# DOI SELF-GOVERNANCE ADVISORY COMMITTEE (SGAC)

## QUARTERLY MEETING

## JULY 19-20, 2016

**Embassy Suites DC Convention Center**

900 10th Street Northwest, Washington, DC 20001

**Phone:** (202) 739-2001

**DOI Self-Governance Advisory Committee and Technical Workgroup**
**Quarterly Meeting**
Tuesday, July 19, 2016
Wednesday, July 20, 2016

**Embassy Suites Washington DC - DC Convention Center**
900-10th Street NW
Washington, DC 20001
Phone: (202) 739-2001

# Table of Contents


1. **SGAC AGENDA**
   - 2016 National Calendar
   - SGAC Membership Matrix

2. **SGAC Committee Business**
   - March Quarterly Meeting Summary
   - SGAC Assignments Matrix
   - Data Management Subcommittee Workgroup Report

3. **DOI CSC Policy**
   - SGAC Letter to Assistant Secretary of Indian Affairs RE: DOI Draft CSC Policy
   - DOI Data Request for 2016 Contract Support Costs

4. **Environmental Protection Agency & Self-Governance Expansion**
   - Self-Governance Pilot Demonstration Project Description
   - Summary Meeting Notes – Monday 27, 2016
   - Cherokee Nation Examples

5. **DOI Strategic Plan**
   - Preparing for Strategic Plan update
   - DOI Strategic Plan FY 2014-2018
   - DTTL: DOI Strategic Plan FY 2014-2018 Consultation Notice
   - Indian Affairs Strategic Plan Measures

6. **White House Council on Native American Affairs**
   - Self-Governance Paper for the White House Council on Native American Affairs (April 27, 2016)
   - Anthony Morgan Power Point Presentation and Update

7. **Army Corp of Engineers**
   - Announcement from Army for Civil Works Announces Tribal Initiatives

8. **Other Documents**
   - Ak-Chin Indian Community Request to DOT Regarding Self-Governance Expansion
   - DTTL: ICWA Training Dates

# DOI SELF-GOVERNANCE ADVISORY COMMITTEE

**c/o Self-Governance Communication and Education**
**P.O. Box 1734, McAlester, OK 74501**
**Telephone (918) 302-0252 ~ Facsimile (918) 423-7639 ~ Website: www.tribalselfgov.org**


## DOI Self-Governance Advisory Committee and Technical Workgroup Quarterly Meeting

Tuesday, July 19, 2016 (8:00 am to 5:30 pm)
Wednesday, July 20, 2016 (8:00 am to 12:30 pm)

**Embassy Suites Washington DC - DC Convention Center**
900-10th Street NW
Washington, DC 20001
Phone: (202) 739-2001

**AGENDA**

**Tuesday, July 19, 2016 (8:00 am to 5:00 pm)**
**Meeting of the SGAC and Technical Workgroup Members**

**8:00 am** **SGAC Tribal Caucus**

- DOI Strategic Plan – Tribal Input Update
- CSC Payments
- Social Services and ICWA
- Budget Issues/Greenbook
- EPA Expansion of SG
- White House Council on Native American Affairs – Follow up
- Indian Child Welfare Regulations Update (expert witness requirements)
- Land-into-trust update (AK Akiachak case litigation status timeline for resolution)
- Tribal Law and Order Act Reauthorization (Institutionalize Tribal Nations Leadership Council; Funding)

*(Send items for discussion to Jennifer McLaughlin, SGAC, Tribal Technical Co-Chair at Jmclaughlin@jamestowntribe.org)*

*Facilitated by: W. Ron Allen, Tribal Chairman/CEO, Jamestown S'Klallam Tribe and Chairman Self-Governance Advisory Committee*

**8:45 am** **Invocation – (All Participants and Invited Guests)**

**Roll Call, Welcome and Opening Remarks**
W. Ron Allen, Tribal Chairman/CEO, Jamestown S'Klallam Tribe and Chairman, Self-Governance Advisory Committee (SGAC)

**SGAC Committee Business**
*W. Ron Allen, Tribal Chairman/CEO, Jamestown S'Klallam Tribe and Chairman, Self-Governance Advisory Committee (SGAC)*

- Approval of Meeting Minutes (March 2016)

**9:00 am** **Committee on Natural Resources – Majority Staff Invitees**
*Chris Fluhr, Staff Director, Subcommittee on Indian, Insular and Alaska Native Affairs (invited)*
*Kiel Weaver, Director, Subcommittee on Water, Power and Oceans (invited)*

**9:30 am** **Office of Self-Governance Update**

*Sharee Freeman, Director, Office of Self-Governance, DOI*

- Overview of OSG Activities

**10:00 am** **Indian Services Update**

- CSC Workgroup update
- Tribal consultation and implementation timeline and process
- FY2015/2016 CSC Payments to Tribes
- TIWAHE Update
- Update on Distributions to Self-Governance Tribes of Increases for Social Services and ICWA

*Hankie Ortiz, Deputy Bureau Director, Office of Indian Services, BIA*
*James N. Burckman, Acting Deputy Assistant Secretary – Management (invited)*
*George Bearpaw, Director, Office of Budget Management, BIA*

**10:45 am** **Budget Update**

- Update on FY2016 Appropriations and FY2017/FY2018 Budget Formulation Process
- Update on Funding Distribution Review Committee Recommendations (Bearpaw)
- Greenbook – What is the process for drafts/updates to the Greenbook and who is responsible for making the changes? How can the Self-Governance Tribes participate in the process? (Jeannine Brooks)
- Congressional Appropriations Update (Ebarb)
- TIBC Update (Conner)

*George Bearpaw, Director, Office of Budget Management, Indian Affairs*
*Jeannine Brooks, Deputy Director, Office of Budget and Performance, Indian Affairs*
*Amber Ebarb, Policy Analyst, National Congress of American Indians*

**11:30 am** **Legislative/Regulatory Update**

- Tribal Labor Sovereignty Act (HR 511(passed 11/17/15) & S 248 (placed on Leg. Calendar 9/10/2015)
- Tribal Tax and Investment Reform Act (HR 4943)
- Tribal Adoption Parity Act (HR 1542/S 835 identical bills)
- Title IV (S 286)
- Interior Improvement Act (Carcieri – S. 1879)
- 477 Update
- Indian Trust Asset Reform Act Passage (HR 812; S 383 - Obama signed on June 27th PL114-178)
- Tribal Transportation (Update on Negotiated Rulemaking Implementation - – Section 1121, PL 114-94)
- ICWA Regulations (update on Final Rule Published)
- Contract Support Costs
- Tribal Employment and Jobs Protection Act (HR 3080/S 1771)
- Tribal Youth and Community Protection Act of 2016 (enhance VAWA) S. 2785 (no companion in House yet)
- Reauthorization of the Tribal Law and Order Act) S. 2920 (no companion in the House yet)

*Geoff Strommer, Partner, Hobbs, Straus, Dean & Walker, LLP*
*Phil Baker-Shenk, Partner, Holland & Knight, LLP*

*Mary Pavel, Partner, Sonosky, Chambers, Sachse, Endreson & Perry, LLP*

**12:00 pm** **Lunch Break**

**1:45 pm** **Environmental Protection Agency**

- Update from SGAC Workgroup on the draft proposal for expanding Self-Governance to EPA
- Update from EPA

*JoAnn Chase, Director, American Indian Environmental Office, EPA (invited)*
*Tribal Workgroup Representative*

**2:30 p.m.** **Department of the Interior Strategic Plan – Tribal Proposal**

- Update on Draft Tribal Proposals for DOI Strategic Plan

*Tribal Representative*

**3:15 pm** **White House Council on Native American Affairs – Update**

- Update on the status of action items/requests presented at the March 2016 *Quarterly Meeting and Annual Self-Governance Conference.*

*Karen Diver, Special Assistant to the President for Native American Affairs, Domestic Policy Council, Executive Office of the President (invited)*
*Raina Thiele, Associate Director, White House Office of Intergovernmental Affairs (invited)*
*Morgan Rodman, Executive Director, White House Council on Native American Affairs (invited)*

**3:45 pm** **Climate Change/Army Corp of Engineers**

- Update on the impact of climate change funding in Tribal communities
- Overview of the Army Corp of Engineers recent regulatory changes
  - Section 1031(b) of the Water Resources, Reform and Development Act of 2014 provides authority of Secretary of the Army to enter into Cooperative Agreements with Tribes to carry out authorized activities of the Corp.
  - Corp Partnership Agreement amendment to lift the waiver of sovereign immunity requirements

*Sean J. Hart, BIA Climate Change Coordinator, DOI*
*Moira Kelley, Special Assistant to the Assistant Secretary for Civil Works. U.S. Department of the Army, DOD* (invited)

**4:30 pm** **Planning for 2016 Self-Governance Strategy Session**

**4:45 pm** **Preparation of Issues to Discuss with Assistant Secretary – Indian Affairs**

**5:00 pm** **Adjourn for the Day**

**Wednesday, July 20, 2016 (8:00 am to 12:30 pm)**
**Meeting of the SGAC and Technical Workgroup with Office of the Assistant Secretary – Indian Affairs, Department of the Interior**
**(only Members of the SGAC and Proxies to be seated at the table)**

**8:00 am** **Welcome & Introductions**

**8:15 am** **Opening Remarks and Updates**

*W. Ron Allen, Tribal Chairman/CEO, Jamestown S'Klallam Tribe and Chairman, Self-Governance Advisory Committee (SGAC)*
*Lawrence (Larry) Roberts, Acting Assistant Secretary Indian Affairs - DOI (invited)*

**9:00 am** **SGAC Joint Discussion with Acting Assistant Secretary – Indian Affairs**

**11:00 am** **Lunch**

**11:00 am** **Executive Session with Acting Assistant Secretary – Indian Affairs**

**11:45 am** **Technical Workgroup Work Session**
*Jennifer McLaughlin, SGAC, Tribal Technical Co-Chair, Self-Governance Legislative Associate, Jamestown S'Klallam Tribe*
*Ken Reinfeld, SGAC, Federal Technical Co-Chair, OTSG Senior Policy Analyst*

**12:30 p.m.** **Adjourn for the TSGAC Meeting**

# 2016 Self-Governance National Calendar

| Date | Meeting | Location |
|---|---|---|
| July 19-20 | DOI SGAC Quarterly Meeting | Embassy Suites-DC Convention Center |
| July 20-21 | IHS TSGAC Quarterly Meeting | |
| August 2-3 | CDC 15th Biannual Tribal Consultation | Valley Center, CA |
| August 9-11 | National AI/AN Behavioral Health Conference | Portland, OR |
| September 7-8 | 2016 Tribal Self-Governance Annual Strategy Session | Ocean Shores, WA |
| September 13-15 | National Intertribal Tax Alliance's 18th Annual Tax Conference | Agua Caliente Casino Resort |
| September 18-20 | NAFOA 2016 Fall Finance & Tribal Economies Conference | Charlotte, NC |
| September 19-23 | NIHB Annual Consumer Conference | Phoenix, AZ |
| October 5-8 | NIEA National Convention | Reno, NV |
| October 9-14 | 73rd Annual NCAI Convention & Marketplace | Phoenix, AZ |
| October 25-26 | DOI SGAC Quarterly Meeting | Embassy Suites-DC Convention Center |
| October 26-27 | IHS TSGAC Quarterly Meeting | |
| November 7-9 | TBIC | Washington, DC |
| November 14-17 | RES | Santa Fe, NM |

## 2017 Self-Governance Meetings

| | | |
|---|---|---|
| January 24-25 | IHS TSGAC Quarterly Meeting | Embassy Suites – DC Convention Center Charlotte, NC |
| January 25-26 | DOI SGAC Quarterly Meeting | |
| March 28-29 | IHS TSGAC Quarterly Meeting | Embassy Suites – DC Convention Center Charlotte, NC |
| March 29-30 | DOI SGAC Quarterly Meeting | |
| April 23-27 | Annual Tribal Self-Governance Consultation Conference | Spokane, WA |
| July 18-19 | IHS TSGAC Quarterly Meeting | Embassy Suites – DC Convention Center Charlotte, NC |
| July 19-20 | DOI SGAC Quarterly Meeting | |
| October 24-25 | IHS TSGAC Quarterly Meeting | Embassy Suites – DC Convention Center Charlotte, NC |
| October 25-26 | DOI SGAC Quarterly Meeting | |

# DOI SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication & Education
PO BOX 1734 ~ McAlester, OK 74502
Telephone (918) 302-0252 – Facsimile (918) 423-7639 – Website: www.tribalselfgov.org

## SGAC MEMBERSHIP LIST

(May 16, 2016)

| AREA | MEMBER (Name/Title/Organization) | STATUS | CONTACT INFORMATION |
|---|---|---|---|
| **Alaska** | **Robert Keith, Chairman of the Board**<br>Kawerak, Inc. | **Primary** | PO Box 948<br>Nome, AK 99762<br>P: (907) 443-5231 ~ F: 907.443.4452<br>E: pcushman@kawerak.org |
| | **William Micklin, 1st Vice President**<br>Central Council Tlingit and Haida Indian Tribes of Alaska | Alternate | 320 W. Willoughby Avenue, Suite 300<br>Juneau, AK 99801<br>C: (619) 368-4382<br>E: wmicklin@ccthita.org |
| **Eastern** | **Tobias Vanderhoop, Chairman**<br>Wampanoag Tribe of Gay Head (Aquinnah) | **Primary** | 20 Black Brook Road<br>Aquinnah, MA 02535-1546<br>E:chairmanTJV@wampanoagtribe.net |
| | **Brandon Stephens, Development Director**<br>United South and Eastern Tribes, Inc | Alternate | 711 Stewarts Ferry Pike<br>Nashville, TN 37214<br>E: bstephens@usetinc.org |
| **Eastern Oklahoma** | **Bill John Baker, Principal Chief**<br>**Karen Ketcher, Proxy**<br>Cherokee Nation | **Primary** | PO Box 948<br>Tahlequah, OK 74465<br>P: 918-772-4130<br>E: karen-ketcher@cherokee.org |
| | **Gary Batton, Chief**<br>**Mickey Peercy, Proxy**<br>Choctaw Nation | Alternate | PO Box 1210<br>Durant, OK 74702-1210<br>P: (580)924-8280 x.2322<br>E: mpeercy@choctawnation.com |
| **Midwest** | **Jessica Burger, Tribal Councilor**<br>Little River Band of Ottawa Indians | **Primary** | 375 River Street<br>Manistee, MI 49660<br>P: (231) 398-6867<br>E: jlburger@lrboi-nsn.gov |
| | **Annette Johnson, Treasurer**<br>Red Lake Band of Chippewa Indians | Alternate | PO BOX 550<br>Red Lake, MN 56671<br>P: (218) 679-3341<br>E: annette.johnson@redlakenation.org |
| **Northwest** | **W. Ron Allen, Tribal Chairman/CEO**<br>Jamestown S'Klallam Tribe<br>**SGAC Chairman** | **Primary** | 1033 Old Blyn Highway<br>Sequim, WA 98382<br>P: 360-681-4621 ~ F: 360-681-4643<br>E: rallen@jamestowntribe.org |
| | **Tyson Johnston, Council Member**<br>Quinault Indian Nation | Alternate | P.O. Box 189 (1214 Aalis Drive)<br>Taholah, WA 98382<br>P: 360-276-8211 ~ F: 360-276-4191<br>E: tjohnston@quinault.org |
| **Pacific** | **Ryan Jackson, Chairman**<br>Hoopa Valley Tribe | **Primary** | PO Box 1348<br>Hoopa, CA 95546<br>E: cbfdistrict@gmail.com |
| | **Scott Sullivan, Council Secretary**<br>Tolowa Dee-ni' Nation | Alternate | 140 Rowdy Creek Road<br>Smith River, CA 95567<br>P: 707-487-9255 ext. 1224<br>E: Scott.Sullivan@tolowa.com |
| **Rocky Mountain** | **Richard Sangrey, Vice Chair**<br>Chippewa Cree Tribe | **Primary** | PO Box 544<br>Box Elder, MT 59521<br>E: Richard@cct.rockyboy.org |

**SGAC & Technical Work Group Membership List**
(July 27, 2015)

| AREA | MEMBER (Name/Title/Organization) | STATUS | CONTACT INFORMATION |
|---|---|---|---|
| | **Beau Mitchell, Council Member**<br>Chippewa Cree Tribe | Alternate | PO Box 544<br>Box Elder, MT 59521<br>E: beau@cct.rockyboy.org |
| **Southern Plains** | **John Barrett, Jr., Chairman**<br>**Rhonda Butcher, Director**<br>Citizen Potawatomi Nation | **Primary**<br>**Proxy** | 1601 S. Gordon Cooper Dr.<br>Shawnee, OK 74801<br>P: 405-275-3121 x 1157<br>F:405-275-4658<br>E: rbutcher@potawatomi.org |
| | **VACANT** | Alternate | |
| **Southwest** | **Benito Sandoval, Governor**<br>Taos Pueblo<br>**Shawn Duran**<br>**SGAC, Vice Chairwoman** | **Primary** | P.O. Box 1846<br>Taos, NM 87571<br>P: 575.758.8626 ext. 115 ~ F: 575.758.8831<br>E: SDuran@taospueblo.com |
| | **Chris Gomez, Lt. Governor**<br>Ysleta del Sur Pueblo | Alternate | 119 S. Old Pueblo Road<br>El Paso, TX 79907<br>P: (915) 859-8053<br>E: cgomez@ydsp-nsn.gov |
| **Western** | **Delia M. Carlyle, Councilmember**<br>Ak-Chin Indian Community | **Primary** | 42507 W. Peters 7 Nall Road<br>Maricopa, AZ 85138<br>P: (520) 568-1019 ~ F: (520) 568-1001<br>E: dcarlye@ak-chin.nsn.us |
| | **VACANT** | Alternate | |

# DOI SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication & Education
PO BOX 1734 ~ McAlester, OK 74502
Telephone (918) 302-0252 – Facsimile (918) 423-7639 – Website: www.tribalselfgov.org


## SGAC TECHNICAL WORKGROUP
## TRIBAL TECHS

| AREA | MEMBER (Name/Title/Organization) | STATUS | CONTACT INFORMATION |
|---|---|---|---|
| **Alaska** | Bruce Baltar<br>Bristol Bay Native Association | Tech Rep | PO Box 130<br>Dillingham, AK 99576<br>P: (907) 842-5257 ~ F: (907) 842-5932<br>E: bbaltar@bbna.com |
| | Martha Whitman-Kassock<br>Association of Village Council Presidents | Tech Rep | P.O. Box 219<br>101A Main Street<br>Bethel, AK 99559<br>(907) 543-7371 (direct)<br>(907) 543-7379 (facsimile)<br>E: mwhitman@avcp.org |
| | John Bioff<br>Kawerak, Inc. | Tech Rep | PO Box 948<br>Nome, Alaska 99762<br>P: (907) 443-4336<br>E: jbioff@kawerak.org |
| **Eastern** | Dee Sabattus<br>United South and Eastern Tribes | Tech Rep | 711 Stewarts Pike Ferry, Suite 100<br>Nashville, TN 37214<br>E: dsabattus@usetinc.org |
| | Elizabeth Malerba<br>United South and Eastern Tribes | Tech Rep | 400 North Capitol Street, NW<br>Suite 585 Washington, DC 20001<br>E: lmalerba@usetinc.org |
| **Eastern Oklahoma** | Melanie Fourkiller<br>Choctaw Nation of Oklahoma | Tech Rep | PO Box 17<br>Cookson, OK 74427<br>P: (918) 457-5763 ~ F: 918.458.6157<br>E: mfourkiller@choctawnation.com |
| | Rhonda Farrimond<br>Choctaw Nation of Oklahoma | Tech Rep | P.O. Drawer 1210<br>Durant, OK 74702-1210<br>P: (580) 924-8280 x 2322<br>F: 580.920.3138<br>E: rfarrimond@choctawnation.com |
| **Midwest** | John Mojica<br>Mille Lacs Band of Ojibwe | Tech Rep | 43408 Oodena Drive<br>Onamia, MN 56359<br>P: 320-532-7479 ~ F: 320-532-7505<br>E: john.mojica@millelacsband.com |
| | Dave Conner<br>Red Lake Band of Chippewa Indians | Tech Rep | 24200 Council Street<br>Red Lake, Minnesota 56671<br>E: REDLAKEWAE@aol.com |
| | Jay Sam<br>Little River Band of Ottawa Indians | Tech Rep | 375 River Street<br>Manistee, MI 49660<br>E: jsam@lrboi-nsn.gov |
| | Chris Johns, Self-Governance Coordinator | Tech Rep | PO Box 365<br>Oneida, WI 54155<br>P: 920-660-2335 ~ F: 920-869-4040<br>E: cjohns@oneidanation.org |
| **Northwest** | Jennifer McLaughlin<br>Jamestown S'Klallam Tribe<br>**Tribal Technical Workgroup Co-Chair** | Tech Rep | 1033 Old Blyn Highway<br>Sequim, WA 98382<br>P: (360) 912-2241<br>E: jmclaughlin@jamestowntribe.org |

**SGAC & Technical Work Group Membership List**
(July 27, 2015)

| AREA | MEMBER (Name/Title/Organization) | STATUS | CONTACT INFORMATION |
|---|---|---|---|
| | Eugena R Hobucket<br>Quinault Indian Nation | Tech Rep | PO BOX 189<br>Taholah WA 98587<br>P: (360) 276-8211 ~ F: (360) 276-8201<br>E: ehobucket@quinault.org |
| **Pacific** | Danny Jordan<br>Hoopa Valley Tribe | Tech Rep | PO Box 1348<br>Hoopa, California 95546<br>E: de_jordan@earthlink.net |
| | Briannon Fraley<br>Tolowa Dee-ni' Nation | Tech Rep | 140 Rowdy Creek Road<br>Smith River, CA 95567<br>E: Briannon.fraley@tolowa.com |
| **Rocky Mountain** | Ruth Swaney<br>Confederated Salish & Kootenai Tribes | Tech Rep | PO Box 278<br>Pablo, MT 59855<br>P: (406) 275-2741~ F: 406.275.2806<br>E: ruths@cskt.org |
| **Southern Plains** | Kasie Nichols<br>Citizen Band of Potawatomi Indians | Tech Rep | 1601 S. Gordon Cooper Dr.<br>Shawnee, OK 74801<br>(p) 405.275.3121 x1285<br>(f) 405.275.0198<br>E: kasie.nichols@potawatomi.org |
| **Southwest** | Clyde M. Romero, Jr.<br>Taos Pueblo | Tech Rep | P.O. Box 1846<br>Taos, N.M. 87571<br>Office: 575-758-8626, ext. 111<br>E: Romeroc@taospueblo.com |
| | Linda Austin<br>Ysleta del Sur Pueblo | Tech Rep | 119 S. Old Pueblo Rd.<br>El Paso, TX 79907<br>Tel: (915) 859-7913 ext. 7725<br>E: laustin@ydsp-nsn.gov |
| **Washington DC** | C. Juliet Pittman<br>SENSE Incorporated | Tech Rep | Upshaw Place<br>1130 -20th Street, NW; Suite 220<br>Washington, DC 20036<br>P: 202-628-1151 ~ F: 202-638-4502<br>E: pitt@senseinc.com |
| | Cyndi Ferguson<br>SENSE Incorporated | Tech Rep | Upshaw Place<br>1130 -20th Street, NW; Suite 220<br>Washington, DC 20036<br>P: (202) 628-1151<br>F: (603) 754-7625<br>C: (202) 638-4502<br>E: cyndif@senseinc.com |
| **Western** | Robert Scabby<br>Salt River Pima Maricopa Indian Community | Tech Rep | 1005 East Osborn Road<br>Scottsdale, Arizona 85256<br>E: Robert.Scabby@SRPMIC-nsn.gov |

# DOI SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication & Education
PO BOX 1734 ~ McAlester, OK 74502
Telephone (918) 302-0252 – Facsimile (918) 423-7639 – Website: www.tribalselfgov.org


## Federal Partners

| Name | CONTACT INFORMATION |
|---|---|
| Sharee M. Freeman<br>DOI Office of Self-Governance | 1951 Constitution Avenue NW<br>Room 355<br>Washington, D.C. 20240<br>P: (202) 219-0244<br>F: 202.219.4246<br>E: sharee.freeman@bia.gov |
| Ken Reinfeld<br>DOI Office of Self-Governance | 1951 Constitution Avenue NW<br>Washington, D.C. 20240<br>P: (202) 219-0244<br>F: 202.219.1404<br>E: kenneth.reinfeld@bia.gov |
| Danny Santiago<br>DOI Office of Self-Governance | 1951 Constitution Avenue NW<br>Washington, D.C. 20240<br>P: (202) 219-0244<br>E: danny.santiago@bia.gov |
| Tyler Scribner<br>DOI Office of Self-Governance | 1951 Constitution Avenue NW<br>Washington, D.C. 20240<br>E: tyler.scribner@bia.gov |
| Rufina Villicana<br>DOI Office of Self-Governance | 1951 Constitution Avenue NW<br>Washington, D.C. 20240<br>E: Rufina.Villicana@bia.gov |
| Matthew Kallappa<br>DOI Office of Self-Governance<br>Northwest Regional Office | Northwest Regional Office<br>911 Northeast 11th Avenue<br>Portland, Oregon 97232<br>E: Matthew.Kallappa@bia.gov |
| Gordon Smith<br>DOI Office of Self-Governance<br>Northwest Regional Office | Northwest Regional Office<br>911 Northeast 11th Avenue<br>Portland, Oregon 97232<br>E: Gordon.Smith@bia.gov |

## Additional Technical Resources

| NAME | CONTACT INFORMATION |
|---|---|
| Phil Baker-Shenk<br>Holland & Knight, LLP | 2099 Pennsylvania Ave. N.W.<br>Washington D.C., 20006<br>P: (202) 955-3000~ F: 202.955.5564<br>pbaker@hklaw.com |
| Geoff Strommer<br>Hobbs, Straus, Dean & Walker, LLP | 806 S.W. Broadway, Ste. 900<br>Portland, OR 97205<br>P: (503) 242-1745~ F: 503.242.1072<br>gstrommer@hsdwor.com |
| Lloyd Miller<br>Sonosky Chambers, Sachse, Miller & Munson, LLP | 900 West Fifth Avenue, Ste. 700<br>Anchorage, Alaska 99501<br>P: (907) 258-6377 – F. (907) 272-8332<br>Lloyd@sonosky.net |
| Matthew Jaffe<br>Sonosky, Chambers, Sachse, Miller & Munson | mjaffe@sonosky.com |
| Jim Glaze<br>Sonosky, Chambers, Sachse, Miller & Munson | jglaze@sonosky.com |
| Steve Osborne<br>Hobbs, Straus, Dean & Walker, LLP | 2120 L St. NW, Ste. 700<br>Washington, DC 20037<br>P:(202) 822-8282 ~ F: 202.296.8834<br>tosborne@hsdwdc.com |
| Brian Upton<br>Confederated Salish & Kootenai Tribes | PO Box 278<br>Pablo, MT 59855<br>P: (406) 675-2700 ~ F: 406.675.4665<br>Email: brianu@cskt.org |
| Terri Gonzales<br>Salt River Pima Maricopa Indian Community | Terri.gonzales@srpmic-nsn.gov |
| Crystal Banuelos<br>Salt River Pima Maricopa Indian Community | Crystal.banuelos@srpmic-nsn.gov |
| Tammy Wingo<br>Kaw Nation | PO Box 50<br>Kaw City, OK 74641<br>P:(580) 269-2552 ~ F: 580.269.2294<br>twingo@kawnation.com PO Box 50 |
| Sonja Diggs<br>Choctaw Nation of Oklahoma | PO Drawer 1210<br>Durant, OK 74701<br>P: (580) 924-8280 x 2351<br>F: 580.924.3854<br>sdiggs@choctawnation.com |
| Leonard Fineday<br>Legal Director<br>Leech Lake | Leonard.Fineday@llojibwe.org |
| Caroline Mayhew<br>Hobbs Straus | cmayhew@hobbsstraus.com |
| Joni Costello, Accountant<br>Taos Pueblo Tribal Government Operations | apwc@taospueblo.com |

**SGAC Mailing Address:**
c/o Self-Governance Communication and Education
PO BOX 1734 ~ McAlester, OK 74502
Telephone (918) 302-0252 – Facsimile (918) 423-7639 – Website: www.tribalselfgov.org

**Department of the Interior**
**Self-Governance Advisory Committee (SGAC)**
**March 29, 2016**
**Tribal Caucus**

Commented [TB1]: I don't usually include these in the official summary, but do normally keep track of the issues from meeting to meeting.

