

# DOI SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication and Education

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June 22, 2018

The Honorable Ryan Zinke  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

## **Re: SGAC Strongly Opposes Reorganization of the Bureau of Indian Affairs**

Dear Secretary Zinke:

On behalf of the Department of the Interior (DOI) Self-Governance Advisory Committee (SGAC), I write to provide comments on the proposed Reorganization of the Bureau of Indian Affairs (BIA). We strongly oppose the decision by the Department to implement unilateral changes to Interior's organizational structure without convening consultation with Tribal Leadership. Tribal Leaders have expressed concern on numerous occasions about how the BIA Reorganization was presented to Indian Country and the lack of transparency while the idea was gaining traction within DOI. Yet, to date, there has been very limited, if any, engagement with Tribes.

As stated in the Consolidated Appropriations Act, 2018, Explanatory Statement - Division G, Department of the Interior, Environment, and Related Agencies, as approved and indicates congressional intent, states, *"Agencies are reminded that this agreement continues longstanding General Guidelines for Reprogramming that require agencies funded by this Act to submit reorganization proposals for Committee review prior to their implementation. It is noted that such reprogramming guidelines apply to proposed reorganization, workforce restructure, reshaping or transfer of functions presented in budget justifications, or bureau-wide downsizing, especially those of significant national or regional importance, and include closures, consolidations, and relocations of offices, facilities, and laboratories presented in budget justifications. In addition, no agency shall implement any part of a reorganization that modifies regional or State boundaries for agencies or bureaus that were in effect as of the date of enactment of this Act unless approved consistent with the General Guidelines for Reprogramming procedures specified herein. Any such reprogramming request submitted to the Committee on Appropriations shall include a description of anticipated benefit, including anticipated efficiencies and cost savings, as well as a description of anticipated personnel impacts and funding changes anticipated to implement the proposal."*<sup>1</sup>

The recent release of the May 17<sup>th</sup> "Dear Tribal Leader Letter" identified a few dates for Tribal consultation; after statements were made to the Tribes in public forums that a decision has been made and we are moving forward with or without you on board. This take it or leave it stance is

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<sup>1</sup> P.L. 115-141, the Consolidated Appropriations Act, 2018, Explanatory Statements - Division G, Department of the Interior, Environment, and Related Agencies Appropriations Act

paternalistic and inconsistent with the Department's Tribal Consultation Policy. Consultation is supposed to occur at the outset prior to any action being commenced. Internal personnel decisions become workforce restructuring when numerous positions are being shifted around the country, positions are not being filled, and staff is being jammed into offices without adequate space to perform their jobs. We have recently been told that there is an Executive Order, assumingly referring to 13781<sup>2</sup>, that Interior must uphold regarding the Reorganization Effort but there is also Executive Order 13175<sup>3</sup> which reaffirms the Federal government's commitment to Tribal sovereignty, self-determination and self-government. Rather than heading down this adversarial trail we recommend that DOI establish a Tribal/Federal workgroup to address how DOI can improve the effectiveness of the Bureau to carry out its mission to Indian Country. The SGAC respectfully requests the following:

1. Resume Tribal consultation as part of the government-to-government relationship to gain Tribal Leadership input and engagement before any action is taken, including, setting funds aside for a "proposed" BIA Reorganization Plan;
2. Identify Tribal Leaders from current Indian Affairs Advisory, Budget and Policy Committees, representing all regions, to work with DOI representatives to review the comments and package the information to show the categories of concern and the percentage of comments relative to those concerns;
3. Hire a third party to perform a cost benefit analysis of the organization and allow the Tribal/Federal workgroup to review it;
4. Review the organizational chart with the Tribal/Federal workgroup to identify all position vacancies that need to be filled in order for the agency to carry out its trust and treaty obligations;
5. Work with the Tribal/Federal workgroup to formulate a plan for hiring and recruitment at DOI;
6. Work with TIBC to ensure the Department is properly resourced and empowered to perform their jobs;
7. Prepare a "*Dear Tribal Leader Letter*" and share the consultation comments as compiled with Indian Country for one final review and comment; and,
8. Resume the group of Tribal Leaders and Indian Affairs Representatives to repeat step #3 and upon completion the product will be a collective representation of both the Tribes and Indian Affairs.

