

**November 8, 2013**

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ASSISTANT SECRETARY WASHBURN: We've got this very important process going along right now with the budget conference committee. Just to underscore it again this conference committee is basically negotiating between a Senate budget and a House budget, and the House budget is \$200 million below what the Senate's budget is and the president's budget is for Indian affairs.

The House budget fully funds contract support costs and school construction, but it does that by doing a 19 percent across the board cut to Indian Affairs. We dealt with a 5 percent cut this year and it was absolutely brutal, imagine if we had to do a 19 percent. Now that is the house's negotiation position, that's the budget they passed, but you have to view that as a negotiation position, it's nothing final. But that's why we really need to be loud and vocal in this process and make sure that they hear our concerns over there on the Hill.

Second thing that I'd draw attention to that Tommy said yesterday is come January 15, unless something happens to avoid it, we are going to get a further sequestration from the Budget Control Act of another 2.2 percent, and 2.2 percent isn't as bad as the 5 percent that we already suffered, but it's painful, and I think Tommy said it would be \$52 million on top of the \$119 million that we have already suffered, something like that.

## Indian Education Update

MONTY ROESSEL

We're going to kind of give you quite a bit of an overview with Indian education, not just BIE but also talking about tribal colleges, universities, as well as the White House initiative on Indian education.

Regarding BIE, we have had common core training for all of our teachers and have included tribal grant schools in that process also. We have also begun the implementation of an evaluation system that is linking student performance to teacher evaluations. We've started that process now, about 50 percent of our schools this year are doing that with the other to hopefully come into next year.

We have 23 separate assessments for our schools. We have focused on trying to eliminate and cut that down to just two assessments at the most, which is part of our smarter balance. We are going to be signing a data sharing agreement with the Navajo Nation. It's taken over a year to negotiate this and I think it's something which epitomizes what it is that we're trying to do at BIE. I think in this data sharing agreement what we're doing is we're allowing the tribe to have access to their own students' data so that they can sit at the table and look at ways to intervene and help and assist, instead of us saying we know best, we're saying here's the information, here's all the information we have for student performance, here's the demographic information, here's this information, let's get together across the table and see what we can do to try to work together.

So I think this is something that really changes the dynamic, because so often we talk about the data that we have but we don't share it. We cite FERPA yet we don't understand that tribes, they have their own data. They've been working in health care systems and social services systems, they have those same concerns with FERPA, and so it's not taking a big leap to say, okay, this education data is just as important, but it now allows us to sit across the table and really hammer out some ideas on how we can improve student achievement throughout.

I know that the Department of Ed with their grant that they had, one of the emphasis that they had was to try to have some state like activities. And part of that was the sharing of data with the states. I think as we move forward, this will be something where we're looking at also sharing that data with states because we have so many of our students that go from a tribal school to a BIE school to a public school. And if we can all sit down and have that data and the tribes have that data and we're all together, then we can start looking at ways to improve reading, improve math, and try to improve our graduation rates. we've already started to distribute it to schools and tribes where we have schools at, but I think it's a model that we can sue to try to again begin that engagement at a better level, at a greater level, and that's something we're trying, I'm hoping we will get a lot of tribes who are interested.

We understand that there are some tribes that may have yet a lower capacity, a higher capacity, we understand that, it's not about dumping data, just like it's not about dumping schools, it's about trying to build capacity as we grow so that we look at tribes, we look at schools, this is where they are, this is what we can provide in technical assistance as we move forward in trying to improve the academic outcomes of all of our students.

BILL MENDOZA

Executive Director of the White House Initiative on Indian Education

I just want to commend you on your signing of that MOU; it made the connection to one of our main programs that we feel is heading in that same direction. Four states, we are looking at Oklahoma, the Chickasaw, in consortium with Cheyenne and Arapaho, New Mexico with the Navajo Nation, as well as the Nez Perce in Idaho and then the Umatilla in Oregon. And each one of these memorandums of agreement is a model for how similar efforts, especially within the Bureau of Indian Education, these dynamics can begin to change, whether it's looking at it in the form of increasing coordination, in collaboration with state and tribal sovereigns, if you will, as well as looking at increasing the coordination and collaboration between the bureau and tribes in ways that we know can break down some of the barriers to complex challenges that we face around the country.

Today I have a very specific request and recommendation from the White House Initiative as we work in partnership with our agencies that have co-chair responsibilities. As many of you know, the EO signed in December of 2011, the initiative took a bold approach in looking at cradle to career interests of Native students, trying to connect how students are, the kind of outcomes that they're experiencing as well as the quality of experiences and taking, the most important of which we've heard from tribal leaders and educators from across the board that native languages and histories and cultures need to be explicit in those considerations.

And so the two agencies were mandated by the executive order to engage in formal agreement. We took a 2006 memorandum of understanding and that largely facilitated the .5 set aside for a number of formula and discretionary programs that the department sends to the Bureau of Indian Education through the Elementary and Secondary Education Act, and characterized that as the money in the operations. And included on that, the seven goals of the executive order, all related to those three broad areas that I just mentioned.

We are going to be providing you with a handout that reflects what our update is from this point. Included in the joint committee is the provision for tribal leader involvement and so our request from you today is just to have the initiative be accountable to you, be responsive to you in the form that we have a standing place to provide information to you, to seek information from you, and that be included within your quarterly meetings or as you deem appropriate.

This we leave up to you, we've always been welcomed by our friends at the Bureau of Indian Education and Indian Affairs to participate, and we would like to formalize that relationship. Second is to have participation from the Tribal Interior Budget Council. We recommend one representative from Tribal Interior Budget Council and an alternate to be selected to participate in what amounts to be quarterly meetings of the joint committee.

The joint committee consists of senior officials from each agency, so you have that listing in front of you and which offices are represented. In short, it's cradle to career education as it relates to the bureau system, tribal funded and operated, fully funded and operated and grant and contract schools, as well as those relevant and parallel offices within elementary and secondary education, post secondary education, Office of Vocational Adult Education that spans that continuum of learning that we know is essential to addressing the needs of the vast majority of natives students that are attending schools or other institutions across the country.

So we are requesting your participation on November 21<sup>st</sup> in that forum. We will be convening, Assistant Secretary Kevin Washburn is going to be with us then, we also have other senior officials from the offices that I mentioned previously.

The third request that we have today is to just formalize that relationship and device a mechanism for continued participation. The memorandum of agreement calls for a minimum of three participants, tribal participants, two of which we are working with the joint committee to devise a path for additional tribal leader participation so that we have representation beyond the Tribal Interior Budget Council.

So with that, I just want to turn to my colleague, Dr. Bernadette Hence who is the lead on our joint committee and is the primary point of contact for any additional remarks and anything I might have missed.

#### BERNADETTE HENCE

I just wanted to briefly go over the handout that we prepared for you to give you some background on the Joint Committee on Indian Education. We prepared a small summary to give you the background on why this agreement actually exists and the requirement that is in the memorandum of agreement. We've also listed all of the goals, there are seven goals and there are seven specific activities designed to reach the goals that are quoted directly from the agreement. As you see on page 4, there are the activities to date, and you see that we're moving very well on our goals and working on goal 1, specific activity A, B, D and E. And our committee members are listed and our request for your participation. If you have any questions, please ask.

#### **Tribal questions/comments on Indian Education**

JACKIE PATA: My question is about the timing. I guess what I'm really concerned about is this commission, this work is really important and we only have so much time left with this administration and this Secretary of Education and Interior. And clearly the Secretary of Education has given a welcome comment to, invitation to Indian Country to say I really want to do something about Indian education, unlike other previous secretaries, and this work is supposed to guide what we do. But I guess what I'm really concerned about is the length of time before we get any solid recommendations to go forward. And I'm very concerned that we aren't specific enough in the conversations and the dialogs about what can really happen. Because I don't want to have the report end on even in a timeframe that you can't start implementing it. And implementation takes a long time because you have to go through a consultation process around some of those recommendations with tribal leaders; you have to take those concepts and develop them more fully, whether they are programmatic, regulatory, statutory proposals, and try to get those addressed.

We're in the process of re-authorizing the ESEA and if there are substantial recommendations, this seems to me the perfect venue for inclusion. And so I guess my comments are gearing towards how can we step it up and how can we get to a very concrete way to be able to make sure that something that is as important to us as education in Indian Country actually gets the attention that it needs in this administration, which clearly both leadership of both secretaries

are willing to do something and they're just waiting to hear from us from Indian Country.

ROESSEL: Thank you for those comments Jackie, we agree with you wholeheartedly. I, who have been affiliated with the initiative and the department for the past three years, have that sense of urgency, that critical need to address these issues now. The outcome approach that we've taken to developing our work plans and strategic activities to those points suggest that agencies, we're pushing both within and across federal agencies, namely DOI and Ed to make these a priority.

PATA: So does your work plan have a timeline that gets you to the end of this administration, so we can address the legislative and regulatory process if necessary?

MENDOZA: Secretary Jewel and Secretary Duncan, at the request of Assistant Secretary Washburn, got together to talk about what we can do to change and improve BIE. Along those lines a study group was created and it has been working and it is very fast-tracked.

DON HUGH: I'm Don Hugh; I'm a special advisor to Secretary Duncan. Arne has taken a deep interest in American Indian education, especially the bureau's schools; it totally recognizes that these schools only educate about 8 or 9 percent of the total population of American Indian students. But these are also schools entirely funded and dependent services provided by the federal government, and also tend to be among our lowest performing schools in the country.

This study group that was formed between Secretary Jewel and Secretary Duncan met back in July to talk about the BIE. Arne has told me that he's the first person to say that he feels like he hasn't done enough. First term, it sort of took a long time for the two departments to get together, they've never really worked together to be honest, not that closely, and it took a while for the education team to kind of understand the complexities of the BIE.

We tried a lot of incremental reforms at first, during the first term; they're not having the kind of dramatic effect that Arne would like to see. He's told me personally that, as Kevin mentioned, we only have a few years left here, we have to get a plan in place soon within this year and then we have to execute before the administration is over. I honestly believe, and he and Sally also believe, that this is probably our last and best chance to get something dramatic done for this school system. I don't think two secretaries have ever taken so much of an interest and a lot of it is having to sort of grapple with this very old, sort of an entrenched institution here.

Under the joint committee, this is kind of one piece of the entire joint committee's work, but under the MOU between the two departments, I'm working at Interior. My job is to take your recommendations and do my best to implement those recommendations, kind of navigate the federal bureaucracy, that's how I perceive my job.

Again, but we have a good team assembled. Arne also asked some other members of the, it's chaired by the Assistant Secretary, other members of the, the core members of the team are obviously Monty. Also working for free also for the BIE are two folks over here, Arne asked Dr. Ken Wang, he's the chair of the Policy Department at Brown University, sitting over here to the left, and also we have the director of the Department of Defense School System, Marilee Fitzgerald, also to the left there. So also on detail to help work on some of these matters. Ken is

an expert in school governance structures and Marilee is the director of the other federal school system, pretty much the best comparable that we have and it's also, in terms of student achievement, a high performing school system.