**1. Law and Order** – The Tribal Interior Budget Council (TIBC) established a new subcommittee to address justice matters. The goal is to assist in coordinating with all of the agencies charged with providing Law and Order funding and services to Tribes. The subcommittee is charged with gathering data and addressing the following issues: develop a list of all the Department of Justice (DOJ) programs available to Tribes and Indian Country; identify which Tribes have been able to access these programs; the funding formulas or other funding mechanisms used to provide funding; the consistency and adequacy of resources to support justice programs; how DOJ is coordinating with the Bureau of Indian Affairs – Office of Justice Services (OJS) on programs, services and facilities; provide information about whether or not DOJ funds can be transferred to OJS so that Tribes are able to manage it under their Self-Governance Funding Agreements and identify challenges or impediments to transferring these funds.

**2. Department of the Interior (DOI) Strategic Plan** – The plan is included in the meeting packet and is updated every few years. We want to make sure that Tribal issues are included in the next plan revision so this discussion is timely as DOI is currently in the process of updating the plan. DOI is actively seeking Tribal suggestions for improvement and input. The last plan was extended and had a Tribal specific section in it. Self-Governance Tribes want to review and provide recommendations on the Strategic Plan to ensure that Tribes are explicitly mentioned and the Department's goals and objectives include measures that uphold the Treaty and Trust obligation and the government-to-government relationship. Tribes also want to make sure that they are referenced and included in other DOI agencies/bureaus besides just Indian Affairs so the obligations to Tribes are included and reflected throughout every agency/bureau within the Department, Fish and Wildlife, Bureau of Reclamation, National Park Service, etc.

Tribes can provide input to SGCE, SENSE or the Tribal co-chair. This topic was raised at the TIBC and Data Management Committee meetings regarding of the importance of the DOI Strategic Plan and providing input. These Committees will assist with setting up and forwarding the recommendations to the individual(s) within the Department responsible for updating the Plan. We need to examine GPRA and whether it is providing a mechanism for accountability and future funding. Is the Plan clear about the commitment to Tribes? Is the Plan clear about the areas of focus? How does the Plan address the Trust responsibility?

**3. White House Council on Native American Affairs** – There is an ongoing problem with "middle management" throughout the Federal system. When the President and his Cabinet take a policy position on a matter concerning Tribal governments, the position must radiate throughout the Department and staff should implement policy decisions in accordance with the decisions and recommendations agreed to by senior level officials. Tribes want further discussions about this issue with senior officials to include recommendations on:

1. How to address individuals who are embedded within the agency system who refuse to follow or implement decisions of senior officials and whether or not there are ways to address these staff. Although deference should be given to the policy makers there is a disconnect. There is not a clear line of control or direction and there is a breakdown between policy decisions and the action taken by the agency;
2. How do we strategically get involved at the Cabinet level? We need a Tribal leader to serve as our representative;

3. Tribes are still advocating for a Tribal representative/liaison within the Office of Management and Budget (OMB); and
4. We need to think through how we can coordinate with current White House staff (Karen Diver and Reina Thiele) about our issues.

Tribes discussed how they can strategically embed themselves into the process in order to ensure that Tribal issues are being adequately raised and addressed.

How do we deal with Trust and Treaty obligations and Federal responsibility across the board throughout every agency (i.e. Army Corp, EPA, Commerce, etc.)? In the Northwest, Tribes have been advocating for immediate action in order to address their Treaty Rights at Risk and Timber and other Resource concerns. However, it is not just Treaty Tribes that have fundamental Indigenous rights or a Trust responsibility.

The White House Council meets throughout the year but the Tribes are not at the table and meeting minutes, decisions and follow-up actions are not shared with the Tribes. While the Council currently hosts calls prior to the meetings with Tribes, we want representation at these meetings. How do we best interact with the White House Council? Contact Reina Thiele and request documentation from the prior meetings.

Transition Plan – What instructions will be included from the Interior regarding the transition plan? What is the process for collecting Tribal input? What is the timeframe? We would like to coordinate a meeting with the individual who is handling the plan.

**4. Self-Governance Budget Line Item** – The Self-Governance Budget Line Item was not included in the FY2018 Regional Budget Formulation tables that were used during the regional meetings in which Tribes identified their budget priorities. A few Tribes from different regions raised the issue. Approximately four regions took steps to address this issue but some flat out refused to do anything about it. While it was likely an unintentional oversight, the concern is that by leaving this line item out of the discussion, Self-Governance was not afforded equal representation and consideration with respect to budget priorities. TIBC changed the process this year and asked the regions to prioritize using an 8% increase. The numbers are then aggregated at the regional level and with the absence of the Self-Governance number; it did not paint an accurate picture. This is about our funding and budget planning and it is critical that Self-Governance is included.

**5. Tribal Data Exchange (TDE)** – We tried to pull together a Tribally-driven data system that showed how well we were using Federal funding but we could not get it to work based on a number of factors so we decided to switch gears and identify a “Plan B”. We need to figure out a way to measure the unmet need. One avenue we decided to pursue is to pull the “metrics” that mainstream America is using and see how we can adopt or amend some of these to fit our systems. We recommended that the Bureau put together a contract and advertise it out to a third party contractor. If necessary, the contract could be bid out by the National Congress of American Indians (NCAI). The goal is to identify metrics that will reflect our unmet need. The Bureau receives approximately $3 billion a year but our need is equal to ten times or more of what we receive in funding. If we were to be treated the same as mainstream America, what would that look like? What number would provide us credibility in the eyes of OMB and Congress?

The Senate Committee on Indian Affairs (SCIA) just held a Hearing on the FY2017 Budget and the Acting Assistant Secretary – Indian Affairs just came under fire. A member of Congress

(Senator Tester) stressed the critical importance of the Bureau identifying and justifying the unmet need because they know it is there.

**6. Trust Modernization** – Self-Governance Tribes must be more engaged with this issue as there is pending legislation before Congress on Trust Reform. How will it be applied in terms of the Office of the Special Trustee (OST) or any other trust function? Will it change the way we do business? Create a demonstration project to allow Tribes to draft a Trust Resource Management Plan and allow Tribes to determine what should be included.

## DOI Self-Governance Advisory Committee and Technical Workgroup Quarterly Meeting

**Embassy Suites Washington DC - DC Convention Center**
900-10th Street NW
Washington, DC 20001

**Tuesday, March 29, 2016 (8:00 am to 5:30 pm)**

**Invocation/Roll Call**

***Tribal Area Representatives***
Robert Keith, Chairman, Kawerak, Inc
Tyson Johnston, Vice President, Quinault Indian Nation
Kasie Nichols, Proxy for John Barrett, Jr., Chairman, Citizen Potawatomi Nation
Danny Jordan, Proxy for Ryan Jackson, Chairman, Hoopa Valley Tribe
Scott Sullivan, Council Secretary, Tolowa Dee-ni' Nation
Christopher Gomez, Lt. Governor, Ysleta del Sur Pueblo
Annette Johnson, Treasurer, Red Lake Band of Chippewa Indians
Tobias Vanderhoop, Chairman, Wampanoag Tribe of Gay Head (Aquinnah)
Karen Fierro, Proxy for Delia M. Carlyle, Councilmember, Ak-Chin Indian Community
Mickey Peercy, Proxy for Gary Batton, Chief, Choctaw Nation
Karen Ketcher, Proxy for Bill John Baker, Principal Chief, Cherokee Nation
Ken St Marks, Proxy for Richard Sangrey, Vice Chair, Chippewa Cree Tribe
Lindsay Manning, Chairman, Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

Quorum is present

**Opening Remarks**
*Chairman W. Ron Allen, Chairman/CEO, Jamestown S'Klallam Tribe and Chairman Self-Governance Advisory Committee*
Chairman Allen opened the meeting and welcomed everyone. The January SGAC quarterly meeting was cancelled due to inclement weather so the last time the Committee met was last October 2015. A lot has happened under the Obama Administration and we have eight (8) months to try and get a few more things accomplished. Given that this is an election year, we need to focus on what we can get done in the remaining months of this Administration and gear up for next year so we ensure a good transition. We want to continue to advance and strengthen our Self-Governance position; we want the government to respect our rights and self-governing agenda and priority issues.

Acting Assistant Secretary – Indian Affairs (AS-IA) Larry Roberts will not be available for this meeting. He has a scheduling conflict but he will send representatives from his office to the meeting. Acting AS-IA assured us that he is supportive of Self-Governance and will do what he can to move our agenda forward. We have several issue updates that we will discuss today and tomorrow.

There was a review of the packets followed by a discussion of issues from Tribal caucus.

**Committee Business**
*Chairman W. Ron Allen, Chairman/CEO, Jamestown S'Klallam Tribe and Chairman Self-Governance Advisory Committee*

- Approval of the October Meeting Minutes was deferred until tomorrow morning after the SGAC has a chance to review.
- MOTION: To approve the SGAC Midwest Representatives Nominees:
  Jessica Burger, Tribal Council, Little River Band of Ottawa Indians
  Annette Johnson, Tribal Treasurer, Red Lake Band of Chippewa Indians
  Tobias Vanderhoop, Chairman, Wampanoag Tribe of Gay Head (Aquinnah) made a motion to approve. Christopher Gomez, Lt. Governor, Ysleta del Sur Pueblo seconded. The motion was approved.
- Annual Consultation Conference
  SGCE circulated a sign-up sheet with the Committee requesting volunteers to serve as moderators and note-takers for the sessions

**Office of Self-Governance Update**

*Sharee Freeman, Director, Office of Self-Governance, DOI*

Director Freeman provided an overview of Office of Self-Governance (OSG) Activities.

- Staffing Updates – Maureen Marcellay is the new program support assistant.
- Lance Fisher, Financial Specialist – go fund me page has been established https://www.youcaring.com/lance-ma-neonenahkohefisher-515467 or send cards to 35 East Walnut Street, Alexandria, VA 22301. Self-Governance is a small office so it is difficult when there is a staffer who is out on extended leave because there is no one who we can be detailed into that position. We need to think about the capacity of the OSG.
- Self-Governance Line Item – Concern that Self-Governance Tribes were left out of the process and the missed opportunity to increase funding for Self-Governance and OSG. Only four regions included SG Tribes in the process. There was no response from the other regions. Discussions about Tribal shares and increases should occur at this level. Self-Determination and Direct Service had an opportunity to plus up but not Self-Governance.
- Budget Increases – Bureau uses Greenbook and looks up program and pulls down the number in the Greenbook when it disperses money. There is a problem, however, for Self-Governance Tribes because many have rolled their shares into Aid to Tribal Government or CTGP and as a result they are left out of the process.
- Self-Governance Database – change the SG database so Tribes can see the historical funding information and how the base is composed. A component is being added in order to track the funding of the Tribal consortiums. The current database will allow you to deconstruct the funding. This was a recommendation of the Programs Formulas Matrix Workgroup. The newest base funds will be easy to track.
  - Some Tribes cannot see the historical data. The database shows new base changes but the compact doesn't readily identify them.
  - Why can't Self-Governance Tribes deal directly with Sharee instead of having to go through all programs?
  - Tommy Thompson is back on a contractual basis and will take suggestions on the matrix and update it and figure out how to dump all of the money into one funding pot. The only concern is that although it works it still transfers money back to the Bureau if a Tribe decides it wants the Bureau to run it or with marriages and divorces of consortiums.
  - Indian Appropriations Bill was never changed to allow Self-Governance to solve its own problems.

- Northwest Field Office has a student intern opportunity. George Washington University has a student intern program for Native students. Inspire Program – Student intern summer program for high school juniors and seniors.
- New Tribal Transportation Act "FAST Act" – OSG staff attended the training in Albuquerque. They have the funds but they do not have an addendum approved by the Solicitor's Office. OSG and the Solicitor are at odds over reporting language in the addendum. OSG is advocating for using the language that is in the statute rather than leaving it open-ended.
- Tribal Transportation Policy Coordinating Committee (TTPCC) – Committee is in the process of putting together a work plan.
    - No one has been specified as the SG representative on the TTPCC so there is a disconnect between the representatives and the Tribes.
    - Is someone responsible for reports?
    - Leroy Gishi and Robert Sparrow are the Federal Representatives.
    - Negotiated Rulemaking will begin soon for the FAST Act
    - TIBC has formed a new subcommittee charged with addressing the road maintenance backlog and other issues
- Piloting a new system from OMB called the MAX system. It is a new reporting tool (used by EPA and other agencies)
- Final Base obligated $100,355,331 and still waiting on funding for Welfare Assistance, TANF (2nd & 3rd), Noxious Weeds, Small & Needy, Forest Development, Great Lakes Restoration
- Contract Support Costs (CSC) – 85% of FY2015 $18,547,325
- FASSR Report December 4th 73 reports have been certified; 7 are in the process of being certified; 4 reports were not received.
- If Tribes are short on Welfare Assistance, the deadline to request additional funding is May 6th. The process begins in early April and there are two forms to submit, a word document that justifies the need and calculations. Ken Reinfeld is the point of contact.
- Buy Indian Act – Indian Economic Enterprises should get onto the BIA procurement list.
- TAAMS Modernization – WebEx classes will be forthcoming – dates to be determined.
- Division of Forestry and Wildland Fire – OWF assembled a small task group to amend the model to include Tribes. Bryan Rice is the Director of the Office of Wildland Fire.

**Tribal Transportation Planning Coordinating Committee (TTPCC)**

- Chair – Raymond J. Concho, Jr.
- Vice Chair – Jacque Hostler-Carmesin
- Secretary – Rick Galloway
- Eastern – Jody Clark
- Midwest – Mike Moilanen and Brett Blackdeer
- Southern Plains – Art Muller and Angela Blind
- Alaska – Edward K. Thomas (Sam) and Clarence Daniel
- Great Plains – David Spider
- Navajo – Leonard Pete and Darryl Bradley, PE
- Pacific – Jacque Hostler-Carmesin and Sandi Tripp
- Rocky Mountain – John Smith and Tracey Robinson
- Southwest – Raymond Concho, Jr. and Royce Gchachu
- Northwest – Rick Galloway and Michael Cardwell
- Western – Sasha Saliego and Billman Lopez
- Eastern Oklahoma – Wayne Wylie and Isaac (Zac) Hawkins

- Non-Voting Federal Members – BIA LeRoy Gishi and FHWA Robert Sparrow

Next TTPCC Meeting: August 22, 2016

**Contract Support Costs Workgroup Update**
*Kasie Nicols, Citizen Potawatomi Nation*
*Lloyd Miller, Partner, Sonosky Chambers Sachse, Endreson & Perry, LLP*
*Thomas Gubatayao, Financial Specialist, Office of Self-Governance, DOI*

- The new draft policy is simple and not as complicated as the Indian Health Service (IHS) policy.
- A series of consultations are coming up and will take place through August.
- Tribal and Federal members will present together.
- At the end of August, the workgroup will reconvene and go through the comments and finalize the policy. The policy has a lot of appendices. The attachments will outline the procedures for payment, reconciliation of overpayment, etc.
- Make sure that Tribal representatives attend these consultations and provide comments in support of the policy.
- Ramah case – Tribes were underpaid CSC for 20 plus years (1994-2013). Class counsel worked with the Department of Justice and Experts to negotiate a settlement. New Mexico Judge was presented with $940 million settlement offer proposal and the court granted preliminary approval. The proposal was then sent out to Indian country for their review and thoughts. The Counsel Reported back to court in January that not one Tribe objected to the settlement amount. A couple Tribes/Organizations wanted to be added to the list. 699 Tribal entities will share the settlement. In early March, the Judge approved the Settlement. There is a 60 day waiting period (April) for the appeal time to expire. Counsel doesn't expect there to be any appeals. After the appeals process is completed, the judge will send a payment request to the Treasury Department and Treasury will distribute the money. It is unclear how long the process will take (assume 2-3 months). Estimate will get the money in July and then Counsel will know how much interest has accrued. Money will be taken off the top to cover fees and then the remainder will be broken down and allocated. Each Tribe has been assigned a percentage and the table can be viewed at www.rncsettlement.com Tribes must fill out a claim form because the Justice Department requires a document that complies with the Compact Dispute Act. Claim forms will be processed and payments sent out on a monthly basis. If not paid in full we will engage with BIA. Access to appropriations for up to five years.
- The litigation led to a new set of policies that included the development of a short chapter in the manual and handbook. Notice for Comment will be published in the Federal Register.
- BIA will have ongoing consultation sessions
- Current Appropriations – established a separate account for CSC and Congress will appropriate such amounts as may be necessary. There is a proviso in the Appropriations Bill that is of concern. CSC money must always remain CSC. If you use the money in the following year it will reduce the amount that is owed to you. It would be an accounting nightmare. There are three provisions in Federal law that addresses the carryover of funds. Funds are "unrestricted". We have been working with the Finance Office and there will be a detailed discussion in Orlando at the Annual Meeting.
- There is concern about the amount of time it takes the Business Office to negotiate new rates. Many Tribes still do not have current rates yet the government wants to hold the Tribes accountable. Comment period deadline is July 29th.

- BIA analysis of CSC overpayments – low response is a factor to overpayments. If CSC is paid at 80% only three Tribes would have been overpaid. If 85% only five Tribes would have been overpaid.
- In 2014, OSG paid 90% and the total overpayment amounted to $658,412.
- Title I contractors are required to submit contracts and are paid on a pay-as-you go funding distribution policy. OSG forward funds Tribes. The goal is to eliminate overpayments – should they develop a pay as you go system; update the database; develop ability to create CSC offsets for subsequent years; reduce initial payment from 90% to 80%. Letter needs to go out. OSG is against pay as you go – they pay 80%.

**Youth Conservation Corps**

*Fredericka Joseph, Coordinator Youth Programs, Bureau of Indian Affairs*

The Conservation Service Corp (CSC) is a national collaborative effort to put America's youth and returning veterans to work protecting, restoring and enhancing America's public lands. The CSC builds on existing partnerships with youth conservation corps from across the country to help young people, including diverse low-income, underserved and at risk youth, as well as, returning veterans – gain valuable training and work experience while accomplishing needed conservation and restoration work on public lands, waterways and cultural heritage sites.

The CSC is a central component of the Department of the Interior's ambitious youth initiative to inspire millions of young people to play, learn and service and work in the great outdoors.

- Play – Interior will develop or enhance outdoor recreation partnerships in a total of 50 cities over four years to create new, systematic opportunities for outdoor play for more than 10 million young people.
- Learn – Provides educational opportunities to at least 10 million of the nation's K-12 student population annually. In addition to welcoming students into nature's classroom, Interior is developing and strengthening new online education resources to reach more students.
- Serve – Engage 1 million volunteers annually on public lands, effectively tripling the current volunteer numbers. Many more people are interested in volunteering at national parks, wild life refuges and public lands but there are often insufficient staff resources to coordinate them. In order to achieve the volunteer goal, a renewed emphasis will be placed on volunteer coordination and management.
- Work – To develop the next generation of lifelong conservation stewards and ensure our own skilled and diverse workforce pipeline, Interior will provide 100,000 work and training opportunities to young people and veterans within our bureaus and through public/private partnerships. As part of this effort, the Department aims to raise an additional $20 million from private and corporate donors to support youth work and training opportunities.
- There are a number of groups across the country currently engaged in CSC activities.
    - Navajo Area - Provides youth the opportunity to work in the great outdoors. It is a structured, safe, challenging service opportunity for Native youth. Developed a National Cooperative Agreement which is the vehicle that is used to pay to get the work done.
    - In Montana Conservation Corp – 28 community youth participated to conduct trail maintenance for 8 trails in a 2 mile trail corridor. They cleared 42 acres of brush and stocked fish in the backcountry in four lakes. Opportunities are available for rural and urban communities.
    - Albuquerque Conservation Legacy – provide youth an opportunity to work on projects.

  - Minnesota and Iowa Conservation Corps – Worked in the twin cities on the elimination of invasive plants, planting trees, board walk construction and hiking trails.
  - Southwest Conservation Corps – conducted conservation related projects. Provides youth opportunities for careers in Natural Resources and Conservation. Youth had hands on experience in habitat restoration and invasive species education.
  - VISTA – Volunteer and Service to America there are 8 Vista Workers in 8 Tribal colleges. Focused on capacity building and planting nutritional value gardens.
  - Wind River – conducts youth forestry projects
  - Eastern – Regional Tribes provide partnerships and internships.
  - Pacific – Forestry and land assistance is the focus. Tribes and the Bureau of Land Management (BLM) coordinate with Tribal youth and there are 7 pathway interns (social worker, archeologist, GIS, Natural Resource Programs – lot of work)
- Working with Chickasaw to place youth in internships within the BIA. Want other agencies to have the opportunity to hire youth. Build a pipeline and open doors to Native Americans working in other agencies.
- Students receive paid internships for 4-6 months. Youth from age 18-34 years can apply. Training is provided at the University of Arizona in Tucson, Arizona.
- Budget is $690,000 to provide $7500 per student in different areas to include education (goal 89); climate change (1); Forestry and Wildland Fire (20); GIS (3); Water Power (20).
- In FY2015, partnered with Tribes and Academia to provide 5,587 youth activities and trainings. BIA spent $6.3 million on youth activities.
- SAGE – June 6-9 application process is open for leadership training. Try and place youth in areas that the Tribe can work with them. Water/Agriculture/Rangeland has a pathways program for students who are in school and want to work part or full time.
- Presidential Management Fellows – Advanced degree (Indian Preference Program) jobs are listed on the USA jobs website and you can google internships paid and unpaid.

**Budget Update**

*Dave Conner, Director, Natural Resources, Red Lake Band of Chippewa Indians*
*Peter Probst (on behalf of George Bearpaw), Office of Budget Management Indian Affairs*
Tribal Interior Budget Council (TIBC) meeting update:

- The Great Plains submitted a proposal to create a new line item to address the BIA Roads program maintenance backlog which is currently at a $200 million a year deficit. Funding for road maintenance has been $26 million a year for the past few years. The proposal would increase funding by 25% or $7.5 million dollars.
- Jobs Relief Initiative would provide $34 million dollars for Tribal job recovery and relief to be distributed to Tribes via a Tribal Priority Allocation (TPA) increase. It would be a permanent increase to base dollars. The initiative was intended to recoup the money Tribes lost due to sequestration and permanent rescissions over the years.
- Pay costs – In the FY2017 Budget Request the total request for pay costs was $5.3 million. To put it in perspective, in 2008, Bush requested $41.3 million for BIA. The reason pay costs are an important line item is because once the money is added to the budget it is a permanent increase that Tribes receive in their base budgets on an annual basis.

- In FY2015, Tribes received a recurring increase under TIWAHE. There were four Tribes selected to participate in a pilot project. For example, Red Lake received $21.4% base increase for Indian Child Welfare and 8.1% base increase for social services.
- FY2016 Budget Secretary Jewell has the Tribes interest at heart. Although the 2016/2017 BIA Budgets were good it was on top of two very poor budget cycles in 2014 and 2015.
- The President's Request for Indian Affairs was $2.8 billion ($195 million above the 2015 enacted level.
- Increases to Tribal programs include: $130 million for education; $60 million school construction; $60 million for various Bureau of Indian Education (BIE) programs; $6 million Trust Natural Resources; $12 million TIWAHE; $10 million Tribal Justice Support (includes Tribal courts in P.L.280 states); $4.5 million Indian Energy Service Center (to expedite mineral permit activity and alternative energy projects; $21 million TIWAHE (expand program to include Courts and HIP); $7 million Tribal scholarships; $6 million Johnson O'Malley; $60 million Bureau of Indian Education
- There will be two consultation conference calls in April regarding Tribal Justice Support $10 million increase to allow Tribal input on how the additional Tribal court money should be spent. P.L.280 states present a challenge because Federal jurisdictional authority has been delegated to local authorities and judicial systems. Yet, many Tribes have indicated that the states are not providing these services. A large number of Tribes have requested retrocession of jurisdiction from the state back to the federal government (authority to do so was included in the Tribal Law and Order Act).
- In FY2018, BIA is charged with developing a budget that will be introduced by the new Presidential Administration. Tribes are advocating for a strong budget request.

Tribal Data and how it impacts Budget

- Administration had asked for $12 million to collaborate with the Census Bureau on the collection of data that better profiles Tribal communities.
- $4 million to design a Native One Stop Shop data system. The Administration is trying to create a one stop shop website to help Tribes access other resources that are available throughout the US government (crosscut). It will be worth the effort if it opens the door to other agencies and resources.
- TIBC has formed roads and justice subcommittees because there is a need for more data to advocate for additional funding.
- In the FY2018 Budget Formulation we had to justify our results and our requests. There are data gaps. We need consistency in formulas so all Tribes are using the same numbers to calculate their need.
- Tribes need to strongly advocate and testify about budget priorities. If we want to make meaningful steps towards Budget increases we need data. The Budget subcommittee is meeting next week and the TIBC recommendations will be presented in May.
- Tribal comments - In Alaska public safety is a big issue. The Association of Village Council Presidents (AVCP) has 48 villages and 56 Tribes. There is a Village Public Safety Officer (VPSO) Program but if there is a volcano eruption (like now) the VPSO have no access to the villages. There is not even enough funding to hire an officer in every village. The villages are limited with what they can do especially when facing natural disasters. FEMA and Red Cross also play a role when it comes to natural disasters so there has to be coordination amongst all agencies.
- Strategy to deal with caps on funding – There are 304(b) allocations for each of the Appropriation Committees and the Chairs of the Committees must stay within the funding caps that are set by congress. Tribes need to come up with a strategy on how to secure additional funding despite the budget caps: 1. We need to strongly urge the

President and Congress to increase funding for Indian programs; 2. We need to look to the other agencies for funding since they all receive some money to fund Tribes and programs; 3. Go directly to the other agencies and advocate for budget increases for Tribal programs and services (i.e. ask HUD to advocate for additional funding for teacher and healthcare personnel housing) and better access to current funding; 4. Decide what we want from the Bureau of Indian Affairs. The challenge is how do we affect the budget as it applies to us? We need to make the case for the authority of Tribes to control their own destiny.

