

# 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](http://www.tribalselfgov.org)

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

### Embassy Suites

900 10<sup>th</sup> Street NW

Washington, DC 20001

Phone: (202) 739-2001 ~ Fax: (202) 739-2099

### Meeting Summary

**January 29, 2015 (8:00 am to 5:00 pm)**

**Meeting of the SGAC and Technical Workgroup Members**

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**Governor Romero from Taos Pueblo provided the invocation.**

#### Roll Call

Alaska:	William Micklin, 1st Vice President, Central Council Tlingit and Haida Indian Tribes of Alaska Robert Keith, Chairman of the Board, Kawerak, Inc
Albuquerque:	Luis Romero, Governor, Taos Pueblo
Pacific:	Ryan Jackson, Council Member, Hoopa Valley Tribe
Eastern Oklahoma:	Mickey Percy, Executive Director, Choctaw Nation of Oklahoma Vickie Hanvey, Self-Governance Director, Cherokee Nation of Oklahoma
Southern Plains:	George Thurman, Principal Chief, Sac and Fox Nation Rhonda Butcher, Director, Citizen Potawatomi Nation
Western:	Delia M. Carlyle, Councilmember, Ak-Chin Indian Community Virginia M. Sanchez, Chairwoman, Duckwater Shoshone Tribe
Northwest:	W. Ron Allen, Chairman/CEO, Jamestown S'Klallam Tribe Tyson Johnston, First Councilmen, Quinault Indian Nation

#### **Opening Remarks**

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

Title IV amendments were introduced yesterday by Senator Barasso and SGAC is hopeful that Self-Governance Tribes will be able to push it through during this Congressional session. And SGAC appreciates the Administration's support in enacting this legislation.

Republicans have taken over but the President issued a strong statement of what he wants to achieve and what he wants Indian Country to be part of during the last two years of the Administration.

**Kevin Washburn, Assistant Secretary – Indian Affairs, Department of the Interior**

Anne Bledsoe-Downs spent her fourth quarter of 2014 leading the Tribal Nations Conference and we are glad she is joining again today. The meeting with Standing Rock

Sioux children and the Tribal Nation Conference has reinvigorated the President. Anne has been working to institutionalize the White House Council on Native American Affairs.

### BIA Update

In what may represent the Bureau's most important accomplishment during this Administration, the Bureau finalized the land into trust rule for Alaska. The rule will ensure that Alaska Tribes can put land into trust. There will be an informational session/listening session in Alaska in February to discuss the implementation.

Bureau continues to work on a myriad of issues including, Right of Way Regulations, ICWA Regulations, HIP Regulations, Secretarial Election Regulations, Transportation Regulations, and working with the IRS on Tax policy issues. Specifically the Bureau has have working on Tax policy with the IRS in developing policy.

Additionally, the Bureau has been focusing on the Bureau of Indian Education Reform using the Blueprint reform, shared previously.

### FY 16 Budget Request

We are embargoed from talking about the Budget but I think you will be pleased. There is a Native youth initiative in the budget, known as the Generation Indigenous Initiative.

Appropriators uphold the trust responsibility as they have done in the past.

A number of Congressional representatives visited the Hopi Reservation (Cole, Simpson & others) It is a good sign that members of the Appropriations Committee are visiting Indian country.

### SGAC Committee Business

**MOTION:** Cherokee Nation made a motion to approve the October Meeting Summary without amendments.  
Pueblo of Taos seconded the main motion.  
The meeting summary was approved without objections.

### Office of Self-Governance Update

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

#### New OSG Staff

- Finance team
  - Danny Santiago, Fina, Celeste, Thomas Gubatayo (NWFO slowly taking over Nic Longley's responsibilities), Nic Longley (working part time and training Thomas to take over)
- Shawna McCovey (NW Office will negotiate SG compacts and work with new Tribes)
- Lance Fisher (Expertise in IT will prepare fund transfers and postings for the SG database posting of announcements and regulations and consultation)
- Michaela – Intern

#### Annual Reports

- The meeting materials included a document that provides dates and times for all Annual, Quarterly Reports Due, and Identify Points of Contact for Reports.

