



# WHITE HOUSE TRIBAL NATIONS CONFERENCE

## TRIBAL LEADER PREPARATORY MEETING

### NOTES FROM NOV 29 MEETING

#### Using these Notes

These notes were gathered by NCAI staff during the Tribal Leader Preparatory Meeting. The meeting was closed to press and the notes are in draft form. They are provided to assist tribal leaders as they prepare for the week's critical nation-to-nation dialogue. ***They are not to be used for attribution in any press reports.***

#### Structure of the Notes

The notes provide a summary of all General Assembly discussion. Regional priorities collected in individual breakout discussions are included at the end of the document (page 14 onwards).

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## GENERAL ASSEMBLY NOTES

### **Overview of [NCAI Tribal Leader Briefing Book](#), [Logistical Updates & Review of the Activities this Week](#)**

#### Discussion:

Ed Thomas, Tlingit and Haida President, asked a question about the idea of prioritization. We need to have increases commensurate to need. We should push for increases as much as BLM receives increases. What will happen to those items not on our priority list? Jackie Pata responded that these are just focus conversations to have the right people in the room. Last year, in one of the breakouts, one of the region's issues dominated the conversation. The pre-planning was so that the forum would be right. You are right that we have a dire budget crisis, but we are saying that Indian Country is not the place to cut. This Administration agrees, but politically, it's hard for us to ask for 10% increases across the board increases. The Administration couldn't sell this to Congress. Streamlining; maybe we can refocus some funding with better returns. Maybe we can supplement the budget with the right tools. It isn't a carte blanche no additional money, but understanding the political environment we're in. We have to put solutions on the table instead of just complaining. In July, we did a document on brainstorming on access to capital and to make telecommunications work and workforce development. Since then, we've added natural resources and added ideas to make our programs more efficient.

Ed Thomas: his difficulty is with the word "complaining": we do have complaints. He doesn't know how to say it better and to whom do I say it more? How do we get the right people there and who can tell us who is the right people to talk to? Jackie Pata: each of these breakouts will have Secretaries. Like on subsistence, we need to make it clear that we're measuring their success if they deliver on this and this. We need to give them action items to help them resolve the subsistence issues. What are the "asks"? Ed Thomas said that this is our third time meeting with the President. Each time, they were listening sessions. We need to go beyond the *listening* part to the *doing* part. On the budget side, they need to first reduce the Central Office build up. We need to cut administration before we cut the tribal programs.

Jackie Pata re-emphasized note-taking: In 2009, we were able to take notes and we put together a score card. At the end of 2009, we reported out on what was done. We need to be able to keep track of commitments to keep the Administration accountable on issues like that.

Jewell James: We have been meeting with Obama over and over. We want more, but we don't have a permanent solution. We are dealing with issues that should be dealt with in consultations. With the President, we need changes in laws. We want *Carciari*, but we have a lot more that needs to be undone because of the Supreme Court – contract law and others are problems because of the Supreme Court. We brought a paper on these issues. Asian Americans got a commission, why didn't they do that for AIAN? We need something permanent. We need to elevate our thinking. We're not here for grants but for institutional changes that have caused the predicament that we're in. It's discouraging that we aren't at a higher level of thinking. He could be gone next year and we will start all over.

Jackie Pata said the conversation with the President should be different than at the cabinet level. Like health care implementation is a conversation with the Secretary of HHS, but a commission would be something for the President to put in place. Those are the things to bring to the President.

Joe Garcia: If you don't know the federal budget process, you will complain to the wrong people. DOI doesn't have control. None of the agencies. They are mandated by OMB and the President. You can't really talk to the agency. The point of 'attack' should be at the OMB and WH level. In the TBAC, that's one of the things we advised them on, that we need to talk to OMB. The other point of attack is the fact that the EO was signed by Clinton and Obama. It's not law, but an EO and can change at any point in time. If the President is gone, then we will lose all that ground. We need to make it law. The pueblos have proposed this. A tribal-state collaboration act was passed so that it will survive new governor administrations. All the tribes should push this. Implementation happens at the ground level. There's an IHS service agreement for Veterans but nobody knows how this works. Even though Dr. Roubideaux talked about it, nobody knows how it is going.

### **Regional strategy sessions**

*Tribal leaders from each of the 12 regions met to discuss priorities for their regional White House meetings and their core messages for the President*

### **Strategy sessions in larger regional groups used for White House briefings**

- *Representatives from the Eastern, Eastern Oklahoma, Southern Plains, Great Plains, Midwest and Rocky Mountain Regions*
- *Representatives from the Pacific and Northwest Regions*
- *Representatives from the Southwest, Navajo and Western Regions*
- *Representatives from the Alaska Region*

### **Tribal leader discussion of regional priorities**

Questions addressed were:

- What are the 2-3 priority issues to be raised with key Administration officials that are important to your region?
- What specific "asks" should be relayed?
- What "roadmap," or specific suggestions or recommendations, can tribal leaders give to Administration officials who want to be helpful to Indian Country?

**Reporting out from the larger regional groupings**

**Southwest, Navajo, Western Regions**

Joe Garcia – we had a session with the 19 pueblos, Apaches, and part of the Navajo nation, and San Carlos, White Mountain. We went through our list and combined the lists.

- First: natural resources.
  - In the southwest we have water rights issues. Every tribe faces the water rights issues. The problem is finding enough dollars to fight the water rights issues.
- Border patrol
  - More evident in AZ and CA, not so much NM. The Mexican border. Tribes are using their own funding. Homeland Security needs to be integrated.
- Continuous Sacred Sites: HR 1904 needs to be defeated: Mt. Taylor and Oak Flat.
  - Not under DOI, but under USDA.
  - Interdepartmental coordination
  - BIA/BOR/USFS all need to work together.
  - Need to strengthen NAGPRA and implementation.
- Funding
  - In every area, funding level starts at OMB and President's request.
  - Agencies are not our strongest advocates for our funding levels. They follow the mandates of OMB.
  - OMB is coordinating the consultation EO.
  - Funding that we get for all programs is discretionary, which can be cut at any time. We could push for mandating funding.
  - OMB should add an Indian office.
  - Housing follows the same funding process. One of the problems is how does money go from government to distribution. Formulas are used, and it all goes back to the OMB process. If you change anything, we need to worry about the federal budgeting process.
- Education
  - Funding for our core programs does not just include elementary but funding should be integrated for early childhood development, Headstart, higher education are all different funding sources. There should be a coordinated funding mechanism.
- Tribal Law and Order
  - It all goes back to funding. If the funding is not there, how can you implement
- Health Care
  - Also goes back to funding. We need to also look at prevention
- Economic Development
  - Needs to be coordinated: it includes housing, energy, alternative energy, grid, telecommunication – all are a part.
- Infrastructure
  - Without infrastructure, we can't develop all the others.

**Priorities:** OMB issues, Indian cabinet level secretary for Indian affairs. NM did this.

## Alaska Region

Ed Thomas, Tlingit and Haida

To follow up, funding is tied to everything we do in our rural communities. Even with subsistence, high cost of energy makes it hard to participate in subsistence. Budget issues rose to the top of our issues.