We have been traveling extensively throughout Indian Country, so we have spent one full week visiting with Tribal council members, leaders of tribal education departments, principals, teachers, superintendents, parents at schools in New Mexico and also we just completed a similar trip in the Plains. So I would say at this point we've probably over the past three weeks spoken to over 100 people hearing about their recommendations.

But, Jackie, to answer your question, we do have a tight timeline. I'm happy to show you the broad dates about when you can expect to hear some things but we do have, internally we do have a timeline, I'm happy to share that with you.

JIMMIE MITCHELL: During the budget formulation process, I know that BIE being inside of the bureau's budget has always been really problematic for us because as the request to do the scenarios down from OMB dictate certain cuts, it is really hard to try to sit there and weigh between health and human services programs versus BIE schools, but because we have this large number that we have to try to meet if we're cutting \$240 million out of a budget, it really digs really deep into BIE. And I don't want to try to, maybe the train's already left the station but what Dave Connor and I over the years, we've talked about maybe it would be better if BIE was on its own and broken out in a way that wouldn't be affected so drastically.

When we're sitting there looking at, let's say, for instance, the FACE Head Start program and realizing that it's already been cut down so far that any more cuts are really putting an end to it, there is no way that it can really function if we keep cutting these dollars out of it. And we understand how some of those programs are operated: these kids that come into these programs there might be a meal component to that money and now when that money gets reduced down, now the kids don't even have a place to go now anymore, they have to stay home, but they might not be getting their nutritional meal that was provided to them. So those are the hard things for us during that budget formulation process to weigh out and then you say how do you have a heart and do that because we know how important it is. But then at the same time all of these things are important.

So I think maybe one of the things to consider is to try to find a way that if it was broken out and it had its own safeguards around it, that if there are sequestration effects in and around it that at least one wasn't being pitted against the other because I think that's really difficult for us to know that. And we've got to start getting the red pen out and things have to go away that I guess it hurts but as politically damning as it is to know that, hey, it was Jimmie that made the recommendation that we needed to get rid of the Head Start program that it's really hard.

WASHBURN: Well it's hard to protect different parts of the budget. I mean you guys are to consult with us on all aspects of our budget. Now we aren't the only budget for BIE. Frankly, Department of Education contributes what, \$250 million a year; roughly a quarter of a billion dollars a year comes from the Department of Education towards BIE. And so there are other sources of funds and it's a good point.

We need guidance from you on our entire budget and I know that especially the hard questions sometimes it's hard to give guidance on those things. But we need guidance from you on all of that because we've got to do education and we have to do fisheries, and we have to do everything else we care about, and so we've got to figure out how to divvy up that money. So we need your guidance on that because ultimately the administration is going to have to figure out how much to allocate for each of these things. And education is such an important one and cutting it is really difficult, but we need your guidance on how to cut it or how to increase it when that's an opportunity.

KITCKE CARROL: I know that I'm interested in this MOU between the Department of Ed and the BIE because my understanding is that the bureau, BIE, its limitations is that it's ineligible for much of the Department of Ed dollars that are available. So I'm curious as to some of these dollars that are coming from Department of Ed because my understanding is that the BIE can't access them because of language that's in the current ESEA bill.

Now I don't know the current status today, but if I recall correctly that we've had more success this time around than we did the last time. So I guess part of the concern I had and I'm going to echo a bit what Jimmy was saying was that in this process, in this structure, based upon the stat that you just threw at us, the reality that 8 to 9 percent of our kids go to BIE schools, yet within this structure we're asking for that to be prioritized in that budgetary process and to get identified when we all know that 90 percent plus of our kids are in the public school system, that's why you end up with the results that you do. Again, Indian education is top priority for all tribal leaders, you hear that all the time. My concern is that the challenges of this structure interfere with that.

So when you are throwing a number out there that 8 to 9 percent of our kids are actually going to BIE schools, but then within this national collective regional process you're thinking that that is going to get prioritized, there is a discrepancy there, there's an imbalance there. So the other angle of this is through the Department of Ed. And the reason I brought up the ESEA reauthorization effort is if we continue to run into the same challenges that we experienced last time around, how are we ever going to meet our native youth needs through that venue if we're getting pushback from the very vehicle that is meant to address real the predominance of our native youth are.

ROESSEL: I just want to real quickly, that problem is exactly why this MOU was signed and included as a part of the president's commitment to address this because it's that systemic, there were never formal conversations between the agencies at that higher level looking at the higher framework of education. And I mean we're getting to that point, that addressing that urgency in the way that Jackie has communicated, and we need to be able to have those sustained, continuous conversations to get at the bigger pictures and to establish that same kind of urgency for the masses of infrastructures that are impacted by ESEA. And it's not just ESEA, it's for workforce investment, it's Carl Perkins, it's everything from the Higher Education Act to Esther Martinez, all of which are up for reauthorization and we need tribal leaders with us at the table sitting across from our assistant secretaries, our deputy assistant secretaries, and communicating those very things.

CARRIE O'TOOLE: How do we keep our sovereignty if we don't educate our children? All

those budget cuts affect us at FACE programs, the Head Start programs, JOM is always on the chopping block, and then we get them through preschool, K through 12 and then we affect them when we get to college. And the technical schools, in high school these post secondary programs. And so we're saying this isn't as important as, because during this budget factor they're always being cut and on this, they're only going to have three tribal leaders on this program, how is that going to be effective if you don't hear from more?

So I think we need more, it's very important, but if we can't educate our children to run our tribal governments later on, what are we going to be left with?

ROESSEL: One of the things when we look at what's different I think about the BIE schools and what's different about BIE education is that in reality you have a place at the table, whereas in the public school system it's done to you. And I think the way I look at BIE education is it's an exercise of sovereignty to preserve sovereignty. You have the opportunity, those tribes that have BIE schools, to exercise that sovereignty by controlling the school, by taking over the school, not having it operated by BIE. You can control the curriculum, you can control teachers, you can control the standards, you can control the school, therefore you can have an impact on those outcomes. What do you want, do you want every child to speak their language, do you want every child to understand their history and their culture, that is something that you do not have that same impact in public schools. That's why even though we may have a 7 or 9 percent and a small number, the impact is much larger. Because it is an exercise of sovereignty, it is an exercise of saying this is what we feel is important and this is what we want our kids to learn. And hopefully by that example the influence is greater with public schools.

Now in response to the FACE programs, and Head Start being cut, I think one of the things that we have seen is that we all have to be more strategic and precise. We have instances where we have a Head Start program in a small community of maybe a couple hundred, and across the street we have a FACE program, two early childhood programs, both of those programs can't meet the minimum requirements of enrollment, they compete against each other. Wouldn't it be better if the tribe got together and said, okay, we're going to have this program here and we're going to open up another program at another community that has nothing? This is where we need to be: how do you get that dollar go to a little further? I think we need to be strategic sometimes where we can sit down with tribes, we know those are hard decisions, because you are talking about employment in some of these areas, but then how can you try to make that so you also, remember, the goal here is not so much that but the outcomes for students. And we know that early childhood is important and giving them a step up.

HUGH: One thing I do want to say, one thing that we heard from almost everyone in our three weeks in the field is the issue of overhead, almost every single principal at your schools talked about their budget and wondering why the BIE has a greater than a total budget of \$1.1 billion. We have to make sure that money is reaching the students, reaching the schools. And that is one thing that almost all the 8 or 9 principals we spoke to talked about.

TINO BATT: My name is Tino Batt from Shoshone-Bannock tribes in Idaho. First comment, I mentioned to Washburn yesterday that we really need to hire the director in the BIE, it's long overdue, and it should have been done as a priority when you first got in.

Second, the budgeting process is probably the issue dealing with the priorities. When we're coming here we are told to prioritize, law enforcement always comes up on top. Natural resource, education always comes in third or fourth. That's our issue.

When we talked to Congressman Simpson who is our representative, he asked if education is a priority for our tribal leaders, why are they cutting construction costs from these buildings which really need repair? And so that's why he and his colleagues in the house appropriate more funds into that area of needs. And he is wondering if BIE or if the Bureau thinks that education is a priority, that should be at the top of the list.

So when we go back to our region and discuss what are our priorities, education should have been always the first. But again, when we come back it changes, law enforcement always comes up front, but my philosophy is if you can't get the education situation, you are always going to have these issues dealing in law enforcement, crime, health, these are the issues I think education is the top priority to resolve all these other issues. And that needs to be coming from all the priorities from all regions to make education a priority.

**SAM THOMAS:** In our region we have many students going from the villages to the hubs, to the streets of Fairbanks and Anchorage, which, because, one, they didn't get the tutoring needed at the local level, the villages, to be able to succeed in moving their educational desires forward. And so when they didn't get the tutoring they had no place else to go but to the streets because they figured they were failing.

So if there is any possibility we would like to see some educational dollars come into our region to assist in that capacity in providing the tutoring at the local village levels because we're seeing an enormous amount of people feeling that capacity, they have nowhere to turn because they don't have, the teachers aren't providing one on one tutoring with them, then they're basically going to the streets.

**BRYAN BREWER:** We all say education is one of our top priorities, but when it comes down to it somehow it's never there. We talk about it but our schools are having so many problems. We don't have enough money, transportation is always a big issue, some of our children travel 100 miles a day on a bus, and these aren't the best roads. Our schools are overcrowded; our schools need to be replaced. Some of our schools are 60 years old, so it's a problem.

But you talked about how powerful we are as tribes and what we can do with our schools, but our hands are tied. Our hands are tied by the state, by the BIE, we know our schools have not been that successful, what can we do? They need to learn our languages. Twenty-five years from now the Lakota in Pine Ridge, we'll lose our language if nothing changes, yet our hands are tied on how much language we can teach in our schools because of the state. No Child Left Behind. So our hands really are tied, and I wish we did have this power, like you said, were we could make our changes. But I think somehow the tribes would need to empower ourselves, empower each other to make these changes. We need to decide what our children need to learn.

**ROESSEL:** I just want to offer real quickly, tribal education agencies, if we're going to change that dynamic, especially through our state tribal education partnership program, the STEP program, that gets at the core of those issues. You know, how are the states and tribes working

together to build that capacity of the TEA.

We all know that there's capacity issues at various degrees within the tribes, I've visited with tribal leaders across the country about this issue. Some of them cringe when we talk about really vamping up and focusing on attention on the Tribal Education Agency, others say we're ready for it, we stand ready, we've been ready. And when we released this competition, we had four come in that were ready for it, six tribes total, but we know that there are more out there and we know that those conversations are ongoing. And through efforts like this that's happening at the Bureau of Indian Education, that is more of a reality.

