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001. plan	re: WSM Ground (2 pages)	07/01/1996	b(7)(E)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
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FOLDER TITLE:

Native Americans

2014-0046-S

rc1386

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



SPECIAL

Eliz

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

MEMBERS OF DOMESTIC POLICY COUNCIL WORKING GROUP ON AMERICAN INDIANS AND ALASKA NATIVES

FAX TRANSMITTAL FORM

NAME	AGENCY	FAX
TO: Ms. Susan Stroud	CNC	202-565-2781
Hon. Jill Long Thompson	USDA	202-720-2080
Deputy Secretary	DOC	202-482-3610
Hon. Sherry W. Goodman - <i>Peter Cobble</i>	DOD	703-693-7011
Hon. Gerald Tirozzi	DOEd	202-205-0303
Mr. Bob Alcock	DOE	202-586-0143
Hon. Philip R. Lee, M.D.	HHS	202-690-6960
Hon. Kevin E. Marchman	HUD	202-619-8478
Hon. Ada E. Deer	DOI/BIA	202-208-6334
Hon. Lois Schiffer	DOJ	202-514-0557
Hon. Timothy Barnacle / <i>Tom Dowd</i>	DOL	202-219-6827
Hon. Mozelle Thompson	Treasury	202-622-0265
Hon. Robert Perciasepe	EPA	202-260-5711
Mr. T. J. Glauthier	OMB	202-395-4639
Ms. Nancy-Ann Min	OMB	202-395-9119
Ms. Carol Rasco	WH	202-456-2878

FROM: Faith Roessel, Special Assistant to the Secretary

FAX: 202-208-7508

Phone: 202-208-5904

DATE: June 27, 1996

NUMBER OF PAGES INCLUDING COVER PAGE

REMARKS: Attached please find (1) a draft copy of the Minutes of the DPC Meeting held April 3, 1996. Your comments and additions are welcome, needed by COB Monday 06/01/96 (2) a reminder to the chairs of all subgroups that your new reports and comments on your activities from our April 3, 1996, meeting to present are due by **CLOSE OF BUSINESS, Friday, June 28, 1996**. The short turnaround on the reports are necessary in order to complete our notebooks by July 1, 1996, so that we can get them delivered to you ASAP. We really appreciate your all out effort on this; and (3) the next Working Group Meeting is being held **July 8, 1996, from 10:00-11:00 am, in room 5160** of the Main Interior Building. Secretary Babbitt and I are looking forward to meeting and seeing everyone once again. My secretary, Jackie Hough, has contacted your schedulers several times to remind them as well. Please advise your staff. Thanks. Questions can be directed to Jackie Hough, 202-208-5904 or via FAX 202-208-7508.

**Draft of Minutes of Working Group on
American Indians and Alaska Natives
Meeting held April 3, 1996**

The meeting of the Working Group was convened by the Honorable Bruce Babbitt, Secretary of the Interior, on April 3, 1996, at 10:00 a.m.

Secretary Babbitt welcomed members and their staff and then began the meeting.

OLD BUSINESS

Minutes of Last Meeting: There being no additions or comments, the minutes were approved.

Religious Freedom Executive Order: The Secretary reported on the status of the draft executive order on access to sacred sites. He stated that there is definitely something in the works and that he expected results shortly. He asked Lois Schiffer, Deputy Assistant Attorney General, DOJ, if she had any comments to which she replied she had none. The Secretary pointed out that this was a difficult issue whereby a great deal of preparation was put into the effort by all, with many questions being raised during the process. The Secretary said it had been a very complex and drawn out issue, but stated that he felt that something positive should be happening shortly.

Subgroup on Consultation - Federal and Tribal Consultation Process: Dominic Nessi, HUD, reported on the Federal/Tribal Consultation Process. He stated that he and Herb Becker, DOJ, were co-chairs on this and that given their huge workload, he asked for volunteers from other agencies to assist them. Dom stated that tribes have historically felt that they are not consulted on issues which impacted them directly and, this Administration should be more receptive due to President Clinton's Presidential Memorandum of April 29, 1994 which required, among other things, that federal agencies consult with Tribes.

