

TRANSCRIPT
U.S. Department of the Interior
Tribal Consultation: Presidential Memorandum on Tribal Consultation and
Strengthening Nation-to-Nation Relationships
March 10, 2021
2:00 pm ET

Coordinator: Good afternoon and thank you all for holding. Your lines have been placed on a listen only mode until the question and answer portion. And I would like to remind all parties the call is now being recorded. If you have any objections please disconnect at this time. And I would now like to turn the call over to Ann Marie Bledsoe-Downes. Thank you. You may begin.

Ann Marie Bledsoe-Downes: Thank you so much. Welcome and good afternoon. My name is Ann Marie Bledsoe-Downes and I'm the Tribal Governance Officer for Interior. And the TGO position is established for our - by our departmental manual as the position that will oversee consultations for Interior.

This is a formal tribal consultation on President Biden's Memorandum on Tribal Consultation and strengthening the nation to nation relationship. The focus of the consultation today is how Interior and its bureaus and offices can improve consultation from this point forward. Given that this is a formal tribal consultation only officially designated representatives of federally recognized tribes are invited to speak.

This session is being transcribed and the transcript will be made available on DOI.gov/Tribes/TribalConsultation. This sessions is not open to the press and if you are a member of the press we respectfully ask that you disconnect at this time. We know that three hours is not a lot of time to address this important topic, but we are under a tight timeframe given the Presidential Memorandum.

Please be assured that this is not the only opportunity that you will have to make your voice heard on how Interior can improve consultation. We see this consultation as the beginning of an ongoing dialog. In just a minute we're going to introduce our federal representatives from across all of the Department that are here, and will provide an overview of the subject of today's consultation.

We will do all of this as quickly as possible so that we can leave as much time for all of you, our tribal representatives, to comment on the purpose for why we're here today. Before we begin all of that however, we know it's important to start this off in the right way, and we have asked one of our tribal leaders to do a prayer for us.

Governor Michael Chavarria from the Santa Clara Pueblo is on the line with us, and I'd like to ask him to please now join the queue so we can open his line and he can offer the prayer. Governor?

Coordinator: One moment please. Michael, your line is now open.

Governor Michael Chavarria: Okay. Can you hear me?

Ann Marie Bledsoe-Downes: We sure do.

Governor Michael Chavarria: Okay. Thank you. Out of respect, thank you for the opportunity to open up the session with a prayer. So in my (tribal) language I'm want to say a prayer. I want to ask all, each and every one of you on this call - tribal leaders, tribal officials, staff, federal partners to please join in on this prayer. It's very important. The power of prayer is important especially as we're still dealing with the COVID-19 pandemic.

So I ask all of you to please join in the prayer in your own respective way. So out of respect at this time, ((foreign language spoken)). So again, out of respect to my (tribal) language here in front of Clara Pueblo in New Mexico, I ask the creators and the spirits in all directions, to come down and join us in this very important discussion as it relates to the consultation in Interior and related agencies within Interior based upon the President's Executive Order.

So it's very critical that I place that respect to my fellow governors, tribal chairmen, tribal presidents to speak and ask these questions and have a fruitful discussion for today, during this discussion of consultation which is very important as it relates to the traditional cultural religious practices upon our folks here in the Southwest region.

So again, I thank you all for the opportunity for allowing me to say that prayer, and then I'll turn it over back to the moderator at this time. Thank you and let's have a great day.

Ann Marie Bledsoe-Downes: Governor Chavarria, thank you so much for that. We so greatly appreciate that and the time you're spending here with us today. It's now my honor to introduce our Chief of Staff, Jennifer Van der Heide. Jennifer is the Chief of Staff for the Department of Interior and has worked as the Chief of Staff for Representative Deb Haaland, our Secretary Nominee.

She has been integral to making sure that this effort is an agency wide effort across all of the Department of Interior. Jennifer?

Jennifer Van der Heide: Thank you so much, Ann Marie and thank you Governor Chavarria for that prayer. On behalf of all of Interior, I welcome everyone to this consultation session on how Interior including our bureaus and offices, can improve consultation. We're so grateful for the time you're spending with us today, to help us improve all of our work.

We know how busy each of you are as elective leaders. Additionally, we know there's extreme demand on your time as you respond to the pandemic and do everything that you can to keep your tribal citizens and tribal communities straight. All of us have suffered immeasurable losses and for that I also send to each of you, our condolences. Thank you for your leadership at this critical time.

I also want to share greetings and well wishes from Congresswoman Deb Haaland. She is deeply grateful to have Indian Country's support as she navigates her historic confirmation. From the letters, the calls, texts, prayer circles and creative social media, she has been lifted by your support every step of the way. We are expecting a procedural vote tomorrow and then a vote on her confirmation on Monday the 15th.