In our argument, we have to tie our requests to the needs. We go back to the way OMB divides the pie, without regard to the needs of our people. We have to emphasize our unemployment, high cost of energy and things that create a problem with the cuts.

One thing we should argue about is when they say everyone has to feel the pain and they are talking to AIAN, they don't point out that what Joe talked about the division of the pie in the departments. The DOI got its allocations. NPS got about a \$130 million increase but BIA got about \$120 million decrease in DOI. Ed asks why isn't it reversed? In BIA, we are talking about people, and NPS is talking about parks, trails, etc. NPS is building up their budget to celebrate centennial.

Subsistence: we've talked about it. The President said he would fix subsistence, but nothing has happened. DOI appointed two people who were former legislators who failed to pass a constitutional amendment to make subsistence legal in AK in accordance with Title 8 of ANILCA. We can't just ride a dead horse to the end and get rid of those two guys.

Need a change in the board. It is made up of federal agency reps in AK and are not stakeholders. Head of the park service, ag and agencies. We need a cultural schedule. Some Natives have had to move to urban areas and they should be able to participate in subsistence. A big problem is the lack of budgeting for subsistence. It takes money to manage resources.

Land into trust is a big issue only because our admin chooses to make it an issue in AK. In AK, we are not covered by the *Carciari* problem because the language used to amend the IRA act did not have the same language that was in the 34 act. There is no legal foundation for the regulations for you can take land into trust "except in AK."

Roads: This is where we pit our tribes against other tribes. We should be adding more money instead of fighting against each other. We find that the change in the formula hurts our small communities in AK.

We have a concern about representation. You heard there are 232 tribes in AK and when we go to forums of this nature or TIBC, we have one rep to represent 230 tribes – it's not realistic with our diversity. In the north we have harsh climates and in SE we have coastlines and very different issues. It's important to acknowledge that diversity. We end up painting all of AK in one brush.

- Budget: high cost of living/need, disparity at DOI (120M increase for NPS, while 120M cut/BIA)
  - The need is greater than ever because of high cost of energy
- Subsistence
  - Change DOI reps.
    - Why are there people in there who are non-stakeholders?
  - The makeup of the board
  - A cultural schedule
  - Budget for management
  - Willing partner from State of Alaska
- Land into trust

- Amend regs
  - No legal foundation
- Roads
  - Maintain existing IRR funding formula
- Representation on national boards, etc.
  - One person for 232 tribes is not realistic or fair.

### **Eastern, Eastern Oklahoma, Southern Plains, Great Plains, Midwest and Rocky Mountain Regions**

Steve Ortiz, Tribal Chairman, Prairie Band of Potawatomi Nation

Issues had to deal with honoring the treaties. East coast tribes are not treated the same as other tribes. *Carcieri*. IRR programs. Sioux are not happy with the distribution. OK feels they have not participated or given money with IRR. KS and TX that have reservations have similarity. It's about how we need more money instead of fighting against each other. *Carcieri*. On Land in to Trust; Gun Lake Band of Potawatomi. Folks have 6 years to challenge that land into trust. Housing issues and money. One issue not talked about is that even though there are other agencies, two barriers. You have to compete. If you don't have 3 successful audits, you have problems. His tribes had 12 years, but other tribes need the money more who don't have clean audits.

There needs to be more coordination with Indian issues. Corp of engineers. Need more funding for dental care. We know there's not enough for CHS. Next thing is dental care with our youth. Other thing is elders coming home with meth mouth.

Water rights: this extends from MS River to OK, Sioux. Issues between states and tribes to help solve these issues. Water is strictly money.

### **Northwest and Pacific Regions**

Fawn Sharp, Quinault Nation, ATNI President

With regard to the first question. We convened a session in Spokane after NCAI. We put together some issues. It was difficult. How do you boil it down to broad topics? We put together broad categories.

1. Land and natural resources. Due to macro environmental impacts are resources are being threatened.
  - Americas great outdoor initiative
  - AIPRA
  - Fee to trust
  - *Carcieri*
  - Water
  - Environmental inequities
  - Sacred Sites
  - Superfund
  - ESA restrictions
  - Energy bill

We have significant restrictions on what we can do. We unfairly burdened with ESA restrictions but then we have superfund sites in Indian Country. San Carlos Apache will completely have a sacred site destroyed but we have our feet held to the fire. When we tried to piece this together, this is top.

2. Trust responsibility/Reform/Relationships
  - BIA leasing regs-\$
  - Reacquire and co-manage
  - Health (protection of AIHCA)
  - UNDRIP
  - Broadband
  - BIA OST reorganization
  - Improving consultations
  - Cabinet head
  - Executive Order
  - Education

Specific asks: a commission that can address our issues and have a relationship with the US in real time. We can have issues dealt with there.

3. Super Committee recommendations
  - When there are cuts, we need to know when they are coming. Should we look at the short term cuts, but what about a long term strategy to support trust obligations and commitments. Nobody knows what will happen but we know there will be cuts. Should we not look for consultation with OMB for other revenues.
  - OMB: high level discussion to strategically plan for potential cuts to support and sustain federal commitment for basic governmental services
  - Consultation to review potential cuts that are inherent across the board and the impacts to Indian Country – Pre, prior and informed consultation
4. Federal taxation
  - Rules and regulations/general welfare
  - 1099s for funerals, but IRS is invading in that area too.
  - Tax credits
  - Tax
  - There are \$50 billion in unmet needs in Indian Country?
  - Tax exempt bonds for infrastructure
  - 8(a)
5. Hold harmless basic commitments
  - Health
  - Education
  - “don’t cut the budget on our backs”

Brooklyn Baptiste

Taxation is important. As states and feds get desperate, they will come for tribes. Commission is important. We need a consistent conduit. We need deliverables: something that can be done now.

UNDRIP

- Should sprinkle a reference to UNDRIP through all of our recommendations. Free, prior, and informed consent is important.

**Tribal leader discussion of five breakout sessions**

Questions addressed were:

- What are the 2-3 priority issues to be raised with key Administration officials?
- What specific “asks” should be relayed?
- What “roadmap,” or specific suggestions or recommendations, can tribal leaders give to Administration officials who want to be helpful to Indian Country?

Jackie Pata mentioned that all the tribes that responded to the White House on time got their first choice for their preferred breakouts.

**Discussion on Breakout 1: Creating Jobs and Growing Tribal Economies**

*Addresses: access to capital, tax, energy, workforce development, and access to national and international markets.*

Steve Ortiz, Tribal Chairman, Prairie Band of Potawatomi Nation: Issue in Indian Country is that we can't do the same thing that cities and counties do. They can bring in Mars candy and offer a development credit and other incentives. We can't do employer tax credits. Jackie Pata said you should be able to do some. Perhaps it's a lack of information of selling these. Accelerated depreciation tax credit is there but it's not for longer than 10 years. More on an equal footing. Jackie Pata said for these tax issues, you should all attend the IRS consultation. Look at benefit packages and benefit issues.