And just like in 1968 when we first came online with tribal colleges and then everybody rolled in succession of that to the original six, we see this as a way of the future for how we begin to insure that for jurisdictional boundaries within tribal nations that we're grappling with those issues in meaningful ways.

HUGH: What you mentioned there was the number one, overwhelming number one concern that we heard during our first term when we went out in consultation, public schools run by states located on tribally controlled lands. And tribes feeling like they are not having a seat at the table with schools located on their lands. And that's why we pushed forward the STEP pilot. Congress has to have a part in that and redesign the competition. Unfortunately, it didn't get as much money as we would have liked from congress, but we did get a little bit.

And we have started to see some success and some change through that program. Granted, this will be the first one to admit, and not enough money as we need for dramatic change. But our hands get tired a little bit by congress about how much we can get from their.

BREWER: I have two more things. One of them, a big concern of our tribe is our students who attend off reservation schools, public schools; Rapid City, for instance, right now they're running at about an 85 percent dropout rate. Most of these students come from Pine Ridge so it's a big concern. One of the things we're planning to go to Rapid City and meet with them, meet with the mayor, the superintendent of education. And not to point fingers or anything, but what can we do? Even with our problems on the reservation, they are still our children, so we are concerned about that. So I'm hoping that somehow we can, this funding, we can get the, help out students.

The other issue I have is our tribal colleges. We have five that are not forward funded, yet I believe with our colleges they could do so much with the tribes if we would work together, through research, through the education. Now they should be our leaders in education. And I really wish that somehow we could work closer with our tribes, with our tribal colleges. But we're worried about their funding, we hope that this will continue, because they continue to grow and they, we need them more and more to meet our needs especially with the cost of education for our graduates.

PATA: I'll just quickly respond to that. So we had this conversation at NCAI at our annual meeting in a variety of different groups, the violence against women, there was a whole group on youth issues and tribal leaders around youth issues, and we took it to the education committee and all the committees of NCAI. The goal is that all of Indian Country will rally

together like we rallied around violence against women on this issue, on how do we create a different dynamic for our youth with the expectations, but also what is our responsibility as individuals, as tribal leaders, and as communities collectively and how many times that we can actually show support for our youth in the environments, in a changed environment in our community. Whether it's the coaches, whether it's the Boys and Girls Club, and getting everyone behind that.

So we have, we've got some really good momentum and traction, and we're hoping to roll out more in collaboration. We've got all the National Indian Education Association, National Indian Health Board, all the organizations signed on to help with this initiative to do exactly what you are talking about, trying to create a different dynamic in our communities so that we can have a higher success rate of our youth.

BREWER: I would just like to say we're good at blaming people for our failures, and we're good at blaming the BIE for all of our failures, the BIE, everybody else, but we also have to realize as poor people bad things happen when you're poor.

Now you might say education is the number one priority for the tribe, but for our parents it's not when they don't have a home, you have two or three families living in a home, and there's drugs and alcohol there, a lot of bad things happen to our children, especially our young women. I always felt that all our young women should have their own room, but they don't. This is where we have our abuse, mental, sexual, physical abuse for our children. These are things that we need to work on as tribes, and our parents do have to become accountable and they're not right now. And that's why the dropout rate is so high.

You know, I was talking to the principal in Rapid City, South Dakota, and he was telling me right now that the racism is probably at its peak right now with our children. You know, we think those days are over with, it's still there. You know, I do the Lakota Nation Invitational, I started it 36 years ago in Rapid City, and things were really tough back then as far as Indians getting into town. They had roadblocks at the reservation line waiting for us to cross. And you know, as Indians we are not good at having license plates and insurance and everything so we'd have to sneak in. But things have changed. Things have changed, but it's still there.

The other thing most of our Indian children do go to public schools and we need, the tribes need to have control over the Impact Aid. We should decide how much Impact Aid a public school receives. Thank you.

CHAIRMAN ALLEN: Okay, I think we've had a pretty healthy discussion here about the complexities of trying to provide quality education for our communities, whether they're BIE schools or public schools, et cetera. Without a doubt, all of our objectives are to prepare our students so that they can become competitive, help our students so that they actually reduce the dropout rate, President Brewer raised, or even provide the kind of resources we need to have quality facilities and capacity to provide quality education.

Health is important to us, education is important to us. They are all high priorities, public safety is important to us. So the question for education is, as many of you already said is, what are the barriers, what are the challenges, how can we get better collaboration and cooperation from the

Department of Education to the BIE in order to address whether they're Indian schools, BIE schools or public education schools, how do we get the job done so that we keep our kids in school, help them go on to an undergraduate and post graduate program so that they can become competitive and the leaders of tomorrow.

So it's challenging. You know, Monty, you made the comment it's challenging but we can overcome it. So Don, maybe part of it is culture does Department of Education understand the unique relationship in dealing with tribal governments in our communities. You know, they have a way of doing business over there and it's not necessarily fit neatly in the arena of tribes, but it can. I know leadership, Arne and the other team over there, in terms of those resources so it can do a better job. So we really have some serious challenges here, and in this paper the Bill handed out you're looking for leadership from this forum, so we need to identify people who have the expertise and the knowledge that can be helpful participants in this review of this analysis.

Motion: Tribal Leaders on Education Committee

A motion was made Darrell Seki and Sam Thomas seconded that the tribal leaders to work on the Joint Committee on Indian Education will be Bryan Brewer, Virginia Sanchez, with the recommendation to also recommend Tino Batt as a tribal leader representative.

Motion carried.

**Fish and Wildlife Update**

PHILIP GLEASON, DOI Budget Office

Good morning. I work for the Department of Interior's Budget Office, so its perspective, so the Pam Haze side of the Department which is policy management and budget, I work for the Department's Budget Office, and with me another colleague handles the Bureau of Indian Affairs and the Office of Special Trustee Accounts for the Department's Budget Office.

As you probably know, over the last few years as Pam Haze has come in and addressed TIBC before, TIBC has expressed some interest in hearing from and providing input to the other bureaus within the Department of Interior besides just OST and BIA which was formerly done through this process.

To that end, at the last TIBC we started a process of bringing in representatives from the bureaus, the other bureaus in the Department of Interior, to brief TIBC and to take input from them with regards to their programs that impact the Indian Country out there. What we're doing is we're having the representatives come in and cover the programs that are outlined in the government wide Native American cross-cut which has the major streams of funding that go to Indian Country from the Department of Interior.

So at last TIBC we had the National Parks Service and related programs come and discuss their programs, so this meeting we're going to have the Fish and Wildlife Service come up, we worked with the BIA Budget Department to come up with the next representative to come, we're going to have Fish and Wildlife come and speak to us today. They'll be going through the major streams of funding that go to tribes that are outlined in the Native American cross-cut,

it's not every Native American funding that comes out of the Fish and Wildlife service. But we'll start with that and then I'll just go ahead and throw up, I just want to let you know this is a process that's evolving.

If you have feedback on things we're missing, things that we need to do better and things like that, feel free to contact me or Tommy Thompson who I talk to every day pretty much, and we'd love to hear that input.

So we have two representatives from Fish and Wildlife Service today. One is DJ Monet, he's the acting Native American liaison in the Internal Affairs Office here in Washington, DC, and then we also have Jared Kosa, who is the Branch Chief for Fisheries and Aquatic Conservation.

DJ MONET, Native Liaison for NE Region, USFWS

I am actually the Native American liaison for the Northeast Region up in Hadley, Mass., with the US Fish and Wildlife Service. And I'm on a 90 day detail as the national Native American liaison here in DC. Patrick Derm used to be the Native American Liaison whom has left federal service August.

So there's the Fish and Wildlife Service mission. Some of the things that we do, administer the Endangered Species Act. We also manage migratory birds through the Migratory Bird Treaty Act. We work with fisheries to restore significant species of fish including their passage. We enforce federal fish and wildlife laws, we also conserve wetlands. And obviously we work with tribes on a government to government basis as part of our Federal Indian Trust responsibilities. And we also work with some foreign countries, as well.

Currently there's about 561 refuges across the country and then 38 wetland management districts, all of which manage approximately 150 million acres across the country which is, I guess probably mimics about how much land tribes have that they managed.

JARED KOSA, Branch Chief, USFWS, Fisheries and Aquatic Conservation

I work in the fisheries program and our headquarters office here in Arlington. The fisheries program, it's a diverse program, it has many facets. Generally you could break them down into two groups the way that we do in our budget. The first piece being hatcheries operations and maintenance, and the other one which I'll talk about in a moment generally we describe as Fish and Wildlife Conservation Offices.

They work in concert to deliver the fisheries' mission of the Fish and Wildlife Service. The hatchery operations and maintenance portion generally encompasses those tools that are used to apply fisheries management issues on the ground. The fisheries program, as a whole is generally based around a non-regulatory voluntary partnerships. So in general we have very positive relationships with tribes across the country.

Hatchery operations and maintenance, or O and M, includes, as mentioned earlier, the 73 national fish hatcheries. One of those is actually not a fish producing hatchery but functions as a conservation museum in Spearfish, South Dakota. We have the nine fish health centers, six fish

technology centers, and an unusual entity called the Aquatic Animal Drug Approval Partnership.

The hatchery operations and maintenance sub-activity funds this system which in general we refer to as the national fish hatchery system and their mission is to propagate native species for recovery and restoration. There is one exception to that, we do have roughly a dozen hatcheries in the Southeast that do mitigation hatcheries work, they propagate rainbow trout, non-native fish, to mitigate for federal hydra power projects inserted in large river systems in the middle part of the 20<sup>th</sup> Century.

The fish technology centers and fish health centers, they function to develop new tools for maintaining the health of native aquatic species in the wild, as well as in our aquaculture facilities. Operating a fish hatchery gets you into the world of fish disease, you have a lot of organisms in close proximity, so you have to account for that through management mechanisms, drugs generally.

The system develops critically important drugs for aquaculture and gets them approved through the Aquatic Animal Drug Approval Partnership. It's the only one of its kind in the country. So it's more than just the federal system that is dependent upon that program, the states, and any other entity that is dealing with aquaculture derives great benefit from it.

Current issues that we are challenged with, of course, are funding. We've been going through a strategic planning phase to figure out how to operate this complex system in a relatively low budget environment. We've had quite a bit of success in recent months with that and I won't go into the details, but all things considered, things look relatively promising.

As you could see here, we have the information from the Department's tribal cross-cut. From '12 to '13, that sub activity that funds hatcheries received a decrease. The good news is that the administration is a proponent of restoring that funding in 2014. That funding piece generally supports hatchery production which is in turn used to support activities that restore native fish on tribal lands, in partnership with the tribes.