If so, she would likely be sworn in on as the nation's first Native American Cabinet Secretary on either Wednesday, March 17th or Thursday, the 18th. As one of his first actions taking office, President Biden committed to fulfilling federal trust and treaty responsibilities to tribes. And declared that regular, meaningful, and robust consultation with tribal nations is a priority of his Administration.

Meaningful consultation is an expression of respect for tribal sovereignty and self-governance. And its importance cannot be understated. Interior wants to take this opportunity to open a new chapter in consultation, where meaningful consultation becomes second nature in the federal decision making process.

I look forward to hearing what you have to say today and hope that today is just the start of an ongoing fruitful dialog in which we can strengthen and evolve our relationship with all of you. Thank you.

Ann Marie Bledsoe-Downes: Thank you, Jennifer. Before I introduce our next speaker, I would like to please remind folks that when you do come in the queue to make a comment and when your line is open, to first please state your name, title and affiliation, for the record. Now I'd like to introduce our incoming Principal Deputy Assistant Secretary for Indian Affairs, Mr. Bryan Newland.

While Bryan will serve as the lead for this consultation I do want to emphasize that this is a consultation not just about Indian Affairs, but all of the Department of Interior. It's all of its individual bureaus and offices as you'll hear throughout the introductions today. Bryan is a former tribal chairperson for his tribe, the Bay Mills Indian Community and is already familiar with Interior, having served as a counselor to the Assistant Secretary for Indian Affairs during the Obama Administration. I'd now like to turn it over to Bryan.

Bryan Newland: Thanks, Ann Marie. And thank you, everybody for your time today and for participating in this important session. As Jennifer noted, as tribal leaders and officials we know how busy you all are working on behalf of your people and the people who live in your communities. I just want to welcome you all here and I want to emphasize that as Ann Marie stated, this is not just an Indian Affairs consultation. This is a Department of the Interior wide consultation to

hear directly from tribal leaders and representatives on how we can improve the consultation process.

As you're about to hear, we have senior political officials from across the Department of the Interior, including the Secretary's Office leading different agencies here at the Department, all engaged, all on the line here with their staff and their teams, taking notes and making sure that everybody across the Department understands what we're about to hear.

So we're going to go through some introductions. I want to turn it back over to our Chief of Staff, Jennifer Van der Heide, to introduce some of the folks in the Secretary's Office.

Jennifer Van der Heide: Thank you so much, Bryan. We're so incredibly proud of the team that we're building and to the long time career servants who - and their commitments to tribes. And Bryan Newland's right at the top of that. I also want to acknowledge today we have Bob Anderson, our Principal Deputy Solicitor, Natalie Landreth, our Deputy Solicitor for Land, and from the Secretary's Indian Water Rights Office, we have the Director, Pam Williams and the Deputy Director, Tracy Goodluck. Thank you, Bryan.

Bryan Newland: Great. Thanks, Jennifer. So I'm going to take a moment here to recognize a number of folks who are on the line from Indian Affairs. First, within the Office of the Assistant Secretary, we have Morgan Rodman, who is the Director of the Office of Indian Energy and Economic Development. We have Liz Appel, who is the Director of the Office of Regulatory Affairs and Collaborative Action. And we have David Conrad, the Director of the Office of Public Affairs. Liz, David and Morgan have been instrumental in pulling these consultation sessions together.

Also, from the Assistant Secretary's Office we have Sharee Freeman who many of you know is the Director of the Office of Self-Governance. From the BIA we have Director Darryl LaCounte on the line. We also have Bart Stevens who is the Deputy Director for Field Operations. We have Regional Director for the Navajo Region, Lester Tsosie. We also have BIA Regional Director for the Southwest Region on the line, Patricia Mattingly, along with the Western Regional Director, Bryan Bowker.

From the Bureau of Indian Education, we have Director, Tony Dearman on the line. And from the Bureau of Trust Funds Administration, we have Director Jerry Gidner, Deputy Director Doug Lords, and Regional Trust Director John White.

Now I want to hand it off to Principal Deputy Assistant Secretary Tanya Trujillo, to introduce the Water and Science Team.

Tanya Trujillo: Thank you very much Bryan. Hello everybody. This is Tanya Trujillo. I'm the Principal Deputy Assistant Secretary for Water and Science at the Department. That office - my office represents the Bureau for Reclamation and the USGS. I'm happy to be here today calling in from my home in Santa Fe, New Mexico.

