

TRANSCRIPT
U.S. Department of the Interior
Tribal Consultation: Presidential Memorandum on Tribal Consultation and
Strengthening Nation-to-Nation Relationships
March 8, 2021
2:00 pm ET

Coordinator: Welcome and thank you for standing by. At this time all participants are in a listen only mode until the question-answer session of today's call. At that time you may press star 1 on your phone to ask a question. I'd like to let everyone know that today's call is being recorded. If you have any objections you may disconnect at this time. It's my pleasure to turn the call over to Ann Marie. You may now begin ma'am.

Ann Marie Bledsoe Downes: Thank you (Michelle). Good afternoon everyone. My name is Ann Marie and I'm the tribal governance officer for Interior in the TGO position. The tribal governance office of position is established by the departmental manual as a position that oversees consultation for all of Interior.

This is a formal tribal consultation on the - on President Biden's memorandum on tribal consultation and strengthening the nation to nation relationship. The focus of this consultation today is how Interior and its bureaus and offices can improve consultation from this point forward.

Even (if) this is a formal tribal consultation only officially designated representatives of federally recognized tribes are invited to speak. The session is being transcribed and the transcript will be made available on the DOI dot gov webpage at [tribes/tribalconsultation](https://www.doi.gov/tribes/tribalconsultation). This session is not open to the press, and if you are a member of the press we respectfully ask that you disconnect at this time.

We know that three hours is not much time to address this topic but we are under a tight timetable. Under the Presidential memorandum we have a report due at the end of April. Please be assured that this is not the only opportunity that you will have to make your voice heard on how Interior can improve consultation.

We see this consultation as the beginning of an ongoing dialogue and we're going to introduce the federal representatives and provide an overview of the subject of today's consultation as quickly as possible so that we can leave as much time as possible for the true purpose of why we're here today, and that's to hear from all of you to hear from our tribal leaders.

Before we begin it's my distinct honor to introduce Chairman Aaron Payment. We want to make sure that we're starting off this process in the right way and we have asked him to come and do a prayer for us. Chairman Payment is the Chairman of the Sault Ste. Marie Tribe of Chippewa Indians and also the first Vice President of the National Congress of American Indians. Chairman Payment would you please start us off with opening prayer?

Coordinator: Aaron, your line is open sir.

Aaron Payment: Hello? Can you hear me?

Ann Marie Bledsoe Downes: Yes, we can Aaron.

Aaron Payment: Okay I'll proceed. Thank you. ((Foreign Language Spoken))

So I'm just going to interpret one very small part of my prayer and that's ((Foreign Language Spoken)) and this is a very old (unintelligible) prayer that asks the question but it's really rhetorical, are you my relative?

When we recognize the relations we realize our commitment to one another and the spirit (well) teachings that we are all connected. No matter the life we live, we are on the wheel. Our purpose is to move to the center through our care and concern for one another.

I also shared my prayer and blessing for the opportunity that's in front of us. We realize federal Indian policy in the past has been paternalistic and largely ignored our needs and input, but I'm optimistic that this is different. With our Native vote turnout likely being the deciding factor in key battleground states, I believe that we have an opportunity in front of us but it's predicated on our full participation and advocacy going forward.

This is our opportunity to get input to those I believe are genuinely willing to listen. Finally I wanted to offer blessings to our fellow natives who just dedicated themselves to advancing the treaty and trust responsibility by accepting a post in the Biden-Harris administration. I'm going to do my best to structure my input that will undoubtedly be critical but will not kill the messenger. So I pray that we align efforts to make them successful. ((Foreign Language Spoken))

Ann Marie Bledsoe Downes: Thank you Chairman Payment. I really appreciate that so much.

Now it's my distinct pleasure to introduce Jennifer Van der Heide. Jennifer is our Chief of Staff for the Department of Interior. She has worked for Chief of Staff for Representative Deb Haaland, our Secretary nominee and has been instrumental in making sure that we can come to you in this important effort. Jennifer?

Jennifer Van der Heide: Thank you Ann Marie and greetings on behalf of Interior and welcome everyone to this consultation session on how Interior including our offices and bureaus can improve consultation.

We are so grateful for the time that you are spending with us today to help us improve all of our work. We know how busy each of you are as elected leaders. In addition, we know that there's extreme demands on your time now as you respond to the pandemic and do everything you can to keep your tribal citizens and tribal communities safe.

All of us have suffered immeasurable losses and for that I also send to each of you our condolences. Thank you for your leadership at this critical time. I also want to share greetings and well wishes from Congresswoman Deb Haaland. She's deeply grateful to have Indian countries support as she navigates her historic confirmation from the letters, the calls, texts, prayer circles and creative social media she's been listed by your support every step of the way.

We're expecting procedural votes this week and a vote on her confirmation next Monday, March 15. If so she will be sworn in as the nation's 1st Native American Cabinet secretary on Tuesday March 16. And one of the 1st actions taking off as President Biden committed to fulfilling federal trust and treaty responsibilities to tribes and declares regular, meaningful and robust consultation with tribal nations to the priority of his administration.

Meaningful consultation is an expression of respect for tribal sovereignty and self-governance and its importance cannot be understated. Interior wants to take this opportunity to open a new chapter in consultation where meaningful consultation becomes second nature in the federal decision making process. I look forward to hearing what you have to say today and hope that today is just

the start of an ongoing, fruitful dialogue in which we can strengthen and evolve our relationships with you. Thank you.

Ann Marie Bledsoe Downes: Thank you Jennifer and thank you for taking some time to be with us here this afternoon. It's now my honor to introduce our incoming Principal Deputy Assistant Secretary for Indian Affairs, Bryan Newland. Bryan will serve as the lead for this consultation but I want to emphasize that this consultation is not just about Indian affairs. It's about all of the Department of Interior and who you're going to hear introductions - quick introductions from each of those representatives.

Bryan is a formal tribal Chairperson and is already familiar with Interior having served as Counselor to the Assistant Secretary for Indian Affairs in the Obama Administration. Bryan, opening comments please?

Bryan Newland: Thanks Ann Marie and ((Foreign Language Spoken)) everybody. I'm so glad to be here with all of you and with so many distinguished and committed servants here at the Department of Interior. So we're going to do as Ann Marie said, some quick introductions of everybody here at DOI so you know who's on the line and who's listening, and then we'll hear from tribal leaders and representatives. So with that I'll turn it back over to you, Jennifer.

Jennifer Van der Heide: Thank you. We are so very proud of the team that we have at Interior. Today I just acknowledged that we have Bob Anderson, our Principal Deputy Solicitor. We have Pam Williams, the Director of the Secretary's Indian Water Rights Office and Tracy Goodluck, the Deputy Director of the Secretary's Indian Water Rights Office. Back to you, Bryan.

Bryan Newland: Thanks, Jennifer. So I'm going to share with all of you just who's on the line from Indian Affairs at the Department of the Interior. From the Assistant

Secretary's office we have Morgan Rodman. He's the Director of the Office of Indian Energy and Economic Development, Liz Appel who is the Director of Regulatory Affairs and Collaborative Action and I want to note that Liz has done a terrific job pulling all of these consultations together, David Conrad, the Director of the Office of Public Affairs and Sharee Freeman, the Director of the Office of Self-Governance.

From the Bureau of Indian Affairs, we have Darryl LaCounte. He is the Director of the BIA, Tim LaPointe is the Regional Director of the Great Plains region. Tammie Poitra is also one as the RD from the Bureau's Midwest region and Susan Messerly, the Regional Director from Rocky Mountain.

We also have on the line Tony Dearman, the Director of BIE, Jerry Gidner, who is the Director of Trust Funds administration and Doug Lord, the Deputy Director of the Bureau of Trust Fund administration. So that's who's on the line from Indian Affairs.

We've got all of our leadership and I want to turn it over to Tanya Trujillo to share who's on the line with her from Water and Science. Tanya?

Tanya Trujillo: Thank you Bryan. Hello. My name is Tanya Trujillo. I am very happy to be participating with the team from the Department of Interior today doing the consultation. I am the Principal Deputy Assistant Secretary for the Water and Science Bureau and those are the Bureau of Reclamation and the USGS.

I am calling today from my home in Santa Fe, New Mexico. Again I'm very happy to be here. From our Water and Science team on the line we have David Applegate, who is the Acting Director from the USGS, the U.S. Geological Survey, and we also have Jeff Morris who is the Senior Tribal

Liaison officer for the Bureau of Reclamation. Thank you all for having us today and next up I have Shannon Estenoz.

Shannon Estenoz: Hello. My name is Shannon Estenoz. I am the Principal Deputy Assistant Secretary for Fish & Wildlife and Park. I am joined on the phone today by Scott Aiken, the National Native American Program Coordinator for the U.S. Fish & Wildlife Service and Dorothy FireCloud, the tribal liaison for the National Park Service. Her team is grateful and honored to be with you today, and now I want to recognize Laura Daniel Davis.

Laura Daniel Davis: Thank you. This is Laura Daniel Davis from the Principal Deputy Assistant Secretary for Land and Minerals Management and I'm very grateful to be here with all of you today, and wanted to introduce also from the team Tom Avery, the Acting Director of the Bureau of Safety and Environmental Enforcement, (Bryan Whistle), the Division Chief for National Conservation Land at the Bureau of Land Management, Mychal Yellowman, Indian Program Branch Chief at the Office of Surface Mining and Reclamation and Hillary Renick, the Tribal Liaison Officer for the Bureau of Ocean Energy Management and I would like to ask Rachel Taylor to now join us.

Rachael Taylor: Thanks for the introduction, Laura. Hi, my name is Rachael Taylor. I'm the incoming Principal Deputy Assistant Secretary for Policy Management and Budget at the Department. I want to echo the comments of my peers and let the distinguished tribal representative on the call know how honored we are to be part of this consultation.

I'd like to take the opportunity to introduce some representatives of PMB who are also joining me on the call. Ms. Emily Joseph, who is the Assistant Director of Operations for the Office of Restoration and Damage Assessment, Ms. Susan King who is a regional environmental officer with the Office of

Environmental Policy and Compliance and Ms. Courtney Hooper who is also a regional environmental officer for the Office of Environmental and Policy Compliance. glad to be here, glad to listen to learn and I will turn it back to Bryan Newland.

Bryan Newland: All right, thanks Rachael. And I also just want to add that Natalie Landreth from the Office of the Solicitor is also on the line, and I know that took a bit of time to our friends from across Indian Country but we wanted to make sure since you can't see us that you could hear that in fact the Department of the Interior's senior leadership from all agencies is on the line ready to listen to comments from tribal leaders and representatives.

So just very quickly before we turn the floor over to those of you participating today from your tribes, I just want to recap what's in the framing paper that followed the President's memorandum. There were four questions and I'm just going to re-read them here before we start taking comments.

So the 1st question that we had asked was does the input received in 2009 still reflect tribal views about consultation today. Are there any additional comments or suggestions? Question 2 in our framing paper notes are asked should Interior include the actions recommended by the January 2017 report and its plan to improve consultation?

Question 3 asks are there additional suggested steps Interior could take to improve tribal consultation and make it more meaningful and question 4 asks what actions to improve tribal consultation should be made the top priorities in Interior's plan?

So these questions frame out what we are looking for in this consultation process. With that, operator we'll turn it over to you to open the floor up for commenters. Thank you very much.

Coordinator: Thank you. If you would like to ask a question please press star 1 on your phone. Unmute and record your name. Again that is star 1. It'll take a few moments for the questions to start coming in. Thank you. Our first question comes from Aaron Payment. Your line is open.

Aaron Payment: Hello. Can you hear me?

Coordinator: Yes sir.

Aaron Payment: Okay. So I overdo things as everybody already knows, but I answer every question and every sub-question in the framing paper. So I'll submit that in a written format so - because it's very comprehensive. But what I would say does the input from 2009 still reflect our tribal views? I'd say yes.

I would say that there's a need for federal agencies to find a way to compile all of our previous input. I know this is a very big ask but it will demonstrate the tribes that the input we've provided to-date is not incidental but it's still relevant. It is.