A fraction of that funding, a small piece, also covers services that occur at the fish tech centers and fish health centers that in turn support health stocks of fish on the reservations. The decrease, oftentimes we get asked where did the money what did you give up. Unfortunately, the funding was eliminated for a pilot tribal youth conservation core activity that we had in place in New Mexico, Arizona and Montana, and there is hope that we could still work to rebuild those capacities through other means, but there are no guarantees right now that that activity was eliminated for FY '14. But it's something that we still have great interest in because the tribal YCC program supported the agency's ability to train and recruit Native American youth into conservation careers where they are currently under represented.

The other half of the fisheries program we characterize as the Fish and Wildlife Conservation Offices. This is where we house our biologists. These are the storefronts, if you will, we have 65 offices spread pretty much equally across the US so we have good geographic distribution. You almost certainly have one in your state.

The system also manages two programs, one is the National Fish Habitat Partnership, and other

is the National Fish Passage Program. In the past decade, or perhaps a little bit more, the service has been trying to move its fisheries program to become a little bit more habitat based, and we've succeeded with that.

A focus of the Fish and Wildlife Conservation Offices is to plan and conduct fish population and habitat restoration. They look at the symptoms, they develop a diagnosis and they implement that diagnosis. As part of that, they assess the status of native fish populations and their habitats, monitor them over time to evaluate our own management actions and hopefully use that information to reduce threats to native species in the future.

Another area of concern that we work on is aquatic nuisance species. We're continuing to develop systems to monitor threats from invasive species. You are probably familiar with Asian carp in the Mississippi, you may have heard of the zebra mussel issues, the service is also really heavily involved in mitigating the impact of non-native land prairie in Great Lakes. Those threats have increased dramatically over the past ten years and that's an area of increasing priority for us.

How does this all fit together, well the Fish and Wildlife Conservation Offices work closely with the national fish hatchery system to insure that those aquaculture tools are used in a responsible way.

And then finally, the Fish and Wildlife Conservation Offices in Alaska deal with a fairly unique program, they help manage subsistence fisheries primarily on the Yukon River, but throughout the back country in rural Alaska, and I'll talk about that one in a little bit more detail in a moment.

The funding history in regards to tribes for this sub activity of the fisheries program has been fairly stable over time. The funding generally supports technical assistance activity on tribal lands, but it also is used to fund a variety of activities, construction costs, things like that, for culvert removal, fish passage barriers, habitat restoration, those types of things.

In the Rocky Mountain West, we have a fairly unique situation to the fisheries program. These offices also provide technical support for wildlife management. Almost exclusively for the benefit of tribes, our Montana field office was engaged in maintaining the health of elk on tribal lands, as well as a number of other wildlife species to the benefit of the tribes.

And then I mentioned Alaska subsistence funding. I have broken out here the activity, as I said, results in the management of fish stocks on the Yukon River. There we're particularly talking about Pacific salmon which are used as, not so much for recreation, but for sustenance. These fish stocks represent the protein in the diets of rural Alaskans and tribal members, so it's extremely important.

Much of the funding goes to evaluating a population status. These information needs are huge. The information that we generate results in the establishment of harvest limits that are critical for insuring that upstream users of the resource have adequate numbers of fish to harvest. And because we're talking about the Yukon River in many cases when we talk subsistence fisheries in Alaska, we're also talking about international treaties associated with Canada. So we need to insure that we honor those as well.

A little bit more detail, we have an important interest in maintaining the traditional subsistence lifestyles of tribes in Alaska, so it's more than just the wildlife, it's more than just the fish, it's about the people, too. And this is a region of the country where you see it more so than anywhere else because really we're talking about the capacity of tribes and villages to sustain themselves on a day to day basis.

This activity sports the Yukon River Salmon Agreement and the broader Alaskan subsistence fishery effort in Alaska. It's not just the Fish and Wildlife Service. In fact, the monies that come through fisheries go to a subsistence management board which has great representation influence by the tribal members and decisions are made at that level and then in some cases funding is returned to our Fish and Wildlife Conservation Offices to affect those population assessments, perhaps hire summer seasonals to do the on the ground work in the back country.

It's a successful partnership from the Fish and Wildlife perspective. We had the opportunity to partner with numerous Native American entities, the Alaska Department of Fish and Game. It's unusual in that in most cases throughout the country it is the states that have primacy in regard to setting harvest limits for fish and wildlife, but in this case, because of the prominent federal role, the importance to tribes, the Fish and Wildlife Service plays a major role in actually setting those harvest limits. And it's a complex management environment, I don't profess to be an expert on it, but it's an area of great interest in our Region 7, the Alaska region.

And the next example I'd like to point out is in the Southwest region. We've been working on Apache trout recovery for well over a decade now. Apache trout are a unique species of trout related to rainbow trout and cutthroat trout, they were listed as endangered and their populations were found largely only on tribal lands. Fish and Wildlife Service and the State of Arizona partnered with the White Mountain Apache tribe to identify existing populations, evaluate their population sizes, and assess the habitat they're in, and the ultimate recommendation was that we needed to come at the problem from a number of different directions. It involves agriculture, habitat technologies, fish health and harvest management.

To support economies on the tribe, tribal lands, it was decided to use our aquaculture resources to develop a fishery in the reservoirs to attract expenditures on recreational fishing. This is kind of unusual because usually you think about endangered species, particularly when you are talking fish, as something that you are not engaging in harvest activities. But in this situation we were able to establish a fishery using bridge stock that was developed within the hatchery in a way that would not negatively impact the native populations and the streams on the reservation. And that recreational fishery has been extremely popular and has been very effective as a marketing tool to sustain the program.

And we're seeing great success there. Not too long again, Apache trout were down listed to threatened and it is hopeful that this could be the first ever fish species that is removed from the threatened endangered species list for any other reason than extinction. So we're very hopeful.

And that's all I have. Any questions?

### **Tribal Comments/Questions for USFWS**

THOMAS: Yeah, it's called traditional and customary in Alaska, it's not subsistence.

KOSA: At the Fish and Wildlife Service we're all about acronyms and biological jargon, so I apologize. Yes.

SAM THOMAS: Okay. Also, you have under your Alaska partners and examples of tribal fishery benefit has numerous Native American entities, so I just wondered how the Alaskan native tribal organizations have been engaged or if they have been engaged within this process. Because there's several that live up and down the Yukon River that benefit from this and they know the history of the flow and livestock of those stocks that have come and gone throughout the years. So I would encourage you, if you haven't been engaging them, to get them engaged because I think they are a valuable resource.

KOSA: I honestly do not know; that's a good question. We could talk offline and if you can give me more specific information about that potential partner I could definitely move it on to the right people in Alaska.

SAM THOMAS: Well we have 229 federally recognized tribes in the state, and some are, probably, I would assume about 40 or 50 of them live along the Yukon River system, or some of them go there for actually their traditional customary gathering whether or not they live on the Yukon or not, think they are still a valuable resource.

KOSA: Yes, I agree, it's kind of a unique management situation for the Fish and Wildlife Service, but it's of such great importance for that region, in particular, that I wanted to highlight it. You know, it's a large amount of money that moves through the fisheries program to support that and it's definitely an area of concern and hopeful future focus for us.

THOMAS: Some of my constituents in the upstream component of the Yukon complain about the state fish and game opening the downstream component, when they close it for subsistence upstream, where your guys' terminology of subsistence, but for their traditional customary gathering of their resource, but then again, they open it up for commercial fishery downstream. And I think there's, that shouldn't be managed that way, I don't think.

KOSA: Okay, well thank you.

Quick question, two questions. I'm not sure, I thought maybe you'd give me a little clarification on what you mean by aquatic animal drug approval partnership?

KOSA: It's an activity that's based in Bozeman, Montana. What they do is research aquatic animal drugs. The challenge is that in hatchery environments and fisheries management environments, we have a limited number of tools, chemical tools, things like sedatives, fungicides, chemicals that we need to operate on the ground.

Over the years as the FDA and other entities have increased regulation on those types of chemicals. We found that the number of those chemical tools has been reduced greatly. To get certain drugs approved for use in the field by the FDA oftentimes, not oftentimes, you don't certainly have to have good scientific information, they require a whole host of studies, and those studies require money. There's not really a constituency out there that is willing to

develop those types of things in the private sector the way that we have Pfizer sees a market for doing those types of drug trials for drugs for human consumption, you have other entities that clearly see a market, there is an economic benefit for developing drugs for the veterinary trade, but you don't have that same type of driver for agency agriculture.

And so that's what that activity does. I'll give you an example. One of the things that we had a great challenge with was handling fish. You need to sedate fish if anybody has been fishing before these are slimy little critters, they shoot of your hands like a greased football, when you have a biologist that's handling perhaps as many as several hundred or even thousands per day, there would be some mortality associated with those fish that are dropped, things like that. The best thing you could do is sedate them. We didn't have any drugs that were approved by the FDA to do that until very recently. In the old days we would use a variety of different techniques, we would pump CO2 into the water and that would sedate them. The FDA said you can't really do that, that's not really something that is on the up and up, we see that as an animal welfare issue, essentially you're starving the fish for oxygen by doing that.

The other drug that we had in place was something called MS222, that was found to be a carcinogen. So the use on that is limited, it cannot be immediately, a fish that's been exposed to that cannot be released to the wild for 21 days. So then if you're dealing with a fish in the wild and you need to sedate them to tag them, you've got to have something. So the, I always get the acronym wrong, the Aquatic Animal Drug Approval Partnership did the studies necessary to approve eugenol, it's a chemical that's derived from cloves. I love working with it because it smells great, but it's extremely effective for sedating fish and you are able to tag them with low to no mortality and release them right back into the wild again. So that's the kind of thing that they're doing.

ATTEBERY: Okay, you're scaring me when you're saying you're injecting drugs into our food. I'm Buster, I run the Karuk tribe, I'm sure you've heard about the KBRA, it's Klamath Basin Restoration Act up in Northern California, it involves the taking out of some dams. In particular, one dam is the Iron Gate Dam which is owned by PacifiCorp and it creates, it's a reservoir that creates a lot of green and blue algae. And in 2002, I know you heard about this, 60,000 to 70,000 salmon killed, it happened on the Klamath River due to water temperatures, low water and a disease.

So the recent activity to get rid of that algae was PacifiCorp says well we're going to put something in there and it had to do with what you put into your swimming pools that help keep that safe, and that will the algae. And our response is what else is it going to kill, and we're releasing that water into the river. So I don't think that's been implemented yet and we're just real opposed.

And recently we wrote a resolution opposing genetically altered salmon, do you have any information about that?

KOSA: I personally do not. We do have a gentleman in my office, Dr. Joel Bader, who leads the Fish Health Center Program, and that is his number one issue. I can speak in a general way to the potential impacts of genetically modified salmon, but I can't say that I'm knee deep in that issue, but I'm aware of that, it's a priority for our office.

ATTEBERY: Okay, and these questions come from subsistence wise, salmon and fish in the Klamath River were a main food source for our tribe, the Yurok tribe and the Hoopa tribe, and have been since time memorial. And we are really concerned and we really try to get our voice out there when it comes to what's happening with the river, what they're putting in the river and the fish run.