Ed Thomas: no difficulty with the clause you have on energy. We have an absence of energy and high cost of energy which impacts transportation, home heating and all those things. Hope we can expand on energy to include what the high cost of energy is doing to our communities. Another, challenge against 8a are really counterproductive in the jobs creation and administration. He has a hard time understanding why the President doesn't take a firm stand on this. His own party is creating the problem. A strong voice from the Administration to McCaskill will go a long way on these hearings and amendments.

Jackie Pata: on energy, this was just an accumulation. If you have suggestions on this issue, send those and how to reduce the cost of fuel in AK. Can we use the DOD.

Ed Thomas: general welfare assistance is good, and HUD house payments. We need stability in family incomes.

Jackie Pata on 8a: McCaskill has just introduced 2 more amendments. Ed's point is a good point. But the Administration will be cautious. Sole source is under attack. DOJ is under attack for Muffin gate. Government contracting is a political football. We need to make sure minority contracting is protected.

Irene Cuch: this is an important topic. Her tribe and others in the Western area are oil and gas energy producing tribes. The oil and gas is the main source of revenue. It helps fund out our tribal government and other purposes. There is a bill by Don Young. The Indian energy bill. It will provide access to capital, workforce development. It has a base for creating jobs. Some of the issues is with BIA, a backlog on permitting, access permitting permits to allow companies to drill and also with BLM. We are behind. We have testified numerous times before the BIA and other hearings on energy. We hope this goes through. President Obama if he wants to help, we would like to see him sign this bill. We are not a casino tribe. Utah won't allow gambling in the state. This is a major source of revenue. We need the backlogs addressed to allow more production. We have been testifying with the large land based tribes and we hope it will become reality.

Jackie Pata summarized that the “asks” are:

- That the President should support the Indian energy bill all the way through enactment; and
- Address the backlogs on energy permitting and permits.

Joe Garcia: In the case of energy development, it exists across all Indian Country. The bill provides for outside entities to set up shop on Indian lands, but it doesn't really help tribes to do the energy development. That's not just the raw energy but also the grid system. The grid exists in every land base that Indians live on. The Indian energy bill doesn't include this yet. Storage of energy needs to be a part too. In light of that, you can't develop unless you have the workforce to do it. If your people aren't trained, where will the workforce come from. It will come from outside the tribal base. Workforce development will be a longer term effort. Think about education – it takes a long time to train. It has to be a longer term plan. Education has to be included but it is longer term.

Other piece: tribal governments are not set up to do economic development. The business arms should be doing business development. This should be a tribal initiative. If you do that you may have access to more capital. If you don't have a tax base and tax code, it will be hard to collect taxes. There is a lot of construction and where is that tax money going? It's going to the state, not the tribe. We need to talk to IRS and maybe OMB.

Jackie Pata: we need more recommendations for workforce development. Joe is right – everything we ask for in the jobs initiatives are short term issues, but we need long term capacity building and training. On taxation and tribal corporations, Treasury asked to look at economic arms that are arms of the government should have tax exemptions. That is a good point to put forward. They are open to listening to that and may do something about.

Jose Aguto, NCAI staff, provided a summary of the Barasso energy bill. Barasso's bill is modest, seeking amendments to the energy policy act to streamline process for tribes to develop. Making easier the process for tribes to have TERAs. DOI oversight is eliminated and tribes can access their resources. Bio mass demonstration project. We continue to work with tribal leaders to get a hearing. Young's bill would make these processes even easier for tribes. There wouldn't be a capacity determination. With transmission, we are working with DOE. A legislative fix is a difficult sell. The way that entities get into the queue is subjective. FERC and DOE are part. There needs to be tribal representation on these planning boards. With storage, there is no provision that we have advocated for tribes to have energy storage. We are working on demonstration projects, more with agency than congress.

Jackie Pata: this administration can appoint tribal reps to these boards and commissions.

Joe Garcia: same thing goes for telecommunication development. This area is wide open but we need support from the FCC and documents that are being developed as we speak. Tribes need to be engaged.

Jackie Pata: broadband build out is important to the administration.

Leo Nolan: Onondaga. We need a stamp for products that are “Made in Indian Country”. Onondaga has invested in vertical greenhouses. Sweden invested in it. Shanghai, Singapore, but not US. We need access to international markets. Four years ago, he knew 4 Indian people with MBAs. With Indian gaming, Indians didn't have MBAs. We need upper level, higher level people to run these businesses.



Jackie Pata: on Made in Indian Country. USDA is interested in this. Food products – making sure they have Native food stamps. A lot of folks like Indian wild rice and selling under pretense that it's Indian food. A senior official at commerce is interested in international trade and Indian Country. He's interested in finding ways for tribes to navigate internationally.

**Tribal Leader Discussion on Breakout 2: Promoting Strong and Safe Tribal Communities**

*Addresses: Tribal Law & Order Act implementation, violence against Native women, and homeland security and emergency preparedness*

Jackie Pata: there may be an announcement about Stafford Act fix. There needs to be support for the Kildee bill.

Joe Garcia: one of our pueblos was hit by a disaster. We couldn't get help from FEMA. VAWA is also up for reauthorization. VAWA allows for tribes to have jurisdiction over non-Indians. It should go a step further and fix Oliphant.

Jackie Pata; when you communicate that, thank DOJ for their support and the VAWA bill.

Joe: on TLOA, we have talked about how the funds need to be there to implement it.

Jefferson Keel: when we talk about safe communities, we should talk about our youth. Youth that are institutionalized come out harder than when they went in. Gangs are also an issue.

Pauma band vice chair: her concern was FEMA. She trained in MD and was shocked because they had no clue what Indian Country goes through with disasters. Wild fires. La Jolla Band was 90 % wiped out. We had no help. She did FEMA training. They didn't have tribal geared training. In October, training was provided for tribes: disasters, earthquakes, floods. We were able to be prepared. How can we have a seat at the table with Homeland Security and FEMA. She found out, help grows with bigger populations. Her tribe had 250 people. They went to the cities first to help them.

Jackie Pata said Janet Napolitano was going to attend Annual but then didn't. You should mention this to Napolitano. They are still dealing with border issues too. That is a great ask.

Eugene White Bird, Leech Lake Band of Ojibwe: three issues. 1) childcare; 2) Early childhood program funding. 3) Keep childcare funding.

Thomas O'Rourke, Yurok. There are many ways to create safe communities. Need funding for law enforcement. He is in a 280 state. His reservation is lawless. We don't have manpower to move the criminals out.

Yavapai: we are sending our people off of our lands.

Comment: We have a Nature Deficit Disorder: we are de-sensitizing kids to have no connection to Mother Nature. With NPS, we need some of these concessions. They are the ones making money in our homelands.

Leonard Harjo. He proposed that we need reentry programs for juveniles. Recommend with respect to the Department of Homeland security that we have a program established similar to the General Assistance Program that is available for tribes at EPA.

