

**CERTIFIED
TRANSCRIPT**

ORIGINAL

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
OFFICE OF THE SECRETARY
TRIBAL CONSULTATION

Tuesday, January 16, 2018
1030 15th Street, Room 103-104
Sacramento, California 95814

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TRANSCRIPT**

Reported by:

Elizabeth A. Willis-Lewis, RPR, CCRR, CLR

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APPEARANCES

Paula Hart, Director of the Office of Indian Gaming -
Indian Affairs

John Tahsuda III, Principal Deputy Assistant Secretary
for Indian Affairs

Kyle Scherer, Esq., Counselor, Office of the Assistant
Secretary for Indian Affairs

1 Tuesday, January 16, 2018

2 9:09 a.m.

3 MR. TAHSUDA: Good morning. Welcome, guys. We
4 want to get started here. I don't know if we are going
5 to bring more chairs or not but hopefully you guys can
6 find a place to get comfortable. So to start us off I
7 would like to ask Chairman Attebery to lead us in
8 prayer.

9 CHAIRMAN ATTEBERY: (Speaking in another
10 language.) Hello, how are you and good morning. My
11 name is Russell Attebery and I am the Karuk tribal
12 chairman. First of all, let me take this opportunity to
13 thank all of the government leaders and tribal leaders
14 that are here today to discuss important issues. And we
15 all know that the tribal leaders put in a lot of time to
16 dedicate to the people, to their elders, to their
17 children, to help build a better quality of life. So
18 thank you for that.

19 (Prayer.)

20 MR. TAHSUDA: Thank you, Chairman. It is
21 always great to start the day off on a good note. So we
22 will get started here. And before I start us off though
23 I wanted to make sure to note I know we have -- what I
24 would like to do is start off with tribal leaders who
25 have signed up and said that they want to speak and so

1 we can kind of proceed in that fashion first, and then
2 I'm assuming we will have time after that for folks to
3 come up after that and make comments as they want after
4 that.

5 Now, I notice also that a few tribes have
6 multiple people that want to speak so if we could first
7 have one spokesperson from your tribe and then if you
8 have other people from your tribe that would like to
9 speak as well if they could go after we have gone
10 through the list of tribal leaders and hear from you
11 next, I would like to proceed that way.

12 So thank you guys for coming and I wanted to --
13 I don't want to take up any of your valuable time with
14 me standing up here saying nothing but I do want to
15 thank you guys for coming. This is a very important
16 discussion for us and, you know, going back to one of
17 the principles that our boss, the Secretary of the
18 Interior, has laid out and that is that we want
19 sovereignty to mean something for the tribes that we
20 have a government-to-government relationship with. And
21 there is -- towards that relationship there is nothing
22 more important than the land that we have that you have
23 sovereignty over and so this is an important part of
24 that discussion. The Secretary is very familiar with
25 Indian country. He grew up in Indian country in

1 Montana. He is very comfortable with tribes so the
2 establishment and the further growth of tribal land
3 bases and the economic and cultural and community values
4 that brings the tribes he understands are of paramount
5 importance and that is something that we have worked --
6 are working hard on from day one when I came in and even
7 before that. So that I think should be a foundation for
8 us to proceed from.

9 From there and really the focus of today is to
10 talk about acquisitions of land off reservation and
11 that's been something that the Department has done off
12 and on going all the way back to the Indian
13 Reorganization Act. The original regulations really
14 didn't -- you know, didn't come about -- the Department
15 really just operated under the statute until 1980 and
16 that was sort of the first fleshing out of further
17 process through regulations and how this was to be
18 handled.

19 And from that time the regulations have been
20 updated several times and have been changed, including
21 on how to address off-reservation acquisitions as
22 distinguished from on-reservation and what that means.
23 And so today we really want to focus on the
24 off-reservation acquisitions and we have, and hopefully
25 you have in hand, as your tribal leader that lays out

1 some questions that we came up with that we hope will
2 sort of further, you know, push the discussion forward,
3 give us something to talk about and focus on. And so I
4 would like to hopefully to the extent possible kind of
5 cover those. And you don't have to cover them all.
6 When you get up and speak if one of those things really
7 jumps out at you and you want to talk about that, that
8 is perfectly fine. Now, if you have other issues -- and
9 I am not saying that we have thought of every issue in
10 this short list of questions -- if you have other issues
11 that you think are relevant to the discussion as well,
12 of course bring those forward but we do hope to come
13 forward from this today and from the follow-up
14 consultations we are going to have around the country
15 with -- you know, with some answers to these questions
16 for us to process internally and figure out where we go
17 from here.

18 So with that I want to really just turn it over
19 and let's hear from you guys. I hope to spend most of
20 the time hearing from you. We have a great turnout, a
21 lot of tribes here, a lot of tribal leaders. I want to
22 make sure that you all get the opportunity to give to us
23 your message and so I don't want to again talk too much
24 myself. If you have a burning question that you would
25 like us to try to respond to if we can, happy to do that

1 but, again, I would really like to spend most of the
2 time listening to you guys and have you give your
3 message to us.

4 So thank you and let's start off -- Chairman
5 Smith on behalf of the land consortium, would you like
6 to offer a couple comments? And then just to be
7 prepared, next batter up, Vincent Duro from San Manuel,
8 if you could be -- when Chairman Smith is done we will
9 have you come up next.

10 CHAIRMAN SMITH: Good morning. Again, my name
11 is --

12 MR. TAHSUDA: It is not that we don't want to
13 hear you talk.

14 CHAIRMAN SMITH: Good morning, Principal Deputy
15 Assistant Tahsuda, Department of the Interior official.
16 Again, I am Robert Smith, Chairman of the Pala Band of
17 Mission Indians, also Chairman of the California
18 Fee-to-Trust Consortium. I welcome and appreciate the
19 opportunity to have opened today's consultation with the
20 Department's efforts to review the land and the trust
21 process. In the interest of time I will begin a short
22 statement on behalf of the Pala Band that will provide
23 introduction on behalf of the Consortium, which intends
24 to make a short presentation for you today.

25 Again, the Pala Band of Mission Indians is

1 located in northern San Diego County, occupies the Pala
2 Reservation, was established by executive order in 1875,
3 consists of 12,273 of trust and non-trust lands. While
4 our reservation is large by California standards it is
5 nevertheless insufficient to support housing and
6 economic development needs of our large and growing
7 tribal member population since large portions of the
8 reservation are not suitable for development and other
9 tracts are in non-tribal ownership. Relying on the land
10 in the trust developed by the Department of the Interior
11 over 30 years ago, the tribe has developed a
12 comprehensive plan for expansion of our trust lands to
13 support the population in furtherance of tribal
14 self-governance. The plan involves purchase of lands
15 within the contiguous-to-the-reservation boundaries and
16 within our ancestral territory, most of which our tribe
17 actively uses for economic development purposes. In
18 fact, while the tribe has been successful in growing our
19 gaming operation, we are actively aware of the need to
20 diversify our economic development activities to ensure
21 continued vital for our tribal community. And each and
22 every proposed land trust application for the tribe has
23 been undertaken with this in mind and has directly
24 furthered the goals of the Indian Reorganization Act.

25 Through the land and the trust process which

1 much better as a result from Fee-to-Trust Consortium the
2 process is still difficult, costly for Indian tribes.
3 The objective of the land-into-trust program is and
4 should continue to be to facilitate acquisitions of land
5 into trust, promote tribal self-government and
6 sovereignty without the imposition of additional burdens
7 that only serve to make the process more difficult. For
8 that reason the Pala Band opposes any effort of the
9 Department to make the process more encumbrance costly,
10 time-consuming for tribal nations.

11 Regarding Department's questions concerning the
12 direct proposed updates to the land-into-trust process,
13 the Department should not adopt any changes that
14 diminishes the tribes' ability to acquire land into
15 trust. The Department should not impose any new
16 standards, deny land-into-trust applications where such
17 applications meet the goals of the IRA, especially where
18 land lies squarely within the tribe's ancestral
19 territory. The Department should not treat acquisitions
20 and change of land use differently since the goal of
21 furthering self-governance does not require the tribe to
22 develop land. Further, under the NEPA Policy Act
23 applications for purpose of change of land use already
24 trigger a process that normally includes consultation
25 with local governments and independent analysis of

1 potential impacts, mitigations, and alternatives.

2 The Department should not give local or state
3 governments increased role of land-into-trust process or
4 require cooperative agreements as part of the process.

5 Based on our experience, giving state and local
6 governments veto power over federal land-into-trust
7 decisions or tribal land use would be a serious mistake.

8 Although some local governments act in good faith,
9 others will refuse to do so for political reasons. The
10 IRA should apply to all tribes equally, regardless of

11 political conditions in local and state governments. To
12 that end, whether tribes choose to enter into

13 cooperative agreements with state or local governments,

14 this matter is the tribe's sovereign authority. While

15 the tribe appreciates the Department's efforts to take a

16 hard look at the land-into-trust process, we

17 respectfully submit the Department's goal should be

18 streamline the process, decrease regulatory burdens and

19 to approve the process to benefit Indian tribes.

20 Also, with that, Chairman of the Fee-to-Trust

21 consortium, I would like to introduce Dore Bietz of the

22 Tuolumne Band of Me-Wuk Indians. Dore will be making a

23 short presentation on behalf of members of the tribes of

24 our Consortium. The Consortium was formed in 2000 and

25 consists of an average of more than 50 percent tribes in

1 California region. Its purpose is for the tribes to
2 assist the BIA in processing land into trust by
3 requesting allowing the tribal BIA dollars to remain
4 with the Bureau to fund staff devoted to processing
5 land-into-trust applications. The Consortium's
6 formation is the result of a cooperation between
7 California Indian tribes the Pacific regional office.
8 Its formation has allowed the process of hundreds of
9 land-into-trust applications throughout the state. The
10 consortium approach has been successful in California
11 and was recognized by Harvard Project in American Indian
12 Economic Development as 2010 Honoring Nations honoree.
13 The Consortium demonstrates the beneficial
14 government-to-government relationship and -- have on
15 tribes and the Department alike. Again, thank you.

16 MS. BIETZ: (Speaking in another language.)
17 Thank you, Chairman Smith. And to all the tribal
18 leaders, both the Consortium and those in the room, I do
19 apologize to all of you and the elders as my back is
20 turned to you as I speak, but I want to concentrate my
21 comments on to you.

22 Good to see you again, Paula, John. It's been
23 a long time but I am back. So as the Chairman had
24 mentioned I drew the short straw from the group that was
25 working on kind of collective, but I am very happy to be

1 here to talk about something that I truly believe in.
2 And one of the important things that we wanted to do --
3 and again, I don't want to take time away from the
4 tribal leadership because as you can see this is a very
5 important subject for many of our tribes, but we also
6 believe that because this is the first consultation
7 session and this is very important to us, that we want
8 to remind you about who we are and what our history is
9 and why we are a little bit different and a little bit
10 unique here in California and why these proposed changes
11 could be very detrimental to our people.

12 I had a PowerPoint planned and we were hoping
13 to show it, but you will get an e-mailed copy of this
14 because it has some great visuals. But I quickly want
15 to go over a little bit about our history and about some
16 major historical events that kind of shaped some of the
17 laws and the policies. And many of us in the room know
18 these stories and I know that many of our tribal leaders
19 today will stand up and speak to their individual
20 concerns or their individual history, because each one
21 of us is so uniquely different, but really to comprehend
22 some of the land problems we have here in California,
23 you really need to understand some of those historical
24 events.

25 So if we go way back -- and we are talking way

1 back -- I am going to 1848, to the Treaty of Guadalupe
2 Hidalgo between the United States, that large
3 cessation -- you know, cession of land to the United
4 States, including more than 70 million acres, which
5 California Indians asserted that original title, and
6 between 1851 and 1852 there were 18 treaties between the
7 United States and 139 Indian signatories representing
8 one third to one half of California's aboriginal tribes.
9 In the Land Claims Act of 1851 which provided that all
10 lands in California the claim to which was invalid or
11 not presented within two years of the date of that act
12 would pass to the public domain, while treaty
13 negotiations were in progress, the limitations period on
14 all California land claims, including Indian claims, was
15 running as a matter of federal law. California Indians
16 were unaware of the need to present their claims and
17 failed to meet the 1853 statutory deadline.

18 The California Indians' fate was sealed when
19 the Senate refused to ratify those treaties. Deprived
20 of protective legal title to their lands by treaty or
21 formal claim, the California Indians, with the exception
22 of certain bands of Mission Indians protected in their
23 occupancy by early Spanish land grants, became homeless.
24 Had the treaties been ratified, they would have
25 established an Indian land base in California of

1 approximately 8.5 million acres of land. In addition,
2 had Congress required the Attorney General to file
3 claims on behalf of the unlettered and uninformed Indian
4 tribes under the 1851 statute's claim procedure, it is
5 likely that additional California tribes would have had
6 their lands protected from adverse claims.

7 In little more than half a century, the
8 California tribes with few exceptions have been
9 dispossessed of their vast aboriginal homelands and the
10 dwindling numbers of their descendants forced to reside
11 on small, unproductive parcels of lands, isolated
12 geographically, socially, and economically from
13 neighboring non-Indian communities.

14 At the behest of government officials and
15 citizens sympathetic to the economic and physical
16 distress of California Indians, Congress passed special
17 legislation at the turn of the century to acquire
18 isolated parcels of land for homeless California
19 Indians. Between 1907 and 1910 a series of
20 appropriations acts were passed that provided funds to
21 purchase small tracts of land in the central and
22 northern parts of the state for the landless Indians of
23 those areas. These land acquisitions result in what has
24 been referred to as the rancheria system in California.

25 1934 brought another major shift in national

1 Indian policy. Congress passed the Indian
2 Reorganization Act, very important legislation that
3 announced a new federal Indian policy encouraging tribal
4 self-governance and eliminating the absolutist executive
5 discretion previously exercised by the Interior
6 Department and the Office of Indian Affairs. Although
7 many tribes accepted the provisions of IRA, its
8 potential benefit in terms of land acquisition was never
9 realized because its implementation was cut short by
10 another shift in federal Indian policy. Beginning in
11 1944 forces within the BIA began to propose partial
12 liquidation of the rancheria system. California became
13 a primary target of this policy when Congress slated 41
14 California rancherias for termination pursuant to the
15 Rancheria Act of 1958. Under the terms of the Rancheria
16 Act lands were distributed in fee to individual Indians,
17 but the water and sanitation facilities promised the
18 Indians under the terms of the Act were in virtually
19 every circumstance either inadequate or not provided at
20 all. Moreover, the Indians' dire need for adequate
21 housing was not even addressed. As a consequence, most
22 of the distributed lands were rendered uninhabitable and
23 were subsequently sold or passed out of Indian ownership
24 pursuant to tax sales or sales made under duress to
25 obtain the most basic necessities of life.

1 This situation persisted until the late 1960s,
2 when the California tribes, assisted by legal service
3 attorneys, commenced a series of lawsuits to unterminate
4 the California rancherias and restore federal
5 recognition to the terminated California tribes. During
6 the past three decades judicial decisions and
7 settlements have restored federal recognition to most of
8 the terminated California tribes, but most of the
9 original rancheria lands were never restored. Because
10 significant portions of the rancheria land base had
11 passed into private hands following termination, it was
12 usually impossible in the restoration process to
13 reacquire and return those lands to tribal trust status.
14 Even where rancheria lands were restored and the
15 original rancheria boundaries reestablished, private
16 ownership within reservation boundaries has made
17 assertions of tribal jurisdiction difficult. Private
18 land owners often resist and challenge the exercise of
19 tribal authority and local governments simultaneously
20 attempt to exercise jurisdiction. These jurisdictional
21 challenges deplete limited tribal resources and
22 complicate tribal planning and economic development
23 initiatives.

24 I had a pretty awesome map to show you about
25 California pre-Columbian contact where basically we

1 occupied pretty much everywhere here in California, and
2 then another map showing where during those 1851
3 treaties those intended areas to reserved for the tribal
4 communities. And then I have a map that shows what is
5 in trust today. So currently in California there are,
6 what, 110 federally recognized tribes holding over
7 531,000 acres of trust land, including those trust lands
8 under individual ownership usually in the form of public
9 domain allotments. I think it's about 15 largest tribes
10 hold over 358,000 thousand acres of land, or greater
11 than 75 percent of all California trust lands. The
12 remaining 95 tribes have extremely small land bases.
13 Roughly about 40 of the 52 tribes in Central California
14 Agency have around 200 acres.

15 The smaller allocation of land in California is
16 an artifact of the unique history of California tribes.
17 Many tribes around the nation were able to retain large
18 blocks of land to exercise their tribal sovereignty.
19 Among all regions of the Bureau of Indian affairs, only
20 Juneau, Alaska has less land per tribe than California.
21 Most tribal land resides in remote locations with minor
22 economic value. This makes it extremely difficult for
23 tribes to create and support a vibrant economy for the
24 communities and people. Meanwhile, the United States
25 government distributes several funding and other

1 benefits to tribes based on formulas of how much land a
2 tribe has. Often when a tribe can afford to build
3 housing or community facilities, the land is not
4 suitable and acquisition of new land is required. No
5 matter which way a tribe turns, land is key to tribal
6 sovereignty, tribal self-determination, and an absolute
7 necessity for serving the requirements of tribal members
8 at a local level.

9 Chairman Smith spoke of the tribes in
10 California in the about 1998 -- so 1999 we were doing
11 this. You know, we were going around the country,
12 talking about regulations, but a group of central
13 California tribes realized that there was a problem and
14 they wanted to make it a priority. And over the years
15 while we have been able to purchase lands it's been very
16 hard to convey those parcels into trust status. So 1998
17 many of the tribes within central California agency
18 developed the land acquisition subcommittee of the
19 Central California Advisory Board. That committee was
20 asked to look at why the BIA took so long to process
21 land into trust and what could be done to improve the
22 overall process. There were many issues that surfaced,
23 including lack of staff within the BIA, which caused a
24 backlog, lack of knowledge in the process and
25 unfamiliarity of what was required by regulations.

1 Tribes were often told that their applications were
2 incomplete and therefore could not be processed or that
3 it was not a priority within the Department. As a
4 result the tribes began to develop a standard package
5 for submitting applications and looked for ways to
6 streamline the process.

7 The idea for a consortium was developed by that
8 committee and a group of tribal leaders who saw the need
9 for change in approach to processing fee-to-trust
10 applications within the Pacific region. While the
11 consortium only began with a few, it's now blossomed to
12 a very large, successful -- and sometimes -- some years
13 we have over 70 member tribes in that consortium. The
14 idea was really to solve many of the excuses that tribes
15 were receiving. Modeled after the trust consortium,
16 tribes left money from their individual TPAs for hiring
17 realty and environmental staff who could process and
18 concentrate only on fee-to-trust applications. It took
19 several meetings and long discussions but the end result
20 was an initial agreement between the tribes and the
21 regional director and, as Chairman Smith said, in 2000
22 the California Fee-to-Trust Consortium was born.

