



USET

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*Transmitted Electronically
To consultation@bia.gov*

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Scott J. Davis
Senior Advisor to the Secretary of the Interior
Exercising the Delegated Authority of the
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Senior Advisor Davis,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we submit these comments in response to an April 14, 2025, Dear Tribal Leader Letter (DTLL) announcing Tribal consultations by the Department of the Interior (DOI) on the development of its Agency Reorganization Plan under Executive Order (EO) 14210. On February 11, 2025, President Trump issued EO 14210 establishing the Department of Government Efficiency Workforce Optimization Initiative. In response, DOI is seeking input from Tribal Nations on making operational improvements and increasing efficiency and effective service delivery for Tribal Nations. On May 1, 2025, DOI issued a Second Addendum to its initial DTLL adding review of DOI's emergency permitting procedures under the President's National Energy Emergency Declaration as an additional item for consultation. While DOI announced several in-person and virtual consultations on its Workforce Optimization Initiative, USET SPF disagrees with the addition of emergency permitting procedures as another consultation topic due to the immense implications of these streamlined procedures on Tribal Nations and our natural and cultural resources. USET SPF's comments focus on both the concerns with DOI's Workforce Optimization Initiative and with DOI's emergency permitting procedures, and we offer recommendations to safeguard Tribal programs and services.

USET SPF is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe–Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mi'kmaq Nation (ME), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Tribe (VA) and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

USET SPF Comments on DOI's Workforce Efficiency Initiative

USET SPF understands that DOI held these Tribal consultations on its Workforce Efficiency Initiative in response to directives under EO 14210. However, following the issuance of EO 14210, Tribal Nations became immediately concerned about the potential impacts of this EO on federal personnel essential to the delivery of Tribal programs, services, and funds. Specifically, Sec. 3(c) of EO 14210 directs agencies to, “promptly undertake preparations to initiate large-scale reductions in force (RIFs),” which can have disastrous effects on Tribal program and service delivery, especially those personnel necessary for approval processes related to the award and release of federal funds. Since the issuance of EO 14210, we have witnessed actions taken across the federal government by agencies conducting RIFs or offering voluntary early retirements or deferred resignations, and we have seen the ramifications of these actions on the federal service and program delivery for Tribal Nations and Tribal citizens.

While we appreciate DOI initiating Tribal consultation on implementing operational improvements and identifying ways to improve programmatic service delivery to Indian Country, we remind DOI and its agencies that it must ensure that the delivery of these services and funds to Indian Country is not upended by RIFs of federal personnel essential to upholding these legally mandated trust and treaty obligations. Though DOI stated that RIFs would not be conducted on Indian Affairs personnel, DOI has still proceeded with offering deferred resignations and early retirement options prior to conclusion of its consultations on the Workforce Efficiency Initiative. These actions were taken with no contingency plan in place to hire or train the necessary personnel required to fulfill DOI's trust and treaty obligations to Indian Country. Rather than increasing efficiency and effectiveness to deliver programs, services, and funds to Tribal Nations and Tribal citizens, DOI's actions are counterproductive to these efforts and exacerbate long-standing resource deficiencies. Further, considering the loss of vital Tribal-serving personnel under the deferred resignation and early retirement programs, it has become critically important that DOI and its agencies focus on attracting and retaining personnel with institutional knowledge of Indian Country and our programs and develop plans to train essential staff necessary to carry out programmatic service delivery to Tribal Nations and Tribal citizens and communities.

DOI is seeking feedback on how to restructure Indian Affairs to support more efficient interactions with Tribal Nations, address current funding structures (including how to identify barriers to expedite funding to Tribal Nations and Tribal programs), and how to increase Tribal self-governance and self-determination. While USET SPF absolutely supports Tribal Nations pursuing self-governance and self-determination compacting and contracting agreements under the Indian Self-Determination and Education Assistance Act (ISDEAA), DOI must also consider that ISDEAA remains an unfolding process. The Department must recognize and respect Tribal Nation decision-making and where we are at in this process. In addition, financial trust and treaty obligation failures contribute to a Tribal Nations ability to be successful, especially those who don't have funds to subsidize these activities.

