

DOI SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication & Education Tribal Consortium
314 West 14th Place – Tulsa, Oklahoma, 74119
Telephone (918) 271-5017 ~ Website: www.tribalselfgov.org

Sent electronically shirley_milli@ios.doi.gov and eldred_lesansee@ios.doi.gov

August 19, 2020

Shirley Milli, Acting Principal Deputy Director
Appraisal and Valuation Services Office (AVSO)
Office of the Assistant Secretary for Policy, Management and Budget
U.S. Department of the Interior
Denver Federal Center - Building 46
Sixth Avenue and Kipling Street
Denver, CO 80225-0046

Eldred F. Lesansee, Associate Deputy Director
Appraisal and Valuation Services Office (AVSO)
Office of the Assistant Secretary for Policy, Management and Budget
U.S. Department of the Interior
5606 Woodcrest Drive
Hartford, WI 53207

RE: Oppose Including AVSO Memorandum of Understanding in Self-Governance Funding Agreements

Dear Acting Principal Deputy Director Milli & Associate Deputy Director Lesansee:

On behalf of the Department of the Interior Self-Governance Advisory Committee (DOI-SGAC), I write to urge you to direct your staff to discontinue the practice of (1) forcing Tribal Nations that have Self-Governance agreements with DOI to enter into a Memorandum of Understanding (MOU) with the Appraisal and Valuation Services Office (AVSO) and, (2) requiring language that references the MOU in their Funding Agreements and/or Compacts as a condition of being able to compact real estate appraisal services. We further urge you to adhere to the directive of the Department of the Interior's Tribal Consultation Policy that each Bureau or Office will consult with Indian Tribes as early as possible when considering a departmental action with Tribal implications.

The Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975, Pub. L. 93-638, empowered Tribal governments to exercise their sovereignty and control of their own affairs by granting them the authority to contract/compact with the Federal government to manage and operate programs and services that benefit their Tribal citizens and other eligible persons. In accordance with this authority, many Tribal governments took over the administration of real estate and appraisal services and have been successfully implementing the program at the local level for many years. AVSO recently contacted a number of Tribes to negotiate a separate Memorandum of Understanding between AVSO and the Tribe that outlines the role and responsibilities for management of these programs. In addition, AVSO has proposed new language to be included in Funding

Agreements negotiated between the DOI and a Tribal Nation that references the MOU as the controlling agreement.

The MOU is not statutorily required and the AVSO has failed to produce any legal authority as a basis for imposing this paternalistic requirement on Tribal Nations as a condition of eligibility to contract/compact appraisal services. Additionally, the agency unilaterally made this decision without engaging with Tribes through the consultation process. AVSO's directive is not presented as an option for Tribal Nations but as a mandatory requirement that is being imposed on them with the caveat that Tribes will not receive their funding allocation unless they comply. Essentially, Tribal governments are being held hostage by the agency until and unless they agree to incorporate the MOU into their Funding Agreements.

We understand that you Mr. Lesensee as the Associate Deputy Director of AVSO oversees the administration of Tribal Self-Governance compacts and Self-Determination contracts on behalf of AVSO and coordinates the administration of such agreements with other departments and offices. We also understand that AVSO and the Office of Self-Governance are developing standard funding agreement language for the Real Estate Appraisal Services Program with the intent that such language be incorporated into the Annual Self-Governance Guidance. While we support AVSO's coordination and cooperation with the Office of Self-Governance, Tribes should be included in these discussions and Tribes should be consulted on any departmental action that affects their interests.

We, therefore, urge you to consult with Tribes over the development of a program guidance for real estate and appraisal services so that any issues may be brought to light and resolved prior to finalizing a guidance on this issue. In conclusion, Tribal Nations must be consulted prior to any decisions being made or language being developed that affects their interests.

If you have any questions, please do not hesitate to contact Jay Spaan, Executive Director, Self-Governance Communication and Education Tribal Consortium (SGCETC) at (918) 370-4258 or email him at jays@tribalselfgov.org.

Sincerely,



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

Cc: SGAC and Technical Workgroup Members
Tara Mac Lean Sweeny, Assistant Secretary – Indian Affairs, DOI
Mark Cruz, Deputy Assistant Secretary, Policy and Economic Development, DOI
Sharee Freeman, Director, Office of Self-Governance
Jay Spaan, Executive Director, SGCETC
SGAC and Technical Workgroup Members