23 Currently right now, because we just started a
24 new year, we are at 34 member tribes. Total
25 applications that are sitting in that consortium are

1 166. Total acreage in the process is 13,722.44 acres.
2 And since 2000 the amount of land that's been taken
3 under trust through the consortium has been 28,196.5
4 acres of land.

5 One of the things that we are happiest or proud
6 of most is the relationship we have with the Pacific
7 regional office. And I want to thank Amy Dutschke, her
8 staff and the leadership on both sides, the tribal
9 leaders and the Bureau of Indian Affairs leadership at
10 working together to make sure that we are meeting the
11 requirements of the regulations.

12 While the summary sheet of consultation drafts
13 suggests revising existing regulations specific 151.11
14 for off-reservation and 151.12 for action on request,
15 you can't help but believe that the 10 questions
16 proposed for actual consultation sessions delve really
17 into the entire process and some of the fundamental
18 facts within the taking of land into trust. And I think
19 one of the things that we want to do is highlight the
20 need to grant those fundamental principles, like the
21 intent of the IRA. There are comments about creating
22 two categories, off-reservation gaming versus
23 non-gaming. We also hear a lot of comments that these
24 proposed changes create a land use approval process
25 aimed at really regulating gaming. Tribes across the

1 country are agreeing on several things and we do talk
2 amongst each other, as you know, and you will hear
3 throughout the consultation sessions throughout Indian
4 country some of those same key points. Reinstatement of
5 the 30-day stay before taking the land into trust
6 invites litigation. It is bad enough that we have
7 opposition from every angle. Lack of consultation with
8 tribes -- while you are here today, truly the process
9 seems to be rushed and disingenuous. This is felt by
10 many of our tribal leaders. And no offense, but you are
11 coming to California with 110 tribes. We are going to
12 have to at least have 200, 300 chairs. Sorry. I had to
13 say that.

14 Some of our fundamental comments -- let's start
15 with the huge cost borne by tribes. The IRA authorized
16 the appropriation of federal money to acquire land for
17 tribes, but Congress stopped appropriating money for
18 general land acquisitions in the 1950s, same as the
19 timber nation era. Accordingly, other than the very
20 small tracts of lands rancherias purchased in the 1910s
21 with the federal government, for the last 65 years
22 California tribes have had to purchase lands with their
23 own money. Do you know how much it costs for an acre of
24 land in California today? It is crazy, depending on
25 where you live. And the minute you find you are a tribe

1 that price doubles, if not quadruples.

2 Since NEPA was adopted in 1969 this has meant
3 that tribes have had to pay also for their own or the
4 Department's NEPA compliance. Since the Supreme Court
5 mangled, for a better word, the Carciere decision in
6 2009, some tribes now being treated as second-class
7 citizens are forced to incur additional huge expenses to
8 also demonstrate that they were under federal
9 jurisdiction in 1934. The tribes most diversely
10 affected by these costs and by the ever-increasing
11 numbers of hurdles to trust acquisition that have been
12 erected since the IRA was enacted are the ones that can
13 least afford these costs. Often landless and land-poor
14 tribes are forced to borrow significant sums of money to
15 navigate this process.

16 The uncertainty -- this is another comment --
17 the uncertainty caused damage -- and we will talk again
18 about this Carciere decision has harmed California
19 tribes. The Supreme Court's decision caused significant
20 economic and other damage to tribes. For several years
21 after the opinion was rendered affected tribes had a
22 hard time borrowing money to acquire and develop land
23 because the banks, like everyone else, could not easily
24 determine which tribes were eligible for the IRA and
25 which were not. After nearly two years of allowing this

1 uncertainty to run rampant, the Department finally
2 provided guidelines to reduce the confusion, eventually
3 codifying those guidelines in an M opinion. In the
4 several years since the opinion was issued the federal
5 courts have unanimously and repeatedly adopted those
6 same guidelines. Sound public policy counsels in favor
7 of maintaining certainty so that tribal job-creating
8 government and economic development projects are not
9 threatened by yet another round of new interpretations
10 of the Carcieri decision. There is no benefit to nor
11 justification for adopting a more stringent test than
12 what has already been adopted by the courts. Any such
13 new restrictions must be viewed as job-killing
14 additional federal administrative hurdles at direct odds
15 with the administration's pledge to reduce such hurdles.

16 The 10 questions that you asked -- excuse me --
17 what should the objectives of the land-into-trust
18 program be? What should the Department be working to
19 accomplish? The objective of the land-into-trust
20 program should be to facilitate the timely acquisition
21 of land into trust to promote tribal self-determination
22 and self-sufficiency, both on and off reservation,
23 without the imposition of unnecessary and expensive
24 regulatory burdens that serve no reasonable purpose
25 other than to create a chilling effect on tribal efforts

1 to rebuild their land bases.

2 How effectively does the Department address
3 on-reservation land into trust? Well, many tribes will
4 not be able to answer this question because there is no
5 fee land located within the reservation boundaries to
6 acquire, especially here in California. This fact
7 underscores the importance of ensuring that the
8 land-into-trust regulations are implemented in a way
9 that benefits all tribes, including the many tribes with
10 small reservations or no reservations at all. As
11 already stated, it is taking our tribe over 100 years to
12 acquire 500 acres. And I will talk about Tuolumne
13 later, but that's the same and that's -- could be --
14 that's a lot for many of the tribes.

15 How many acres is really enough? For us we
16 have -- as tribal communities as you can see we are just
17 now at the process of actually being able to afford the
18 land or the land is becoming available for us to
19 purchase. One of the questions -- and I think how
20 effectively does the Department address on-reservation
21 applications? If you could continue to identify
22 contiguous land as on reservation, then for us there's
23 been some great movement, but when you don't have
24 on-reservation from which to acquire, then you are
25 definitely thrown in the off-reservation regardless.

1 And in California that is a lot of our tribes.

2 What criteria should the Department consider
3 when you are approving or disproving off-reservation
4 trust acquisitions? You could preserve regulatory
5 certainty by continuing to use the existing criteria
6 already enumerated in 25 CFR part 151. And I think we
7 want to really oppose the addition of any further
8 criteria as they serve no reasonable policy function and
9 appear intended to have a chilling effect on acquiring
10 more off-reservation trust land. The current criteria
11 provides a more adequate basis for the Department to
12 make a decision on whether to approve or disapprove an
13 off-reservation application.

14 One of the questions also too that was asked
15 that we would like to highlight real quickly, whether
16 the application involves no change in use. Again, there
17 is no reason to use different criteria or procedures for
18 processing off-reservation applications where no change
19 in use is involved, as existing regulatory requirements
20 in 25 CFR part 151 already take this into account. The
21 regulations require the tribe submitting fee-to-trust
22 applications comply with NEPA, and the BIA's
23 NEPA guidebook and the Department manual provide for a
24 categorical exclusion for approvals of conveyances or
25 transfers of interest in land where no change in use is

1 planned. So the short answer is no. Building a
2 shopping center with services such as a gas station or
3 grocery store is way different from building a casino,
4 and both of the examples are different than no change in
5 use.

6 What are the advantages, disadvantages of
7 operating on land that is in trust versus land that is
8 owned in fee? Any Indian tribe can acquire
9 off-reservation land in fee anywhere in the United
10 States. A subsequent decision to submit an application
11 to have land taken into trust by the United States for
12 its benefit is based on multiple factors, depending on
13 the intended use of the land. For instance, if a tribe
14 intends the off-reservation land to be used for or to
15 conduct gaming under the Indian Gaming Regulatory Act,
16 the land will have to qualify as Indian lands. We do
17 not believe that the general inquiry into the advantages
18 and disadvantages of placing land into trust is either
19 useful or relevant. That inquiry will be made by an
20 applicant tribe before it decides to submit a trust
21 application for a particular parcel, and if it decides
22 that placing the parcel of land into trust is in its
23 best interest, that decision should not be
24 second-guessed by other entities.

25 One of the questions about the Department

1 recognizing and balancing the concerns of state and
2 local jurisdictions, which -- what weight should the
3 Department give to public comments? The IRA does not
4 empower the Secretary to recognize and balance the
5 concerns of state and local jurisdictions in acquiring
6 land for tribes. As Congress provided no such
7 direction, either in the text of the statute or the
8 legislative history of the IRA, nor does the IRA
9 contemplate a role for public comments in the trust
10 acquisition process. Rather, under the IRA the
11 Secretary is to exercise his powers in order for the
12 economic development and self governance amongst tribes.
13 While the Secretary may exercise discretion, this
14 discretion is limited by the text and purpose of the
15 statute. The Secretary is not empowered to act outside
16 of the guidelines expressed by Congress.

17 In contrast, nowhere does either the text or
18 the legislative history of the IRA even hint at such a
19 balancing test, and we feel that the Secretary similarly
20 considers the concerns of state and local jurisdictions
21 and the general public when undertaking like most trust
22 acquisitions that may implicate NEPA. So it is there
23 already.

24 I wanted to finish just with the last two about
25 the MOUs and about whether MOUs and other similar

1 cooperative agreements between tribes and state and
2 local governments help facilitate. Tribes and state and
3 local governments routinely enter into government --
4 enter into intergovernmental agreements to facilitate
5 all manner of activity. These agreements address the
6 complexity, uncertainty, and cost of state and tribal
7 jurisdiction in Indian country. These agreements
8 address the economic or environmental impact. While
9 these agreements often make good policy, their execution
10 remains by definition the prerogative of the respective
11 sovereign governmental signatories. As noted above, the
12 IRA does not contemplate the participation of state and
13 local governments in the fee-to-trust process. It would
14 therefore be both paternalistic and contrary to the
15 plain language and intent of the statute for the
16 Secretary to impose such a requirement as part of the
17 trust acquisition process.

18 Last, what recommendations would you make to
19 streamline? Shorten the processing time. Allow the
20 regional director to review and approve off-reservation
21 applications and do not reinstate the 30-day judicial
22 review period.

23 On behalf of the consortium, again, thank you,
24 Chairman Smith and the tribal leaders. I am sorry that
25 I took so much time. I will e-mail this to you and

1 anyone else that wants it, but I think it is so
2 important to understand the unique history in
3 California. And I know that you will hear from tribal
4 leaders today about their particular history and their
5 particular circumstances and why we are different and
6 this "one rule for all" will not fit here in California.
7 Thank you.

8 MR. TAHSUDA: Should we move the mic back? I
9 feel like you guys are talking right in my face.
10 Thanks, Vince. Good to see you again.

11 THE DEPONENT: Good to see you. (Speaking in
12 another language.) Good morning, department officials
13 and Mr. Principal Deputy Assistant Secretary John
14 Tahsuda. My name is Vincent Duro, vice chairman of San
15 Manuel Band of Mission Indians located in Southern
16 California near the city of Highland.

17 Tribal trust land is fundamental to the
18 sovereignty of Indian tribes. The Department of the
19 Interior in adherence to its role as trustee must
20 embrace the policy that supports tribal government
21 reacquisition of aboriginal lands lost as a direct
22 consequence of misguided federal laws and policies
23 towards native governments and their people. The
24 Congress and the Department have long repudiated harmful
25 land policies of the past. This administration should

1 not turn back to those failed Indian land policies of a
2 bygone area.

3 Two guiding principles of modern federal Indian
4 policy are critical for the United States to follow in
5 undertaking any proposed revision to the fee-to-trust
6 process, which should be free of burdensome regulations
7 and unnecessary bureaucratic delays to facilitate tribal
8 self-determination through the reacquisition of native
9 aboriginal homelands occupied by native people since
10 time immemorial.

11 First, any revised federal regulation must ease
12 the standards for tribes to reacquire lands within
13 demonstrable aboriginal territories, not make
14 reacquisition more difficult. On-reservation versus
15 off-reservation distinctions should be rejected for
16 relying on the false premise that tribal homelands are
17 the same as existing reservation lands.

18 Second, the unique government-to-government
19 relationship between the tribes and the United States
20 must guide federal policies related to tribal land
21 reacquisition. Federal fee-to-trust policy cannot favor
22 counties and local governments over tribal governments.

23 For centuries my Serrano people, known in our
24 language as Yuhaaviatam or the People of the Pines,
25 occupied and thrived throughout the lands located in the

1 San Bernardino and San Gabriel mountains and the
2 foothills, as well as the Mojave and Santa Ana River
3 watersheds in an area encompassing nearly 7 million
4 acres.

5 In 1980 -- excuse me -- in 1891 President
6 Benjamin Harrison established the San Manuel Indian
7 reservation by executive order, setting aside small -- a
8 small land area of just 640 acres in the steep foothills
9 of the San Bernardino Mountains. Through fee-to-trust
10 acquisitions our reservation has grown to a modest
11 966 acres of tribal trust land. We have historically
12 faced serious threats from natural disasters on our
13 reservation as a result of wildland fires, mudslides and
14 earthquakes. In particular, the notorious San Andreas
15 fault as well as other faults traverse our land and
16 hampered development of many areas within the
17 reservation.

18 As we have worked hard over generations to
19 build a strong tribal government, economic enterprises
20 and community of residents, we are now faced with a
21 severe shortage of buildable land. It is essential to
22 the growth and self-sufficiency of tribal communities
23 that any revised regulations ease the standards for
24 tribes to reacquire their demonstrable aboriginal
25 territories, rather than make the process more

1 difficult.

2 San Manuel's community has experienced
3 significant growth over the past two decades and that
4 growth is projected to continue. Our government gaming
5 enterprises and government organization have grown to
6 where we are among the top 10 employers in the San
7 Bernardino region, with more than 4,300 employees.
8 Young tribal citizens seeking housing find themselves
9 placed on waiting lists for available reservation home
10 sites. The growth of our tribe has created an urgent
11 need for additional work and living space on our
12 geographically challenged land base. For these reasons,
13 new lands must be acquired outside our existing
14 reservation and fee-to-trust regulations must make it
15 easier for tribes to reacquire lands within their
16 demonstrable aboriginal territories.

17 Further adopting an on-reservation and
18 off-reservation distinction in the fee-to-trust process
19 creates barriers to growth, sustainability, and
20 self-determination and ignores the cultural relationship
21 tribes have with their aboriginal territories. Our
22 relationship to the totality of our ancestral territory
23 is fundamental to who we are. It is where hundreds of
24 generations of our children have been born, the location
25 of our villages where they were raised, and where our

1 ancestors are laid to perpetual rest. It is within this
2 traditional use area that you will find the plants,
3 animals, and water that still sustain and heal us, as
4 well as the physical manifestations of our creation
5 story, our history, and our most sacred places where we
6 still practice ceremony. It informs every part of our
7 existence and instructs us about how not only to survive
8 but thrive. Lands acquired by San Manuel, whether for
9 government offices, housing, a health clinic, or gaming,
10 and transferred into federal trust status reflect the
11 reacquisition of lands to which the tribe has an
12 aboriginal or historical connection. The federal trust
13 duty to Indian people is not fulfilled when the
14 fee-to-trust process gives states and local governments
15 a type of veto power over tribal land acquisitions.

16 While San Manuel has built a positive and
17 cooperative relationship with San Bernardino County and
18 other local governments, we know that tribes in other
19 parts of California must deal with county officials who
20 advance hostile anti-tribal sovereignty positions.
21 Unfortunately, the Department's earlier proposal
22 elevates county and local interests in a way that
23 diminishes the federal trust responsibility to tribes
24 and fails to propose ways to streamline the fee-to-trust
25 process. Further, the proposal is contrary to the

1 mandate of the administration to reduce or eliminate red
2 tape and ensure that tribal sovereignty, quote, unquote,
3 "means something."

4 Such a policy would run -- would also run
5 contrary to the intent of Congress. The part 151
6 regulations implement the trust land acquisition
7 authority delegated to the Secretary by the Indian
8 Reorganization Act of 1934 or IRA. The IRA was
9 primarily intended to redress the effects of the
10 discredited past policies of allotment and assimilation.
11 To help restore tribal land bases, the IRA delegates
12 authority to the Secretary to acquire lands in trust,
13 both, quote, "within or without existing reservations,"
14 end quote. Thus, the core, long-standing policy
15 underlying the Department's land acquisitions
16 regulations has been strengthening tribal governments by
17 providing a tribal land base on which tribal communities
18 could flourish and grow.

19 Finally, before moving forward with any
20 proposed regulatory change, the Department should wait
21 for the confirmation of the new Assistant Secretary for
22 Indian Affairs and ensure the Department's team is fully
23 in place. As our trustee, the Department can then
24 determine whether any proposed regulatory change helps
25 or hurts the vast majority of tribes. The Department

1 must carefully listen, review, and respond to the many
2 varied concerns expressed by the tribes during this
3 consultation session and all future sessions before any
4 changes are considered or implemented.

5 Thank you for the opportunity to provide
6 comment today.

7 MR. TAHSUDA: Thank you, Vice Chairman.

8 So next up, Christina Kazhe.

9 All right. We will move on. Chairman
10 Melendez.

11 CHAIRMAN MELENDEZ: First of all, I would like
12 to -- my name is Arlan Melendez. I am Tribal Chairman,
13 Reno-Sparks Indian Colony located in Reno, Nevada,
14 Washoe, Paiute, Shoshone people. I also have today with
15 me our Vice Chairman, Doug Gardipe, and our treasurer,
16 Robin Eagle out of our tribal counsel, and some of our
17 staff along with us here.

18 First of all, I just want to comment on -- I
19 agree with what everybody has said and I also would like
20 to focus on the National Congress of American Indians'
21 position on the streamlining of the NEPA process. NCI
22 believes the Department should begin its approach by
23 asking the solicitor's office in conjunction with the
24 BIA environmental review staff to explore possible
25 categorical exclusions that may be helpful in reducing

1 costs and delays in the fee-to-trust process. We note
2 that over the years tribes have supported additional
3 categorical exclusions to help reduce the burden on
4 applicants and assist the Department with its National
5 Environmental Policy Act compliance. Proposing
6 additional categorical exclusions falls within the
7 Department's current initiatives to reduce regulatory
8 barriers, streamline process, and reduce costs to tribes
9 for the land acquisition process.

10 One of the most important things to tribes --
11 and my tribe has been successful in the city of
12 Reno-Sparks in taking land into trust and hopefully we
13 don't want to see changes that would be detrimental to
14 the current process to make it harder. It should be
15 made easier for us. Two things we want to focus on.
16 One would be the time it takes to take land into trust,
17 to try to reduce that, and also to reduce the costs of
18 what it costs to go through this NEPA process. As you
19 know, some tribes are fortunate to be able to work with
20 local governments, county and city officials and try to
21 get concurrence from them during this process and even
22 maybe prior to that.

23 What we would like to see as far as the
24 categorical exclusions, and we think they are needed, is
25 if local governments support the trust application for

1 any reason, then a categorical exclusion should be
2 supported by the Bureau. And also if local -- if the
3 local master plan or land use plan or zoning would have
4 been allowed -- would allow the tribal project even
5 without the Bureau approval, then it should be also a
6 categorical exclusion. So we think that, you know, when
7 we put in a lot of work to build these relationships,
8 then basically those should be automatic.

