Secretary Newland says

1 it's one thing to sign it, but it's a whole other
2 thing to implement this level of commitment to
3 tribal treaty rights.

4 And so, in addition to the policy teams
5 that have been meeting, because obviously so much
6 of this is very legal in nature, we have an entire
7 legal working group, the solicitors and the
8 attorneys from each of our federal agencies that
9 have been meeting as well.

10 And perhaps not surprising, one of the
11 first recommendations that the legal working group
12 made to us is that we need to educate ourselves
13 outside of this working group. We really need to
14 make sure that all Federal employees understand
15 this trust and treaty responsibility, and their
16 obligations.

17 And so, two very interesting and helpful
18 things that have come from that conversation is
19 one, we started a speaker series in which
20 professional attorneys in this space, in Indian
21 Country, have come and really done extensive,
22 detailed educating of Federal employees.

1 Our next speaker is Dean Elizabeth
2 Crump, which many of you know. So, this is the
3 third in this series and we're hoping to make this
4 a really regular occurrence so that folks have
5 exposure to that opportunity and that education.

6 And then second, some of you have seen
7 we have created a BETA database of treaties. We
8 started with a certain set of treaties, and we got
9 them scanned in. And you can find them on
10 Oklahoma's State's website. I think Jared is
11 going to put it in the chat there for you. There
12 you go. So, that's the BETA version. We
13 appreciate that this is still in development and
14 there are things that we need feedback on, so we
15 strongly encourage you to go to your own treaties,
16 click around, make sure that you feel comfortable
17 with what we have in there right now.

18 What we're doing at the moment is phase
19 two after we have digitized these treaties from
20 Kappler's. We are now focusing on phase two,
21 which has two components to it. One is that we're
22 trying to index different subject matters.

1 So, for example, if you are interested
2 in rights of way, where might you go in the
3 various treaties to find out about rights of way,
4 or energy or education. So that indexing is in
5 process right now.

6 Second and more complicated is that
7 we're trying to put in the database successor and
8 interest tribe. Obviously, many of our tribes
9 have changed their name through the Federal
10 Recognition Process, through history, and
11 sometimes it's not always clear who the original
12 signatories were on that treaty.

13 And so, you might actually be receiving
14 a call, or your in-house counsel might be
15 receiving a call from one of our research teams to
16 ask for your opinion. We want to make sure that
17 we are hearing directly from you as tribal
18 nations, that your concept of what is the right
19 treaties for your nation is what we're putting in
20 that database as well.

21 So, there's just a couple examples of
22 the things that we've been working on as part of

1 the tribal treaty MOU. We're also thinking about
2 other stuff. We haven't got there yet, they're
3 just conceptional but we're talking about dispute
4 resolution. We're talking about office of treaty
5 rights. We're having conversations. We wanted to
6 let you know we're trying to be very thoughtful
7 and reflective about our treaty obligations and
8 how best to implement this MOU.

9 So, let me turn it back to my teammate,
10 Assistant Secretary Bryan Newland, and we really
11 look forward to hearing from you today at today's
12 tribal consultation.

13 **BRYAN NEWLAND:** Thank you, Heather Dawn,
14 I appreciate that, and Assistant Administrator
15 Nashida, thank you for your time, and all of our
16 friends and colleagues across the Federal
17 Government, thank you as well for your time.

18 Again, you know, the combined presence
19 of so many high-ranking officials from across the
20 Federal Government here today shows, I hope, our
21 commitment to these issues. We know that treaties
22 are the supreme law of the land and that we have

1 an obligation as Federal officials and as Federal
2 agencies to fulfil the commitments that the United
3 States made in those treaties.

4 The 2016 version of the tribal treaty
5 rights MOU created a foothold so that we could
6 have this conversation today, with the ambition
7 and work stemming from the 2021 MOU reach a new
8 level. And it's an effort that's never before
9 been undertaken on this scale, again, with
10 seventeen signatory agencies.

11 This consultation seeks your feedback on
12 how to best implement this MOU, and part of this
13 discussion is how the Federal Government can move
14 toward a consensus-based mode of tribal
15 consultation regarding treaty and reserved rights.

16 The draft products under the MOU were
17 developed with input from each of the seventeen
18 signatory agencies. The MOU workgroup and legal
19 workgroup reviewed existing Federal agency
20 consultation policies and developments at the
21 international level to create this best practices
22 report, which Federal agencies can use to help

1 guide and inform their approaches to consultation,
2 policy development and Federal decision making.

3 This effort is also in line with the
4 January 26, 2021, executive memorandum from
5 President Biden on strengthening our
6 Nation-to-Nation relationships.

7 The MOU workgroup also developed a field
8 guide for agency staff that provides key
9 principles and instructions, and an accompanying
10 flow chart for Federal field staff to follow when
11 engaging tribes on treaty and reserved rights
12 issues.

13 The field guide and flow chart are
14 intended to help Federal staff identify treaty and
15 reserved rights that may be impacted by Federal
16 decision making and encourage early consultation
17 and coordination with tribal governments through a
18 step-by-step process. The MOU leadership wants to
19 ensure that these documents are meaningful and
20 informed by your perspectives.

21 We're open to any other suggestions that
22 tribal leaders may have to ensure that the Federal

1 Government lives up to the commitments that we've
2 made through this MOU.

3 To start the tribal leader dialogue
4 portion, I'll ask, again, USDA's director of the
5 Office of Tribal Relations, Heather Dawn Thompson,
6 to help me moderate, and we're going to try to
7 prioritize comments from elected tribal leaders
8 and it will be helpful for us if you could signify
9 whether you're an elected tribal official or not.

10 When you do raise your hand to ask a
11 question, you can use the raise my hand feature at
12 the bottom of your screen. And if you're joining
13 us by phone, please hit star nine to raise your
14 hand and then star six to unmute yourself once
15 you're called upon.

16 So, with that, I'm going to open this up
17 today with Ms. Wilson from the Lummi Nation.

18 **LISA WILSON:** Good morning and thank you
19 for reaching out to the tribes.

20 You know, we, in the northwest, have
21 been on the forefront working with you regarding
22 treaty rights at risk, and last year right around

1 this time, we did write a letter, kind of along
2 the same lines of, you know, an executive order.
3 And in this, we came up with, you know, how our
4 federal trustees would go and create a plan of how
5 they would protect our treaty rights. You know,
6 along the lines of, you know, for years it seems
7 like they've been concentrating on our hatcheries
8 and our harvest instead of protecting, you know,
9 our treaty rights.

10 And so, that's something that I just
11 want to make sure, you know, because I want to
12 make sure that this MOU, it's voluntary, but you
13 know, how can we get it to have some teeth in
14 this, you know, as you know that we've been
15 working on executive orders 3206, and you know, we
16 still are -- it's a work in progress and we're
17 looking to see how that could create teeth to
18 that.

19 So, I just want to make sure that this
20 is, you know, meaningful and that it's going to
21 have, you know, some teeth in it that, you know,
22 that they -- that our Federal trustees are going

1 to look at the best interest of our people,
2 because, you know, we're getting down to zero on
3 our harvest and you know, we're getting regulated
4 so much on our hatcheries that, you know, we're
5 basically trying to fight with both hands tied
6 behind our back.

7 Another thing that we're facing is that
8 we're in state processes that are clearly not
9 working for our tribe. So, we need directed
10 funding to tribes because you know, for the Lummi
11 Nation, you know, we're creating -- we're
12 producing our own salmon and we're trying to fix
13 the habitat. You know, we brought eight salmon
14 back up to almost three thousand and twenty-five
15 hundred died on our grounds before they could
16 reach the spawning grounds.

17 So, our habitat is shot, but we're
18 having to compete for those funds, you know, so
19 here we are producing our own fish, trying to fix
20 the habitat and competing for those funds against
21 stakeholders in the state process.

22 So -- and so, you know, we need some

1 help because we're -- it's all on the backs of us
2 and yet, you know, the harvest is divided fifty
3 percent when it comes to fisheries management.

4 So, those are some of the things that I
5 would really like to see taken into consideration,
6 and out of respect for everybody's time, I just
7 want to thank you all for being here.