- Taxation parity and special provisions and the advancement of economic development will strengthen the Tribal self-reliance and governmental capacity.

**Trust Modernization/White House Council on Native American Affairs**

*Morgan Rodman, Executive Director, White House Council on Native American Affairs*

The White House Council on Native American Affairs was formed by President Obama in June 2013 through Executive Order 13647. Council Members are heads of Federal departments, agencies and offices. It promotes the development of prosperous and resilient Tribal communities through inter-agency coordination.

- There are five subject matter subgroups
  - Energy (DOE and DOI)
  - Economic Development and Infrastructure (USDA and SBA)
  - Environment, Climate Change and Natural Resources (EPA and DOI)
  - Health (HHS)
  - Education (ED and DOI)
- There are also several workgroups (Gen-I, inter-agency budget coordination, sacred sites)
- Executive Order 13647 makes the White House Council on Native American Affairs and the White House Tribal Nations Conference permanent.
- Council is focusing on permanency of initiatives that promote prosperous and resilient Tribal communities.
- Agencies continue to make progress.
- MOU between Department of Labor (DOL) and DOI to establish Native One Stop Shop.
- Consultation Policies EPA, Treasury, and Advisory Council on Historic Preservation on Sacred Sites and includes confidentiality, training, and the development of a policy paper on how to better protect sacred sites.
- Strategic Plans – United States Department of Agriculture (USDA), Department of Energy (DOE) and Advisory Council on Historic Preservation.
- Policy Statements
- Pathways to Permanency – Models of Tribal Engagement (DOJ), OMB Budget and Metrics Workgroup, Proposals to imbed Tribal points of contacts within agencies
- Council is trying to establish strong infrastructure to support Tribes
- Tribal Discussion
  - There is a lack of communication between the White House Council and Congress.
    - Morgan - There is room for more linking with the Hill and the Council is working on this.
  - Transportation needs to be added as a subgroup.
    - Morgan – transportation falls under the Subcommittee on Economic Development and Infrastructure.

- OMB Budget and Metrics Workgroup has been established to see where programs and agencies can complement each other. Issue metrics on Native youth to hold the agencies accountable. (6 metrics were established to focus on Native youth)
- Tribal Discussion
    - At TIBC there has been discussions about how to develop metrics that will accurately depict unmet need. As we move it forward, we want to make sure that OMB is in the middle of the conversation.
    - Standing with Indian Country Fact Sheet details (five agencies are participating)
- Summits and Convenings:
    - There will be an Energy Summit held in the fall on new ways to address energy throughout Indian country.
    - Report on the progress that has occurred in Indian country during the Obama Administration is being developed that include recommendations for the next Administration. We are seeking Tribal input.
    - Increased communication and web presence.
- Tribal Discussion
    - We want a Tribal Ambassador on the White House Council. How do you communicate with Indian country and how do you collect feedback from Indian country? We need you to bridge communication between the Council and Indian country.
        - Morgan – The Executive Order that created the Council underscores the importance of Tribal engagement. Communication channels are being broadened.
    - Karen Diver is the Special Assistant to the President and is assigned to the Domestic Policy Council. Does the Domestic Policy Council meet regularly to discuss topics and are they inclusive of Indian issues?
        - Morgan – We are in communication with Munez regularly. We are taking steps to make permanent the White House Council on Native American Affairs.
    - How do the issues differ between the Domestic Policy Council and the White House Council on Native American Affairs?
        - Morgan – Section 4 of the Executive Order references the Domestic Policy Council. So when you make recommendations to the President it goes through the Domestic Policy Council.
    - We would like you (Morgan Rodman) to create a diagram/chart of the White House Policy Council so that Tribes can see a visual on how the White House Council fits into the Administrative body.
        - We have begun actively writing in each of the agencies transition plans.
    - Anything that happens off shore is an international concern for us. There is no coast guard or military presence in the Alaska villages.
    - OMB should establish a budget group to focus on Native youth because very limited funding is available outside of the Bureau. There is hardly any formula or base funding for youth. You should see how many projects are rejected each year due to a shortage of funding.
    - There is an incomplete picture of the unmet need in Indian country.
    - The 477 program is important to Tribes and we are fighting to keep the program intact but HHS is pushing back and requiring more reports.
    - The agencies do not coordinate well and work in silos.

**Expansion of Self-Governance to the Department of Transportation**

*Geoff Strommer, Partner, Hobbs, Straus, Dean & Walker LLP*

The FAST Act was enacted on December 4, 2015 and extended Self-Governance to the Department of Transportation.

- It is a five (5) year surface and transportation act that creates stability.
- There will be modest increased for transportation over the next five years: $450 million; $465 million; $475 million; $485 million; $495 million and $505 million.
- Self-Governance program provides an opportunity for Tribes to combine funding from the many transportation programs within DOT into one Funding Agreement.
- Next step is to establish a Negotiated Rulemaking Committee which we expect to occur any day now since the statutory deadline was March.
- Highlight a couple of provisions:
    - Extends Self-Governance and it is an improved version of Title IV because it includes the better positions that are contained in Title V.
    - Eligibility – Tribes request through a resolution to participate in Self-Governance and must demonstrate financial stability and management capacity.
    - Compacts – require negotiation between Secretary of Transportation and the Tribes.
    - Annual Funding Agreements – Tribes integrate a variety of funding sources into a single agreement.
    - Tribes have the ability to redesign and consolidate programs, services, functions and activities.
    - Modifications cannot be made unilaterally so Tribes must agree
    - Final Offer – The provisions include a final offer process.
    - Termination of Agreement – There is a provision that allows the Secretary to terminate an agreement but Department must show there is an issue and provide Tribes the opportunity to correct the issue.
    - Due Process – provision that allows the Tribes the opportunity to appeal a decision.
    - Hearing an Burden of Proof are provided for in the Act
    - Cost Principles – applicable only to audit
    - Construction projects can be included
    - Tribes can retain their Agreements with Federal Highways if they choose and not participate in the Self-Governance program.
    - Regulatory process is set out within the statute. The Department must publish by March 4, 2016 a notice in the Federal Register to kick off negotiated rulemaking. (This has not been done yet but the Department hopes to publish it before the end of the month (March)). Proposed regulations must be published within twenty-one (21) months.
    - Rulemaking will focus on implementation
    - Tribal Discusson
        - Will reporting be an issue? Geoff – It may very well be an issue. There are provisions included in the statute on reporting. The Federal Highway may seek to come up with a unified form. There will be a huge learning curve.
        - Once Regulations are in place, the Tribes will have a single award instrument to channel all funds.
        - Will this allow the State's Department of Transportation to channel Federal aid funds for the Tribes to the Department and it can be channeled through the Funding Agreement.

- 84% of the BIA roads are in poor or failing condition. The Administration has highlighted the poor conditions. It needs to be made a higher priority at the Bureau. The BIA budget is highly constrained. This is a transportation fix and it belongs under Transportation. The BIA cannot fix this issue. Tribes need to figure out how to address it.

**Legislative Update**

- Title IV – Last year, the Senate passed S.286. Within a couple of weeks of the bill's passage, the Association of Fish and Wildlife State Agencies, raised a number of objections which resulted in the freezing of the process. Ron and Geoff met with the Association. The overarching goal of the state agencies was to have a seat at the table when a Tribe wanted to negotiate fish and wildlife programs and services. This is simply unacceptable. There was a meeting with the House Resources Committee this morning. Tribe - Last year, one billion was allocated to states for fish and wildlife projects and Tribes were excluded even though every individual Tribal and non-Tribal pay taxes and the states use the Tribal land and population statistics to secure additional funding. We need a champion on the house side and the Alaska delegation to use their relationships on the hill to advance the Title IV agenda in coordination with the Title IV workgroup.
- 477 – There are bills in both the Senate and the House to amend the 477 program to expand the programs and the number of eligible participating agencies. The Bills would also make clear that 477 plans can flow through Self-Governance compacts and contracts and that contract support costs can be included. The House side hot lined the bill to go to the floor without a vote. The idea is to take the passed bill over to the Senate. The Senate Report that was filed supported the passage of the bill.

**Taxation**

*Dante Desiderio, Executive Director, NAFOA*
*W. Ron Allen, Tribal Chairman/CEO, Jamestown S'Klallam Tribe*
The authority to tax provides a means to grown and build Tribal economies.

- Tribal General Welfare Exclusion Act established the new Tribal Treasury Advisory Committee. The seven member committee will advise the Secretary on all matters related to taxation.
- The Department of Treasury appointed four members of the Committee that include Chief Lynn Malerba, Mohegan Tribe, W. Ron Allen, Jamestown S'Klallam Tribe, and Lacy Horn, Cherokee Nation.
- Ways and Means (Kind) selected Eugene Magnuson, Citizen Band of Potawatomi
- Ways and Means (Brady) hasn't made a selection
- Hatch or Wyden of Finance haven't made a selection.
- Tribes should urge Congress to appoint members to this Committee sooner as opposed to later.
- Tribes hope is to expand to all activities under Treasury. For example, programs like the low-income housing tax credit generates billions of dollars that go to the states. We need to open the doors to get capital into Indian Country.
- Timing and next steps – hope all appointments are made this Congress.
- The four members of the Committee met informally to discuss big ticket tax items and to try and think through the creation of protocols and charter.
- Elaine Buckburg resigned so we need someone to be the main point of contact for Tribal matters.
- The Committee can weigh in on how to determine and interpret Indian Tax Status Act and other Guidance issued by the Department.

- The Committee will also try to engage with the Internal Revenue Service (IRS) on the training of agents so there is a consistent interpretation of the law across the country.
- It is critical that Tribes have a governing document that provides how General Welfare is provided and applied by the Tribe.
- Tribes have been calling on Treasury to exempt Tribes from the Employer Mandate under the Affordable Care Act (ACA). Tribes are struggling because software is not available and they have to determine who to include. There are a number of issues that need to be ironed out. Treasury granted Tribes a small extension of three (3) months. It is a flaw in the law because Indians are clearly intended to be exempt.
- Cadillac Tax – Tribes were successful in delaying this until 2020.
- 2017 Tax Reform will be on the agenda. Senate Finance Committee has challenged us to be bold in our reform.
- 2016 Tax Reform Initiative and 2017 new Administration – Provide Tribes tax authority to issue tax exempt debt; equal treatment of employer sponsored pension plans of Indian Tribal Governments; repeal “essential government function”; shore up jurisdiction for Tribes and there may be creative ways to address it in tax reform.
- Tax Parity Act – Jenkins and Kind will introduce it next week. We need more cosponsors.

**DOI Self-Governance Advisory Committee and Technical Workgroup Quarterly Meeting**

**Embassy Suites Washington DC - DC Convention Center**
900-10th Street NW
Washington, DC 20001

**Wednesday, March 30, 2016 (8:00 am to 12:30 pm)**

**Discussion of the Issues with Assistant Secretary – Indian Affairs**
*W. Ron Allen, Chairman/CEO, Jamestown S'Klallam Tribe and Chairman of the Self-Governance Advisory Committee*
*AS-IA Representatives (Clint Hastings and Cheryl Maltais-Andrews)*

**Opening Remarks**
*Clint Hastings and Cheryl Maltais-Andrews*

- There have been significant changes in the Office of the Assistant Secretary with Kevin Washburn leaving and Larry Roberts stepping into the role of Assistant Secretary. There have also been a number of new staff members.
- AS-IA's commitment to Self-Governance hasn't changed and the goal is to continue the collaboration between the Committee and the Department.
- President had a meeting with the Secretary and Bureau Chiefs and the focus on Indian country was made clear by the President
- $2.9 billion or $37 million increase for Indian Affairs which is a 4.9% increase over the FY2016 Budget levels
- Focus is on Gen-I and Native youth. The White House has a strong focus on Native youth.
- Working with the Bureau of Indian Education (BIE) regarding schools and school replacement
- Support for TIWAHE and wrap around services
- Increase resilience in Natural Resource and Climate change and work with communities who are drastically impacted by climate change. Incorporate Tribal recommendations on climate change.
- President requested full funding for CSC and there is a legislative proposal for mandatory funding.
- Working on the FY2018 Budget Formulation and we are interested in hearing your concerns
- Interim Final Rule was issued on streamlining evidence in DOJ and standards on land-into-trust
- We will work closely with you and bring these issues back to the AS-IA and they will be given proper attention.

*W. Ron Allen, Chairman/CEO, Jamestown S'Klallam Tribe and Chairman of the Self-Governance Advisory Committee*
A number of issues have been raised by the Tribes.

**Budget**
There have been cuts to Tribal Government Funding since 1996.

- 1996 there was a General reduction of 16%,
- 2000-2013 Across the Board Rescissions totaled 8%
- 2013-2016 Sequester of 5%.

- Total cuts to Tribal programs since 1996 is 29%.
- The only increases to most Tribal programs was pay costs but they were fully funded only once in 2008.
- The funding figures do not account for inflation
- There were some increases to law enforcement in the 1990s and natural resources and courts in 2010 but by and large Tribes have lost out on funding increases
- The Administration has one final budget process. It has been great that the Secretary has strongly supported the BIA for the last two years. We need to keep BIA at the top of her budget priority list.
- We need to improve funding for certain programs including road maintenance, job relief and law and order.
- There have been no increases for Tribal law and order since the adoption of the Act.
- We have been through some serious challenges because while the dollars are going up we are losing ground with inflation.

**OSG**

- Small office and there is not enough staff to address the needs of 266 Tribes. All it takes is for someone to get sick and it causes a major problem. We need to make sure that OSG has the resource capacity to do the job.
- There needs to be a strategy for how the Secretary can collaborate with the Director on a number of issues including getting the money out to Tribes in a timely manner.
- There has to be a better way for the Department to communicate with OSG so that staff is aware of new funding. Self-Governance Tribes want to be treated fairly and equally. The Greenbook is not structured well for Self-Governance because it is not reflective of how it accounts for Tribal dollars. We need to collaborate on a better way to structure the Greenbook so that Self-Governance funds can be more easily and readily identified in the President's Proposed Budget to Congress.

**Office of Justice Services**

- There is not enough transparency and accountability. We need a better understanding of the funding methodology that is being used by OJS.
- It is important that DOJ and OJS work together. There is money at different agencies and different programs but there is not enough cross collaboration. We need to combine efforts and work across agencies.
- There has been a shift to grant funding and this does not comport with Self-Governance and the need to build tribal capacity to operate programs on a recurring basis.
- We hear there is funding available but not enough to significantly impact anything.
- There is a reason why we have the White House Native Council and all agencies are a part of it. We need to bring Morgan Rodman into these discussions and to work with Tribes to come up with alternative ways to deliver the funding.
- TIBC desires to get a commitment from the Department to better coordinate with Tribes. Is there any reason why we can't transfer funds between DOJ and OJS so that we can include funds in our Self-Governance Funding Agreements? That way, we will have one contract. If you are committed to Self-Governance, then it is important to be committed to make this happen.
- We have a big concern with grants for a variety of reasons including the fact that the best grant writers receive the money and not necessarily the neediest Tribes.
- TLOA and VAWA are great examples that the Federal Government recognizes the injustices regarding protecting our communities. Especially, in P.L.280 states there is a

void in the providing of services so many injustices are occurring. TLOA authorizes the Federal government to make improvements on the ground.

- What can be done this year to tee up solutions for the next Administration?
- Tribal Discussion
    - We worked hard to get 221 code as a bridge to bring Tribes into the mainstream. It is critical to our reservation's stability and social development but we have been waiting four years for the Administration to approve it. Is Obama going to bridge the gap? Where can Tribal governments express these concerns to the White House Council? The laws have already been passed that give the Federal government the authority to act but there has been limited action to implement them.
    - On top of enforcement and judicial services there has been a modest increase to Indian child welfare. Tribal courts need the capacity to handle all of these new obligations but the resources are just not there. Yet, we get criticized about the competency of our systems.
- DOJ and OJS resources need to complement each other. Some areas where there are consistent issues are incarceration of offenders and facilities. House arrest is cheaper than housing offenders in facilities and there are inadequate resources to address it. Alternatives to incarceration, such as, the house arrest program is more effective for most offenders but Tribes still need the ability to enforce more restrictive measures on individuals who are dangerous to the welfare of the community.

**Department of the Interior Strategic Plan**

- Tribes need to be empowered for Nation building. Part of this empowerment includes proper infrastructure is in place to support our endeavor for self-reliance.
- We want to make sure the Department engages with Tribes. We want to know who the point of contact is and how we can assist with the updating of the Plan.
- We need Tribal provisions not just in the section that deals with the mission and goals of the Department but also within the provisions that deal with the other agencies since the other agencies have a trust responsibility towards us as well.
- There is a need to coordinate the development of Indian program provisions in the Department of the Interior Strategic Plan with the development of Indian program provisions in other Federal Agency Strategic Plans.

**White House Council on Native American Affairs**

- Obama added Karen Diver to his team but what is the relationship between the White House Domestic Policy Council and the White House Council on Native American Affairs?
- What is the process? What issues are being raised and addressed?
- We need to create permanency to the vehicle that will allow us to advance our agenda at that level.
- Does Karen Diver advocate for our issues?
- We want to strengthen our relationship with the White House moving forward including establishing a Native American liaison at OMB.

**FY 2018 Budget**

- There were great concerns expressed about the FY 2018 Budget Formulation process. Self-Governance Tribes are supportive of the budget process but better data is needed.
- Self-Governance Tribes want to be engaged when the Bureau is collaborating with the Census Bureau.

- Data is essential for making the case for more resources.
- How can we better coordinate with the Bureau's budget staff on how we identify Self-Governance resources in the Greenbook?
- Law enforcement programs should be part of a Self-Governance Tribe's base.
- The White House Council should do an analysis of the Crosscut. We need access to all of the funds (21 billion dollars) that the government claims is available for Tribal programs and services throughout the Federal system. The Department proposed a One Stop Shop for funding which is a good idea but we still need a Report so we know which Tribes have applied and received funding and on what basis. Often, it is the Tribes with the best grant writers that receive funds.
- If the transfer of funds between agencies is examined we need to identify any challenges or complications. How can we make programs more effective through collaboration and coordination?
- Tribes have to spend a lot of time reporting and sometimes when we consolidate programs we receive less money and this was not the intent. There should not be a penalty when Self-Governance Tribes implement their existing authority to consolidate and redesign programs and reallocate the funds that are received under their funding agreement.
- Economic activity, education and safety are all intertwined and it is frustrating at times to try and take steps to make the programs more effective and efficient and lessen the administrative burden that is part of the reporting process.
- In the international arena the Federal Government provides millions of dollars in foreign aid. However, despite the US Treaty and Trust obligation to Tribal governments, Tribes are often the last ones in line when it comes to financial and other support.
- We would like to sit down with the BIA Budget Office and other key officials and discuss the Greenbook and the justifications to see how we can improve it so that it works better for Self-Governance Tribes.
- Do the Regional Directors really support Self-Governance? Some do but others have openly and adamantly opposed working with Self-Governance Tribes. The directive needs to come from the top down and there needs to be frequent interaction to make sure the directive is being implemented at the regional level. Maybe the answer is to make Self-Governance the 13th Region.
- In some areas, Self-Governance is not strong and in these areas the consultation policies and processes are not working well. Consultation without action is really just a conversation.
- Tribal Discussion–
    - On average, for every dollar we receive for law enforcement, we have to supplement it with over two dollars. You have a responsibility to us but you provide no resources so we are forced with making hard decisions to fund programs at the expense of other programs. Our courts are so severely underfunded that we have to access our children's trust funds to pay for expenses related to housing them in juvenile facilities.
    - We need to provide funding to bolster the integrity of our court system including having codes in order and the ability to provide prosecutorial and defense services. There are only a few Tribes that have an appellate system.

**Contract Support Costs**

- We share in your excitement that the Federal government is now paying 100% CSC. We are also encouraged that new language was inserted into the Appropriations Bill to create a separate account for CSC.

- The Ramah case was a great victory for Tribes and we are looking forward to receiving the settlement money that will be allocated sometime this year.
- We are looking forward to finalizing the amendments to the CSC policy and we appreciate the fact that the Bureau has been working well with the Tribes to resolve these issues rather than trying to micromanage us.
- The good news is that we now receive 100% funding. However, there are still some issues we need to address. There are significant delays with the IBC negotiating new rates with Tribes. A number of Tribes do not have current rates. It takes a long time for the IBC to approve a rate so often Tribes do not have a new rate when they are negotiating CSC. It takes a long time (4 years) to train IBC employees who negotiate CSC rates.
- How can the Department beef up the capacity and process of the IBC so that Tribes have current rates in a timely manner? We have been advocating for the allowance of a multi-year rate for those Tribes that desire one. There needs to be more flexibility in the policy to allow for multi-year or lump sum rates.
- Tribal Discussion
    - We don't want to be forced to negotiate with the IBC. The IBC is creating instability.
    - Tribes are willing to lock in rates for a period of time. If a Tribe doesn't have a new rate then it should automatically default to the previous rate that was negotiated. CSC costs must be spent on CSC and the funds should carry over if they are all not spent. If we contract with the Federal government and we negotiated an indirect rate then how we manage CSC should be our call.
    - We have been struggling with IHS because they want us to adopt an incurred cost methodology to justify how we are spending the money. The other issue is with categorical duplication of funding. There is still disagreement between the Tribes and the IHS so it will be a different type of consultation.

**Title IV Amendments**

- We are appreciative that the Administration is supportive of Title IV.
- We are close to trying to break the current log jam to advance this legislation. The problem is with the Fish and Wildlife state agencies. How can we get a message from the top Administration down that whatever is being done to support these agencies needs to stop?
- The US Fish and Wildlife Service has not worked well with the Tribes even though some Tribes have compacts. We need political help in this area.

**Transportation "FAST Act"**

- We are very excited about the passage of the Fast Act and the expansion of Self-Governance to the Department of Transportation and we have been urging the Transportation Secretary to help advance this agenda.
- We need to appoint a Deputy Assistant Secretary for Tribal Affairs in DOT. There was a letter sent from the Tribal Unity Caucus regarding this appointment.
- The negotiated rulemaking committee needs to be established. The timeline within the Act is long but it could be accomplished sooner.
- On the BIA side, road maintenance is a huge issue for Tribes. Roads receive approximately $26 million against a backdrop of over $275 million backlog.

**Indian Child Welfare Act**

- We know the Administration has been working hard to finalize these regulations and it is critical that we get these regulations in place as soon as possible.
- There has been a lot of misrepresentation in the media about what the ICWA does for our communities.
- This is about the relationship between our children and their culture.
- The regulations will help immensely when it comes to the integrity of the process.
- We raised this topic at DOJ because we believe they should play a role when it comes to providing training on ICWA to state court systems.
- Regulations are in the final stages of approval.
- Tribal Discussion
    - We understand there has been a lot of opposition to the new regulations. Will the new regulations be published in the time that is left for this Administration?
    - The goal is to get the Regulations out before the Administration ends.
    - There is an issue with ICWA funding for small Tribes. They do not receive sufficient ICWA funding to exercise full sovereignty over their children. This stems from their inability to implement the best practice of separating child protection functions from family reunification functions.

**Tribal Homelands**

- We appreciate the strong push this Administration has made for the return of Tribal homelands.
- We need staff in place to manage this process so that the Administration's goal of taking 500,000 acres of land into trust can be realized.
- The Department needs to make more of a commitment to the IBIA to resolve any delay in the processing of applications. We may need to bolster the court staff in order to handle the caseload.
- AS-IA has the authority to take over the appeals for tracks involving over 200 acres of land. Part of the problem is that many Tribes have less than 200 acres they are seeking to take into trust so they get trapped in the process.

**Generation Indigenous**

- There are no Gen-I meetings east of the Mississippi.
- If you want to meet call the AS-IA's office and we can set it up. The Department is committed to this effort.

**Budget Update – (carried over from Day I)**

Peter Probst

- How can we fix the process to ensure that the Self-Governance budget line item is part of the budget discussions at the regional level?
- FY2016 enacted budget provided $2.8 billion for BIA ($195 million above the 2015 enacted level)
- The Budget includes a $1 billion dollar investment in the Bureau of Indian Education.
- $14 million increase for land and water
- $277 million for CSC (increase of 26 million) and it will be a separate appropriation. The delay in funding distribution has been the result of late apportionment and a new appropriation for CSC. The Department had to request a separate "warrant" from Treasury to establish the CSC account. This process of requesting a new account number and new account slowed the Department a bit. Hopefully, the process will run smoother next year.

- All base funding has been distributed.
- We are in the process of reconciling the comp table over the next few months to smooth the distribution process going forward.
- FY2017 President's Budget Request $2.9 billion (138 million above the 2016 enacted level)
- Includes: $21 million for TIWAHE; $1.1 billion for education; $12.4 for post-secondary education; $138.3 million education construction; $198 million public safety and justice (increase of $432,000 over FY2016 enacted); $215 million Natural Resources (23.7 million increase)
- FY2018 Budget Formulation – meetings met with Tribes including Self-Governance Tribes
- TIBC Budget Subcommittee meeting April 4-6. We do not know the target numbers yet. The directive to the Tribes was to apply an 8% increase.
- TIBC is the best place to make sure that the budget needs are raised and addressed
- Tribal Discussion
    - Senate Committee on Indian Affairs held a budget hearing and Senator Tester questioned the Department on the reason why need wasn't fully requested. We need strong advocates within Interior who will advocate for Tribal Budget increases.
    - We need credible data and a report on the metrics. There are a number of metrics we can use that are out there right now.
        - The TIBC Subcommittee will provide their budget recommendations next week and then the Department will put together the proposed budget the first week of June.
    - We need to be specific on certain items in order to determine the true need. Our education funding was reduced for grades 7-12. We need more funding for education, schools and wilderness programs. We also need funding to address wildfire dangers.
    - Do Casinos impact Tribal funding? No. Means testing is not a factor.
    - Scholarships are a hot topic nationally. We need more funding to get and keep our kids in school.
    - BIE money is a high priority. In the 2017 President's Budget Request there were increases for elementary and secondary education funding.
    - TIBC has recently formed an education subcommittee. We need to get the TIBC delegates engaged in the Committee.