Considering questions posed by DOI seeking input on its Workforce Efficiency Initiative, and the above-stated concerns, USET SPF offers the following comments to DOI and its agencies with a Tribal-serving nexus to support self-governance and self-determination for Tribal Nations—

- **Concern with the pursuit of RIFs of Indian Affairs and other DOI agency personnel essential to Indian Country.** The federal government has consistently failed to uphold its trust and treaty obligations to Tribal Nations, and this is no more evident than in the persistent understaffing and under resourcing of Indian Affairs. As Tribal Nations continue to contend with these issues, USET SPF strongly opposes indiscriminate RIFs of Indian Affairs personnel as this would further exacerbate disparities, have significant negative impacts on Tribal Nations and economies, and impact surrounding communities that benefit from the services and economic opportunity we

provide. Further, we are concerned that any RIFs on Indian Affairs, and other agency personnel within DOI that provide services to Tribal Nations and/or citizens, will inevitably result in the loss of critical institutional knowledge. We are concerned that there appears to be no plan currently in place or being developed to respond to the diminished capacity, and the federal government needs adequate and knowledgeable people in order to deliver upon its trust and treaty obligations to Indian Country. Entire program staff are being eliminated through these workplace initiatives throughout the federal government without a plan for how to continue providing Tribal services, including the processing of vital funds. While we know and acknowledge there are individual DOI staff who may not meet their job requirements or create unnecessary barriers for Tribal Nations and our utilization of programs and funding, haphazardly conducting RIFs without a full assessment of how they will affect programmatic and service delivery is not the answer.

- **DOI must quickly replace and retain essential personnel necessary for the delivery of Tribal services and programs.** DOI personnel who have or will accept voluntary early retirement or deferred resignation options must immediately be replaced. USET SPF strongly urges DOI to develop short- and long-term plans to ensure that this will not result in further delays for the delivery of services or funds to Tribal Nations and Tribal citizens. This must include focusing on the replacement and rehiring of personnel necessary to fulfill these obligations. Further, all departing staff should provide detailed transition memos that can be shared with affected Tribal and federal partners. Moving forward, Indian Affairs must pursue the hiring of personnel to fill vacant positions that result from RIFs, voluntary early retirement, and deferred resignation, as well as those vacancies that have existed before these actions. This is especially important for the Office of Self-Governance, which is just one example of an agency that has been consistently and woefully understaffed, despite its critical charge. The loss of Tribal-serving personnel at DOI will potentially cause some unforeseen complications. DOI must immediately prepare for and pursue a level of regulatory and structural creativity and flexibility that serves our goals and priorities to improve existing processes and avoid further complications.

In addition, DOI should improve training for existing employees and work to retain experienced staff and invest in increasing the efficiency of the current workforce. This must include Tribal-Federal Relations Training across DOI and its agencies to equip federal employees to be knowledgeable and appropriately responsive to the unique issues and priorities of Tribal Nations and our citizens. Further, DOI should create a better system of review and accountability for all staff serving within Indian Affairs—and related bureaus, agencies, and offices serving Tribal Nations and citizens—so that any individual employees not meeting their job requirements are replaced swiftly rather than eliminating positions. DOI should ensure it has sufficiently staffed awarding official positions to quickly push money out to Tribal Nations and engage in swift decision-making to efficiently and effectively deliver these funds and fulfill trust and treaty obligations. Further, rather than telling us it takes two years to get an awarding official certified, DOI must have a contingency plan in place now to ensure funds are uninterrupted in the award process, especially when there is no statutory limitation.

- **No consolidation or restructuring of DOI Indian Affairs regions, agencies, or funding streams absent Tribal consultation and affirmative guidance.** USET SPF recalls that in 2017 DOI held a series of consultations and listening sessions on implementing EO 13781, the “Comprehensive Plan for Reorganizing the Executive Branch,” which requested a plan from each agency on how to reorganize to improve the efficiency, effectiveness, and accountability of the Executive Branch. This current effort under EO 14210 appears to be another attempt to accomplish these goals. Though DOI has denied any efforts to consolidate regions, we express our opposition

to haphazard efforts pursuing the reorganization or consolidation of DOI services, agencies, and funding streams that would result in the loss of local responsiveness, programmatic delivery, and federal dollars necessary to fulfill trust and treaty obligations to Tribal Nations and citizens. Rather, these efforts must have a targeted approach and focus—with input from Tribal Nations—to ensure that DOI is appropriately addressing bureaucratic and programmatic issues affecting Tribal Nations, citizens, and organizations serving Indian Country. Further, any restructuring of regional offices must move toward strengthening field offices and Tribal partnerships—not eliminating them. We remind DOI that the federal government has consistently failed to uphold its trust and treaty obligations to provide these services and funds to Indian Country. Regional offices already have a wide range of issues to learn and cover and any restructuring or consolidation at DOI for the delivery of Tribal services and funds will hamper efforts to provide efficient and effective programmatic and service delivery grounded in unique regional circumstances and traditions to Tribal Nations and citizens.