8 **HEATHER DAWN THOMPSON:** We just wanted
9 to comment, Councilwoman that we really appreciate
10 your comment about the harvest and the fish. I
11 know that USDA has not been as active in this
12 space in the past, but both Department of Interior
13 and USDA included this in our joint secretarial
14 order, water management, natural resources
15 management, and we are trying to make sure that we
16 incorporate that into our treaty of conversations
17 as well. So, we appreciate you raising that
18 specifically with us. It's very helpful.

19 I see lots of good hands being raised,
20 thank you guys so much. I think we have
21 Councilman Jarred Michael Erickson and the
22 Chairman Ron Allen, and then Chairman Harold

1 Frazier in the cue in that order.

2 Councilman?

3 **JARRED MICHAEL ERICKSON:** Can you guys
4 hear me okay?

5 **HEATHER DAWN THOMPSON:** We can.

6 **JARRED MICHAEL ERICKSON:** All right,
7 thank you.

8 Jared Michael Erickson. I'm the
9 Chairman for the Colville Confederated Tribes. I
10 appreciate what Lisa had to say before me.

11 One thing I want to bring to attention
12 is, you know, we always talk about travel treaty
13 rights, and I brought this up for our local state
14 and DNR, but it's tribal trust rights, right? You
15 know, our reservation is established by executive
16 order. We didn't give up any rights. We never
17 had them spelled out because you know, like I
18 said, we never gave any up.

19 So, I want to make sure when we're
20 looking at this MOU that we're thinking about
21 that, it's not just tribal treaty rights, because
22 that always seems to be at the forefront of

1 everything and I appreciate every tribe's treaty,
2 you know, and I respect them. At the same time,
3 that doesn't mean we're second class, you know,
4 Indians when it comes to that.

5 So, I want to make sure that it's maybe
6 worded differently, stated differently, and that
7 there is not any differentiating between the two.
8 So, that's my main comment I want to get across,
9 and so hopefully, we can incorporate that and I'm
10 sorry if I haven't been in this process through
11 the whole thing, but I'm here today, so thank you
12 guys.

13 **BRYAN NEWLAND:** Thank you, Chairman, and
14 I will -- first I appreciate you taking time to
15 join us today and share your views. I know how
16 busy you are running your tribal government where
17 you're at.

18 I want to make sure that I emphasize
19 that the MOU is on the implementation of treaty
20 and reserved rights for many of the reasons that
21 you just laid out, and that's something that we're
22 doing our best to be mindful of.

1 **JARRED MICHAEL ERICKSON:** Yeah, and
2 again, I'm just trying to get that point across,
3 you know, because it's always treaty first, right,
4 and then it's reserved. You know what I mean, I'm
5 just so -- and then sometimes they don't even
6 mention it, you know, when we start talking, they
7 aren't seeing treaty rights, and so I appreciate
8 that, Bryan.

9 Actually, I think I'm maybe going to
10 meet with you at the end of the month. This will
11 come out in Meet Gun, and I have some meetings out
12 there at the end of September, so maybe we'll get
13 to meet here shortly, so, thank you.

14 **BRYAN NEWLAND:** Chairman Allen.

15 **RON ALLEN:** Thanks, Bryan.

16 And I apologize, I jumped on a little
17 bit late, so I might have missed a lot of the
18 intro on the purpose of this summit. I do want to
19 start by saying I agree with Heather and I'm --
20 excuse me, Lisa, and Jarred's comment about that
21 it is a trust obligation is true throughout Indian
22 Country, and so, I think that there are always

1 environmental in habitat protection issues,
2 natural resource matters are critically important
3 to us.

4 So, I think you guys get it. So, I just
5 -- I think the thing I'm interested in -- well,
6 first let me say I deeply appreciate that the
7 white house advisory council has established their
8 subcommittee to more narrowly zeroing in on
9 natural resource and climate change issues.

10 They easily -- well, they obviously
11 overlap, and we totally agree with that, and we
12 think that you guys know that when you talk about
13 one, you can't not talk about the other one in
14 terms of its impact to the natural resources that
15 we also depend. So, we in the northwest, without
16 a doubt, fisheries and forestry is a big deal, but
17 I'm sure Harold will raise issues in the Great
18 Plains and things that are critically important to
19 them as well as all of our sister tribes to the
20 south and to the east.

21 But the question I -- or the challenge
22 that I have for you as we move this agenda

1 forward, it's always good to get a high level,
2 senior level commitment, recognition of the
3 Federal obligation and the importance of the
4 coordination with all the Federal agencies to
5 protect this resource.

6 That was in detail, how does that
7 happen? What happens at the national level with
8 all these respected agencies? What happens at the
9 regional level, and how do we -- how do we make a
10 reasonable ask of the Federal Government to give
11 us a report on the progress and/or the challenges
12 if we're not accomplishing what we want to
13 accomplish.

14 We, in the northwest, you know, have
15 high concerns over riparian zones along all of our
16 tributaries and river systems, et cetera. The
17 importance of respect between the ag industry and
18 the timber industry with regard to our fishery and
19 salmon resource industry, and they have to coexist
20 respectfully and responsibly.

21 So, we're not trying to browbeat any
22 other industry, but we find ourselves, like Lisa

1 was saying, at the forefront of protecting a
2 resource that is precious to our culture and to
3 our community much less the non-Indian community
4 who also have a high value for a resource as well.

5 So, my ask is that we ask of you how we
6 can document -- what are we doing together? How
7 is Ag and Interior, Commerce, Army Corp, et
8 cetera, Department of Transportation, how are they
9 collaborating with regard to the protection of
10 these resources and how can we -- can we ask for
11 an annual report? So, we're going to be upcoming,
12 we got an annual -- a White House meeting. We're
13 looking forward to it. We suspect this topic will
14 be on the menu, if you will, but you know, one
15 year from now, what -- are we moving the needle
16 with regard to protection of these resources.

17 So, that's my question and my challenge,
18 quite frankly, because we don't want to just walk
19 away with this verbal and written commitment.
20 We've gotten them before, and some would say and
21 treaties or other kinds of documents, we got them
22 there, too. It doesn't say the natural resources.

1 It doesn't protect the salmon because of what you
2 all -- according to Lisa's comment or it may
3 not -- we feel like we're losing ground. You
4 know, every cycle of the salmon, but we seem to be
5 going backwards here, not forward, even though we
6 have success.

7 So, the resources you guys make for
8 climate change, thank you. That helps. Get the
9 money out to us and on that point, the second ask
10 I would have is, work with these agencies,
11 particularly Commerce. You got to get this money
12 straight to us. We don't need to go through the
13 State, you know, we're a government too, and I
14 think this president and your bosses all agree
15 that we have a respectful relationship. So, those
16 resources that are made available, get them
17 directly to the tribe.

18 You know, maybe we're going to argue
19 over fair sharing. At the end of the day, just
20 figure out what the share is as best you can and
21 get the money to the tribes for these programs and
22 these activities. So -- and so that they're

1 directed to us.

2 And I would make a case that using your
3 638 and self-governance legal vehicles is the
4 vehicle to get it done. Interagency transfers.
5 So, that's what I ask.

6 (Audio glitch) -- fresh in all of our
7 minds. So, thank you, again.

8 **BRYAN NEWLAND:** Thank you, Chairman. I
9 just -- I feel the same way about a lot of these
10 issues that -- the way that you just expressed,
11 and I just want to make sure on the implementation
12 of the execution of this MOU that I'm pointing
13 out, the stuff we're consulting on today are the
14 step down documents, step down policies, if you
15 will, on how we go from treaties, which are the
16 supreme law of the land to the agency or the
17 Administration's commitment to make sure that we
18 are giving life to those obligations and not just
19 speaking words about them.

20 And as you know from dealing with the
21 Federal agencies that don't have to deal with five
22 hundred and seventy-six tribes on a regular basis

1 or on a daily basis, a lot of these concepts are
2 new to them. And there's not a whole lot of easy
3 understanding like you might see at BIA or at IHS
4 or even at USDA.