With me as part of my team during this call, is David Applegate, who is the Acting Director of the USGS, the US Geological Survey, and Jeff Morris, who is the Senior Tribal Liaison Office for the Bureau of Reclamation. We are here for this consultation and are looking forward to hearing your comments today. I would like to pass it off now to Shannon Estenoz.

Shannon Estenoz: Thank you, Tanya and hello everyone. My name is Shannon Estenoz. I am the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks. I

am joined on the phone today, by Martha Williams who is the Principal Deputy Director of the Fish and Wildlife Service, Scott Aiken who is the Tribal Liaison Officer for the Fish and Wildlife Service, and Dorothy FireCloud who is the Tribal Liaison for the National Park Service.

Our team is grateful and honored to be with you today. I now want to recognize Laura Daniel Davis.

Janea Scott: Hi. Hello and a warm welcome to everybody. This is actually Janea Scott. I am the Counselor to the Assistant Secretary for Land and Minerals Management. And the team that I have with me here today from the Bureau of Land Management, I have Byron Loosle, who is the Division Chief for National Conservation Land. From the Office of Surface Mining and Reclamations I have Mychal Yellowman, who is the Indian Programs Branch Chief.

From our Bureau of Ocean Energy Management I have Hillary Renick who is our Tribal Liaison Officer. And from our Bureau of Safety and Environmental Enforcement, I have Jack Lorrigan, who is also a Tribal Liaison Officer. We're just delighted to be here with you today.

And I'd like to hand it off to Steve Tryon, who is the Director of the Office of Environmental Policy and Compliance, to introduce himself and his team.

Steve Tryon: Thank you, Janea. I'd like to say a warm welcome to everyone that's on the phone. I'm representing the Assistant Secretary for Policy Management and Budget. And Rachael Taylor is right at this moment, working on some final details of the 2022 budget with the White House, and we are hopeful that there's going to be some good news in that as well.

I'd just like to say, I spent many years of my career representing the face of government in nation to nation consultation and it's very personally and professionally important to me as well. I am joined within the Policy Management and Budget team by Emily Joseph, who is the Director for Operations at the Office of Restoration and Damage Assessment, and by our two regional environmental officers, Susan King in Albuquerque, and Janet Whitlock in Sacramento.

I'm very pleased to be a part of this discussion today and Bryan Newland, handing back to you, sir.

Bryan Newland: Great. Thank you very much. So as you can hear, we have quite a few folks on the line from the Department of the Interior. We also have a number of staff on from Interior, the National Indian Gaming Commission, and other agencies who were not introduced. And I bring this up just to make sure that we're showing you that we are bringing the entire department to hear directly from you on this process.

Before we open the floor up, I just want to come back to President Biden's Memorandum and the framing paper that we shared with many of you in advance of this consultation session. That framing paper posed four questions to tribal leaders regarding the scope of today's consultation. And before we begin, I just want to review these four questions very briefly.

The first question the framing paper asked, was does the input received in 2009 still reflect tribal views about consultation today? Are there any additional comments or suggestions? The second question asked should Interior include the actions recommended by the January 2017 report in its plan to improve consultation?

The third question asked are there additional suggested steps Interior could take to improve tribal consultation and make it more meaningful? The final question put forth in the framing paper was what actions to improve tribal consultations should be made the top priorities in Interiors' plan? So with the table set I want to hand it back to (Yvonne), our operator today, to open up the phone lines.

This is an awkward format. We would all rather be in person but I assure you that we are on here; we're listening; and we are ready to hear from you on how to improve this process. Thank you.

Coordinator: Thank you. And at this time if you would like to ask a question please press star 1, please unmute your phone and record your name clearly when prompted. Once again, that is star 1 if you would like to ask a question. And once again, that is star 1 if you would like to ask a question. We do have one in the queue. Michael, your line is open.

Michael Chavarria: Yes. This is - am I on?

Coordinator: Yes, sir. You're - your line is open.

Michael Chavarria: Okay, yes. Good afternoon again. This is Governor Michael Chavarria from the Pueblo of Santa Clara here in New Mexico. So I appreciate the all Interior related agencies for making time as well, out of your busy schedule, to join us on this very critical call, to include my other brothers, tribal pueblo governors, tribal presidents, chairman within our region and our staff.

So consultation is very critical. I guess it's always important to stress the central role of fulfilling the federal government's trust responsibility to tribal nations, is by ensuring our interests are being accounted for. And for this

purpose, proper tribal consultation, this responsibility is based upon the political status of the sovereign tribal governments involved and engagement in the government to government relationship with United States of America, the Administration, Congress, federal agencies and federal officials, all serve as trustees of that federal trust responsibility.