And so I would say there's different ways with data management on how to do that. I spell out my - in my response some research ways to do that using qualitative and quantitative software. But I would say that we - in order to convince tribal leaders that their input that they've already given is not for naught that we will take an effort to go back and try to synthesize that input and then - but things change.

Refresh is needed. So summarizing that and then asking for continued input I think is important. One other thing I want to say just as a beginning is I'm very appreciative that we're taking the steps forward from Clinton's executive order 13-175 to several presidential memorandums that have reinforced government-to-government relationships and consultations and the deadlines that were prescribed by President Biden.

And so that's the big difference from the past to today and the expectation that all the federal agencies actually followed through. So transparency is very important so posting our input as we go and then having that synthesis of that input create action planning and having that all posted at an essential site so that we can see it so we know that it's not just a bunch of input that goes into an abyss and we never see the results.

And I think the opportunity with the White House counsel and the annual summit returning will be the opportunity for the administration to be able to say we heard you. We've incorporated your input and here's evidence of that in this report. That's it for now, thank you.

Coordinator: Our next question comes from Lane Spotted Elk from the Northern Cheyenne Tribe. Your line is open.

(Matt Vogel): Good morning. This is (Matt Vogel). I'm speaking for Lane today. A question or a comment is that tribes need to be more aware of organizational changes within the BIA and we would be appreciative if those changes could be made available to the tribes in the timely manner.

Specifically we were asking about DOD - not DOD but OJS. Is that moving or is it still going to be under the BIA director? Thank you.

Bryan Newland: Thank you for - this is Bryan Newland. Thank you for your question. I will do my best to follow up directly with you on that. I don't have an answer for you at this moment.

Coordinator: Our next...

Man: (Unintelligible).

Coordinator: Our next question comes from Cheryl Bowie from General Member. your line is open.

Cheryl Bowie: Thank you very much. My name is Cheryl Bowie. I'm an APAC from the Northwest Alaska region and I was here in Colorado but the thing I was thinking about consultation, it may be something to be considered and I have to read everything. And so that my comments go so if we could identify and find a path forwards to a public voting process on this stuff, I think that would do a lot of this - sorry, I'm really nervous. I don't know why.

But if we could transition into a public voting process on some of these initiatives so we don't have certain tribes with different values running the whole gamut, and it would also help record a voting in our desire. So I just think that that's something that really important to think about. It would also help determinize the laws and identify conflict of laws that are impeding our ability to move forward economically and health wise and with our goals. So anyway, that's all I have to say. Thank you.

Coordinator: As a reminder to ask a question please press star 1 on your phone. Thank you. Again that is star 1. I see no questions in queue at this time or comments. If you'd like to ask a question or comment it's star 1.

Ann Marie Bledsoe Downes: Bryan this is Ann Marie. If I might, I might pull some other question to both of us on the line today. Just about the technical aspects of consultation as we're doing all of this within the pandemic, are there certain mechanisms that work better for you all as opposed to others? We would appreciate hearing from that from all of you as well.

Bryan Newland: And Ann Marie, thank you for that. on top of that would like to know a little more detail from tribal representatives about how that can augment existing consultations and not just during the pandemic but beyond the use of video and teleconference technology.

Coordinator: We have five questions in queue right now. Next up is Timothy Davis from Blackfeet Tribal Business Council Chairman. Your line is open.

Timothy Davis: Thank you. The confirmation representative Hall when she is sworn in on the 15th, I understand the Capital is still pissed off from that terrible combat by trial. We'd like to go maybe like a ceremony to recognize her as the 1st Native to hold that distinctive office. We've had a few Assistant Secretaries of course. One of them - the 1st one was a Blackfeet (unintelligible) and then during the course of history there, you remember the Eloise Cobell case for the mismanagement of the bureau (unintelligible) this year since it became an agency in all of our law for resources and lack of accountability in that case that we won for American Indians.

And the (unintelligible) one of our members here at the (unintelligible). The question I had is you know, like us tribes today in 2021 looking back over the course of our history with the Bureau as our trustee, they promised to keep us - get us on our feet and they kept that promise after the impoundment of all of our horses. But anyway, my question is looking at revamping the structure of the Interior as it relates to all of the responsibilities the Bureau has, education,

roads, social services and the like, you know, maybe looking at better (formatting) where the services do really address - I understand (unintelligible) of the Interior throughout various administration since the Interior was developed after we came under the Department of War.

We became wildlife Department of Interior. We're still out today. so all this time, maybe we can look at restructuring. My question is will the Bureau - you mentioned all the guys on the call. The secretary assistant and the - all the people in Fish & Wildlife all that stuff, we'd like for all (unintelligible) for tribes to maybe re-evaluate and mandate some really meaningful changes in dialogue within the Interior to assure that our voices are not relegated or they bent for so long they've forgotten Americans.

So my question being will you guys afford us that offering and what an honor for Representative Haaland and when will that be? Do you think they'll take that (unintelligible) and then we'd also like to begin to talk about restructuring the bureau. So that's my question.

And then all the stuff you talked about so far, that'll be emailed out or how does that work for all you guys on this call? The people within the Interior, Fish & Wildlife and so forth that represent the Indian issues, they'll be listed and sent out so we can maybe get dialogue with them and the different representatives we have in our states going forward like as we proceed to really strengthen the Bureau so that the issues on Indian space, as everybody knows they (become poverty) and healthcare issues, all that is addressed adequately with this consultation. It's just not meaningless but it's meaningful so my question being those two, thank you.

Coordinator: Our next question, comment comes from Ms. Kingman. Your line is open from Great Plains Executive Director.

Ms. A Gay Kingman: Hello. Thank you everybody for being on the call and we look forward to working with you on this. Over the last four years or so it seems like there's been little or no meaningful consultation. And so we really look forward to having that dialogue and for us out here, we have good consultation within our region. But we need improved consultation with the National Office - the Department of Interior and that includes all of the agencies, you know, the BLM for example.

There's a lot of questions on that, what's going to happen and what is there now? In the past certain decisions were made and that, tribes did not even know about it and found out later. And so we really want to have full consultation and that includes BIE and that includes all of the other agencies within Interior that we work closely, our BIA office but we need more meaningful consultation with all of the other departments.

So anyway I look forward to working with this, but it's like building back better. I hope it happens quickly because we really need this improved consultation, and again both ways so the tribes can have input to what is happening within each department.

I guess there's one last thing. You talked about maybe having we initiating the White House council and that did work. But just as the tribes are expected to consult, we also - it would be good if the different agencies consult because right now one of the examples or rather these consultations, it doesn't seem like the federal agencies are communicating among themselves because we have some built upon - they're built upon other consultations.

And tribes (unintelligible), we're - what we're trying to do is keep them all straight because we now (unintelligible) Department of Defense and

Department of Justice and so we're working on all of these consultations with all the different departments. And so it would be good with the White House council or if somehow the federal agencies would communicate among themselves too so we don't have everything on one day. So that's one last thing, thank you.

Coordinator: Our next question or comment comes from Louis Taylor and we have two other comments after. Louise, your line is open. Thank you.

Michelle Beaudin: Good afternoon. This is Michelle Beaudin, Secretary Treasurer for the Lac Courte Oreilles Tribe. I'm sitting here with the rest of our council members here and we do have some questions on - for Department of Interior. One of them is not we're not - and due to COVID we believe that we're not getting much communication from the BIA.

I don't know if that's an area problem or if that goes all throughout systemwide. We appreciate your call today because this has been - we've been struggling on moving forward on projects in other areas of land management forestry and we haven't been getting any communication. So those are some concerning things that we have, but also as far as the Department of Interior, we have concerns as well with our state delisted our wolf, the wolf. And we would want to know what the process is to see how we can get the wolf relisted federally.

We had a wolf hunt here recently that the DNR was opposed to. All the tribes were opposed to it. hunting groups shopped around for a favorable judge and got a judge who would go ahead and grant them a hunt. They were approved for taking 200 wolves. Apparently we have 1200 in the state. They exceeded that limit. The tribes requested 100 of those tags and they still went over and above.

They granted the tribe 88 tags. They took 219 or 216. So they went way above and beyond and we're afraid of losing that. The wolf is so instrumental in our history and in our culture. They're integrated with our people and it's very hurtful to our way of life not having those wolves. It affects our ecosystem and we're looking at any avenue we can to help protect them.

So any guidance that you can help us with would be greatly appreciated and we really need to know who do we contact to get the ball rolling in that area. Thank you.

Coordinator: Aaron Payment, your line is open.

Aaron Payment: Thank you. All right. So again I detailed out every single sub question in my - in the framing paper because I do think it was helpful to facilitate a flow of information. But just to get to the, you know, the question had to do with during the pandemic and what's the format and then more broadly, you know, when should consultation happen, what should initiate it, when notices should be provided, you know, all of those questions that were in the framing paper.

So this is really, you know, think about consultation as a chicken and egg question because principally we want to be engaged and involved in anything that affects us. And so it should happen at inception. Now having said that, the practicality of that becomes very complicated because we do want people who are hired to administer the treaty trust responsibility to be able to move forward but I would say any policy, any administrative decisions that are in the making, any budget formulation, all of that should be centralized and easy for us to locate.

So right now the way we do it is dependent upon agency. So if you read the 2019 GAO report you found that about 40% of the federal agencies have never, ever followed up with President Obama's direction in his presidential memorandum for consultation. And so getting each of the agencies to fulfill that piece of it is a big step forward in this administration, but once we do that then it's going to be a matter of ongoing consultation for everyday administration of the treaty and trust responsibility.

And so the way we manage that because it's a huge undertaking, the way to manage that is to post a regular section in the federal register that calls for consultation. And so actually years ago I got to hear Bryan Newland give a speech on consultation with a capital C and a little C. So capital C should be items that are posted in the Federal Register for tribes to schedule to directly participate. That would be obviously big policy issues like taking land into trust.

If you look at the Trump administration how they tried to streamline that and subordinate the position to local government or re-organizing the BIA, those are big capital C consultations that should be posted in the Federal Register. Now there's the little C consultations that if we knew where to look rather than having to wait for agency variances to send out notices if these were all published in one central location.

So how do you make that happen? Each agency should be compelled to have to post any decision making that might affect an Indian country on their Web site and the section of their Web site for consultation for tribes. Then all of those consultation requests should be linked back into a central consultation Web site and that could be the White House council. And so I see the ability to connect the White House council with the interagency project management

chaired by the Secretary of the Department of Interior who will be Debra Haaland.

And so last time our criticism is we didn't have a Native on that because we didn't. None of the secretaries were Natives but this time we will have a Native on it, but I also think that there - this doesn't replace consultation but the tribal advisories, the budget formulation, if we want to have a coherent and coach a federal Indian policy that pulls everything together and is not fragmented or disjointed or based on silos, all of that should bubble up to the White House council. And I think that we already have the vehicles that I think can pull it together.

And so I guess the only other thing is on transitioning back out of a pandemic era one of the things that came about through the pandemic is that tribal - reach out to tribes for consultation has - is not currently predicated on resources in terms of traveling. A lot of times in Alaska can't - they just don't have the resources to travel. A lot of smaller tribes don't have the resources to travel to the volume of consultation sessions.

So when we do return to a face to face consultation environment which I do think has its own aspect ethos that, you know, get a better sense of things when you're face to face but if we could have a hybrid that continues to allow tribes to participate in the manner through Zoom or tribal leader calls I think that would be helpful.

One other final thing would be to distinguish the difference between listening sessions and consultation which incorporates our recommendations for action. Listening sessions are really like a pre-emptive step to formulate some ideas that could then be drafted up into consultation proposals that tribes could then respond to. So I hope that's helpful.

Coordinator: As a reminder to make a comment or ask a question it's star 1. Next up is Phyllis Davis, Tribal Council Member for Gun Lake Tribe. Your line is open.

Phyllis Davis: Thank you, (unintelligible) everyone. In response to the question I wanted to - Chairman Payment had mentioned a couple of points that I wanted to pass on as well. For me, resuming a face to face tribal consultation in real time when it is safe to do so is vitally important to support tribal sovereignty, to ensure that the many years of hard work and active engagement and advocacy by tribes with our federal agency partners and many of the White House staff had really advocated for so many years to get us to a certain place I think is really important also knowing that, you know, as in the past year with the pandemic and the inability to meet how much technology Indian country needs that we are in this huge chasm of dysconnectivity, you know, issues with Web technology and access is a huge barrier for Indian country.