# DOI SELF-GOVERNANCE ADVISORY COMMITTEE

**c/o Self-Governance Communication & Education Tribal Consortium**
**PO BOX 1734 ~ McAlester, OK 74502**
**Telephone (918) 302-0252 ~ Facsimile (918) 423-7639 ~ Website: www.tribalselfgov.org**


## *SGAC TECHNICAL WORKGROUP ASSIGNMENT MATRIX*
## *March 2016 Quarterly Meeting*

***Technical Workgroup Co-Chairs:***
***Jennifer McLaughlin, Tribal Co-Chair***
***Kenneth Reinfeld, Federal Co-Chair***

| | Assignment | Person(s) Responsible | Date Task Originated | Status |
|---|---|---|---|---|
| 1. | DOI Strategic Plan<br>• Make recommendations on updates<br>• Draft letter to DOI point of contact with recommendations | Zach Scribner<br>Gerry Hope<br>Cyndi Ferguson | March 2016 | |
| 2. | Transportation Self-Governance Expansion/BIA Roads<br>• Track TIBC Roads Subcommittee and TTPCC recommendations meeting minutes and reports<br>• Draft letter invite Robert Sparrow to provide update at July QM<br>• Report on status of the appointment of the Deputy Assistant Secretary for Treasury<br>• Report on status of Negotiated Rulemaking Committee | Gerry Hope | March 2016 | |
| 3. | SG Meeting Reports to be collected and shared with the SGAC<br>• Office of Self-Governance powerpoint<br>• CSC Workgroup Policy<br>• Youth Conservation Corp Information<br>• Letter regarding leaving SG Line Item out of FY2018 Budget Formulation<br>• White House Council Presentation | SGCE and OSG | March 2016 | |
| 4. | Law Enforcement and Courts<br>• Follow-up on PL 280 courts and funding<br>• Track TIBC Subcommittee and DOJ Tribal Leaders Advisory Group Recommendation on transfer of funds form DOJ to BIA and other issues<br>• VOCA Funding for Tribes<br>• Reauthorization of TLOA | John Bioff<br>Law Enforcement Workgroup | March 2016 | |
| 5. | Letter to Morgan Rodman/Karen Diver/Reina Thiele<br>• Develop a Report on the President's legacy since 2008 (Budget & Policy Initiatives that have been favorable to Tribes and specific pro-SG initiatives<br>• Tribes to provide input to the White House Council on the Obama Administration progress and recommendations for the next Administration<br>• Activate writing in each of the agencies on their transition plans | SENSE/Tribal White House Staff | March 2016 | |

| | | | | |
|---|---|---|---|---|
| | • Request a diagram Organizational chart on how the White House Domestic Policy Council and White House Council on Native American Affairs interact<br>• Request meeting minutes from White House Council meetings<br>• Follow up with Tribes regarding Consultation policies | | | |
| 6. | Title IV<br>• Workgroup continue to advance the legislative agenda | Title IV Workgroup | March 2016 | |
| 7. | Quarterly Meeting Minutes/Summary | Jennifer McLaughlin<br>Ken Reinfeld | March 2016 | Completed. |
| 8. | CSC Subcommittee Workgroup<br>• Weigh in on SG CSC position Tribal Consultations<br>• Letter To Hankie Ortiz status of CSC payments for FY2016 delay is unacceptable (8 months into the year and Tribes do not have CSC funds) Tribes agreed to 80% payment to reduce likelihood of overpayment. Stress that Tribes are paying out of their own pockets to keep programs running and their needs to be reform to the system.<br>• IBC needs to get Tribes rates in a timely manner | Kasie/Melanie | March 2016 | Completed. |
| 9. | Draft Self-Governance Meeting Summary for Technical Workgroup to send to their respective regions | SGCE | March 2016 | |
| 10. | Draft Letter urge Congressional leaders to appoint individuals to the Treasury Tribal Advisory Committee<br>Cc White House Karen Diver | Jennifer | March 2016 | |
| 11. | EPA Workgroup<br>• Need people on the ground in Tribal communities to do the work<br>• Continue to advance the agenda | C. Juliet Pittman<br>Workgroup members | March 2016 | |
| 12. | Draft Letter Bryan Rice Office of Wildland Fire<br>• Provide information on the new Tribal allocation formula | Clyde Romero | March 2016 | |

**Data Management Sub-committee Meeting**
**Tribal Interior Budget Council (TIBC)**
Best Western Ramkota
2111 North LaCrosse Street
Rapid City, South Dakota 57701
Tuesday, July 12, 2016

**Participants** (include sign-in sheet)

## Strategic Plan Update

- Every four (4) years the Department of Interior updates their Strategic Plan
- The goal is to get a plan in place before the new Administration takes over so that the new Administration can either adopt or modify the existing plan
- The plan is important because it contains measures and funding is tied to performance measures
- The Strategic Plan is the Department's *long term plan* so there is a limited number of measures (22) in the plan that tie into the stated goals. The Department also has "Operational Plans" that are updated annually and that include more measures.
- Deadline – Department is mid-September and Indian Affairs is expected to provide a framework by that date
- The Strategic Plan is finalized in February of 2018 so there will be additional time for the Tribes to weigh in with recommendations
- Department indicated they hope to establish a workgroup after the November elections and to host a Tribal consultation
- Department is looking to the Data Management Committee to help provide input into the process as far as understanding the money that is needed for programs and services and the improvements that need to be made
- Listening Sessions on the Strategic Plan are tentatively scheduled for next week but an official Tribal Leader Letter has not been approved to go out as of today (Tuesday, July 12, 2016)

## Tribal Leaders/DMC Members Questions/Concerns

- Short notice for leadership to be able to make plans to attend or participate in listening session
    - Department indicated they expected Department to provide guidelines in January but they didn't receive the final instructions until May
- What is the actual Fiscal Year period for the plan?

  - Department indicated the Plan runs from FY2014 through FY2018 and once the new Administration takes over the process may become more formal
- The focus is on Indian Affairs but the trust obligation to Tribes extends across the Department and the TIBC is the Tribal "Interior" Budget Council charged with advising the Secretary of Interior on Tribal budgetary recommendations. Recommended changes shouldn't be limited to Indian Affairs but extended to the 9 other Bureaus and multiple offices within Interior.
- There was a Tribal Leader group formed at one time to address the Strategic Plan – why is the same not being done now?
  - Department intended establishing a workgroup after the elections and a more formal process "consultation" may be done next year
- There are no measures in the plan for Tribal fish wildlife and water concerns
  - Department agrees that there is a need to review measures to see if there are better measures that will tie into the budget
  - There is an opportunity to move forward with more relevant data sets
- How will the new Under Secretary Indian Affairs add to this process?
- Plan address the BIA run schools but there are a lot of Tribal kids in the public school system and these kids need to be accounted for whether through coordination efforts with the Department of Education or other means
- There needs to be mission driven statements included in the plan that includes Indian country input and this needs to be done for the other 9 Bureaus as well
- There needs to be appropriate consultation if we are talking about developing a new plan and the Office of Management and Budget (OMB) needs to be part of this process
- What are you asking us to measure? Your investment in us? It is the responsibility of the trustee to manage this properly
- You need to involve the Regional Directors to work with the Tribes in their Regions
- Crosscut should be the tool used to link all agencies together
- Everything should reflect nation-building and the Department needs to attend the Regional meetings and get OMB involved.
- We need more meaningful goals (high level thinking rather than in the weeds detailed goals)
- Measures should be focused on measures such as unemployment rates, GDP, dual taxation, etc.

- Are the Regions required to do Strategic Planning?
- What is the purpose of the Data Management Subcommittee and what is the goal?
  - Original intent to identify data to show need
  - We use to talk about TDE in this forum but now we have to move forward.
  - NCAI Policy Research Center is doing a lot of work that is tied to this committee and Malia should attend the DMC meetings and provide an update of what she has in the works
  - OMB needs to be part of these discussions regarding how we view data and measures
- Who is responsible for drafting the agenda for the TIBC meetings?
  - The Bureau produces the draft agenda based on the items that were raised at the last TIBC meeting and then the draft is sent to the Tribal Co-Chairs and AS-IA to see if they have additional items to include.

**Follow-up Action Items**

1. Review the Data Management Subcommittee Charter and other relevant documents that discuss the mission and goal of the Subcommittee;
2. Review Existing Data Measures;
3. Invite National Congress of American Indians (NCAI) Policy Research Center (Malia) to provide an update on what the center is working on and how the Data Management Subcommittee can work together with the Center on the development of data measures;
4. Invite the Office of Management and Budget (OMB) to attend these meetings and discuss how we view measures and data;
5. Bureau will send out Dear Tribal Leader Letter on Listening Sessions to update the DOI Strategic Plan;
6. Bureau will contact regional directors to work with Tribes and explain the Strategic Plan, the purpose of the plan and how it is used, the Bureau's intent to update the plan, and the importance of Tribal input;
7. Develop meeting agenda, meeting notes, action items.

# SELF-GOVERNANCE ADVISORY COMMITTEE

**c/o Self-Governance Communication and Education**
**P.O. Box 1734, McAlester, OK 74501**
**Telephone (918) 302-0252 ~ Facsimile (918) 423-7639 ~ Website: www.tribalselfgov.org**


*Submitted to: consultation@bia.gov*

June 14, 2016

Lawrence Roberts, Acting Assistant Secretary – Indian Affairs
Bureau of Indian Affairs
U.S. Department of the Interior
1849 C Street, NW
MS-3071-MIB
Washington, DC 20420

**Re: Support and Proposed Recommendations – BIA Contract Support Costs (CSC) Proposed Policy**

Dear Acting Assistant Secretary Roberts:

On behalf of the Self-Governance Advisory Committee (SGAC), we applaud your commitment to pay 100% of the Contract Support Costs (CSC) need; and, we extend our support for the proposed amendments to the Department of the Interior – Bureau of Indian Affairs (BIA) Contract Support Costs policy. The proposed policy changes were deliberated through the BIA Contract Support Cost workgroup, allowing for meaningful input and the active engagement of Tribal leadership and representatives in the process. We commend our Federal partners, Tribal leadership and others who worked together on the development of these important amendments.

We agree with the statement you made in your March 22, 2016 Dear Tribal Leader Letter regarding the policy's simplified and streamlined approach to calculating CSC:

*"This proposed CSC policy follows the direction provided in the FY2014 Appropriations Language: "…to formulate long-term accounting, budget, and legislative strategies to address the situation…each Department's solution should consider a standardized approach that streamlines the contract negotiation process, provides consistent and clear cost categories, and ensures efficient and timely cost documentation for the Departments and the Tribes."*

The draft policy is easy to read and understand and, once approved, it will be a useful tool for BIA and Tribal staff to use as a guide to ensure full payment of CSC. However, the policy does not diminish or extinguish any existing rights Tribes have under the Indian Self-Determination and Education Assistance Act (ISDEAA). In light of this, we would recommend that the introductory sections of the Manual should clearly state that the Act, and every compact, contract and funding agreement shall be construed liberally in favor of the Tribes.

Some of the policy's strengths include:

- The policy accurately reflects authorization and requirements to fully fund CSC as provided by the ISDEAA;

- Provides simplified and consistent calculation methods for four types of CSC (pre-award, start-up, direct, and indirect), including an indirect CSC calculation based on a current approved indirect cost rate agreement between a Tribe and its cognizant agency; and,

- Offers alternative calculation methods for indirect CSC when a Tribe does not have a formal indirect cost rate agreement or has an expired indirect cost rate agreement over four years old.

We urge you to consider the following recommendations as suggested amendments:

- Revise the language that reads "current budgeted salary costs of Indian Affairs 106(a)(1) programs" to "Current Tribally budgeted salary costs for IA programs transferred in the 106(a)(1) amount" and delete the terms "excluding fringe" because salaries by definition do not include fringe;

- Raise the Direct Contract Support Cost rate from 15% to 18% of salaries. The rising costs of health insurance premiums and other associated costs have drastically impacted Tribes and now that CSC is to be fully funded from an indefinite appropriation, an increase of 18% does not seem like an unreasonable request;

- Include in the Manual examples of direct CSC that can be negotiated;

- Acknowledge the Tribe's option to negotiate a lump sum for full direct CSC in a given year. The agency is already negotiating a lump sum for indirect type costs so surely there is no reason why the same cannot be extended to direct CSC;

- The Bureau needs to ensure that it has sufficient staff that are trained and available to negotiate rates with Tribes who choose not to rely on the default of 15% of salaries rule;

- In the absence of a viable rate or lump sum negotiation, the Bureau should pay indirect costs based upon the prior year's amount or based on the de Minimis rate of 10% adopted in the Office of Management and Budget Super circular;

- Tribes should not be forced to accept CSC based on older rates because the Interior Business Center (IBC) is often slow to issue current rate agreements. Therefore, it should be left up to the Tribe whether to close out with the FY2015 rate in place on September 30, 2016 or wait for the FY2016 rate to be approved;

- Tribes should be given the option to have any overpaid amounts applied as an offset in the following year;

- The policy should set out that increases in CSC need are paid when identified. For example, should additional program funding be distributed during the year, the associated CSC should also be paid at that time. Another example is due to adjustments for increased IDC rates that may be received during the year. Tribes should not be required to wait to year-end to be paid CSC that is due and owing, potentially disrupting their cash flow. Finally, Tribes, whether contracting under Title I or Self-Governance, should be treated at least as favorably as the other with regard to prompt CSC payments.

- The Bureau should employ the same collaborative process in the editing and drafting of the Handbook that it did with the CSC Policy and the workgroup should be engaged in

the process. The Bureau should also consult with Tribes regarding proposed amendments to the Handbook;

- Manual should state clearly the process for negotiating pre-award and associated start-up costs and the Manual should delegate the negotiation of these costs to regional and field personnel;

- Examples of allowable pre-award and startup costs should be included in the Manual for reference purposes. Tribes should be given the opportunity to provide input on this list;

- Once finalized, the CSC Policy and Handbook should be posted on the Indian Affairs website and otherwise made easily accessible Tribes and their staff; and,

- Develop a CSC Report for Tribes that can be released to Tribes even if the formal report to Congress is delayed.

Thank you for this opportunity to comment on the draft CSC policy. We urge you to reconvene the CSC workgroup once the consultation period closes to finalize this policy as quickly as possible. In addition, we suggest that the same simplified and streamlined approach is applied when you finalize the handbook that will accompany the policy, and Tribal representatives look forward to working with your staff to develop the handbook.

If you have any questions please do not hesitate to contact me at (360) 681-4621 or email rallen@jamestowntribe.org.

Sincerely,

W. Ron Allen, Tribal Chairman/CEO, Jamestown S'Klallam Tribe
Chairman, DOI Self-Governance Advisory Committee
Chairman-of-the-Board, Self-Governance Communication & Education (SGCE)

CC: Hankie Ortiz, Deputy Bureau Director, Office of Indian Services, Indian Affairs
Sharee Freeman, Director, Office of Self-Governance
Jim Mackay, Tribal Co-Chair, DOI CSC Workgroup
SGAC Members and Technical Workgroup

# FY 2016 Indian Self-Determination Fund Request

## [ Tribal ISDF Request Form ]

**( Last Form Revision Date - __/__/__ )**

| Line # | | | | | |
|---|---|---|---|---|---|
| 1 | Region: | | Date of Tribal Proposal: | | |
| 2 | Tribe/Contractor: | | Total 106(a)(1) Program Funding Awarded: | **$** | **-** |
| 3 | Program (list only 1 program): | | PFSA Start Date: | | |
| 4 | Contract/Compact #: | | Award Performace Period (Beginning Date): | | |
| 5 | Date Tribal Proposal Received by BIA: | | Award Performace Period (Ending Date): | | |
| 6 | | | On-Site IDC Rate %: | | **0.00%** |
| 7 | | | FY / CY of IDC Rate: | | |

| | BUDGET CATEGORIES | Tribal Direct Program Allocation 106(a)(1) | TOTAL Pre-Award Costs | TOTAL Startup Costs |
|---|---|---|---|---|
| 8 | Personnel - | $ - | $ - | $ - |
| 9 | Personnel - Other (Explain) | $ - | $ - | $ - |
| 10 | Fringe - FICA | $ - | $ - | $ - |
| 11 | Fringe - Retirement | $ - | $ - | $ - |
| 12 | Fringe - Insurance (Life/Health/Disability) | $ - | $ - | $ - |
| 13 | Fringe - Workers Compensation | | $ - | $ - |
| 14 | Fringe - Unemployment Insurance | | $ - | $ - |
| 15 | Fringe - All Other | $ - | $ - | $ - |
| 16 | Supplies & Materials | $ - | $ - | $ - |
| 17 | Travel - | $ - | $ - | $ - |
| 18 | Training - | $ - | $ - | $ - |
| 19 | Postage | $ - | $ - | $ - |
| 20 | Communications - | $ - | $ - | $ - |
| 21 | Printing & Duplication | $ - | $ - | $ - |
| 22 | Stipends / Scholarships / Direct Assistance Payments (Pass-Thru) | $ - | | |
| 23 | Consultants/Contracted Services Non Pass-Thru (Minor < $ 25,000) | $ - | $ - | $ - |
| 24 | Consultants/Contracted Services - Pass-Thru (Over > $ 25,000) | $ - | $ - | $ - |
| 25 | Rent/Lease | $ - | | |
| 26 | Utilities - | $ - | | |
| 27 | Other - | $ - | $ - | $ - |
| 28 | Other - | $ - | $ - | $ - |
| 29 | Equipment (Attach detailed list with justification) | $ - | $ - | $ - |
| 30 | All Other (Non Pass-Thru) | $ - | $ - | $ - |
| 31 | **TOTALS:** | **$ -** | **$ -** | **$ -** |
| | **DIRECT CONTRACT SUPPORT COSTS** | | | |
| 32 | Total Program Salaries | $ - | $ - | $ - |
| 33 | DCSC @ 15% times Total Salaries | $ - | | |
| | **INDIRECT CONTRACT SUPPORT COSTS** | | | |
| 34 | TOTAL DIRECT COSTS - (Line #33 Above) | $ - | $ - | $ - |
| 35 | Total Pass-Through | $ - | $ - | $ - |
| 36 | Direct Cost Base (TOTAL Less Pass-Thru) | $ - | $ - | $ - |
| 37 | Total On-Site Indirect Costs: **0.00%** | $ - | $ - | $ - |
| | **GRAND TOTAL ISDF REQUEST** | | | |
| 38 | **Total Pre-Award Costs** | | | **$ -** |
| 39 | **Total Startup Costs** | | | **$ -** |
| 40 | **Total Direct Contract Support Costs** | | | **$ -** |
| 41 | **Total Indirect Contract Support Costs** | | | **$ -** |
| 42 | **GRAND TOTAL:** | | | **$ -** |

# United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 1 1 2015

Dear Tribal Leader:

The Office of Self Governance (OSG) has received partial 2016 Contract Support Costs (CSC) funding under the first Continuing Resolution, at approximately 19.7% of base. Initial payments are in process for compactors that have a current signed funding agreement. When full 2016 CSC funds are received, OSG intends to make an initial payment of 85% of the estimated 100% need for 2016. It is not possible for OSG to know the exact 100% of need until the 2016 program funds are distributed and Tribes furnish OSG with exclusions and multiple rate distributions.

OSG relies upon Tribes to furnish the exclusions each year, consistent with each Tribe's Indirect Cost Agreements (IDA). Self-Governance Tribes are authorized to reallocate unrestricted funds under the funding agreement and do not submit program budgets, so OSG does not have the necessary information to calculate exclusions. Tribes with multiple rates also must furnish a distribution of program funds applicable to each IDA rate, because OSG does not have direct access to Tribes' internal accounting and cannot make this determination.

**Please request remaining CSC no later than August 1, 2016. Consistent with BIA practice and with the CSC Workgroup recommendations, OSG has been directed to close out 2016 CSC funding on September 30, 2016. This is a departure from prior years. The information below is provided to assist with your request.**

OSG requests that each tribe or tribal organization submit a written document providing the exclusions and multiple rate distribution. Please assure that it contains:

Year of Indirect Cost Rate Agreement _____ (Use 2016 if issued; if not use last prior approved rate as required by CSC policy).

$_____Exclusions from BIA programs based upon IDC rate agreement. Most agreements are for Total Direct Costs, excluding capital expenditures and pass-through funds. Please provide exclusions based upon your IDA. Please identify exclusions as capitalized equipment, major sub-awards, or pass-thru grants.

If the rate is for Salaries or Salaries + Fringe, report those amounts $_____ and then all other obligations are to be excluded. Tribes with Salaries only rates will receive their formulaic DCSC, but do not get indirect on the DCSC.

If the agreement has multiple rates, please provide the amount of direct program (after exclusions) and DCSC applicable to each rate, identify the rate and percentage, and the calculation of indirect required for each rate.

$_____ DCSC Salaries/wages (without fringe) paid from BIA-funded, CSC-eligible programs. (Optional) If not furnished by tribe OSG will use most recent '638 pay cost salary data reported to BIA.

To begin your calculations, the following documents are needed:

(A) Self-Governance Data Base reports which display your final 2016 obligations:

- *Report of Funding Status - Budgetary Adjustments, (rollup by fund group is at bottom)*

*Also include 2015/2016 OIP program funds paid in 2016, which can be obtained by calling up 2015 ATOs obligated after September 30, 2015.*

(B) Your most current approved *indirect cost agreement.* The Interior Business Center (IBC), (formerly known as NBC) furnishes OSG copies and rates issued by HHS are available to OSG online. If your tribe is new to Self Governance in 2016, please provide a copy.

CSC funds are available as follows:

I. **Pool 1 - Indian Self Determination (ISD) Fund:** To calculate indirect, please include only those "new or expanded" program funds obligated in your OIP accounts initially transferred from the Bureau in FY 2016 and which were not compacted or contracted under P.L. 93-638 in 2015. You may also request Start up and Pre-Award Costs, but the latter must be approved by the OSG Director in advance. ISD may be requested any time but please refer to CSC Policy and appendix A for eligibility and instructions and **submit before July 1, 2016**, for 2016 ISD funding. The Bureau has the attached form to gather this information.

II. **Pool 2 - OIP Contract Support for Ongoing/Existing Contracts:** To calculate contract support from the Operation of Indian Programs (OIP) fund, please include only those program funds obligated in your Self-Governance OIP Rollup Accounts T9240 and T9A40. Refer to the sample below of the *Summary of Self-Governance Accounts* report which illustrates the OIP Rollup Accounts. ***Note:*** *Funds obligated in Construction, IRR, BLM Fire Management and other inter-agency accounts such as P.L. 102-477 HHS/DOL are <u>not eligible</u> for BIA contract support. They will be added to the SFR, then excluded. . An exception is made for Appraisals paid by OST under program 90710 which is added to CSC eligible programs.*

Office of Self-Governance

SUMMARY OF SELF GOVERNANCE ACCOUNTS September 30, 2016 Page: 01

Tribe:
BIA Tribal Organization Code:
OSG Tribal Compact Code:
BIA Area Office:
BIA Agency Office:

| | Account | Total Obligations |
|---|---|---|
| SUMMARY BY SG ROLLUP ACCOUNTS | | |
| S/G OIP (2 YEAR) | T9240 | 698,101 |
| S/G OIP - UTB (2 YEAR) | T9A40 | 1,000 |
| | | |
| S/G CONSTRUCTION | 18000 | 0 |
| S/G BLM-FIRE MANAGEMENT | 92900 | 0 |
| S/G HHS-NATIVE EMPLOYMENT | 95500 | 0 |
| S/G HHS-CHILDCARE DEVELOP | 95400 | 0 |
| S/G HHS-CHILDCARE BLOCK | 91900 | 0 |
| S/G LABOR-TITLE II-B | 95600 | 0 |
| Total --------> | | 699,101 |

OIP Roll-up Accounts – T9240 & T9A40

*NOTE: These S/G Accounts are not eligible for BIA contract support.*

Total Obligated in all S/G Accts

**Direct Contract Support Costs (DCSC):** Need is currently calculated @ 15% of Tribal salaries, excluding fringe benefits, paid from OIP programs. OSG will use salaries as currently reported for BIA '638 Pay cost unless Tribe furnishes an actual amount for 2016.

**III. Pool 3 – CSC Increases / Shortfall Funds**: Additional CSC funds remaining or recovered for Pool 3 in 2016 will be distributed under CSC Policy. 100% CSC funding for 2016 will be distributed.

**IV. BLM Contract Support**: Funds for indirect cost are expected to be obligated for those tribes which receive Fire Preparedness funds from BLM appropriations subject to BLM policy.

Please email your response to Thomas.Gubatayao@bia.gov or fax to **(360) 699-1012**.

The Northwest Field Office administers CSC for the Office of Self Governance. Tom Gubatayao and Nicholas Longley are assigned coordination responsibility and can be reached at **(360) 699-1010,** mailing address **Northwest Field Office, Office of Self Governance, 500 W. 12th Street, Suite 102, Vancouver, WA 98660.**

Sincerely,

Sharee M. Freeman

Sharee M. Freeman
Director
Office of Self Governance

# TRIBAL SELF-GOVERNANCE EPA WORKGROUP

**c/o Self-Governance Communication and Education Office**
**P.O. Box 1734, McAlester, OK 74501**
**Telephone: (918) 302-0252 ♦ Fax (918) 423-7639 ♦ Email: pitt@senseinc.com**


**ABSTRACT Version #1**

**ENVIRONMENTAL PROTECTION AGENGY (EPA): ADVANCING SELF-GOVERNANCE**

**Draft Dated: June 24, 2016**

**Self-Governance is a Proven Success:** Self-Governance is a Tribally-driven movement that re-emerged in 1987 with Congressional authorization and appropriations. Today it remains the most successful Tribal-Federal relationship to ever exist and represents nearly two-thirds of the 567 Federally-recognized Tribes in the United States. Self-Governance is fundamentally designed to return decision-making authority to Tribal governments allowing them to exercise their sovereignty with minimal Federal intrusion and involvement. Self-Governance Tribes have more governing authority to control, manage and administer the Federal financial resources provided for the benefit of Indian people.

For nearly thirty years Tribes have entered into Self-Governance Compacts with the United States in the Departments of the Interior and Health and Human Services.[1] In the absence of Congressional authority, these Tribes have engaged in many similar types of agreements and cooperative arrangements with other agencies including the Bureau of Reclamation (BOR), Fish and Wildlife Service (FWS), Federal Highway Administration (FHA) and even EPA, just to name a few. Tribes have been documented, even renowned, for their successes under these heralded new partnerships.

**Advancing Self-Governance within EPA:** We appreciate that EPA was one of the first Federal agencies committed to developing a formal policy and process that permits Tribes to raise concerns and provide input on policies impacting Indian Country. In furtherance of the EPA 1984 Indian Policy, Self-Governance Tribes would like to work in partnership with EPA to endorse Self-Governance legislative efforts within the Congress.

We would also like to explore current administrative authority EPA is utilizing to provide regulatory flexibilities and program efficiencies to Tribes and expand upon these measures to create new opportunities that fulfill the trust responsibilities and obligations to American Indian and Alaska Native (AI/AN) citizens.

**Enact a Self-Governance Pilot Demonstration Project within EPA:** Self Governance Tribes would like to see a Self-Governance demonstration project implemented at EPA before the end of this Administration based on existing statutory authority. Success with this demonstration project will help us pursue our long-term goal of seeking the enactment of permanent Self-Governance legislation that will expand Self-Governance to EPA on a permanent basis just like Congress expanded Self-Governance to DOT [2] permanently this session.

We also offer the following suggestions about concepts that can be worked into an EPA Self-Governance Demonstration Project:

- Within the next few months, EPA should implement a demonstration project with up to 20 Tribes that provide for the negotiation of one Self-Governance agreement with each Tribe and allows for the transfers of any resources from EPA that the Tribe accesses through that one agreement;
- EPA should look into the possibility of delegating "treatment as a state" (TAS) authority of Federal environmental programs to Tribes in Self-Governance agreements; and,
- EPA should include in the pool of up to 20 eligible Tribes some that are involved in trans-boundary areas in the trans-boundary/international discussions and negotiations.

[1] Permanent authority in the Department of the Interior, 1994, P.L. 104-413 and in Department of Health and Human Services, 2000, P.L. 106-260.