Dom stated the Subgroup developed a concept paper on how consultation could be carried out by federal agencies and asked the Working Group for their comments. He stressed that at a minimum agencies could use Tribal associations, broadcast faxes, an annual "all issues" conference or posting announcements on the Internet as potential consultation tools. An Internet home page, "Codetalk" was developed and is now operating, although only a handful of agencies are regularly supplying information or linking to it. He reported that the initial concept paper prepared last year was distributed for comments to all agencies. Comments ranged from supportive to critical and that the latter usually indicated that the agency felt it performed at a much higher-level of consultation.

Dom said that despite increased consultation efforts by some agencies, it is not a uniform effort and tribes are still concerned that there is not a systematic manner in which to conduct consultation and that other agencies refuse to properly provide consultation opportunities. He recommended that a further clarifying statement on consultation by the President would be appropriate, but due to different agency organization structures, statutory authorizations, and administrative processes, a uniform manner of consultation was unlikely. Also, there is a concern that having only one system may actually lessen consultation at some agencies.

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Dom stated that at the request of the Working Group, the Consultation subgroup has developed the following proposal: 1) each agency should develop a general agency-wide Indian policy outlining its general direction on consultation, which a number of agencies have already completed e.g., HUD, DOJ, DOC, VA, EPA. 2) each agency should develop its own methods of consultation based on its internal requirements using tools it has available; and 3) as part of the decision-making process for major issues, each agency should develop a short "consultation plan" which will indicate to the American Indian community how consultation will be carried out on that particular issue. The consultation plan would be transmitted in the following manner:

- ▶ For regulations, each agency should include a section in every proposed or interim rule entitled "Consultation Plan". In this section, the agency would provide details on how it intends to consult on this issue. The agency may determine to simply use the Federal Register for comment and response in the matter in which it is traditionally used. Or it may wish to supplement the traditional process with meetings, conferences, broadcast faxes, and the like depending on the importance of the issue.
- ▶ For authorizations, each agency should determine if the proposal is of sufficient importance and/or controversy to develop a plan. If the agency deems the issue to be of interest to tribes in general, it will publish in the *Federal Register* a separate "Consultation Plan" which will list the manner in which consultation will be carried out.
- ▶ For appropriations, the Office of Management and Budget should solicit from each agency an appropriate plan for the receipt of input on tribal appropriation needs prior to the agency submitting its fiscal budget to OMB. Once received and compiled, OMB would publish in the Federal Register a "consultation plan" listing the process for each agency.

In addition to the above, each agency may utilize either the "Codetalk" home page or their own home page (with a link to "Codetalk") to list and make their various consultation plans know to the Tribes and the public. Each agency should also have their "American Indian Policy Statement" available at the same Internet source; and that each "consultation plan" should include sufficient time and access so that Tribes may provide input prior to the final decision being made. Dom reminded everyone that the publication of the "consultation plan" itself, should be completed well before the consultation process begins.

Dom also stated that it is the conclusion of the consultation subgroup, that this process will allow agencies the ability to continue to develop their own consultation efforts reflective of their own organizational requirements. At the same time, it provides individual tribes with advance notice on how to provide input on those issues of most importance to them.

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Secretary Babbitt noted now begins the proposals long journey. He stated he would like everyone's comments on the proposal by April 19, 1996. Bob Alcock of the Department of Energy asked the Secretary what is the goal and timing for this to reach the President's desk. The Secretary said that this is extremely important and that there are many issues to be addressed, but he suspected by late summertime.

Joann S. Morris, Office of Indian Education, BIA, urged everyone to bring this issue into the mainstream and that the Order ought to be signed.