5 So, what we're trying to do with these
6 documents is to get the basics in the hands of
7 Federal officials across the Government, across
8 these agencies, including the Department of
9 Commerce so that the folks you deal with on the
10 ground from those agencies have a diagram, you
11 know, a how-to sheet on, how do we do early
12 engagement? What's a treaty? What is our
13 obligation here when it comes to treaties? We
14 know that they're the supreme law of the land and
15 what does that mean? Making sure that our
16 colleagues across the Federal Government
17 understand that treaties are sources of law
18 themselves, that you don't need a separate
19 regulation or statute to act under.

20 And when it comes to a report, that's
21 something that, you know, we've got here. Now a
22 comment from you in this consultation, that's

1 something we can discuss when we're back as to how
2 to show progress or lack of progress on some of
3 this work.

4 **RON ALLEN:** So, if I might -- thanks,
5 Bryan, I couldn't agree more.

6 And I just want to encourage you and
7 Heather and the rest of the Federal
8 representatives, we in the northwest, we organize
9 our issues on this subject matter through our Fish
10 Commissions. They're our experts, quite frankly,
11 along with our tribal staff. And so, I wanted --
12 I see Justin's hand is up after Harold, that we
13 need them in the mix of the problem solving and
14 the solutions that are going to respectfully come
15 up with.

16 So, I appreciate always being included.
17 Thank you.

18 **BRYAN NEWLAND:** And last point -- thank
19 you, Chairman -- under this MOU we do have a
20 requirement for an annual report to the executive
21 director for the White House Council on our
22 implementation. So, Heather Dawn?

1 **HEATHER DAWN THOMPSON:** Chairman Frazier
2 is up next and if there are any other tribal
3 leaders that would like to be in the cue, please
4 raise your hand to be put in the cue. Chairman
5 Frazier.

6 **HAROLD FRAZIER:** Hello, can you hear me?

7 **HEATHER DAWN THOMPSON:** Yes, sir.

8 **HAROLD FRAZIER:** I'd like to begin by
9 saying that I find it quite amazing that after
10 over a hundred and fifty years the Sioux Nation
11 finally has an opportunity to discuss the
12 treaties.

13 Many times, you know, they're ignored.
14 So, I want to thank President Biden for reaching
15 out for this.

16 You know, one of the things, if the
17 Federal Government is truly going to honor our
18 treaties, they need to leave. Leave our land, you
19 know, because then our treaty, the 1868 Fort
20 Laramie Treaty says that in order for anybody to
21 travel through or reside on our treaty land they
22 must get consent of the Indians. And I don't

1 remember our people letting people live here in
2 South Dakota, North Dakota, Nebraska, Wyoming, et
3 cetera, Montana.

4 And one of the biggest things that we
5 have that people try to do with us is the BIA,
6 Bureau of Indian Affairs. I believe that's what
7 was set up to do that. But right now, the Bureau
8 of Indian Affairs is saying they don't have a
9 trust responsibility in a lot of areas which are
10 defined in our treaty.

11 I remember in early 2000 Chairman Wyatt
12 Jaju (ph.) and President John Still (ph.) told us,
13 be careful, they're trying to define trust, in
14 which they did, the BIA. So, I'm going to be
15 going to a meeting in our area on this on Thursday
16 and the only thing we're going to be talking about
17 is issues dealing with land.

18 So, where do we go for education? Where
19 do we go for healthcare? And where do we go for
20 roads, things like that.

21 And the other thing, in our treaty,
22 Article V, it gives us our line authority. You

1 know, there's to be an agent her eon our
2 reservation, and if we can't resolve it, it goes
3 to the Commissioner of Indian Affairs in D.C. And
4 one of the things I learned the other day is just
5 totally unreal with law enforcement. We have a
6 lot of gun violence, homicides on the Great Sioux
7 Nation, and we had a meeting out in Rapid City and
8 our -- I don't know what he's called, District I
9 Commander was there, and I asked him, I said who
10 and where is your boss? He said in Oklahoma.

11 I said, where is his boss? Albuquerque.
12 Where is his boss? Phoenix. Where is his boss?
13 D.C. So, that is totally in violation of our
14 treaty, by putting these authorities in the area
15 that is not defined in our treaty.

16 And if we are -- you know, I was
17 fortunate the other day to talk briefly with the
18 President and one of the things he said to me was,
19 you are a Nation. So, if that's the case, where
20 is the State Department?

21 And you know, if we want to honor our
22 treaties and things like that, you know, we need

1 to be treated as a Nation. You know that 1871
2 Appropriation Act which said the Government will
3 no longer recognize us as a nation, that's your
4 law. We are still here. And under our laws, we
5 are a sovereign nation.

6 You know, another thing that, you know
7 we talk about treaty rights, and you know, and one
8 of the things I see is one of the biggest
9 diminishments of our treaty rights and our
10 sovereignty is Congress passing laws forcing us to
11 come into agreements with the States.

12 We need to deal Nation-to-Nation and
13 truly mean it. If we don't, then why are we
14 having this call? So that's one of my main, you
15 know, points is that we need to be -- instead of
16 talking about it, let's start walking it, because
17 right now all I hear from all the leaders in
18 Congress is, you know, is we'll honor treaty
19 rights. Well, let's go.

20 And I'm glad EPA is on here because one
21 of the things that's big for the Sioux tribes is
22 these oil pipelines. And again, to remind you

1 guys, in order to travel through or reside must
2 get consent of the Indian.

3 So, why is DAPL still operating?
4 They're operating without an easement to cross the
5 Missouri River, but yet they're still operating.
6 So again, I'm going to say, if we're going to
7 honor treaties, then let's truly honor them and
8 let's just quit talking about them.

9 But more importantly, everybody needs to
10 leave our lands until you get consent. Because
11 we're still living up to our plans, and that was
12 peace. The 1868 Fort Laramie Treaty was a peace
13 treaty, and they left. They burned their forts
14 and they left.

15 So, in exchange for peace, the United
16 States pledged these certain things, so I would
17 like to get a meeting with the President
18 Nation-to-Nation.

19 That's all I got to say, thank you.

20 **HEATHER DAWN THOMPSON:** Thank you. Mr.
21 Chairman. We always appreciate the leadership
22 that you take on these treaty conversations. A

1 couple thoughts and then I'll turn it over to
2 Bryan.

3 One, you should have received a
4 consultation invitation for October 7th, and we'll
5 be sending you a meeting request with tribal
6 council for October 6th as a follow up to your
7 meeting with the Department of USDA about a month
8 or so ago. The Chief of the Forest Service, which
9 obviously plays a huge role in the Black Hills and
10 your treaty rights has agreed to come out for your
11 invitation. So, we're really looking forward to
12 seeing you with the Chief of the Forest Service to
13 talk about your treaty rights that first week in
14 October.

15 And I appreciate you brought up the
16 State issue. I think Chairman Allen and
17 Councilwoman Lisa also brought it up, and it's one
18 that we struggle with, too, I think probably more
19 so at USDA than some of the other agencies because
20 so many of our economic development programs
21 Congress has designed to go through the states,
22 including some of our food nutrition programs,

1 which is incredibly frustrating for all tribes,
2 and particularly from a treaty rights perspective.

3 So, I wanted to acknowledge that we're
4 aware of that problem and at least at USDA we're
5 starting to think through what statutory changes
6 that we could make to make sure that tribes have
7 access to those programs directly in accordance
8 with our trust and treaty responsibility. So, I
9 appreciate you bringing up that subject. Bryan?

10 **HAROLD FRAZIER:** One more just to add, I
11 thank you for that, but one of the things that
12 nobody wants to talk about is that word, consent.
13 I mean, read our treaty.

14 **HEATHER DAWN THOMPSON:** Uh-huh.

15 **HAROLD FRAZIER:** (Unintelligible) --
16 consent. Instead, a consultation. You know,
17 we've been consulted to death, and nothing has
18 changed. So again, I think the discussion needs
19 to be around the word, consent, and
20 Nation-to-Nation, you know, instead of telling us,
21 again, telling the little Indian, here's what you
22 do, you know, here's what's going to happen. I

1 mean, when are we going to ever talk about our
2 agenda, you know, and I'm saying this from -- you
3 can change, I don't care if they're Democrat,
4 Republicans, they're still the same, still the
5 same.