[2] Tribal Transportation Self-Governance Program enacted in P.L. 114-94, Fixing America's Surface Transportation Act (FAST Act)

DRAFT Version #1 (6/24/16)

# TRIBAL SELF-GOVERNANCE EPA WORKGROUP

**c/o Self-Governance Communication and Education Office**
**P.O. Box 1734, McAlester, OK 74501**
**Telephone: (918) 302-0252 ♦ Fax (918) 423-7639 ♦ Email: pitt@senseinc.com**


## Tribal – Environmental Protection Agency (EPA)
## Advancing Self-Governance
## Summary Meeting Notes – Spokane, WA, Monday, June 27, 2016

**Federal Participants:**

*Jane Nishida, Principal Deputy Assistant Administrator, Assistant Administrator for International and Tribal Affairs, Office of the Administrator, EPA*
*JoAnne Chase, Director, American Indian Environment Office*
*Leslie Wheelock, Director, Office of Tribal Relations, US Department of Agriculture*

**Tribal Participants:**

*Will Micklin, Second Vice President, Central Council of Tlingit and Haida Indian Tribes of Alaska*
*W. Ron Allen, Chairman/CEO, Jamestown S'Klallam Tribe*
*Geoff Strommer, Partner, Hobbs, Straus, Dean & Walker*
*Jennifer McLaughlin, Self-Governance Legislative Associate, Jamestown S'Klallam Tribe*
*Grace Renee Singh, Special Assistant to the President, Office of the President, Central Council Tlingit and Haida Indian Tribes of Alaska*

**Discussion**

*Will*

- A couple of us attended the Natural Resource Subcommittee Meeting with the White House Council on May 16th and the topics of co-management and Self-Governance were discussed. We believe there is an opportunity to leverage interagency collaborations and establish long term processes (to advance co-management and Self-Governance) that are set in place as we transition to the next Administration. If it is already in place when the new administration takes over we will not be at odds with the agency over how to carry out these programs.
- We want to set up a program with EPA, Forest Service, and Fish and Wildlife that demonstrates what "co-management" or "638 compact/contract" looks like. A number of Tribes are ready to move forward with this.
- We want to establish some sort of interagency agreement now to make things happen quickly but then transform this into something more down the road.
- EPA can shed some light on what USDA (Leslie) and Fish and Wildlife (Scott) is doing because we are pushing Fish and Wildlife hard on co-management.

*Ron*

- We have been talking about trying to advance Self-Governance by taking multiple Federal resources and providing Tribes greater discretion on how to use it. We want EPA on board with 5-6 programs. We often get reasons "why not" and we want solutions of "how to".
- The Obama Administration has been all about empowering Tribes. EPA and USDA have been stepping up (not so much Fish and Wildlife) but you have similar programs and natural resource responsibilities.
- The Department of the Interior has demonstrated ways to take limited resources and collaborate with another agency through a Memorandum of Agreement (MOA).
- We can identify a small number of Tribes (20 or less) so it is not overwhelming.
- When we started Self-Governance in the 80's/90's we said we would go slow because the Administration has a strong complex bureaucracy.
- The window of opportunity is closing fast with 6-7 months left in this Administration and we need to know if you can set it up. Tell me how we can make this happen. I will be talking to Sally Jewell about this on Wednesday since she chairs the White House Council on Native American Affairs.
- We are seeing Self-Governance emerge in the Department of Housing and Urban Development (HUD) and the Department of Transportation (DOT).
- If 20 Tribes are not ready to go then let's start with one or two that are ready.
- We developed a concept paper and if we can make it happen before the year ends then we have a foot in the door. We had a pilot program in the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) first to test the waters and then we went into fleshing it out.

*Leslie*

- USDA has a legislative allowance where we can share resources (not monetary but personnel) with other agencies. Does EPA have similar authority?

*JoAnn*

- I am not aware of it in EPA but we do have a good working relationship with the other agencies.

*Will*

- In the past, the Cherokee compacted for GAP funding through Interior.

*JoAnn*

- That doesn't ring a bell but it would be helpful if you have specific examples so we can perfect the wheel.

*Geoff*

- USET has been awarded money and wants it to go through a Title I contract but the DOI Solicitor's Office has not granted them this authority.

*JoAnn*

- Ethan Starkman is our legal counsel and we had the 100,000 foot discussion with him.

*Ron*

- The document gets more into the "why" and the benefits. The bottom line is that we can take limited funds and combine them with other funds and then tailor the program to fit our community needs. This is important because Tribes are unique and Tlingit-Haida's community needs are not the same as my community's needs. We can construct it in a way so that you will get the information that you need to show that resources are being put to good use but we don't want voluminous reports. We need to streamline reporting.

*Will*

- OITR priorities for 2015/2016 have a section in it looking at compact/contract to see if there is statutory authority.

*JoAnn*

- There wasn't a legal review. We haven't discussed it with the Office of General Council (OGC) but we have had conversations. OGC is predisposed to try and figure out how to make it happen.

Jane

- How to make it happen is the "sticky" piece. We need more information on this and how Cherokee did it. We need to assure fiscal accountability, legal authority, and monitoring mechanisms are in place to show funds are being spent properly. To the extent that you have done this with the BIA and IHS, we can say that it has been done before.

*Ron*

- We want to get you on board. We know you get what we are trying to accomplish. So, you understand the "why". The "how" is always a challenge. We need to orchestrate a meeting with the policy folks and legal counsel so we can sit down and discuss it. We can discuss how it happens in other areas. Maybe authority is needed through Appropriations (Omnibus Bill) but we are asking what authority the Administration already has to make this happen now. There are examples out there of agencies that are collaborating now. For example, the Bureau of Indian Education (BIE) and the Department of Education (DOE) are collaborating. So, we know when the Administration wants to make it happen, it happens. The bottom line is there are 567 Federally-recognized Tribes and 360 are Self-Governance; we are off and running with this.

*Will*

- In the first analysis, we need to identify if there are any statutory limitations or if there is executive authority to interpret that there is discretion. Once we know the limitations, we can examine the discretion. Tribes are good at figuring out the reporting requirements. We have had long discussions about this and the 477 Tribal workgroup worked hard to figure out the reports and what satisfies agency oversight. If we put it in the right order, we can come up with a paradigm to put in place so the next administration has something to look at that is in existence and working.

*Ron*

- How we characterize it is important. Self-Governance is about redesign. When we think about advancing Self-Governance with EPA and other agencies we need to think about what we can do. Maybe the baby step is working within EPA (5-6 programs) and we would like to see collaboration with other resources within Interior (i.e. Forest Service or maybe Fish and Wildlife is in the mix).

*Will*

- Cherokee can provide information about their air quality tester. There is an opportunity for them to provide testing, laboratory services, and analysis services for a number of Tribes rather than having all of the Tribes compete for limited funding to perform these services individually. We let the GAP program go and now we want to reapply for the funds but I am finding you almost need a PhD just to apply. There are lots of benefits to this and if we can find a way to get there it will be good for many Tribes.

*Geoff*

- I don't know it well enough to know what the statutory authority is but the USDA sounds like it has the architecture for a mechanism.

*JoAnn*

- EPA is working with USDA on Treaty issues. We collaborate and it was helpful to have a better institutional mechanism. It started with USDA and it has been beneficial.

*Ron*

- Tribes and our Counsels want to engage as soon as possible so tell us what the impediments are or how we can make it work. Even if it is only a simple response, let us know so we can come prepared with answers to your questions and possible solutions.

*Jane*

- What would help us is if you could provide us concrete examples of how it works in BIA or other federal agencies so we can show it has already been proven to work in the Federal family.

*Leslie*

- In most agencies, Tribes are already viewed as Self-Governing.

*Geoff*

- I co-wrote a law review article on Self-Governance that provides the history of Self-Governance in Interior and Indian Health Service. It started with a demonstration project. In that case, we needed legislation to do the demonstration but that may not be necessary with your programs.

*Ron*

- What was the net benefit? The success stories of lots of programs are in there. You are talking about multiple programs that do different things. (USDA, Fish and Wildlife)

*JoAnn*

- EPA has proactive creative thinkers. We can set up a conference call but this has to be within our discretion.

*Will*

- Each agency provides a slice of something for Tribes as seen in the Crosscut document.

*Leslie*

- The Crosscut only identifies set asides and there is so much more money.

*Will*

- Once we dig down we need to see if there are statutory restrictions and if they are absent is there the political will? If we do it as part of a pilot, we are not talking about policy changes yet. We can build the case for it through a pilot.

*Geoff*

- The paper speaks to 20 Tribes but you can take one or two initially to get it off the ground.

*Ron*

- We were putting ideas on the table about the BIA "TIWAHE initiative" and the initiative is taking off now. We can target 7 programs. That is how we get it off the ground. Right now, we would like to get 20 Tribes involved but it is just a matter of what works.

**Action Items:**

- Provide Federal Partners with copies of Geoff Strommer's Law Review to provide them a basic understanding of how Self-Governance was initiated in BIA and IHS. (Done by Jennifer M.)
- Flesh out examples of what is being done now (contact Tom Schlosser and USET for additional examples)
- Organize a conference call first and then if needed a face-to-face meeting; we can keep it on the table as an option.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 13 2006

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Chad Smith
Principal Chief
Cherokee Nation
Post Office Box 948
Tahlequah, Oklahoma 74465-0948

Dear Chief Smith:

The Tribal Solid Waste Interagency Workgroup is pleased to inform you that your proposal has been forwarded to the Indian Health Service for further consideration for full or partial funding. In the near future, you should receive a call from a representative from the Indian Health Service requesting additional information to complete the next phase of the process.

The Tribal Solid Waste Assistance Project is a multi-agency effort designed to assist tribes with assessing open dumps, developing solid waste management plans, developing final solid waste disposal solutions, or closing or upgrading their open dump sites. This year the Workgroup received and reviewed 77 proposals. The Assistance Project is part of a larger federal effort, the Tribal Solid Waste Interagency Workgroup, which is coordinating federal assistance for tribes to bring their waste disposal sites into compliance with the municipal solid waste landfill regulations and plan for appropriate disposal of their solid waste. The Workgroup members include representatives from the Environmental Protection Agency, the Bureau of Indian Affairs, the Indian Health Service, and the Departments of Agriculture and Defense.

If you have any questions regarding this letter, or the Tribal Solid Waste Assistance Project, please contact Robert Young, at the Indian Health Service at (405) 951-3782.

Sincerely,

Matthew Hale, Director
Office of Solid Waste

cc: Robert Young, IHS

accordance with the adopted environmental review procedures of the IHS. Furthermore, no action will be taken on the construction phase of the project that would have an adverse environmental impact or limit the choice of reasonable alternatives prior to making an environmental determination in accordance with Cherokee Nation's adopted procedures.

4. SCOPES OF WORK

The following scopes of work provide a brief narrative, which includes the project schedule, maintenance responsibility, and the associated costs for the project assumed by Cherokee Nation under this CPA:

A. Kenwood East OK 21306-0L02:

Cherokee Nation will provide cleanup of Kenwood East #2 open dump, which is located on tribal trust land near the community of Kenwood in Delaware County. Site will be fenced, posted and reseeded after completion of project. The Kenwood project is scheduled to begin on October 1, 2006, and is to be completed before September 30, 2007. The estimated cost of this project is as follows:

**Type of Facilities Required:**

| | |
|---|---|
| • Personnel | $ 5,940.00 |
| • GSA Vehicle | $ 552.50 |
| • Supplies | $ 775.00 |
| • Contractual | $ 9,500.00 |
| • Other | $ 2,487.75 |

**Breakdown of Funding Sources:**

| | |
|---|---|
| • Total IHS Cost and amount requested | $ 19,255.25 |
| • Cherokee Nation labor/equipment contribution | $ 1,375.00 |
| **Total Project Cost** | **$ 20,630.25** |

B. Spavinaw Dump OK49659-0L08:

Cherokee Nation will provide cleanup of Spavinaw open dump, which is located on individual restricted land near the community of Spavinaw in Mayes County. Site will be fenced, posted and reseeded after completion of project. The Spavinaw dump project is scheduled to begin on October 1, 2006, and is to be completed before September 30, 2007. The estimated cost of this project is as follows:

UFMS is taking up everyone's time since they are getting ready for the CRP.

--Steve

---

**From:** Young, Robert (IHS/OKC)
**Sent:** Friday, June 23, 2006 9:18 AM
**To:** Aoyama, Stephen S. (IHS/HQE)
**Subject:** Cherokee Solid Waste Project

Steve,

Attached is a pdf of a letter sent by the EPA to the Cherokee Nation regarding approval of their solid waste project. Will Ron provide an IHS approval also and direction for funding the project? If a project number is needed from me, the next available regular project number for Oklahoma is OK 06-P93, and this is the number I would assign to the Cherokee Nation project. I will need to know the award amount also. I am sure the Cherokee Nation will want to add this to their Title V construction project agreement. Thanks.

<< File: Cherokee SW Project EPA Ltr 06-13-2006.pdf >>

Bob Young, Director DSFC
OEHE, OCAIHS
robert.young3@ihs.gov
telephone: 405-951-3782
cell phone: 405-990-0571
fax: 405-951-3932

# Preparing for Strategic Plan Update

Considerations for Transitioning to a New Administration

# Strategic Planning, Performance Measurement and Reporting per the GPRA Modernization Act

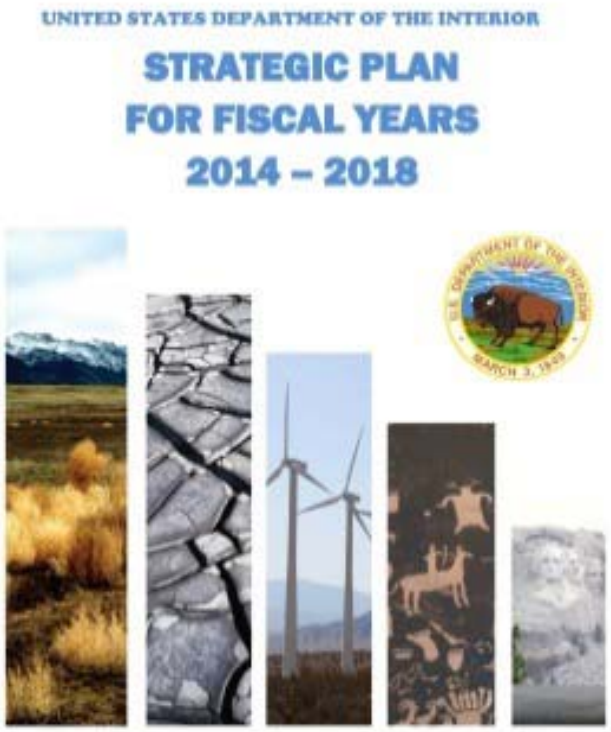
- Guided by specifications in the GPRA Modernization Act: Strategic Plans project through the next 5years; updated within 1 year following a presidential inauguration
  - Updated Strategic Plan will cover FY 2018-2022 – release January 2018

- Predefined strategic-level goals provide a roadmap/direction for the agency to follow while performance measures provide information on progress for program and budget planning, decision making , and public transparency and accountability

- Goals focus on outcome results that benefit the public rather than interim products or completion of an activity ("outputs"); i.e. goals should quantify how much benefit was achieved rather than how much work/activity was done.

- Progress toward achieving the goals is required to be quantifiably measured and reported
  - through at least 5 years of past history and 2 years of future targets
  - provided to Congress each February (with the release of the President's Budget)

- Bureaus' contributing to a single integrated Department-wide Strategic Plan demonstrates coordination and collaboration across programs; combining similar and/or related programmatic activities into the same goal and metrics mitigates concerns of uncoordinated duplicate programs




**A systems approach to tracking Department-wide performance toward achieving predefined long-term outcome goals**

Healthy Watersheds and Secure Water Supplies — Water Conservation

**Mission Area 5: Ensuring Healthy Watersheds and Sustainable, Secure Water Supplies**
Goal #2: Extend the Supply of Water through Conservation
Strategy #1: Expand water conservation capabilities

**Program Performance Overview:** Interior has determined that performance toward this Agency Priority Goal is making noteworthy progress in providing a much needed capability in the West to help support water supplies through conservation. Performance is trending upward, primarily due to additional funding for WaterSMART and related water conservation programs. From 2010-2014, Reclamation has cumulatively approved projects that will help conserve 860,229 acre feet of water, more than 20,000 acre-feet above its target goal of 840,000. Reclamation increased its cumulative target to 910,000 acre-feet by the end of FY 2015 because the FY 2015 target was met through FY 2014 results. Currently, the target for FY 2015 has been met by projects tentatively approved for a cumulative total of 948,199 acre-feet of water conservation capacity.

**Public Benefit:** Reclamation delivers water to one in every five farmers in the West and to over 31 million people. The water conservation programs, i.e. WaterSmart, Title XVI, CALFED, Water Conservation Field Services, Yakima River Basin Water Enhancement, and Upper Colorado River Recovery Implementation, contribute to the Goal by increasing the available water supply and contribute to Interior's broader objective of achieving a more sustainable, secure water supply.

Strategic Plan Performance Measures

| Strategic Plan Performance Measures | Bureau | 2011 Actual | 2012 Actual | 2013 Actual | 2014 Actual | 2015 Target | 2016 Target | 2017 Target |
|---|---|---|---|---|---|---|---|---|
| Acre feet of water conservation capacity enabled through Reclamation's Priority Goal conservation programs | BOR | 487,939 | 616,226 | 734,851 | 860,299 | 910,000 | 975,000 | 1,040,000 |

Supporting Performance Measures

| Supporting Performance Measures | Bureau | 2011 Actual | 2012 Actual | 2013 Actual | 2014 Actual | 2015 Target | 2016 Target | 2017 Target |
|---|---|---|---|---|---|---|---|---|
| % of WaterSMART Grant and Title XVI applications evaluated timely | BOR | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| Annual acre feet of water reclaimed and delivered | BOR | 284,153 | 301,875 | 328,940 | 434,827 | 451,973 | 430,838 | 451,731 |
| # CFS-miles of conveyance systems constructed | BOR | 220 | 10,438 | 9,694 | 10,073 | 5,670 | 2,575 | 2,575 |

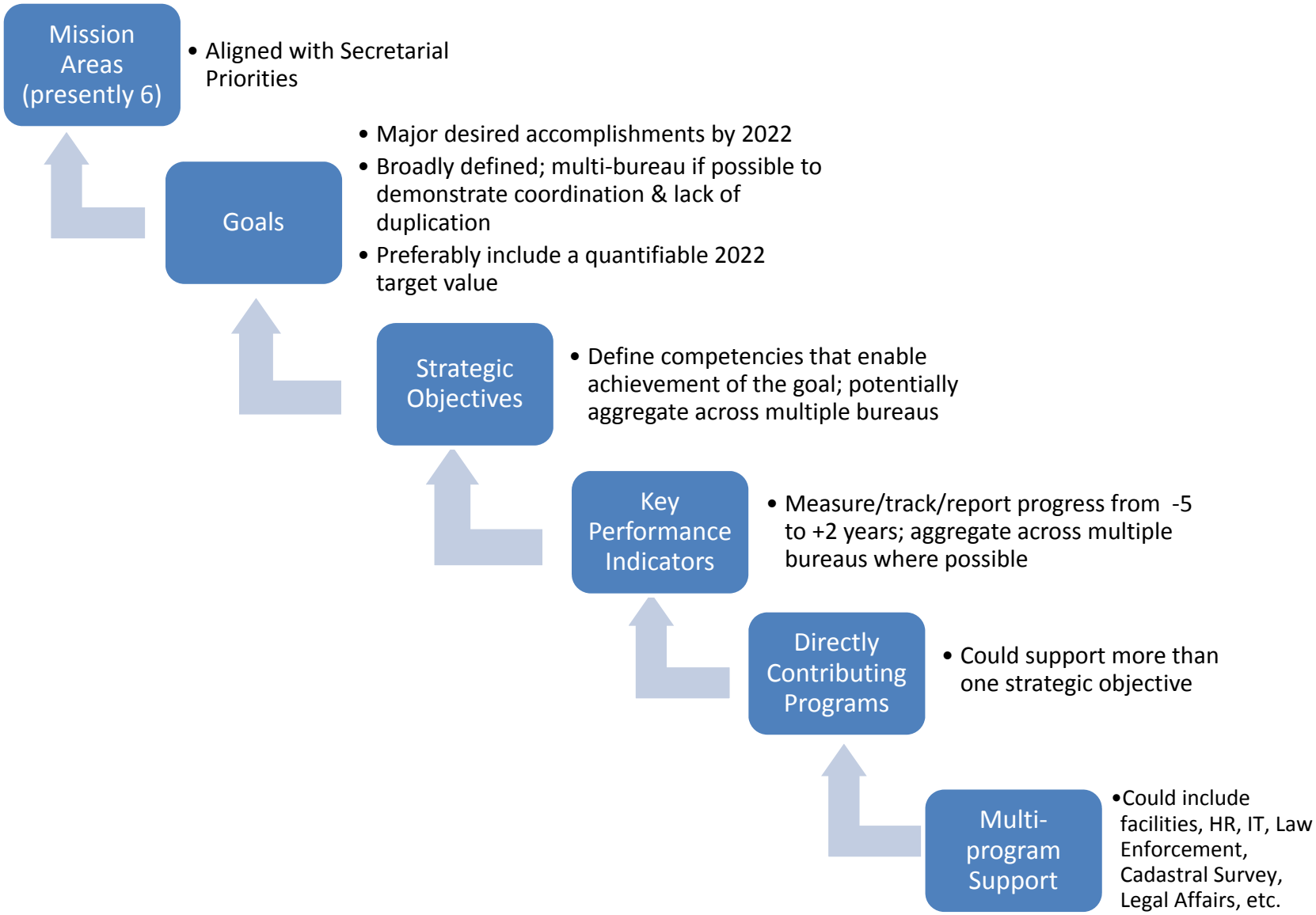
Interior Annual Performance Plan — Page 101

***Also***

- ***Strategic Objective Annual Review***
- ***Organizational Assessment***
- ***Agency Priority Goals***

*Publicly available on-line at www.doi.gov/bpp*

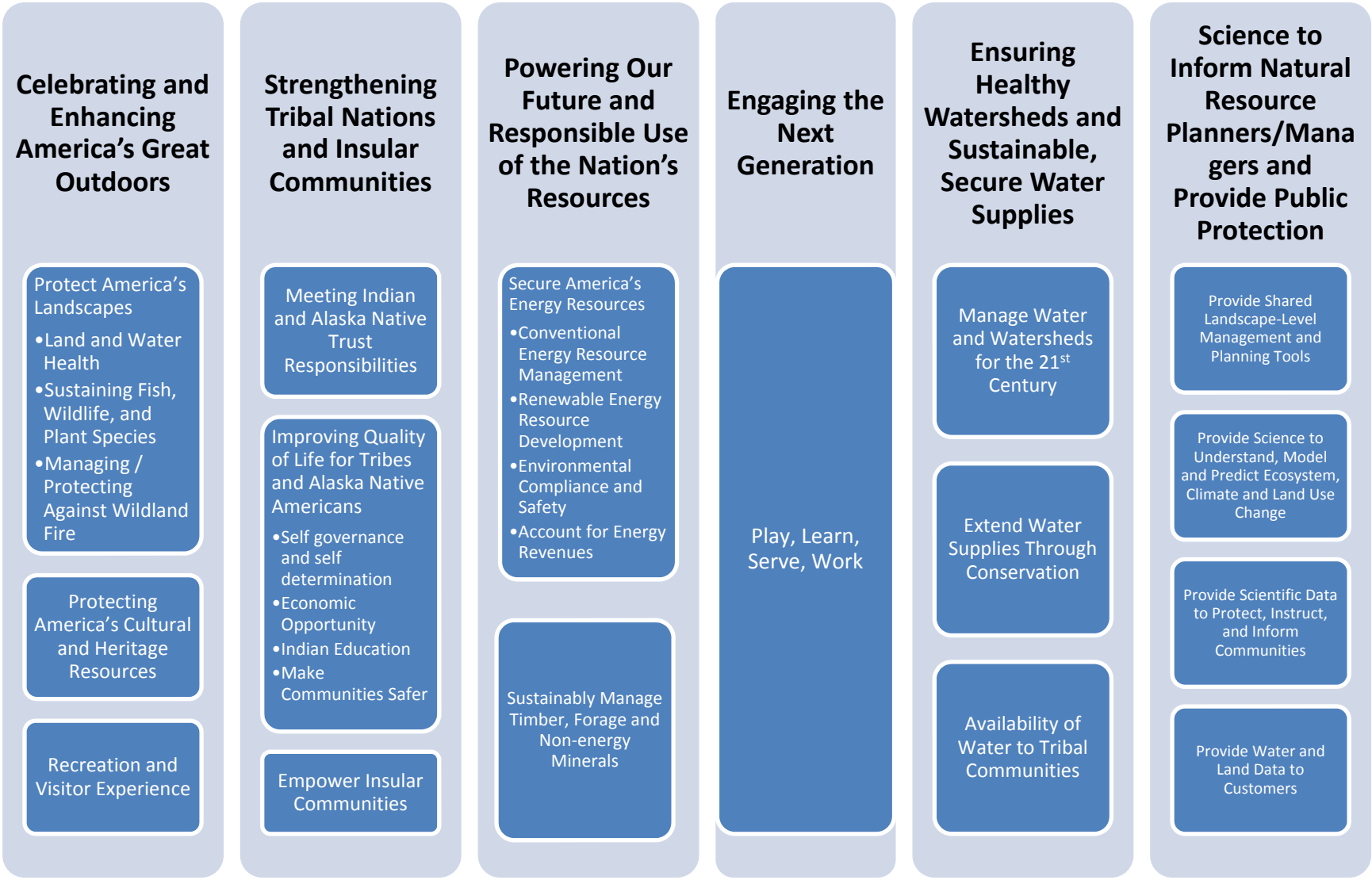
# Strategic Plan Hierarchy



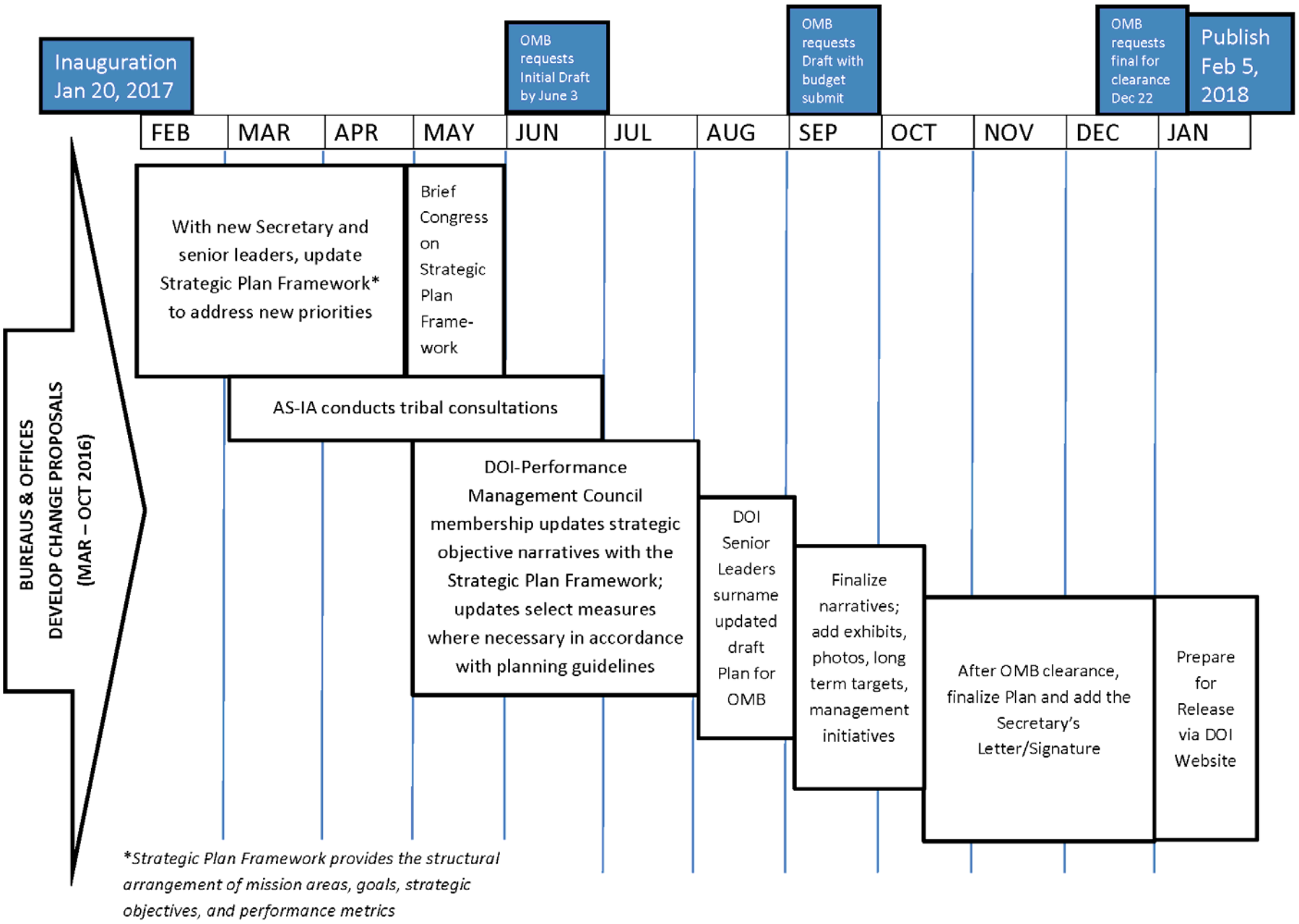
# Bureau/office participation in Strategic Plan metrics

| Bureau / Office | Dedicated metrics | Shared metrics | Total |
|---|---|---|---|
| BIA | 18 | 4 | 22 |
| BIE | 2 | | 2 |
| BLM | 9 | 11 | 20 |
| BOEM | 3 | 2 | 5 |
| BSEE | 2 | | 2 |
| BOR | 5 | 5 | 10 |
| FWS | 9 | 12 | 21 |
| NPS | 1 | 9 | 10 |
| OIA (Insular) | 5 | | 5 |
| ONRR | 2 | | 2 |
| OSMRE | 3 | 2 | 5 |
| OST | 3 | | 3 |
| OWF | 3 | | 3 |
| USGS | 23 | 1 | 24 |
| | | | |
| ***DOI TOTAL*** | ***88*** | ***16*** | ***104*** |