So it is your solemn duty to ensure tribal interests are protected. You're in the action program where policy undertaking by the federal government including the development of federal legislation, the only way to ensure tribal interests are truly protected is to have a process that involves tribes long before any decisions are contemplated that could affect those interests and (unintelligible) time for a culturally appropriate interactive dialog leading to actual joint decision making.

There are a lot of good ideas that come out of the 2009 and 2017 work on improving consultation. But we can improve upon those concepts now in 2021. So I feel the process for evaluating environmental and historical impacts and seeking tribal input, are broken. In the absence of meaningful consultation, major infrastructure projects that pose a unique threat to tribal nations, the land and resources upon which our cultures for (unintelligible) assistance depend upon, can be altered forever or completely lost and destroyed in the context of large scale infrastructure or (obstructive) industries.

The federal government can and must do a better job of consulting with tribal nations purely procedural requirements with little oversight, have been sinfully insufficient in protecting tribal interests. It is important to remember that NEPA does not just look at the impacts of the physical environment but also considers interrelated social and cultural effects.

And the definition of culture is broad under NEPA, so therefore as a matter of environmental justice all federal agency officials, secretaries within the Interior, should use their inherent authority and discretion to deny any projects that virtually impact culture resources when there is no way to mitigate those environmental justice impacts.

This includes numerous traditional cultural properties, resources found on and adjacent to our homeland, that fall well within our aboriginal lands, springs, shrines, ritual areas, (plot) gathering areas, traditional trail systems to include (non) and renewable resources. So in other words, once an area is disturbed it cannot be restored. Moves are implicated to another place.

So therefore, it is incorrect to think that mitigation could later occur through NHPA Section 106 process. And so the only way to understand the range of this potentially environmental justice impact is for all indigenous peoples to educate the federal government on those impacts and time would be factored into NEPA process to allow for such dialog.

So I recommend that's very important that federal agencies do not short change proper government to government tribal consultation and the federal agencies realize that NEPA and NHPA Section 106 process takes time in order to ensure things are done correctly. Oftentimes a literature review is simply insufficient and improperly elevates the importance of western views of our archaeological resources of native people's more complete understanding of the cultural resources.

Many times only archaeological resources are noted in the literature while cultural resources can only be made known through conducting field surveys for qualified pueblo cultural representative advising about whether an area does continue the traditional cultural resource or property. So it is worth

mentioning and reminding the federal agencies that PCPs are place based and are essentially nonrenewable resource.

So a proper investigation by qualified experts from the pueblo, is key. So again, potential of imposing (shot) clocks on analysis is unacceptable meeting shortening timeframes for NEPA and NHPA views. The dialog needs to begin before draft documents are distributed for comment. Comment period on draft analysis may seem fine for the outside world but sometimes those review periods occur during times of intense culturally led activities. For us it was done through the pueblo.

So as a result, there simply isn't proper time to review, analyze and conduct and provide our comments to include the appropriate field work. So government to government consultation doesn't always fit neatly within a pre-decision timeframe either. Often federal agencies want to increase efficiency in their processes but there can be adverse unintended consequences from their well, unintended ideas.

Rather that has a top down rule to support increased efficiency, great local leadership and continuous communications of what fosters efficiency, keeping those lines of communication open and continuous should be the goal of the Department of Interior agencies. So for Santa Clara Pueblo, meaningful consultation hard dialog with tribal partners, occur with the goal of reaching consensus, consultation was meaning more than merely ticking off the box and categorizing the objections of tribal nations.

Rather the federal agencies have a trust responsibility to sit down with tribal nations, must engage in meaningful dialog and seek to reach agreement on key issues. Too often federal agencies determine tribal concerns are merely - can be merely mitigated without reaching such agreement. So the goal of

sitting down at a table should be mutual understanding and agreement, otherwise consultation is not considered as meaningful.

And so I appreciate the opportunity to express my thoughts and concerns on behalf of Santa Clara Pueblo. I will go ahead and prepare and work with my staff to submit additional comments for the record. I want to allow and give respect to my other tribal brothers, leaders on the call, to allow them to go ahead and speak at this time. But I thank you very much for the opportunity in allowing me to speak. Have a good day. Thank you.

Bryan Newland: Thank you, Governor.

Coordinator: And once again, if you would like to ask a question please press star 1. And I do have another question from a Brian Vallo.

Brian Vallo: Thank you very much. Good afternoon everyone. My name is Brian Vallo and I am the Governor of the Pueblo of Acoma in New Mexico. I extend my greetings to all of you and thank you for this opportunity to provide some comments on consultation.