6 So, I just hope someday maybe that word,
7 consent, will be really discussed and utilized,
8 let's consult with them Indians. That Black Hills
9 belongs to us. The Federal Government's Court
10 said that. But yet, no, we're going to go
11 consult, consult.

12 Oh, let's see what Norm's (ph.) going to
13 say, you know, them days need to be over.

14 Thank you, that's all -- I will be
15 quiet.

16 **BRYAN NEWLAND:** Thank you, Chairman.

17 Next, I'm going to move to Vice-President
18 Mousseau.

19 Mousseau, sorry.

20 **ALICIA MOUSSEAU:** Mousseau.

21 **BRYAN NEWLAND:** Thank you.

22 And then we'll go to Justin Parker after

1 you.

2 **ALICIA MOUSSEAU:** Thank you, Assistant
3 Secretary Newland. And I thank Chairman Frazier
4 for his comments.

5 You know, we're both treaty signing
6 tribes and nations and we work together very
7 regularly, because the things that happen at the
8 Federal and State level, you know, we have to work
9 on the daily level for our people on the ground,
10 and that requires a lot of collaboration,
11 especially because we don't ever get the accurate
12 funding or accurate communication between the
13 Bureau and other entities. So, we work together a
14 lot.

15 So, I want to thank Chairman Frazier for
16 his leadership and his mentorship. And one thing
17 that is really coming up quickly, and that is
18 about treaties is the Bickwell (ph.) case, so the
19 Brackteen Hawland (ph.) case, which I've been
20 trying to sound alarms on. I mean, that is why,
21 you know, we are political entities. We're
22 nations and that case coming to the Supreme Court

1 could, you know, have huge ripple effects, but
2 most importantly, our children can be taken away
3 again, and there's been many eras in the United
4 States Government where our children have been
5 taken away. This is writing on the wall.

6 So, we've been sounding alarm here and
7 we have a state emergency here on the Pine Ridge
8 Reservation, the Oglala Sioux Tribe has issued
9 that. We have a task force that has been working,
10 you know, to get things in place, because as we've
11 seen with the Supreme Court, there have been some
12 major changes to people's daily lives and
13 decisions, and this can have huge implications and
14 impacts on Indian Country. We don't want our
15 children to be taken away anymore. We've seen
16 what that has done to our community and that's
17 unacceptable and we won't stand for it.

18 So, we are trying to plan and prepare
19 locally to figure out if the worst-case scenario
20 happens and ICWA is, you know, overruled and we
21 don't have that anymore to protect our children
22 and families, so my question to the Federal folks,

1 if we are, you know, political entities per our
2 treaties, what is our plan politically, because
3 there needs to be plans politically as well. You
4 know, we signed on to all the Amicus briefs and
5 done all those things, and this also shows the
6 huge impacts of the treaties not being upheld
7 throughout the years. You know, we don't have
8 accurate funding, enough funding for all of our
9 programs, and so it's kind of been setting us up
10 for failure.

11 But like I said, we work tribally, tribe
12 to tribe to work together to problem solve and to
13 come up with resources and figure it out, and you
14 know, we're trying to talk about treaties here,
15 but they haven't been upheld, and so, we are here,
16 you know, working from the bottom to try to plan
17 and prepare for the worst-case scenario, which is
18 another era of removing our children.

19 So, my question to the Federal folks is,
20 what are your guy's plans? I know we have all
21 these legal pieces in place, but is there any
22 funding things in place to support tribes on the

1 ground with our families, with our children to
2 protect them since the treaties haven't been
3 upheld for so long? Thank you.

4 **BRYAN NEWLAND:** Thank you,
5 Vice-President. I appreciate your forceful
6 advocacy on behalf of Indian children and ICWA.

7 I will say that first and foremost, the
8 plan is to defend ICWA and win the case, and I
9 know that our attorneys here at the Department of
10 the Interior are working with many tribes and
11 attorneys through the Amicus process, and of
12 course, through the Solicitor General in the
13 Department of Justice. That's where the focus in
14 on that case and this Administration has been
15 mounting a full defense in support of ICWA because
16 we all understand what's at stake and, you know,
17 our teams are also working to make sure that we're
18 ready -- you know, ready to act when the Court
19 issues its decision, however it turns out on that
20 front.

21 But here at the Department of the
22 Interior, we're also continuing our work on the

1 Secretary's Boarding School Initiative to lay out
2 the history of this and also to explain why it's
3 relevant to modern times with the boarding school
4 era and taking kids from their families and their
5 communities and how much money was spent in that
6 effort to prevent us from passing our languages
7 on, our cultural practices, and we view that as
8 all related.

9 So, these are some of the things that
10 are in action right now and I appreciate you
11 raising that.

12 With that we'll go to Justin Parker.

13 **JUSTIN PARKER:** Thank you, Assistant
14 Secretary Newland. So, I appreciate your time
15 today. I know this can be overwhelming with all
16 the consultations, but I'd have to admit this is a
17 much better space here than where we were in the
18 previous administration where there was very
19 little consultation or very little that was done
20 based on our consultations.

21 So, I do appreciate all that you're --
22 everybody that's involved with all these

1 consultation sessions. I know it takes a lot of
2 time to put these on and the get tribal leaders
3 engaged and glad we have a little bit of a turnout
4 today.

5 But with that said, and we've said this
6 time and time again, you know, we've got some
7 great people that have come to this administration
8 and the agencies in the White House, executive
9 branch, et cetera, so we got some good champions
10 from Indian Country that are in places, but now
11 we're starting to see them roll out, you know, we
12 saw Libby leave and then now we got Daron -- but
13 you know, nothing against Daron but that takes
14 time to educate them on everybody -- every time
15 there's a turnover, we have the constant education
16 that we talk about, Bryan, and how you're, you
17 know, having to use a lot of time on educating
18 people.

19 So, one of the things that we're -- as
20 Ron mentioned, too, it's kind of a little bit of a
21 follow up to what Chairman Allen had mentioned,
22 some of that follow up and that's going to be good

1 to have that report coming out of the treaty
2 rights at risk -- excuse me, treaty rights memo,
3 tribal treaty rights MOU, I mean. And so having
4 that as a follow up to do a report, I think, on
5 the annual basis is going to be great.

6 But somehow, we need to turn the dial a
7 little bit to where -- and I've heard Heather used
8 this and others have used this on the Federal
9 side, is that we're engaged where we're having
10 conversations, but really at the end of the day
11 our asks have been pretty consistent, pretty
12 specific, and you know, we have done it, you know,
13 a dozen times in a dozen different ways of how we
14 articulate that, but at the end of the day a lot
15 of the issues are still the same as they were when
16 we rolled our treaty rights at risk out in July of
17 2011. And at some point, we really need to move
18 the chain. We need to, you know, hopefully it's
19 football season so I'll just use the keeper of the
20 football analogy so if we can get it across the
21 goal line.

22 And so, we want to make some

1 advancements here. You know, the previous
2 administration, they rolled back about a hundred
3 and twenty-five environmental regulations, I mean,
4 I believe about eighty plus were rolled back,
5 another forty plus were under review. And so,
6 we're having to, you know, get back to that point
7 instead of tis starting point, if you will,
8 including like our Washington State Water
9 Standards, which protects the most vulnerable,
10 because, you know, which is our tribal
11 communities, and you know, of course we're the
12 ones that rely on the seafood and it's based on,
13 you know, how much toxin can go in the water, et
14 cetera.

15 And so, I'm meeting with the colonial,
16 Colonial Bullock from the Corp of Engineers for
17 lunch today. Him and his team here at AP&I, and
18 so we want to continue to keep this conversation
19 going, but we're also going to need the D.C. folks
20 to really weigh in because there's certain things,
21 as you can imagine, in Colonial Bullock's world,
22 you know, and that's a little bit different than

1 most of us have to deal with but you got that
2 military style.

3 So, they have to -- they have to follow
4 the chain of command to the tee, and so we need --
5 this is where we need Assistant -- Deputy
6 Assistant Secretary Pinkham and Assistant
7 Secretary Connor over in the Corp and the civil
8 works, you know, to help support Colonial Bullock
9 in the region. And so, we need those people. We
10 need Jane Nashida and others, Michael Regan and
11 the support -- Administrator Sixkiller out here in
12 Region 10.