# Present Alignment of Key Programmatic Capabilities to Strategic Plan Mission Areas (Secretarial Priorities) and Goals



# FY 2018-2022 Strategic Planning Schedule




**Strategic Plan Framework provides the structural arrangement of mission areas, goals, strategic objectives, and performance metrics*

# Next Steps During 2016

- To submit by November 1, 2016: Bureaus and Offices should explore and develop any proposals for change to the Strategic Plan during 2016 so they will be ready for consideration during the formal update process in 2017

- Proposals for new or substitute performance indicators must include a targetable and reportable outcome and include:
  - all terms defined in the performance measure data template
  - reliable historical data for 3-5 years
  - targets for FY 2018, 2019, and 2022

- Consider any potential adjustments to the Strategic Plan framework (aligning key programmatic capabilities by Mission Area/Goal) to propose to the next leadership team

- Development of proposals does not negate the need for bureaus and offices from using the present FY 2014-2018 Strategic Plan to help produce the following:
  - FY 2017-2018 Annual Performance Plan & Report in August, 2016
  - FY 2017-2018 Annual Performance Plan and FY 2016 Report in January, 2017
  - FY 2018-2019 Annual Performance Plan & Report in August, 2017 (could use a FY 2018-2022 Strategic Plan if OMB-cleared and Sec-signed)

- ***Are there any proposals that the bureau or office is presently considering or defining/developing? Will it be adequately defined by November 1, 2016?***

## HIGHLIGHTED INITIATIVES FOR ACHIEVING SECRETARIAL PRIORITIES

The following initiatives are highlighted as select activities considered particularly important to help fulfill the priorities that have been identified by the Secretary of the Interior. While this list is not all inclusive of the full range of activities being conducted throughout the DOI, these are identified to provide emphasis on select programmatic initiatives that are considered to play significant roles in furthering the DOI mission over the timeframe of this Strategic Plan (FY 2014-2018) especially for those priority areas identified by the Secretary in her letter. These highlighted initiatives have been arranged according to the corresponding mission areas and strategic goals which are more fully discussed later in the Plan. Embedded within the set of initiatives are the DOI's "Agency" Priority Performance Goals that are further highlighted in www.performance.gov.

**MISSION AREA #1 CELEBRATING AND ENHANCING AMERICA'S GREAT OUTDOORS**

**Protect America's Landscapes and Species:** Initiatives under this goal protect and restore America's large landscapes; conserve and restore wildlife populations; and improve efforts to manage lands and resources for resiliency.

- Climate change and resilience
  - Incorporate climate change projections into analyses of resource threats, trends, data, and monitoring needs, future planning needs, and other resource needs of National park Service foundational planning documents.
  - Increase climate change resiliency and green infrastructure by implementing 30 storm mitigation projects in the Northeast and work collaboratively to prioritize science driven restoration projects to conserve the Gulf of Mexico watershed.
  - Climate Change Priority Goal: Understand, communicate, and respond to the diversity of impacts associated with climate change across the various landscapes of the United States. By September 30, 2015, the DOI will demonstrate maturing implementation of climate change adaptation as scored when carrying out strategies in its Strategic Sustainability Performance Plan.
- Conserve sage-grouse
  - Conserve Greater Sage-Grouse and the sagebrush ecosystem it occupies by amending or revising Resource Management Plans and implementing restoration actions that address the needs of the sage-grouse.
- Restore the Everglades
  - Restore the quantity, quality, timing, and distribution of water to the Everglades; preserve and restore native Everglades habitats and species; and foster compatibility of built and natural systems in and affecting the Everglades by:
    - Initiating efforts to plan for and construct the Tamiami Trail 2.6-Mile Bridge in cooperation with the State of Florida and others.
    - Initiating development of an operations plan for the Modified Water Deliveries Project to provide more natural water delivery to Everglades National Park.
    - Developing a framework for detection and early response to invasive exotic species.
- Restore bison populations
  - Restore and sustain three ranging bison populations in collaboration with states, tribes, private landowners, and other public land management agencies in:
    - Great Sand Dunes National Park/Preserve and Baca National Wildlife Refuge in southern Colorado
    - Badlands National Park South Unit on the Pine Ridge Reservation in South Dakota
    - Public and State lands near Grand Canyon National Park in Arizona

- Combat wildlife trafficking
    - Finalize and begin implementation of the National Strategy for Combating Wildlife Trafficking, in cooperation with the Departments of State and Justice.

**Protect America's Cultural and Heritage Resources:** Initiatives will advance historic preservation and understanding of the Nation's heritage.

- Prepare for the NPS Centennial
    - Improve the condition of 469 of the National Park Service highest priority facilities in preparation for the NPS Centennial in 2016.
- Enhance historic preservation
    - Complete implementation of the Report on the Federal Historic Preservation Tax Incentives Program recommendations to promote economic development and community revitalization, especially in urban areas.
- Enhance management of Indian cultural interests
    - Develop a revised FWS Native American Policy in collaboration with tribal representatives from across the Nation.
    - Finalize a rule to allow members of federally recognized Indian tribes to gather plants and minerals for traditional cultural purposes within units of the National Park System.

**Enhance Recreation and Visitor Experience:** Initiatives will improve outdoor recreation access and increase opportunities for public enjoyment of Federal lands, waters, and shorelines, and help connect urban populations to parks and green spaces.

- Recreation on public lands
    - Develop a strategy to expand recreational opportunities on national wildlife refuges, BLM conservation lands, and national parks.
- Urban Recreation
    - Increase the number of close-to-home outdoor recreational and wellness programs:
        - Facilitate 300 or more community-led natural resource conservation and outdoor recreation projects in over 800 communities.
        - Increase the number of Urban Wildlife Refuge Partnerships.

**MISSION AREA #2 STRENGTHENING TRIBAL NATIONS AND INSULAR COMMUNITIES**

Initiatives will improve the nation-to-nation relationships with tribes and fulfill the United States' trust responsibilities through partnerships to build stronger economies and safer Indian communities.

- Safer and More Resilient Communities in Indian Country Priority Goal: Reduce repeat incarceration in Indian Communities. By September 30, 2015, reduce rates of repeat incarceration in 3 target tribal communities by 3 percent through a comprehensive "alternatives to incarceration" strategy that seeks to address underlying causes of repeat offenses, including substance abuse and social service needs through tribal and federal partnerships.
- Economic opportunity
    - Promote economic opportunity by converting 500,000 acres from fee to trust.

**MISSION AREA #3 POWERING OUR FUTURE AND RESPONSIBLE USE OF THE NATION'S RESOURCES**

Initiatives will promote responsible development of domestic energy resources.

- Ensure environmental compliance and safety
    - Finalize OSMRE's Stream Protection Rule, BOEM/BSEE Alaska standards, and BSEE Production Safety Rule and Blowout Preventer Rule.
    - Modernize offshore leasing and diligence requirements for deepwater Gulf of Mexico.

- Develop renewable energy potential
  - Renewable Energy Priority Goal: Increase the approved capacity for production of energy from domestic renewable resources to support a growing economy and protect our national interests while reducing our dependence on foreign oil and climate changing greenhouse gas emissions. By September 30, 2015, increase approved capacity authorized for renewable solar, wind, and geothermal energy resources affecting DOI managed lands while ensuring full environmental review to at least 16,500 megawatts (since 2009) Conduct lease sales offshore MD, NJ, and MA in 2014; facilitate expanded research and demonstration activities offshore NC, OR, and HI; and review proposals for development of the Atlantic Wind Connect's transmission backbone project.
  - Improve hydropower plant efficiency with software upgrades, new turbines, and pumping station operation flexibility.
- Responsibly develop conventional energy potential
  - Automate onshore Application for Permit to Drill tracking and processing.
  - Develop ePlans and ePermits for offshore exploration and development.
  - Develop and publish the Outer Continental Shelf Oil and Gas Leasing Program for 2017-2022.
- Manage energy production and revenue
  - Finalize the Hydraulic Fracturing Rule, Onshore Order 9 (waste prevention, venting, and flaring), and revisions to onshore oil and gas royalty rates.
  - Oil and Gas Development Priority Goal: Improve production accountability, safety, and environmental protection of oil and gas operations through increased inspection of high-risk oil and gas production cases. By September 30, 2015, BLM will increase the completion of inspections of federal and Indian high-risk oil and gas cases by nine percent over 2011 levels, which is equivalent to covering as much as 95 percent of the potential high risk cases.

**MISSION AREA #4 ENGAGING THE NEXT GENERATION**

Initiatives will promote the engagement of young people as active stewards of the environment.

- Play:
  - Develop or enhance outdoor recreation partnerships in a total of 50 cities to create new, systemic opportunities for outdoor play for over 10 million young people.
- Learn:
  - Provide educational opportunities to at least 10 million of the Nation's K-12 student population annually.
- Serve:
  - Attain 1,000,000 volunteers annually on public lands.
- Work:
  - Youth Employment and Training Priority Goal: Build the next generation of conservation and community leaders by supporting youth employment at the DOI. By September 30, 2015, the DOI will provide 40,000 work & training opportunities over two fiscal years, 2014 and 2015, for individuals ages 15 to 25 to support the mission of the DOI.

**MISSION AREA #5 ENSURING HEALTHY WATERSHEDS AND SUSTAINABLE, SECURE WATER SUPPLIES**

**Manage Water and Watersheds for the 21st Century:** Initiatives will support reliable delivery of water for multiple purposes, help balance competing water resource goals, and build collaborative partnerships with Federal and non-Federal stakeholders.

- Basin studies
  - Complete 17 basin studies to develop strategies for managing watersheds, including adapting to the effects of climate change.

- California water resources
  - Complete CALFED feasibility storage studies for potential enlargement of two major California river basins (Shasta and Upper San Joaquin) while continuing work on other storage studies, and begin San Joaquin River construction projects addressing water supply and fishery needs.
- Colorado River basin management
  - Publish a draft Environmental Impact Statement for the Colorado River Basin long term experimental and management plan.
  - Extend the current five-year Colorado River Basin agreement by renegotiating and implementing "Minute 319" and implemented related drought strategies.
- Restore urban rivers
  - Promote the current eighteen pilot locations of the Urban Water Federal Partnership and examine ways to strengthen the existing program and provide additional opportunities to other cities and towns as appropriate.
- Manage water and related resources in the Columbia River
  - Provide support for Columbia River negotiations.
  - Support elements of the Yakima Basin Integrated Plan that are cost-effective and have a strong Federal interest.
- Elwha River
  - Create an adaptive management decision support tool for Elwha River Restoration.
- USGS National Water Census and Environmental Flows
  - Provide data to inform decisions on water delivery for multiple use

**Extend Water Supplies Through Conservation:** The WaterSmart (Sustain and Manage America's Resources for Tomorrow) program assists communities in stretching water supplies while improving water management and increasing the efficient use of water.

- Enable water conservation capability

  Water Conservation Priority Goal: Enable capability to increase the available water supply in the western States through conservation-related programs to ensure adequate and safe water supplies By September 30, 2015, the DOI will further enable the capability to increase the available water supply for agricultural, municipal, industrial, and environmental uses in the western United States through Reclamation water conservation programs to 840,000 acre-feet, cumulatively since the end of 2009

**Enhance Availability of Water to Tribal Communities:** The Department ensures the availability of water to tribal nations by implementing Indian water rights settlements, providing technical assistance to tribes, and undertaking tribal ecosystem restoration and rural water projects consistent with the goal of strengthening tribal nations.

- Indian water settlements
  - Work to finalize settlements where issues are close to resolution. Implement a long-term strategy for improving federal engagement and bringing greater certainty to settlement negotiations and implementation.
  - Begin water deliveries to Navajo Nation through the Navajo Gallup Water Supply Project.

## MISSION AREA #6 BUILDING A LANDSCAPE-LEVEL UNDERSTANDING OF OUR RESOURCES

**Provide Shared Landscape-Level Management and Planning Tools:** Initiatives will leverage data and capability to improve decision making.

- Geospatial Platform
  - Develop high priority landscape-level applications in the areas of climate resilience, ecosystem restoration, and sustainable resource management.
- Landsat Data and Science
  - Provide biological carbon sequestration capacity for the lower 48 states, Alaska, and Hawaii through a visualization tool.
  - Make available Nationwide natural resource management products for wildfire burned area, surface water extent, and snow covered area.
  - Update the National Land Cover Database 30-meter resolution information on urban, agriculture, forested, and impervious areas, including tree canopy.
- Inventory and Monitoring
  - Make Fish & Wildlife Service Inventory and Monitoring Program data available to partners, state and local governments, academia, and other resource management groups, to further conservation efforts .
  - Complete BLM Rapid Eco-regional assessments including integrating shrub and grassland vegetation monitoring protocols and survey strategy with the Natural Resource Conservation Service.
  - Complete the Tennessee Land Unsuitability Petition for mining.

**Provide Science to Understand, Model, and Predict Ecosystem, Climate, and Land Use Change:** Initiatives will assist Federal, state, local, and tribal entities by monitoring water quality and quantity; analyzing energy and mineral resources potential and environmental effects of their extraction and use; and analyze and monitor changes to the land and ocean environments.

- Mississippi River
  - Update the Nutrient transport/transformation model for the Mississippi River Basin (SPARROW) to reduce hypoxia in the Gulf of Mexico.
- Sacramento- San Joaquin River Delta
  - Produce a 3-D Geologic Framework and Seismic Velocity Model for use across the Sacramento- San Joaquin River Delta.
- Chesapeake Bay
  - Assess water quality and wildlife including: factors affecting health of fisheries, ground water-quality and conditions resulting from management actions, effects of hydro-geochemical processes on water nutrients and quality, biogenic duck habitat model and effects of toxic contaminants on fish-eating birds, and combined effects of land and climate change on streamflow.
- Sage Grouse
  - Support Landscape Science and Conservation planning providing:
    - Evaluation of the impacts of energy development on sage grouse.
    - Better understanding the threat of altered fire regimes, spread of invasive plants, and climate change.
    - Analysis of population and habitat connectivity.
    - Updating geospatial mapping of sagebrush landscape.
    - Developing a comprehensive database of research and monitoring data.
- DOI Climate Science Centers (CSC)
  - Complete an ecosystem model to understand climate impacts on Alaskan natural resources.
  - Integrate scenarios for future climate, hydrology, and vegetation for the Northwest.
  - Assess climate sensitive ecosystems in the Southeastern US.
  - Develop regional drought impact scenarios for the North Central and South Central CSC's to facilitate planning of adaptation actions.

**Provide Scientific Data to Protect, Instruct and Inform Communities:** The USGS will lead the scientific research on the environment and natural hazards and provide information to partners and stakeholders for use in making decisions that will protect lives.

- Coastal resiliency
    - Update forecasts of erosion vulnerability to hurricanes for the Gulf and Atlantic Coasts including topography and bathymetry, analysis of shoreline changes due to Hurricane Sandy, modeling coastal change scenarios, and restoring sand deposits on the south island of the Chandeleur Islands.
- Landscape Conservation Cooperatives (LCC)
    - Develop adaptation strategies that identify alternative management approaches for identified conservation priorities
    - Produce spatially-explicit conservation designs that reflect the ability of current and future landscapes to support priority resources.
    - Deliver decision support information and tools to various decision makers that influence landscape conditions relevant to priority resources.
- Support for Energy Resource Planning
    - Integrate landscape-level perspective into energy resource planning for:
        - Desert Renewable Energy Conservation Plan developed with mitigation strategies for the Western Solar Energy Plan.
        - Conventional energy siting through development of Master Leasing Plans by BLM.
        - Transmission Planning for BLM to revise its "Section 368" corridor study.
        - Development of a BLM "Planning 2.0" framework allowing for more effective response to environmental and social changes at multiple scales.

# OVERVIEW OF THE FY 2014-2018 STRATEGIC PLAN

The DOI's FY 2014-2018 Strategic Plan provides the framework for the programs and activities that are performed by 10 bureaus and multiple offices, and take place at approximately 2,400 locations throughout the Nation.

The Strategic Plan facilitates the integration of programs, the allocation and alignment of resources, and collaboration and coordination with stakeholders to achieve key goals. A set of 6 mission areas, 24 goals, 38 strategies, and 117 performance measures will guide the DOI's activities for the next 4 years. These mission areas reflect the Secretary of the Interior's priorities, while the goals and strategies describe the means by which those priorities will be achieved.

The mission areas, goals, and strategies that compose the Strategic Plan are displayed in the Strategic Plan Framework , followed by a description of the mission areas, goals, and strategic objectives, and performance measures. An FY 2018 goal is provided for each performance measure that reflects a desirable annual level of achievement that DOI aspires to by FY 2018 assuming the availability of a reasonable level of resources. The anticipated level of performance for these measures on an annual basis beginning in FY 2014 in consideration of actual resource levels will be reported in the DOI's Annual Performance Plan and Report, that is released with the FY 2015 President's budget and available at www.doi.gov/bpp.

The Strategic Plan was developed based on collaboration among personnel of the DOI, in collaboration with tribes and other stakeholders. There is a high degree of continuity of performance measures from the FY2011-2016 Strategic Plan, in order to ensure an ongoing ability to gage trends in performance and assist decision makers to assess the likely impact of program changes. Trends in performance related to funding and programmatic plans are available in the DOI's FY 2014 Annual Performance Plan and Report available at www.doi.gov/bpp.

# STRATEGIC PLAN FRAMEWORK

## Mission Area 1 Celebrating and Enhancing America's Great Outdoors

Goal 1: Protect America's Landscapes

- Improve land and water health by managing wetlands, uplands, and riparian areas
- Sustain fish, wildlife, and plant species
- Manage wildland fire for landscape resiliency, strengthen the ability of communities to protect against fire, and provide for public and firefighter safety in wildfire response

Goal 2: Protect America's Cultural and Heritage Resources

- Protect cultural and historical assets and related resources

Goal 3: Enhance Recreation and Visitor Experience

- Enhance the enjoyment and appreciation of our natural and cultural heritage

## Mission Area 2 Strengthening Tribal Nations and Insular Communities

Goal 1: Meet Our Trust, Treaty, and Other Responsibilities to American Indians and Alaska Natives

- Protect reserved Indian treaty and subsistence rights
- Fulfill fiduciary trust

Goal 2: Improve the Quality of Life in Tribal and Native Communities

- Support self-governance and self-determination
- Create economic opportunity
- Strengthen Indian education
- Make communities safer

Goal 3: Empower Insular Communities

- Improve quality of life
- Create economic opportunity
- Promote efficient and effective governance

## Mission Area 3 Powering Our Future and Responsible Use of the Nation's Resources

Goal 1: Secure America's Energy Resources

- Ensure environmental compliance and safety of energy development activities
- Develop renewable energy potential
- Manage conventional energy development
- Account for energy revenue

Goal 2: Sustainably Manage Timber, Forage, and Non-Energy Minerals

- Manage timber and forest product resources
- Provide for sustainable forage and grazing
- Manage non-energy mineral development

## Mission Area 4 Engaging the Next Generation

Goal 1: Create new, systemic opportunities for outdoor play

- Develop or enhance outdoor recreation partnerships that provide outdoor play

Goal 2: Provide educational opportunities

- Reach the Nation's K-12 population

Goal 3: Provide volunteers on public lands

- Enable the ability to engage more young volunteers

Goal 4: Develop the next generation of lifelong conservation stewards and ensure our own skilled and diverse workforce pipeline

- Provide conservation work and training opportunities for young people

## Mission Area 5 Ensuring Healthy Watersheds and Sustainable, Secure Water Supplies

Goal 1: Manage Water and Watersheds for the 21st Century

- Improve reliability of water delivery
- Better ensure the future of watersheds against the impacts of climate change

Goal 2: Extend Water Supplies Through Conservation

- Expand water conservation capabilities

Goal 3: Availability of Water to Tribal Communities

- Protect tribal water rights
- Improve infrastructure and operational efficiency of tribal water facilities

## Mission Area 6 Building a Landscape-level Understanding of Our Resources

Goal 1: Provide Shared Landscape-Level Management and Planning Tools

- Ensure the use of landscape-level capabilities and mitigation actions

Goal 2: Provide Science to Understand, Model and Predict Ecosystem, Climate and Land Use Change

- Identify and predict ecosystem changes at targeted and landscape-levels (biota, land cover, and Earth and ocean systems)
- Assess and forecast climate change and its effects

Goal 3: Provide Scientific Data to Protect, Instruct, and Inform Communities

- Monitor and assess natural hazard risk and resilience
- Provide environmental health to guide decisionmaking

Goal 4: Provide Water and Land Data to Customers

- Monitor and assess water availability and quality
- Generate geologic maps
- Assess national and international energy and mineral resources

# Summary of IA Performance Measures for the FY 2014-2018 DOI Strategic Plan

Blue – Strategic Plan Measures | Tan – Supporting Bureau-Specific Measures

| |
|---|
| **Mission Area #1:** Celebrating and Enhancing America's Great Outdoors<br>**Goal #2:** Protect America's Cultural and Heritage Resources **(page 28)**<br>**Strategy #1:** Protect and maintain the Nation's most important historic areas and structures, archaeological sites, and museum collections |
| Percent of historic structures on DOI inventory in good condition |
| Percent of collections on DOI inventory in good condition |
| Percent of archaeological sites on DOI inventory in good condition |

| |
|---|
| **Mission Area #2:** Strengthening Tribal Nations and Insular Communities<br>**Goal 1 #:** Meet Our Trust, Treaty, and Other Responsibilities to American Indians and Alaska Natives **(page 31)**<br>**Strategy #1:** Fulfill fiduciary trust |
| Percent of active, supervised Individual Indian Monies (IIM) case records reviewed in accordance with regulations |
| Percent of title encumbrances requested during the reporting year that are completed by the end of the reporting year |
| Percentage of disposals approved (Alaska measure) |
| Percentage of Estates Closed |
| Percent of qualifying probate orders encoded within 72 hours |
| Percent of qualifying non-probate conveyance documents, including deeds, recorded within 48 hours |
| Percent of land titles certified within 48 hours |

| |
|---|
| **Goal #2:** Improve the Quality of Life in Tribal and Native Communities **(page 32)**<br><br>**Strategy #1:** Support self-governance and self-determination |
| Percent of P.L. 93-638 Title IV compacts with clean audits |
| Percent of Single Audit Act reports submitted during the reporting year for which management action decisions on audit or recommendations are made within 180 days |

| |
|---|
| **Strategy #2:** Create Economic Opportunity |
| Fee to Trust: Increase in the percentage of submitted applications with determinations |
| Total average gain in earnings of participants that obtain unsubsidized employment through Job Placement employment, training and related services funding in accordance with P.L. 102-477 |
| Loss rates on DOI guaranteed loans |
| Percentage of grazing permits monitored annually for adherence to permit provisions, including permittee compliance with requirements described in conservation plans |
| Percentage of active agricultural and grazing leases monitored annually for adherence to lease provisions, including lessee compliance with responsibilities described in conservation plans |
| Percent of range units assess during the reporting year for level of utilization and/or rangeland condition/trend |
| Percent of sustainable harvest of forest biomass utilized for energy and other products |

| |
|---|
| Cost per mile of BIA owned roads maintained in acceptable condition |
| Percent of Indian Child Welfare Act notices processed within 15 days of receipt |
| Percent of tribal courts with unacceptable ratings that were provided with detailed corrective action plans |
| Percent of tribal courts reviewed, having criminal jurisdiction and receiving Federal government funding, that comply with speedy trial process requirements |

| |
|---|
| **Mission Area #5: Ensuring Healthy Watersheds and Sustainable, Secure Water Supplies** |
| **Goal #3: Availability of Water to Tribal Communities (page 43)**<br>**Strategy #1:** Protect tribal water rights |
| Annual percent of projects completed in support of water management, planning, and pre-development |

| |
|---|
| **Strategy #2:** Improve Infrastructure and Operation Efficiency of Tribal Water Facilities |
| Number of linear miles of functional BIA irrigation project canals servicing irrigated lands |
| Percent of revenue generating irrigation projects for which comprehensive condition assessments have been completed annually (BIA) |
| Percentage of irrigation projects that have been reviewed during the reporting year and found to be in compliance with regulations (BIA) |
| Percentage of maintenance projects that are completed within established timeframes (BIA) |

# United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 15 2016

Dear Tribal Leader:

The Government Performance and Results Act (GPRA), as amended, requires that Federal agencies develop strategic plans that present the agency's vision, goals, strategies, and performance measures to achieve desired outcomes and evaluate program performance. The Department of the Interior (DOI) will begin revising its Strategic Plan for Fiscal Years 2014 – 2018 (DOI Plan) and requests your input and participation, through tribal consultation, to ensure that the needs of American Indians and Alaska Natives are adequately addressed.