- **Expedite the delivery of federal funds for Tribal programs and services to increase efficiency at Indian Affairs and other DOI agencies with a Tribal Nation- and citizen-serving nexus.** Congress has never fully funded Tribal programs and services that Tribal Nations and our citizens are owed. Due to these funding shortfalls, critical programs and services delivered in fulfillment of trust and treaty obligations have been forced to operate on limited funds or halt entirely. This leads to very real consequences that create precarious situations for Tribal Nations and our citizens. Many Tribal Nations experience late distribution of Tribal Priority Allocations, delays in Contract Support Cost payments, and repeated grant-cycle disruptions due to short-term continuing resolutions, among other delays. When federal funds are delayed, Tribal Nations and federal agencies waste time and resources, while the delays force hiring freezes, interrupt construction projects, halt procurement, increase costs, and threaten the retention of experienced Tribal staff. For these reasons, and to increase the effectiveness and efficiency of delivering on DOI's trust and treaty obligations, we urge DOI to consult and coordinate with Tribal Nations in identifying and removing bureaucratic barriers that hinder the delivery of services and federal funds to Tribal Nations and citizens as well as ensure that the necessary personnel are employed and trained to authorize these activities.
- **Competitive grant models, which inappropriately position Tribal Nations to compete against one another for funds, do not uphold trust and treaty obligations.** Setting Tribal Nations against each other does not reflect or uphold the federal government's trust and treaty obligations and the solemn promises made during the establishment of our Nation-to-Nation diplomatic relationships. Tribal Nations are sovereigns and should not be viewed through the lens of a "grant entity." Therefore, federal funds allocated and distributed to us should not be justified by traditional grant-based models, measures, and metrics. The allocation and distribution of funds and services to all Tribal Nations are payments on debt by the United States for the immense taking of land and resources from Tribal Nations—which occurred oftentimes by force. In addition, Tribal Nations are frequently subjected to funding models that are based on state-centric models for allocation, implementation, and reporting.

USET SPF continues to maintain that due to the sovereign status of Tribal Nations, we should not be subject to the same requirements as state governments. These include, but are not limited to, grant based allocations or having to compete for state pass-through funds, which undermine the federal government's trust and treaty obligations. We remind DOI that states are subdivisions of the United States—Tribal Nations are not. We exist as Nations with inherent sovereignty and an established and codified legal and diplomatic relationship with the United States. This relationship

has been recognized and is codified by the U.S. Constitution, treaties, statutes, Executive Orders, and judicial interpretations and decisions. DOI must reevaluate its current methods for the allocation and distribution of funds for its programs and services, and performance measures and goals must reflect DOI's commitment to advance Tribal sovereignty and self-determination to manage our own affairs. This is especially important and relevant regarding reporting requirements that have been unjustly imposed on Tribal Nations. These are often unduly burdensome and time- and cost-consuming for Tribal Nations, thereby defeating the original programmatic and service objectives the funding initially sought to accomplish. The federal government must move away from a grant based model to provide funds owed to Tribal Nations and Tribal citizens. Rather, the federal government must ensure that appropriate funding levels are met and made available to allocate the necessary resources and services owed to *all* Tribal Nations and Tribal citizens.

- **Eliminate the requirement for Tribal Nations to produce a cost share/match when applying for DOI programs.** Requirements for Tribal Nations to provide a cost share or match when applying for DOI program funding do not uphold the federal government's trust and treaty obligations, as these services were established as payment on debt owed to Tribal Nations. This is especially important since these programs and services have never been fully funded at the levels necessary to provide funds and support for all Tribal Nations. This has led to an ever consistent and pervasive issue of limiting our ability to provide for our citizens and communities, pursue economic development and job creation, build and maintain critical infrastructure, and appropriately manage our natural, environmental, and cultural resources. It is important to recognize that Tribal Nations are further limited in pursuing these activities due to the lack of a conventional tax base enjoyed by other governments and the excessive bureaucratic barriers to pursue development and maintenance of infrastructure and resources on Tribal lands. Tribal Nations can successfully manage these resources when these bureaucratic barriers are waived or outright removed. For example, during the COVID-19 pandemic emergency, we did not have to compete for funds. We were able to draw down funding when needed and did not have to wait until the next grant cycle, and we received flexibility to use the funds to best address local community needs. In another example, the 477 program—established under P.L. 102-477—has provided a huge return on investment by increasing flexibility and decreasing burdensome reporting requirements to enhance employment and training opportunities for Tribal citizens and communities. We have shown that we can succeed with streamlined guidelines and reduced reporting requirements, even with flexible, formula-based funding.
- **Increase Indian Affairs support for Tribal self-governance and self-determination.** Overly complex and unnecessary processes get in the way Tribal self-governance and self-determination. For example, self-governance compacts and annual funding agreements are legally binding documents negotiated on a government-to-government basis that outline the conditions and funding amounts for Tribal programs. Nowhere in our compacts and agreements—nor in ISDEAA or its implementing regulations—is there a requirement for payment-by-payment justifications as a condition of receiving funds. In collaboration with Tribal Nations, DOI should evaluate processes associated with self-determination and self-governance to identify opportunities to streamline and improve efficiencies. Further, DOI should help translate self-governance and 477 agreements to agencies across the Department and the rest of the federal government. ISDEAA, along with its sister 477 program, enables federal programs to work for and benefit Tribal Nations and our citizens, and we have long been encouraging and anticipating expansions for these programs across the federal government. However, both programs are frequently misunderstood—even throughout DOI.