So increasing that access to allow that ability to engage in consultation is just as important. Creating an environment to coordinate consultation, and I want to say similar to the DHHS model, while it isn't perfect it brings all of those agencies together within a two to three day timeframe and allows tribes to come together to bring their issues to the table, to assure some continuity of information being shared across the agencies all at once.

So for me it would be trying to coordinate a timeline to get potentially DoD, Department of Justice, BIE, BIA, NEPA agencies together where tribes can have access to them one on one and then on a larger format through the - a national consultation process that would be accessible via Web or in person. So for me that would be really important to do. ((Foreign Language Spoken))

Coordinator: Our next question or comment comes from Cheryl Bowie. Your line is open.

Cheryl Bowie: Thank you. After I guess that initial hairball in my throat I want to make sure to kind of remind everybody while we're doing all this work the rest of the country, all the different states are voting on different drug management programs and a lot of places have legalized hemp and cannabis, and I'm on the USDA's Web site for hemp Web listening session. But one of the things that we need to do is we need to identify our role in updating the controlled substances schedule.

So in order for any changes and I'm not sure if our tribal members understand this but in order for any changes to happen under CSA we have to be willing to go to the table to update all of our contracts and reflect the updated legal status of hemp so we can engage in commerce and trade. But the other part of that too is all the funding and education stuff and the taxes that are going to happen with it.

I think it would give us an opportunity to reflect on how we are getting funded for some of this. We could work to fund some of the public safety crime labs with the funding for the monitoring of hemp and cannabis and other safer drugs that are going to be legalized and are being legalized across the country like mushrooms.

So I think that we need to think about this and it's not just a recreational thing but there is some real peace that's happening to this stuff right now. The DEA is reviewing their production quotas and they're looking at reducing the production of opioids by 30%. So that's going to put us in a public safety response mode with people who are going to be coming off of opioids really fast or getting cut off without us coming to the table and looking to identify a way to manage this process.

And I know that NIST is working. Right now they have a couple of programs where they're sending out controlled samples of marijuana at different labs across the country. So they're just getting the process standardized, the test and the way that we're going to be measuring cannabis in the future and what this means for us as tribes is that means that there's going - they're going to have to fund it.

They're going to have to fund all the chemical labs. They're going to have to fund the training and education and they're going to have to tax the cannabis and the hemp plant in order to do so. And so I think that we need to make sure that we're not left out of that process, that we are getting the funding that we need for our crime lab and that we are making sure that our people are getting trained in these new crime prevention and controlled things, like everything from all of this plant RNA and DNA.

All of this goes hand in hand with law enforcement and law enforcement specializes in chemical analysis of plants. And I think that - and they work with NIST and they're consulting with all of these recreational labs right now across the country and I just think it's a really great time for us to jump into this process, start engaging in it so we can start doing the public education to bring us up to speed not only in science and education but in our infrastructure. And it's a chance for us to address restorative justice and do some reformation of some of the laws that are kind of working against this.

And I don't think all laws change over time so I think it's just really important that we make sure we're not getting left out of a whole new industry way of doing business and medicine all at one time. So anyway, just more thoughts to ponder, thank you.

Coordinator: As a reminder if you would like to make a comment or ask a question please press star 1 on your phone. Again that is star 1. It'll be one moment for other comments to come through. Again that is star 1.

Bryan Newland: This is Bryan Newland again from the Department of Interior. I just want to add that some of you have asked specific questions about specific issues, and we do have contact information available to us on this telephone conference. And we will work to try to get responses to those of you who asked those questions so please don't think that you're being ignored if you don't get immediate feedback on this call. We're here to hear from tribal leaders and representatives on the consultation process and we'll follow up with those of you who had specific questions. Thank you.

Coordinator: Our next question or comment comes from Andy Werk Jr. from Tribal Council. Your line is open, Andy.

Andy Werk Jr.: Hey, good afternoon. Can you hear me okay?

Coordinator: Yes, Andy.

Andy Werk Jr: Again my name's Andy Werk Jr. I'm the President for the Fort Belknap Indian Community for the Aaniiih and Nakoda tribes in Fort Belknap. First of all I just wanted to thank you folks for having this call today, and we'll definitely be submitting written comments by the 19th based on the dear tribal leader letter and the framing paper and the questions that were sent out plus the President's memo and the executive order.

I did send - I guess at this point it's more I think a comment than a question but I did send a letter that I felt like, well, there were two things in the letter

that I sent out and one was having it on virtual platform like Zoom which I definitely think even for this call could've been accommodated.

I keep hearing with the discussion right and we've all experienced with COVID just a lot of isolation and not having the in-person meetings together and the intent here to be meaningful, right? So it's really had an impact I think on everybody, even your mental health.

So I did that a lot here at home on lots of calls, whether it's Face Time or zooming in because I just think that personal interaction is really important especially when you think about the intent of the President with his memo and executive order. The other thing too was lumping in multiple regions. It doesn't seem like at this point that that's a real issue because I noticed that there's not a lot of people waiting to speak which is good because that was a concern of mine that lumping in multiple regions, you might - the session might be jam packed with tribal leaders or tribal designated advocates and it would be very difficult for tribal leaders to get their input.

I did send that letter and I did get a response back from Ann Marie and I really appreciate that Ann Marie for you sending the response back. But you know, at this point on the call on the record here that I still disagree that with people not having to travel in person getting on a virtual platform or breaking it up to specific regions I still think could've been accommodated.

I do know there's a timeline to get the plan together to be structured and get it back over to OMB. But I also like I say, I appreciate the response that I did get back. I don't want to be facetious here but if it sounds like - because I know I have council members that are listening on this call. It has really encouraged them to be on the call and obviously DOI is so broad but I don't know if there's tribal leaders that are reluctant to ask any questions or make

any comments at this point, but if there's not a lot of tribal leaders on the call, I don't know if there is or not.

That's very concerning for me, that there might be disconnect between DOI and tribal leaders especially with something as important as this. And like I said I'm not trying to be facetious making that statement and I'm not even sure how many tribal leaders or staff are on the call. Maybe they're just not asking questions or making comments but just - I just want to make a comment that I think with the President's memo and the executive order there is an intent and there are some really key terms in there, right?

You know, one of the things, obviously there's meaningful consultation and negotiated rulemaking, you know, and one area too that I really look at in there is unfunded mandates upon Indian tribes to reduce that and so I think that's something really to be mindful of putting the plan together. And as we move forward with this process what we're doing here right with the framing paper is going back to what has been looked at prior, you know.

I'm still trying to get my homework done on a lot of the prior documents. I was looking at the summary from 2009 but I do think that it's been around so long the executive order and there's been prior administrations to it, and I heard a comment earlier even with the Obama Administration where there was not a lot of follow up.

So that's something we really need to be mindful of to make sure that it is meaningful once you folks get a plan drafted that that is also - I think Chairman Payment said it, that that is publicized and where tribal leaders can look at it and give input to the plan before it is sent over to OMB and even, you know, make sure that our input is included in there based on the written comments we're going to submit here from Fort Belknap before it becomes

final and we really - it takes that plan and continues to have consultation at every level.

You know, I - there's a couple things I just wanted to mention too as far as this treaty and tribal rights. I really think that DOI needs to have more of a presence as far as that is concerned advocating for tribes with trust responsibility. One example I'll give right now, currently the state legislative session is going on here in Montana and I know there's a relationship between tribes and the state, tribes and the federal government, states and the federal government.

But, you know, on issues where Interior has a trust responsibility to advocate for tribes they've got to have more of a presence. Right now in Montana there's some legislation that is really having a negative impact on tribes where you know, we're probably going to end up in litigation. And I think it would be helpful with DOI having more of a presence of stepping in when they should and not waiting for litigation to advocate on behalf of tribes.

You know, so that's one comment I wanted to make. I think of here at Fort Belknap where the winter reservation is, I think most of the TOS staff I heard on the call are very familiar with that as our tribes, but, you know, you could see well over 100 years ago where the United States stepped in on behalf of the tribes here because of the tribe's rights on water were being violated.

So that's just what I mean I guess as far as DOI having more of a presence acting on behalf of tribes. The other thing I wanted to mention too was interagency action. Our conversations, our communication with one another, you know, right now with the COVID relief package and the prior ones even with the CARES Act and the America Rescue Plan Act, there's a \$19 billion question there that tribes are asking over at Treasury.

And it's going to be left up to the Secretary to decide the funding methodology and I understand I'm getting to a point here because I know this is really a Treasury issue and Treasury is having consultation. But a lot of times what you see with these other agencies, they look to other federal agencies that are more familiar with tribes, you know, like - think about IHS or BIA or even Interior and I just want Interior officials to be mindful of that.

If you do have other agencies that reach out to you that you encourage them to reach out directly to tribes. I'm glad Treasury is having consultation but if there's going to be any kind of interagency interaction with that, they themselves need to go back to tribes directly to ask them on how they should have some type of meaningful consultation. But I just wanted to stress on negotiated rulemaking again, also that every level that's so important that tribes are allowed to negotiate rules with Interior.

So I think I'll stop there. Like I said we'll be submitting written comments. I got a little more of my homework to get done and I look forward to Secretary Haaland passing the full Senate and working with her and all of you folks. There's one other thing to say too is I know the call was intended to hear - especially from tribal leaders which is great so hopefully we'll hear from more tribal leaders here as far as questions or comments, but I'd also like to hear from the DOI staff that's on the call.

I really think that the Biden Administration has done a good job at this point putting tribal professionals in place and these key positions. Some of them I know and I'd like to hear from you folks also. Let's have a good communication here back and forth on what some of you folks think about consultation. That's just a suggestion but I'll stop there. Like I said we'll submit our written comments but I appreciate the call again, thank you.

Coordinator: James Williams from Tribal Chair Lac Vieux Desert Tribe. Your line is open, sir. Mr. Williams, you may want to check your mute button. Your line is open.

James Williams: I'm sorry, yes. Good afternoon. I was on mute there. First of all I want to thank the Interior for this call today and look forward to working with the new administration.

I've been doing this a long time and really trying to perfect the meaning of consultation with the tribes instead of feeling like we're constantly educating different agencies every time there's an administration that comes in. Working with my council and our team, we'll be submitting additional written comments as well but I feel good that former Chairman Newland is a part of this. It makes me feel good that we have somebody, you know, that's going to be there and understands, dealt with it firsthand and really to help the tribes and help the agencies understand what the needs are and making us feel like we're a part of these consultations that we're having some impact on it.

And like I said, I've been a tribal leader here for almost 30 years and you know, it's been a struggle to really, really try to you know, get a real comfort zone with the agencies where we do consult. There's communication or a lot of communication issues that we talked about in real time. You know, those things need to be worked on and I hope that we can perfect that as well and getting the tribes involved co-regulations with certain things that we would like to be involved in or would like to see happen with a new administration.

You know, we work very hard to create economic development for our community in our depressed area here where we live. Up here in the UP it's pretty depressed, not a whole lot of economy. So my goal is to look for

support from our federal agencies to support those businesses and economic development that we put in place to you know, offset some of the fiduciary responsibilities the federal government has that unfortunately haven't met the marks, but the tribes try to do things on their own to provide for their people, for their future generations to come.

So hopefully we can really make some headway there, this administration to make a difference. So I look forward to working with every one of you, hopefully with this pandemic that we'll be able to see each other here at some point in time in the next four years but I just wanted to say that much. I think I'm optimistic. I really think that good things are going to happen and it's good to see our Native people are a part of the other side to understand where we're coming from and where our frustrations are so they can help us and help you understand, you know, what our needs are.

So I'm hoping that the education piece goes away a little bit and everybody in the agencies understand where we're coming from and we can get some work done here. So I appreciate all that. I appreciate having everyone on the phone. Tribal leaders, I think we've got something good to work with us these next few years and look forward to that so I'll say about that much, (unintelligible).

Coordinator: Kevin Killer, your line is open.

(Mike): Hello, it's (Mike). Can you hear me okay?

Coordinator: Yes sir.