Robin, Cheyenne River Sioux: on homeland security, an amendment to the Stafford act is so important. It's such a timely process going through the state. It's up to the governor. We are competing with the bigger counties and metro areas. We are getting peanuts. This would be the promised government to government relationship. Some tribes got declarations in two days, but we were without for a long time. Getting a declaration is a very cumbersome process. We need individual assessments for declarations. We have 16,000 members, 9,000 residing on the reservation. We couldn't get an assessment. All the pipes were broke and then black mold. We talked about this in Rapid City at NCAI. We should all push for this amendment.

Frank Summers, Klamath, general council member. On strong and safe tribal communities. He is an educator. Gangs are in our schools and in our Native communities. Working with DOJ in OR. Warm Springs has multiple cases of gang violence. Funding needs to be targeted for gang violence. He talked to a Yakama educator; the cartels are making their way into tribal communities. That should be addressed.

Glen, vice chair, Tulalip. Two leads back to question number one. You can't have strong communities without the power to tax. There needs to be a process that defines tribes' ability to do that. Until we do that, we will always go back to the government asking for money. It shouldn't matter whether tribes collect it or counties.

John Dossett: TLOA has been a terrific initiative. The TLOA commission met. They attorneys are already talking about the good implementation. We always knew it was always half a funding issue. The administration has proposed funding for tribal law and order programs. Many of you have supported this. When we were on the Hill, they told us they were hearing from you. When Congress was working on the minibus appropriations bill, all those plans fell through. The additional 100 million dollars didn't happen. But because of the new budget caps, the existing programs levels were cut. OJP Indian Assistance has been running at about a \$50 million level. This covers jails, courts, alcohol and substance abuse. All of that was lumped to \$38 million. That will be difficult. Tribal jails and courts are already operating on the margin. COPS was also cut from 40 to 35 million. Youth program was reduced. \$25 million to \$10 million. Not only did we not get the increases but got cuts. State and local governments also saw cuts. They aren't happy either. We could perhaps team up with the NGA and make a stronger case for getting law enforcement restored. The DOJ budget was substituting for increases in base funding at BIA. The DOI bill has yet to go through congress yet. It's still possible to talk to the Interior appropriations members. On CTAS, that is the combined tribal assistance solicitation. There are some complaints but there is an opportunity to get access to general DOJ funds. The CTAS program can be a way for tribes to be more competitive in the programs. That's a small update.

**Tribal Leader Discussion on Breakout 3: Protecting Natural Resources and Respect for Cultural Rights**  
*Addresses: land issues, trust reform, natural resources, water rights, environmental protection, Alaska Native subsistence, sacred sites, cultural protection, climate change, and agriculture programs.*

Micah McCarty, Makah. He's concerned about some areas. There is a conservationist agenda in some of the key appointments who don't want to recognize treaty resource property rights. Ocean going tribes and others, NGOs don't want to recognize property rights. They are trying to make the case that all of the resources of the nation are public trust.

Jackie Pata: NCAI's document on sacred sites – entitlement of tribes comes first before we even think about co-management.

Micah: on a cabinet level representative and the commission, he would support, but also, we have a small group on calling on the President to direct that there will be a multi departmental discussion on ocean policy issues.

Jackie Pata: we have general statements on interagency coordination on all these issues.

Hoop Valley Tribe representative: request is could he send a directive that would state they would no longer draft promote or propose language that would diminish, limit or terminate the US trust obligations for specific natural resources. Or could he say, if a bill is going to do that, the tribe doesn't agree to it, that he not allow that.

Jackie Pata: you can say that, but it's challenging when we get into implementation. Such as the placement of cell towers in Indian Country. We wanted to make sure that Indian Country had a chance to review those applications especially with sacred sites. There were a lot of cell towers being places over a few years. We came up with a game plan. It took a while to get FCC to do that. We can use examples of how we have worked through those issues.

HUD 106 issues. When HUD defers their responsibility on sacred sites, we still haven't been able to deal with this.

Shenan Atcitty. Jicarilla Apache relies heavily on oil and gas. Our suggestion should be we need accountability with respect to enforcement and compliance and make sure the royalties are properly paid...the lack of those results in a direct loss of a tremendous amount of money based on non-renewable resources.

Brooklyn Baptiste, Nez Perce: ESA. We have salmon, wolf, others delisted. Those have been legislatively fixed. We helped reintroduce the wolf into the Rockies. There was the Hanford. ESA definitely needs to be addressed but we need to follow the process. Doc Hastings and the western govts held a meeting to subvert the process.

Jackie Pata: along those lines, there is the eagle feathers issue too.

Jewell James: another issue, we need a commission to structure the UNDRIP. All these things are addressed in the declaration. With the Indian religion act, we have fixed some issues. But on trust reform, we're not just talking about the general allotment act, we're talking about non-competent Indians. We made the US a super power. The trust exists in perpetuity. The trust we're talking about exists nation to nation. We should be elevated at the same time as their children. The sacred trust of civilization. You only ratified all the treaties but you took the benefit of all of them.

Lee Wallace, Saxman. This area is important. We are getting involved internationally. In Canada, there are plans for massive gold mining. The rivers start in Canada but end in AK. There will be pollution. It could affect the salmon runs. There has been discussion, but we might be involved the Department of State in this issue with Canada.

Jackie Pata: if Dept of State is not represented there, make a point about it. State is the lead entity for the interagency coordination around UNDRIP. They need to be present. Related to gold mining is the Tar Sands issue. It will affect the Oglala aquifer. It is a major issue. The current situation: the president

has said the Tar Sands project and decision on that will be postponed for 18 months, which is after the election. The unions want jobs, environmentalists oppose.

**Tribal Leader Discussion on Breakout 4: Improving Access to Healthcare, Education, Housing, Infrastructure and Other Federal Services**

*Addresses: issues listed above and telecommunications, veterans, and youth issues.*

Cynthia Awhinona: on health, she'd like to see a bullet point on suicide prevention. It involves our youth ranging from 8-mid30s. She likes the part on the youth initiative. That would be helpful for suicide prevention in rural Alaska. One of the NCAI recommendations is school based...

Craig Masten, president of TEDNA. Many issues. When you look at all the issues in the other breakouts, they all have a tie to education. He encouraged tribal leaders to send a strong message to set education as a priority in a comprehensive way. It is the mechanism to send a message to our youth. They will be managing our resources, looking at our constitutions. They will prevent some of the negative trends we see. Support the Native CLASS Act. TEDs can provide the right infrastructure.

Jackie Pata said to reinforce that tribes want to be involved in education policy development.

Ed Thomas: On the adequate funding, how detailed do you think we should be? One of the problems is the inadequate funding of CHC, dollars to transport patients to a health center in a larger community. Same question on direct costs, we are way off on csc for facilities. How detailed should we be?

Jackie Pata said maybe give enough information: these are not the number crunchers. For example, on contract health, you could say my concern there aren't enough contract health dollars, and even after efforts to address this issue, the shortfall has resulted in this situation. Many of these Administration officials will be compelled by the emotions and connections – how is this problem affecting people and communities.