9 Let me give you an example of what I mean. We
10 are concerned about the Bureau of Indian Affairs'
11 interpretation of some of these policies and we have to
12 be consistent to everyone across the United States to
13 the tribes. Our tribe in the city of Reno has economic
14 development parcels. We had an auto dealership on one
15 parcel and these were located out in basically
16 agricultural type of -- basically it was a cow pasture.
17 So we bought these on the outskirts of Reno. And when
18 we established a auto dealership there was another
19 parcel, basically a cow pasture. We purchased that also
20 for expanded parking lot to the same auto dealership and
21 were expecting a categorical exclusion, but we actually
22 ended up with the environmental assessment which, as you
23 know, the environmental assessment can cost nearly
24 \$45,000 and it can take up to three to six months. And
25 as you get into the Environmental Impact Statement,

1 those could take two or three years and run you two or
2 three hundred thousand dollars. So we are just saying
3 that is an example of where the interpretation has to be
4 consistent and we would like to see these categorical
5 exclusions broadened so that they would support tribes
6 that have done a lot of work with the local governments
7 to -- and we are not opposed by them.

8 So I just want to thank you for that comment
9 and staff will probably comment a little later on some
10 more specifics having to do with the NEPA. So thank you
11 very much.

12 MR. TAHSUDA: Thank you, Chairman. Chairman
13 Potter.

14 CHAIRMAN POTTER: Good morning, Principal
15 Deputy Assistant Secretary Tahsuda and Deputy of the
16 Interior (sic) officials. I am Jack Potter, Junior,
17 Chairman of the Redding Rancheria. And I thank you for
18 the opportunity to comment on the Department's proposed
19 changes to the land-into-trust process today.

20 The Redding Rancheria is located in Redding,
21 California, and we are comprised of the descendents of
22 three Northern California tribes, the Pit River, Wintu
23 and Yana people, whose ancestral territory covered large
24 portions of Northern California from Mt. Lassen to
25 Mt. Shasta, which consisted of about 11 million acres

1 and the surrounding area. Our ancestors were among
2 those who signed the infamous 18 unratified California
3 treaties -- in fact, I am a descendant of one of those
4 signatories -- which were never honored by the United
5 States but which would have set aside over 8.5 million
6 acres of land for California Indian people.

7 Today, unfortunately, tribal trust lands in
8 California are a mere fraction of that number. The
9 Redding Rancheria originally consisted of roughly
10 31 acres and was set aside for our exclusive use and
11 benefit in the early 1920s. But in 1958, pursuant to
12 the California Rancheria Act, the United States
13 terminated our government-to-government relationship and
14 divided the rancheria in parcels that were distributed
15 to 17 tribal members in fee.

16 Fortunately, as a result of the litigation, the
17 tribe's government-to-government relationship with the
18 United States was restored in 1984. That restoration
19 included a commitment by the United States to reacquire
20 the original rancheria lands in trust and to treat the
21 tribe's land-into-trust applications in the rancheria
22 boundaries as mandatory acquisitions. This was supposed
23 to remedy the devastating effects of the United States'
24 termination policy and streamline the process for
25 restoring the trust status of our original rancheria.

1 Unfortunately, that has not been the reality.
2 In the early years after restoration the tribe struggled
3 to secure funds to reacquire our rancheria lands. It
4 was only the result of the tribe's own economic
5 development activities that the tribe, without the
6 assistance of the United States, was able to purchase
7 back several parcels within the rancheria boundaries,
8 yet nearly 34 years after our restoration we have still
9 been unable to restore the rancheria to trust status.

10 Today, the tribe owns just under one half of
11 the rancheria lands and only 8.5 acres of the rancheria
12 have been restored to trust status. Even if the tribe
13 is able to restore the entire rancheria to trust status,
14 the tribe would still be left with an insufficient land
15 base to support our people. With a tribal member
16 population of 378, the rancheria lands are vastly
17 inadequate to meet our housing and economic development
18 needs and goals. Furthermore, our rancheria lands are
19 bordered by a county irrigation canal, a creek, a
20 highway, and multiple private landowners, making the
21 acquisition of contiguous lands nearly impossible.

22 As a result, we have had to look beyond our
23 rancheria boundaries and immediately neighboring lands
24 for other lands available to the tribe that can be used
25 for housing and economic development purposes. Through

1 careful and thoughtful planning, the tribe has been able
2 to acquire and develop several economic development
3 ventures to support our growing member population. We
4 count among these ventures a gas station, a mini-mart,
5 hotel, and a medical facility building. While each of
6 these businesses are located squarely within our
7 ancestral homeland and they are less than 10 miles from
8 the rancheria boundary, they are subject to the more
9 extensive review process for off-reservation
10 land-into-trust acquisitions under the current part 151
11 procedures. Placing additional burdens on the tribe
12 with regard to the trust acquisition of these parcels
13 would seriously undermine our ongoing efforts to develop
14 an economically viable homeland, capable of supporting
15 our tribal member population, and would unfairly benefit
16 the local non-tribal community, who already has a
17 significant voice in the land-into-trust process.

18 In addition, many years ago the tribe set in
19 motion a long-range plan for the relocation of our
20 existing gaming facility from our small, predominantly
21 residential rancheria community to a larger parcel zoned
22 for commercial development and separate from the tribal
23 and non-tribal residential neighborhoods. We initially
24 requested that the United States acquire this land in
25 trust in 2003 and since that time have invested

1 significant time and tribal resources toward the
2 proposed acquisition. We embarked on this endeavor in
3 reliance on the land-into-trust process as it stands
4 today.

5 Now, 15 years following this request, we are
6 finally making our way through the land-into-trust
7 process and as part of that process we are actively
8 engaged with the local government and community
9 regarding our proposed development. The tribe has
10 always understood and appreciated the importance of
11 having a positive relationship with our surrounding
12 community and has and continues to actively engage in
13 efforts to foster that relationship. We do not believe
14 it is necessary or appropriate for the Department to
15 dictate when or how we cooperate with our local
16 government.

17 In closing, the tribe respectfully requests
18 that the Department refrain from making changes to the
19 current land-into-trust process, especially if those
20 changes make the process more difficult or costly for
21 Indian tribes, and changes to the land-into-trust
22 process should be aimed at streamlining the process and
23 furthering the goals of the Indian Reorganization Act to
24 provide housing or economic development for tribal
25 communities and to further self-government and

1 self-determination for tribal nations.

2 And the land that we have received in the past,
3 allotments and everything -- there was 900 individual
4 allotments that were given to our people within those
5 areas, and all of them are flooded over by Shasta Dam,
6 and the dam was built without compensation, which made
7 us homeless in our homeland again. We were relocated
8 five times to the Nomakult reservation from our
9 homelands. We returned home. Then we were sent over
10 the hill to Kovelow. We went hunting and we found our
11 mountain and we returned home. They sent us back and
12 the pass was snowed in so they sent us to Tejon. And we
13 find ourselves homeless in our own homeland. Thank you.

14 MR. TAHSUDA: Thank you, Chairman.

15 Chairman Cozart, Soboba Band?

16 CHAIRMAN COZART: Good morning. My name is
17 Scott Cozart and I have the honor to be the Chairman of
18 the Soboba Band of Luiseno Indians. We are located in
19 Southern California at the foothills of the San Jacinto
20 Mountains and the banks of the San Jacinto River. The
21 Soboba tribe is governed by an elected five-member
22 tribal council. And here with me today is our vice
23 chairman, Isaiah Vivanco, our tribal administrator, who
24 is also a tribal member, Mike Costello, and two of our
25 warriors, Devon Lonayesva and Loretta Tuell.

1 Today as representatives of the United States
2 you are here to listen and hopefully to learn. As
3 Chairman of the tribe I am here to talk to you about the
4 Soboba tribe, our unique history, challenges and
5 opportunities for a brighter future, a future that
6 requires a secure homeland, one with a sufficient land
7 base to advance our self-determination and
8 self-governance needs far into the future. The tribe
9 will submit written testimony to address the formal
10 record, but today our tribe would like to give you an
11 overview of our story, one that is similar but different
12 from every tribe here today.

13 We know that all tribes have their own stories,
14 but the one thing that unites us all is our need for a
15 secure and stable homeland. The Soboba people believe
16 our sovereignty is weakened without a strong land base
17 and the basic needs for survival. What is our
18 sovereignty without land, without water, without
19 housing, without health care, without schools, and
20 without economic development? Our land base and
21 resources must grow as we grow our tribal communities.
22 As our federal trustees it is important that you
23 understand and fulfill the duties and responsibilities
24 of your offices. This means more than coming to listen
25 for a few hours. It requires that you consider our

1 history and the past policies of the federal government.
2 This means you need to consider the impacts of our
3 proposed policy changes on the trust between us, this
4 trust relationship, before you seek to enact them. The
5 Soboba tribe firmly believes that when all the promises
6 to our people have been fulfilled, then we can talk
7 about whether we need more regulations. Until then, any
8 new policies should make things better, not worse.

9 Let me say that we appreciate that you are here
10 in California today, but there are more BIA regions that
11 will not get this same opportunity. This is a mistake.
12 We also believe that President Trump's nominee for
13 Assistant Secretary of Indian Affairs should be present
14 to learn about the unique history of California and more
15 specifically our tribe. It is premature to advance such
16 significant changes without a confirmed Assistant
17 Secretary. While we also appreciate that the Department
18 has pulled the original proposed regulatory changes to
19 undertake these new consultations, the Soboba tribe
20 believes the post-rationalism for your original failure
21 to consult is not enough. Consultation after the fact
22 is not consultation.

23 Further, the tribe is skeptical that those
24 original proposed regulatory changes will not resurface,
25 regardless of the testimony received from Indian Country

1 here today, consultation and the future planned
2 consultations. The tribe also continues to question the
3 labels used in this effort to make things better, like
4 off-reservation and the assertion of gaming under the
5 land acquisition process, words we believe incite
6 division among our tribes and further create wedges
7 between our non-Indian neighbors. The tribe reacquiring
8 our traditional homelands should not be categorized as
9 off-reservation. Instead, we are restoring our
10 traditional lands and reviving our communities.

11 As our trustee, your obligation is to seek to
12 fulfill the purpose and intent of the treaties, the
13 Constitution and statutes like the Indian Reorganization
14 Act. Department's role as trustee is not to advance the
15 perceived needs of the state and local communities over
16 our tribal interest. Indeed, that would be a breach of
17 your duty. Rather, it would be more appropriate if any
18 proposed changes to the land-into-trust process truly
19 did streamline the process by reducing the time and
20 money spent on a lengthy regulatory process.

21 Yet the answer proposed in the draft
22 regulations didn't help. Instead, the tribes were given
23 a pathway for an expedited "no," a pathway that
24 predetermines the application is faulty. An affirmative
25 "yes" pathway would seem more appropriate and could

1 speed up the process. A speedy "no" is not a solution.

2 With that said, please let me share with you a
3 little history of the Soboba tribe. Since time
4 immemorial the descendants of the Soboba Band have lived
5 on and occupied the land presently known as the cities
6 of San Jacinto, Hemet, Valle Vista and Winchester and a
7 few others. Today our reservation is geographically
8 located across the river from the city of San Jacinto.
9 Our nearby neighbor tribes are Morango, San Manuel, Agua
10 Caliente, Pechanga and a few others. Soboba's tribal
11 members have a rich and diverse tribal history, as
12 members come from both Cahuilla and Luiseno ancestry.
13 Prior to both Mexican and American settlement in the
14 valley, the people of Soboba were virtually
15 self-sufficient. The Soboba people farmed land that was
16 irrigated with surface water from the San Jacinto River,
17 two of its tributary streams, Poppet and Indian Creeks,
18 and from more than 40 perennial springs. These water
19 sources sustained gardens, animals, and orchards.

20 During the Spanish and Mexican rule in
21 California the Soboba Indians were recognized as an
22 established Indian community. In 1842 after the
23 missions were secularized, the San Jacinto Rancho Viejo
24 was granted to Jose Estudillo, with a stipulation that
25 "the new landowner shall not in any manner prejudice the

1 Indians who are established on said lands." Starting in
2 1868 the heirs to the Estudillo family began selling
3 various portions of the Rancho San Jacinto Viejo and by
4 1880 most of the rancho lands had been sold and the
5 Soboba people were left with no legal claim to their
6 land or water.

7 It was during this time that Matthew Burn of
8 San Bernardino was awarded 700 acres on the northeastern
9 side of the San Jacinto Valley, including the village of
10 Soboba, its cultivated fields, and all the water.
11 Mr. Burn planned to graze sheep on his land and at first
12 allowed the Soboba people to remain living there.
13 However, a few months later he changed his mind and
14 threatened to evict the Indians unless the U.S.
15 government paid him for his 700 acres. In response, on
16 June 9, 1883, President Chester Arthur by executive
17 order established the Soboba Indian reservation, a
18 3,172-acre tract which included the Soboba village and
19 the adjacent hills. The President had limited authority
20 as he was only able to set aside public land for the
21 establishment of a reservation and had no authority to
22 take private lands; thus, the Soboba village, cultivated
23 lands and major springs were still considered to be part
24 of Rancho San Jacinto Viejo and the property of
25 Mr. Burn.

1 In November 1883 Burn was granted his eviction
2 order and an appeal was filed before the California
3 Supreme Court. On January 31st, 1888 the California
4 Supreme Court ruled unanimously in favor of the Soboba
5 people. For the first time the state's high court voted
6 to uphold the land rights of an individual Indian tribal
7 group. Unfortunately, the California Supreme Court
8 decision was reversed a year later by the United States
9 Supreme Court. Although we did not have legal title,
10 the people of Soboba remained on their lands.

11 In 1903, after Burn and later his heirs failed
12 to pay taxes, the State of California seized the lands.
13 In a major victory, the California Legislature was
14 persuaded to sell the Soboba part of the seized lands to
15 the federal government for \$775. The deed was recorded
16 on September 11th, 1911, and the last legal title -- and
17 at last legal title was held in trust for the Soboba
18 tribe.

19 But this is not the end of our story. In 1933
20 the Metropolitan Water District of Southern California
21 began constructing a tunnel through the San Jacinto
22 Mountains as part of its Colorado River aqueduct
23 designed to supply water to Southern California. The
24 San Jacinto tunnel, 16 feet in diameter and over 13
25 miles long, passed within three and one-half miles of

1 the Soboba reservation. The tunnel's destruction of the
2 reservation surface streams and creeks left the people
3 of Soboba without water and destroyed the last remnants
4 of their once flourishing agricultural economy.

5 Eventually, Soboba filed suit against
6 Metropolitan for the San Jacinto Tunnel, and after
7 prevailing in a series of additional motions filed by
8 Metropolitan, the parties agreed to a stay of the
9 proceedings to seek a settlement. The ensuing
10 settlement negotiations, which spanned the following
11 decade, ultimately led to an agreement. In 2008
12 President George W. Bush signed the Soboba Band of
13 Luiseno Indians Settlement Act which brought closure to
14 more than 150 years of conflict and decades of
15 litigation. Importantly, the settlement included lands
16 for the tribe. At the time, the Soboba tribe received
17 assurances from Secretary of the Interior Dirk
18 Kempthorne that our lands would be placed into trust in
19 an expedited process. These lands included those
20 outlined in the settlement, as well as 535 acres
21 contiguous lands known as the Horseshoe Grande property,
22 the site for our new casino project. The application
23 for the adjacent lands to the reservation received the
24 moniker of off-reservation and eventually took about
25 12 years to be placed into trust and cost billions of

1 dollars.

2 Today the Soboba tribe has a current enrollment
3 of approximately 1,200 tribal members. The reservation
4 encompasses nearly 7,000 acres, 400 of which are devoted
5 to residential use. The reservation lands include land
6 taken into trust over the years, including the Jones
7 Ranch, the Elks and Horseshoe Grande property.
8 currently the tribe has an application to place
9 additional homelands into trust with no change in use
10 designation.

11 Therefore, for the record, we are adamantly
12 opposed to any retroactive application of any new
13 policies that would impede our efforts to reacquire our
14 homelands. On the reservation the tribe has created a
15 local economy despite the loss of our reservation water
16 supply for decades. These historical wrongs have made
17 the Soboba people stronger and better prepared to face
18 the next challenges to our tribal sovereignty, but the
19 Soboba tribal council's quest is to go well beyond
20 simply being able to open businesses and create jobs.
21 Rather, the tribe must strengthen our communities by
22 advancing the overall well-being of our people. As
23 such, the Soboba tribe will need to expand the current
24 boundaries of the reservation to meet the future needs
25 of our people, which includes the need to create new

1 infrastructure, housing, health facilities, new schools
2 and community centers.

3 Tribes are fully capable of creating and
4 regulating our own lands and industries and, most
5 importantly, tribes are not avoiding state laws. We are
6 implementing tribal laws. Again, to be clear, tribes
7 are fully capable of governing our own lands and people.

8 In closing, the Soboba tribe firmly believes
9 that a secure homeland is the key to advance and
10 strengthen our self-determination and self-governance.
11 Finally, for the record, the Soboba tribe supports the
12 submitted testimony of the National Congress of American
13 Indians. We think this process should slow down and we
14 look forward to the opportunity to engage in true
15 consultation to secure homelands for all tribes. Thank
16 you.

17 MR. TAHSUDA: Thank you, Chairman.

18 We have Chairman Escobedo from the Tejon Band.

19 If I could just make a quick sort of procedural
20 comment, too. Without disrespecting anybody or -- but I
21 want to make sure that we have a chance for every tribal
22 leader to present an oral statement. You can submit
23 written comments and I would suggest maybe if you have
24 an extensive background and history peculiar to your
25 tribe or particular to your tribe, that maybe that could

1 go in a written comment to us that we could make part of
2 the record of this but we can really focus on how the
3 questions that we have raised or other questions about
4 the off-reservation 151 process, how that impacts your
5 particular tribe. Thank you.

6 Chairman, please.

7 CHAIRMAN ESCOBEDO: Good morning. I am Octavio
8 Escobedo III, Chairman of the Tejon Indian Tribe, the
9 only recognized tribe in Kern County, and I represent
10 882 tribal citizens. We are a landless tribe. We are a
11 landless tribe because of the United States. Early in
12 our nation-to-nation relationship Indian Superintendent
13 Beale acquired our lands for himself, never telling us
14 that we needed to protect them through the California
15 Claims Commission.

16 In the early 20th century the United States
17 acted honorably as our trustee by establishing a
18 reservation for us and filing a land claim on our
19 tribe's behalf against what is today known as the Tejon
20 Ranch. The United States pursued our land claim all the
21 way to the United States Supreme Court, but the Supreme
22 Court ruled against us because of a statute of
23 limitations problem caused by Beale's dishonorable
24 actions. Although our trustee lost the lands claims,
25 the Departments of Justice and Interior negotiated on

1 our behalf so we could lease some of our home lands from
2 Tejon Ranch. During the termination era our trustee,
3 the Department of the Interior, also acted dishonorably.
4 They walked away from their efforts to set aside and
5 confirm a permanent land base for the tribe.