Kevin Killer: Okay thank you. Greetings everyone, ((Foreign Language Spoken)). That's our (unintelligible) greeting (unintelligible), shake your hand, a warm and

good heart. My Lakota name is Culture and my English name is Kevin Killer. I am calling in as the Chair of the Oglala Lakota Nation Oglala Sioux Tribe. Thank you for having this consultation today and I appreciate the conversation and issues being raised on this. Thank you to all the leadership around the country who's participating in this well.

It's good. I send you a heartfelt handshake and as a good relative just trying to work together to see what we have going on. And you know, I guess where we're coming from at the Oglala Lakota nation, we're pleased to see President Biden's January 2021 memorandum on tribal consultation (unintelligible) which we affirmed to the executive order 13-175 consultation and coordination with native tribal government and we are pleased to see the Department of Interior begin to begin a new chapter in our relationship as their tribal leader (unintelligible) consultation.

The President said that there's a priority of working together and to respect the tribal authority and to make - and help government and to commit to fulfilling federal trust and (treaty) responsibilities to tribal nations are very meaningful and (unintelligible) consultation of tribal nations. We welcome this prioritization of tribal nations.

The United States has two options (unintelligible) obtain our free and prior informed consent for activities impacting our lands, waters and cultural resources. Such failure is a direct violation of our treaty rights and the 1851 Treaty of Fort Laramie and the 1868 (Dine Nation) treaty and federal judge responsibility and international (law). We look forward to working with the administration and DOI to help strengthen nation-nation relationship in the overall process of that to protect our rights and our peoples.

The nation to nation relationship (unintelligible) and free prior informed consent treaty right - the United States has a unique set of obligations arising from the nation to nation relationship between tribes and the federal government. Unlike stakeholders or members of the general public the United States has a treaty of trust responsibilities to tribes. Either the U.S. constitution treaties including treaties of tribes are (unintelligible).

The United States is required to consider and uphold treaties of tribes and (this making) any failure to adhere to that term of tribal treaty is a violation of federal law and a front to tribal poverty, putting (unintelligible) tribes (unintelligible) nations the ultimate authority is requiring consultation and consent for actions affecting our lands, territories and resources are the Fort Laramie of 1851 and 1868, the treaty affirmed the permanent homeland for the great two nations reserving to the nation to nation. That limitation rights to water, natural resources (unintelligible) necessary to make the (unintelligible) a little more homely.

Additionally the 1851 treaty (unintelligible) protect all reservation rights. Article 6 and 12 of the 1868 treaty required consultation on issues relating to reservation land and any discussion of land and article 11 required participation of tribal headwind on a commission to make decisions on the works of unity or subsidy, i.e. infrastructural projects, (unintelligible) obligations remains in effect.

The federal trust responsibility also requires that the United States consider and uphold these obligations to tribes in the federal decision making process. Honoring the trust relationship between United States and the tribe's (unintelligible) considering tribal input has one factor to balance when making decisions that affect tribal lands for people. The goal of meaningful consultations can always be to reach an agreement. We agree the DOI can

include language in the consultation policy that explicitly states that meaningful consultation should always be taken with the goal of (unintelligible) informed consent when it is a project that would impact tribal land to (unintelligible) either on or off the reservation.

One of the questions that we have as a tribal nation is we think the Department of Interior received in 2009 is still (unintelligible) and that the DOI should adhere to it. our second question is we think the Department of Interior should include actions implemented by the January 27 report that's planned to improve consultations (unintelligible) and important points our tribe submitted in that consultation and the points that the Department of Interior includes in the frame paper.

And then lastly on the issue of United States endorsed the United Nation declaration of the Indigenous rights of people on December 16, 2010. The Biden administration has a unique opportunity to succeed where past administrations have failed in the implementation of international human rights laws as it applies to tribal nations.

On direct Article 19 provides us states must consult in good faith to obtain indigenous people free prior informed consent where documented that may affect them although (unintelligible) finding the right to free prior and informed consent derived from rights articulated in the legally binding treaties to which the United States is a party (unintelligible) domestic clause shall be interpreted consistently with international norms, further a drift call to engage in consultation with indigenous people to obtain their consent is entirely consistent with the federal government's policy of meeting the consultation.

The administration therefore should support the free and prior informed consent requirement as consistent with existing United States policy based on

treaties and the federal (unintelligible) responsibility to tribes. We ask DOI to include in this consultation that meaningful consultation requires obtaining free prior informed consent when a project will affect tribal lands, territories and resources. So thank you, I appreciate it.

Coordinator: As a reminder if you would like to ask a question or provide a comment it's star 1 on your phone. Currently there are no other comments or questions in queue but that is star 1 if you would like to open your line. Andy, your line is open.

Andy Werk Jr.: Hello?

Coordinator: We can hear you Andy, thank you.

Andy Werk Jr.: Okay. Yeah, I just - thanks. I was trying to be respectful and wait my turn again but I'll get right back in there with COVID. A lot of times we're trying to throw elbows to get input on these calls especially the national ones. But I did have another comment, you know, the more - I guess the more I listen and the more I read the framing paper and questions and a lot of the prior documents, and I will say this. I guess ahead of time before I make my comments.

For me, you know, a lot of this, it revolves around accountability and consultation should be enforceable. And you know, just reading the 2009 comments again, I would recommend saying yes, they're accurate. And DOI should adopt the actions in the January 2017 report. All very respectable tribal consultation with the Feds, DOI should prioritize efficient BIA land and records processed in coordination with the HEARTH Act to alleviate overcrowding problems that have made social distancing impossible during COVID. You just see a lot still on a lot of reservations especially where we're

at here in Indian country. And it's kind of putting in a plug for us here I guess.

You know, I think we're just recently - which wasn't a process I will admit to that, even with - you know, we - I think we're one of the 1st rural reservations that were able to get a residential leasing act here past - based on the HEARTH Act. But you know, I just - let's think to the tribal leaders and with the call and looking at the prior documents. I can't stress enough how implementation is so important because I think that's where there's been a loss here and really looking at how good the executive order is in the original intention and the President reaffirming that.

We have to implement this and we have to do that through good consultation and good negotiated rule making, and this is a good start for sure. I will say that I'm optimistic and this is a good start for sure and if we can just continue to stay on these calls but like I said there's got to be accountability and consultation again should be enforceable.

And one other comment I wanted to make, I think it's just important - I'm not going to say this I guess to stroke my own ego but I think it's important on the call too to make sure that the tribal leaders are being recognized by their positions whether that's the Chair or whatever of their own tribes or a council member position especially coming from our expert agency as far as protocol go. So thank you again.

Coordinator: Ewing King from Tribal Council, your line is open. Ewing King, your line is open. You may need to check your mute button. Ewing King, your line is open. Please check your mute button.

Woman: (Michelle), we might move into the queue just to give him an opportunity again to figure it out. Can you go to the next one? But we don't want to lose that.

Coordinator: Okay. Mr. or Mrs. King, if you would like to come back in queue please press star 1 again. Thank you. OJ Semans from (unintelligible) Coalition Tribe, your line is now open.

OJ Semans: Thank you. I just had a couple things. Recently the American rescue plan came out. I know tribes sent in to the senators and to the House requesting that the Department of Treasury work with the Department of Interior on developing formulas.

One of the things the Coalition of our tribes would like to see is consultation with Interior prior to meeting with Treasury on what types of deals they would like to consider an appointment. I know the Great Plains Tribal Chairman's Association submitted documents on what they would like to see. I know there's a large land-based tribe that would like to see something like having the enrollment considered instead of the HUD numbers based upon a written sworn affidavit of the actual population, just small things like this that we would like to inform Interior, we would like to see as part of the negotiation with Treasury. Thank you.

Coordinator: Next up we have Louis Taylor. Your line is open.

Lorraine Gouge: Good afternoon. This is Lorraine Gouge, the Vice Chairman of Lac Courte Oreilles of Lake Superior Chippewa Indian in Wisconsin. I'd like to thank you for giving us this opportunity to have this discussion and be able to deal with all the relationships that are needed within our nation. I respectfully

wanted to show that part of the Biden administration and their efforts now to move forward, and I know it's important to Native people all over the country.

I am a newly official. I haven't been in office for very long so I am in the learning process also. But I know how important it is to show that respect and to be heard on the issues that we face and that we are trying to work through. So I know with this administration they are hearing us, are making those efforts to hear us and to work on those things that are important to each one of us within our tribes.

So I've been listening and I do think the communication is very important within our state. The Governor is working closely with all the tribes within our state through this whole pandemic and while he was sworn in office, how he has shown that respect to Native people, in our state we want to continue that relationship but now with the Biden administration we want to go further. So with that on behalf of Lac Courte we want to encourage that and we want to consider these efforts to work on those efforts like I said that are important to each one of us. So with that I'd like to thank you for this time and I am listening. Thank you.

Man: Thank you, Vice Chair.

Coordinator: Our next question or comment comes from Warren from Fort Belknap Indian Community. Your line is open.

Warren Morin: Good afternoon everyone. Thank you for this opportunity. So my comment is as a tribal leader it's tough to try to deal with all the issues that we're facing especially out here in the middle of nowhere, you know. We're 200 miles from an airport. We just don't have too much out here but my thing is that it is the - we try to manage our programs.

We (unintelligible) contracts from a - from the bureau and then when we do that we get our funding, always a shortage from what it should be and the funding to begin with is never really enough especially when you talk about emergency services, you know, especially with the pandemic. We're dealing with a shortage of law enforcement but it goes much deeper than that.

You talk about George Floyd and Black Lives Matter and the (unintelligible), you think that as Native Americans we'd (unintelligible) with the rest of the nation but we're pretty much - the government has a benign neglect that's detained towards us. We're out of sight and out of mind. Nobody's pointing the mic in our direction and (unintelligible) there's problems that we go through.

As a result, our people, they don't have enough justice. There's crimes that are committed against them. There's murders. There's a lot of things that happen out here in Indian country (unintelligible). Our people just don't have any justice and my concern is when is this ever going to end? Is there ever going to be a real consultation type thing to address the needs?

There was a documentary recently out here this past year about down in the Fort Peck reservation in Montana here and they interviewed the police and the shortage of manpower and all that with the court system, law enforcement. All of that is underfunded, grossly underfunded. There's no way they can do their jobs. There's no way for us as tribal leaders to do our jobs.

We're put in a bad spot and at some point this has to (fester like) a pimple and pop because they can't go on forever. I know there's a missing and murder indigenous people program out there and it's out on everyone's radar now, but this stuff has been going on for generations and we have so much social ills

(on reservations here). We have suicides through the roof right now in our homeland here.

We're in a crisis mode. We have a lot of stuff that's going on and that's been going on. It's generational, multi-generational and we need to fix it and we need the government's help. They turned a blind eye to it and the way I see it with the lack of interaction from the government to meet on these very important issues there's no avenues for that. We complain. We put on suits and ties and go to D.C. and ask for help.

We might get some one-time funding or something but the reality is you know, this issue needs to be addressed head on by this administration. I really have a lot of hope. This new administration with Deb Haaland being put into place like that, I hope that the stuff for us then comes to serve as (unintelligible) there can be an infrastructure - a structure put in place for that, to deal with all this stuff and our pleas are no longer on deaf ears.

You know, the 638 contract and public law 93-638, public law and it says in there should - these programs shall be funded at the level of the Secretary themselves can run the program. Well what if they don't - it's not funded at that level? My question is who do we slip the cost on for violating that law because it violated almost every program that we get. But it puts us in a bad spot but I just want to point that out and I think I can speak for a lot of tribes that we're in the same boat.

We (unintelligible) and I've seen a lot of turnover in elections and stuff. Leaders all keep blame throughout the government that's at fault. They're not living up to their trust responsibility. They're supposed to be helping us. Then when we try to do things on our own it's kind of a - for instance, the CARES Act money that we got this last go around. While there's so many

rules and regulations on it that they couldn't really be used to help our people for the long term. This short term that resulted, there's so many strings attached.

I guess the government has a maternalistic point of view towards persons of tribes can't get out and do what they want to do and try to do stuff. We have our own economic development with - and we try to do things there to pull ourselves up by our own bootstraps and then the government comes in and ties our hands with these rules.