On education: ask for more funding for colleges and vocational training centers. MOUs to co-manage our tribal lands. But treaty rights should take precedence over stewardship MOUs. The constitution says the treaties are the supreme law of the land and the trade and commerce clause, and fifth amendment. Current laws treat us less than human. We are people, we are human beings.

Joe Garcia: in education, there is the silo effect. We have BIA schools, tribal schools, charter schools, public schools, then head start and early child hood. All are destroying. There's no continuity. The funding comes from different sources. Requirements and reporting should be coordinated. Head start is still using 1995 formula in 2011. You know that it's inadequate. The funding sources need to be better coordinated.

Jackie Pata: here is an example. We've had conversations about using the 477 model. More flexibility. It's around workforce development. There is no project that doesn't have multiple funding streams. We need a model for streamlining for less administrative burden and more money to go on the resources of developing, then it's a win for Indian country and the Administration. They are interested in this model. This is a good response for this budget deficit environment.

**Tribal Leader Discussion on Breakout 5: Strengthening the Government-to-Government Relationship**

*Addresses: consultation, federal funding, Carcieri fix, supporting tribal/state relationships, international issues, and federal data collection.*

Some of the previous discussion and regional report outs have addressed these issues.

One issue we haven't yet talked about is data collection. It drives a lot of our budgets. We are usually an asterisk in reports. Agencies collect a lot of info on us though. We need access to these data sets to fill the gaps of information. Especially now the Census has moved to a new model that gives us less robust data.

Carcieri fits here and in all the breakouts.

Jackie Pata on consultation: on agency's interpretation, they don't consult on staffing issues. Those are administrative responsibilities, but policy issues. There should be a consultation policy with NIH as they gather data and conduct research. Labor needs more emphasis.

**Prayer and Adjourned**

## REGIONAL BREAKOUT NOTES

### Combined Regional Conversation 1:

#### Eastern, Eastern OK, Southern Plains, Great Plains, Midwest, Rocky Mountain

Kitcki – for larger discussion, Eastern Tribes priorities are 1) Clean Carcieri Fix 2) budget and for regional dialogue will include also settlement acts for regional dialogue

Cheryl – how many tribes are treated differently vs. tribes w/ full sovereignty and ability to govern tribal lands and peoples. SE – restricted settlement acts and true sovereignty irrespective of location, how we're recognized – tribes in SE and CA have similar experience. Want to know of others to elevate collectively.

We are federally recognized, but after that sovereignty limited by settlement act which was a condition placed on our ability to become federally recognized.

A lot of inequity between tribes vis-à-vis federal government depending on level of sovereignty.

Judy – 1994 DOI tribal list – historic vs. non – historic tribes. List Act where they would be treated the same. IRA, some tribes don't fit under IRA – 1934 under fed. Jurisdiction. Tunica Biloxi Tribe – date of federal affirmance is not the issue.

Sherry – Great Plains – treaty tribes, upholding the treaties and nation-to-nation relationship

Judy – Cheryl – uphold the 1621 treaty and execution of fed trust responsibility

Kitcki – uphold trust responsibility

Eastern OK – 1) sustain current funding 2) tribal court system 3) water rights (sustainable economies – farming, irrigation – don't want state taking their entitlement)

Would support equity in sovereignty. Trust responsibility applies across the board – e.g. budget, sovereignty

Hiawatha – restricted settlement issue applies to 8 tribes. Carcieri applies to all tribes. Directly impacts tribal sovereignty. We won't get all from the feds what we need. Need to go national then follow through regionally and individually. But this week, need to be national.

Judy – Gun Lake Tribe (MI) got land in trust after Carcieri. Patchek, not directly affected, DC Circuit, granted a right to challenge and quiet title act. Anyone can challenge land into trust application. In Supreme Court. Any person can challenge a land into trust application for 6 years. Will cost you money and time. Solution is a fix. Every tribe is affected.

Cheyenne River Sioux Tribe rep - Great Plains priorities issues — Water issue – under the Army Corps – asking for assistance to be self-sustaining and self-governance. We have 76 percent poverty. Poorest counties in US. Keystone pipeline also one of our major issues. Want 5 minutes to push 1) water issues 2) Keystone. If we don't have our water, we have nothing – no infrastructure, jobs, except none of it is stored. No water, e.g., no help for people with diabetes. Do support PACT Act, Carcieri, Keystone

Cedric Black Eagle (Crow) – one of the 12 last year. We all have urgent major priorities. We should be given the opportunity to state our priorities.

The priorities we established from last year, some have been addressed and some not. \$1.2 trillion cut from super-committee – budget (BIA TR should not be part of the budget cut)

Pres. Steele – agree with Eastern Tribes re. budgetary issues. Agree with Chairman Black Eagle that regional concerns on the priority list. For OST, Keystone pipeline. We see Rancherias and small tribes historically taking our housing and transportation moneys. Some object to that. Hard feelings. See the possibility of small tribes taking our health care moneys. Definition of an Indian.

Budget is one. Carcieri might be one. We need to discuss. It doesn't impact us right now, but the Patchek case is going to affect us. Hicks v. Nevada and PL 280 does not affect us. We have regulatory authority over the airwaves. FCC says we own, regulate and operate. On 9/11 NARF and NCAI wanted to grant us sovereignty. I objected. Who's the US to grant us sovereignty? You have it, enforce it, or you don't. We're all different. But we all have act sovereign. NCAI can help us.

Re. our internal conflicts re. money – we're going to have to fight those fights. In transportation, we used to get 75% and now only 15%. We think states are using tribes taking out moneys, taking advantage and double dipping.

Common issues – BIA did not receive budget cuts – we attributed to Congressional delegation who came to Indian Country.

EO is just that, it should be legislation. Would like to push an EO on our relationship with the US gov't. Housing and health care.

Leader after Pres. Steele - Water rights. Sovereignty

Kitcki - between the 12 to meet with the President, we have 6 regions here. Each tribe has the opportunity to bring forth regional priorities. But here is 6 of the 12 regions are rep. If we all put forth budget and Carcieri with the President at the larger meeting it will be repeated 6 times to him.

Cheryl – the overarching issue is not upholding treaty rights or equity in Indian Country. Carcieri fix. Trust responsibility and sovereignty issue. We need more time than for just 1 or 2 priorities.