6 Because of our trustee's actions we are
7 landless today. Because of our trustee's actions every
8 trust acquisition in the future will be treated as
9 off-reservation. The Bureau of Indian Affairs' mission
10 statement is to enhance the quality of life, to promote
11 economic opportunity, and to carry out the
12 responsibility to protect and improve the trust assets
13 of American Indians, Indian tribes and Alaska natives.
14 The Department's draft revisions and steps to change the
15 land-into-trust process are against that statement.
16 Today our trustee proposes to change the already
17 strenuous regulations to make it even more difficult for
18 every tribe to restore tribal homelands. In addition to
19 the draft revisions, the Department now asks tribes to
20 spend limited resources to answer a series of questions
21 aimed at changing the regulations. The Tejon Tribe does
22 not want the regulations changed and shouldn't be asked
23 to expend limited resources to develop a solution in
24 search of a problem. The regulations work. During the
25 Bush Administration Solicitor General Paul Clement made

1 this very point, claiming that the existing regulations
2 address the concerns of state and local governments for
3 both on-reservation and off-reservation acquisitions.

4 I am asking you as our trustee to stop this
5 effort to change the rules. The Department should be
6 utilizing its time and resources to improve tribal
7 self-governance, strengthen social services, law
8 enforcement, Indian education, housing, energy
9 development, and streamlining the NEPA process to
10 restore tribal homelands and filing affirmative
11 litigation for tribes as it did for us in the 20th
12 century.

13 With all due respect, this is not adequate
14 consultation. The Department has not explained why it
15 is pursuing changes to the land-into-trust process. The
16 October 4th letter stated that the proposal will reduce
17 the burden on tribal applicants, but proposed longer
18 processes, additional hurdles, and delay after it makes
19 a favorable decision. The draft revision does nothing
20 to promote the restoration of tribal homelands. It
21 punishes landless tribes. It helps only those that
22 oppose this Department's duty and responsibility to
23 restore tribal homelands. If the Department continues
24 to pursue changes to these regulations, it needs to
25 start this process over with a clear statement as to why

1 it is pursuing these changes and holding extensive
2 consultations in every BIA region. Secretarial order
3 3317 and the Department's consultation policy require
4 open and transparent communication. This consultation
5 process needs to start with such communication clearly
6 setting forth why the Department is pursuing these
7 regulations and on whose behalf the Department is
8 acting. Who is asking for this rule making? We deserve
9 to know.

10 I have high hopes for Secretary Zinke. He says
11 that tribal sovereignty ought to mean something. He
12 says that we ought to be thinking about what Indian
13 country will look like in 100 years. This is his
14 opportunity and yours to walk the walk by listening to
15 my tribe, NCIJA, and all the other tribal nations that
16 request nation to nation and the Department as our
17 trustee immediately withdraw and cease any efforts to
18 amend the land-into-trust regulations. Tribes certainly
19 will be worse off in the near term and in the hundred
20 years if the Department continues with this rule making.
21 Please stop this process now so that tribes do not need
22 to expend their limited resources fighting their
23 trustee. Collectively we need to be expending those
24 resources on issues that will ensure healthy, vibrant
25 tribal communities for future generations.

1 Thank you for being here today and I hope our
2 future meetings will be focused on how to promote jobs,
3 education, infrastructure, and native language for my
4 landless tribe and all of Indian country. Thank you.

5 MR. TAHSUDA: Thank you, Chairman.

6 Chairman Pickernell?

7 CHAIRMAN PICKERNELL: Good morning. Thank you
8 for the time and the opportunity to present the concerns
9 of the Chehalis Tribe. My name is Harry Pickernell. I
10 am the Chairman of the Confederated Tribes of the
11 Chehalis Reservation in southwest Washington state. We
12 are a small tribe in a rural area with high
13 unemployment. Economic diversification through
14 fee-to-trust land acquisitions is key to providing the
15 services our members need for a better and more secure
16 life.

17 The tribe has a number of concerns about both
18 the process and the actual regulations that might be
19 implemented. The commutability rules seem to be aimed
20 at combating criticism of gaming location shopping, but
21 they would simultaneously harm the attempts of tribes
22 like Chehalis to diversify economically in
23 off-reservation locations within their traditional
24 homelands. Tribes must have the ability to successfully
25 pursue economic opportunities in order to employ their

1 members and provide revenue streams that go beyond
2 gaming. Narrow rules about the distance from
3 reservations or other trust land when seeking non-gaming
4 fee-to-trust opportunities fail to recognize the needs
5 of tribes to access financial markets and customers in
6 order to grow their economies.

7 Trying to raise the issue of the Department's
8 ability to manage trust properties is a throwback to the
9 19th century and paternalism. Self-determination and
10 the progress of tribes means that tribes and not the BIA
11 deal every day with the realities of management of trust
12 land. To make this an issue and a condition of taking
13 land into trust is an open invitation to tie up tribes
14 and the BIA for years of needless litigation by entities
15 opposed to tribal self-government and the betterment of
16 the way of the life of tribal members.

17 Regulations concerning payments in lieu of
18 taxation is another attack on tribal sovereignty. That
19 type of regulation means that state and local
20 governments can hold the tribes hostage and try to
21 extract money when they are not entitled to tax activity
22 on trust land and/or reservations. Such fee-to-trust
23 requirements merely allows the state and local
24 non-tribal authorities to put their thumbs on the scale
25 of balancing tribal and federal interest versus the

1 state and local interest or, in reality, block tribal
2 economic development in its entirety.

3 In addition, by granting a priority review for
4 tribes who enter into lieu-of MOUs, the Department is
5 requiring that tribes which use economic development as
6 their tax base will be double taxed, because tribes will
7 have to pay the state and local entities their taxes as
8 a de facto real estate tax in order to be allowed to
9 obtain tax revenues to support their tribes.

10 Waiting 30 days to take land into trust after
11 the decision is made is just an invitation to non-Indian
12 opponents of tribes to deplete tribal resources. Court
13 decisions have already made fee-to-trust determinations
14 vulnerable. This proposed change just says "sue us
15 now," basically.

16 Finally, an early rejection of a fee-to-trust
17 application denies tribes due process. If a tribe
18 objects and has to go to court after the first rejection
19 and prevails, then it has to suffer the possibility of a
20 second rejection and further court action. This just
21 takes valuable resources away from tribes, the very
22 resources they need to economically diversify.

23 I ask you what is broken about the current
24 regulations which relate to off-reservation non-gaming
25 economic development? My answer is nothing. Your trust

1 responsibility is not to create new problems for tribes
2 but to help tribes help their members to lead better
3 lives. These regulations will harm tribes, not help
4 them. Thank you for your time. Thank you.

5 MR. TAHSUDA: Thank you, Chairman.

6 Chairman Gholson.

7 CHAIRMAN GHOLSON: My name is George Gholson.

8 I am the Chairman for the Timbisha Shoshone Tribe out of
9 Death Valley. And we were a landless tribe. The land
10 that we were on became Death Valley National Park, two
11 million acres, and the other land that we were on became
12 a weapons facility for the Navy. So that left us with
13 no land. We were recognized in '82. We were under the
14 jurisdiction of the BIA in 1934. We received money for
15 housing from the Department of Interior.

16 But it's been a real challenge for us because
17 the land that we have now is in the middle of nowhere.
18 There is no infrastructure. There is no economy. Even
19 if we build houses, there is no place to work. We are
20 just literally -- the land is somewhat useless and
21 covered with old mining remnants and old chemicals. I
22 am actually kind of surprised that it didn't go through
23 an environmental process before we received it. There
24 is actually old dumps out there that have cyanide and
25 other chemicals that are, you know, very hazardous. We

1 are also downstream of what would be the aquifer, the
2 Yucca Mountain repository. So we have been fighting
3 against that, too.

4 But by giving local governments more authority
5 in the process is a huge mistake because a lot of times
6 these projects are opposed not for what they are but for
7 who is doing it. And racism is alive and well. And I
8 didn't want to believe that, but as we worked with
9 several city councils on different projects, we became
10 acutely aware that it is still there and that they
11 oppose us not for the project but just for who we are.
12 And they don't like it. We were referred to as a
13 foreign nation at one point. There was a campaign for a
14 guy named Wallace Martin who is on the city council. He
15 refers to us as a foreign nation moving into the city.
16 Even though we inhabited that land well before the city
17 was there, that doesn't matter. We are a foreign
18 nation. And I was at a city council meeting not too
19 long ago and another gentleman came up to me and says,
20 "Oh, you guys, you are the foreign nation that is moving
21 in next to the base." And I am like, "I don't know who
22 you are calling foreign, but I am pretty sure it is not
23 me. We were here first." But they don't like to
24 acknowledge that.

25 But we do -- we do oppose the addition of a

1 30-day waiting period because that allows litigation,
2 and litigation for a tribe like ours, who has pretty
3 much zero money, is devastating. It stops projects.
4 Again, stops them for not what they are but who is doing
5 them. There were references made like, well, why can't
6 we do that? Why can't the public do gaming? Why can't
7 they do these other projects? Well, you are not us. We
8 paid for -- we paid for our land with blood and we still
9 don't have a lot of it. We will never get the park
10 back. That is two million acres we will never be able
11 to do anything with. Now, the same with the base. Even
12 though they have -- every so many years they have to
13 withdraw so many acres or so much land, it doesn't
14 happen. It is just reappropriated. It belongs to BLM
15 and the Navy gets to use it. So we will never be able
16 to go home to where we traditionally hunted and lived.
17 As a matter of fact, my mother wasn't even a U.S.
18 citizen until the '40s. She was naturalized. That is
19 so beyond my comprehension, that she couldn't buy a
20 house because she wasn't a citizen. She couldn't buy
21 land. And the land that she would have had was taken
22 away from them because the base threw everybody off.
23 But the base paid the people who were non-Indians for
24 their land. They just threw us off. They didn't give
25 us anything.

1 We also oppose regulatory policy that allows
2 the removal of lands through court order without other
3 litigation possibilities, that we should have our due
4 process in anything as -- just as Americans we should be
5 enjoying that due process or equal protection under the
6 law. We live in a PL 280 state and I've had some real
7 experiences with the county law enforcement on our
8 lands. We should have complete civil jurisdiction on
9 our lands and we don't. That's a real problem.

10 And giving -- let's see here. Giving local
11 governments more authority to veto projects -- again, we
12 are back to that. Are they vetoing a project because
13 they can't mitigate the off-reservation impacts or the
14 impacts that are going to take place? Most of the time
15 not. When you have an organization like Stand Up
16 California who is often funded from sources outside the
17 state and not even geographically close to where we are
18 operating, they are going to be able to weigh in and
19 influence local government and then that local
20 government is going to be able to influence a decision?
21 That is not fair. We -- they shouldn't be able to do
22 that. In the Constitution we are listed on the same
23 level as states. We are not subject to the states and
24 we should enjoy the same rights as the states do when
25 things are going through the process.

1 And it shouldn't be retroactive. Our
2 application that we have in now should be considered
3 under the current regs. Why should it be rolled back so
4 people who have had these applications in for years be
5 subject to regs that are going to be coming up? That is
6 not fair either, because under the current regs maybe we
7 qualify; under the new regs maybe we don't. That's not
8 fair. And it should be equitable.

9 We support a two-step process for gaming
10 acquisition, but it is only if the first phase meets a
11 threshold that -- we don't start paying for a NEPA
12 process during the first phase and find out that, oh, we
13 don't qualify but we have already spent the money, that
14 the first phase should have a threshold that says, okay,
15 you have completed the first phase. Now let's go into
16 the NEPA process, which would mean that is money well
17 spent, rather than just a waste. And with all due
18 respect to Secretary Zinke, you know, I have fish at
19 home. I know what temperature their water should be. I
20 know what they should eat. I know what the pH level
21 should be. But I am not a fish. I don't know what
22 their environment consists of. I don't know the
23 challenges they face, because I personally can't face
24 those challenges. So if you are not living on the
25 reservation and you are not a tribal leader or a tribal

1 citizen, it is very difficult to know what we face on
2 those inner social workings. People just don't know.
3 Even though Secretary Zinke is familiar with tribes, you
4 don't have those experiences from within a tribe and it
5 is completely different because I couldn't tell you what
6 my fish think or how they feel.

7 That's my comments. Thank you.

8 MR. TAHSUDA: Thank you, Chairman. So we have
9 Chairman Mazzetti and Councilman Stallings from Rincon.
10 Which one of you would like to take the lead here?

11 Thank you, Chairman.

12 CHAIRMAN MAZZETTI: My name is Bo Mazzetti,
13 Chairman of the Rincon Band of Luiseno Indians in San
14 Diego County. I will try to consolidate things a little
15 bit, but you have to understand the termination efforts
16 starting in '52, '51 by the federal government really
17 had a major effect on California, major, and it wasn't
18 officially ended, the termination concept of the federal
19 government, until President Nixon stopped it as a policy
20 in 1974. So during the periods after that, the tribes
21 were just surviving, trying to get our governments
22 going, trying to survive.

23 Then what happened? We had gaming. And I
24 think the majority of the tribes that do have gaming, it
25 now became a source where we could buy back our land.

1 That's what we are doing is we are buying our land back.
2 To me it is ludicrous, but we have to do it.

3 So let me get to the regulations. We are in
4 San Diego County, California. Now, do we get along with
5 them? Yeah, pretty well, except they have a blanket
6 policy, no question about it. Any fee-to-trust
7 application they are going to oppose. That's a policy.
8 Do we like our board? Sure, but that is a policy.

9 So when you say or you put the possibility of
10 allowing the state or the county to have a MOU or some
11 kind of agreement in place, what you are doing is you
12 are setting them up to extort from the tribes whatever
13 they want. You are going to reach an agreement or not.

14 Now, look at gaming. Look at some of those
15 agreements. You folks know -- nice seeing you again,
16 Paula -- but it is a disaster. You know, you can't --
17 you can't get along with every government, but once you
18 take away the right, you know -- I think under the
19 Indian Reorganization Act the policies that is there is
20 perfect. It works. Now why are we having to look at
21 this? The first thing everybody says, county, state, my
22 God, we are losing these tax dollars. That is what it
23 is all about, tax money. Look at them. Most of the
24 land that most of us purchase I believe that tax dollar
25 is minimal, nothing, you know, so we need to look at

1 that. You know, that is an excuse.

2 The other thing is, oh, you are going to buy
3 this land, the Indians are going to get it and it is
4 going to be lawless. That is BS. In California, Public
5 Law 280, criminal jurisdiction whether it is Indian land
6 or fee land doesn't matter. The jurisdiction is there.
7 So it is not lawless. That is the other thing people
8 like to use. So these excuses -- you know, we need to
9 look at them. But whatever you do, you know, the 30-day
10 rule, for example, that's telling the state or the
11 county, okay, we got to file something. We got to
12 oppose this. We have 30 days. So you are begging for
13 rejection. You are begging for something to be
14 submitted.

15 I think the existing rule -- and our tribe's
16 position is the existing rule is fine. Also the
17 applications that are in should be processed. They were
18 submitted under existing rules. Process them under the
19 existing rules, not hold them up. But I think, you
20 know, we have to be real careful, you know. I think why
21 we are really going after these things is because the
22 states and the counties put pressure on certain folks to
23 change something. We don't have to. I think you
24 folks -- some of you I know -- stick up for what's
25 right. As the trustee, be a real trustee. Stand up,

1 push back for us. That's what we are asking for. Thank
2 you.

3 MR. TAHSUDA: Thank you, Chairman. We are
4 getting close to the midway point here. Should we take
5 a short coffee and bathroom break? So it is basically
6 10:40 now. Should we reconvene at like 10:50? Maybe we
7 will get started by 10:55.

8 (Off the record.)

9 MR. TAHSUDA: We will get started again here.
10 I have on my list here Doug Gardipe.

11 COUNCILMAN GARDIPE: I am with Reno-Sparks.
12 You can go ahead.

13 MR. TAHSUDA: So Chairman Attebery?

14 CHAIRMAN ATTEBERY: Russell Attebery, Karuk
15 Tribe Chairman. Karuk Tribe is located in the very
16 northern part of California, not to be confused with
17 Sacramento or San Francisco. I am also a Pacific Region
18 member of the TIBC along with Chairman Smith from Pala,
19 and a member of -- a Native American heritage
20 commissioner.

21 So I will be brief. I didn't prepare a long
22 speech. I just basically wanted to speak on behalf of
23 the Karuk tribal people. And the Karuk Tribe is a
24 reservationalist tribe. We are the second largest tribe
25 in California. And over the years we have made some

1 attempts to acquire reservation status that has not
2 worked for us, but so the fee-to-trust process is very
3 important to the Karuk tribe for economic development.
4 We did -- we were able to acquire some land into trust
5 for housing. We do have a casino project in the works
6 which should be opening soon. It will be -- it is very
7 small by comparison, but it will provide economic
8 development to the area. And to give you an example of
9 the need for economic development, in Siskiyou County we
10 had a job fair over -- a little over a week ago and 800
11 people showed up to apply for a little more than 200
12 jobs. So the economic need up there is developed
13 through the demise of the timber industry, which has
14 been gone for a long time. Again, the tribe -- we have
15 been there since time immemorial.

16 And the consultation process is huge because we
17 didn't -- we didn't have it in the past and therefore
18 the decisions that were made about our area were made by
19 people who had never been there before. Quick story. I
20 was a small child. My grandfather was watching the
21 Forest Service send trucks up -- the mills closed down
22 and they were going up to put the fires out that had
23 happened up there. And he had a sad look on his face
24 and slumped shoulders. And I said, "What's the matter,
25 Grandpa?" And he said, "Our forest lands are being

1 destroyed." And later on I learned that the Indians in
2 that area and the community people in that area -- the
3 Native Americans always worked together with the
4 community. That's how they survived. And they used
5 fire as a tool to prevent more devastating fires to the
6 future, and that was taken away. I don't need to go
7 into any other detail. You can see the result.

8 So the tribe has developed over the years a
9 TREX program, which is the training to reduce the fuels
10 for the fires up there, but we still struggle with the
11 local government on how to use those and whether or not
12 they consult with us. For the land to trust, I will
13 give you a real quick example. And it's been around
14 year 2000 when we first received the determination to
15 get a casino. And at that time the Karuk tribe put
16 .9 acres up into trust to help expand our medical
17 clinic. And a local government sued us over that
18 .9 acres, saying, "You are going to put a casino on this
19 land." We said, "I guarantee you we are not going to
20 put slot machines in our medical clinic. Okay?"

21 When we finally received a determination in
22 April of 2012, after going through two levels of court
23 and reaching the Ninth Circuit which the county lost,
24 they finally said, "Oh, I guess you are not going to put
25 a casino on that land. Okay." So just an example of

1 the difficulties we have with our land-to-trust process.