So I am, like I said, we did write a resolution opposing, I think it was back east where they were attempting to do this but we're very opposed to genetically altered salmon or fish species.

CHAIRMAN: We've got a question over here, Rick.

RICK HARRISON: Rick Harrison, Alaska Region. I was wondering what your role is with commercial fishing, if any.

KOSA: I could answer that. Many of the fish and habitat restoration activities that we engage in benefit commercial fishing. We have a very limited role. Generally when you are talking commercial fisheries, you're talking marine fish activity, so that places the population that you are concerned with under the authority of National Marine Fishery Service.

The Fish and Wildlife Service does have some activity, if you will, that benefits commercial fisheries, the obvious one being Pacific Salmon in the Northwest. I would say our primary role in that environment is developing aquaculture products and habitat restoration in the freshwater areas.

HARRISON: So the reason I ask that is because if you don't have a role in management of commercial fishing, you are only really managing what the state's allowing you to manage, and that's about 1 to 1-1/2 percent of the salmon that get through the commercial fishermen's nets into the streams and rivers. And quite frankly, salmon management is being mismanaged in Alaska and that's a problem.

KOSA: I appreciate where you're coming from to a great degree; it's a challenging environment to work in when you start talking about commercially fished populations. The Fish and Wildlife Service does play a role in commercial fisheries, but, unfortunately, we generally come in when they get listed and by then our regulatory emphasis kind of shifts. It's not so much about harvest management anymore at that point.

So I hate to deflect it, but it is the case that National Marine Fisheries Service, generally has primacy on those types of situations.

HARRISON: Without you being involved in that process, your hands are really tied and you are really only managing our resource for the native people. You're not managing the salmon resource as a whole.

KOSA: It's true. I would like to think the Fish and Wildlife Service has a voice and I think that National Marine Fisheries Service works with us pretty well. There are times when we disagree, that's not uncommon, I was reading about an issue specifically causing friction between Fish and Wildlife Service and NMFS just this morning, but generally we have pretty good working relationships with NMFS, but you're right.

But the other side of the coin, too, is our constituents want to be able to go to one federal agency who has the ultimate decision making authority. And in that case, it's usually NMFS. But I agree with you, it's frustrating.

JOEL MOFFETT: Joel Moffett, Nez Perce Tribe, Northwest Region. These tribal wildlife grants are essential to our preservation and enhancement of some of our important species back home, specifically big horn sheep, and without these grants we couldn't track these sheep to look at these patterns. And all this data has come in handy when we're talking with the US Forest Service. We have a lot of ranchers who get leases on Forest Service land for domestic sheep, and when they come into contact with big horn sheep, they transmit diseases and the big horns die off dramatically.

And so it used to be, one of our first foods used to be a staple, the hide used to be utilized for war shirts and we used to make bows out of the horns, and now we don't hunt them because it's not there. And a lot of it is because of the domestic sheep ranchers. So this wildlife grant has come in, is essential when we go and look at forest management plans and these leases, and even when we go to court.

So I want to express the importance of these tribal wildlife grants, not just in Nez Perce but look at the other examples of success stories across the United States and Indian Country. But so it's my, so I can't fathom why every year it seems like these grants are on the chopping block, they've been whittled away, minimized, reduced over the years, can you explain the reasons for that when we have these success stories and how important they are to protecting the species back at our own reservations?

KOSA: Well I guess, the short answer is I can't really explain why the budgets keep getting less and less. So basically we get as much as whatever is in the president's request. The reality is we, every fiscal year we receive probably \$20 to \$25 million in requests for these tribal wildlife grants programs. I mean there is no doubt in my mind that this is an important program to tribes. Unfortunately, we're in a position where we can't ask for more money so it's my guess is that tribes have the ability to be able to do that.

What we can do is we can show all of the great things that are going on in Indian Country and the examples are those sort of two reports and so forth. And I totally agree, I think there is obviously a need out there for these grants and a lot of cases tribes, they can't function without these grants. Because I know from first hand up in the Northeast, a lot of these tribes wouldn't have biologists if it wasn't for these grants.

WASHBURN: Jared, just a quick follow-up. So I understand the limits on staff for lobbying, but when we're talking about the cuts even occurring in the president's budget, then it's really troubling. So I guess that's incumbent upon us at TIBC here to champion these programs that are not just in BIA or BIE, but US Fish and Wildlife, that are critical to tribes back home. I appreciate your presentation and anything that this body can do to champion these programs that are essential to our tribes I'm all for.

KOSA: Yeah, I just want to follow up on that. When you look across the country and you see 566 tribes, and then you take let's say, for example, we received last year like \$4 million and

the need out there is just mind boggling in terms of fish and wildlife conservation needs in Indian Country. So yes, thank you.

### **Motion on TIBC Protocols**

A motion was made and seconded to adopt the TIBC protocols. Motion carried.

### **Legislative Update by NCAI**

PATA: So I think we can keep this fairly brief because we have had so much conversation. I think Tommy did an excellent job yesterday, not doing the legislative update but certainly talking about the framework of the environment that we're in which gives us some really good talking points and Kevin Washburn did an incredibly great job with his opening remarks. As he just said, this is what the impact is, this is how much it's really going to make a difference to us in the budget that is being discussed right now in the house and we need to have our message.

NCAI distributed two pieces of paper for you based upon the guidance that was given to us by the caucus in some of the words you said yesterday. The first document is that one-pager of the brief talking points. I'm not sure if this is exactly what you were requesting, but you said keep it very brief, and very succinct.

And then the second page was a little bit more in depth of those talking points and certainly something that you could use as a leave behind but it also, once again, enhances the talking points. It gives the examples that we heard about earlier today under the kind of impacts. So if you look at the second page of that, under fiscal year 2013, these are the kind of impacts, the Head Start Program, Impact Aid, Bureau of Indian Affairs lost \$119 million due to sequestration. The health, Indian Health Service, housing block grant, it's very comprehensive but it kind of gives you some more of the actual impacts to the tribe that you could use.

So anyway, here are just some of the documents that you asked us to create to assist with some of the legislative work that we need.

Yesterday at noon we had a teleconference with our DC representatives that many of you have here locally. And once again, we're coordinating meetings so that every member of the budget committee has heard from Indian Country about the impact of sequestration and what continued levels would do for Indian Country. If you want to know the status of any of those meetings that are being set up or the conversations, Amber is maintaining a list of those conversations and the communications so that we make sure that everyone has been hit.

So that's the status of the legislative advocacy. We also will be going in depth a little bit more when we prepare for the Tribal Nations Conference on the 12<sup>th</sup> at the NCAI preparatory meeting. We'll have more materials and some additional conversations around this. The NCAI board is being briefed on the 11<sup>th</sup> so that they will have, all the new board members will have in depth talking points around budget issues as they have their various meetings. And as I said earlier, we have the meeting scheduled with OMB on Thursday of next week.

(lunch break)

### Afternoon Session

#### **Office of Special Trustee Update**

MARK DAVIS: Good afternoon and thank you, yes, I'm here for Michele, she was unable to make it today. My title is the Deputy Special Trustee for Business Management within the Office of the Special Trustee. And as such, I have responsibilities for HR, human resources, budget and finance, IT and external affairs, and so I have those things under my purview.

So what I want to do is give you a brief update of where OST is at relative to its budget. There's been a lot of discussion about the sequester and the impacts, and I want to address some of those. And then also talk about some of the things that are impacting OST that aren't necessarily budget related. So going through the slides, we are operating under the CR that everyone has talked about. We're held to the 2013 funding level with a number of cuts to it and as has been mentioned our funding is available through January 15<sup>th</sup>.

The budget request that we have is 13 percent below 2011, so the OST budget has been on quite a precipitous decline. And we have attempted to minimize the impacts to beneficiary services through streamlining and implementing process efficiencies. But we're soon getting to the point that we're no longer going to be able to improve things, make process efficiencies without having to do some cuts to service, and I'll talk about those things in just a minute.

So here you can see where we were at in 2011 with funding of about \$160 million and we're now down at the 2014 request at about 140. It looks like there's a little uptick there but in reality the '14 request is the same as the '13 request without the budget sequestration. So it's really pretty much been a flat budget.

And so if you look at the numbers you can see there the, if you look at the president's request here is about 140, the senate recommendation is the same, if we end up with the house recommendation here, we're going to be down \$3.7 million. So there is a substantial impact to the Office of the Special Trustee if we end up at the house level.

Now the reason that we, and I'll go back here, let me see if I can do that, the reason that we've been able to continue to provide services with this decreased funding level is that we've done some things, as I mentioned before, to streamline processes. We realigned management functions so that we look more like a typical bureau within the Department of the Interior, so we reduced the many number of people that used to report to the Special Trustee. Because many of the financial reforms from the Trust Reform Act have been implemented, we did do away with this Trust Accountability Office and move some of those responsibilities that were still necessary into the various programs that remain.

And there has also been a substantial effort relative to the Cobell lawsuit, and now since that's settled there has been a reduction in some of the need with historical trust accounting. But I'm always reminded that some of the remaining suits that are out there are perhaps some of the more difficult ones and so this decline in funding for the Office of Historical Accounting may not be sustainable if there are continued litigation efforts throughout the Department.

Now there are some other things that are impacting OST that I guess I'd like to address because there's probably a lot of questions on peoples' mind and that's relative to the Secretarial Commission on Indian Trust Administration and Reform. That body is coming to the end of its tenure, its sun sets on Thanksgiving Day of this year, they will have been functioning for two years, they are in the process now of writing their recommendations and pulling those together.

They're having an internal meeting next week to come to agreement on what those recommendations are, and then on November 20<sup>th</sup> there will be a public webinar that will be announced or has, I think it might even be announced in the Federal Register Notice, where the commission will present those recommendations to the public. They will present them, talk about them, it's not a point for getting feedback from the public, but it says, okay, after our two years of deliberation here is what we believe our recommendations are to improve the management of the Department's Indian Trust Administration System.

Those are then, after that meeting those recommendations will be presented to the secretary. The secretary has decided that she would like some time to review and look at those and see what those recommendations are and then sometime in December or January she will probably call in the commission to talk with them in more detail about the recommendations and then at the same time thank them for the work that they have done in developing these recommendations.

And I can tell you that one of the questions that's always out there is what about the sun-setting of OST. We don't know what that recommendation is going to be from them yet, they're still working on that and say we in the Department will find out, just like the public will, on the 20<sup>th</sup> of November when they roll out those recommendations.

Land buyback program, as I mentioned before, we have an agreement with the land buyback program so that appraisers that are doing appraisals for the land buyback are, indeed, vested, do work in the Office of the Special Trustee, and then those appraised values are being made available to BIA who will then put the offers together to see whether or not there's individuals that are interested in selling their fractionated land.