**Combined Regional Conversation 2:  
Pacific & Northwest**

Northwest priorities:

- Land and natural resources
- Trust responsibility, reform, and relationships
- Super Committee budget recommendations
- Federal taxation
- Basic trust commitments

Comments on these priorities and those from the Pacific region:

- Most important factor is the ask – keep it simple, narrow it down to 1 ask
- Must go after what attacks our foundation
- Taxation issues diminish our sovereignty
- Need an American Indian/Alaska Native commission for permanent change and accountability
- How can we hold the feds more accountable for treaties
- Court decisions can cause long-term damage
- We are becoming simply citizens' groups
- We need to use their rules to define ours, turn around what they're using against you
- Is there a single issue/question that we want to raise at the meeting?
- Why are states not collaborating with tribes when we provide the services and meet the needs of our people
- Implement UNDRIP, reference it whenever possible
- Taxation: you are reinterpreting precedent and the laws, we need the ability to tax to strengthen our governments, the Constitution says we can't be taxed
- Need consultation with OMB to raise our own revenues



**Combined Regional Conversation 3:  
Southwest, Navajo and Western Regions (Navajo Priorities Follow General Notes)**

- PROPOSED NUMBER 1 PRIORITY: As part of the Executive Order (EO) it should include OMB to set up their own policy on how they work with tribes
  - We need to work with OMB, EO states that OMB should be receiving consultation plans from the departments – OMB should establish its own consultation process to understand fully, OMB should have clear understanding of what tribal governments are and should have a policy for government to government relationship
- Biggest issue in SW: water rights, lack of funding to address from legal standpoint, trust responsibility for BIA
- Natural resources: oil/gas production, coal, companies that set up shop on reservations not held accountable for monitoring how much oil is extracted – tribe should know how much revenue it should be generating couple with how much is being extracted. Companies need to be held accountable
  - How do we enforce this/comply?
  - Feds are responsible for holding lands in trust
- Sacred sites: in NM a couple of sites were recognized, similar to Arizona tribes
  - Chairmen Hayes: USDA works with sacred sites, we need to work with them not DOI
  - Ought to be interdepartmental coordination: BIA, USFS, BLM, etc.
  - Las canchas fire: Jemez affected, USFS told tribe they could not assist, would only go as far as the reservation boundary
  - Chairman Rambler: need to strengthen NAGPRA, need to create legislation to protect sacred sites, need to have an oversight hearing at SCIA on sacred sites
  - Fort McDowell having similar issues, state not recognizing government to government consultations with interior and other agencies/companies
- Terry Rambler: bill going before congress, hr 1904, passed by the house now going to appear before the senate, need to defeat bill or it will affect sacred site – Oak Flat, Mount Taylor, SF Peaks
  - Rosemont mine in AZ
  - Uranium mining in grand canyon
- Border patrol issues/homeland security: Tohono O’odham Nation doesn’t have enough funds to man that boundary with Mexico
- Funding: fundamental to understand, every dept. tribes receive funding from, all contingent on where money is generated from
  - OMB collaborates with the President to determine funding for other departmental agencies
  - PRIORITY: EO states that they’re needs to be an Indian office in all agencies, but OMB does not have one
  - If we don’t understand the budgeting process then we will get caught up in arguments with no validity
  - All funding is ‘one size fits all’ – tribes are different, funding should be allocated differently
  - HUD funding – per capita tribes are not eligible for funding, put restrictions on us 184 HUD loans – some membership still do not qualify – administration should be flexible and also work on legislative fix

- We're given 3 years to spend that money, but we need to conduct environmental assessments, SE AZ land exchange – private companies are receiving development opportunities
- NAHSDA requirement: HEARTH Act will address these issues
- HUD Office in SW region: take prolonged time to process requests/environmental assessments
- NAHSDA restrictions need to be cleared up
  - We need to be invited when they're making these decisions
- Education: can't just go to BIE/BIA, President and OMB need to allocate monies for tribal schools/education
  - Education system should be integrated: headstart, elementary, high school, but funding sources are integrated together. Administration does not coordinate with multiple entities that provide educational services to tribes
  - These agencies/programs/departments need to be integrated. Need coordination with states.
  - Need availability of native languages in curriculum; funding comes from federal government but states receive monies
- Funding: discretionary funding for tribes should be changed to mandatory funding/base line budgets. Funding for tribes is not mandated, listed as discretionary, not guaranteed
  - President has been successful in preserving funds for tribal programs but need to ensure that these are not listed as discretionary funds in the future
- Tribal law enforcement: TLOA, good provisions but if there are no funding provisions then how can we implement?
- Advocate for self-determination across the board with all federal agencies, streamline programs to tribes
- We need to have direct relationship with Congress/President, expand 638 to all Indian programs
  - If 638 housing programs
  - 477 changes underway w/o consultation, BIA and IHS
- Need a cabinet secretary level position for Indian affairs within the administration
- Establish a 'WH Commission of Indian affairs' that would establish a relationship with the tribes
- EO has a little bit of teeth, but not really effective until became law in NM – mandated by law to agencies and entities that they should provide these services/representation of tribal communities
  - EO needs congressional passage to become law and enforced more strongly
- 65/235 representatives have districts that represent Indian country
  - tribes are part of the American family of governments – commerce clause, EO's, congressional acts, treaties, and supreme court cases
  - need to keep pushing for tribal sovereignty

**Navajo Priorities (as shared by Navajo Nation)**

1. Developing and Maintaining Sustainable Economies –
  - a. The Navajo Nation asks the Administration to support economic development and guarantee tribes equal treatment under the law by according tribal governments the same treatment as state and local governments for tax and finance matters.
  - b. We maintain that the following federal programs be strengthened and improved for use in Indian Country
    - i. EB5 – Foreign Investment Program
    - ii. NMTC – New Market Tax Credit
    - iii. US Department of Treasury’s Native CDFI
  - c. The Navajo Nation further recommends the following actions to spur Economic Prosperity on the Navajo Nation.
    - i. The primary policy change needed is the ability by the Navajo Nation to manage Navajo Trust Lands without federal intervention and pursuant to Navajo laws and regulations.
    - ii. Federal policy must also address the exercise of State authority on the Navajo Nation, which is contrary to the United States Constitution and the Treaty between the Navajo Nation and the United States.
  - d. The Navajo Nation applauds the Administration’s strong support of the Navajo Gallup Water Supply project. This project is indicative of a government-to-government collaborative working relationship.
    - i. The project not only supplies safe drinking water to the over 40% of Navajo residents without running water it also has:
      1. Created jobs
      2. Allowed the Navajo Nation to exercise its permitting authority
      3. Built unique collaborations among federal agencies and the Navajo Nation resulting in streamlined processes.
2. Protecting and Improving Funding Streams for Mission Critical Services–The Navajo Nation provides core governmental services–Education, Law Enforcement, Roads, Court Systems, and Health Care. As functioning governments we need direct (non state) funding and long-term plans from agencies that outline how the Navajo Nation will have sustained funding to provide essential services for the Navajo people. Some key areas:
  1. Roads: The Navajo Nation requests adequate funding levels for the Indian Reservation Roads program that fairly distributes funds to actual Indian Reservation Roads and that the formula funding mechanism be evaluated with a clear definition and programmatic intent in mind.
  2. Law Enforcement: The Navajo Nation requests law enforcement funds that takes into account the size and climate of demographics and land base. Special Programs and Pool Overhead (SPP) Direct Costs of \$22 million specifically supports 80% of salary and benefits of 330 commissioned and 220 support staff within Law Enforcement (Police, Criminal Investigations and Corrections) operating on a 24/7 schedule. Since FY’06, the law enforcement shortfall has exceeded \$3.8 million dollars annually. The established national benchmarks for police services in rural environments is 2.5 police officers per 1,000, the Navajo Nation is at admonishing rate of .8 per 1,000 almost 1.7 below the national average reflecting on individual burn-out working beyond 40 hours a week, coverage when co-worker is absent for leave, training or special assignment, delay of

police reports due to multi investigations and follow-ups, limited court appearances, non-compliant with certified training and weapon re-qualifications. The Tribal Priority Allocation (TPA) within the federal budget system ignores the essential needs of (SPP) programs that are stagnating for law enforcement and court programs.