2 So consultation, again, it is all revolving
3 around what happens in the area and the people who live
4 there. And the people who live in those areas know best
5 what's for those areas. And it is just ludicrous to not
6 consult those people. Whether it be co-management,
7 stewardship, land-into-trust process, Native Americans
8 and community members up there have always been stewards
9 of the forests and that's been taken out of their hands.
10 So I encourage you to look into what is being said here,
11 look for the best processes. We have a very good
12 working relationship with our Pacific Region out here so
13 maybe give the regions a little more say in working with
14 the land-to-trust process. Don't make it lengthy.
15 Streamline it as much as you can. And hopefully with
16 this process, you know, we can help the tribes in that
17 area who know and can offer a lot of assistance to you
18 and your staff in what's best for that area.

19 And the land-to-trust process is very
20 important, I know, to us up there because we have a lot
21 of great ideas. We just want to be heard and we don't
22 want to be sitting on a desk for a long period of time,
23 so I encourage you to streamline the process, work more
24 with the Pacific Regions or all the regions and
25 hopefully we can come to some -- a conclusion. Thank

1 you.

2 MR. TAHSUDA: Thank you, Chairman.

3 Next from Picayune, Chairwoman.

4 CHAIRWOMAN RUIZ: My name is Jennifer Ruiz. I
5 am the chairwoman for Picayune Rancheria of Chukchansi
6 Indians. I am just going to make a few brief points.
7 We are going to submit more detailed comments in
8 writing, but I wanted to start out by saying that our
9 tribe is one of the tribes that was terminated. And a
10 lot of the challenges we still face today tie back to
11 that. And of course one of those is our very small land
12 base. So we have had five application -- land
13 acquisition applications pending for quite some time.
14 And I think we would all agree that those
15 non-controversial, non-gaming land acquisitions -- that
16 process needs to be sped up and streamlined.

17 And we believe that some of the proposals that
18 were initially included to change would probably have
19 the opposite effect of that, particularly around NEPA.
20 NEPA has become a very costly and time-consuming
21 process. As well having local governments have greater
22 say into the approval process is especially concerning
23 for us. I wish I could stand up here and say we are one
24 of the tribes that had a great relationship with their
25 local government. We have tried very much but

1 unfortunately every step that we have taken to try and
2 better the condition in our tribal community, the local
3 government has their hand out. And I believe that this
4 process would create that with every land application
5 that we would submit.

6 And then, as far as the changes to the rules,
7 that is really not going to solve the problem of the
8 staffing in the BIA offices, the lack of resources there
9 to oversee the approval process and ensure that it gets
10 done. That really needs to be looked at. I understand
11 that the GIS review process and legal reviews have held
12 up the process after some of the positions have been
13 vacant over six months and haven't even been posted yet.
14 So, you know, changing the rules isn't going to solve
15 not having the resources there to actually get the
16 approvals through.

17 And then just to comment on off-reservation
18 gaming, of course we feel this needs to be looked at
19 different from other acquisitions because of course you
20 have the risk of really significantly impacting tribal
21 communities that are trying to better the conditions on
22 the reservations. And I can say that we definitely
23 don't oppose any tribes -- we want all tribes to be
24 successful, but our concern is having large non-Indian
25 gaming interests coming into the state and creating an

1 environment where they are taking advantage of other
2 tribes, taking advantage of the regulations and creating
3 a situation that is significantly detrimental to the
4 tribes who are already trying to better the conditions
5 on their rancherias. So we would really like the
6 opportunity to discuss this further.

7 So thank you.

8 MR. TAHSUDA: Thank you, Chairwoman.

9 We have somebody from Hoopa Valley?

10 MS. RISLING: I guess it is still morning.

11 Good morning. My name is Lois Risling. I am a Hoopa
12 tribal member. I live on the Hoopa reservation and I am
13 representing the Hoopa tribe today.

14 Even though you asked us not to talk about our
15 lands, even after you were directed by two other chairs
16 who said you can't understand us unless you know about
17 our land and you know where we are from and what our
18 struggle has been about, so to be asked to put that into
19 writing and send it to you seems a little bit
20 questionable about the approach, because I turned to the
21 man next to me and asked him, "Are they recording this
22 or something or what or is he going to read it later or
23 is he going to read all those comments?" So --

24 MR. TAHSUDA: So we have a court reporter just
25 so everybody knows.

1 MS. RISLING: I came up to her in the break to
2 check it out. She was very good.

3 I am still going to tell you about my
4 reservation and I am going to tell you about my land
5 because I know something from my many years of living
6 with non-Indian people, particularly Euro-Americans and
7 Americans is that land plus people equals wealth, equals
8 power, self-determining power. And land is very
9 critical to us. When we do our ceremonies we take our
10 moccasins off, we take our shoes off, and we put our
11 feet in the land because the land goes from us up to the
12 Kahenai. And the Kahenai gave us this land. We are
13 12 square miles in Northern California. We are located
14 in what is now called Humboldt County. This land came
15 to the Hoopa people because we were Kuniyatyon. All of
16 California is Kuniyatyon. They eat acorns. That is what
17 it is. And the Kahenai said, "Hoopa, this is your
18 place." And that place, a remnant of it, a small
19 remnant of it, to this day still belongs to the Hoopa
20 people from the Kahenai. We have resided there since
21 time immemorial. We still live there. We still care
22 for it. We still use our home forever.

23 Hoopa came like every other tribe in
24 California. Our neighbor tribe, the Karuks, who -- my
25 grandfather was a Karuk tribal person. Our cousins over

1 the hill in Redding or up in the hills, the Pit Rivers,
2 our friends in Southern California -- my daughter became
3 a college professor and taught at San Diego State for a
4 while before she was able to come home. And the
5 Southern California people greeted her and welcomed her
6 and had her be part of it, because we all shared the
7 commonality of land. We came -- Hoopa people, as other
8 people have told you here, time after time and will tell
9 you after me, have come under onslaught from federal
10 policies and laws, reservation systems, extermination
11 programs, the Dawes Act, the Indian Reorganization Act
12 and many others. These actions implemented and took
13 land from us and we must get this land back. The
14 Department of the Interior, the federal government must
15 get these lands back for our peoples. We need our
16 spiritual lands, our prayer areas. They need to be in
17 trust and protected for us. We don't need to have
18 prayer areas that we have to set up schedules to visit
19 and debate to find out whether or not we can use those
20 sacred areas. We don't need to have springs that are --
21 people are dumping burial stuff in there because people
22 want to be up in the area, like the people in Mount
23 Shasta have to put up with. We don't need that. We
24 need them in trust to be protected by our trustees.
25 Hoopa needs its rain rock back. We need to be able to

1 use that. We need our sacred trails not to be monitored
2 by some outside entity.

3 I was a little concerned when this -- when you
4 opened the meeting and said that we were going to focus
5 on off-reservation acquisitions today and that adds to
6 the confusion, because on your December 6, 2017 "Dear
7 tribal" letter, it says, "We are announcing a new
8 revised consultation beginning in January, ending in
9 February. Additionally, based on the initial input
10 received in response to the draft revisions, a broader
11 discussion about the direction of updates to part 151
12 may be more appropriate." A lot of conditional language
13 in the letter that does not allow tribal people to know
14 whether we are consulting about what this is, a broad
15 discussion, or if we are -- we are consulting about
16 regulatory changes in part 151. Regulatory changes in
17 part 151 has a different impact on us than a broad
18 discussion of vague questions. Part 151 will change and
19 implement our life, both spiritually, politically and
20 just financially and everyday workings. It will change
21 that. And yet it is unclear from the instruments that
22 were sent out to us which direction we are going in this
23 discussion. It says there were initial responses
24 received. Nothing was sent to the tribes to say what
25 those initial responses were that the Department

1 received or what the response was other than we may be
2 having this discussion. And then you find out this
3 morning that you want to talk about off-reservation
4 acquisitions. You went on to say, "A broader discussion
5 about the direction of updates to part 151 may be more
6 appropriate." "May be." That is a conditional tense.
7 That means it is possibility but I don't know. But I
8 learned this morning that it is going to be a
9 consultation on off-reservation acquisitions. It's
10 conditional language. It is difficult to have a
11 discussion about vague language and conditional tenses.
12 Why is this approach more appropriate than having a
13 consultation about the proposed changes so that we know
14 what the direction is that we should be taking?

15 It goes on to say, "In that vein, I suggest we
16 consult instead on a list of questions." Suggest? What
17 is the status of the proposed trust acquisition
18 regulations at 25 CFR part 151? How come we can toss
19 them aside and not have to have that consultation?

20 The quote out of the letter says, "We heard
21 repeated calls for additional time and sessions to
22 consult on the draft revisions." They wanted more time
23 and consultations on draft revisions. Will we get this?
24 Will we get more time on those draft revisions or are we
25 supposed to be answering the 10 questions? Will the

1 answers to the questions construe information for
2 different draft revisions? We don't know. There is no
3 information on that.

4 I want a consultation process that is
5 comprehensive and transparent, a process that tribal
6 nations can rely on, a process and a policy that
7 responds to the needs of tribal nations so that they can
8 be engaged in true self-determination. Success for this
9 fee-to-trust proposal depends on the depth of input
10 received from Indian nations, not from the Department.
11 The Department must participate in the consultation
12 process in a manner that demonstrates a meaningful
13 commitment. I don't see that. So that's my
14 introduction.

15 I have the answers to your 10 questions.
16 Everybody here -- I agree with what they have said so I
17 am going to -- I am going to short circuit that and give
18 you just a few answers because I think it is more
19 important that you understand we don't -- we don't want
20 the regulations as they are proposed, but your 10
21 questions are really questions that are designed to add
22 evidence and push toward getting information that will
23 allow you to implement those proposed regulations.

24 So I know I am taking a lot of time, but
25 question number 1, here we go. "What should the

1 objective of the land-into-trust program be?" It should
2 be to put land into trust as quickly as possible,
3 build -- we need to build self determining and
4 productive tribal nations. And to borrow from
5 Euro-American philosophical belief, land plus people
6 equals wealth equals power. That's your -- that's your
7 government's mantra. That's what it practices. We --
8 Land into trust needs to build self-determining and
9 productive tribal nations with ample and abundant land.
10 It should be just as easy to put land into trust,
11 especially on-reservation lands, as it was to take them
12 out of trust. All you had to do if you were an Indian
13 woman was marry a white man and your land would go out
14 of trust. I am not advocating that. Maybe. Everybody
15 should marry an Indian man and then the land would go
16 back to the trust.

17 But that's how easy it was to take it out. But
18 now when Indian people want to reclaim their land, their
19 own land, my 12 acres -- now, Amy, I don't want you to
20 get excited about it -- we have 99 potential
21 on-reservation fee-to-trust acquisitions. So I mean we
22 are trying to work with this and yet there is more and
23 more obstacles coming up to that. And I tell you,
24 Pacific office tries to do everything it can to help us
25 to do this.

1 What should the Department be working to
2 accomplish? This is a very vague question. I used to
3 be a teacher and I would have marked you down for that
4 question. So what should the Department be working to
5 accomplish? Remove the obstacles, not put new obstacles
6 back into the process. You are our trustee. Stop
7 trying to be the trustee for other entities. They have
8 got all kinds of people taking care of them. Cities
9 have people taking care of them. Counties have groups
10 and entities taking care of them. You need to represent
11 us and our interests. You need to streamline the
12 process.

13 So that was question number 1. I can keep
14 going but I think everybody is getting the idea. Hoopa
15 doesn't like this. Okay? Such as, "What criteria
16 should the Department consider when approving or
17 disapproving" -- this is question number 4 -- "an
18 off-reservation trust application?" Does the tribe want
19 the land? That's the criteria. And it is your job to
20 make it happen.

21 There are other questions but I will fast
22 forward to number 10, because I did the math here. You
23 did four speakers in the first hour. You did five
24 speakers in the second hour. So at that rate that's
25 like 10 speakers. We only have two hours. 10 more

1 people, 10 more tribes can get up and talk and then --
2 and there is how many tribes in California?

3 AUDIENCE MEMBER: 115.

4 MS. RISLING: And our neighbors, Nevada and
5 Washington, are also coming? So with the size of the
6 room, the structure of the room, how it is set up, the
7 vague questions, the fact that it wasn't -- really, the
8 intention is not to get what the tribes want. Those 10
9 questions needed to be a conversation and not just us
10 getting up and talking. We needed interaction because
11 things are different. Hoopa is one of the tribes that
12 has land that's on reservation so we can speak to the
13 on-reservation process. Hoopa also has land off
14 reservation, but we are not surrounded by huge cities
15 like San Diego and Sacramento and so our nearest border
16 town probably isn't even as big as one of the suburbs
17 down there. So we have different issues, but we could
18 have had that conversation. But this forum is not
19 designed for that.

20 I do want to say that we support what everybody
21 else has been saying all this time. And about your
22 recommendations would you make to streamline or improve
23 the land-into-trust program -- shorten it. Shorten the
24 process time. Reduce the time. Allow regional offices
25 to make the final decisions as they have in the past.

1 Don't add additional burdens to the regional office and
2 to tribes. And look at the NEPA process and try to
3 figure out some way to streamline that.

4 Those are just kind of practical things that
5 can be done. And there are many other things that need
6 to be done. I think we have been using this kind of
7 similar process for like 80 years. Took us 80 years to
8 get here. If you keep adding this on, it is going to be
9 worse. So we are not interested in changes that would
10 create a review process that adds additional burdens on
11 tribes and seeks to keep tribes from developing economic
12 self-sufficiency. This discussion, as well as the
13 proposed revisions, will impact on, affect and diminish
14 the authority and responsibility of the Secretary to
15 take land into trust. It will add additional
16 requirements on tribes. Listen to what the previous
17 speakers have said. They have identified -- which was
18 part of my testimony but I figure I didn't have an hour.
19 So thank you for your time.

20 MR. TAHSUDA: Thank you, Ms. Risling.

21 Can we have -- is Chairwoman Pope Flores here
22 with us? Buena Vista Rancheria? Thank you.

23 CHAIRWOMAN POPE FLORES: Thank you for the
24 opportunity to speak today. I won't go into our tribe's
25 history. I think I have shouted it enough to you,

1 Mr. Tahsuda, and many others. I am going to talk about
2 what I am disappointed. And what I recommend is that --
3 well, I guess let me back up.

4 Let me ask a question. So all of these
5 proposed language, were any of them proposed by tribes?
6 Because if they were not, then it is not true
7 consultation. Consultation takes place at the beginning
8 where you have equal parties sitting and making
9 recommendations. What has happened here, I am going to
10 tell you, is that CSAC has made these recommendations,
11 and it is very scary to see how they parallel in what
12 you are proposing in the regulations and it is insulting
13 to our tribes because it is hard for us to get comments
14 and to get -- in just any consultation process to get
15 our comments implemented. Most of the time we will get
16 a sentence here or there.

17 And looking at the CSAC letter with their
18 recommendations for the fee to trust, what they are
19 recommending is just amazing. I am so disappointed
20 because I feel as though Department of Interior has
21 forgotten that their trust responsibility is to our
22 tribes, not to your local governments. It is to your
23 tribes. And so now what you are proposing is going to
24 put us years -- our tribe has been attempting to put our
25 land back into trust for decades and we -- we are on our

1 original reservation. We have had nothing but
2 opposition with Amador County. I am glad to hear that
3 there are some tribes that have good relationships with
4 local governments, but I am going to tell you and I am
5 going to give you the nightmare that our tribe
6 experiences.

7 They have taken every opportunity to delay
8 anything that our tribe does. We built a cultural
9 center and they contacted the contractor and tried to
10 litigate against the contractor for not pulling permits.
11 We are on our original reservation. We were terminated
12 in 1958 and we have been trying to get our land back
13 into trust. Amador County has attempted to auction off
14 our reservation. We have had to write them letters
15 after letters, indicating you entered into a stipulation
16 in 1987 under Tillie Hardwick. It was not mandated.
17 You voluntarily entered into this stipulation. And the
18 counties are allowed to continue litigation just to
19 stall tribes in anything that they do. This is not
20 sovereignty. What you are proposing in these
21 regulations is not -- is not upholding tribal
22 sovereignty. It is degrading it. You are putting us
23 back 10, 20 years. It took us how long to get where we
24 are today, and in these proposed regulations you are
25 going to put us back decades. I look at my fee-to-trust

1 application now which has been sitting in your office
2 for years and I -- no disrespect, but with every
3 turnover we start all over. And I know that our tribe
4 is not the only one that has this happen.

5 So what I recommend is that you look in the
6 mirror and instead of asking what you can do for these
7 local governments and states, how you can improve the
8 process for our tribes. Do you know how much money our
9 tribes have to spend fighting local governments and then
10 they team up with Stand Up for California and then they
11 team up with other organizations and this is just --
12 this is horrible to think what is being proposed here.
13 Sorry. We need a little podium up here.

14 I want to -- I want to talk about if you are
15 proposing these types of things for our tribes, what
16 about -- you know, what about all of the benefits that
17 our tribes bring to the local governments? What about
18 all of unemployment rates and those types of things? We
19 are being asked, you prove that you are bettering. All
20 you are doing is exchanging mitigation for really -- it
21 is a form of tax. I mean that shouldn't even be
22 contemplated. This shouldn't even -- my recommendation
23 is to tear these proposed -- what you are proposing here
24 and start over with tribes and find a process that works
25 for all of us.

1 Another thing that I want to talk about is we
2 have been pursuing gaming for years, and I mean years.
3 It's like the joke now. Oh, yeah, Buena Vista. We have
4 been out three times for financing. We are on our
5 original reservation and under the Indian Gaming
6 Regulatory Act we are able to do gaming on our land
7 without having it in trust because we are within the
8 boundaries of our original reservation. You would think
9 that would be a slam dunk, but it is not. It has taken
10 decades and decades for everyone to figure out that up
11 until November 27th, 2017, Amador County fought us since
12 2006, fighting our tribe, claiming that we are not able
13 to game on our land because it is not Indian land.
14 Well, first of all, really? Not Indian land? Are you
15 kidding me? I mean if we all want to, then let's go
16 back to the original treaties and what we are entitled
17 to. You know, most of us are scrambling for little
18 pieces of land in California. We get, you know, "Why is
19 your tribe so small? Why are you this? Why that?" I
20 can't -- it just it is so frustrating to me and it is so
21 disrespectful to our tribes.

22 So I am going to tell you that, from
23 experience, you implement this process, then the problem
24 is going to be yours to handle, because ultimately you
25 think you are going to pass it off and say, oh, local

1 governments, go ahead and make your ISAs and your
2 mitigations and this and that. No, that is not what is
3 going to happen. You are going to hold tribes up, you
4 are going to end up in litigation, and then you are
5 going to be in the same position that our tribe is in,
6 where you never get our land back in trust.

7 Our land -- you want to know why our land got
8 in trust in the first place? Because my
9 great-great-great uncle was defending it and they beat
10 him so badly, the farmers, that they finally -- it hit
11 the newspapers and they said, "We need to do something
12 about this. Let's send an Indian agent out there." And
13 yet here I stand today, still trying to tell people this
14 is our reservation. We have been here. And after 10
15 years of litigation, over 10 years, and millions of
16 dollars that has cost our tribe -- and I don't know if
17 any representatives of Ione Band are here, but that is
18 another tribe in that county that is going through the
19 exact same thing that we are.