The Trust Beneficiary Call Center that I talked about earlier is one of the primary points of contacts with beneficiaries about their accounts and asking for disbursements from those accounts and stuff like that. We have also expanded the scope of the call center so that that's going to serve as a key contact point where individuals can call, find out the status of what's going on, where things are at, and gets questions answered relative to the offer to buy their fractionated parcels.

The call center will also maintain a list of people who call and say I would like to sell my fractionated interest, we will keep a record of that and then make it available to the land buyback program so that then they can put together the offers and incorporate that into their buyback program.

Cobell settlement payments. We also played a role in the settlement payments in that we worked closely with the Garden City Group about resolving issues relative to incorrect addresses. There was over 26,000 addresses that we were able to correct and change into the

system so that we could get the payment sent out to the right folks. Originally those were labeled as WAU accounts because we didn't have the proper information for them but as a result of working with Garden City Group, we have been able to insure that those payments got out to folks as quickly as possible.

Stage two payments are still expected to occur this fiscal year. The potential there is that there is going to be a lot more people impacted because there could be many more payments on the second round than in stage two rather than stage one. And we have also expanded the capability of our call center to be able to handle the traffic and the calls from beneficiaries so that when the stage two payments are being made if people are wondering why my brother got it and I didn't get it, and why those kind of things, they will be able to address those questions.

And finally, about the Special Trustee, Vince Logan has been renominated by the president, he was nominated in the first term of President Obama and his name has been sent forward as part of the second term. That is still, there is no hearing date that has been set. Mr. Logan will be in town this week, he will be participating in the Tribal Nations Conference, on his own, he is not officially confirmed so he can't conduct official OST business. But he's met with members of the Senate Committee on Indian Affairs and other members of the staff, he's got a couple more meetings planned next week, so that vetting process is to continue going on, but as I think you probably know, I don't remember the name of the senator but there's a hold on all presidential nominees right now so nothing is moving forward. So a date for a confirmation hearing has not been set.

And that's the end of my presentation, I'd be happy to entertain any questions if people have any.

### **Law Enforcement Update**

DARREN CRUZAN: So what I would like to do is talk a little bit more in depth about some of the programmatic changes that we're seeing.

But the bottom line is: it's not good news, the 5 percent sequestration and what the house budget, \$60 million, would do to us. We kind of talked about that in general yesterday but one of the things that specifically BIA Office of Justice Services are doing, and I know that your chiefs of police are looking to do this as well, and I use an analogy of being out in the elements on a mountain when it's cold or hot, whatever the case may be. But when you are out there and get in a situation where you are lost, you are not able to get back, the elements get to you and begin to affect the extremities or the things that are nice to have. It's nice to have your fingers, it's nice to have your toes, it's nice to have your nose, but those are nice things to have. When you are exposed to the elements or forced into a bad situation, your body begins to shut those portions down and protecting the core things are the most important vital functions that you have.

And that's kind of what we're being forced to look at right now. There are other federal agencies that have a trust responsibility to Indian Country for some of the specialty work that is done in Indian Country that we do as well. Drug Enforcement has a responsibility to come out and be an active member in drug enforcement, the FBI, ATF you name it, those folks.

The one thing in my opinion that no other organization can do short of our tribal partners and the BIA, is provide law enforcement uniformed response, uniformed police, uniformed corrections, uniformed detention functions. We're really looking at what are the core functions, what are the vital pieces of our function that we would have to maintain.

So what that causes us to look at is then look at our victim advocacy program, which I talked about a little bit yesterday, where we've got now victim specialists when we have women who are victims of domestic violence or sexual assault. And I don't mean any indifference to police officers because I was one of them, but kind of our training and our mindset is we get a call, we go and we want to get the facts and then we want to begin to go look for the person responsible for this.

And so over the years we have not done a super job at kind of being there for the victims. About five years ago some people in our organizations in partnership with DOJ said that's not the best way to do this, we have to have victim advocates that can then come along. You know, so it is happening so quickly now that the police are getting called, we're getting the emergent situation taken care of and our victim advocates are responding to the scene many times, these horrifically violent crimes to our community members. And now when the police leave and begin to do their function, the advocates are helping them find things you just don't really I guess think of immediately, as, okay, where are they going to stay, what are they going to do, do they need diapers for their kids.

Many of the victims, in fact, the majority of them, don't really understand the judicial system. And so they get kind of lost in it and there is story after story of offenders being convicted now because we have these crime victim advocates who go out there and help all the way through this process. It's amazing, there's great stories. That's one of the things that we're looking at not being able to do potentially.

The United States Indian Police Academy, which is, in my opinion, world class, does a phenomenal job training Indian Country law enforcement professionals to go back out and work in Indian Country. So we've got our tribal partners that come there, we've got BIA, we've got any number of advance training. We're looking at the impact that this will be on that.

You know, our courts, this group, TIBC, has said over the last few years, understanding that everything is important, but has made public safety, corrections and courts, not in that order, actually last year it was courts, law enforcement and then corrections down the line a little bit, a priority. And those are other things that we're having to look at being creative with.

And so there is an impact and I know that I don't need to explain it to you, you feel it more than we do because you're hearing it from your community members and you're living it. And so we understand that those are difficult choices. But that's the choice that we're faced with making, as are your chiefs of police that are out there.

So that's kind of the budget part that I wanted to talk about, but now what I want to talk about a little bit is some of the aggressive things that we're looking at doing I think are very exciting. It's hard for me not to be in front of anybody and talk about HPPG, I'm only going to talk about it for about 30 seconds, but we have continued in 2010 we jumped off on this initiative to

reduce violent crime, we had our baseline numbers. The first year numbers went up because the community felt more confident that something was going to get done if they reported it. At the end of the 24 month period, we had a 35 percent reduction in violent crime. Our goal was 50 percent, we had a 35 percent reduction in just 24 months. At the end of 36 months we were at 56 percent reduction. So we continue to show, now we're at 48 months and we're not even supposed to be reporting on it, we're not forced to report on it anymore, but the fact of the matter is it continues to be down in that double it was almost a 40 percent reduction in violent crime still at those four locations.

And it was because of really, the brilliance of what happened there was not in how complicated it was, but how simple it was. More officers on the street equal less violent crime. And it was the opportunity for us to be proactive versus reactive. And so that cannot be disputed, it is a fact, the more officers you have, the higher the confidence in the community, the more the officers are able to get out there and get in front of these crimes through aggressive traffic enforcement. Believe it or not, that's what I believe was one of the biggest factors in reducing crime, our officers and our tribal partners were out there doing check points. And once you get inside your house, there's very little we can do to prevent a violent crime from occurring. The statistics show that the majority of every criminal offense, violent, that we were dealing with, had to do with alcohol or substance abuse.

And so what these officers were doing, and it was really smart, is they were out being very aggressive in traffic enforcement. And so if there was alcohol or if somebody was intoxicated, let's get them someplace where they can sober up before they go home and commit these more violent crimes. So that's real exciting. It gave us the opportunity, now we're looking at, we're calling it APG or agency priority goal, we feel like we've got a great story that we can tell, what can be done if adequately resourced to reduce violent crime. But we think that probably the cart's before the horse there. We also know that if you have 100 violent crimes committed, you don't have 100 violent criminals committing these. You really, you probably have 20 people who are committing these crimes. And so if they weren't intoxicated would they have committed the sexual assault? If they weren't intoxicated, would they have assaulted their family member? Probably not, maybe, but probably not.

And so that caused us to kind of reflect back and say, okay, well now that we've identified these folks that are committing these violent crimes, how can we address the recidivism. We're not far along enough down this path to give any reports and so I don't know, but we are being very aggressive in looking at opportunities. So we're real excited about that and that will be something, I'll probably quite reporting on the violence, HPPG, and start coming here and being, reporting on the alternatives to incarceration.

The other thing that I wanted to talk about is something that has come up because of the Violence Against Women Act. One of the things that the VAWA does is it begins to close the jurisdictional gap that we deal with in Indian Country when it comes to non-Indians on the reservation. And I don't want to get into that debate much further than how it affects VAWA and then some of the other pieces of that. But what we're able to do now is when we have a non-Indian who commits domestic violence against a Native American on the reservation, it gives the tribes who are set up to do it, and by set up I mean the court systems who have law trained judges, defense, any right that would be granted to anybody in any state court kind of a

setup, the ability to now, tribal courts now have the ability to have jurisdiction over these non-Indians.

So the question that I would get quite often was what does that mean for the detention and detaining of non-Indians in our Indian Country jails. Our stance forever has been you cannot, period, detain non-Indians in our -- you can't incarcerate. You can't sentence and incarcerate non-Indians in our facilities. And so that was just kind of the response without really giving much explanation.

Really the explanation is until VAWA we had no jurisdiction over non-Indians in our tribal courts. What this does is it begins to crack the door open for us to close that jurisdictional gap over non-Indians committing crimes on the reservation. I think, I'm probably going to say this every time I have the ability, we've got to be precise and we've got to be very cautious with that, because I believe, and this is what I'm hearing, is that there are people lining up to challenge that once that happens. I think there's going to be some challenges in court.

So I just would encourage that we are making sure that we're crossing the T's and we're dotting the I's because my hope is that once we're down the road a couple of years on this and we're making good progress, that that door begins to open up a little bit more in allowing us to have greater jurisdiction over an offenses that happen within our reservation boundaries, regardless of the offender. We're going to do a guidance memo, just to provide clarity on what detaining non-Indians on the reservation means.

So at this point, if a non-Indian is on the reservation for any number of offenses, and we're not even talking about domestic violence at this point, that's a different issue, I'm talking about drugs or any one of these things, our tribal police officers and BIA police officers have the authority to detain non-Indians on the reservation.

The best way that it works is when we have a relationship with the county, we can get on the radio or have dispatch call the county and say we've got a non-Indian here for XYZ and we need you to dispatch a sheriff here. The sheriff comes, takes custody of the non-Indian, tribal officer or the BIA officer writes the report, gives it to the county, it doesn't have to be right that minute, but gives it to the county and then the county would then take the charges and put them through their system. That's the best way it works, we're all better when we work together that way, I understand in reality that's not the way it works everywhere. It does work that way a lot of places, but not everywhere, and I understand that. But in this guidance we're going to talk about how our tribal police officers do have the ability to detain non-Indians for criminal offenses and the word is reasonable, reasonable amount of time, take them to the authorities that have jurisdiction.

So if the option is not to have the county come to the reservation and make the swap, if you will, and take the non-Indian, our BIA and tribal officers can and have the right to take these non-Indians to the county and say here they are. And what we don't have is the ability to force the country to file charges. What that does give us the ability to do is to get them the immediacy of the situation, get them detained, take them to the proper authorities at that time over this non-Indian, present our case, and go from there.