Now the pueblo of Acoma has a - is always responding to federal consultation requests that are part of the - there's the National Environmental Policy Act and/or the National Historic Preservation Act. And these are views for federal undertakings. Our interactions with the Department of Interior's bureaus and offices such as the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, National Forest Service and the National Park Service, have given Acoma a perspective on the continued need to strengthen and make consistent consultation practices that are out in the department.

I'm going to address the questions that you've provided in the framing document. And concerning question number one, the answer would be yes, the views relayed in 2009 about what needs to happen for effective tribal consultation, are still the needs today. Unfortunately, these perspectives are some of the tribal perspectives and issues identified when I was in tribal government almost 30 years ago.

So the same can also be said for question number 2 and the Department of the Interior should implement the recommended actions in the January 2017 report. But also revisit the tribal recommendations included in that report in light of issues identified during this consultation and other internal review. Especially tribal recommendations, to incorporate provisions of United Nations Declaration on the Rights of Indigenous Peoples and the need for free prior and informed consent on projects impacting tribes.

In relation to questions number 3 and 4 I would like to provide the following recommendations and experiences. First, unfortunately, consultation is often still a process in checking the box. And meaningful consultation consistent of a two-way dialog and joint decision making at a nation to nation level is still lacking. This experience is most often felt in certain types of federal undertakings such as oil and gas leasing and development.

Here federal agencies are beholden to limited timeframes for a consultation as a result of industry initiated expressions of interest or applications for permits to drill agency initiated expressions - I'm sorry, agency requirements for review of these undertakings, as guided executive or secretarial orders like secretarial order 3355 which mandate the completion of certain NEPA and NHPA process in a specific timeframe.

The effect of Acoma's concerns are often dismissed and not incorporated into decision making. Even when the agency has been alerted it does not have the requisite information about the impact on Acoma interests. Compounding this lack of meaningful consultation is the lack of consistency between different federal agencies across state offices or even within field offices within the same state.

For example, Acoma has previously consulted with the BLM for oil and gas lease sales in both Utah and New Mexico. The experiences are vastly different and are even different between field offices within a state. It becomes very clear that consultation in a field office that is a "development" heavy office is different than a field office that receives fewer developmental undertakings and has the time and resources to better engage with Acoma.

In addition, Acoma has consistently reiterated to federal agencies on the need to consult early and often with the pueblo. While most do this process can still be improved. Acoma would recommend the Department of Interior require its bureaus and offices to one, engage in periodic and comprehensive planning and in consultation with tribes, to inform tribes on anticipated federal undertakings in the next calendar year, areas of concern, updated contacts, and follow up of prior undertakings.

Number two, provide resources to Interior's agencies to establish or update federal agencies' preservation program for the identification, evaluation, protection and nomination to the National Register of Preferred Properties under Section 110 of the National Historic Preservation Act. This needs to occur in consultation with tribes to ensure these programs are sufficient to identify tribal historic properties and traditional cultural properties.

Third, Acoma is often concerned about the lack of information an agency has on Acoma cultural resource in the agency's existing inventory of historic properties. Fulfilling the duties under Section 110 could alleviate or make easier consultation when cultural resources are at issue.

Finally, Acoma urges the Department of Interior to provide assistance or resources to tribes to increase our capacity to respond to consultation requests. As I mentioned earlier, Acoma receives consultation requests from four states. This amounts to hundreds of consultation requests per year. We simply cannot respond to all of them. And as a result, our legal rights to consultation and often on our resources, may be impacted.

Acoma departments and primarily our historic preservation office, are forced to prioritize and make decisions about where resources and manpower are devoted. Often, consultation requires in person meetings, sample field investigations and other activities that require Acoma members to travel, sometimes out of state, for consultations.

This can be a strain on limited tribal governmental resources and our capacity to meet federal consultation requests. So in conclusion, I urge this Administration to meaningfully implement the recommendations and address the concerns you've heard today.

While the last four years were some of the most challenging, the issues undermining meaningful tribal consultation have persisted for decades. Acoma calls upon the Department of the Interior to revitalize its consultation policies and create systemic change throughout the Department to ensure the tenets of this critical process are realized.

Thank you very much for your time to listen to some of the pueblo's concerns and we look forward to providing you more detailed information and additional recommendations in our written comments. Thank you very much.

Man: Thank you.

Woman: Thank you.

Coordinator: And as a reminder, if you would like to ask a question please press star 1. And we have another caller in queue. (John Trosha), your line is open.

Manuel Heart: Hello? This is Manuel Heart, Chairman for the Ute Mountain Ute Tribe. Thank you to all of our tribal leaders and everyone on the line from the chairmen to governors to presidents and the Department of Interior staff. First and foremost, we as Native tribes have investment in the future of our children and our tribes as a whole.