20 So I urge you, there are processes that need to
21 be improved, but it is to benefit our tribes, not to
22 make our process harder, not to give the counties the
23 opportunity to encroach on our sovereignty, not for them
24 to dictate how we are supposed to hold our ceremonies.
25 I was in a section 106 consultation and I had the local

1 government telling me when we should and should not have
2 our ceremonies because of ordinances that they have in
3 place. We have fee-to-trust process in two other
4 applications pending and they are currently opposing
5 both of them for no reason. No reason. Oh, because we
6 might move our casino from our original reservation,
7 which we have already spent millions of dollars trying
8 to get built in the first place, over to the 56 acres.
9 So why would we do that when we would have to start all
10 over and open ourselves up to the same thing?

11 I just urge you to consider what door you are
12 opening. Your trust responsibility is to our tribes,
13 not to local governments. And they have continued to
14 abuse the power. That little door that has been opened,
15 gaming compacts -- you want to talk about gaming? Well,
16 all the compacts are now requiring ISAs. So why now are
17 we going to have another layer of bureaucracy? I won't
18 even go into how that's worked out with our ISA, because
19 we have a current ISA. We built a fire station which
20 fought all those fires in Amador County and we still
21 haven't broken ground on a casino on our original
22 reservation. So please do not open that floodgate.

23 MR. TAHSUDA: Thank you, Chairwoman.

24 I have from the Mechoopda Tribe Vice Chairwoman
25 Sandra Knight.

1 VICE CHAIRWOMAN KNIGHT: Good morning. Sandra
2 Knight, Vice Chairperson from Chico Mechoopda Indian
3 tribe. And we oppose changes to the fee-to-trust 151.
4 We do support the NCAI resolution and comments regarding
5 the proposed changes.

6 If there is an example of what could go wrong
7 with the fee-to-trust applications, it is Mechoopda.
8 There is ample opportunity for governments to weigh in.
9 We were in litigation for over 15 years and under
10 Assistant Secretary Washburn we finally got our land
11 into trust and we will be breaking ground this summer so
12 we are very grateful. Thank you, Paula.

13 We are very grateful for the staff at the
14 Pacific Region. We think it should be a model. We
15 appreciate all their dedication and work on our
16 applications. So thank you.

17 MR. TAHSUDA: Thank you, Chairwoman.

18 Chairman -- Chairwoman Laurie Thom from the
19 Yerington Paiute Tribe.

20 CHAIRMAN THOM: Hello and thank you. What I
21 would like to say -- I guess, starting off first is my
22 name is Laurie Thom. I am the Chairman of the Yerington
23 Paiute Tribe. I traveled here from Nevada.

24 I think that the process that we have started
25 here or that has been started is backwards. I believe

1 that the tribes should have been consulted properly and
2 individually. Whether or not these issues -- and I know
3 that all these issues have come to your desk, because I
4 can't tell that you all these tribes have probably
5 written you every letter for every complaint of why they
6 can't get land into trust. Whether or not those have
7 been reviewed and compiled and are part of this process
8 or what has brought you to this point makes me question
9 why we are here. This to me is more of a listening
10 session than it is a consultation. And I believe that
11 it is difficult for us to speak here with so many issues
12 and so many different situations facing each tribe.

13 My tribe is in Yerington, Nevada. I don't know
14 if you have heard recently but there are two girls in
15 the high school that are suing the county and the school
16 district because of racial divide, because how they are
17 being treated in Yerington. They are not native. They
18 have never heard our complaints of how we were being
19 treated and discriminated against all these years.

20 And the reason I am here is for this off-land
21 acquisition. For 30 years we have had a piece of land
22 inside the city of Yerington. We have leased it to the
23 Dairy Queen and Subway. We do not collect taxes on it.
24 That business license that hangs behind that counter is
25 the city of Yerington, not the Yerington Paiute Tribe.

1 That is our land. We have that right to self-determine
2 what needs to go with those tax funds and how to provide
3 those to our people.

4 We have another piece of land. It is right
5 attached to our colony. We can't turn that into trust
6 but we have to lease it out to somebody else that can
7 run a business on that land. We have a piece of land
8 that the BIA brought us down eight miles from our
9 colony. The only road into that land is three miles,
10 and it used to be a fenceline road. Then it got bigger
11 and then somebody put some asphalt on it. Never got the
12 easements done correctly. We cannot provide safe
13 transportation onto our reservation from one of the
14 major highways, Highway 95A, because we can't get
15 easements. They won't let us turn that into trust to be
16 able to use our funds to provide a safe highway. There
17 are deaths at that four-way but we can't fix that
18 because the county won't let us change any of our land
19 into trust.

20 When I was elected in 2016 my first meeting
21 with the county manager was because of floods, but he
22 waits until I am alone and he points at me and tells me,
23 "You will not get one piece of land into trust. I will
24 fight you tooth and nail." I didn't ask for that. We
25 were trying to figure out how to keep our people from

1 flooding and guess what? They never fixed our stuff to
2 make sure we weren't going to flood again like we did in
3 '97. We are an afterthought in these counties. We are
4 discriminated against because we don't get to do
5 economic development, and that hurts our people, which
6 puts us in a point of we asked you guys to be our trust,
7 take care of us, be our person, our voice against these
8 types of people that we have faced for years. They came
9 into our lands. They use federal dollars to separate
10 water rights off of private lands along the Waco River.
11 You guys have all heard about the Hilton Ranch, right?
12 They bought those with federal dollars. And the reason
13 I found out that they gift deeded those to the State of
14 Nevada is because I got a ticket to the Governor's state
15 of the state address. We were never even consulted.
16 That is all river access. Those are our traditional
17 lands, our hunting lands where we have ceremony. Our
18 burials are still out there, but the state now wants to
19 come and ask us, well, what areas do you not want people
20 in? Where our petroglyphs are, where our people are
21 still in the ground. Maybe we will put up an arborary
22 for you and, again, we will schedule it when we feel
23 like it. That's not what we are needing.

24 We are on the verge right now as we speak
25 trying to get a piece of land that's going to give us

1 probably 200 square feet, maybe, 200 feet of river
2 access. That's the only access that our tribe has to
3 the river when it used to be all of it for us. 200 feet
4 of water access. But you don't understand what we face
5 based on whatever that next county line is.

6 And they tell us it is because they need the
7 taxes. Do you think that county, which is the largest
8 county in Nevada, needs those taxes more than we do? I
9 don't think so. It is a ploy to keep us desolate, to
10 keep us broke and to keep us poor so that they can keep
11 a thumb on us. They don't want us to make money. They
12 don't want us to have ability to provide for our people.

13 Since I have gotten in there, we are trying to
14 make progress, but we still have that racial thumb that
15 we are under. Go ahead, provide a dialysis center. We
16 will help you. But our people have to go. They have to
17 be there. They have to have access. Why can't we do it
18 on our own?

19 I think this situation is backwards and I would
20 really ask that you take a step back and maybe revert
21 what we are trying to do here and listen to the tribes
22 and actually consult with them first. Thank you.

23 MR. TAHSUDA: Thank you, Chairwoman.

24 I have Steve Baldy from Big Lagoon Rancheria?

25 VICE-CHAIRPERSON HAYWARD: I am not scheduled

1 but I know that this isn't a true consultation and it
2 honestly feels like it is not even a listening session
3 so I don't know if --

4 MR. TAHSUDA: I am sorry. Can you state your
5 name and who you represent?

6 VICE-CHAIRPERSON HAYWARD: Michelle Hayward,
7 Redding Rancheria vice chair. And I wish you would put
8 your iPad and your phone away and listen, because it is
9 very disheartening to watch our elders and our tribal
10 leaders sit up here and pour their hearts out to you
11 while you are on the iPad and while you are on the phone
12 and you are not even looking them in the eye. It is
13 very disrespectful. So can you please -- somebody take
14 it from him or can you put them away. Thank you.

15 MR. TAHSUDA: I apologize for the
16 misperception. I do try to take a few notes
17 occasionally that people give -- that arise in my head
18 as we are doing it, but if it makes you feel more
19 comfortable I will shut the iPad.

20 VICE-CHAIRPERSON HAYWARD: It is very
21 disrespectful.

22 MR. BALDY: My name is Steve Baldy. I am not a
23 chairperson. I think you said that about me. I work
24 with Big Lagoon Rancheria, which is a small tribe in
25 California. I am originally from Hoopa. I live in

1 Hoopa with my wife. I grew up in Hoopa and we used to
2 do a lot of things as a family and it was a
3 multi-generational thing. We used -- you know, Hoopa is
4 about a million acres, approximately. We grew up
5 walking trails. We grew up riding. We grew up fishing
6 and hunting on a million-acre piece of property. That's
7 how we learned how to live on the land. And the land
8 was important.

9 Later on in life you start learning other
10 things. You start learning about how land -- how air is
11 important. You start learning about how water is
12 important. You start learning about you need water
13 because fish -- you need to drink water, but animals,
14 fish need water to live.

15 So when we are talking about land into trust, I
16 think we need to talk about the other issues that are
17 around land into trust other than specifically whether
18 or not we are doing gaming, whether or not we are doing
19 economic development. I think that we should be talking
20 about what you are saying here a little bit, how do we
21 streamline the process so that it should be done
22 quickly?

23 In Big Lagoon's case, Big Lagoon spent a lot of
24 money and the Bureau of Indian Affairs spent a lot of
25 time helping us put together a fee-to-trust application.

1 We did it for a five-acre parcel. We did it for
2 housing. We did all the studies. We did everything
3 that was required to be done. It got to the final point
4 to be published in the Federal Register. That was the
5 last step that was supposed to be done. And then
6 Carcierri came up and that stopped the process.

7 So from Big Lagoon's perspective, we need to be
8 talking about land-into-trust regulations and things,
9 but we also need to talk about how do you fix -- I think
10 that we need to focus on how do you fix the Carcierri
11 effect on tribes. It is not just Big Lagoon. There is
12 a lot of tribes that are affected by that decision. I
13 don't even know what the current status of that is. I
14 don't think anybody knows. They just say, "We are
15 working on it." It is all that people say.

16 So I would recommend very strongly that we take
17 some kind of effort, some resources, to fix the Carcierri
18 problem.

19 In Big Lagoon it just seems funny -- in working
20 with Big Lagoon on the coast, which is about 60 miles
21 from Hoopa, if you look at the Big Lagoon Rancheria, it
22 sits adjacent to its original site. The original site
23 is the OPA village site. That site has been dated
24 archeologically I think 12,000 years ago. That's where
25 the Yurok Tribe had a major village site. And things

1 happened there. Big Lagoon doesn't own that site. The
2 county owns that site. A private white development
3 corporation owns that site. Big Lagoon is restricted to
4 approximately 22-acre site adjacent to it. We are
5 required now to buy outside of the adjacent properties
6 to the rancheria. All that property is bought up. In
7 Big Lagoon's case there was a non-profit corporation
8 that wanted to stop development at Big Lagoon so badly
9 that they came in and bought the surrounding property to
10 the rancheria so that we could never, ever buy or own or
11 put into trust, or make it very -- you know, a very
12 stringent process to put into trust property that's not
13 adjacent to the rancheria. That was a deliberate
14 design.

15 You know, in -- in therapy, in counseling you
16 talk about multi-generational stress. That's a term
17 that people talk about. I think that we should be also
18 talking about and considering when you are doing this
19 stuff, these regulations, multi-generational racism.
20 That is what still exists. We don't want to talk about
21 it, but it exists because it exists by the actions of
22 people who do things. And doing this buying up the
23 surrounding property of the rancheria was a deliberate
24 effort, is a deliberate effort to stop anything that the
25 rancheria can do.

1 So that when we talk about -- in your suggested
2 processes you talk about what authority should we give
3 in terms of the outside agencies that we have to work
4 with and MOUs and things. Well, in Big Lagoon's case
5 our experience is that we have to work with a racist
6 organization. We have to work with a racist California
7 commission, a state commission for -- that protects the
8 coastal zones of California. They protect it against
9 our Indian development, but they didn't protect it
10 against all the development that occurs on that
11 coastline in California. And why do they do that?
12 Because those other agencies -- those other entities
13 have money that small tribes like Big Lagoon don't.

14 We also have to work with the county. We have
15 a county that says when you have property around that is
16 not adjacent to the rancheria that's 12 acres, we look
17 at that 12 acres and we say we can build probably 12
18 houses, you know, an acre or so per house, because we
19 are all on septic systems and you need a little more
20 property for septic systems. The county looks at that
21 property and says, "No, you can only build one house per
22 12 acres. If you petition us correctly, maybe we will
23 allow you to do a mother-in-law unit." Mother-in-law
24 unit is a house next to the house you build that is one
25 square foot less, but you have to petition. It is an

1 exception.

2 So that is the kind of stuff that happens and
3 that's the kind of things that you have to deal with
4 when you say let's work with MOUs, you know, and have
5 them have some kind of impact on the fee-to-trust
6 process. I think that that should be just totally done
7 away with. We don't need their input. Fee to trust
8 should simply be do the tribes want to put a piece of
9 property into trust? Thank you.

10 MR. TAHSUDA: Thank you, Mr. Baldy. Quickly
11 make sure. I think that's everybody on the list. So if
12 there are other tribal representatives that would like
13 to speak, open it up. I just want to be sure be clear
14 that, you know, because this is a consultation, we need
15 to have those who are, you know, either tribal leaders
16 or duly appointed representatives of the tribes to come
17 up and speak on the record. Thank you.

18 MR. MARSTON: Good afternoon. My name is Les
19 Marston. Charles Wood is the Chairman of the Chemehuevi
20 Indian Tribe and Lloyd Matheson is the Chairman of the
21 Chicken Ranch Rancheria and they asked me to come here
22 today to speak for them. We are going to be -- I am up
23 to I think 28 pages on my comments on your proposed
24 regulations.

25 The result of those comments is a

1 recommendation that you scrap them and start over. But
2 I came here today to talk about three specific issues.
3 The first is notably absent from your regulations is the
4 reason or the purpose why you are enacting them. And I
5 don't know whether it came from Donald Trump or
6 Secretary Zinke or what. I have my doubts whether it
7 actually originated within the Department of the
8 Interior or not, but I think it would be good to add to
9 the regulations a purpose section. And in determining
10 what goes into the purpose section I start with the
11 statute. There is really two statutes at issue here,
12 one being the Indian Reorganization Act, section 465,
13 now recodified -- I think it -- what is it, 5508? -- and
14 the Indian Reorganization Act.

15 So the first thing I did when I started to look
16 at your proposed regulations is I went back to the
17 statute, looked at the wording in both of the statutes,
18 465 and 2719. I went back and looked at the legislative
19 history. You know, there actually was a Senate report
20 on 465. I am sure all three of you have read it,
21 because if you have, you will see that the very purpose
22 for which Congress enacted 465 was not just to stop the
23 allotment process and the forced fee patent process
24 under the Burke Act, but it was to allow -- to start a
25 program to replace for tribes and individual Indians the

1 lands that they lost through that process. That's the
2 purpose of the statute.

3 Under the IGRA under 479, while it is true
4 there is a prohibition, the purpose of the statute is to
5 allow the tribes to engage in gaming so they can
6 generate governmental revenue to provide essential
7 governmental programs, benefits, and services. If you
8 can fall within one of the exceptions, you get to game
9 on land that is acquired after 1988. So the Secretary
10 doesn't get to make new law when he promulgates
11 regulations. He is required under numerous federal
12 court decisions to do two things. If there is ambiguity
13 in the statute, the purpose of the regulations is to
14 find and clarify the ambiguity. And if Congress has set
15 up a procedure but hasn't given all the details, the
16 purpose of the regulations is to fill in the gaps.

17 But clearly under the case law, whether it is, you
18 know, Morton versus Ruiz or the Dixon case, you can't
19 promulgate regulations that frustrate the very purposes
20 for which the statute was enacted. So the purpose of
21 the statute is not just to authorize a process to
22 acquire land. It is to replace the land that was lost
23 through allotment and through forced fee patents. Well,
24 that is 90 million acres. That is 90 million acres of
25 land that was lost.

1 And the United States government has some
2 culpability in this. It is not state or local
3 governments that caused Indians to lose their land. It
4 was a course of dealing with the United States. It was
5 the allotment process that opened up reservations and
6 parceled out or subdivided the reservations up and gave
7 the individual Indians their lands and then the United
8 States coming in and forcing them to take patents and
9 then, when Indians and tribes sued, the United States
10 government stands behind the statute of limitations
11 period and sovereign immunity so that the Indians can't
12 at least collect money for the breach of trust. It is
13 illegal termination. You weren't supposed to convey the
14 deeds under the Rancheria Act until you provided the
15 services. Well, you didn't provide the services. In
16 developing the distribution plans, you didn't take into
17 consideration the fact that the subdivision you created
18 didn't comply with the California Subdivision Map Act,
19 the Indians' housing didn't comply with local county
20 building code requirements, and that the Indians didn't
21 have enough money to put in the water or sewer systems
22 or pay the property taxes.

23 So in many cases, including Chicken Ranch, the
24 very day the Indians got the deed to their land, county
25 inspectors came out and red-tagged their homes. They

1 were forced to sell, those that were lucky enough to
2 find a buyer -- there always seemed to be some
3 unscrupulous non-Indian there ready to buy it up for,
4 you know, a pittance of what it was worth.

5 And then there is the legal actions of the
6 United States government. Congress enacts the -- you
7 know, the 1948 Parker Dam Act, takes 7,700 acres of
8 Chemehuevi land. Why? So people in San Diego and LA
9 can have water, you know, or they condemn the Coyote
10 Valley Indian reservation, 1958, and then the United
11 States government -- even though the statute wasn't a
12 termination statute, they treated them as termination.

13 So the United States has culpability in this.
14 And if you add a purpose section to your regulations and
15 state, "Look, we are supposed to implement the statute.
16 The purposes of the statute is to replace the land that
17 the Indians lost and is to allow the tribes to engage in
18 economic development." If you state that and then you
19 admit the wrongdoing that the United States government
20 did in the purpose of the regulations, if you admit your
21 culpability in forced fee patents and in illegal
22 termination and in condemnation, in that backdrop look
23 at the regulations that you have drafted. I don't think
24 they carry out the purposes for which the statute was
25 enacted. I think they conflict with the plain wording

1 of the statute and the purposes for which the statute
2 was enacted. That is my point number one.

3 Point number two, if the purpose is to replace
4 the land, then why are you drawing a distinction --
5 well, actually you don't draw a distinction between
6 off-reservation acquisitions of land that lie within the
7 boundaries of former reservations and off-reservation
8 acquisitions of lands that are outside the boundaries of
9 any reservation, including a former reservation. If
10 your illegal conduct resulted in the termination of an
11 Indian reservation and is a proximate result of that
12 breach of your fiduciary duty, the tribe no longer has
13 any land within the boundaries of the reservation and
14 the boundaries of the reservation weren't restored, all
15 the Indians should do, consistent with the purposes for
16 which the Indian Reorganization Act was enacted, is they
17 should be able to come to you and say, "Here is the
18 property. We have acquired it. Here is proof that we
19 got good, marketable title. We have complied with NEPA.
20 Take it into trust." That fulfills the purposes for
21 which the statute was enacted. That allows the tribe to
22 put a piece of property back into trust, whether it is
23 for -- you know, for gaming purposes or not. As long as
24 the land that the tribe or the individual Indians wants
25 to put back into trust lies within the boundaries of the

1 reservation or within the boundaries of a former
2 reservation that was created by treaty -- well, actually
3 here in California -- well, we have got some, I guess --
4 treaty, statute, executive order or administrative
5 action, all the Indians should have to be -- should have
6 to demonstrate is that there is good, marketable title,
7 it is not full of a bunch of, you know, nuclear waste
8 and they have complied with NEPA. And you should take
9 it into trust. That streamlines the process. That
10 makes the process easy.