3. Health: The Navajo Nation is committed to the health and well being of every citizen on Navajo land. As such the Division of Health is developing a 10-year wellness plan to address the most chronic problems on the Navajo Nation including diabetes and substance abuse. We have appointed a new Medical Advisor and Chief Medical Officer who will work to develop this comprehensive plan. We request that the HHS/IHS assist in working with the Navajo Nation to develop the plan.

### 3. Meaningful Consultation and Respecting Tribal Sovereignty –

1. While Federal Agencies have consultation policies in place, there should be a mechanism for input throughout the regulatory policy process
2. While every agency has consultation policies there is still a lack of follow through by some portions of various agencies to provide for meaningful input
3. Consultation should be enforceable.
4. A key component of respecting tribal sovereignty is allowing for tribes to develop and protect key natural resources including water settlements.
  1. Detrimental Regulatory Reform: One prime example of the lack of meaningful consultation is apparent within the US EPA. The Navajo Nation is faced, once again, with the EPA making decisions that will adversely affect the ability of the Navajo People to achieve a sustainable standard of living. First, the EPA withdrew an issued air quality permit for the Desert Rock Energy Project, now the EPA is considering MACT and BART rules that will threaten to raise the operational costs for two coal fired power plants on the Navajo Nation. In addition to the EPA systematically destroying the Navajo economy, these policies risk raising the costs of Central Arizona Project water, threatening tribal water settlements and the ability of several tribes and cities with high cost water. The EPA is very quickly becoming the cause and the face of poverty in Indian Country. This is especially apparent when Indian Country faces obstacles that other areas of the country do not.
  2. Water Settlements: The Navajo Nation's size and location mean that the Nation faces unique challenges in quantifying its water rights. The Nation is currently implementing a settlement of the majority of its claims in New Mexico approved by Congress and signed by the President in 2009. The Nation is engaged in settlement negotiations to resolve its water rights claims in Utah and Arizona. The Nation is a party in two water rights adjudications concerning satellite communities of the Nation. Despite the importance of these issues, and despite the repeated requests of both the Navajo Nation and the State of Utah, Interior has failed to provide a federal negotiating team to assist in taking the final steps necessary to approve the settlement with Utah and secure Congressional ratification. The United States must support tribes that have done the technical and legal work necessary to settle their water rights claims.

#### **Combined Regional Conversation 4:**

##### **Alaska**

Cynthia Ahwinona said the Indian Reservation Roads funding formula will affect Alaska. Environment and Public Works will change the funding formula. AK will have major changes. The proposal will have population as a variable and will cut funding in half for AK. SCIA will have a briefing on transportation at 10:30. That formula based legislation will be discussed.

Designate someone to discuss subsistence. Ketchikan rep: Obama said subsistence was broken. Larry Echohawk came to AK three times. Subsistence is still broken. The only way to change this is the subsistence board. He was surprised to see how much power NOAA has over subsistence in AK. Unless they change that federal subsistence board, nothing is going to change. In AK, and Yukon, in SE, we didn't get any fishing for sockeye. Another issue facing us is the rural status for the various villages in AK. Saxman was informed that they would lose their rural status by 2012 for subsistence. Ketchikan applied for this and was denied. What family can live off of 15 fish? You can't. We as gatherers, we know best how much we can take and what we need to survive for the winter months. The message we need to take to DC is to change the makeup of the federal subsistence board.

Ron Leighton said there also has to be a cultural schedule. There needs to be a cultural schedule so that tribes located in urban areas to satisfy their needs. When ANCSA was passed, it was going to be put in but then changed to rural preference. Tribes located in urban areas should be able to go out and gather for their needs. Another issue is the over population of sea otters and they are devastating other resources. The secretary of commerce should take away the substantially altered hides. That was done outside of the scope of the constitution of the US that only Congress can regulate tribes.

Ed Thomas has a different take on subsistence fixes. When the Sec talked to tribes, he appointed former state legislators. In AK, we have never had the state buy into subsistence. The legislature always blocked subsistence. He mentions that he agrees with the fixes, but there has to be a willing partner. We won't have a change on the board. The other thing is no matter who is doing what in AK, they are not doing the federal responsibility for budgeting for managing the federal resources. If you don't have the money, you have to defer to the state. Someone needs to stand up for management resources to see changes in the implementation of policies. They will ask us to cut other programs in BIA to do this work, which is insincere. AFN had a meeting on subsistence and the state had some listening sessions, but we go nowhere. Who is in charge of federal subsistence in AK? There is no one in charge. Nobody is challenging.

Jackie said that the AK region is lucky in the regional caucus because Secretary Salazar is going to attend. It's important to have that dialogue.

With the coastal management issues, and giving up those abilities, how does that affect Alaska? It trickles into economic development. How does that affect Alaska? He knows there wasn't any room for tribal seats, and that the state came forward to represent tribes in AK, which they don't. President Obama implemented the coastal zone management when it first came out. It was low key. We haven't been afforded an opportunity to participate, and it will affect tribes. We have to come forward united, and confront the state about their own constitution. They say they will disclaim any right to tribes. Why would you represent tribes on the coastal management zone?

Ed Thomas: issue of the Carcieri fix. He agrees with the legislation proposed without the language offered by Cole. But we are meeting with the Administration. They can say they will take those three

words, "except in Alaska" out, which was put in there during Venetie. Governor Sheffield at that time put it in. there is no legal foundation for them to have that language in there.

This morning's session was good, and we all agree that subsistence has been on our radar for a long time. Saxman, we are up to lose our rule of status in 2012. We agree that the system is broken. There are announcements for review but it's slow. The conversation is with the wrong people. Dealing with the federal subsistence board in Anchorage is the wrong group. We wrote to USDA and DOI. We haven't received a reply. We believe that it could be administratively fixed. The arbitrary criteria used that Saxman is too close to Ketchikan is wrong. We are a small village of 400 people. Hopefully we will have this conversation with the right people. We go to the FSB, but our issues are not dealt with. The next level is with the Secretaries. He has a copy of the letter and will show there is no reply. When a nation sends a letter, you expect a reply. WE hope for a reply this week. In 2009, we all felt positive when we left, and it is 2 years later, and nothing really has been done. We feel strongly about these two issues. There is no cost. This should be easy to fix. He also knows about IRR. High priority projects are going to be cut. Small and needy tribes, and HPP projects were put in to help tribes like in AK. If they cut that program, it will be a bad thing. Jackie said this is good to mention to the Secretary.