While in a perfect world both sides would agree, we all know the likelihood for such an outcome is not very likely. But what DOI needs to understand is that Tribes are not opposed to progress if it is helpful but you have not provided us with any substantive reasons as to why the Department has decided to move in this direction. There has not been a concept paper released or a cost/benefit analysis conducted to share any reasoning, findings or justification to identify what needs to be reorganized, so it is perplexing at best how the Department is moving forward when initial steps have not been taken to conduct an assessment of the current organization.

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<sup>2</sup> Executive Order 13781, Comprehensive Plan for Reorganizing the Executive Branch, March 13, 2017

<sup>3</sup> Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, November 6, 2000

There have been too many inconsistencies on how this Reorganization will be planned and implemented. Messages are not clear and in many instances the BIA staff has acknowledged the uncertainties associated with the Reorganization. On more than one occasion we have heard that, “there is no plan for Indian country” but the Department requested \$900,000 in the FY2019 Budget Request to support the Reorganization. Our communities are severely underfunded and the Department is seeking to take \$900,000 from Interior’s overall funding for planning to reorganize? Again, there hasn’t been any assessment done that would reflect the overall costs that are associated with this effort. How much is it going to cost to move all the SES employees around the country? Our Tribes would like an accounting of how much the Department has already spent to date.

It is our understanding that the proposed modifications would include changes to our Regional boundaries and there will be staff reassignments throughout Indian Country. Other than shifting external agencies and boundaries we don’t see the benefits or value to us. The notion that you can replace our regional directors, who have developed a level of expertise, with an individual who knows nothing about the region is absurd and a drain on resources. Tribes will have to spend time and resources educating and informing Regional Directors (RD) of Tribal issues every time a new RD is reassigned or rotated which we heard may be every two years. This is not a practice that is either effective or efficient. We have also seen maps that identify 13 new regional boundaries. The real consequence of this proposal is that it would sever the historical, traditional and cultural ties Tribes have within their regions. This arbitrary move is creating further bureaucratic layers rather than recognizing that the way in which the regions are currently structured works well for Indian country. The question is not necessarily reorganizing regions – the question is whether the BIA is adequately resourced and empowered to do its job to advance its mission for Indian Country?

Tribes are well aware that over the next 3-5 years 40% of your current workforce will be eligible for retirement. What is the Department’s game plan to recruit new talent? You should be reaching out to colleges and universities to assist with recruitment efforts. Do you envision a maximum workforce number at DOI? Do you envision reducing the SES and career employee pool? Do you envision closing any Tribal agency offices? Does the workforce go up or down? These are all questions we want and deserve answers to. There are already a number of positions in the Department that need to be filled, including, the Assistant Secretary - Indian Affairs. We should not be moving forward with this effort until DOI/BIA leadership has been confirmed and in place.

SGAC has heard from Tribal Leaders throughout Indian Country with their concerns, questions and continued frustration with the disrespectful treatment we receive from DOI. We reiterate their questions: what are the goals? What is the strategy? How much is this effort going to cost? How will this effort impact Tribes, their operations and our programs in DOI? How will this increase decision-making within Tribal communities? What role will Regional Directors play? These are all essential questions that need to be carefully weighed and answered before any action commences.

Tribes are told that the Departments' priorities are: recreation, conservation and permitting. Tribes are not even considered a priority but are the only non-anthropomorphic resource in your portfolio. The trust and treaty obligations should be the backdrop against which all actions are weighed. We expect DOI to perform the role of trustee for American Indian and Alaska Native people, instead of treating us as an afterthought. There is a clear message being sent to Indian Country that the trust and treaty obligations are an afterthought and a new era of termination cloaked in "good" intentions is upon us.

Our key underscoring point is that there is an enormous amount at stake and Tribes deserve and demand to be involved in the entire process. Tribes are supportive of improving processes and removing some of the silos but a military model does not work for Tribal governments. We are sovereign governments and should be treated as such. There needs to be a clear perspective for empowering and strengthening Tribal communities and Tribes need to be included in every level of the decision-making process. Work with us - you need to be our champion within the Federal system. Instead of informing us that this is the direction you are taking and we can get on board or not, DOI should ask, "How can we work together to improve the effectiveness of the agency?"

Thank you in advance for your attention to this letter. If you would like to discuss this issue in more detail, please do not hesitate to contact me at [allen@jamestowntribe.org](mailto:allen@jamestowntribe.org) or (360) 681-4621.

Sincerely,



W. Ron Allen, Chairman, SGAC  
Tribal Chairman/CEO Jamestown S'Klallam Tribe

Cc: John Tahsuda, III, Principal Deputy – Indian Affairs Exercising the Authority of the  
Assistant Secretary – Indian Affairs  
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