11 The last point I want to make is with regards
12 to gaming. And the points I think have been well made
13 by a number of other people. I think injecting into the
14 process basically a balancing test, where you are
15 balancing the interests of a tribe and local governments
16 in the state and where you are requiring tribes to enter
17 into memorandums of agreement violates the statute.

18 First of all, the plain wording of the statute
19 under the two-part determination process is that all the
20 tribe has to show is that it is going to benefit the
21 tribe and that it is not detrimental or harmful to the
22 surrounding community, not that it has to benefit the
23 community. Where do you get the authority to require
24 that? It is actually contrary to the statute because,
25 you know, it is like I am walking down the street and

1 there is somebody walking the other way. If I don't
2 touch them, if I don't look at them, if I just walk by
3 them, I haven't harmed them in any way, right? But now
4 you want me when the guy is walking down the street to
5 get into my pocket and handled the guy a hundred-dollar
6 bill. I got to show I am benefiting them. Where did
7 that come from?

8 And most certainly the counties will hold the
9 tribes' applications hostage. You are putting the
10 tribes in an unequal bargaining position. You are
11 forcing them to go to the table and get on their knees
12 and beg to the counties to get an agreement so they can
13 get a piece of property into trust or a piece of
14 property into trust for gaming purposes. I submit to
15 you it is illegal. I think it is beyond your authority
16 to do. It goes beyond the statute.

17 And why do you need to promulgate new
18 regulations on off-reservation gaming acquisitions to
19 begin with? The statute seems to me to be pretty clear.
20 A tribe just has to show that it is in their best
21 interest -- I am a tribe; I got no land; I got a
22 six-acre parcel of land or a ten-acre parcel of land on
23 the Chicken Ranch Rancheria; I want to acquire another
24 parcel of property and it is going to be for gaming
25 purposes and I am going to make X number of millions of

1 dollars. It is pretty easy for me as a tribe to be able
2 to demonstrate that gaming and the generation of revenue
3 is going to be in my best interest. The only other
4 thing is, okay, is it harmful, not to local governments
5 but to the surrounding community? And again it is a
6 harmful test, not a benefit test.

7 So I think you ought to eliminate the distant
8 restriction and I think that you ought to eliminate the
9 requirement that they have got to produce some kind of a
10 memorandum of agreement with local government and be
11 able to demonstrate that they are providing local
12 government with some benefits. It's in violation of the
13 statute.

14 All of the rest of the comments we will submit
15 in writing. Thank you.

16 MR. TAHSUDA: Thank you, Les.

17 MR. DICKSON: Good afternoon. My name is Aaron
18 Dickson. I am the secretary-treasurer of the Susanville
19 Indian Rancheria. I am here today to talk about -- I
20 still agree with everybody's comments today of these
21 regulation changes, because it is going to impair and
22 also do harm to our tribes, not only just in California
23 but within the United States.

24 And part of it is that, you know, we can sit up
25 here and talk about history, we can talk about

1 everything else, but what are you going to do with that
2 information? That is the main question. Part of it is
3 that with us, with the Susanville Indian Rancheria, we
4 are the only federally recognized tribe in Lassen
5 County. We have a membership of 1,200 tribal members.
6 Our reservation consists -- it started in 1924 of
7 24 acres. Now our acreage is over 1,300 or 1,500 acres
8 now. We went out and purchased the lands that used to
9 be ours years, centuries ago. We are still acquiring
10 land, either buying land or going through the
11 Congressional transition way of buying land from BLM, or
12 not -- I am sorry -- transfer land from Bureau of Land
13 Management or acquiring land from military downsizing.
14 We also acquired housing and infrastructure from a
15 military base that was downsizing. So we are trying to
16 acquire our lands back for us. We are self-sufficient
17 and also self-sustaining. We want to be stewards of our
18 own lands, not have somebody else come in and tell us
19 what to do or what we can't do. That is the most
20 important thing is we control our own destiny.

21 Now, getting back to our history, well, the
22 history of the federal-Indian relationship in California
23 shares some common characteristics with that of native
24 people elsewhere in the United States, it is different
25 in many aspects. It includes the state's refusal to

1 ratify the 18 treaties negotiated with the California
2 tribes during 1851, the lawlessness nature of California
3 settlement after the Treaty of Guadalupe Hidalgo,
4 including state-sanctioned efforts to exterminate
5 indigenous people. At that time, the California
6 governor declared war on Indian people. I am not going
7 to say Native American. It was Indian people. He went
8 out and made a statement, "A good Indian is a dead
9 Indian." And at that time that California governor put
10 a 5 dollar bounty on Indians. And it was horrific.

11 Under the pressure -- and also with that the
12 California governor called the legislatures in
13 Washington D.C. to not ratify those treaties. Under
14 pressure from the California Congressional delegation,
15 the United States Senate not only refused to sign the 18
16 treaties that had been negotiated, but they also took
17 extraordinary steps to place the treaties under seal.
18 Between the unratified treaties and the Land Claims Act
19 of 1851, most California Indians became homeless.

20 In addition to not only homeless, there was
21 also massacres that were taking place in California. My
22 great-grandfather, Old Man Joaquin, he was the lone
23 survivor of the massacre that took place in Papoose
24 Meadows in the second week of June of 1866. And during
25 that time, the militia killed his whole family. And as

1 he was fighting the militia, he realized that it was a
2 losing battle because most of the families -- the
3 captain told his militia, "Don't use your bullets." So
4 he saw his own family, the kids, the infants, being
5 thrown against the trees, killing these -- my family,
6 and using the bayonets, knives, and whatever else they
7 had in their possession to kill my family.

8 So when it comes to fee to trust, we have a
9 responsibility. My family gave up our blood, our sweat,
10 our tears for that. And now I am here to fight for
11 that, because we need to. And I can feel that my
12 presence of my grandfather and my father, Harold
13 Dickson, still fighting with me as I am speaking,
14 saying, "You need to say this."

15 In 1905 the public was finally advised of the
16 18 unratified treaties. Citizens sympathetic to the
17 economic and physical distress of California Indians
18 encouraged Congress to pass legislation to acquire
19 isolated parcels of lands for homeless California
20 Indians. As a result, between 1906, 1910 a series of
21 appropriations were passed that provided funds to
22 purchase small tracts of land in Central and Northern
23 California for the landless Indians in those areas. We
24 were one of those areas. Like I said, we started out
25 with 24 acres.

1 The land acquisition resulted in what is
2 referred to as the rancheria system in California. The
3 Susanville Indian Rancheria is one of many tribes in
4 California whose ancestors signed these treaties. My
5 great-grandfather, Old Man Joaquin, was there at the
6 signing in Lassen County. And we have one of the
7 ranchers that just passed just recently indicated that
8 he remembered that signing in Lassen County.

9 Some of the federal regulations state that in
10 order to enforce a tribe's right, they must be tied to a
11 treaty. In our case this is not possible because those
12 treaties were never ratified. The Susanville Indian
13 Rancheria requests your support on any effort to change
14 language from that of a treaty tribe to that of a
15 federally recognized tribe, and part of it is that every
16 time I go to a conference -- it could be in New Mexico,
17 it could be Arizona or anywhere within the United
18 States -- you, the Bureau of Indian Affairs, officials,
19 staffers, indicate -- says, "We are here to recognize
20 treaties." What happens if we have a treaty that is not
21 signed and recognized by Congress? What happens then?
22 Are we just landless again? That is my question.

23 Most of all, these changes that you are
24 requesting -- are recommending are going to be very
25 difficult for us to accept because those changes will --

1 is going to affect all native lands in the United
2 States. You cannot template that to impose on
3 California, Nevada, Washington or throughout the United
4 States because every tribe is going to be different.
5 Every tribe had different needs, different wants, but at
6 the same time the tribes are there to help their
7 membership. In some cases, it is going to hinder the
8 tribes because now it is going to cost us more money.

9 We in the past have went out and acquired land,
10 but at the same time we had some difficulties, not only
11 within the government, between the city, the county or
12 individuals. In this case you indicated the 30-day
13 review panel or review session. That is going to be
14 difficult for us because now you are saying that with
15 this little stipulation here now you are imposing on our
16 sovereignty. We are trying to get our land back. We
17 are doing every effort with what the amount of money
18 that we have. We are trying to do that. But in some
19 cases it is going to be very difficult for us if these
20 changes go into effect. All it takes is one person to
21 say, "I don't want this. This is not beneficial for the
22 tribe." They don't know. They are not there to help
23 the tribe. They are just there to make things more
24 difficult, more money to be consumed and so forth.

25 In the early 1900s Congress passed -- or I take

1 that back -- Congress gave 160 acres to our ancestors.
2 That was for them to be homesteading. That was also to
3 be self-sufficient and also be able to grow, be
4 self-sustaining on the land. But what Congress didn't
5 know was the fact that the land that was given to our
6 ancestors, they couldn't grow crops. They couldn't do
7 anything because the land that was given to us was
8 either on hillsides, rocky or unable to do anything with
9 the land, but most importantly our ancestors survived
10 and when -- they got through that. As time went on,
11 when it got to the point when our ancestors got their
12 titles, they either sold the land, they lost it by
13 taxes, and last but not least the land was stolen from
14 them. When I talk about stolen, my great-grandfather
15 had a parcel of land in Milford, California. It had 160
16 acres. It had water. It had timber. It had the
17 habitat to live on. It was appropriate place for a
18 family to live. One day Red River Lumber Company came
19 through and says, "All we want to do is harvest the
20 timber off your land." And so my great-grandfather put
21 his X on that contract. As time went on, once the
22 timber was removed off the land, the Red River Lumber
23 Company came back and says, "Oh, by the way, not only
24 did you have to -- did you sell us the timber but you
25 also sold us the land." And so the other aspect is when

1 I look at documents that the Bureau of Indian Affairs
2 has submitted, they have indicated that way back when
3 that Old Man Joaquin sold his land, but in reality it
4 was stolen from him because of the timber sale. But
5 what happened after that, in 1924 he was the first
6 occupant to reside on the Susanville Indian Rancheria of
7 the land that was given to us back in 1924.

8 So with that I want to close with -- I take
9 that back. When you talk about taking a break and
10 everything else, I think we all know when we need to
11 take our own breaks, but importantly it is important
12 that you are here to listen to -- because you only have
13 40 minutes. I know we probably have about 20 more
14 speakers. You don't give us an allotted time to listen
15 to everybody. That is the short amount that needs to
16 take place. You need to allocate more time for that.

17 My closing is this. The Bureau of Indian
18 Affairs' mission is to enhance the quality of life, to
19 promote economic opportunity, and to carry out the
20 responsibility to protect and improve the trust assets
21 of American people, American Indians, Indian tribes,
22 Alaskan natives. We will accomplish this through the
23 delivery of quality of services, maintaining
24 government-to-government relationships within the spirit
25 of Indian self-determination. We as Indian tribes make

1 that self-determination, not the federal government.

2 Thank you.

3 MR. TAHSUDA: Thank you, sir.

4 CHAIRMAN OYOS: Deputy Assistant Secretary, I
5 am Virgil Oyos, Chairman of Mesa Grande Band of Mission
6 Indians.

7 VICE CHAIRPERSON OYOS: Ladies and gentlemen,
8 My name is Judy Oyos and I am Vice Chairperson of Mesa
9 Grande Band of Mission Indians.

10 MR. TRUJILLO: My name is Anthony Trujillo and
11 I am a Councilman of the Mesa Grande Band of Diegueno
12 Nation. It is good to be here. Thank you.

13 VICE CHAIRPERSON OYOS: We would like to thank
14 you for opening up the mic for conversation. We would
15 also like to thank you for indicating that the session
16 is being recorded. So, therefore, Mesa Grande Band of
17 Mission Indians would like to formally go on record by
18 saying that we oppose new off-reservation requirements.
19 Number one, proving historical connection is
20 counterintuitive because it was not the intent of IRA.
21 The point of IRA was to return lands to tribes without
22 having to prove historical connection.

23 We oppose the facilitation of consolidation, in
24 effect needing new requirements. And we also oppose
25 showing of an effective exercise of authority, because

1 it invites the involvement of state and local
2 governments. And we oppose the reinstatement of a
3 30-day waiting period because there is already a
4 provision for review. Subsequently, this would also
5 invite potential litigation there by causing potential
6 delays. Thank you very much.

7 MR. TAHSUDA: Thank you.

8 Dore?

9 MS. BIETZ: I will be brief.

10 MR. TAHSUDA: I'll believe that when you
11 actually --

12 MS. BIETZ: I know. Uh-huh.

13 Dore Bietz. I am an enrolled member with the
14 Tuolumne Band of Me-Wuk Indians and I am actually here
15 making a statement on behalf of our Chairman, Kevin Day,
16 who could not be here, but I would like to acknowledge
17 our community council member and elder, Mr. Dennis
18 Hendricks, which most of you know, who is also here with
19 me today.

20 So a few things. The Tuolumne Band of Me-Wuk
21 Indians, Tuolumne County is about two and a half hours
22 kind of southeast of here. Beautiful country. Our
23 tribe's first federally acknowledge land was created or
24 established by executive order in 1910 for about some
25 289 acres. Over the years we have added as we could,

1 either through legislation or through the 151 process.
2 Today we have just over 792 acres in tribal trust. That
3 may seem like a lot, but it is not. And when you think
4 about many of the areas in California, we have a lot of
5 granite. We also have slope and topography that also
6 prevents us from building on all of those acres.

7 So we have added, obviously -- that is, what,
8 about 500 acres over the last 108 years. And we are
9 very proud that we are also submitting and we have
10 current applications sitting at the Pacific Regional
11 Office because we have a large membership that wants to
12 come home. And we as a government have a duty -- we
13 have a duty to provide for our people. And so in order
14 to do that we have to have that.

15 Why has it taken us so long? Obviously, like
16 many other tribes, first and foremost we didn't have the
17 funding. We did not have the economic development in
18 order to buy the land, nor was that land that was
19 adjacent to us -- was that available to purchase. Just
20 over the last couple of years have we been able to do
21 that. And part of that -- and I know I share this story
22 from many other tribes -- is sometimes we have to be --
23 I don't want to use the word "devious," but we don't
24 obviously sometimes announce when we buy land because
25 that land price for a lot of our tribal communities goes

1 skyrocketing. As soon as they know a tribe wants to buy
2 that property, those prices just increase tremendously.
3 And so one of the things that -- we as a tribe were
4 purchasing those lands because we want to grow in our
5 economic self-sufficiency. We have needs. We have
6 membership that has needs for housing, for improved
7 infrastructure. We have tribal facilities that are
8 needed to which to govern. I truly believe and I share
9 and I am so thankful for all of the tribal leadership
10 that has spoken before here today that it is about our
11 connection to the land. And we have a lot to make up
12 for, but we tie -- our ties to the land is like no
13 other. And it is so important for us to provide for our
14 people, to protect and provide those services and also
15 protect the natural resources and the cultural sites
16 that are there.

17 Like any other government entity, whether
18 tribal, state, or federal, we have that responsibility
19 to provide for those that live in our community. These
20 are our elders. They are our youth, our tribal members
21 and their families. With that comes the necessity to
22 protect those lands, those resources, and those cultural
23 places that define us. Land is key to who we are as a
24 government and as a people. We take very seriously our
25 responsibility to provide for our community and to

1 protect our natural resources and our culture. We also
2 take very seriously our relationship to local
3 governments, that the services they provide to our
4 members, to our employees and to the guests that utilize
5 our businesses.

6 The process under 151 is no easy task and we
7 have committed much time and much of our financial
8 resources to follow that process so that we can provide
9 for our people.

10 Some very general comments. One, the
11 process -- you have heard it -- should not be harder.
12 It should be easier. The concurrence or the requirement
13 that you are asking for, local governments should not
14 have a say. We are very fortunate in our community to
15 have one of the most or the best relationships with the
16 local government that you may find. We have worked hard
17 for that, but we also hear the voices of our sisters and
18 brother in the north, whether it is Amador County or in
19 the south in Madera County. We hear those horror
20 stories. In fact, our local sheriff, who goes to many
21 different state meetings, is appalled at what he hears
22 that comes out of the mouths of local government about
23 how they treat tribal governments, and he comes back and
24 he says to us, "Wow, I had no idea that you guys have to
25 deal with this."

1 So, real quickly, specific to two questions,
2 under what circumstances should the Department approve
3 OR disapprove an off-reservation trust application? At
4 Tuolumne, we understand the concern that approving
5 off-reservation acquisition creates checkerboard
6 jurisdictions, but because so many tribes in California
7 were left homeless and the lands that they occupied are
8 no longer available or that the original lands that they
9 had set aside for them are not necessarily in the area
10 they would have chosen, why couldn't a tribe -- if they
11 were equipped to manage those lands off reservation, why
12 shouldn't they have those lands placed into trust for
13 them? At Tuolumne, we have a parcel of land that is
14 about 630 acres. It is not contiguous but as the crow
15 flies it is about two and a half miles from our existing
16 tribal trust lands. It is known as Murphy's Ranch.
17 Public safety division of our tribe travels there
18 several times a day to patrol it. Our tribal fire
19 department and our field crew not only train there but
20 they manage the timber and the natural resources,
21 whether it is cutting down the dead or dying trees due
22 to bark beetles or to gather and cut wood for our tribal
23 families. Our cultural department visits there often to
24 check on and protect our cultural sites. We take our
25 youth out there to teach them about the environment, how

1 to protect it. It is a beautiful place. It is where
2 our people existed, where our people occupied. We
3 recently received a land transfer from the U.S. Forest
4 Service for about 80 of the adjoining acres, because
5 they realized we know how to take care of that land. If
6 we are already providing those services, if we do not
7 plan to develop it but we are there just to protect it,
8 why shouldn't we be allowed to have it transferred so
9 that we can properly manage it?

10 Housing for our people, economic business for
11 our people, education, cultural and natural resource
12 protection should all be reasons to have any land,
13 whether it is on or off reservation, be placed into
14 trust.

15 Last is number 7, should pending applications
16 be subject to new revisions if and when they are
17 finalized? It is entirely inappropriate to impose new
18 rules on a tribe that already has relied on the existing
19 rules in formulating its application. Applicant tribes,
20 particularly those whose applications are complete,
21 should be given the option to complete the application
22 process under the regulations as they existed when the
23 application was filed or to proceed under the newly
24 amended regulations. We encourage the Department to use
25 the process in 25 CFR 85.7 of the newly revised part 83

1 regulations, the procedures for establishing that an
2 American Indian group exists as an Indian tribe, as a
3 model for this purpose.