13 And one of the, I guess, final pieces
14 that I would come back to that, you know, we need
15 to reciprocate this somehow so it's not this
16 constantly tribes constantly pushing the envelope.
17 You know, we really need the political appointees
18 to help with some of that and not lose sight of
19 what we're trying to accomplish.

20 I think Chairman Frazier said, you know,
21 it's really -- tribes got to be pushing this
22 agenda, and to have some of the issues addressed

1 that we laid out in front of you all, we need to
2 start making some headway on it.

3 So, I appreciate your time, and again, I
4 thank you for making this happen and for really --
5 Bryan, you know, just that educational piece, I
6 mean, that is so critical in Interior. So, even
7 though you may not have some of the regulation
8 components, but that educational piece that you're
9 meeting with other agencies, I can't say enough
10 about that. So, I do appreciate all that you're
11 doing. So, thank you.

12 **BRYAN NEWLAND:** Thank you, Justin. You
13 know, I just want to lay out a couple of things,
14 too, that we, the Administration, are working on
15 when it comes to actually moving the needle on a
16 lot of the things that you've raised, Chairman
17 Allen raised earlier, Councilwoman Wilson.

18 One is the ecosystem restoration funding
19 that was included in the infrastructure law as
20 well as the Inflation Reduction Act, combined with
21 the increases that you're seeing in those funds
22 through the budget increase. And then when we

1 compared that with the co-stewardship work that
2 we're doing where tribes are co-managing, you
3 know, these water sheds and landscapes with
4 agencies here at the Department of the Interior
5 and at USDA, that that can make a difference.

6 We're also -- folks may have heard at
7 the recent self-governance conference; we're also
8 undertaking a review of how to grow the use of
9 self-governance compacting here at the Department
10 of the Interior beyond the Bureau of Indian
11 Affairs for a lot of these ecosystem and habitat
12 protection programs that we do at the Department.

13 You know, these are things, when paired
14 with the work that we're doing under this MOU, you
15 know, we're really hopeful are really putting
16 tribes in the driver's seat of moving the needle
17 and just providing the support from the Federal
18 Government, because as Secretary Haaland likes to
19 say, you know, when tribes are out there managing
20 the landscapes and managing this work, you know,
21 we see healing, we see things that could come back
22 into balance.

1 So, you know, these are concrete
2 examples of the things this Administration is
3 doing to help move the needle.

4 **HEATHER DAWN THOMPSON:** And just to
5 build on that for you, Justin, and you've brought
6 it up, and so have some of the other speakers.
7 You know, the education component of folks in the
8 Federal Government, I'm a new Fed, I've been in
9 this job a year-and-a-half, so I'm usually on the
10 other side of this conversation and often
11 frustrated with the lack of education as well.

12 And one thing I really wanted to flag
13 for us as we have this conversation is, of course,
14 election matters, right, and who's in the
15 administration matters, but every Federal agency
16 has a legal department. They have office of
17 general counsel or office of solicitors, and most
18 of our Indian law attorneys that want to work for
19 the Federal Government go to the Department of the
20 Interior, which is amazing, right, and they have a
21 huge, very deep bench.

22 But then we have almost none in the

1 other Federal agencies. So, when you have
2 Department of Commerce, or USDA really thinking
3 about treaty rights, our general counsel right now
4 is an appointee and she's an Indian law expert.
5 And we have a lot of folks that do as a secondary
6 component of their job, but we don't have a single
7 person who's a career staff in our legal office
8 whose only job is Indian law and treaty law.

9 So, we're hiring that now. So, I'm
10 going to put it on the chat like a little plug
11 here, get people to apply, but this is across the
12 board, right, for all Federal agencies. We really
13 need to encourage our young, Native Indian law
14 attorneys to apply for these Federal agencies that
15 are not the Department of Interior. No offense,
16 Department of Interior, but our treaty rights
17 apply to all Federal agencies equally, right,
18 Justin, as you're pointing out. NOAA, USDA, all
19 sorts of water and fish components.

20 And we've got to make sure that we have
21 people that know our treaties and that we trust to
22 interpret Indian law in every single Federal

1 agency legal department. Not just the policy
2 department because in the end, even the best
3 policy appointees still have to go to their
4 general counsel's office to get sign off, right?

5 And so, that's one thing I just really
6 encourage us as a team to think about, is to
7 really be aggressive about getting young Indian
8 lawyers and Indian law experts into all Federal
9 agencies to help enforce and protect treaty
10 rights.

11 **JUSTIN PARKER:** Good points, both of
12 you, Bryan and Heather, so I appreciate it. And
13 knowing that we finally got an OMB tribal person,
14 you know, that's something we've been pushing on
15 for a decade, so that's good to see that success.
16 And we talked about politics. So how about Mary
17 Peltola up in Alaska, how awesome is that?

18 So, you know, we're getting some good
19 people lined up. And then, I would say, too, if
20 there's anything that we can help do, please reach
21 out, because like Ron said, utilize our inner
22 tribal organizations, so if there's anything that

1 we can do to help clarify, to help push the dial
2 or need to be looking at things a little bit
3 differently from a strategic standpoint, or our
4 political standpoint, please let us know. So,
5 thank you.

6 **BRYAN NEWLAND:** Thank you, Justin.
7 Chairman Erickson, before I turn back to you, I
8 just want to make sure we get a chance to hear
9 from anyone else who hasn't yet had an opportunity
10 to speak, you can use the raise my hand feature,
11 it's under the reactions button at the bottom of
12 your screen or those of you who are dialing in can
13 press star nine.

14 We're scheduled to go until 4:00 p.m.
15 eastern day, which is fifty-two minutes from now,
16 so we have time.

17 With that we'll go back to Chairman
18 Erickson.

19 **JARRED MICHAEL ERICKSON:** All right.
20 So, I kind of want to make a comment. I know
21 we're all, I wouldn't say getting on our soapbox
22 about stuff, but I want to make sure that we're

1 commenting on the actual consultation process,
2 right, that's what we're trying to comment on and
3 making sure we're okay with, I guess, what's
4 spelled out in that.

5 We're looking at -- you know, it talks
6 about timelines and scheduling and if I know one
7 thing about the Federal Government is it's hard to
8 get a meeting and it's hard to keep to those
9 meetings unless something's at stake. Through the
10 FMCS process recently, the only reason that moved
11 as quickly as it did is because there was a stay
12 and they're trying to get the extension to that.
13 And it's kind of almost humorous how you can get
14 meetings every week with Federal entities but when
15 you're trying to get one for tribe to tribe it
16 takes months, right, and then it -- nothing ever
17 moves quickly.

18 So, I don't know what the -- it doesn't
19 have a timeline on the schedule on there of how
20 early they have to let us know about consultation,
21 when that will happen and then sticking to those
22 meetings. That was one of the biggest things I

1 saw on there that I have always struggled with the
2 Feds.

3 Personally, at the tribe, we've been
4 talking about having our own consultation process
5 approved through counsel, and we sent that out to
6 every entity. This one kind of spells out an
7 overall consultation process and what that looks
8 like through each entity, I guess. So, I don't
9 know how the Feds will take that. Obviously, if
10 you have five hundred plus from each federally
11 recognized tribe, that's a hard thing to sort
12 through and what each individual tribes is, but we
13 are a sovereign nation, so we are looking at that.
14 We haven't passed that yet, we are talking about
15 that, having that at our next meetings, a better
16 discussion on.

17 Even the state, right, we have all the
18 state agencies that have a different consultation
19 process, so the Feds have each state entity that
20 it's not really uniform. So, I appreciate trying
21 to get a uniform consultation process but we are a
22 sovereign nation so I think that's something you

1 should take into account, each tribe has their own
2 consultation process, they want to -- I mean, it's
3 similar to yours but different as well.

4 So, scheduling is a big thing. I want
5 to make sure we schedule things accordingly and
6 timely and not -- because we get busy, too, and so
7 --

8 **BRYAN NEWLAND:** Thank you. I have an
9 appreciation and understanding for how busy things
10 can be at the tribal office and with tribal
11 counsel and we're trying to make sure that we're
12 respectful of that as well and appreciate that
13 you've taken time -- all of you have taken time
14 from your busy jobs to join us today.