What I used to tell officers is that a lot of times it's very frustrating for us in law enforcement to arrest the same person for DWI, see them go to court and see them get out with little to no justice. And what I would tell my officers is that's not your responsibility. What happens to them once they're charged or in court is not your responsibility and you don't have to have restless nights trying to go to sleep because you didn't do your job. Your job is to make sure that they're taken off the street, taken to the proper authority and then let the courts deal with that.

That's sort of the same way I'm looking at this is that we have the ability to detain non-Indians and take them in a reasonable amount of time to the proper jurisdiction.

And then the last thing I want to just kind of touch on is our corrections program. In 2004 there was a report done by Inspector General, Neither Safe Nor Secure, which absolutely blistered Indian Country correction facilities, and rightfully so. They were in bad shape, many times at no fault of our own. You get these buildings that are sometimes built in kind of a linear way where it is not easy to see and they're used 24 hours a day by -- very hard used buildings. And they deteriorate and they're 30 years old and sometimes you can put paint on a wall only so much.

So over the last several years we have been working very hard. There are facilities out there in Indian Country right now with help from our Department of Justice partners that are state of the art, phenomenal, they're great buildings, but that's not the case everywhere. So we began looking for options for those that weren't able to have other alternatives that needed jail.

There are two tribes that right now in their facility are 150 percent over capacity. And at these locations they're over capacity and then we also have, at one location we have 90 inmates who are sentenced to 30 days or more in contract bed space in country facilities. The other location has 60 that are in contract bed space. And if you know anything about -- so these counties know that they've kind of got us because we have to put these folks somewhere, and so we're being charged right now anywhere from \$50 to \$100 a day to house these inmates inside these facilities and all they are to these counties are dollar signs, that's all it amounts to. There is no treatment, there is no programs, alcohol or education, they're just a warehouse.

And that's the dilemma that we have been operating in because there weren't any other options. We began to look for a regional option. We met with a couple of locations and we found one in Arizona that it's a 1,500 bed facility that has 1,200 inmates that are mostly federal inmates, either US Marshal detained or Immigration detained. We met with them and we said, listen, we don't want to send our community members there and bring back worse criminals than we sent to you. We're sending you, by and large, people who are not, who have committed crime and who are sentenced to jail, but need treatment, not just jail time.

And the warden of this facility, not of the 300 bed pod that we have that is just for Indian Country, the warden of that facility is a Native American guy from the Rosebud tribe. So we met with them, we said here's what we want, we want you to handle the transportation piece of it because that seems like a pretty big lift, we want treatment, we want alcohol, drug, education and we want traditional components of religion in here that when the community members are in here or tribal members are in here, that they are able to heal that way, too, if that's the path

that they want to go. And we want the ability for the family members to be able to visit with them.

And so this warden said we are way ahead of you on this, we do this anyway, this is not hard for us. We have transportation anyway that goes all over the country, we can do this for you, and, in fact, not only can we do it for you, we can do it cheaper than you are getting it done. Right now we have a budget of about \$5 million that is a pooled kind of a budget where we spend for tribes all over Indian Country to house contract bed space. And every year probably an additional \$2 million comes out of another budget to do that.

So it's costing us about \$7 million to do the contract bed space, and that's going to no, there is no programs, there's nothing good about it, there's no medical treatment in here, it's just warehousing tribal members. And the other good thing about this facility is that they have registered nurses on 24 hours a day. So any medical kind of an issue can be handled right there, there's no moving of inmates, there's no transporting them so we don't have to take police officers out of the community. So it looked great, but I knew that the challenge was going to be convincing tribal leadership that this was a good thing and this would be good for the people that are in there, they can get treatment.

So I reached out to two locations that were, that I mentioned earlier, and I was amazed, I was absolutely blown away of the support that I received from both of these tribal leaders. It is absolutely an option for anybody at this point. We think it's right, if it's something that you think, hey, this might be an option for us, we'd rather see our folks who are sentenced in a facility where they're getting help as opposed to marking time in a county facility, and this is something that you think that you could support, we can make that happen immediately

### **Tribal Questions on Law Enforcement Update**

MITCHELL: Over at Little River I was fortunate enough to be able to negotiate a cross-deputization deal with the Michigan state police under the Urban Cooperation Act. And that gives tribal conservation officers the ability to stop and detain anybody that's within our ceded territory which is about 13.8 million acres of Michigan to ask for their ID to determine whether or not they're a tribal citizen or not. And so the negotiation process boded out well and we have that provision in place right now.

For some of the tribes, especially some of the larger land based tribes that may have tribal lands within several different counties, to try to create MOUs with each of the sheriffs is kind of touchy because sheriffs are elected in and out those MOUs can certainly go away quickly and we're kind of left maybe even with sort of processes in play from one administration to the next under the sheriff's role. But I think if we were to go to look at the state police and try to create that cooperative agreement with them, that you wouldn't have to worry about the change of guard at the Sheriff's Department, you would be able to continue to have that ability through their jurisdiction as opposed to have access to the jails and to make sure the, I guess, rights and responsibilities over those allegations or people under those allegations were handled in an appropriate way. Because it is really an allegation, we have to be careful of their rights while we have them and we don't want to violate anybody's rights. Maybe there is some way to try to create some of those mechanisms in place to, again, just to make sure that we're not kind of left

holding the bag and not able to uphold those responsibilities under the act.

CRUZAN: It's a good thing when we work together like that. You look at our tribal conservation and our police out there, we've got well trained, highly qualified, and so we just want to be recognized. So there's a lot of states that are right now going through the process where they are recognizing tribal law enforcement as state peace officers. And so there's a lot of good things happening. If there is anything that we can do to kind of pour into that to help, we would come alongside for sure.

CARRIE: how many people have we lost for doing background checks for our Indian officers with the budget cuts? Because we were trying to get our new police chief to do a background check but it was delayed because of the budget cuts and I was trying to make sure that we share that for when we talk about these next week and how it delayed our law enforcement a little bit because we're short one officer and the police chief, so that makes it a lot more, his job's taking care of all the other officers. We got it taken care of but it was just, I wanted to, that's one of those unseen complications we don't know about with the budget cuts.

CRUZAN: We're running into this similar situation. Backgrounds are very time consuming but they're necessary. Because if I had a felony or DWI, or a domestic violence, I couldn't be in a law enforcement position. So we have to check these things and sometimes it takes a while. There are a couple of things that if the tribe asks us, BIA, to do the background, we have to do it within, I think it's 60 days we have to get it done, the background piece. Now the adjudication piece is done by somebody other than us. In other words, I can't do your background and then say it's good, I can do your background and an adjudicator says based on the criteria, yes, this person -- We pay for that as well, so Dave Johnson who is the SAC, your chief of police knows him, is the person to talk to there. But we do lose a lot from background checks because it's just the nature of -- but so does Topeka, Kansas, PD, they lose a lot that way, too. So I mean it's not Indian Country-centric.

CARRIE O'TOOLE: Right. And I also have another one, part of it is we're losing our young people to alcohol and drugs; is healing to wellness under your programs or peacemakers underneath your guys' programs, instead of as an alternative to sending people to jail, for the healing to wellness, working with the drug court?

CRUZAN: We have tribal justice support, and it's a court function. But what they are entirely is a funding mechanism or technical assistance piece. We are so very careful to not have the person that oversees police investigations and corrections also tell the courts how they're going to operate. That would be a bad deal. So that's a tribal leadership decision on what they want to do, but we're advocates for alternative court, wellness courts and those kind of things, healing.

CARRIE O'TOOLE: We're fortunate to have it, I just didn't know if it was in your system or if it was in the tribal court system. We've been fortunate enough to work with our county prosecutor to get a working relationship about prosecuting certain cases and talking to our own tribal court prosecutor and how he forwards those cases to them. So it takes a while to build those relationships to get them to work with us, but they're a lot better than they used to be 10 years ago.

## **BIA Update**

MIKE BLACK: We're still continuing to work within the resources and funding that we have to try and keep continuing some of these efforts and things that we have ongoing. We're also faced with the challenges, we went through the sequestration, we had the potential furlough issue that we were able to work our way around last year.

We had to go through the streamlining effort, so we had about 200 or so people out of BIA that took the early retirements and buyouts last fall, so we're still trying to manage through that effort and those resources how we're going to keep the doors open. We're under hiring freezes, any number of challenges, but at the same time our message has been we're going to continue to keep charging forward on a lot of the initiatives and things that we have going on. So let me talk about a few things that I think are good news. When I came in here, it's been coming up on four years ago now, the charge was provided to BIA to kick off fee to trust, the restoring Tribal Homelands Initiative, that under our Assistant Secretary Washburn and Secretary Jewel continues to be a high priority of the department. So we continue to keep plugging away and to date I'm looking at the days, this is as of November 6<sup>th</sup>, we've processed 1,466 applications for a total of 235,000 acres. So that's a pretty huge effort -- the credit goes out to the BIA staff out in the regions and agencies as well, as well as to each and every tribe that has been bringing land into trust. Without the efforts of everybody involved here, I think we've come a long ways, we've still got a ways to go, we're still working on some things to streamline the process, working with the solicitor's office to standardize the requirements across all of the regions. So that it doesn't matter if you're in Northwest or you're in the Great Plains, everybody has got the same requirements for bringing land into trust. So there again, hopefully those steps will help to continue to improve the process.

This past year in 2013 we brought in roughly about 28,000 to 30,000 acres which is quite a bit under what we've done the last couple of years, but at the same time we processed more applications. We did over 360 applications this last year which is more than we've done in any other year. So I think those first two or three years of this effort we were able to bring in a lot of those large parcels that have been hanging out there and now we're able to really start attacking some of these other ones which are just as important to a lot of tribes, to be able to bring those lands into trust.

So please, keep those applications coming in, I want to stay on this while the iron is hot. We've got the support of the department and the administration to keep this effort going. A lot of us were around during the last administration when there was basically a standstill on fee to trust, who knows what's going to happen in the next administration. So I say I want to keep this charge going, we've got another couple of years to make a lot of things happen. So I mean people keep throwing goals out at me like half a million acres, I don't know if we can get there but it would sure be awesome if we could.

I see Muckleshoot just bought 96,000 acres up in Seattle, I'm waiting for my application to come in so we can get that one in the system. I don't know if they're going to or not but it would be awesome if they did.

We implemented the HEARTH Act regulations this past year. We have three applications that

we've approved already, got four that are pending approval right now and additional seven that are under the review process. As we get the process really set in stone or kind of down to insuring that we can meet all the timelines and timeframes that are requirements of the law, we're going to start pushing that down to the regional level. So that hopefully that will take one less roadblock or two or three less roadblocks out of the way so that we can continue to keep those things moving.

The new leasing regs, the Part 162 regulations that we're implementing this year: we've gone out and done trainings to all of our staff, trained a lot of the tribal staff out there. We will continue to do that, just making sure we have all of our policies and procedures in place to be able to continue that effort or really to get those new regulations implemented.