So we're at the table with the Consumer and Financial Protection Bureau to work these things out. We're doing it on our own pretty much. We don't have a - I'd like to see the trust responsibility on that. That side of it too - economic development especially for (us poor) tribes that are out here in the middle of nowhere. So we don't have nothing to - anyway, my last thing I was going to talk about too is, you know, who's going to look after our water and our land besides the Indians?

What really gets me is how these foreign companies from Canada or wherever, they come here and with this pipeline and stuff like that and steam roll tribes and even the gold mine we had here in our mountains here, first of all they stole our mountain, then they turned around and had a foreign company come in and mined it and opened the mine, and they poisoned our water and then they said it would never happen again and they shut us down. Now they're - the DEQ of the state of Montana issued an exploratory permit. Why would you do that when you poisoned the land already? But my question how can foreign companies like that have more power than the original people here that have treaties? These are laws of the land.

We have rights. How does a foreign company have more rights than the tribe? That's a question I want to know but anyway thank you for your time. I just hope that there is a system put in place, a structure to address these issues of the lack of funding and somebody should be looking into justice of our people.

We've got people rotting in jail right now because there's no legal process for them and then we have criminals running free. We have unsolved murders here. There's a number of things. This is supposed to be America. We're supposed to be having - given the same thing that everyone else is (unintelligible). We're left behind and swept under the rug and that needs to change. Thank you.

Man: And (unintelligible) thank you, Councilman.

Coordinator: Could Mr. or Mrs. King that was in queue to give a comment, please press star 1 again. And that was for Mr. or Mrs. King who had prompted to give a comment. Could you please press star 1 again so we can open your line? Your line is open. Mr. or Mrs. King, your line is open now. Can you please check your mute button? We're not able to hear you. Can you please press maybe star 6 to unmute your line or the device that you're on?

Ewing King: Good afternoon. I don't know if you (unintelligible) or not.

Coordinator: We can hear you now. Thank you.

Ewing King: My (unintelligible) name is (unintelligible). I'm just looking at the 400 - 574 nations that are out there and each one of us are unique and have (unintelligible) priorities, priority lists. That's one thing that I don't agree with, is the budget - BIA budget formulation process where we have

(unintelligible) they heard us because with the (unintelligible) of council members who have to put in mind which I didn't - I don't agree with it and it goes to the (unintelligible) of the tribes for the priorities. We have great national (unintelligible) is kind of what I see and 2, that's one of the concerns I have, is with the consultation process (unintelligible) with the priorities. It should be all priorities.

It's like you know, you put people beneath one and so (unintelligible) priorities, having your grandchildren, the families in there (unintelligible) that they can (unintelligible). So that's one of the things that I feel is important as far as consultation. Every one of us should nations should be able to put our priorities (unintelligible) it impacts the (unintelligible).

So I should feel that we need to look at that and talk with DOI and the BIA and whoever else that we're talking with. So with that I just want to thank all of our women, our spouses, our aunts, uncles - aunts, grandmothers for their day today. Every day is their day and I'm hoping that we can get back into once the COVID is over that the tribal nation conference could be (unintelligible) Obama administration had done so that we can be face to face, ((Foreign Language Spoken)).

Coordinator: Our next question or comment comes from Timothy Davis, Blackfeet Tribal Business Council Chairman. Your line is open.

Timothy Davis: Yes, thank you once again and I just reiterate the comment of President Werk that, you know, this consultation, they have to be meaningful and we, you know, given tribes given a sufficient notice of advance to prepare their consultation and just understanding that tribes in our state of Montana, some have, you know, a great deal of resources who can doctor their physicians quickly and respond within a short timeframe.

We know there's other tribes that can't. We hope that the Department of Interior recognizes that and also not just the Department of Interior coordinate in those consultations but you know, with other agencies. I think that was mentioned that these timeframes be long for us to really sit down with not only Department of Interior and BIA but the Department of Justice, Housing and Urban Development, EPA and IHS as they all have a responsibility on Indian country to provide sanitary housing, safety and water and protecting our environment.

So just to (unintelligible) that is considered and you know, it's important at our tribes participate in this feedback. That's why I asked that question that you submit to all of us in the form that we could hear what each one, again read what they - their questions were and their comments that will benefit us. And then, you know, as President Werk indicated realizing other virtual tools such as Zoom, (unintelligible), Skype and so forth we have these virtual meetings and more frequently to our tribes and even on a smaller tribe by tribe. I know it's difficult, you know, coordinate a consultation with all 574 tribes in a short amount of time. Three hours now, you can't really get the whole gist of what's our position is on the distribution formula.

We mentioned earlier that (unintelligible) the fund and this population distribution that's being for all states. Three states get the most 350 billion, Texas, California and New York with the pandemic and you know, our tribes, we're one of the 10th largest tribes in the United States and (unintelligible) too and then in the COVID crisis hit us very hard as well.

Anyway we would just like to recommend that the Department of Interior consider the isolation factor of our tribes in Montana. You know, it's been (unintelligible) seasons, winter and construction we are faced with. So we

recommend that you coordinate the tribal concept (unintelligible) starting with the Department of Interior but with other federal agencies as well because the issues facing us are similar but they're difficult to address because of our isolation.

And so for example we need to coordinate within your agency to ensure that our tribes have the intention that we need for issues that cut across more than one agency and we're not in the position of multiple consultations occurring just at one time or an agency such as NCAI or national tribal health ward, when you meet with them we consulted with tribes. No. We want that 13-75 - 113-75 to be real (unintelligible) because we really support the Biden-Harris administration's position on definite education, youth engagement, ensuring that Natives get to exercise their right to vote as President Werk mentioned, challenged in our state and as other states across the nation.

And so again expanding our economic opportunities and development in our communities is so much needed the new consultations to get there as well as the funding, we're so grateful for this act, this rescue plan. But you know, our Rocky Mountain Tribal Leaders Council, we searched for a framework that develops the identity of the issues that we face on the confederal level for all of our partners at every level, federal, state, tribal and private.

So we want to offer solutions with you and work to assure that our tribes you know, aren't walked out of these consultations because if you're coming together as one big group at one time that's a big deal. We understand the impact of 574 tribes needing this consultation to be meaningful at the time for that to take, it isn't going to happen with one call. I'm glad we had this call because the last administration gave us one hour and we got three with this one. So it's good to see the change. Three hours is better.

Anyway we identified our social determinants of health as part of our framework here in our Rocky Mountain tribal area which is within Montana and Wyoming. And so the principal that we identified economic stability, social and community, education, healthcare, neighborhood and built environments works to assist by providing a structure to which focuses our attention to elements that make the strongest impact to the community of element.

It's easy to identify weaknesses and barriers in development towards a healthier community. We believe that creating a good environment will promote good health for our communities. It is more than just access. With this framework we can respond (unintelligible) to policy for us. So there are different issues and important that are facing all of us, policies that are meaningful to us and those changes need to be made.

So we strongly encourage Department of Interior and other federal agencies to support our Montana tribes in this region with our endeavor that we proposed. We'll be submitting this as President Werk said, written by the 19th and just again thank you guys for this time to listen and to work with us to assure that our social determinants are identified for health that will benefit our tribes and we are able to invest in education, tribal colleges and universities, economic and community opportunities, the state and our tribal lands and our rights to vote, expanding the broad balance is central for all these (unintelligible) we're talking about.

And so in order for this to be accomplished with diligence we need to continue to strongly engage with our tribes, but again be reminding that we need the flexibility so we are able to address all of the various levels of preparedness. And we all know that the American Rescue Plan of 2021 is going to benefit our tribes significantly and we're just ready for the time, this

opportunity. We just are hopeful that the Department of Interior does provide that equality and equity, building the flexibility that all of the tribes need to best address each respective issue that they're facing and to accomplish their development goals. And that's what the (unintelligible) was all about, maximum participation by the Indian tribes.

And so again we'd like to invite the various people on the call that are fortunate to represent the Department of Interior to our region to meet with our people and our (unintelligible) tribal area to make and better understand where we're coming from. I hope that this an opportunity you guys will extend and accept. So again I'm like President Werk. Jump all over the place but Mr. Werk, I hope the dog didn't eat your homework.

Man: Thank you Chairman Davis for your comments, and I look forward to have the chance to come out and visit your homeland when it's safe to do so.

Coordinator: We have one other person to provide a comment after Jamie. Jamie Stuck, your line is open.

Jamie Stuck: Good afternoon everybody. Can you hear me?

Coordinator: Yes, sir.

Jamie Stuck: I just want to first state (unintelligible) for the opportunity to listen to the honorable leaders that are on the call as well as provide input. I just want to really concentrate on one aspect.

I think too often because we're reared in a manner by the federal government, we're always waiting for the invite to the table. Sometimes we have to be more proactive as far as inviting the federal government to the table. Who

better knows our community and what's going on in our communities, not only the issue at hand but the solution and the problem solving skills to do well by our people.

So I guess my main point of the discussion today is you know, not only is timing very important when it comes to consultation with tribes but what triggers it and sometimes I believe we as a (unintelligible) people are in a better position to trigger that consultation inviting the federal government to the table instead of always waiting to be invited by the federal government. So again we're very capable as leaders in our communities to pinpoint the matters at hand and provide solutions and the decision making skills that it takes to make good decisions for our people and to engage ourselves as far as having that right to petition the federal government to come to the table for consultation. So ((Foreign Language Spoken)) for the time and I'll go ahead and mute myself, ((Foreign Language Spoken)).

Coordinator: As a reminder to open your line you can press star 1 to provide a comment or question. Next up is Mark Van Norman, Cheyenne Sioux River Tribe. Your line is open.

Mark Van Norman: Thank you very much. I didn't want to jump in too early, wanted to wait a little bit but just to echo some of the other comments from Great Plains and our Sioux Nation tribes the Biden administration should be moving past the Trump administration on the ANC issue within the Supreme Court. The brief sets out a bad legal position.

The plain language of the statute says tribal governments or federally recognized tribes including the 229 Alaskan Native villages, the U.S. brief should be withdrawn per NCI resolution 20 PDX-11. The IHS has a treaty

responsibility and the Rosebud Sioux tribe won a victory on that in the Supreme Court - in the District Court.

The U.S. is taking that to the Court of Appeals. The U.S. should not appeal that case. There is a treaty responsibility recognized in the IHS background documents, the Indian Healthcare Improvement Act, et cetera, and they should let the court decision stand. On OJS law enforcement we need reform to make OJS responsive to tribal government.

You know, OJS authority was moved to D.C. to take it out of political issues and that's kind of a joke to people that are in D.C because D.C. is the center of political issues. It should be responsive to tribal government because tribal government have to put up with lack of law enforcement if they don't respond. There should be a political appointee law enforcement advisor, an ASIA so that's responsive to the new administration's outlook.

There's need for a DOJ DOI tribal government Indian law enforcement commission to have tribal government have input into the whole spectrum of DOJ and DOI law enforcement. There should be authority for tribal governments to submit master plans to DOJ and DOI for funding per public law 102477 model.

There's another Supreme Court case from the 9th Circuit, the Cooley case questioning the tribe's authority to stop detain and transport non-Indian offenders found in tribal territory. There should be a clear recognition and federal law for tribal authority. We should integrate tribe's law enforcement. Tickets and misdemeanors into the central violations bureau, we should codify the Native nation's council on consultation. Years ago they had the National Council on Indian Opportunity and it was co-chaired by the Vice President.

And with that high level interaction (unintelligible) it was able to secure the return of Blue Lake and Yakamo was able to secure the return of their forest. It should run on a nation to nation basis like the UN. White House counsel should meet quarterly with the Vice President there with a business meeting with a transcript and follow up agenda, you know, taken into account the issues raised for transcript and there's an NCI resolution on that and that's 20 PDX 10.

When the BIA came out to do the reorganization and the Trump administration we called for a Deputy Secretary for Indian Affairs and a Deputy Secretary at HHS for IHS. There's been a lack of statistics. We need the BIA labor force statistics to come out as soon as possible because the Indian housing block grant statistics are not helpful because they repeat the problems of the census.