Ed said the budget should be a strong part of our discussion. We cannot afford a cut in our communities. The safety net of these programs is critical. We haven't had adjustments for the high cost of energy and living. Not just BIA, but TANF, any of those programs that provide a safety net. We have high unemployment, weak economies, and climate harshness.

**Subsistence, IRR, coastal management zone, Carcieri fix, budget are the major priorities.**

On budget: it really does start with the President and OMB. If you look at DOI, even though we got some increases, nothing compared to parks and other pet projects. OMB will listen to the President and then the Secretaries. Those are the two main actors.

Ed says: the argument is that well, you have to fight with Republicans. But if you look at the DOI's budget request, Parks got a raise and BIA got reductions proposed. It doesn't make a good argument that everyone is having to take cuts. We have to make the argument defensible.

Cynthia: 2012 is an election year and it's going to affect our budgets. The Democrats are going to say you have to work with Republicans.

Who is the spokesperson? In our listening session, we will have more people. He'd like to say a few words on the budget. Ed Thomas asked how many times do we have to say things? He will talk about the historical perspective, and someone can talk about the positive recommendations. He really thinks that we have to bring to their attention that we have continually asked.

Ed is right. We have to talk about the budget. There are massive impending cuts. It's really sad that the super committee couldn't come to an agreement. Now congress will make the big decisions. We have to convince them to keep our funding the same. 1.2 trillion in cuts is a lot. With all those things, unity with all nations, have to have the same message to not cut the budget on our programs. If they cut 17% across the board, we are in trouble. We can't do that. There could be another depression. We should have all 12 leaders to say that. Yes we have other issues, but we can deal with those issues at the small breakout sessions. The budget for AIAN should be kept at the same level for the next ten years. Housing was proposed to be cut 2 years ago. That's the message we should bring to the President.

Another issue: taking those EOs and putting them into law. We need teeth to our asks. Ed always brings out the policies of how our budgets are decreasing. There has to be a stronger message, so maybe we can have some of these things put into law, instead of a policy change. These other things that we ask for will take fruition.

Comment: on the small tribes side, the budget is urgent. If my job was cut, that would mean 3 kids coming out of the school, and could shut down the whole tribe. If that school shuts down, then people will move out of the village. Any small cuts are huge to our villages.

Ed: it's important to point out the need issue. The high unemployment rates, the high cost of energy,...she wears multiple hats made up of little pockets of money. Remember the fuel costs isn't the only thing, but the high cost of transportation. You could cut the fuel costs, but there's the high cost to run the washeteria. It was built to ...power cost equalization. We need a utility cost equalization. Why do the state come in for Laundromats, and then they don't have any programs to keep them running. The cost of running it is nothing. There is lack of planning. The high cost of fuel is a big one. The cost of shipping food on the planes keeps going up. Cutting the budget...there are rising costs here, there is no equalization of everything. Our budget should go up to address the high cost of living. Is it proper time to nominate someone to represent us? Nominated Ed Thomas. There were already nominations on the teleconference.

Another process: we can only supply names, and they pick the person. If we have a person, we should be able to pick, and not the government picking. Ed said at our listening session at the Exec Office building on Thursday, we need to bring up the issue of representation. If you look at the TIBC, we have one rep for 230 tribes, which is not realistic. At the meeting with the president, it's not realistic. As times are tougher, we need at least 2 reps. They should have someone from NW, Interior, Western and then SE. We went through this for the President meeting last year. His preferred approach

You have to concentrate on the budget. If it were up to him, he would select Ed Thomas to represent us. Last year he was selected and didn't get one word in because other regions dominated. We should come to consensus that the budget is our number one issue. Our issues are subsistence, housing, those are the times to bring it to the breakout sessions.

He suggested that we can't really demand increases, but we might be able to be held harmless in our budgets.

Cynthia, we should continuity in our voice. She concurred that Ed should be our spokesperson. You know the history, the state, the budget process. If you sat in on the teleconference, everyone wanted to be selected. Out of consensus, we proved ourselves with the Murkowski campaign that we can be united. AK has to be united, especially on subsistence. He hopes that all the tribes will support Saxman. AK should be first to speak out, we are the youngest state out of AK and we should have 2 representatives.

Cynthia said NCAI addresses tribal issues. Programs are addressed at NCAI. Our issues are addressed nationally than at AFN.

SBA hub status: we just began learning programs and economic opportunities. There will be a listening session on hub zones after the change. The meeting will be January in Anchorage. It wasn't sent out as a notice.

**Subsistence, IRR, coastal management zone, Carcieri fix, budget**

- Budget: high cost of living/need, disparity at DOI (120M increase for NPS, while 120M cut/BIA)
  - The need is greater than ever because of high cost of energy
- Subsistence
  - Change DOI reps.
    - Kim Elton and Ted bersheau (why are there people in there who are non-stakeholders.
  - The makeup of the board
  - A cultural schedule
  - Budget for management
  - Willing partner from State of Alaska
- Land into trust
  - Amend regs
    - No legal foundation
- Roads
  - Maintain existing IRR funding formula
- Representation on national boards, etc.
  - One person for 232 tribes is not realistic or fair.

We should always object to the “except in Alaska” language.

Ed Thomas: the relationship with the state is all over the place. OK is like us, CA, but we are targeted. We aren't that unique, but we make ourselves unique with this language. We have to fight it all the time. Our relationship between our tribes is with the federal government.

This will be the big picture ask, do we want to collectively speak these things at the regional breakout.

Maybe we should ask that when they listen, there should be ongoing communication with us ask to what they have been doing. We need to have a mechanism. There is a bullet point on accountability on most of these points. There should be some methodology.

On Subsistence; climate change is affecting subsistence. Tribes in urban areas

Question on NCAI booklet: protect natural resources.

Ron on the board of fish: said they would consult with tribes.

Saxman projects are based on HPP. Tribal shares is too small. Special programs included provisions that helped Alaska. EPW bill will cut this. That's our budget for Nome Eskimo too. The future inventory is being impacted by large land based tribes. We are playing catch up. It will be a fight, but Lisa and Don Young are aware of it and want to be kept informed of the progress. EPW is going for the population formula. We want to maintain the formula authorized under SAFETEA-LU because that protects the small and needy tribes. Our inventory is being looked at.

Ed: when you talk about roads, because they wouldn't certify our roads, we lost out on IRR money that went to other regions. We are way behind the curve in other regions. SE AK roads didn't get certified because they ran out of time. The contracting group didn't talk to the tribes. We found out through George Waters secondhand. Those years only have partial certification created a real lag in



implementation of SAFETEA-LU. We were able to inventory some non-BIA roads. We were being left out.

TH does federal highways instead of BIA. We are trying to get more of our region in a better way to advocate for our communities. Some moved to the Federal Highway Administration instead of BIA.

DRAFT: Not for Attribution