I'd like to bring up a few things. The roles and responsibilities of the Department of Interior is to have a meaningful consultation on a government to government relationship. Department of Interior has a responsibility unique to the tribal sovereign nations and that is to all 574 federally recognized tribes within the United States.

There are many areas that we could cover and this is on a government to government relationship to work towards a better future for the tribal nations across this country. I would just like to trust on a few areas. The Interior undertaken frequent and preventive consultation so that tribal leaders can provide full, free, and informed consent on projects that affect the tribes and tribal resources.

This includes ancestral interest, cultural resources and tribal treaty rights. Interior should issue regular reports back to the Indian Country on programs towards fulfilling tribal consultation goals and tribal consultation input. Interior needs to be proactive on consultation and prioritizing tribal input.

Interior should offer a method of - or a process in which tribes can request consultation on issues that affect them, giving the tribes an opportunity to request consultation rather than tribes waiting for the interior to reach out to them. Interior must recognize that the tribes are in varying circumstances and situations.

With respect to the pandemic issues currently, the Interior should support tribal infrastructure projects and encourage development of tribal broadband to respond to the pandemic. Interior should seek to support tribes as they work to address and recover from the pandemic and should coordinate with other federal agencies in doing so.

Interior must recognize that each tribe has a different structure and different culture in these difficult times. It is important for the Interior to work with tribes to protect our elders and preserve our culture and history.

We from the Ute Mountain Ute tribe are one of the five tribes that are a coalition and we respectfully ask the President, President Biden to restore (unintelligible) back to its original 1.3 or even the original proposal of 1.9 million acres to protect and have the tribe take the lead, in the tribal management plan, to help preserve and protect our culture for mean years that each one of these five coalition tribes have had their input and their history put into it.

We also tried to address some hunting and fishing treaties that we've had in the past. Sometimes cities and municipalities take away from the original treaty that we had implemented for the Ute Mountain Ute tribe and the (Southern) Ute Indian tribe in the state of Colorado.

Geographical areas play an important role in renaming some of these mountains or geographical areas that we need to bring back sometimes too often, the history of Indian tribes in our education curriculum, is not brought to the forefront but it's always looked upon as something that we've done bad which we have not.

We are resilient and we are a strong nation across this country of 574 federally recognized tribes. And we want to have that option to rename some of these mountains or geographical areas from the plains even all the way to each side of the country so we can recognize our leaders and our history.

The lands and minerals management for renewables as we start to move out of fossil fuels or even still to implement some of the energy development that might be remaining, that we might look toward a better and brighter future, but we want to have a part of the revenue and economic development opportunities into the future for some of our tribes as we have to always depend on some funding sources which always come up short and we need to try to work together so that we can have better obligations toward our tribal members that are enrolled with each one of our tribes and our tribal nations.

So with that, we support Congresswoman Deb Haaland to move into the position of the Secretary of Interior and really looking at the active role that she'll be playing with the part - tribes moving forward into this new year of 2021 and beyond, so that we can work together. Who better to take the role of

the Secretary of Interior than a Native person that the Department of Interior interacts with on a day to day basis?

So with that, from the Ute Mountain Ute tribe we thank that the Department of Interior for consulting with us today. We'll submit a written report to recommend more recommendations to the Department of Interior. And again, we thank each and every one of you. (Unintelligible). Thank you.

Man: Thank you Chairman Heart.

Coordinator: Thank you. And as a reminder, if you would like to ask a question, please press star 1. And one moment while we wait for the next question. I am showing no questions at this time. Once again, star 1 if you would like to ask a question.

Bryan Newland: Thank you, (Yvonne). This is Bryan Newland again. While we wait for questions I just want to recap. We've had three speakers so far and I want to recap a little bit about - or summarize what we have heard today.

One of the speakers mentioned the need to begin consultation long before decisions are made or any documents are generated. And in doing so, take into account tribal ceremonial times to make sure that there's adequate time for tribes to respond.

We heard another speaker mention that consultations should move toward (pre), prior and informed consent under the UN declaration, specifically in reference to the second question that Interior asked. And I'll also note an item that was raised today that hasn't come up yet in our consultation sessions but that caught my attention, was the need to ensure that there's a consistent application of the consultation requirement among agency field offices.

And I also heard about the need for consultation with respect to the Department protecting off reservation tribal treaty rights. In addition, one of the things that we are also hoping to hear input on from tribal leaders and representatives, is the extent to which telephone conferences or video conferences that we've all been using during the pandemic, can be used to make consultations more accessible even when we're back to in person meetings around the country, doing these consultations. And if you have thoughts on that we're very interested to hear them.

Coordinator: I am showing no questions. Once again, star 1 if you would like to ask a question.