So we appreciate everything that you're doing and all the things that you're undertaking and the victory for the American Rescue plan already and appreciate the new outlook on consultation. So thanks very much.

Man: Thanks Mark, appreciate your comments.

Coordinator: As a reminder if you would like to provide a comment that is star 1 on your phone. Next up we have Aaron Payment. Your line is open, Aaron.

Aaron Payment: Hello. So I was that little annoying child in the classroom that kept raising his hand and I'm trying to be patient in letting other tribal people speak before me. So I was trying to figure out where we were at. I'm very programmatic so I apologize and so it appears like we're just getting input across all the Q&A at this point.

So I wanted to do two things. First of all, when the President - when President Obama and Vice President Biden took input in 2015 it became about because of the movement in the north Dakota accessed pipeline, and that same movement exists in every tribal community. In Michigan we have a pipeline underneath our Mackinac bridge that threatens to destroy our centuries old fishing - treaty fishing rights that were inherent and then memorialized in the big (unintelligible) and a consent decree.

So the Obama administration recognized the need to have interagency consultation and in 2015 we had consultation all across the country. We had face to face. We had tribal leader calls and all of that resulted NCI - assisted with that. It resulted in a report that prioritized our sacred sites treaty rights and our expectation for a full environmental review before permitting especially somebody earlier who said it always seems like these Canadian companies have some kind of greater dominion over our lands than the indigenous people.

And so you know, we switched administration at the end of that and so a lot of the suggestions were just left to fallow. But I think that given fidelity back to all of that input it was really good. It was input that had all of the different federal agencies attend and tribal leaders all across the country, we were very passionate about getting some issues ironed out so that our treaty rights are not ill effective and not just the rights on the reservation.

My tribe 1836 treaty governs our treaty rights along with four other tribes. We also have seated territory so it's much bigger than the reservation and we have an expectation of that whole territory that our staker rights are protected. Our treaty rights are protected, our remains and our civilization and our people are insulated from desecration by pipelines, mostly pipelines.

So I would say taking a look back at the results of all of that and then formulating policy based on it to try to protect our sacred sites treaty rights and our environmental review. Another area, so this crosses over to another agency and it emphasizes the importance of the administration looking to the tribal advisors.

So we have tribal advisors all across the administration that are either created by statute that are funded or created administratively. And they're teamed up with a bunch of you know, extremely qualified American Indian. Some are tribal leaders. Some are policy people from their tribes and that's a great source of information and advocacy.

Of course it does not replace consultation so it's a matter of synthesizing federal policy, federal Indian policy based on all that input and then also consultation. So I'm going to give you two examples of when the Affordable Care Act by the Obama-Biden administration, and remember the President said it was a big blank deal. I haven't heard him say anything like that but I'm waiting for it.

But in the Affordable Care Act, so the advisory is the HHS tribal advisory and then there's a bunch of sub-advisories and budget formulation, et cetera, et cetera. But a couple of big things were left out of the Affordable Care Act and the administration was unwilling to unpack it because it rephrased it would dismantle the whole ACA. One of those items is the definition of Indian.

Right now it's limited to federally recognized and we have proposed that we adopt a Medicare definition which would include two generation below the federally recognized members. Also the issues of the work requirements, we've gotten through some of that. The last administration was trying to limit

us in claiming that it was a civil rights violation if we - if they afforded us an exemption or really a guess even some kind of separate treatment under the ACA.

Another big piece is subordinating tribes in participation with the exchanges to whether or not a state has adopted Medicaid expansion. And you know, again that's subordinating our right. Somebody said earlier in the treaty of Fort Laramie and that's language that's across most of the treaties. Health education and social welfare, we have a federal right to healthcare and subordinating it through states as the ACA does is not in keeping with the treaty and trust responsibility.

So we need a separate approach. The Biden campaign platform included language that said that they would find a way to automatically enroll those Indians that are in states where the states have not seen fit to adopt the ACA. And then in our Dakota, our Lakota Great Plains tribes are many of those people who were denied healthcare through the ACA because their states don't understand the value for their people.

So there's a couple of examples. One other one is the contract support cost and the settlement of the Rama case where full funding for contract support cost was supposed to be automatic, but the administration as much as I'm a big of supporter of the Obama administration did not request for funding under the contract support costs. And so the Republicans grabbed right ahold of it trying to find a way to get Native votes and they proposed full funding, and then subsequently HHS were able to advise the Obama administration that they should get ahead of it and they should request for funding.

So when we talk about consultation, we talk about advancing the federal Indian policy and having it truly be reflective of the tribal needs. There's a lot

more work that we have to do and so memorializing a consultation policy, you know, we're more advanced than ever before and we have an opportunity like never before. But I think that we're where we can't completely institutionalize the process. We should litigate - legislate the process and that's the respect act Chairman (unintelligible) and so there's just some input again how we need to be at the table. We're not on the menu. And we need to be at the table early from the inception of any policy or budget formulation that could affect us.

I guess one final thing and this is in my written report, is there's a lot of work to do to build capacity in the Department of the Treasury and the OMB because you know, we do our job to try to convince the legislature and the administration and I do think we get pretty far and we do understand the treaty and trust responsibility is not welfare. It's not reparation. It's prepaid.

We prepaid with 500 million acres of land and it's to provide health education and social welfare and gratuity. But the only way that the system of the United States government is going to fully appreciate that is advanced appropriations, mandatory funding and moving us from discretionary to mandatory and then having the capacity in the Department and the OMB and elevating a Native desk in OMB so that - so they're speaking the same language as us because obviously there's something lost in translation when we're trying to convince the administration to honor the treaty and trust responsibility where we might get the President to agree. We might get some agencies to agree.

All of it goes to die in the OMB and that should not be the case. They should understand it and respect the President's direction for honoring the treaty and trust responsibility. So the way we make that happen is the day to day operations of the OMB have to be fully guided by a high level Native

American advisor that can remind them of the treaty and trust responsibility.
Okay that's it for now. Over and out.

Man: Thanks Chairman Payment. I'm glad to hear your voice.

Coordinator: As a reminder if you'd like to open your line for comment please press star 1. We have no one in queue at this time so please press star 1 if you would like to comment or have - or ask a question, thank you.

Man: While we're waiting for folks to get in the queue to speak, I just want to recap some of the common themes that we've heard so far today in this consultation. There were a number of specific questions or comments on particular issues which we're all taking notes and we'll have a transcript. But I want to highlight just some of the things that we've heard on consultation.

One of the things that several speakers have raised so far this afternoon has been the need for improved coordination and communication across federal agencies when it comes to consultation whether that is making tribes more aware of multiple agencies of doing consultation or not overlapping them or trying to coordinate so that consultations are occurring between several agencies at the same time so that tribes don't have to chase federal agencies around and can be in one place.

Related to that, I've heard several speakers note that when the pandemic is over and we're able to do face to face consultation that using virtual formats is something that we should still explore to help make consultations more accessible to people who can't be at in-person consultations all around the country and several speakers have mentioned something like a hybrid model of consultation.

I heard one speaker indicate that the Department should be an advocate for tribes on policies at all levels. I heard another speaker mention that consultation should move toward pre, prior and informed consent under the (unintelligible) and I heard lastly a speaker raise a point about the Department should not use intertribal organizations as a substitute for government to government consultation, and that we need to make sure that when agencies are consulting with tribes that it's occurring directly with tribal governments. So these are some common and important themes that we've heard so far today just on the consultation process. Operator, do we have any more - anyone else in the queue?

Coordinator: We don't have anyone currently. As another reminder if you do want to make a comment please press star 1 on your phone. We do have someone coming in. We have James Williams, tribal Chair, Lac Vieux Desert Tribe and Mark Van Norman will be next, and we have several others coming. Thank you. James Williams, your line is open.

James Williams: Yes, thank you. I just would like to make one more comment and that'll be it for now until we submit our written comments. But I truly believe that given the Biden administration stated commitment to Indian country and the key positions being filled by Indian people with wealth and experience our chances now to make a change, my question is what is the DOI going to do with that chance? Talking about consultation is not consultation as far as I'm concerned. Action is needed so I challenge you guys on that and you know, I look forward to really seeing your response to that and I know that some of the other tribal leaders, you know, asked what the DOI was going to do as far as making those changes.

I'm hoping that we can really, really make a statement this time around and working together and really, really, really looking at what the federal

government is doing for Indian country when it comes to meeting their challenges they have to take care of their people. So that was just a statement I wanted to make, thank you.

Man: ((Foreign Language Spoken)) thank you Chairman.

Coordinator: We have one in queue after Mark. Mark Van Norman with Cheyenne River Sioux Tribe, your line is open.

Mark Van Norman: I just want to respond to your summary. If we could get the White House Native Nation Council to provide an overview of the whole consultation and have each of those agency pacts plug into the White House council, that would provide a level of coherence within the government and move us forward. So we appreciate that.

Man: Thanks Mark, I appreciate that.

Coordinator: Aaron Payment, your line is open.

Aaron Payment: All right, I'm back. So I wanted to say that in order to memorialize and make systemic change that we're asking for we need ongoing curriculum that really should be mandatory. And so that way tribes don't have to tell their story and remind the federal government the legislature and the administration over and over of what they should already know because the government to government relationship is memorialized and it's deep right in the very creation of the U.S. Constitution.

The creation based on the (unintelligible) confederacy great law of peace, we contributed to the greatest form of democracy that exists. Sometimes it's hard to see that through all the partisan politics but we really do have the best form

of democracy based on that. And so the Northwest subordinates was originally - it originally created the epic for government to government relationships and predates the United States constitution and the draft persons that were our first president.

Before he was President George Washington, Henry Knox, the Department of War and also Thomas Jefferson, our 1st Secretary of State and so Thomas Jefferson was the primary drafts person of what that relationship should look like and it was crafted based on treaties. So that point the way governments interacted with other countries was through a treaty and we still do.

And so that was then memorialized in the Constitution under Article 1 Section 8 paragraph 3. And so that's the origin. That information needs to be understood by the practitioners that implement federal Indian policy and also the, you know, the 500 million acres of land that was exchanged and then the judicial system upholding those treaties as legal tender. So those are all - I just covered that real quickly but it would require an ongoing curriculum to remind those who implement federal Indian policy of that so that's one thing.

The other thing is that you know, across the agencies part of the duty should be to ask ourselves how are we doing. How are we faring in implementing the treaty and trust responsibility? And so the federal government has a legacy that has created some of the worst of the worst statistics. Historical and intergenerational trauma, removal of reservation policy, boarding school and forced assimilation, all of those are explanations for why we have the less opportunity.

Critical race theory is about environments that on the legacy like either slavery or disadvantaged opportunities for certain ethnic populations and then tribal critical rate theory is more specific to federal Indian policy that explains

why we find ourselves at the worst of the worst statistics. So the federal government has a duty to unpack that, to take a look at the U.S. Civil Rights Commission broken promises report because we have the worst of the worst statistics.

And so not only do we have a preeminent right per the Constitution and treaty for health education and social welfare. We can say that the federal government is failing because we have the worst of the worst outcomes. And so across all agencies they should be tasked with unpacking that broken promises report and then asking themselves what can we do as an administration in each of these agencies to ameliorate the effects of the federal Indian policies that lead to these outcomes.

And so charging each of the departments with that question, you know, as a secondary exercise to formulating the consultation policy I think is what we're looking for because again the question is how are we doing in fulfilling the treaty and trust responsibility. The evidence is in the benchmarks and the milestones and the statistics and the answer is not very good. So then how can we change that? so once we know where we are and we have a baseline how do we change that and then charging each of the departments with milestones and benchmarks that they have to meet?

And so if child poverty and poverty Indian country of which our kids have the highest rate or juvenile suicide of which our children have the worst rate is understood and agreed that it's an issue that we can tackle, then how - what are the statistics that we want to see in a year or within two years? We will see a reduction in childhood poverty or reduction in juvenile suicides.

So, you know, let's get real specific and accountable for what we would like to see and what the federal agencies will commit to. This is our chance. We

have somebody who's listening, really listening and I think we also had it also under Obama. But I think for all of the good we had, we didn't have specific benchmarks that I think that we're asking for now. So okay that's it for now.

Man: Thanks Chairman.