4 Better yet, we urge the Department to abandon
5 its efforts to amend part 151 regulations altogether and
6 instead give the tribes the benefit of continued
7 regulatory stability. You have heard a lot of tribal
8 leaders talk about the process and how it is working.
9 We have worked very hard to do the things that you have
10 asked of us. We are doing a good job at that. I hope
11 that you listen to what we have to say and to offer.
12 Tuolumne will be submitting written comments as a part
13 of the process. Thank you.

14 MR. TAHSUDA: That was relatively brief, Dore.
15 I am impressed.

16 MS. LAPENA: My name is Michelle LaPena. I am
17 a member of the Pit River tribe, but I am here today on
18 behalf of my clients. I am an attorney. I am here on
19 behalf of Dry Creek Rancheria. And Dry Creek Rancheria
20 is a tribe located in Sonoma County. They have a very
21 small original rancheria and they recently acquired a
22 campground that is less than four miles away from the
23 rancheria. And they wanted to using the campground and
24 there is no change in land use on this application. It
25 was submitted several years ago. The environmental work

1 was completed, the application was complete, and it was
2 at the regional office ready for the notice of decision
3 to be issued, and then there was an election and then
4 there was a subsequent swearing in of the new president,
5 and then there was a new secretary.

6 And in the process of those few months, the
7 application has been redirected to central office and it
8 is sitting there. It is a completed application. It is
9 an application that is technically an off-reservation
10 application but it is within the tribe's aboriginal
11 lands. It is for tribal use. There is no change in
12 land use. The campground is a campground that the
13 tribal members use and they have used for a very long
14 time. They are very proud of the campground and they
15 have no intention of changing the use. They have worked
16 with the county in this instance. There had a been a
17 long-standing difficult relationship with Sonoma County
18 but they have managed to resolve a lot of their
19 differences and the county actually supported the
20 application.

21 And so, because of all of the work that went in
22 and the effort and the time and the expense of this
23 application, which should be a really simple one, it is
24 very frustrating for the tribe that the application is
25 still pending and we have actually been given no

1 correspondence, no notification that -- as to why there
2 is a hold. We do know of it, though, through our
3 communications through, you know, our representatives in
4 D.C., but the fact that there has not been any
5 communication to Dry Creek Rancheria specifically
6 explaining to them why there is this hold I think is a
7 breach of the trust responsibility to the tribe.

8 I also am here to speak on behalf of the Potter
9 Valley Tribe, who is another client of mine. It is
10 located in Mendocino County. And that tribe has a
11 similar fee-to-trust application that was completed, the
12 environmental work was done, and it was -- it was
13 actually part of -- there was originally two parcels in
14 the application but it was bifurcated for some technical
15 regions at region and one of the applications was
16 approved and the nod was issued prior to the election
17 and the other one was not, and now it is on hold at the
18 central office. There is no change in land use. It is
19 for tribal housing. All of the environmental work is
20 completed, the site visits have been made, and now they
21 will become stale, which I think is a big problem in
22 having applications pending, because now you will
23 need -- you know, the BIA will say, well, now we need to
24 do new site visits when the site visits have been
25 completed. And it is ready and it also has county

1 support. It is for tribal member housing, which is
2 low-income housing. And there will not be any further
3 development on the site.

4 So I wanted to point your attention to these
5 two specific applications which under any other
6 political kind of scenario these would be no-brainer,
7 easy nod through the regional office, and now they are
8 sitting in central office without any correspondence to
9 the tribe. I do think that that is a breach of the
10 trust responsibility.

11 When I explained what the trust process is to
12 my clients, particularly Potter Valley, who had never
13 experienced the process of fee to trust, I explained it
14 to them that it is -- you know, non-Indians have the
15 process of putting land into a living trust or into an
16 estate. And in the process of doing that, you take the
17 control of that land and you put it into a trust so that
18 it is protected. And it what, you know, very wealthy
19 people do in this country is they create these trusts so
20 that they can protect the land for their future
21 children, their descendants. And it does trouble me
22 that Indians are now viewed in a different way and that
23 we can't protect the land for the future generations of
24 our people because we are growing, we are increasing in
25 number, and we have needs that are very important.

1 So I would hope that they -- the applications
2 that are currently in the pipeline should be moved very
3 quickly. And I had worked with region to try to come up
4 with what a checklist would look like, just to get it
5 through the process to get signatures, and I understand
6 that that is just really a technical issue right now. I
7 wish we could get some movement on those applications.

8 And so with regard to the last question, what
9 recommendations would you make to streamline or improve
10 it, you know, you are going to really need to move the
11 existing backlog. The backlog is building and it is
12 going to prevent tribes in the future to take land into
13 trust.

14 And just as a personal note, you know, my
15 grandfather -- he is an elder. He is a member of the
16 Cabazon Band of Mission Indians and he had always told
17 me that someday the federal government will stop taking
18 land into trust for tribes. And I know he is a very
19 wise man and he said that with a lot of experience,
20 living through it. He is 91. And, you know, I am
21 concerned that that is happening and I am concerned that
22 he is right. And I hope that he is wrong.

23 So please take all that you have heard here and
24 I hope that you can, you know, provide some relief to
25 the California tribes. Thank you.

1 MR. TAHSUDA: Thank you. Anyone else? Open
2 mic.

3 UNIDENTIFIED SPEAKER: Just real quick, just
4 testimony to what the last comment was. The backlog
5 that has been created, I agree it needs to be -- and
6 testimony that is the Karuk Tribe, we have had a
7 land-to-trust process for our ceremonial area. Again,
8 we are a reservationist tribe so any property that we
9 want to put into trust is off reservation. So this is
10 land -- it is called Cuttamee and it is where we do our
11 dances and our prayers. We perform our ceremonies. It
12 is where we do our dip netting so we can take our fish
13 to our elders and families. And this year, because the
14 fish are becoming endangered, we are not taking any fish
15 this year. We are letting everything go through.

16 But that process is in place and that is a
17 no-brainer. This is in the deep, dark woods that we
18 have only used forever for that purpose. We have an MOU
19 right now. We are always, you know, worried that that
20 MOU might be pulled, but that is an example of the
21 backlog that's there.

22 To me -- and I have heard testimony from other
23 tribes that have similar situations. To me that's a
24 no-brainer to get that land into trust because that is
25 what has been used for since time immemorial and that's

1 what it will be used for forever.

2 So there is other situations out there so I
3 would just like to reiterate that there probably is a
4 backlog that needs to be taken care of, and then other
5 land-into-trust issues that might take a little more due
6 diligence, could be you could focus on those. Thank
7 you.

8 MR. TAHSUDA: Thank you.

9 MS. RISLING: Lois Risling, Hoopa tribe.
10 Because of the confusion in your letter, one of the
11 things it says is that there should be a broader
12 discussion about the direction of updates to part 151,
13 that that would be more appropriate than having
14 consultation hearings on the actual regulations
15 themselves.

16 It's been my experience that discussions
17 involve two parties talking to each other or two people,
18 so it would be beneficial to me if you could tell us
19 what you've heard today, because your letter says it is
20 a discussion, not a consultation. So that would be very
21 beneficial for those 10 questions, not on the part 151
22 regulations which you introduced this morning as wanting
23 to have consultation on the 151 regulations for off
24 reservations.

25 And I would really encourage you to -- and

1 that's why I am interested in the discussion to take the
2 message back to whomever is making this decision that we
3 don't need changes to part 151 that are designed to make
4 sure that we cannot get land into trust, but that they
5 should be working on issues that truly impact us, like a
6 fix to Carcieri, because that does not impact my tribe
7 directly but it impacts a lot of tribes here in
8 California, as well as the nation. So I would
9 appreciate some kind of discussion from you.

10 COUNCIL MEMBER WALKER: Hello. I am Tom
11 Walker, Council Member, Picayune Rancheria. I heard a
12 lot of good things, a lot of people. I respect history
13 of your particular tribe and area that you live in.

14 I would like to just point out, our meeting
15 here, you are our fiduciary. You are the federal
16 government and, you know, we hear a lot of history
17 examples -- no disrespect, nothing personal regarding
18 you yourselves -- you are filling a position that's been
19 around since the beginning of this country, the federal
20 government's shoes. So in that context are my comments.

21 I heard something like termination here in
22 California. I have heard that, you know -- you know,
23 that has created a whole lot of mess here in California,
24 the areas of California that experienced that. Now, I
25 heard somebody touch on also the Land Claims Commission

1 in 1850, 1851. You know, that required anybody having a
2 claim to any land to submit a claim within the Land
3 Commission in Sacramento. I just have a question of,
4 well, how many Indians at that time knew how to speak
5 English, much less write and submit a form or have an
6 attorney to explain to them what they are doing? I
7 appreciate somebody saying, you know, it goes to their
8 comment of putting an X on it, not knowing they were
9 giving the land to this logging company. Those are
10 classic examples.

11 A fiduciary is supposed to educate us on our
12 rights of what we have that -- what we do have, and
13 advise us on the course of action that would be
14 beneficial to our particular people, our tribe. So, you
15 know -- and this all goes to credibility. Credibility
16 is a two-way street, though. It regards two parties.
17 So, you know, we are raising the stakes when we are --
18 you know, we are using -- you know, we are going to
19 history, we are going to classifications and names when
20 we say racial things. You know, those things happen.
21 Those things are true. So we have to also be able to,
22 you know, go forth from there. You know, the tribes
23 are -- have seen this and we don't want it to be
24 repeated. It just seems like the prevailing view here
25 is the counties are going to be in a better position to

1 leverage against the tribes of, you know, what the
2 counties want, which is money, but NEPA was enacted to
3 benefit the tribes, not the counties, not the state, and
4 that's what it says. And if it just says that and it
5 doesn't mean it, then, you know, we are all in a big
6 mess here, because we are all -- you know, we are all
7 going to be having to fight that fight, you know, to
8 avoid any capricious, arbitrary decisions.

9 And it is a mess because you can't fix history.
10 I understand that. I am not expecting you to. But I
11 just want you to treat every tribe the same and equally
12 and fair and don't pick winners and losers. But I thank
13 you for the opportunity.

14 MR. TAHSUDA: Thank you. Well, thank you,
15 guys. I will offer a comment, since I have been asked
16 to comment.

17 So thank you again. I appreciate all the
18 comments you have made. I will try to proceed without
19 looking at any notes I had made earlier to figure out
20 what I was going to offer at the end here.

21 So I think that -- I wanted to -- a couple
22 things I want to make sure. I have heard a lot of
23 comments about giving counties a veto authority or
24 something, and so that was not ever part of our
25 discussion. I want -- I think that the intent of that

1 and -- was to see if there is a way when we have to --
2 when we have to do within the Department the evaluation,
3 review and application and all the pieces that go with
4 it, and if it is off reservation we are required to give
5 some weight to impacts on local communities, et cetera.
6 That is a very difficult process and I think that one
7 way that you can accomplish that is when a tribe and a
8 local community come together voluntarily and they reach
9 an agreement on what those impacts are and how they are
10 going to deal with it. That is prima facie the evidence
11 of the local impact and how it has been dealt with and
12 we don't have to do some sort of separate analysis that
13 we may get wrong or that the county may sue over later
14 or whatever. You guys have reached that agreement. And
15 I know, my past experience, that those discussions often
16 happen and they often happen before the application is
17 even submitted to us. Sometimes they come to fruition
18 and there is an agreement reached, a meeting of the
19 minds, and sometimes there is not. But if there is a
20 meeting of the minds and that is submitted with the
21 application, if you talk about streamlining the process,
22 trying to make it happen faster, that is certainly one
23 piece of it, I think, that could happen that way.

24 And so that was put out for your thought and
25 your discussion. I think if you feel like there is no

1 way in heck that you can ever have a discussion with
2 your local communities that would be fruitful, make that
3 comment and we will take that into consideration. And
4 if it is not going to be helpful in any way, that
5 wouldn't go forward with any regulation. So, again,
6 that's up to you.

7 I would say in my experience -- I am from
8 Oklahoma. Certainly the historical relationship with
9 local communities, non-Indian communities, has not been
10 great, but we have made light-years of progress in the
11 last -- just in the last decades, really, in developing
12 relationships with local communities that have become
13 much better. And again, these impact discussions are
14 often now resolved between the local community and the
15 tribe, and the Department really doesn't even enter into
16 that discussion anymore. So if you think that can work
17 for you, great. If you don't, you know, offer that
18 comment. I appreciate that.

19 So that also leads to, I guess, a step up from
20 that, which is to say I do want to assure everybody
21 there is -- the ultimate goal of our effort here is to
22 say that if there is a better way to handle this
23 process, we would like to hear about it. And so -- I am
24 an Indian person. I have -- I have an IIM account. I
25 have land that is in trust in my family. I have an

1 interest in my own name. I understand my tribe has land
2 in trust. I understand all of that. My experience is
3 that the Department's way of processing these things has
4 not historically been great. And there have been some
5 improvements. As we said at the beginning, that these
6 regulations were really first promulgated in 1908. That
7 is pretty late in the game, really, if you think about
8 it. So -- and they have been amended several times
9 since then. And so if there is a way for us to make the
10 process better, again, I would like to take a crack at
11 that. I would like to see the process be better at the
12 end of the day.

13 Now, that process has a lot of facets to it.
14 Part of this is internal and how we can help you, the
15 tribes, to submit your applications, make the process
16 more effective, more efficient, and easier for you.
17 There are also external factors and we cannot forget --
18 at least we can't forget at the Department -- we get
19 sued over everything. And so at the end of the day we
20 also have to be able that we are in a position where we
21 can defend the decisions that we are making with you.
22 And so there is also as you -- as you guys digest this
23 information and you submit us written comments, you
24 know, I would suggest that you also keep that in mind,
25 as you -- I am sure you pay lawyers a lot of money and

1 that is something that also, though, we would like to
2 you consider, because at the end of the day it doesn't
3 do any of us any good if we have elements to the process
4 which do not comport with federal law, federal court
5 cases and we end up making the process worse again than
6 it was before.

7 So I also want to make sure and offer that out
8 to you, there are both internal and external factors we
9 hope to consider, we hope to look at and see if we can
10 make them better, and that at the end of the day is the
11 ultimate goal.

12 Questions about, you know, can we make -- can
13 we -- I may say when you ask what did I hear out of
14 this, there are a lot of things, and thank you very
15 much. Some of the things -- one of things that really
16 rose to my mind is in keeping with I think one of the
17 questions we asked, which is are there circumstances
18 that are different -- we have several tribes that don't
19 have reservations, some tribes that don't even have land
20 yet, so is that a consideration and how would we go
21 about, you know, making that part of a priority
22 decision-making process or not? You know, what would
23 that look like? We would love to hear your comments on
24 that. I know for tribes that, you know, don't have
25 formal reservations, there are questions and questions

1 that we have to struggle with internally as to how we
2 deal with those processes. So again, your thoughts and
3 comments on those, very helpful to us.

4 And I think even at the end of the day if there
5 were no new changes to the regulations that came out of
6 this, I think this discussion is helpful. It is helpful
7 to us to digest your experiences. California is very
8 different than other places in the country, of course.
9 One of the reasons we are trying to hold these
10 consultations all over the country is so that we can
11 have those, and at the very least it goes into sort of
12 our bank of knowledge as we try to service the needs of
13 the tribes and individual Indians.

14 So that's all I can recall off the top of my
15 head. I want to thank you guys.

16 Paula, did you have anything you want to offer?

17 MS. HART: I think the only thing that I would
18 like to say is we do have the court reporter here. I
19 have been in this position now for quite a while and I
20 do think -- I know you are feeling this isn't
21 consultation, but we do have the court reporter. We go
22 back, we review all of the comments, we look at them,
23 and then we pass them up through the administration so
24 that they do get to see everything that is being said
25 here today.

1 So -- and we hear all the time in my office,
2 you know, we need a better process. And so we are kind
3 of hearing -- so when this administration come in and
4 they said, "Well, can we make the process better?" And
5 then we started this process to find out what it is that
6 you guys want and what it is you think needs to be
7 better.

8 I don't think we hit it on the first round out,
9 but I definitely can say that we are going to. And I
10 think Liz is here. We are going to be going through
11 these comments. We are going to listen to it. We are
12 going to be reading them over and over again and that's
13 what this process is all about. So we will -- everybody
14 all the way up in this administration asked for this and
15 they are going to hear about it. We are going to do --
16 this will be all transcribed. All your comments will be
17 heard by many more people in the Department. Thank you.

18 MR. TAHSUDA: Thank you. And just to confirm,
19 too, that at some point through the collection process
20 and everything these will be online as well, right?
21 Through our website? Okay. Sorry. I am still kind of
22 new at this. So on our website, you know, once we are
23 able to process it and get everything online and they
24 will be there for your viewing as well.

25 And so if there is no other comments, I would

1 like to close us out.

2 UNIDENTIFIED SPEAKER: Can I have a closing
3 comment?

4 MR. TAHSUDA: Yes. Yes.

5 UNIDENTIFIED SPEAKER: So I have a big voice
6 and I don't need to use the microphone, but as I was
7 sitting here I remembered the words of my grandmother.
8 I won't use the exact word because it is derogatory now,
9 but it started with an N. And so in place of that she
10 said, "Remember, even in your own country you will be
11 treated as a second-class citizen, just like an N, and
12 if you are going to do work for Indian country, the
13 worst thing to be is an apple. So if you start to look
14 like an apple and you are forgetting your purpose and
15 what you are doing for your people, leave that job."

16 I don't believe you guys are apples. I believe
17 you are here to hear us and you are working for the
18 people. I will let you know when you become an apple.

19 MR. TAHSUDA: Thank you, Chairman. Thank you
20 guys. We will close out the session now.

21 (Proceedings concluded at 12:55 p.m.)
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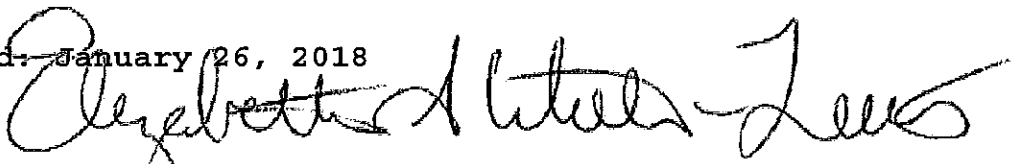
1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken
4 before me at the time and place herein set forth; that a
5 verbatim record of the proceedings was made by me using
6 machine shorthand which was thereafter transcribed under
7 my direction; further, that the foregoing is an accurate
8 transcription thereof.

9 I further certify that I am neither financially
10 interested in the action nor a relative or employee of
11 any attorney or any of the parties.

12 IN WITNESS WHEREOF, I have this date subscribed
13 my name.

14
15 Dated: January 26, 2018

16 

17 ELIZABETH A. WILLIS-LEWIS, CCRR, RPR, CSR NO. 12155

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