The current DOI Plan is on the website and can be found at: https://www.doi.gov/sites/doi.gov/files/migrated/pmb/ppp/upload/DOI-Strategic-Plan-for-FY-2014-2018-POSTED-ON-WEBSITE-4.pdf.

Once DOI's Plan is revised, Indian Affairs (IA) will begin developing its Fiscal Year 2018 Indian Affairs/Tribal Strategic Plan (IA Plan). The IA Plan will complement and provide greater detail on the priorities of Indian Country as presented in the DOI Plan.

To ensure that the DOI and IA Plans reflect the diverse and unique needs of Indian Country, we will host two webinar sessions on **Wednesday, August 24, 2016,** and **Wednesday, August 31, 2016**.

An agenda, including details of the webinar sessions, is enclosed for your reference. We also encourage you to submit written comments on the revised Plans via email to spconsultation@bia.gov or by mail to the U.S. Department of the Interior, Assistant Secretary – Indian Affairs, Office of Budget and Performance Management, 1849 C Street NW, MS-4558, Washington, DC 20240. The deadline for comments is **September 1, 2016**.

We look forward to your participation and working in partnership with DOI on this important effort. If you have any questions related to the webinar sessions, please contact the Office of Budget and Performance Management at (202) 208-1899.

Sincerely,

Lawrence S. Roberts
Acting Assistant Secretary – Indian Affairs

Enclosure

DOI Strategic Plan for Fiscal Years 2014 – 2018
Tribal Consultation
Webinar Sessions

| Time | Topic |
|---|---|
| 1:00 p.m. | Introduction to Participants |
| 1:15 p.m. | Comments from Acting Assistant Secretary – Indian Affairs |
| 1:30 p.m. | Overview of Current Plan |
| 1:45 p.m. | Suggestions and Comments from Tribes |
| 4:00 p.m. | Adjourn |

Webinar/Teleconference Login Information:

**Wednesday, August 24, 2016**
1:00 p.m. – 4:00 p.m. (EDT)
URL: https://attendee.gotowebinar.com/register/920694028539669252
Webinar ID: 123-865-899
Teleconference (213) 929-4232 with Access Code: 361-858-044

**Wednesday, August 31, 2016.**
1:00p.m. – 4:00 p.m. (EDT)
URL: https://attendee.gotowebinar.com/register/3686990517233300484
Webinar ID: 124-224-379
Teleconference (415) 655-0060 with Access Code: 361-858-044

**ROUNDTABLE DISCUSSION WITH THE WHITE HOUSE**
**Wednesday, April 27, 2016 @ 9:45 a.m.**
**Great Hall North, Buena Vista Palace**
**Lake Buena Vista, FL**

**TELECOM/BROADBAND/DIGITAL DIVIDE**

***The Administration should encourage the Federal Communications Commission and USDA Rural Utilities Service to provide outreach and training.*** Although the United States is a global leader in the technology and wireless industries, access to telecommunications and broadband infrastructure and services in Tribal communities continues to lag behind the nation overall. Significant barriers exist which limits the ability of Tribes to receive this infrastructure or to access it at affordable rates. On February 3, 2016, the Government Accountability Office (GAO) released its findings and recommendations in a report titled, "Additional Coordination and Measurement Needed for High Speed Internet Access Programs on Tribal Lands". In the Report, Tribes highlighted the importance of high speed internet access to support economic development, education and healthcare. However, despite the critical need for telecom/broadband infrastructure and service many challenges were identified that impede these services, to include, rugged and remote terrain, high rates of poverty, and a lack of technical expertise at the local level. The GAO Report also noted the high costs associated with infrastructure service affordability and low population densities on rural Tribal lands as additional barriers. The Report also noted even though a carrier reports that service is available in a particular area it does not mean that it is accessible to the entire area or includes Tribal lands. Finally, the Report emphasized the need for better coordination and communication between the Federal Communications Commission and USDA Rural Utilities Service regarding joint outreach and training on available Federal funding for broadband projects on Tribal lands.

**TRANSPORTATION**

***Appoint a Deputy Assistant for Tribal Governments Secretary in the Department of Transportation.*** On February 3, 2016 the Self-Governance Communication and Education Tribal Consortium (SGCETC) sent a letter to President Obama requesting that he appoint the first Deputy Assistant Secretary (DAS) for Tribal Governments in the Department of Transportation (DOT) as required under the SAFETEA-LU authority, P.L. 109-59 (authorized more than a decade ago). This is also a follow-up to former Secretary Ray LaHood's promise to Tribes that there should be a DAS for Tribal Government Affairs to promote and coordinate Tribal Transportation needs and policies within DOT. The enactment of P.L. 114-94, Fixing America's Surface Transportation (FAST) Act, elevates the need for this appointment. The DOT Tribal Transportation Self-Governance Program represents the third Federal department that has been authorized by Congress. Further, the impending negotiated rulemaking process should include a DAS for Tribal Government Affairs. We urge the Administration to swiftly begin the process to follow through on the intent of Congress in the SAFETEA-LU statute and appoint the DAS to ensure that the next chapter in Self-Governance has the necessary Federal leadership to promote continued success at the local level.

**P.L.102-477, INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES ACT**

***Change the definition of "low-income" as applied to Community Services Block Grant.***

Thank you for your support of the expansion of P.L. 102-477 to include other programs. The Community Services Block Grant (CSBG) is a program that has been identified for inclusion by FY2017. One of the issues Tribes have identified is the definition of "low-income" as applied to CSBG. We are seeking your support to request a waiver in order to redefine the definition "low-income" from "no more than 125% of Poverty Guidelines" to allow Tribes to determine their own definition of low income or at a minimum to apply the LIHEAP poverty guidelines. Additionally, Tribes have identified another HHS program for inclusion, however, HHS is disagreeing. Tribes believe that Low Income Energy Assistance is targeting the same population that we are serving with P.L.102-477 Employment, Training and Related Services. LIHEAP is a related service and we would like to include it in the 477 plan. This would allow us to reduce the administrative burden on Tribes which is needed given the 5% administrative cap that is currently applied to LIHEAP grants. The households who are receiving LIHEAP are largely the same households that we are serving with P.L. 102-477 Employment, Training and Related Services.

Tribes have proven that the administrative flexibility provided in this law has reduced administrative burdens and resulted in expansion of services designed to meet the needs of the people. Congress is currently considering two bills that will modify and address issues with certain agencies. Thank you for your support of those bills: The Indian Employment, Training and Related Services Consolidation Act of 2015, S.1443 and, its counterpart, H.R.329 and we would appreciate the support of the Administration.

**INDIRECT COST RATE**

***Utilize indirect cost rates in lieu of administrative caps.*** Grants that impose an administrative cap pose a hardship for Tribes who are forced to subsidize the grant. Tribes are required to negotiate an indirect cost rate (IDC) rate annually so why not amend the law or regulation to allow IDC rates to be honored in lieu of administrative caps if requested by the Tribe.

The IDC Regulations state the following:
2 CFR 200.414 Indirect (F&A) Costs (c) Federal Agency Acceptance of Negotiated Indirect Cost Rates (see also §200.306 Cost sharing or matching) (1) The negotiated rates must be accepted by all Federal awarding agencies. A federal awarding agency may use a rate different from the negotiated rate for a class of Federal awards or a single Federal award only when required by Federal statute or regulation, or, when approved by a Federal awarding agency head or delegate based on documented justification as described in paragraph (c)(3) of this section.

**FACILITIES LEASE FUNDING**

On March 22, 2016 a District Court Judge in the United States District Court for the District Court of Columbia ordered the Indian Health Service to negotiate and enter into a fully funded lease under Section 105(*l*) of the Indian Self-Determination and Education Assistance Act (ISDEAA) for a proposed lease submitted by the Maniilaq Association for a clinic facility in Kivalina, Alaska. (*Maniilaq Association v. Burwell*, No. 15-152 D.D.C.) Tribally owned facilities

that are used to provide health care services to eligible beneficiaries under ISDEAA agreements have historically been badly underfunded and we believe that the Court's decision appropriately makes section 105(*l*) leases a viable option to help remedy that chronic underfunding. ***We urge the White House to take leadership on this issue and instead of appealing the decision (as the Indian Health Service has indicated is a real possibility), work with tribes to implement the decision and work collaboratively to convince Congress to fully fund section 105(l) leases.***

**SELF-GOVERNANCE**

***The White House should ensure that agencies and their personnel at all levels are on board when the White House and Cabinet members take a position to support Self-Governance.***[1] For more than a decade Self-Governance Tribal Leadership has prioritized expanding Self-Governance to other programs within the Departments of Health and Human Services (HHS) and the Interior (DOI).

In DOI, the Administration Senior level staff has been supportive of the DOI Title IV Amendments. However, career staff has consistently been obstinate to embrace options for change under Self-Governance. In DOI the non-BIA bureaus are clandestine in their opposition and combative special interest groups have been unleashed to impede our efforts and progress to get legislation passed. Legislation – which is supported by the Administration – has been opposed and stalled by allies of non-BIA agencies, i.e. Bureau of Reclamation, Fish and Wildlife Service, and National Park Service. If personnel in these agencies adhere to the supportive message from the White House they should be willing to work with Self-Governance Tribal Leadership to assist in our efforts to counter the unfounded and derogatory opposition of special interests. Instead the legislation has been blocked in the House since passing the Senate within a matter of months after being introduced.

In HHS, personnel with bureaucratic motives are unwilling to have discussions on innovative ways to create pilot and demonstration projects that would allow Self-Governance to be conducted on a trial basis. We understand that a legislative-fix is mandatory for some programs but the 2003 HHS Self-Governance Feasibility Study[2] identified programs that Tribes are currently operating, some utilizing a "Self-Governance like" approach. There is greater efficiency, program value-added and cost effectiveness with Self-Governance. In 2013 the HHS created a Self-Governance Tribal Federal Workgroup (SGTFW) to determine the need to understand more specifically how Self-Governance would work with programs whose funding was not dedicated solely for Tribes. Included in the final report was this reference, "The discussions were valuable as a means of sharing information and perspectives on options for expanding Self-Governance in HHS. HHS will continue to advance work on the expansion of Tribal Self-Governance through the Secretary's Tribal Advisory Committee (STAC) and the

[1] S. 286, Department of the Interior Tribal Self-Governance Act of 2015 was introduced in the Senate on January 28, 2015 and passed the full Senate as amended on July 7, 2015. Referred to the House on August 4, 2015 and has been opposed by allies of non-BIA bureaus.

[2] P.L. 106-260, Tribal Self-Governance Amendments of 2000 included Title VI, Tribal Self-Governance – Department of Health and Human Services Self-Governance Demonstration Project Feasibility Study

Intradepartmental Council on Native American Affairs (ICNAA)." **We sadly report that our requests and letters "to continue to advance work on the expansion" have generated no dialogue since 2013 in either the STAC or the ICNAA.**

**GRANT FUNDING V. COMPACT/CONTRACT FUNDING**

***We urge the Administration to end the practice of using grants and competitive processes to fund Indian Country and establish a permanent recurring base funding system for Tribally- determined programs and services.*** Grant funding does not uphold the trust and treaty obligations of the United States. Funding for American Indian and Alaska Native (AI/AN) Programs should reflect this trust obligation. Grant funding is competitive, non-recurring in many cases and burdensome due to varied application processes and reporting requirements. Within the Health and Human Services Department alone there are 577 different grant funded vehicles that tribes are eligible to apply for. This is an administrative and bureaucratic impossibility to access those funds and develop programs that will meaningfully address the needs in Indian country. Streamlining all funding streams for Tribal governments and Tribal organizations will have a greater impact on all programs intended to serve our first people. Grant funding is intended to be temporary, yet, many Federal agencies use grants as the primary funding mechanism for Indian programs. The grant application process is highly competitive, tedious and complex and there are many restrictions imposed on how the funds may be utilized. Often, a single grant application requires the participation of numerous Tribal staff members for an extended period of weeks with no guarantee of funding. Tribal programs and services cannot be effectively and efficiently operated if they are forced to operate on grant funding. Additionally, grant funding undermines core Self-Governance tenets and hinders the Tribes ability to redesign programs and services that better address the needs of their communities. It creates uncertainty in planning, includes extensive regulation and overly burdensome reporting requirements, restricts the use of indirect costs, and forces Tribes to compete against each other under agency established priorities and guidelines. Tribes that have the technical experience and financial resources end up receiving funding, while many others without these capabilities are locked out of the process.

**WHITE HOUSE COUNCIL ON NATIVE AMERICAN AFFAIRS**

***Improve transparency and efficiency of the White House Council on Native American Affairs (WHCNAA).*** We believe there is a lot of value to the WHCNAA but there are measures that can be taken to make it more effective and transparent. The White House Council should appoint a Tribal Advocate to the Council who has the knowledge and expertise to represent our interests, and who will work with the Federal staff. There should be a summary report of the meetings, whether face-to-face or teleconference, and action tracking of Department and agency liaisons to show progress being made to address Tribal concerns and advance the Tribal agenda.

**DATA COLLECTION AND ANALYSIS**

***In partnership with Tribal communities, construct appropriate data points, streamline collection, and assist in analysis.*** Self-Governance Tribes often struggle with conversations surrounding data. On the one hand, there is a Federal trust obligation to provide funding for

Tribes; yet, Tribes are funded with discretionary money and are required to report how Federal funds are being spent and the success of their programs in order to justify additional funding allocations. OMB has indicated that there should be a sound evidentiary basis for why program increases would help support a particular outcome. In contrast, more than $50 billion dollars has been provided in foreign aid to almost every country in the world with little to no reporting required. While we agree it is important for Tribes to communicate their unmet needs, we feel it is the responsibility of the Federal government to define need in partnership with the Tribes. We need to envision a data method that departs from utilizing hundreds of data points to justify funding to one that is more indicative of Nation building. We need economists and other individuals who can assist in conducting this analysis.

The President's Budget Request included a $12 million Data Initiative. We understand that $9 million of the funds were designated for the Census Bureau and that both the Department of the Interior and Census have commenced discussions on a plan of action regarding how the funds will be used to gather Tribal data. It is important that Tribes are engaged in discussions regarding the collection of data because we need good data to support our advocacy, policy analysis and to identify current gaps in data to document program success.

**ECONOMIC DEVELOPMENT**

***Provide Tribes access to capital, infrastructure, and resources for technical assistance and training to develop our Tribal capacity.*** Tribal governmental revenues depend entirely on effective economic development to support nearly every aspect of reservation life and Tribal governance. Chronic underfunding and the severe lack of private investment have left the economic potential of Indian country unrealized. Tribes are forced to rely on their own economic ventures to generate revenue to support programs and services for Tribal citizens. Yet, Tribes are expected to meet these economic challenges with fewer resources and greater restrictions placed on vital economic financing tools and incentives that are easily accessible and lucrative to other governments. Increased funding for economic development will allow us to continue to diversify our successful business portfolios and expand our revenue generating opportunities which will result in stronger economic resources and diminish our dependence on the federal component of resources.

**OFFICE OF MANAGEMENT AND BUDGET (OMB)**

***Appoint a Director of Native American Affairs.*** The individual would be a Tribal candidate with the required credentials and skills that could serve as our advocate in budget matters. The position would be within the President's office and would track the accountability of the Federal agencies with respect to the Indian Country budget.

***Establish a Tribal Budget Advisory Committee for OMB*.** Tribes need greater access to the budget negotiation process, including, a seat and a voice at the table beyond the discussions and agency level exercises in budget formulation. We need to move from a discretionary to a mandatory mindset. Under discretionary funding, agencies are capped with respect to how much money they can request for Indian programs. An Advisory Committee would provide greater support to OMB examiners and facilitate discussion between OMB and Tribal Nations to address other issues noted above.

**TREATY RIGHTS AT RISK**

Treaty Rights at Risk (TRAR) is a Tribally-driven agenda to require the Federal government to honor the obligation to Tribes and the Treaties they signed with Tribal Nations. While there have been accomplishments under TRAR under the Obama Administration, the most recent being the February 22, 2016 "Guidance for Discussing Tribal Treaty Rights" signed by Administrator Gina McCarthy, we continue to advance the request to create a Subcommittee on Natural Resources to the White House Council on Native American Affairs. As this Administration seeks to institutionalize progress made with Tribes, TRAR represents important policy and government-to-government advances under President Obama.

**TAXATION**

***Employer Mandate*** - The Patient Protection and Affordable Care Act's (ACA) large Employer Mandate provision, as currently interpreted, will require Tribal governments to pay for the cost of health coverage for Tribal member employees. While Tribes have offered coverage to their non-native employees for many years, and will continue to do so, they should not have to pay for coverage for their Tribal members simply because they work for the Tribe. This result is inconsistent with the Federal Trust Responsibility to provide health care to Indian people, the individual mandate, and other Indian-specific provisions of the ACA. Tribes are seeking administrative action that corrects these inconsistencies, thereby assuring that Tribal governments are not forced to subsidize the Federal Trust Responsibility and all Tribal members have equal access to the benefits offered on the Marketplaces.

Self-Governance Tribes have presented a set of preferred options for addressing Tribal concerns pertaining to the imposition of the ACA's employer coverage and reporting requirements as they pertain to Tribal member employees. Further, Tribes are developing suggested implementation approaches. We request that the Treasury Department give particular attention to determining if and how these elements can be implemented.

***Dual Taxation/Indian Trader Laws*** - While we have seen modest gains in the budget for the BIA and IHS, the unmet need in Indian Country is easily 10-20 times that amount. A fundamental goal for Tribes is achieving economic self-sufficiency/self-reliance through opportunities that enable us to generate our own unrestricted revenues to address the unmet needs of our communities. In order to achieve this goal, we need to be treated on par with our state and local governmental counterparts with respect to revenue raising authority and the creation and implementation of Federal regulatory rules that protect the legitimate interests of Tribal governments from the burden of state and local taxation in certain circumstances. The continued proliferation of state and local taxes on sales, personal property and transactions (including resource extraction) within Indian reservations has a direct negative impact on the self-sufficiency of Tribes and Tribal governments, and an indirect and equally negative impact on Federal programs and appropriations. Where Tribes are allowed to conduct activities on their own land subject only to their own taxes and regulations, Tribal governments are able to fund their own programs and Indian reservation economies can flourish. Conversely, where state taxation is permitted on such reservation transactions, Tribal government revenues are

significantly reduced, and the Tribes' ability to create jobs, to fund reservation infrastructure improvements and to meet the health, education and welfare needs of their citizens is crippled.

**OMB CROSSCUT**

***We would like an accurate accounting of all of the programs, services and funding that is available for Tribes throughout the Federal system.*** OMB has indicated that approximately $20.8 billion in funding is available for Indian Country. This is a controversial issue because a majority of the funding is funneled through states – who are not held accountable to ensure access for American Indians and Alaska Natives. Ultimately, the Crosscut does not accurately reflect the funding available directly to Tribal Nations. The U.S. Commission on Civil Rights 2003 report, A Quiet Crisis, was the magnifying glass which evaluated the budgets and expenditures of the six major Federal agencies responsible for Native American programs.[3] The Commission concluded that significant disparities exist between Federal funding of programs serving Native Americans and those serving other Americans. Throughout the Federal system there remains a lack of transparency, coordination and communication with respect to the programs, services, and funding that are available for Tribes and Tribal organizations. For example, most of the Tribal Law and Order Act (TLOA) provisions cannot be implemented at the Tribal level due to the lack of funding. Law enforcement and public safety in the United States is largely administered at the local level. TLOA was to ensure that access to these services would be the same in Indian Country but due to the inadequate funding, the intent of Congress has not addressed the needs for American Indian and Alaska Native communities five years since the Act was passed.

In addition, we want to know how the funds are being distributed; the percentage of the dollars that have been received by the Tribes and Tribal organizations; steps the agencies have taken to coordinate with each other and Tribal governments to implement Tribal priorities and practices that bolster Tribal governmental programs and systems; and, an analysis on the effectiveness and deficiencies of the different funding mechanisms including the challenges or barriers to the Tribes' ability to access Federal funds. Additionally, agencies should streamline how program funding is provided. Using the recent opiate crisis as an example, SAMHSA, BIA, IHS, and DOJ all have funding to address substance abuse issues each with their own application and reporting requirements. If one central funding mechanism existed for this issue, tribes could address this issue in more meaningful ways.

[3] USCCR Report "A Quiet Crisis" evaluated six Departments: Interior, Health and Human Services, Housing and Urban Development, Justice, Education and Agriculture.

# White House Council on Native American Affairs

## Self-Governance Advisory Committee

**Quarterly Meeting**
**Washington, DC**
**July 19, 2016**

# Purpose of Presentation



- WHCNAA Follow-up to Roundtable
- WHCNAA Next Steps

# What is WHCNAA?



- Established by Executive Order 13647 (June 26, 2013)

- Promote the development of **prosperous** & **resilient** tribal communities through **inter-agency coordination** & **tribal engagement**

# What is WHCNAA?



- **Subject-Matter Subgroups**
  - Economic Development & Infrastructure (USDA & SBA)
  - Education and Youth (ED & DOI)
  - Energy (DOE & DOI)
  - Environment, Climate Change, and Natural Resources (EPA & DOI)
  - Health (HHS)
- **Workgroups**
  - Sacred Sites
  - Metrics and Budget Workgroup
  - Homelessness

# WHCNAA Follow-up to Roundtable



- WHCNAA Tribal Participation
- Data Collection & Analysis
- Economic Development

# WHCNAA Follow-up to Roundtable

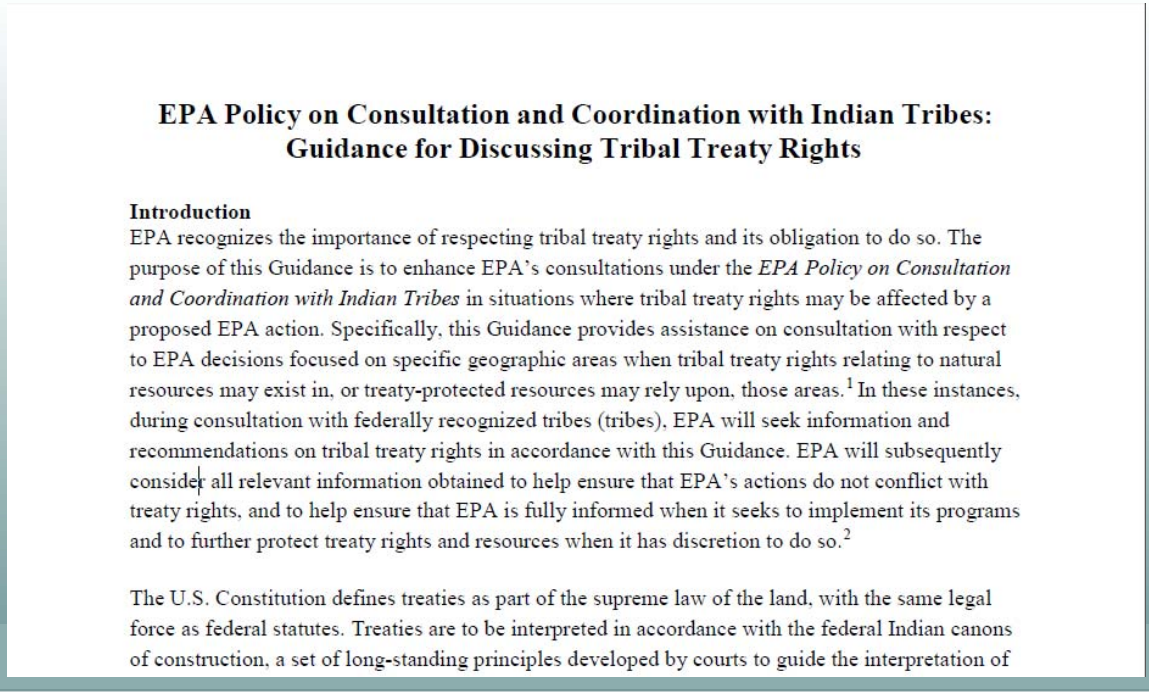


- Broadband/Telecom
- Treaty Rights at Risk
- Natural Resources

# Treaty Rights



- EPA Consultation on Tribal Treaty Rights
- https://www.epa.gov/sites/production/files/2016-02/documents/tribal_treaty_rights_guidance_for_discussing_tribal_treaty_rights.pdf



**EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights**

**Introduction**

EPA recognizes the importance of respecting tribal treaty rights and its obligation to do so. The purpose of this Guidance is to enhance EPA's consultations under the *EPA Policy on Consultation and Coordination with Indian Tribes* in situations where tribal treaty rights may be affected by a proposed EPA action. Specifically, this Guidance provides assistance on consultation with respect to EPA decisions focused on specific geographic areas when tribal treaty rights relating to natural resources may exist in, or treaty-protected resources may rely upon, those areas.[1] In these instances, during consultation with federally recognized tribes (tribes), EPA will seek information and recommendations on tribal treaty rights in accordance with this Guidance. EPA will subsequently consider all relevant information obtained to help ensure that EPA's actions do not conflict with treaty rights, and to help ensure that EPA is fully informed when it seeks to implement its programs and to further protect treaty rights and resources when it has discretion to do so.[2]

The U.S. Constitution defines treaties as part of the supreme law of the land, with the same legal force as federal statutes. Treaties are to be interpreted in accordance with the federal Indian canons of construction, a set of long-standing principles developed by courts to guide the interpretation of

# Natural Resources Convening

# Natural Resources Convening



- 8 Tribal leader organizations and Navajo Nation
- 9 Federal Departments and Agencies

# Natural Resources Convening



- Direct input into WHCNAA work
- Deep dive into natural resources concerns
- Model for future tribal engagements

# Natural Resources Convening

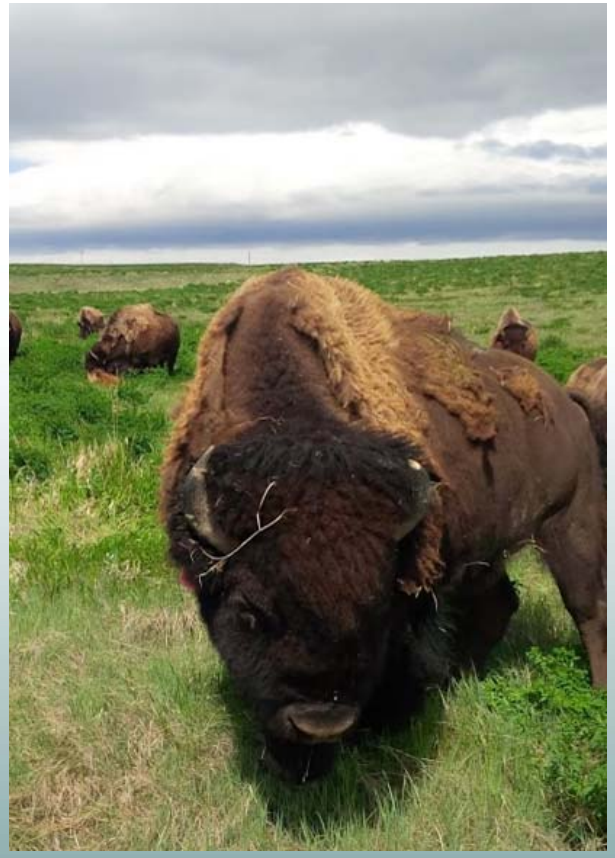


- Tribal treaty rights
- Lead agency on issues
- Technical assistance
- Co-management

# WHCNAA Priorities



- Designate high-level career staff across agencies
- Permanency of initiatives/policies supporting Indian Country
- Communications



# WHCNAA Priorities



- Tribal Engagement
- Native Youth
- Obama Administration Report on Indian Country

# WHCNAA Next Steps



- WHCNAA Principals Meeting
- 2016 White House Tribal Nations Conference

# Thank You

**ANTHONY 'MORGAN' RODMAN**

**EXECUTIVE DIRECTOR**
**WHITE HOUSE COUNCIL ON NATIVE AMERICAN AFFAIRS**

**(202) 208-6346**
**ANTHONY.RODMAN@BIA.GOV**

**FACT SHEET**
**Assistant Secretary of the Army for Civil Works Announces Tribal Initiatives**

**SUMMARY:** Based on Tribal input, and in order to continue to uphold the Tribal trust responsibility, the Assistant Secretary of the Army for Civil Works (ASA (CW)) is implementing two significant actions to remove administrative impediments for the benefit of Federally-recognized tribes and their communities. These actions include the implementation of Section 1031(b) of the 2014 Water Resources Reform and Development Act, and removal of the "Waiver of Sovereign Immunity Article" from all Project Partnership Agreements (PPA) and Environmental Infrastructure Assistance Agreements (EIAA). The implementation of these actions will have the simultaneous effect of expanding opportunities for the U.S. Army Corps of Engineers (USACE) and Indian Tribes to partner on water resources projects and activities of mutual interest, such as flood risk management, ecosystem restoration, emergency response, and the protection and management of natural and cultural resources.