15 There are no speakers in the cue with
16 their hand raised. I just want to take an
17 opportunity to remind everybody that you can
18 submit written comments in response to this
19 consultation to consultation@bai.gov all the way
20 up until midnight on October the 10th.

21 So, we are scheduled to go until 4:00
22 p.m. Eastern, which is a little more than

1 forty-five minutes from now. Also, we do have a
2 lot of other representatives from other Federal
3 agencies on the line. I want to make sure that
4 those of you who are joining from other agencies,
5 if you have any responses to any of the tribal
6 leader comments, please feel free to chime in and
7 offer those as well.

8 So, I'm not going to ask everybody to
9 sit here and just stare at my face for the next
10 forty-five minutes, we can certainly give your
11 time back if you wish. I see Chairman Allen has
12 his hand back up.

13 **RON ALLEN:** Yeah, just real quickly I
14 threw in the chat, Bryan, the question -- we know
15 there's a White House meeting coming up in
16 November. We know the date hasn't been set yet
17 based on the President's schedule and the rest of
18 the cabinet schedules. But I'm assuming -- I'm
19 just asking out loud, will there be a breakout on
20 natural resource issues for us to extend these
21 kind of conversations?

22 **BRYAN NEWLAND:** Thanks Chairman. I

1 don't want to steal the thunder from the team over
2 at the White House, and Daron and folks who are
3 organizing on behalf of the President, so we'll
4 have to stay tuned on that.

5 **RON ALLEN:** Well, if you could, what
6 would you say?

7 **BRYAN NEWLAND:** You know, before we --
8 Chairman, before we come to these events -- before
9 we come to these events, you know, they put a
10 shock collar on Heather Dawn and myself to --

11 **RON ALLEN:** Okay, fair enough, fair
12 enough. We'll wait and see. We're looking
13 forward to it. The hands are up because we know
14 that this president is continuing the commitment
15 that President Obama and slash Biden had for eight
16 years, so thank you for renewing that commitment
17 to the tribes.

18 **BRYAN NEWLAND:** Thank you.

19 **HEATHER DAWN THOMPSON:** We're excited
20 for it, too, Chairman.

21 Bryan, we have a question. I'm going
22 through the comments and see if we had any

1 questions in the comments chat section, and
2 Charles from Mille Lacs asked a question about the
3 database about the treaty database, and he says
4 since there are minor differences between treaty
5 languages in the statutes at large and Kappler's,
6 which version of the treaty languages ultimately
7 will be referenced. It's a great question. We've
8 had a lot of different questions about other
9 things in addition to Kappler's, you know,
10 executive orders and treaties that aren't in
11 Kappler's, and different versions, and no decision
12 has been made yet.

13 We started with Kappler's because it had
14 broad appeal and was broadly accessible to folks,
15 and it was easier for us to digitize. But we are
16 fully aware that that is not the end all, be all,
17 nor is it everything that would be needed to
18 interpret a treaty. Just so you know the audience
19 and the goal of the treaty database is your
20 average Federal worker who doesn't have Indian law
21 expertise.

22 We don't anticipate that this database

1 will provide all of the answers. What we hope it
2 does is ask the question, so that when you do have
3 these consultations, when you do have these
4 meetings in the field, you know, Sarah in Oklahoma
5 can say oh, I'm meeting with Osage and can go to
6 the website, look up Oklahoma, look up Osage and
7 at least see, you know, which treaties generally
8 are referenced by Osage so that she can have a
9 good, solid conversation. But knowing that any
10 real in-depth analysis will take a lot more,
11 including going to the general counsel's office,
12 getting the tribes own interpretation.

13 So, it's not intended to be and end all,
14 be all, but a starting point so that at least what
15 you won't hear anymore, hopefully, from a federal
16 employee is I don't even know where to find those
17 treaties. I don't even know where to start. So,
18 this is intended as a place to start.

19 So, thank you for that question.

20 Alicia Mousseau. Vice President
21 Mousseau asked, how can the various treaty
22 counsels get involved in this consultation as

1 well?

2 As far as this treaty consultation
3 versus -- and then the Black Hills, I'll tell you
4 how we're handling it for the Black Hills
5 consultation, Vice-President Mousseau. We have
6 the official Government-to-Government with the IRA
7 Government's consultation on Friday afternoon.
8 That's October 7th.

9 And then the next morning we're having a
10 separate meeting with treaty counsel so that they
11 have an opportunity to participate as well,
12 knowing that it doesn't exactly fit into the IRA
13 Government-to-Government structure.

14 Regarding treaty counsel in these
15 conversations, I don't think we've discussed it as
16 a team yet, but what we might be able to do is
17 have a general listening session in which the
18 treaty counsels could more robustly participate in
19 those conversations. So, that's a good flag for
20 us to think about, Vice-President, I appreciate
21 that.

22 **BRYAN NEWLAND:** Dawn, before we go back

1 to Chairman Erickson, Daron Carreiro from Domestic
2 Policy Council wanted to respond to Chairman
3 Allen's question.

4 **DARON CARREIRO:** Hey, thanks, Bryan.

5 I may have missed a moment on it. I
6 know Chairman Allen, we've been talking and trying
7 to pin down that date, so the date we are still
8 working on, but in terms of the subject matter as
9 we mentioned, treaty rights, lands, natural
10 resources, these are a top priority for the
11 administration. It's -- I would count on further
12 discussion of these issues at the Tribal Nation
13 Summit and would welcome the engagement at that
14 time for sure.

15 It was good to see you on here and the
16 other tribal leaders as well.

17 **BRYAN NEWLAND:** Chairman Erickson.

18 **JARRED MICHAEL ERICKSON:** Yeah, sorry
19 for raising my hand again and asking so many
20 questions. So, on the decision makers, you know
21 it talks about having decision makers, quote,
22 unquote at the table and these consultations.

1 What I've noticed is not a lot of follow
2 up, or as the actual decision makers that can
3 actually make a decision on the topic usually
4 there. I mean, I've definitely dealt with some
5 more than others, DOR, I guess BPA might be a
6 little separate, but it always ends up being --
7 you have these others who can't answer the
8 questions you need answered in those consultations
9 or who can make a decision. Some of that isn't
10 decision making during the consultation, but you
11 know what I'm getting at, if you don't have the
12 high enough level people in some of these meetings
13 to actually get anywhere with them, so then the
14 bucks pass and there's not much follow up with
15 that, or it just takes a lengthy, lengthy process.
16 It shouldn't have been dragged out as long as it
17 was, so just something to think about, having high
18 enough level people there in the meetings when you
19 need them.

20 **HEATHER DAWN THOMPSON:** In addition to
21 this treaty MOU, we actually have a White House
22 counsel that's working on tribal consultation

1 policy for exactly a lot of the reasons that
2 you're talking about. Yes, we have the executive
3 order on tribal consultation and yes, different
4 agencies have their own implementation rules in
5 place, but clearly there are best practices, as
6 you just pointed out, timeliness and getting back
7 with folks as far as making sure the right
8 decision makers are there, although I can attest
9 that almost nobody can make a decision there,
10 right, because as Bryan said, everybody has a
11 shock collar on and they got to go back and get
12 ten other people to agree to the decision.

13 But that's a really fair point, among
14 many others, making sure that there's enough
15 notice, making sure that we get back to you about
16 how the decision's been handled.

17 So, all of those things, we really did
18 hear you when we had the consultation on
19 consultations, and we are trying to implement that
20 by creating standard policies across the Federal
21 Government, so you don't have so much
22 inconsistency.

1 **JARRED MICHAEL ERICKSON:** Yeah, and I
2 appreciate that. And I understand that, I just
3 making the point again because it seems like
4 that's always the case riding, so, appreciate that
5 comment, Bryan and Heather, so thank you.

6 **HEATHER DAWN THOMPSON:** Thank you,
7 Chairman.

8 **BRYAN NEWLAND:** Assistant Administrator.

9 **JANE NASHIDA:** Thank you.