Coordinator: Next up we have Timothy Davis, Blackfeet Tribal Business Council Chairman and as a reminder star 1 if you'd like to make a comment. Timothy Davis, your line is open.

Timothy Davis: Yes, thanks once again. And Chairman, the last speaker was Chairman again. I guess the first name's Chairman? The last speaker?

Man: It was Chairman Aaron Payment.

Timothy Davis: He was from Chippewa.

Man: Yes.

Timothy Davis: Okay. He mentioned (unintelligible). That's a big part of the constitution there and we also had an Indian that was Vice President before, Charles Curtis who was a Kaw Indian and fortunately I don't want to say (unintelligible) but Republicans signed right after that during their administration went the Great Depression, but we did have a Vice President that was an American Indian before.

We eventually will have maybe one day a President but recognizing the fact that in Congress we have a good voice that we're listening to and that talk as a Democratic - Democratic (caucus) had a call last week that was very

informative and worthwhile and you know, our (unintelligible) a consultation with the Treasury Wednesday.

So you know, this administration is opening every door and every opportunity for us to voice our displeasure as well as our ideas and opportunities to progress forward in a good, positive way and I know that not every day can be the 4th of July because who would light fireworks? Not every - especially some (unintelligible) not everyday is like Christmas. Nobody enjoys the feast of one so we realize there'll be ups and downs, hurdles, bumps and so forth as we go through this consultation process. But again the Interior having this today in all this time, like I said the last administration gave us one hour and we only had five questions and you had to do that, raise your hand on Zoom and they only took five and that was minimal.

We're grateful for this opportunity. We look forward to the time that we can continue to move forward to make it better for our people because we all share this. We all want our people to rise out of poverty. You know, we mentioned earlier the right to vote. We vote (unintelligible). My grandfather fought for Americans (unintelligible) could even vote and so now our rights are being watered down and they're going to require two - now two state IDs and all of our people don't have cars. They don't have driver licenses.

It's one tribe ID and that won't be sufficient to vote. So we were very significant two years ago in getting tested over the threshold on the vote, the Native vote like (how Arizona) was with Biden so Wisconsin, in Illinois, in Michigan so you know, when we see that, you know, the attach from the far right of the nationalists and so forth so we just need to stand together to calm (unintelligible) we face and our tribe in particular Montana, the Blackfeet (unintelligible) north treaty of 1855 was our tribe that allowed other tribes to share our resources.

We aren't greedy. We knew that we went to work together (unintelligible). We also - our tribe was also significant in the first park in the United States, Yellowstone 1872. Our chief (unintelligible) had a grandson - a nephew in Congress that was our (unintelligible) and we seen (unintelligible). Somebody said that we didn't get this for nothing. We gave up a lot for what we have in our treaties and so you know, it's time for us to really be accounted for. Looks like the time is now so again all the people on this call, let's unite as a big force like they said back in the day when the (unintelligible) and so forth be united.

We're a big fist and I don't want to go out there and pound on a desk because that doesn't always work but we're so glad that insurrection didn't happen. They would've hung Mike Pence, we wouldn't be talking on this call. Anyway we just look forward to continuing to work with the Department of Interior and the Bureau because you know, our needs are so great and our resources are so scant but now it sounds like it's going to finally flip into that 19 billion that we're talking about, the formula.

It's going to be the call on Treasury on Wednesday. Those that get on there will be able to again submit their ideas of how that can be distributed. Once the (unintelligible) is the big tribes like the last Navo, so forth, population wise as opposed to the small tribes, the funding from the same thing had happened right now with the states with the most populated biggest share, and then now economic impact is going to utilized and big (unintelligible) tribes like out there in Wisconsin, Mystic Lake, (unintelligible), Washington down in the Changa, the (unintelligible) out there in Connecticut, multi-billion casinos and other tribes in Montana, very insignificant amount of people in our state less a million.

So we don't have that high volume of people to have a billion dollar economic balance and houses in the million. So they're going to be a just distribution factor when we talk about this. For example the amount of funds in the bill for BIE, 900 million, 850 million for education, public safety at 900 and housing at 750 million. One tribe out here in the west could use that and you know, still have needs.

So we understand there's a need for this forward funding and you know, continuation of appropriations. And then the \$19 million question that President Werk mentioned, a lot of that will be helpful. And so we just want to continue to call so that we do make the best informed decisions with the resources we have benefitting the market and a lot of people and you know, the old saying about having holy anger and that means expression of ourselves.

Somebody mentioned in 1973 a (unintelligible) legislation President Nixon put forward. It was right after you know, (unintelligible) out there, the Trail of Tears (unintelligible) but we didn't kill anybody. We just amounted to be heard and we were heard and loudly but after that we had Wounded Knee and that (unintelligible) is still in prison but again just this opportunity to work together to benefit, improve our healthcare, our education, our housing, our social services, our department of justice, just really appreciate that the Department of Interior is hearing us and wants to act with us and make it better. So again thank you guys for this call and I don't want to be greedy on time here but I just wanted to thank everybody and wish everybody blessed rest of the time and God bless everybody. Thank you so much for this opportunity everybody. Thank you.

Man: Thank you Chairman.

Coordinator: We have two people in queue for comment. And next up is Andy Werk.
Your line is open.

Andy Werk Jr: Can you hear me?

Coordinator: Yes sir.

Andy Werk Jr.: Thank you. We're really going for it here. This is great. You know, I think the thing as far as this call, the way it's going is you folks are listening and that's really great. I really appreciate that because you know, you could hear it from the tribal leaders and even on the state legislative session like I mentioned.

We're getting - tribal leaders are getting cut off that 30 seconds and 1 minute and you folks are listening and giving tribal leaders here so that's really something that this call has gone on. I think it's really great because with the introduction there's really a lot of important staff on the call in very high level positions, you know, as we wait for Secretary Haaland to get into her office.

I just wanted to make a few more comments if I could. You know, I'm listening to a lot of the good comments from the tribal leaders and I just wanted to acknowledge we had a couple of our council members on here, Councilman King and Councilman Morin which I think had some good comments that kind of got my gears turning again.

I just keep as I listen to the great conversation I keep listening or I keep reading over and over the executive order, and like I said earlier it just needs to be followed. I'll repeat myself again. It just needs to be followed based on the President's memo and the original intent and you know, a few years ago

Councilman King mentioned budget priorities and his perspective which is within his right as we set our own priorities here.

And the reason the office does a good job trying to accommodate us with those (unintelligible) as our Director and (Randy Acres), I came back on the council in 2017 as the President and I was a council member before. And when I got back the prior administration stole our regional director, never did give him back, Darryl LaCounte but he's doing a good job out there as the Director.

But getting back to these budget priorities, a couple of years ago when I came back the tribal leaders really had a great discussion down at the regional office going back to the original process I guess when you think about you know, the statute authority or regulations that dictate budget - the budget formulation process. And we had a great discussion about it but we didn't get much traction after that.

And so I just wanted to make that comment that we - that's an example of how we need to continue to have discussions, you know, that are going to be meaningful and really have some true negotiated rulemaking. Another point I wanted to make that Councilman Morin had talked about, you know, when listening to some of the tribal leaders, Chairman Davis and Chairman Payment, I just got to put in a plug for my buddy (unintelligible) Chairman Davis. Oni and ((Foreign Language Spoken)) go way back and is my friend strong leader and Councilman Morin was talking about, you know, what's going on up here even with (unintelligible) and DQ and we really got to get you folks over at Interior to weigh in on that being our trustee and trust responsibility like they talked about even outside of the reservation based on our treaties picking up for us.

I keep reading over and over that last sentence or so in the first paragraph of the order where it says and to reduce the imposition of unfunded mandates upon Indian tribes. And I'm really trying to get that to sink in but when I read that and read the whole paragraph, you know, you folks know that you know, tribes especially up in our area here in Montana at Fort Belknap for the Rocky Mountain Region, like you've heard today there's still a lot of socioeconomic factors we deal with and tribes just still - you know, we're doing the best we can but we still have a lot of challenges to try to you know, look out for our first priorities to provide services for our own tribal members and membership.

But, you know, so a lot of times, you know, we talk to you folks especially at Interior about unfunded mandates and a need for more resources, for example like base funding and one example I use a lot over and over is when we deal with - there are good folks over at OJS that we've had great relationships with and talk about public safety in Indian country.

You know, every - that pillar of rapport, I like to bring it up at every opportunity I can get where that pillar of rapport is delivered to Congress. And so we try to do the best we can to work with our own, you know, with Congress and especially our Montana delegation here where you know, we need for funding especially based funding to provide services. But the reason I'm mentioning that also is because when I read that last sentence where it says to reduce the imposition of unfunded mandates upon Indian tribes, I think of solutions in how we can work together with this process as we move forward because I really believe that there's a lot of good discussions once you folks get a plan together and as we have continued consultation when it comes to negotiating rules as we continue to deal with unfunded mandates.

There are real changes that we can make and solutions that we can come up with together. And you know, I know I said it earlier when I spoke I don't know, the 1st or 2nd time. I think I'm on my 3rd round here but there's - I'm saying this obviously for a reason listening to the introductions.

I'm really proud and thankful to President Biden and his administration of a lot of the good folks that he's put in place already in key positions and we're really going to look to you folks for solutions also. So I think when I think of what we're trying to do here in being meaningful we need to - we need to hear from you folks as far as solutions and work together, you know, meaningful across the table from one another. And I just can't stress enough that I don't think you folks should be reluctant to do that.

I know when it comes to liability there's all these issues that come up and we always hear this. But I'm not even trying to have a conversation about lobbying, but just the fact that as we move forward with this process that we hear from you folks also on solutions for rulemaking where we can break down barriers especially when it comes to these unfunded mandates.

I want to put a quick plug in here because I'm going to keep talking about it again because (Pam) and (Tracy) are on the call. You know, (President Sharp) came out to Montana when she first became the President, was elected the President of NACI. So I made my way down to Heleton. We had a great conversation down there with her and you know, first impressions are lasting ones because President Sharp, right away she made her rounds around Indian country and I thought that was really great.

Her and I had a good conversation about water policy and I've learned a lot about water policy and water law over the last three years as President. Like I said we're the (unintelligible) reservation here which sets the standard for all

tribes and where the Supreme Court reaffirmed that you can't have the land without the water. But her and I had a good conversation about having some national discussions about water policy throughout Indian country based on you know, statute or authorities that are out there or the standard that's out there when you think of (unintelligible) or think of BIA.

You know, I know all tribes are unique but - and they will individually make - get their own water rights settled but that was a good conversation I'm going to follow up with her on and we're going to need you folks' support on that broad policy that takes into consideration like I said the statute of authorities out there and the standard out there.

She did tell me at the time that - this was right before COVID. Come to the summer session in Alaska and we'll put a committee together and see if we can talk about our national water policy and then COVID hit and we haven't talked since. Anyway I want to start that conversation again especially as we hear the President of the administration in Congress talk about restructure because I think Indian water right settlements are a great way to provide infrastructure that even goes beyond reservation boundaries and there's still obviously well over 500 tribes have to get their water rights settled in this country.

That's just putting in a plug there and just wanted to mention I agree with Chairman Davis also that we all know that tribal leaders need to be heard from first when you talk about policy or negotiated rulemaking. There's a lot of good tribal organizations out there that do a lot of good work but we must always listen to tribal leaders first. So the other thing too is a question I had was in accordance with the President's memo and the executive order I'm wondering if OMB is going to be doing consultation and putting their own consultation policy in place. But I think I'm going to stop there but this is

really good and I'm glad our counselors, a lot of good tribal leaders that gave good input here today.

And the other thing I wanted to mention too is lease compliance in irrigation. We have to do more work on that but I think with a lot of tribes that have put like us here for air MPs in place and we just need to continue that conversation where we can break down barriers and have good negotiated rulemaking on solutions and we do well with that here with our own superintendent who was a former president here and like I said Susan is our Director but I'm fired up here.

I'm going to stop short here but from Fort Belknap we came here today to endeavor and to persevere, you know? We're evolving and Indians evolved to endeavor to persevere and so we'll think about here in Fort Belknap. We'll submit our written comments but if we don't get our way over time with implementation we'll probably declare war on the Union because there's one thing about Fort Belknap. We love to fight here. It's in our DNA. So I'll stop there and also I wanted to put in a plug for my friend OJ Semans.