I keep saying streamlining, but with the resources that we're dealing with everything we do we're trying to look at some kind of a streamlining effort to not only speed up the process but to continue to provide the services and hopefully in a quality manner, which I know some of you might say BIA and quality don't necessarily always go together, but we're sure trying to put them together.

We went through the streamlining, we're implementing, under full implementation of the admin realignment which was something we've been talking about for a long time. We finally got that to happen so all of the administrative staff, your contracting budget, acquisition finance, are all now down under the authority of the regional director and direction of the regional director. So as a tribe, if you have a problem with the contract or have a problem with budget issues, you can go to the regional director. We're coming back around almost full circle to where you have the regional director you can call and rely on rather than call the regional director and hear that you have to call central office to talk to somebody about a budget or contracting issue.

So I'm hoping that as we iron out all of the policies again on that effort you are going to start to see some improved service out there, improved communication throughout the program.

I think Tommy's already mentioned yesterday in his presentation we are working with Tommy and his staff out there related around self determination, contract support, funding and basically ways that we can work to get the funding out quicker. Our self-determination staff was hit pretty hard by the early retirements, we lost about five or six of our warding officials --

I'm also working pretty hard with some of our sister agencies, BLM and BOR and ONR and some of the other ones. You know, particularly right now around the area of oil and gas development and our energy development, where each one of us has a certain role to play in that process, we have certain authorities and regulations pertaining to each of those agencies and how we can work better amongst ourselves to speed up the APD or the application to permit to drill process, how we can work together with the minimum resources we all have to improve the timeliness of getting those things out, timeliness of getting leases approved, timeliness of the EA and environmental process. So those are some of the other things we're working at, we'll be setting up some, I guess I call them pseudo pilot type projects on how we can work together with those organizations and agencies to improve those services.

The next thing, maybe at the next TIBC or the TIBC after, we'll start talking a little bit more

about some social services and initiatives we're looking at. And that's going to have to be a multi-agency, multifaceted, with tribal, with complete tribal participation to take a look at our social services program and the service delivery and what we can do to improve that out there for the protection of the children and the families out there in Indian Country.

SEKI: I've got a question on climate change, do you have an update on that?

BLACK: we have basically within the BIA, we have one person right now that is designated as our climate change coordinator, Mr. Sean Hart, who came out of the Midwest Region. He's been with us for a little over a year I'd say, but he's pretty much our one man show, leading the charge, doing a great job, but we just lack funding largely for climate change.

Now there has been some proposals put forward that could get us within BIA some additional funding and resources for climate change. And and I can say Sean's been a strong advocate for BIA and the tribes to make sure that we are included in all of the climate change activities and potential opportunities out there. So I will make sure that we have a better update for you at the next one.

WASHBURN: Darrell, one of the things to note is the president signed an executive order on, well, about a week ago, on climate change. And the administration has been really interested in moving forward on addressing climate change but most of the proposals are sort of in the budget. And so they last year had a bunch of new proposals about the initiatives to deal with the climate change and the president's budget, but we haven't had a budget in years, so it's real hard to change. These continuing resolutions mean we just keep doing what we're doing for the most part, and sometimes, as we know, they cut us back. I mean we have less money to keep doing what we're doing.

Dealing with climate change is going to require some new initiatives and some new ways of thinking and we won't be able to grapple with it very well until we get a budget that allows us to fund different things. And so it's frustrating, but climate change is one of the victims, if you will, we're all the victims, but of not having a budget that sort of deals with new issues as they arise.

I think most of the republicans even now admit the climate change is a real thing but we haven't had a budget since the republicans have come around. And we've been going on on these continuing resolutions, these CRs for many years, and we need to get a budget so that we can adjust what we do to address modern issues like climate change. Thanks for raising the question, it's a very important one.

SAM THOMAS: I was wondering, Mike, if you or Kevin, if you have any updates on when you are you going to start taking land into trust in Alaska?

WASHBURN: Well, we've got a case in litigation. My marching orders are always not to talk about any case in litigation, and it's still in litigation, unfortunately. So let me just say that it's obvious to me personally that it would be a historic opportunity to do that and that this case presents a historic opportunity, but as long as there is a case in litigation we're not going to have clearance to do anything like that. And there is an appeal, I think we anticipate that case is, there is a good District Court opinion, we anticipate that it's likely to be appealed. I only hope

that all that wraps up while I'm still on the job because a lot of us have an intention to make history if we can. The last update I got from the Department of Justice was they expected the state to appeal the decision and I haven't heard whether they actually did or whether we've seen a brief yet. So I hope you're right, if you're right then we'll have an opportunity to move sooner.

And the Department of Justice has a lot to say about this, and there's a lot of people in the government have to coordinate to accomplish something like that. It's a big deal to fundamentally change policy like that but we're looking very carefully at it. And like I said, they don't give, someone in my job doesn't have a whole lot of opportunities to make history I mean we've got an important job to do for sure, but that's a game changer there and so it's, they don't serve up opportunities like that very often. And so I am not inclined to let it pass by.

CHAIRMAN: Okay, well next on the agenda we have a break but I think we should just push through it and get done early. So with that, we'll turn it over to Amber with location of the fiscal year 2014 meeting.

### **2014 Meeting Locations**

EBARB: We have a save the date flyer that is being circulated in a few minutes and I wanted to go over, I know this is a little bit later agenda item reviewing dates of future TIBC meetings, but because we're looking at the location of the fourth quarter meeting, I think the fourth quarter meeting is supposed to be here in DC, we just don't have the date set for either November or December. There also was a conflict with the May 6<sup>th</sup> and 7<sup>th</sup> date. The self-governance annual meeting for 2014 is that week so we needed to look at other dates for May and so we wanted to make sure that the dates that were available for the DC May meeting would work with everyone.

We put out a bid for proposals for locations in DC and the date that we got returned that would potentially work is May 22<sup>nd</sup> and 23<sup>rd</sup> at the Washington Plaza Hotel. We're pursuing those two dates for May. So we just wanted to make sure that that would be fine for everyone here and that it fits with the budget formulation schedule that Tommy has put together, I think that it should.

The location for July, the July TIBC meeting, that was decided the last time we discussed locations and dates. There was a volunteer or suggestion for either Bismarck or Billings. And so we haven't found a place in either of those. Our meetings and events staff are still looking at those two locations and as we get those bids back to NCAI we'll let you know what we hear and which place it will be held at.

So those are the updates. I think we'll probably follow a similar schedule for 2015, but we did have a suggestion for the 2015 Indian Country TIBC meeting which would be July or August to be in California, I think. So we'll be looking into that for the 2015 Indian Country TIBC meeting.

A motion was made by Sam Thomas and seconded by Ron Allen to accept the recommendations on the meeting location.

**Motion carried.**

**Old Business/Action Tracking**

Updates to the motions and actions of the previous meeting were reviewed.

- 1) The first were the dates and we just resolved some of those conflicts that just arose. And what we'll probably, I'll talk with Tommy afterwards just to make sure everything works with the budget schedule and timelines.
- 2) A motion was passed to accept the intertribal trade paper and legislation and I think that was mostly putting the TIBC on record, I don't think there was much more than that. But that's something that could be discussed here.
- 3) A motion was passed supporting an unmet needs budget to identify for FY '16. And it was discussed at the time that the budget subcommittee and data subcommittee could work on this task, but I think that BIA has incorporated it into the budget formulation process. I heard a little bit of that discussed, but we could have a little bit more detail on that if that's desired by the TIBC representatives.
- 4) A motion was about establishing a workgroup to put together some recommendations to the trust commission.
- 5) The last motion that was part of the tribal caucus strategy discussion was the plans for the Tribal Unity Week and all of our efforts around that. I know many people were a part of this effort but I guess we could do a quick update that we had many members of congress participate in the tribal leader briefing on September 11<sup>th</sup> and then we had lots of meetings scheduled throughout that week on not only budget issues, but also tax reform, Carcieri and a few other issues that came up -- the farm bill and education I think also were addressed by many tribes who came in to visit for the Tribal Unity Week. So we're continuing on that effort for the next, as part of this week and next week as part of the White House Tribal Nations Caucus and trying to continue arranging congressional meetings. And everybody has been really helpful in participating in that congressional strategy.

Those are the action items from the last meeting.

**New Business**

CHAIRMAN SHEPHERD: I was talking to Tommy over lunch. A lot of these, sitting down in March which we always prioritize and having to pick and choose which region's issues are more important than another and that's just not right we shouldn't be doing that. And I think if we just came together and just kept pushing the same issue that would impact us more long-term by pushing for a mandatory status instead of discretionary.

COMMENT: We would like to also explore the ground rules as to as we put the strategic plan together for Indian Affairs as to the high level principles that we would at least like to make in

this first pass at it so that we're talking about not just the most important issues but all the issues so that we're capturing those as we go out and start the consultations with the various regions after that to make sure that we're capturing everything that is important across Indian Country. And probably picking up on the needs based budget and interjecting it into the strategic plan so that we have got one fluid document so that we've got a longer roadmap of where we would like to take all of the economies and all the services that we tried to address through this budget.

CHAIRMAN SHEPHERD: What about remember we were talking, too, about maybe an analysis of the federal budget?

TOMMY THOMPSON: It's a good goal but I think one of the problems that we're going to run into, and the gentleman from Fish and Wildlife Service was brutally honest this morning when he talked about the cross-cuts that we do as to how our budget system within the federal government isn't set up to capture the activity based costing that we really should be looking at or it would be cost prohibitive. So anything that we talk about when we have other agencies saying they do this for Indian Country, at best it's an educated guess as to what that is there are certain levels in there of confidence that obviously if questioned on it they have to back it up.

But I think part of what we would come back in March, too, is talk about an approach as to how we make sure that all of those pieces are transparent and open and engageable because every bureau and every cabinet position has an Indian Affairs office, but what does that mean? How does that service equate to actual services back home and trying to, if you will, build that atlas of Indian Services 101 is to make sure that if there is a need out there there is an avenue to get to those resources whether it's a competitive grant or entitlement or because right now everybody carries the flag that says we provide services to Indian Country but what's the conduit into those services? And I think that is one of the first goes I think that we need to make sure that we have something that's transparent and then we can monitor and gauge what the outflows of that transparency is.

And in nonpolitical speak was let's open up the books first and then we can see what we can get. But that would be part of the transparency as to really creating that codification of all tribal services and sources of resources across all of the government.

VIRGINIA SANCHEZ: Mr. Chairman, earlier today the TIBC selected President Bryan Brewer and myself for the Joint Committee on Indian Education, and we were to get together to decide who would be the alternate and who would be the representative. We spoke over the lunch break and Bryan Brewer is going to be the representative and I will be the alternate.

CHAIRMAN SHEPHERD: Okay, well we'll wrap it up here. I just want to thank everybody for coming and hope most of you will be back next week and if not we'll see you guys at the next TIBC in March.

**Meeting Adjourned**