Ann Marie Bledsoe-Downes: And Bryan, this is Ann Marie. I just wanted to make - take a moment to acknowledge Amanda Lefton from the Bureau of Ocean Energy Management also joined us and is on the call from the Department of Interior. So we want to thank her.

Bryan Newland: Okay. Thank you.

Coordinator: And I do have another question from Michael.

Michael Chavarria: Yes again, good afternoon. It's Governor Chavarria. Do we know how many - or do you have an accurate number of how many tribal leaders might be on this call this afternoon by chance? Question one. Because it is difficult to do it by phone. Maybe a Zoom or other virtual type of setting might be better, to keep track.

Because it's hard for me to see and know how many other tribal leaders are on the call and which part of the regions that were meeting with. We have

Navajo, Southwest and Western Region supposedly for today. So I guess that goes back to a question that as posed. You know, yes we're still in a pandemic but maybe there has to be another type of virtual type of session instead of calling over the phone.

Which I know it's - we have to use technology to our best. And as tribal leaders, we are busy and so it is important that we try to get on as many calls as we can, but we're also virtual called out because we have like four or five calls a day with federal agencies, state agencies between our tribes as well. So that's a - it is a challenge but we must be there to address these important issues as related to consultation.

And as mentioned from my brother, Governor Vallo and my brother, Chairman Heart, you know, we're all unique; we're not all the same. And (unintelligible) 574 different questions, ideas of consultation. And, you know, I still had a couple more things - I didn't fully go through my written comment that I talked about but, you know, even though it already exists in the laws, acts, statutes, executive orders that support tribal consultation, again that process as Governor Vallo mentioned, varies from agency to agency, region to region.

Those respective documents are open to interpretation and therefore we suggest a standard set of operating procedures or step by step process for each agency to follow in this case, with the Interior and not just checking off the box and moving on, but to demonstrate the ability to fully engage and incorporate all comments received from the tribes to ensure informed consent from tribes have been received.

That's the whole thing of consultation, not just hearing us but back and forth dialog. And I do - the January 2017 report on consultation indicated the

federal agencies should seek to fully understand tribal concerns, meet a consensus where possible. And when necessary, explain clearly why tribal concerns could not be addressed. That standard articulated in the 2017 does not go far enough. So we can do better here in 2021.

As referencing United Nations declaration on rights of indigenous people recognized that (pre), prior and informed consent should be a prerequisite for any activity that affects our ancestral lands, territories, our natural cultural resources of indigenous people. That should be our guiding light for tribal consultation in the United States of America.

So these are very important discussions and dialogs. I appreciate feedback based upon this call, to incorporate what tribal leaders have commented on. But also responses back from the Interior and the related agency in Interior to start addressing this, to have a much broader dialog because you want the fish & wildlife, the reclamation, BLM and other folks again, without seeing the consultation, adequately reflect one under Interior or are those agencies' policies different and varied again from agency to agency?

So I think that's the whole intent of us coming together because I know we have treasury that's also asking for consultation. Health and Human Services are asking for a consultation. And I think the USDA's also asking for another tribal consultation. I think the Army Corps of Engineers. And so all of these federal agencies, because of that Executive Order, are now reaching out to tribes seeking consultation.

But again they all vary depending on what existing authority, activity they undertake within their agency. Again, it's going to vary. And so I want to make sure that we fully understand the intent that Interior plays to protect our resources, our people, our land in relation to across the government spectrum

of all agencies in general. So having to have that connection with the secretaries is very critical to start off the 2021 year on a positive note and carry that message forward.

So again, that's just my recommendations. It is hard as the question was posed, to continue to have virtual sessions but our pueblo remains closed; we can't travel; we limited travel. And the best way to do it is try to figure out how do we best use technology through our virtual go to meeting and what kind of other computer type of mechanism that we would have to have that type of session.

But again, thank you for allowing me some time to speak and I hope there are other tribal leaders on the call that can go ahead and speak as well, because this is very critical. And I'm just speaking on behalf of Santa Clara Pueblo at this time. Thank you.

Bryan Newland: Thank you, Governor. I appreciate that and I agree that in a format like this it is very difficult to have a dialog in the way that we would do if we were person to person. I do want to share that at various points during today's call we have had approximately 130 people on the line. We are reviewing the list. It looks like somewhere around half of the participants are representatives of tribes.

Some tribes have multiple representatives on the phone but just reviewing the list on my screen here, it looks like we've had anywhere between 30 and 50 tribes represented on this call.

Coordinator: And once again, for any comments or questions, star 1. And I do have another one from Brian Vallo.