Environment and Natural Resources Protection Subgroup: Terry Williams offered many thanks to Kate Vandemoer, Ph.D., for her assistance and how impressed he was with her interest and enthusiasm as co-chair of the newly tasked subgroup. He stated that the purpose of the subgroup is to analyze, catalogue and proposed mechanisms which will help ensure that agencies implement environmental and natural resources protection programs in Indian Country effectively and in accordance with the Clinton Administration's policy supporting Tribal self-governance and a government-to-government relationship with Tribes. The subgroup has three essential tasks:

1. Review and evaluate existing inter-departmental/agency natural resource and environmental coordination activities which assist Native Americans; and Alaska Natives;
2. Review and evaluate impediments to achieving goals for natural and cultural resource and environmental protection in Indian Country; and
3. Identify and evaluate opportunities for close coordination among agencies in meeting goals for natural resource and environmental protection in Indian Country.

He also said that a "gap analysis" of existing agency programs and coordination activities will be accomplished by comparing the matrices for each agency and across each resource issue. He also stated that the subgroup participants have identified a number of opportunities for closer coordination among agencies, including increasing tribal participation in implementation of NEPA.

The Secretary said this was a very complex issue and quite rewarding.

Department of the Treasury Report: Michael Barr stated that since the last meeting Treasury and the IRS have finalized the *Indian Assistance Handbook*, and it is at the printer. *The Handbook* was written to ensure that the administration of the tax laws as they affect Indian tribes is consistent across the Country. The Handbook was circulated to other agencies for comment on March 14, 1996, and Treasury met with interested agencies this past Friday.

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On April 5 and 6, 1996, Treasury is hosting a tribal gaming compliance conference in Orlando, Florida, and will release *The Handbook* to the invited 142 tribal leaders.

Michael also reported that the Office of the Comptroller of the Currency (OCC) plans to release an information guide for national banks, examiners, tribal governments and individuals on mortgage lending to residents of Indian reservations who face unique lending issues because of tribal jurisdiction and the status of trust lands. He reported that the CDFI Fund will be conducting a study this year of access barriers to capital facing American Indians.

Michael reported that on a broader front, on March 11, the President announced the new "brownfields" tax incentive. The incentive would permit new purchasers and others to deduct immediately the cost of environmental cleanup, rather than capitalizing the costs over the life of the property. He also stated that Treasury has released details of tax incentives for a proposed second round of Empowerment Zones and Enterprise Communities, including the brownfields incentive, private activity bonds, and additional section 179 expensing. Indian reservations are eligible to compete for designations. With that report Michael Barr excused himself and left the meeting.

Subgroup on Reinvention - Progress Report: Hilda Manuel, Deputy Commissioner, BIA reported that BIA and IHS continue to collaborate to address several reinvention issues. The agency's written report addresses the BIA/IHS Telecommunication Project and the BIA/IHS Non Medical Facilities Management and Employees Quarters Project, and the BIA has agreed to continue its work on two reinvention labs, one with the Oglala Sioux Laboratory and the other with the Navajo Nation.

Also, both BIA and IHS have responded in writing to the Mille Lacs Band of Ojibwa's funding proposal. BIA invited the Band to submit their proposal directly to the Deputy Commissioner, but to date, nothing has been received.

Dr. Robert Knouss of IHS reported that on the Non-Medical Facilities Management and Employees Quarters Project, both BIA and IHS have co-located facilities and employees quarters in many sites across the U.S. Some of the topics being explored are combining maintenance functions for non-medical facilities, combining quarters functions, consolidating ownership of all quarters et al., Pine Ridge, South Dakota maybe a possible site for sharing facilities.

Office of Management and Budget: Bruce Beard of OMB provided an update on the budget for FY 1996. He said we are on our ninth continuing resolution. OMB will continue to try to work on the FY 96 budget and then described the President's FY 97 request.

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DPC "ONE-YEAR LATER REPORT": Faith Roessel reported on behalf of Mike Schmidt who missed his flight back to Washington, D.C., Mike is asking that everyone update the *One Year Later Report* and get their updates to him by April 26, 1996. The deadline for this report is Friday, April 26, 1996.

DOI's Protection of Indian Trust Resources Procedures: Ada Deer distributed to the members a notebook entitled *Protection of Indian Trust Resource Procedures*. She stated that the Department of the Interior had completed a major step in advancing the principles and policies outlined in President Clinton's April 1994, memorandum on *Government-to-Government Relations with Native American Tribal Governments* and that this compilation demonstrates our commitment to greater intergovernmental communication and cooperation with the Tribes.