Please keep in mind large land-based factors as we move forward with policy making, socioeconomic factors that we have up here especially with that \$19 billion question that folks over at Treasury are going to ask you. And even with the self-certification there's got to be some kind of floor and ceiling so please keep that in mind folks as you talk to other agencies especially Treasury but thank you.

Man: Thank you Councilman Werk. I really appreciated your comments.

Coordinator: We currently have three people in queue for comments. Next up will be Del Laverdure from Crow Tribe. Your line is open.

Del Laverdure: Hello, good afternoon and good evening. Can you hear me?

Coordinator: Yes sir.

Del Laverdure: Okay great. Well first of all I want to thank everybody for the service and for the tribal leader comments having consultations fairly early on in the administration. I think you'll see the fruits of those decisions as time goes on and very quickly.

I did want to speak up about a few things because I do believe that we are in very unusual - in a very unusual time. I think there's no need to reinvent the wheel. We need to keep building on prior administration's work that first started with the executive order under Clinton. You have the memo under Obama and then all of the work that was done in between.

And so to the documents that were provided the executive summary looks fantastic. The work put into the 2017 report that lays out federal decision making take into account tribal consultation and decisions that impact them, of course that all sounds great. Implementing all of that into the action plan I think would take a very big step forward on building on what's already there.

And so I think that's number 1. Number 2 is a lot of the older stuff was done during normal times. Right now we're under a public health emergency. And so I think to think a little bit differently and creatively would be helpful, and I think that does begin with acknowledging the lack of infrastructure and under investment and infrastructure in Indian country.

There's constantly debates about larger pieces of infrastructure and of course differences in fossil fuels versus renewable energy. But the focus that I think

DOI can help with substantially is with local infrastructure and services provided to the tribal communities. And I think that's going to take a pretty proactive approach because what we're going to need or what you'll need is collaboration and coordination among a variety of federal agencies.

And so I think you need some kind of working group list among the different federal agencies with Interior as the lead because they have the most knowledge - institutional knowledge and continuous career knowledge. I think that'd be helpful to build upon and help resolve some of these public health emergencies. And I remember way back when 12 years ago when we were going in.

The question was how do we get the BIA's budget to be bigger IHS and those were slowly done over time. But here you have the rescue plan in the previous CARES Act funding and now for the eligibility to go to the local infrastructure I think will help really the public health issues that are occurring right now and all the symptoms that were talked about before with tribal leaders but then proactively addressing the symptoms and utilizing this longer time period to get the infrastructure in place.

I just want to mention that because I think we're going to be at a critical time period with the rescue plan around the corner and there's going to need to be really close coordination between Treasury and DOI and I think looking at the Harvard policy brief is a good start and just as President Werk just said, having a floor and a ceiling so that there's an equitable distribution across Indian country because as you know there were issues in the last distribution about some tribes being left out and then other tribes not being able to spend it as quickly as the initial timeline provided some extensions needed.

I want to mention all of that because I don't think there's a need to reinvent anything. I think implementing a lot of the work that's been done over a couple of generations now and then as you set the policy and process forward which has already acknowledged in the department manual from 2015, then you can get to the substance and have a regulatory agenda for what can only be done administratively and then see where the DOI's position is on potentially legislation that can be forthcoming on the same infrastructure you are mentioning. So I just want to mention all of those things and really want to thank you for your service and time.

Man: All right. Thanks Del, really appreciate your comments and advice.

Coordinator: Next up we have Cheryl Bowie. Your line is open.

Cheryl Bowie: Thank you. Thank you again, this is Cheryl Bowie from Northwest Alaska living in Colorado. I just want to thank you guys for the time that you've taken to have this meeting and inviting all of us and keeping this forum open for everyone.

And one of the things that I think that we need to reflect on moving forward is the oversight of some of the programs that we have and the research that's being done or the stopping of supporting certain industries like the Natural Resource Development in Alaska or anywhere really. But what my point is is that we can't just change policy so fast that it devastates the local community and increases - like right now we have so many cities in Alaska that are experiencing water quality issues and they have nothing to help support this.

And in the past the oil companies used to come in and help and - but my point is we have to replace industries. If we're not going to support them all the way we're going to allow outsider entities to run these huge investors away

from our regions and our areas, then we need to identify different ways to offset that loss. And we also need to think about the impact that we're having on non-Indian health service beneficiaries.

So some places in Alaska do research on everybody in the community with or without their knowledge and we can't treat research subjects differently. So if we're going to take the time to study other people who are not Indian Health Service beneficiaries or have a certificate of Indian blood then we need to be providing healthcare to them in my opinion. And so I think that moving forward we need to identify the healthier, more clear process, straightforward healthcare process.

I don't know of any healthcare provider that would not provide healthcare to someone based on race. And I think that we need to get those policies out of our treaties so if we're going to be the main healthcare provider in a certain area, then in order for that to be more successful maybe we need to think about providing the healthcare to everyone in the community.

Certainly we give more buy-in and support to our programs and it certainly would increase competition quality. And so I think that it would increase revenue, the tribal organizations in the area and is tracked the new kind of healthcare provider and I just think that we need to really think about some of the changes in healthcare and biomedicine, precision medicine, precision public safety, some of the things that are happening in these changes.

They're so cool and we need a find a way to capture them. and currently right now as individuals, Native American, Alaskan Native, American Indians, it's really hard to find a place to fit in and it's hard to find a place to work and all of these programs also do a lot to exclude us from other opportunities. And so I think we just need to find a way to either you know, increase our reciprocity

to other laws and organizations in government in order to increase equality and health and economics in our own areas.

We can't just devastate our communities based on a political movement or a political opinion. We can't just wipe out our entire community or not allow organizations or areas who have roads for public safety. In order for us to have law enforcement we need roads. They need to respond to us and this is I think the argument that's lost on everyone until you are in the middle of nowhere with a psycho you cannot get away from and law enforcement cannot help you, and there is no resource.

There is no willing outside of God himself that can help you recover from some of that devastating loss. And so we need to look at some of the impacts that our programs are having locally. And we need to identify ways to reduce them so - because I think that we're part of the problem and we need to figure out how to be more part of the solution. So anyway thank you for your time today. It's been very informative and it's helping me feel a lot better so thank you.

Man: Thank you, Cheryl.

Coordinator: We have Tim Davis and Andy Werk in queue. Timothy Davis, your line is open, thank you.

Timothy Davis: Thank you once again and I'll note my grandmother's mention the earlier prayer that (Jeremy) gave from a Chippewa that the Creator blessed us with two years and one (unintelligible). We're supposed to listen twice as much as we speak and this is my last time, but one question I did have and I did mention earlier on that the lawsuit that was successful that Eloise Cobell

brought forward on the mismanagement of our trust resources on Indian country, and that provided a lot of resources for tribes to buy back the lands.

At the last administration (unintelligible) in December there was still 100 million I believe in that land buy back. So (unintelligible) the one that was successful in getting us forward for all tribes, we'd like to request that that buy back be utilized once again for our tribes because there was some land we didn't get to purchase and those lands at our reservation, a lot of them were lost for a bag of flour and whatnot back in the 40s with patents, four (unintelligible) patents but the value of our lands was significant and we'd like to get another round of that buy back for our tribe because if not, a lot of those lands that are held by some of our tribal members will be - they're at an age where they're not having the errors to continue on with their farming and ranch operations and there's some (unintelligible) groups that will readily write the checks.

So given a lack of our resources we would like to request some of those funds and begin that dialogue once again with the Interior on the land buy back to go forward on some of those funds that remained after the last land buy back.

So those questions we're bringing forth and that was my final question if that could be answered so we can begin to dialogue with the new people and the Interior to get some more of that resource buy backs and more of our lost lands would be very beneficial to our tribe, and we request that question there. So who will begin to dialogue with for the land buy back? The residuals that were left I believe was 100 million so that's a significant amount of funds still remaining to be distributed. Our tribe would like to receive some of that so once again thank you very much.

Man: Thanks Chairman and I'm going to make a note of that to make sure that we have a follow up discussion on those items but thank you.

Coordinator: We have Andy Werk now. Your line is open, Mr. Werk.

Andy Werk Jr.: Okay. Sounds like it might be trying to outdo Chairman Davis and Chairman Payment here but a couple of things I missed. I just wanted to make a comment about some BIA reorganization efforts that went on in the late 90s and that was really focused on self-governance, you know, and elevate that discussion for a position right under the Secretary of Interior.

So if someone could make a note of that and look at the history of that, that would be great. And also wanted to mention that you know, I agree with Del's comments. He works for us here at Fort Belknap and just want to reaffirm those because those comments are going to end up in our written comments anyway. Also I want to agree with Chairman Davis also on the buyback program.

That's been a successful program also for us here at Fort Belknap. We went through two rounds of it and it was really good and you know, it's in accordance with Indian organization. That's section 5. So we would definitely want you know, any existing funds to be extended and additional funds to be provided. We want to continue the program and we're also willing to continue that discussion with you folks.

And one other comment as far as land goes, you know, there's a land back movement that's going on around the country amongst tribes and a lot of tribes, you know, is based on their treaties, our land that was stolen from them in the first place. And so we have that same issue here in Fort Belknap with our (unintelligible) where the land was taken because they found gold and

even after the reservation was established and you know, that still is an old wrong that needs to be righted here and we're trying to with the land transfer provision and our water settlement.

And that goes to a lot of healing for the people here too on what happened and a lot of it ties in with our water because that site like Councilman Morin mentioned, well it was a sacred site. It's no longer but it's a perpetual nightmare out there with the water treatment that flows on to our reservation where we have senior water rights and that water flows right by our (unintelligible) and sun dance grounds and where it keeps us (unintelligible). We used to fish but the reason I mentioned that too, because from what I've been reading the Secretary and when Secretary Haaland gets in there has the authority to give a process to give land back to tribes and that's in that 25 CFR subsection 151.11 and subsection 465 for off reservation acquisitions.

There's language in there. Please read it but that's all my comments and good call today. It'll be the last time I'll be talking. Thank you folks.

Man: Thank you. Operator we are getting to the end of our scheduled session so I don't know how many folks are in the speaker's queue but this should probably be the last call.

Coordinator: Thank you. We have no one in queue at this time.

Man: Okay. Well I want to take the opportunity to first thank all the tribal leaders and representatives for coming out today and sharing your thoughts and comments both on the consultation process and on other issues that you're facing with federal agencies including DOI.

I also want to thank all of my colleagues across the Department in different agencies. As a reminder to the tribal reps on the call you have the department's full leadership team participating in this meeting and listening. And I want to recap again just some of the common themes that we heard today.

Again going back we heard several speakers reference the need for better coordination on consultation across federal agencies and better communication with tribes about when, where and how we're going to consult. I heard a discussion about the need to use hybrid model of consultation for both in-person and electronic tools video conferencing and teleconferencing to make it more accessible.

Several speakers mentioned that DOI should advocate for tribes and added that that should include consultation and communication for issues that arise off the reservation. Chairman Killer spoke about UN drift and consultation moving towards free prior and informed consent. Another speaker mentioned that consultation is an obligation and there should be a mechanism for it to be enforceable. And over the end of our session here Del reinforced the need to not start from scratch with the consultation process and build upon what's already been done as several other tribal representatives and leaders also indicated that we should look to the 2009 reports in and some of the department policies and procedures that have been developed out of the 2009, 2010 process to build the Department's existing consultation framework.

There were a number of other items again that we captured with our notes and there will be a transcript made available to the Department's leaders. Remind you all that you can have the opportunity to submit more detailed, written comments on the Web site up until midnight on March 19 and we are going to

continue this process throughout the week with regional consultations using the same format across the country.

So again I thank you all ((Foreign Language Spoken)) for coming out for your comments. I look forward to meeting you all in person soon when it's safe and we all look forward to working together with you. So thank you very much.

Coordinator: That concludes today's...

Man: Go ahead operator, sorry.

Coordinator: That's okay. That concludes today's call. All participants may disconnect. Thank you for joining. Speakers, please stand by.

END