#### Funding Distribution

- OSG Provided a new streamline financial flow chart.
  - Tommy Thompsons' is working with Mohawk, Inc to improve the process
- OSG also reported that the final base \$120 million was transferred on January 10th and was obligated yesterday (January 28, 2015). This week additional money for Law Enforcement (\$114 million), Detention (\$114 million) and 75% of Welfare Assistance (\$15 million) will be obligated this week.
  - All of the 638 are done
  - Welfare assistance
  - Transportation
  - UDO's – 26 Self-Governance Tribes have not pulled down their money.
  - CSC overpayment letters – there are two
- Climate Change Funding was announced some time ago. OSG was able to get it so that these dollars could be included in AFA
- Law Enforcement Training
  - Law Enforcement Training – there are free trainings being offered for Tribal law enforcement personnel.

### Superintendent Boot Camp

- Superintendent Boot camp – OSG Director participated as well as Matt Kallappa to provide them with one (1) hour fifteen (15) minute training and the Self-Governance film was shown. The training overall was 40 minutes. New and old Superintendents attended the session. There will be additional trainings in March & April. Feedback on the curriculum was provided by a number of SGAC Tribal Representatives.

### Other DOI Updates

- Secretarial Order on Wildland Fire and Management and listening sessions.
  - Feb 4<sup>th</sup> Teleconference
  - Feb 9<sup>th</sup> Portland, OR
  - April 17<sup>th</sup> Reno, NV
- Tribal Transportation Regulations Consultation Dates
  - Seattle February 12th.
  - Recommend that the dollars for transportation work through the FHA

### Correspondence

- There are three letters still outstanding for responses, but are in the process for signature.

### Tribal Comments

Alaska Rep - There was some discussion about DOJ & BIA OJS and which Department would be better to run our justice/court programs through. Federal Highway has done a good job. Is there anyway Justice could start working with SG Agreements with Tribes similar to Federal Highways?

OSG – Tribes have been asking who should run their Transportation programs and we recommend Federal Highways because they provide technical assistance and provide outreach to Tribes. Tribal Transportation Program at BIA doesn't always help SG Tribes. I know that Tribes are pursuing SG in Federal Highways. Department of Justice is a harder nut to crack. They have tried to capture all the grant funding for tribes and roll it up into one application. We can begin conversations with them. They are fascinated with SG. We will speak with Nicole Hannah – Tribal Liaison from BIA/OJS.

Tribal Rep – Tribes haven't fleshed out the pros and cons or identified the land mines. In conjunction with that we are also raising the issue of implementation of TLOA and VAWA in Indian country, including Alaska. The lack of law enforcement/court resources in Alaska, California and other PL280/Settlement Act states is an issue. Is Interior looking at ways to provide Tribes with resources? It is a complicated issue.

OSG – It may be best to be with Justice because they have more money than Interior. It is something to consider since Interior does not have a lot of funds left at the end of the day.

Alaska – Federal agencies are not required by Congress to enter into a SG Funding Agreement but they should encourage other agencies to look at what Federal Highways has done.

Tribal representatives requested that SGAC develop a report on the President's legacy with respect to Self-Governance since 2008. This Administration highlights that the President is pro SG so it would be good to see the initiatives that reflect this.

### **Office of Bureau Director Update**

Michael S. Black, Director, DOI-BIA

- Fee to Trust is still top priority we only have 18 months and 220,000 acres to go to meet the department goal.
- We completed a review of law enforcement programs in the field over a two week process. The intent of the review was to identify shortcomings and where improvements are needed. It can serve as a really good roadmap for Tribes.
  - However there's no funding tied to these reviews to make corrections.
- Darren or Mike Black can help direct resources
- Just came from a meeting with HUD, USDA, IHS, and EPA, BIA
  - Environmental review to improve housing developments process
  - Trying to improve the environmental report
- Another effort is improving the 184 loans
  - There's a gap and obstacles in getting TSRs to the lending official
  - The program requires forms from us to the mortgage companies and there have been gaps and miscommunication and have found various stopping points in the process. We are taking a look at it with HUD to try and figure out a way to simplify the process.
- Internal improvements
  - DOI and BIA rank at the bottom of the best places to work in the Federal Gov't
  - Improve communication and reaching out to ground staff
  - He's learning about the experience of regional staff
  - Survey will go out to all BIA processes
- Three vacant regional positions – tribes get to review the cert list and provide feedback and recommendations
  - Eastern region
  - Eastern Oklahoma
  - Rocky mountain region
- SGAC is requesting that BIA take over the title insurance process for fee-to-trust property. The underwriters prefer not to work with us based on the Non-Intercourse Act from the 1700s and they believe they would be assuming too much risk. Request that the Solicitor put out a letter to explain fee to trust to Insurance Companies and take on negotiations with

industry on behalf of Tribal beneficiaries. US Government would be far more effective than Tribes.