Brian Vallo: Thank you very much. And thank you for the question sir, concerning, you know, the virtual - using technology for a consultation. You know, I think certainly the pandemic has forced us into a new way of communicating. And it was very hit and miss in the beginning. But I think at this point, you know, it is actually our preferred way of communicating, especially as indicated especially by Governor Chavarria.

Most of our tribes remain closed. My pueblo remains closed and on lockdown. And, you know, I had mentioned during a USDA consultation on the consultation yesterday, that, you know, the (part) tribes are doing all that we can to protect our cultural human resources, our knowledge keepers, our elders, our spiritual leaders.

And even they have become accustomed to internal virtual discussions. So I think that we've, you know, while access to broadband is limited for some of us, we have found ways to utilize technology and would probably be our preference for a little while longer, until we are fully in the clear from this pandemic. So the Pueblo of Acoma, you know, wholeheartedly supports that.

And I think what would help also, where this is concerned, is these discussions among agencies. The interagency collaboration I think is very important in this process as well. And I believe that agencies can learn from one another about the success of consultation in a virtual setting.

I will credit the last Administration for bringing tribal leaders together on those what for a while there, were weekly calls with the White House. I would, you know, strongly urge the Department of Interior to encourage the White House and other executives, to engage with our tribes also, as we work towards recovery and, you know, really get a handle on this healing that is occurring.

And I would also continue to stress the idea of the regional meetings. I think this would be very helpful as well moving forward and to, you know, just keep a level of checks and balances as far as, you know, how the consultation is evolving and how any changes or, you know, even recommendations that have been made during these consultation sessions and in the report, are being implemented. So thank you.

Bryan Newland: Thank you, Governor.

Coordinator: I have no further comments at this time. Once again, for comments or questions, star 1. One moment please. Once again, star 1 if you would like to place a comment.

Bryan Newland: I want to make sure that we leave adequate time for tribal leaders and representatives to offer your input or your thoughts this afternoon. So I encourage you, if you haven't had an opportunity to share your thoughts or ideas, to please jump in the speakers' queue and do so.

Coordinator: Once again, that is star 1 for any comments. I'm showing no comments in the queue at this time.

Bryan Newland: (Yvonne), this is Bryan again, from the Department of the Interior. If we can do a final call for questions and comments, maybe hold the line open for another minute or two for folks to dial in or punch the key to get in the queue. If there are no...

Coordinator: Yes. Once again, that is star 1.

Bryan Newland: ...other comments we can end early.

Coordinator: I do have another one. (Amber Lane), your line is open.

(Amber Lane): ((Foreign Language Spoken)). So my name is (Amber Lane). I'm affiliated with the Seneca Nation and also Apache. And the question I had was is there a central location for all the different treaties and like United Indigenous Nations kind of in the works to be able to do the consultations in a more effective way and have Native nations be able to collaborate more together, to be able to say if broadband's going in, you know, knowing what the US plan is and then knowing individual needs and then being able to save money for both the US and tribal nations, to be able to get needs met in a better way?

And then also, I wanted just to share there's a platform called REMO. It's R-E-M-O. And it's more congruent with cultural values that there's - basically it's a conference with tables so it would be a way to have all, you know, 570, 80 plus, you know, tribal nations in the same room. And then for consultations for people to be able to walk around, you know, to different table and the screen pops up, you know, could the, you know, a platform like that?

But then there's also some tribal nations can't participate because of lack of access to internet and some of that technology. And, you know, is there a way to have iPads or some sort of devices that are kind of universal that has all the treaties with the GPS and the consults and stuff - people to consult with, all in one location?

So if anybody, any city or every - any county would be able to kind of pull up their Google and say okay, I know this is treaty lands, these are the nations I need to consult with, you know, here's the contact information. And then, you know, be able to go to, you know, United Indigenous Nations or, you know,

some sort of larger department with satellite offices throughout the US to be able to do this in a good way.

And exercise kind of the two (row) agreement, the nation to nation, which President Biden tried to untangle. The two paths had become woven together. ((Foreign Language Spoken)). Thank you for letting me speak.

Bryan Newland: Thank you. Any other tribal leaders or representatives have additional comments to add?

Coordinator: Once again, that is star 1 for any comments.

Bryan Newland: Please remember also that if you wish to submit comments in writing you may do so. I believe the deadline is midnight on March 19th.

Coordinator: I have no further comments at this time.

Bryan Newland: Okay. With that, I will extend my gratitude for those of you who have participated in today's session. I wish you all very well. Safety for you, your families and your communities. And I look forward to working together and hopefully visiting your communities and meeting with you face to face.

Without any further comments from tribal leaders or representatives, we will close today's session.

Coordinator: Thank you. This does conclude today's conference. You may disconnect at this time.

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