10 I also wanted to echo what my colleagues
11 have mentioned with regard to the consultation
12 policy. Like USDA, EPA is also reviewing based on
13 the consultations that we had on our consultation
14 policy, and many of the issues that have been
15 raised in the past hour, the need to raise the
16 decision maker in our consultations, the need to
17 consider consensus, the need for earlier
18 consultation, these are all things that we have
19 heard from our consultation with regards to EPA's
20 policy, and we are reviewing and hopefully
21 revising to better reflect the tribal concerns.
22 Thank you.

1 **BRYAN NEWLAND:** Thank you, Assistant
2 Administrator, and that's a great point. There
3 are a number of agencies that are working
4 alongside EPA to develop that consensus-based
5 approach to consultation, and I just wanted to
6 highlight your words there and thank you, again,
7 for your time. And also, for co-chairing the
8 subcommittee.

9 We have a hand raised from Clyde Estes.

10 **CLYDE ESTES:** Can you hear me? Hey,
11 good afternoon. Hey, you know, I was thinking of
12 a couple of things. First of all, thank you for
13 giving me the time to address you all. Thinking
14 back about Chairman Frazier said and Vice
15 Chairwoman Mousseau, made some really, really
16 great points.

17 You know, Chairman Frazier brought up
18 the point of, you know, it feels like we have
19 these consultations and stuff but sometimes to us
20 as leaders, I guess, it feels -- and please don't
21 take this in any way disrespect, but it feels like
22 a lot of lip service sometimes, because when we

1 talk about treaties and rights and reserve rights
2 and all that, for us it always goes back to why do
3 we have to keep asking over and over the same
4 things?

5 Vice-President Mousseau made a great
6 point. We're constantly asking for a fair
7 funding, equal amount of funding for our programs
8 that are severely underfunded. Let alone here in
9 our tribe, our biggest problem is just getting the
10 funding. It's sad. It's really, really sad and
11 it really points a black eye at BIA.

12 But it goes back to treaty and trust
13 responsibilities. You know, I'm really hoping
14 that this day and age and with all these
15 consultations we're having, and meetings and new
16 appointees, I'm like, somebody hit the nail on the
17 head earlier also about consistency. When you
18 have a constant turnover of staff and losing
19 people and you have to reeducate them all the time
20 about, you know, what is a PL638 or what is RA
21 tribe or, you know, it's like you have to start
22 that wheel all over again. And for tribes that

1 felt like they were advancing, they maybe have
2 taken one or two steps back.

3 And in this day and age, this time, this
4 world we're living in, it's no tribe can afford to
5 move back or take a step back. I mean,
6 everything's constantly changing.

7 And when we talk about reserve rights
8 and treaty rights for tribes, there seems to be so
9 many rules and policies and procedures put in
10 place just for tribes to get what is rightfully
11 theirs. I think that is one of the biggest
12 hinderances I've seen in my short years, that all
13 the reporting you have to do for our funding and
14 all of this and that, and you know it just I mean,
15 I understand some of it but it comes back to the
16 point of if we -- all these people, this is my
17 point from the government side, if we owe these
18 people, which would be the tribes, these things
19 under the treaties, why are we making it so hard
20 for them? Why are we making it so difficult for
21 them to get what is rightfully theirs?

22 Also, another thing I would like to see

1 provided to all the tribes, especially the tribes
2 that have a stake in the Black Hills, the amount
3 of gold, and minerals and silver and everything
4 taken from those Black Hills that belonged to the
5 people -- I shouldn't say belonged because it
6 still does belong to.

7 And accurate count of what was taken
8 from the treaty tribes who have rightful rights to
9 the Black Hills, I think that would be a great
10 thing for somebody to bring along to the October
11 7th meeting, whether it be the U.S. Forest Service
12 or USDA or some, because you know, there has to be
13 a number there. And the tribes, I think, and I
14 feel have a right to be consulted about what was
15 taken from there even though we never gave anybody
16 any blessing or okay or permission to take
17 anything from there.

18 And I think about -- it's really hard
19 when I think about this, when you talk about
20 treaty rights and reserve rights because it just
21 feels like the tribe's rights have been stomped
22 all over for many, many years, and I give you

1 credit, Mr. Newland, and Mrs. Thompson, and
2 Secretary Haaland, I don't know how many years
3 it's going to take to get this ship going in the
4 right direction, but I appreciate the start of
5 this, and -- but like I said, back to Chairman
6 Frazier's and Vice-President Mousseau's
7 statements, those things are really at the top of
8 the list for tribes, especially here in the Great
9 Plains.

10 I mean, it just -- we can't keep
11 continuing down this way. And we're thankful for
12 our predecessors that started this fight for us
13 and now it's up to this next generation to keep
14 carrying on the good job.

15 And I really wanted to be an open,
16 working person, to get along and work -- not for
17 just better for us tribes but for all of mankind,
18 so the next generation doesn't have to go through
19 this. And for us as tribal leaders, that's what
20 it's all about. It's trying to make sure that
21 we're doing the best we can and setting it out for
22 the next seven generations to come.

1 I really hope you take into account the
2 statements I made, and especially if our -- if
3 we're to be honored and honor our rights and our
4 reserved rights through treaties, then we
5 shouldn't have to be fighting as hard as we do for
6 what is rightfully ours, which is by the funding
7 we need in today's day and age, especially to
8 account for inflation. Also, for the growth of
9 our enrollment to fully fund our 638, another
10 thing. And I'm really hoping that something good
11 comes from all of this, and I wish you all good
12 health and happiness. Peace. Thank you.

13 **HEATHER DAWN THOMPSON:** Thank you so
14 much for your words, Chairman. As a Shine River
15 Sioux tribal citizen, I share your frustrations.
16 I do hope you will be able to attend the
17 consultation on the seventh.

18 The challenge, I think, that we find as
19 tribal citizens and dealing with the Federal
20 Government is despite our position and despite
21 treaty counsel's position, the Federal
22 Government's position, of course, is that the 1980

1 decision is set, so that's a hard place to start
2 the conversation from.

3 But that's where we're hoping to talk
4 about, you know, with this limitation in mind, how
5 can we increase tribal decision making and
6 participation in sacred lands --

7 (WHEREUPON A NATIVE LANGUAGE WAS
8 SPOKEN.)

9 -- and develop that relationship.

10 And so, I'm kind of letting the cat out
11 of the bag because you're not supposed to know
12 until the consultation, but for the first time
13 ever, which is mind boggling, the Black Hills has
14 hired a tribal liaison, a full-time tribal
15 liaison, and they've never had it this whole time,
16 which is challenging.

17 But it is reassuring that they're taking
18 the relationship and their treaty responsibilities
19 more seriously. So, we are hoping to have a good
20 conversation with you guys on the seventh, and
21 then there will be a couple more things on the
22 eighth, including with treaty counsel.

1 I don't know that we have an accounting
2 of the gold taken from the Black Hills from the
3 Federal Government perspective. I have seen
4 private estimates before. So, I will bring that
5 back, but I just want to be transparent that I'm
6 not sure that that's something that I can deliver
7 for you, Chairman, but I acknowledge the question
8 and I'll see if I can dig around and see what's
9 out there.

10 So, thank you and the other Great Plains
11 tribal chairpeople for your thoughtful comments,
12 in particularly on the Black Hills, and we look
13 forward to continuing that conversation.

14 Our colleague, Arlanda Teller, who is at
15 the Department of Transportation, our partner
16 there, would like to comment on some of the tribal
17 leader comments you've heard today. So, we really
18 appreciate you joining us on behalf of Secretary
19 Buttigieg from the Department of Transportation.
20 Arlando?

21 **ARLANDO TELLER:**

22 (WHEREUPON A NATIVE LANGUAGE WAS

1 SPOKEN.)

2 **ARLANDO TELLER:** -- thank you, Heather,
3 and also Bryan.

4 It's good to see and hear and be pointed
5 on the conversations at hand. Here at USDOT we
6 are certainly working as hard as we can with the
7 Administration's support and promotion and
8 advancement of transportation into Indian Country.

9 And we here are also working to ensure
10 that we not only honor this conversation today,
11 but also conversations when it comes to updating
12 our tribal consultation plan and policy at USDOT.
13 And this policy and this plan, it actually is the
14 first time in nineteen years that we are going to
15 be tackling, and we will be tackling this update.