- We aren't getting support for gov't support – what is allowable when general functions are not allowable.
- There is a problem with moving correctional facility.
  - We have taken some tribes down to the facility to see it. Most feedback is positive
  - They arrange transportation and provide additional programs that BIA does not provide.
  - Even detainees prefer this facility over others.
- Problem with template cooperative agreements for wildland fire management going out with too little time for tribes to review the template.

### **Budget Update**

Thomas Thompson, Deputy Assistant Secretary - Indian Affairs (Management)

Amber Ebarb, Legislative Associate, National Congress of American Indians

Dave Conner, Self-Governance Coordinator, Red Lake Band of Chippewa Indians

Amber Ebarb, Legislative Associate, National Congress of American Indians

- There are a number of members on the Senate Committee on Indian Affairs that also sit on the Appropriations Committees.
- FY2015 Crominus Bill – the BIA and IHS received new money. We are still at the 2008 enacted level if you look at inflation and the impacts of sequestration.
- It is important to monitor the President's Budget Request on Monday. We will release an analysis of the President's Budget on Wednesday.
- We do not have a set cap so we will be watching the fights between the Administration and Congress on how to undo sequestration. We need to find other ways to reduce the deficit.
- Congressional Research Report released on HUD, DOE and Indian programs.
- Tribal Labor Force Report – NCAI secured a grant with the National Science Foundation and are working with other researches and recruiting Tribes to be part of the project over a 3 year period. The goal is to improve Tribal data collection and document the impact on Tribal programs.

Thomas Thompson, Deputy Assistant Secretary - Indian Affairs (Management)

- Distribution of dollars
  - Particularly around CSC
  - It's a cash flow issue for some Tribes
- Budget Formulation
  - There is a pretty regulated process to develop the Interior budget through TIBC.
    - There are some SGAC concerns regarding ranking SG priorities at TIBC.
  - The President also gets to weigh in and we want to develop new programs to fund so that people get excited about the budget.
  - We do not have a set cap so we will be watching the fights between the Administration and Congress on how to undo sequestration. We need to find other ways to reduce the deficit
  - There should be more transparency in the budgeting process.
  - Can we get a report on how well the education programs are performing?
- Update Status of FY2015 Appropriations and FY2016 and FY2017 Budgets
  - There are several crossovers between the appropriations and SCIA so that sets us up well for the appropriations
  - House side also looks relatively positive

- Can you provide a trend analysis on line items that are funded?
  - It's possible if we can limit it to general needs and issues to see what BIA is funding.
  - These are the five categories that the organization should concentrate on.
- Update Internal Review Committee – Streamlining Distribution of Funding
  - The analysis shows that there are 138 funding streams in Indian Affairs that go out to Tribes. But we're still using processes from the 40s.
  - There is a workgroup that will review the process and determine where the touch points have to be.
  - We have to get the protocols down for the Tribes. We need to streamline those processes.
  - BIA is looking at modernizing the process and relationships.

### **SGAC Leadership Executive Session with ASIA Kevin Washburn**

### **SGAC Technical Workgroup Meeting**

#### **Strategic Plan Discussion**

SGAC members continued working on the priorities identified during the Strategic Planning Session January 27, 2015. The top priorities identified were:

#### **Budget Priorities:**

- Restore Fiscal Year 2013 sequestration cuts and exempt Tribal funding from future sequesters.
- Authorize mandatory funding and fully fund Contract Support Costs and expedite payments to Tribes.
- Preserve authority to include one-time or short-term resources in Self-Governance Funding

#### **Legislative Priorities:**

- Amend Title IV of the Indian Self-Determination and Education Assistance Act.
- Reauthorize the Native American Housing Assistance and Self-Determination Act.
- Enact legislation that strengthens and reaffirms the original tenants of the Public Law 102-477.
- Expand Self-Governance to the Department of Transportation.

#### **Policy Priorities:**

- Revise and streamline each agency's Contract Support Costs policy.
- Expand Tribal consultation on allocation and formula distribution of Bureau of Indian Affairs (BIA).
- Foster greater transparency from the Department of the Interior in announcing new funding announcements.
- Institute a Tribal Advisory Committee for Office of Management and Budget.