**KEY POINTS:**

1. Implementation of Section 1031(b) will allow the USACE and Tribes to work cooperatively to carry out USACE authorized activities to protect fish, wildlife, water quality and cultural resources.
2. Cooperative agreements implemented under this authority will benefit tribal economies while protecting fish, wildlife, water quality and cultural resources at USACE water resources projects.
3. The Office of the Assistant Secretary of the Army for Civil Works determined the "Waiver of Sovereign Immunity Article" in PPAs and EIAAs is not necessary to enforce these agreements in federal court.
4. The "Waiver of Sovereign Immunity Article" will be removed from all future PPAs and Environmental Infrastructure Assistance Agreements.

## WRRDA 2014, SECTION 1031(b) AUTHORITY

**DESCRIPTION:** The delegation of this authority will allow Corps MSCs and Districts to coordinate directly with their local Federally-recognized tribes to engage in cooperative agreements that are mutually beneficial for the Corps and Tribe. More specifically, these agreements will allow Tribes to build economic capacity while working on joint issues with the Corps pertaining to the protection of fish, wildlife, water quality, and cultural resources. For example, along the Columbia River tribes will be able to work with the Corps on fish and wildlife mitigation projects. Also, Tribes will be able to help maintain infrastructure and conduct natural and cultural resource management activities such as invasive species control, planting and management of native species, and monitoring archaeological and sacred sites such as for the series of reservoirs on the Missouri River within the external boundaries of reservations.

**BACKGROUND**: Section 1031(b) of WRRDA 2014 provides authority for the Secretary of the Army to enter into a cooperative agreement with an Indian Tribe (or a designated representative of an Indian Tribe) to carry out authorized activities of the Corps to protect fish, wildlife, water quality, and cultural resources. The authority to enter into these cooperative agreements has been delegated from the ASA (CW) to the Corps for

implementation at any level of the organization, but primarily at the district level where on the ground project operation and management activities occur. The Corps has drafted implementation guidance for this authority which includes information on Memorandum of Agreements, cooperative agreements and scopes of work.

“Tribes and the Corps are logical and natural partners when it comes to treaty resource management, water quality monitoring and cultural resource protection”, said Jeremy Red Star Wolf, Chairman of the Columbia River Inter-Tribal Fish Commission. “Tribes have state of the art expertise and a place-based commitment to getting the job done right. We’ve wanted to partner with each other on key projects for some time, the Cooperative Agreement Authority will now allow that to happen”.

**SOVEREIGN IMMUNITY ARTICLE**

**DESCRIPTION:** The Tribal Sovereign Immunity Article will be deleted from all future PPAs to facilitate better partnerships with Tribal Nations, and all PPA models will include an expanded WHEREAS clause that acknowledges the enforceability of the PPA in federal court. Many Indian Tribes have found this clause to be offensive, which caused them to choose not to participate with the Corps in water resource development projects or activities. As a result, important projects that could have benefitted Tribal economics and environments, or species of significance, or that protected Tribal communities from floods and other perturbations were not being implemented. In cases where projects did move forward, a significant amount of time and funds were expended discussing and figuring out how to move forward with the waiver of sovereign immunity clause in place. The removal of this article from all future PPA and EIAA documents will eliminate a major impediment to Indian Tribal—Corps partnerships on water resources project development and implementation. Fundamentally, the Corps supports and acknowledges tribal sovereignty.

Mr. Walter Phelps, Delegate to the Navajo Nation Tribal Council from the Leupp Chapter stated: “"The Army Corps decision to lift the long standing waiver requirements is welcome news! Not only does this benefit the Navajo Nation alone but all tribal communities throughout the country will have a streamlined process to get important watershed related projects accomplished. We certainly appreciate the Army Corps swiftly acting in alleviating this tedious regulatory hurdle."

**BACKGROUND:** Tribal Nations that are partnering, or seeking to partner, with the U.S. Army Corps of Engineers have objected to the PPA Article on Tribal Sovereign Immunity, which has impeded negotiations. After listening to concerns from Indian Tribes, and noting the effect this article had on the finalization of PPA and EIAA documents, and conducting a new legal analysis, the Office of the Assistant Secretary of the Army for Civil Works determined that the clause was unnecessary and not required to enforce PPAs or EIAAs in federal court.

Enclosure – Questions and Answers on Section 1031(b) and the “Sovereign Immunity Clause”

Tribal Initiatives Q&A's

17 June 2016

**Water Resources Reform and Development Act 2014 (WRRDA 2014) Section 1031(b):**

**Question:** Who is the Assistant Secretary of the Army for Civil Works and what does the Office of the Assistant Secretary of the Army for Civil Works (OASA (CW)) do?

**Answer:** The Assistant Secretary of the Army for Civil Works establishes policy direction and provides supervision of the Department of the Army functions relating to all aspects of the Civil Works program of the Army Corps of Engineers. The Assistant Secretary is nominated by the President and confirmed by the Senate.

**Question:** What is the ongoing work the OASA (CW) is doing in Indian Country?

**Answer:** Acting through the Army Corps of Engineers a number of water resources projects are being studied and implemented for flood risk management, ecosystem restoration, shoreline and bank protection, and other purposes. The Corps partners with tribes for emergency response activities, identification and protection of historic properties and sacred sites, co-management at reservoir projects, and leasing of facilities for recreation and agricultural purposes. OASA(CW) staff are engaged with tribal governments to explore opportunities and address issues, and staff participate on national and regional working groups and task forces focused on working with Indian Nations.

**Question:** What is the Water Resources Reform and Development Act of 2014 (WRRDA 2014)?

**Answer:** Generally speaking, water resources development acts provide authorities to OASA(CW) and the Army Corps of Engineers for programs, projects, and activities, along with administrative improvements and other requirements at the request of Congress. Section 1031(b) of WRRDA 2014, the subject of today's announcement, provides the authority for the Department of the Army to use Cooperative Agreements with Federally-recognized tribes do perform work at water resources projects under the jurisdiction of the Corps. A number of these operating projects are on or adjacent to reservations and involve natural and cultural resources of concern to tribes.

**Question:** How will the new Section 1031(b) authority benefit Indian Tribes?

**Answer:** With this important new authority, Indian Tribes will have the ability to enter into cooperative agreements with the U.S. Army Corps of Engineers (USACE) to preform work at USACE water resources projects. These agreements will allow Tribes to build economic capacity while working on infrastructure and natural and cultural resources of mutual interest with the USACE, especially in Indian Country. Furthermore, these agreements will allow resource sharing on a Government-to-Government basis.

**Question:** What types of projects can be done under this authority?

**Answer:** The authority allows Indian Tribe/USACE cooperative agreements to carry out authorized activities, such as providing specialized knowledge and expertise, to protect fish, wildlife, water quality and cultural resources. For example, along the Columbia River tribes will be able to implement fish and wildlife mitigation projects with the Corps. Also, tribes will be able to help maintain infrastructure and conduct natural and cultural resource management activities such as invasive species control, planting and management of native species, and monitoring archaeological and sacred sites.

**Question:** What do Indian Tribes need to do to work with the Corps under this authority?

**Answer:** The authority to enter into these cooperative agreements has been delegated from the Assistant Secretary of the Army for Civil Works to the Corps for implementation at any level of the organization, but primarily at the district level where on the ground project operation and management activities occur.

**Question**: If an Indian Tribe is interested in developing a cooperative agreement with the USACE, how do they go about it?

**Answer**: Any Federally-recognized tribe may contact their local USACE District main office or visit that district's website for instructions on who to contact and to obtain template agreements to use to help develop the required over-arching agreement, and the agreements or written work orders that will be used to execute actual work.

**Question:** What Are the Criteria for Identifying Qualifying Work?

**Answer:** At the discretion of the district commander, a district may evaluate its programs to protect fish, wildlife, water quality, and cultural resources activities that might benefit from such assistance. Once these activities are identified, and a willing Federally-recognized Tribal partner has been identified a Memorandum of Agreement can be formulated.

## Sovereign Immunity Clause

**Question:** What is the "Sovereign Immunity Clause?"

**Answer:** For over ten years, the Corps Project Partnership Agreements (PPA) and Environmental Infrastructure Assistance Agreements (EIAA) contained an article that required Indian Tribes to waive their Sovereign Immunity as a condition for being a non-Federal sponsor for water resources development projects.

**Question:** Why was the "Sovereign Immunity Clause" removed?

**Answer:** After listening to concerns from Indian Tribes, noting the effect this article had on the finalization of PPA and EIAA documents, and conducting a new legal analysis, the Office of the Assistant Secretary of the Army for Civil Works determined that the clause was unnecessary and not required to enforce PPAs or EIAAs in federal court. The clause will be removed from all templates used to development PPAs and EIAAs and replaced with a slightly expanded WHEREAS clause that acknowledges the enforceability of the PPA or EIAA in federal court for all non-Federal sponsors, tribal and non-tribal. Below are the old and new statements:

CLAUSE TO BE REMOVED:

ARTICLE XXII – TRIBAL SOVEREIGN IMMUNITY

By _____ dated _____, the Non-Federal Sponsor waived any sovereign immunity that it may possess from suit by the United States in an appropriate Federal Court related to the provisions, terms, and conditions contained in this Agreement. Further, such _____ authorized _____ to include such waiver as part of this Agreement. Accordingly, the Non-Federal Sponsor hereby waives any sovereign immunity that it may possess from suit by the United States in an appropriate Federal Court to: (1) enforce the terms and conditions of this Agreement; (2) recover damages for any breach of the terms and conditions of this Agreement; and (3) seek indemnification or contribution based on the Non-Federal Sponsor's obligations under Article IX of this Agreement.

NEW WHEREAS CLAUSE:

“WHEREAS, the Government and the Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement and acknowledge that Section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962-5b), provides that this Agreement shall be enforceable in the appropriate district court of the United States;”

**Question:** How does the removal of this clause benefit Indian Tribes?

**Answer:** Many Indian Tribes have found this clause to be offensive, which caused them to choose not to participate with the Corps in water resource development projects or activities. As a result, important projects that could have benefitted tribal economics and environments, or species of significance, or that protected tribal communities from floods and other perturbations were not being implemented. In cases where projects did move forward, a significant amount of time and funds were expended discussing and figuring out how to move forward with the waiver of sovereign immunity clause in place. The removal of this article from all future PPA and EIAA documents will eliminate a major impediment to Indian Tribal—Corps partnerships on water resources project development and implementation. Fundamentally, the Corps supports and acknowledges tribal sovereignty.

# United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 13 2016

Dear Tribal Leader:

We would like to invite you and/or your child welfare designee to trainings on the recently published final regulations governing the Indian Child Welfare Act (ICWA). The final ICWA rule was published in the Federal Register on June 14, 2016 (*see* 81 Fed. Reg. 38778), and takes effect on December 12, 2016.

As many tribes noted in their comments on the rule, training is essential to ensuring that this new rule meets its potential for strengthening implementation of ICWA and reinforcing ICWA's protections for families and youth. This Department-hosted training will focus on providing information on the new rule's requirements for State courts and agencies and the role of tribes in the procedural and substantive protections afforded it.

The enclosed chart shows the current schedule for training sessions. Each session is open to tribes, State child welfare agency personnel, and State court personnel. Please consider having the designated ICWA agent or other representative from your Tribe attend an on-site training or webinar. Because space is limited, we ask that you RSVP to comments@bia.gov for each session you plan to attend, and submit your name and the location (or webinar) you plan to attend. Please note that some on-site locations are at government facilities that may include security screening, so plan accordingly.

Together, we can ensure that the new regulations fully benefit all Indian children, their parents, and their tribes and tribal communities.

Sincerely,

Lawrence S. Roberts
Acting Assistant Secretary – Indian Affairs

cc. ICWA Designated Agent
Enclosure

# U.S. Department of the Interior ICWA Training Schedule

Please check the following website for updates and training materials:
www.bia.gov/WhoWeAre/BIA/OIS/HumanServices/index.htm. RSVP to: comments@bia.gov

| Date | Time | Type | Location |
|---|---|---|---|
| Monday, August 15, 2016 | 2:00 p.m.- 4:00 p.m. (ET) | Webinar | Please see website listed above for call-in and log-in information. |
| Tuesday, August 16, 2016 | 2:00 p.m.- 4:00 p.m. (ET) | Webinar | Please see website listed above for call-in and log-in information. |
| Thursday, August 18, 2016 | 8:30 a.m.- 4:00 p.m. (Local Time) | On-Site | St. Paul, Minnesota – Doubletree St. Paul<br>411 Minnesota Street<br>St. Paul, MN 55101 |
| Wednesday, August 24, 2016 | 8:30 a.m.- 4:00 p.m. (Local Time) | On-Site | Oklahoma City, OK –<br>Supreme Court of Oklahoma<br>Judicial Center Auditorium<br>2100 North Lincoln, Suite 3<br>Oklahoma City, OK 73105 |
| Wednesday, September 7, 2016 | 8:30 a.m.- 4:00 p.m. (Local Time) | On-Site | Sacramento, CA –<br>Secretary of State Auditorium<br>1500 11th Street<br>Sacramento, CA 95814 |
| Thursday, September 15, 2016 | 8:30 a.m.- 4:00 p.m. (Local Time) | On-Site | Albany, NY—<br>Empire State Plaza Convention Center<br>Meeting Rooms 2 & 3<br>Albany, NY 12242 |
| Thursday, September 22, 2016 | 8:30 a.m.- 4:00 p.m. (Local Time) | On-Site | Pierre, SD –<br>Best Western Ramkota Hotel & Convention Center<br>Amphitheater II<br>920 West Sioux Ave.<br>Pierre, SD 57501 |
| Wednesday, October 5, 2016 | 8:30 a.m.- 4:00 p.m. (Local Time) | On-Site | Anchorage, AK –<br>Embassy Suites Hilton<br>Imagine Ballroom<br>600 E. Benson Blvd.<br>Anchorage, AK 99503 |
| Wednesday, October 19, 2016 | 8:30 a.m.- 4:00 p.m. (Local Time) | On-Site | Olympia, WA –<br>Legislative Building on the Capitol Campus<br>Columbia Room<br>Sid Snyder and Cherry Lane SW<br>Olympia, WA 98504-1034 |
| Wednesday, November 2, 2016 | 9:30 a.m.- 5:00 p.m. (Local Time) | On-Site | Phoenix, AZ –<br>Burton Barr Central Library<br>The Pulliam Auditorium<br>1221 N. Central Avenue<br>Phoenix, AZ 85004 |
| Tuesday, November 15, 2016 | 2:00 p.m.- 4:00 p.m. (ET) | Webinar | Please see website listed above for call-in and log-in information. |
| Thursday, November 17, 2016 | 2:00 p.m.- 4:00 p.m. (ET) | Webinar | Please see website listed above for call-in and log-in information. |

# AK-CHIN INDIAN COMMUNITY

## Community Government

42507 W. Peters & Nall Road • Maricopa, Arizona 85138 • Telephone: (520) 568-1000 • Fax: (520) 568-1001


July13, 2016

**By Email & U.S. Mail**

The Honorable Anthony Foxx
Secretary
United States Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

**Re: Request to Compact Under Tribal Transportation Self-Governance Program**

Dear Secretary Foxx:

We wanted to congratulate you on the recent appointment of Kenneth Martin as Deputy Assistant Secretary for Tribal Government Affairs for the Department of Transportation ("DOT"). I look forward to working with him and your staff to continue the Community's and DOT's efforts to work together to promote and develop the Community's government-to-government relationship with DOT. In this regard, the Community hereby requests participation in the new Tribal Transportation Self-Governance Program ("TTSGP" or the "Program") established by the Fixing America's Surface Transportation Act (the "FAST Act"), P.L. 114-94.

The Community believes that it is able to serve the best interests of its Community Members by assuming responsibility for the planning, conducting and administering of various programs, services, functions, and activities (collectively, "PSFAs") that can be provided to the Community under a self-governance compact. To that end, the Community has assumed responsibility for several PSFAs that would otherwise be performed or provided by the Bureau of Indian Affairs ("BIA") by entering into a Compact of Self-Governance with the United States pursuant to the Indian Self-Determination and Education Assistance Act, P.L. 93-638 as amended. The Community desires to continue to develop and expand this capacity for its transportation programs with a self-governance compact under the FAST Act's TTSGP.

The Community's Eligibility to Participate

The FAST Act requires that the Secretary negotiate and enter into a written compact with an Indian tribe for purpose of providing for the participation of the Tribe in the Program "[u]pon the request of an eligible Indian tribe" and "subject to the requirements of this section." 23 U.S.C. § 207(c)(1). Section 207(b)(1) of the FAST Act provides that an Indian tribe is eligible to participate in the Program if it satisfies three requirements: (1) requests participation in the Program by resolution of other official action by the governing body; (2) demonstrates financial stability and financial management capability for the preceding three fiscal years; and (3)

demonstrates transportation program management capability. The Community meets these three requirements.

With respect to the first requirement, the Community Council has adopted Tribal Council Resolution No. A-165-16, which formally requests that the Secretary negotiate a compact for the purpose of the Community's participation in the Program. Enclosed is a copy of the Resolution.

To demonstrate the second requirement, the Community engages an accounting firm to perform an annual audit of its federal programs, which includes a random sampling of its federal self-determination contracts and self-governance funding agreements with Federal agencies. In the preceding three years, these audits show no uncorrected significant and material audit exceptions. These results are conclusive evidence of the required financial stability and financial management capability for participation in the Program. 23 U.S.C. § 207(b)(2).

Finally, the Community has demonstrated and continues to demonstrate transportation program management capability, which fulfills the third eligibility requirement for participation in the Program. The Community has established a Tribal Long Range Transportation Plan ("LRTP"), which considers Ak-Chin's vision, goals, needs and trends in transportation and related topics over the next 20 years, administers several transportation funding agreements established under Title 23, and continuously works in conjunction with local, state and federal governments to coordinate the development of substantial road improvements and transit programs. Accordingly, it has been managing and currently manages several transportation programs through both federal and state funding mechanisms, including the following:

Transportation Improvement Plan (FY2010-FY2014) (TIP)
A prioritized list of projects based on the 2010 LRTP, which was created by the Ak-Chin Indian Community concerning transportation projects expected to be undertaken over a three- to five-year time period based on projected federal funding amounts ($1.6 million over five years):

- MAIR 103 (1) Church and Eco-Museum Road - To perform Architectural and Engineering Services (A&E) for project planning and preconstruction services to construct roads improvement and Tribal Right of Way.
- MAIR 14(1) Farrell Pathways – Develop PS&E Document and construct pedestrian walkways along Farrell Road from Smith Wash Bridget to Vekol Market.
- MAIR 9016 (1) Peters and Nall Road – Develop PS&E Documents and reconstruction of 3 miles of road from SR 347 to White & Parker.
- SR347(1) Traffic Signal – To perform Warrant Study for Design/construction Traffic Signal at the intersection of Farrell Road and State Route 347.

Self-Governance
Roads Maintenance (annual amount of $55,000) - the Community shall preserve, upkeep, and restore roads, rights-of-way, and structures as nearly as possible or practicable to their original conditions as constructed or improved by providing repair and service to roads and bridges that are a part of the Federal Aid road system.

Arizona Department of Transportation (ADOT) Grant
PARA LRTP Update ($180,000) - Project is to identify Community roads projects for inclusion into Transportation Improvement Program, conduct traffic counts, conduct a road inventory update, develop road standards, development of a pavement management system, and identify safety improvements.

Federal Transit Authority (FTA) Grant
Tribal Transit Start Up ($190,000) - Project will establish a Transit System that provides a fixed-route transit service to local activities in the Community and provide connection to the City of Maricopa transit services. The Transit System will offer a safe ride to and from locations such as: employment services, shopping, healthcare, and social services.

The Community Council also recently adopted Tribal Council Resolution No. A-166-16, which approved transportation planning and improvement projects to be funded by the 2016-2020 Tribal Transportation Improvement Program Tribal Share. (Enclosed are copies of the Resolution and its attachment.)

Reflecting its dedication to developing its self-governance capacity, particularly in the transportation realm, the Community has several experienced employees who oversee and manage these transportation programs, including a Self-Governance Director, Transit Manager, Community Operations Manager who manages the Indian Reservation Roads Program, and a Senior Planner in the Planning Department who was recently appointed as the Western Region representative on the Tribal Transportation Program Coordinating Committee (TTPCC). In fact, the Community further showed its commitment of time, effort, and resources to not only its ongoing transportation management capacity but also the opportunity presented by the FAST Act's new TTSGP by nominating its Transit Manager, Octavio Machado, to serve on the TTSGP Negotiated Rulemaking Committee.

In sum, the Community has fulfilled the three eligibility requirements to participate in the TTSGP and stands ready to negotiate a compact with you.

Next Steps

As indicated by its nomination of Mr. Machado for the TTSGP Negotiated Rulemaking Committee, the Community is aware that DOT is engaging in the rulemaking process. The Community does not believe, however, that the rulemaking process needs to be completed in order for the parties to negotiate a compact. The FAST Act, itself, specifically provides: "The lack of promulgated regulations shall not limit the effect of this section." 23 U.S.C. § 207(n)(3). Given that FAST Act is a five-year bill, the rulemaking process will likely take thirty months (if not longer), and the Community has immediate need for the transportation funding, the Community would like to begin negotiations of a compact as soon as possible.

I look forward to working with you and your staff to commence the Community's negotiation of a self-governance compact under the TTSGP. I welcome an opportunity to discuss this request with you further and provide any additional information that will assist you and DOT officials to work with the Community during this process. The Community's point of contact for this matter is Karen Fierro, Self-Governance Director, who you can reach by email at kfierro@ak-chin.nsn.us, or by phone at 520-568-1036.

Sincerely,

Robert Miguel
Chairman, Ak-Chin Indian Community

cc: Kenneth Martin, Deputy Assistant Secretary for Tribal Government Affairs
Robert Sparrow, Program Manager, Federal Highway Administration

# AK-CHIN INDIAN COMMUNITY COUNCIL

42507 W. Peters & Nall Road
Maricopa, Arizona 85138
Telephone: (520) 568-1000


Resolution No. **A-165-16**

# RESOLUTION OF THE AK-CHIN INDIAN COMMUNITY COUNCIL

**(A Resolution Requesting A Compact for the Fixing America's Surface Transportation (FAST) Act's Tribal Transportation Self-Governance Program.)**

---

**WHEREAS,** the Ak-Chin Indian Community ("Community") is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934; and

**WHEREAS,** the Community is governed by the Ak-Chin Community Council ("Council") pursuant to its Articles of Association ("Articles"), approved by the Secretary of the Interior on December 20, 1961; and

**WHEREAS,** the Council is authorized, pursuant to Article VIII, Section 1(a) of the Articles, to represent the Community in negotiations and enter into agreements with the United States on behalf of the Community; and

**WHEREAS,** the Community and the United States, pursuant to the Indian Self-Determination and Education Assistance Act, P.L. 93-638 as amended, have entered into a Compact of Self-Governance under which the Community assumed responsibility for various programs, services, functions, and activities (collectively, "PSFAs") that would otherwise be performed or provided by the Bureau of Indian Affairs ("BIA"); and

**WHEREAS**, the Community desires to continue to develop and expand its government-to-government relationship with the United States by entering into other self-governance compacts through which the Community is able to serve the best interests of its members by assuming responsibility for the planning, conducting and administering of those PSFAs that can be provided to the Community under a self-governance compact; and

**WHEREAS**, the Fixing America's Surface Transportation Act (the "FAST Act"), P.L. 114-94, was enacted on December 4, 2015 and Section 1121 thereof

Transportation Plan (LRTP). However, the Community was awarded a Planning Assistance for Rural Area Grant from the Arizona Department of Transportation to update the LRTP that will be completed in the fall of 2016; and

**WHEREAS,** the Community will also continue to use its 2013-2015 Transportation Planning allocation to conduct the Safety Plan and Road Maintenance Plan as indicated in the revised 2016-2020 TTIP.

**NOW THEREFORE, BE IT RESOLVED** that: the Council hereby authorizes the Bureau of Indian Affairs, Western Regional Office, Division of Transportation, to take the necessary action to deliver revised 2016-2020 TTIP Tribal Share funding toward the 2016-2020 Tribal Shares identified TTIP projects (Attachment A).

**BE IT FURTHER RESOLVED** that: the Community continues to work toward the remaining proposed projects on its overall TTIP and may from time to time exchange projects through the course of the revised 2016 -2020 TTIP Tribal Share funding cycle due to Community development priorities.

**BE IT FINALLY RESOLVED** that: the Chairman or his designee is authorized to execute any and all documents necessary to effectuate the intent of the Resolution.

**C-E-R-T-I-F-I-C-A-T-I-O-N**

Pursuant to authority contained under Article VIII, Section 1, (a), (c), (d), and (m), and (n) of the Articles of Association of the Ak-Chin Indian Community, approved by the Secretary of the Interior on December 20, 1961, by a quorum of 4 members present at a Special Council meeting held July 12, 2016, at the Ak-Chin Indian Reservation, Arizona, by a vote of 4 for, 0 against, 0 not voting, and 1 absent, the foregoing Resolution was adopted.

Robert Miguel, Chairman
Ak-Chin Indian Community

**ATTEST:**

Victoria A. Smith, Council Executive Secretary
Ak-Chin Indian Community