Ada noted that not only DOI, but every Federal Agency whose mission or activities affect Indian trust resources has a fiduciary responsibility to protect tribal health and safety, to fulfill all treaty and statutory obligations and to exercise utmost good faith in all dealings with tribal governments. She said this report will serve as a model for all federal agencies to build a more effective day-to-day working relationship with the tribes.

She asked that everyone review this notebook carefully and if they had any questions or desired further information that they could contact her office.

ADJOURNMENT

The Secretary thanked everyone and closed the meeting, stating that the target date for the next meeting is for early July, preferably the first week after July 4, 1996.

AMERICAN INDIAN ENVIRONMENTAL OFFICE

U.S. Environmental Protection Agency

401 M Street SW

Washington, DC 20460

Phone: (202)260-7939

FAX: (202)260-7509

SEND TO FAX # _____

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COVER + _____ PAGES

DELIVER IMMEDIATELY TO: Name: _____

Phone: _____

SENT BY: _____

TELEPHONE: _____

COMMENTS: _____

⇒ Directions to the Natural Resources
and Environment Subgroup meeting.

TO CONFIRM RECEIPT/REPORT TRANSMISSION PROBLEMS, CALL:

Name: _____

Barbara Leftwich

Telephone: _____

200-7939



UNITED STATES ENVIRONMENTAL PROTECTION
WASHINGTON, D.C. 20460

JUN 25 1996

SPECIAL

U.S. ENVIRONMENTAL PROTECTION
AGENCY

EPA FORM 1320-8 (4-73)

MEMORANDUM

SUBJECT: Third Meeting Tentatively Rescheduled for July 2

OFFICE OF
WATER

FROM: Tom Wall, Co-Chair *Tom Wall*
Dr. Catherine Vandemoer, Co-Chair *C Vandemoer*
Environment and Natural Resources Protection Subgroup

TO: Ms. Mary McNeil, Department of Agriculture
Mr. Len Richeson, Department of Defense
Honorable Robert Alcock (or designee), Department of Energy
Honorable Michael Trujillo (or designee), Indian Health Service
Ms. Faith Russel, Special Assistant to the Secretary, Department of Interior
Ms. Suzanne Schaeffer, Office of the Solicitor
Mr. Duncan Brown, United States Fish and Wildlife Service
Mr. Pete DeWitt, Office of the Assistant Secretary-Lands and Minerals
Management
Mr. Paul Dresler, Office of the Assistant Secretary-Water and Science
Ms. Hilda Manuel (or designee), Bureau of Indian Affairs
Mr. Craig Alexander, Department of Justice
Ms. Kalyn Free, Department of Justice
Mr. Mike Schmidt, White House Domestic Policy Council
Mr. Ray Clark, White House Council on Environmental Quality
Ms. Irene James, Office of Management and Budget
Mr. Zachery Church, Office of Management and Budget

*Notice of
Time
Change!*

We regret to inform you that we are rescheduling the third meeting of the Environment and Natural Resources Subgroup of the Domestic Policy Council Working Group on American Indians and Alaska Natives, for Tuesday, July 2, from 10:00 to 11:30 am, in the Conference Room of the U.S. Environmental Protection Agency's American Indian Environmental Office (Room 2209 NE Mall of EPA's Waterside Mall Complex, 401 M St., SW, at the Waterfront Metro stop on the Green Line). Attached is an agenda for the meeting. Please let one of us know as soon as possible if you will be unable to attend on July 2.

2-3:30pm

We apologize for any inconvenience rescheduling the meeting may cause you and look forward to seeing you or your designee on July 2. If you have any questions, please call one of us (Tom Wall, Associate Director of EPA's American Indian Environmental Office (AIEO), at (202) 260-1489, Dr. Catherine Vandemoer, Staff Assistant to the Assistant Secretary for Indian Affairs, at (202) 208-7163) or call Elizabeth Bell or Meghan Kelly of AIEO at (202) 260-7939.

Attachment

Withdrawal/Redaction Marker

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