16 In fact, we are in the process of
17 addressing this and formulating the final draft
18 working closely with all of the modes within the
19 umbrella of USDOT. So, with that same breath as
20 my colleague, Ms. Nashida, I think you can hear
21 closely and fervently that we are doing all that
22 we can to ensure that the policies that ensure our

1 discussions, particularly in transportation, is
2 there.

3 And I am really proud to be a part of
4 this conversation, a part of this effort. So, any
5 questions, I will put my information in the chat,
6 and I thank you all. Thank you.

7 **HEATHER DAWN THOMPSON:** Thank you so
8 much, Arlando, from the Department of
9 Transportation.

10 And Chairman Frazier from the Shine
11 River Sioux tribe has his hand back up. Chairman?

12 **HAROLD FRAZIER:** Thank you.

13 I guess just listening to you talk about
14 consulting on the seventh, and I've written a
15 letter to the President, and I was asking to, on
16 the Jenny Gulch Mining that everything needs to be
17 stopped, withdrawn and get consent of all the
18 Sioux Nation.

19 The other thing is I know I wanted to
20 talk about was co-managing and taking over the
21 Black Hills. It has nothing to do with
22 consultation. So, it should be a negotiation

1 meeting, because we go in the -- and that's what I
2 mean, you know. When are the tribes -- when are
3 we going to address the tribe's agenda? Why are
4 we always listening to the Government and
5 consultation, that's gone. That's gone because
6 that don't get a tribe anywhere. We have never
7 succeeded in anything in consulting.

8 And I know that to consult is to inform
9 and they move on. So, I don't think that --
10 again, we're going to honor our treaty. Leave
11 then. In other words, they're just words, no
12 action. And the action of that is tribes need to
13 get -- have to have consent, give consent before
14 anything happens.

15 You know, they want us to -- the Federal
16 Government just wants us to be like a Kalijah,
17 wooden Indian, just sitting there, pictures,
18 that's it. And them days need to be over; you
19 know. So again, if you're going to honor
20 treaties, honor them. If there's no intention to
21 honor the treaties, let us know or let me know and
22 I'll quit wasting my time.

1 But again, where is the State
2 Department? And somebody asked a question, if
3 we're going to go by the treaties or the statute,
4 we have to go by the treaty. So, everything prior
5 1871, that's what we need to discuss.

6 So, I don't know, you know, exactly the
7 direction, but we're going to continue down this
8 path, this path that has gotten us nowhere. I
9 always remember one of our councilmen said every
10 time the Government comes, they bring nothing but
11 bad, nothing good comes from it.

12 So, I don't agree with, again,
13 consultation. So, if that's a consultation
14 meeting, I'll just -- I'll just not be there and
15 I'll meet with the White House, because I did meet
16 with the White House, and I told them what we
17 wanted. We want to take over the Black Hills
18 because that's ours.

19 So, if that's not going to happen, then
20 you -- Shine River, I, as the chairman out of our
21 nation will not be there because I don't want to
22 be consulted. Thank you.

1 **HEATHER DAWN THOMPSON:** Thank you, Mr.
2 Chairman. I appreciate your thoughts and your
3 frustrations. I think this will actually be a
4 very productive trip and I hope you'll join. This
5 was at your invitation, and as Chairwoman Alcare's
6 (ph.) so the Chief is coming out in response to
7 your last meeting.

8 You will have an invitation sent to you,
9 as I said, for a private conversation on Thursday
10 as the Chief is driving through Shine River on the
11 way to the Black Hills. The consultation on
12 Friday, one of the topics is how do we structure
13 your ongoing relationship with the Black Hills so
14 that it is more productive? The South Dakota
15 chairpersons will also receive an invitation to a
16 private lunch with the Chief on Saturday -- you
17 should be getting that tomorrow morning -- to talk
18 about co-management options, including the
19 potential taking over of the visitor's center to
20 tell the Black Hills story from the tribe's
21 perspective, which has never been done before, as
22 a starting point.

1 And we very much welcome a more in-depth
2 conversation during our trip about potential
3 co-management or co-stewardship opportunity. As
4 Bryan and I pointed out, we do have the joint
5 secretarial order directing us to have those
6 conversations, and we are coming out in direct
7 response to your letter and your invitation to
8 have those discussions.

9 So, we look forward to more in depth and
10 fruitful discussions in person when we arrive.
11 Assistant Secretary Newland?

12 **BRYAN NEWLAND:** Thank you, Heather Dawn.
13 Thank you, Chairman.

14 At this time, we've got about twenty
15 minutes left in the consultation. I don't see any
16 hands raised in the cue. I'm happy to hear from
17 additional speakers. In the meantime, we welcome
18 your written submission to consultation@bia.gov
19 all the way until midnight on October the 10th.

20 So, since we haven't had additional new
21 speakers in a while, I will do a last call for
22 speakers. Of course, if we get a flurry of folks

1 who want to come in at the last minute, we'll stay
2 until the scheduled hour. If not, we can break
3 early.

4 Going once, going twice. Okay. On
5 behalf us here at the Department of the Interior
6 and our subcommittee, I want to thank all of you
7 who have taken time to join us today for this
8 conversation. It's been helpful for me in
9 ordering the work that we do here at the
10 Department of the Interior, and also the work --
11 or the perspective we bring to our subcommittee
12 under the White House Council on Native American
13 Affairs.

14 I know it's been mentioned both here and
15 several other places that people get consultation
16 fatigue. I understand that very well. I do also
17 hope, though, that the fact that you give myself
18 and other heads of agencies from across the
19 Federal Government in these consultations. That's
20 a sign of respect and also our commitment to
21 getting things done. And I hope that we have
22 shown over the last eighteen plus months that

1 we're able to engage with you on a regular basis,
2 fold in what we hear from you at sessions like
3 this into our work and our policies, and then that
4 it leads to some concrete actions.

5 I know it's sometimes painstakingly
6 slow, but you know, we've been working to make
7 sure that you get decision makers and folks who
8 work at senior levels of agencies in these
9 consultations across the board to help do that,
10 and that's what we're aiming to do with the treaty
11 rights MOU.

12 So, I want to throw it over to Heather
13 Dawn and Assistant Administrator Nashida for
14 closing thoughts and then we'll wrap it up.

15 **HEATHER DAWN THOMPSON:** Thank you so
16 much, Bryan and Jane, who have just been excellent
17 teammates throughout this whole process.

18 You know, as indigenous people working
19 for the Federal Government, we appreciate the
20 frustration that you feel. We feel it as well.
21 But we hope that by seeing this level of
22 commitment, as Bryan said, with these

1 consultations to make sure that we're hearing your
2 input as we start to make these decisions to
3 actually try and hold the Federal Government more
4 accountable for implementing the treaties that we
5 hear you, and it will help adjust the decision
6 making as we go forward.

7 So, thank you very much for your
8 valuable time today. Jane?

9 **JANE NASHIDA:** Sorry, I'm still having
10 challenges in terms of the mute button.

11 But I just wanted to echo what my
12 colleagues have said, and that we understand your
13 frustrations, and I know that for many of the
14 tribal leaders and speakers today, you have dealt
15 with EPA, and we have had these conversations in
16 the past. But I can say that you have the strong
17 commitment of the Biden Administration to make a
18 difference in terms of actions and we hope that we
19 can demonstrate that as we move forward.

20 So again, thank you.

21 **BRYAN NEWLAND:** Great. Thank you
22 everybody. That will conclude our consultation

1 today.

2 I appreciate you all taking time to join
3 us and look forward to seeing you and hearing from
4 you on the road or here in D.C. and all points in
5 between. Take care.

6 **HEATHER DAWN THOMPSON:** Have a blessed
7 day, everybody --

8 (WHEREUPON A NATIVE LANGUAGE WAS
9 SPOKEN.)

10 (WHEREUPON THE MEETING WAS
11 CONCLUDED AT 3:37 P.M.)

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CERTIFICATE OF COURT REPORTER

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I further certify that I am not related to any of the parties in this matter and that this transcript is a true and accurate record of said audio recording to the best of my ability. Further, I certify that the above information has been transcribed by me with a pledge of confidence that the content and information contained herein will not be discussed nor released.

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