To support these efforts, DOI must actively ensure that all offices and bureaus are promoting and supporting self-governance opportunities. DOI must ensure that the Bureau of Indian Affairs and the Office of Self-Governance respond promptly to Tribal requests, using efficient and modern communication methods and appropriate follow-up processes. Further, DOI should guarantee full, stable, and timely funding for all compacts and contracts, including mandatory Contract Support Costs and Section 105(l) lease payments. Finally, DOI must ensure staff appropriately base decisions about “Inherently Federal Functions” on legal standards and that the legal reference justifying the allocation and obligation of federal funds is documented and shared with all Tribal Nations.

- **Support advance appropriations for full funding for Tribal self-governance and self-determination.** Moving forward, the Administration’s annual budget requests should always include advance appropriations and full funding for Indian Affairs programs, particularly for education, Tribal Priority Allocations, housing, child welfare, law enforcement, and social services. In addition, DOI should determine how to achieve full and mandatory funding for its Tribal programs, since these have never been fully funded and are subject to discretionary budget cuts. To be truly successful, self-governance and self-determination requires a commitment to full funding for Tribal programs as an inherent trust and treaty obligation. It does no good to increase pathways to self-determination and self-governance if the funding for Tribal programs is slashed in the process. DOI must ensure stable and consistent programmatic funding for Tribal governments that want to pursue and assume activities under ISDEAA agreements
- **Address overly burdensome federal approval processes and streamline technology applications.** Many tracking and reporting software systems utilized by DOI and its agencies are outdated and lack transparency. Ensuring that the necessary, updated software and programs to process payments are in place within DOI would support consistency and oversight to ensure every dollar goes where it’s intended. In addition, DOI must have the appropriate personnel in place to provide support to Tribal Nations should we have trouble in accessing these systems or drawing down funds. Further, requiring Tribal Nations to seek approval for and report on use of federal funding is repetitive, and those approval processes take too long and are too costly.

One such burden is the recent “justification requirements” introduced within the Automated Standard Application for Payments (ASAP) system. Consistent with the Indian Self-Determination and Education Assistance Act (ISDEAA) and Tribal Nations’ ISDEAA agreements that require an advance lump sum payment at the start of the year, we believe the continued use of the ASAP system imposes unnecessary administrative burdens on both Tribal Nations and DOI. While we appreciate the ongoing efforts by DOI and the Department of the Treasury (Treasury) to address the concerns raised by Tribal Leaders regarding the use of ASAP for ISDEAA fund transfers, more must be done to appropriately address this issue. One action DOI can take is to immediately clarify that ISDEAA self-determination and self-governance funds are exempt from recently established ASAP requirements for drawdown justifications. In addition, DOI should modernize the Financial Business and Management System and the Self-Governance Database to ensure oversight of timely delivery of funds throughout the process and provide Tribal Nations with easy access to information on the source of funds transferred to us.

USET SPF urges DOI to work with Treasury to ensure all federal funds flowing to Indian Country are exempt from any payment portal payment justification requirements, as all such funds are delivered in furtherance of trust and treaty obligations. Further, payment platforms should be consistent, easy to use, easy to access, and allow Tribal Nations to track every dollar we are owed

and where payments are in real time. We remind DOI that the Secretary has the authority to waive regulations and should do so to reduce the burden on Tribal Nations administering programs under ISDEAA agreements. We also urge DOI to adopt a direct wire transfer process—which has been successfully utilized by the Indian Health Service and the Department of Transportation—as a more efficient, compliant, and streamlined mechanism for disbursing ISDEAA funds. Finally, DOI should implement an online payment platform that allows for approvals by awarding officials with the click of a button and allows Tribal Nations to track this process.

USET SPF Comments on the Emergency Permitting Procedures Advanced by DOI

The National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and Endangered Species Act (ESA) together serve as a pivotal legal framework that ensures federal decision-making processes consider the rights and interests of Tribal Nations—both within and outside of our jurisdictional boundaries. These statutes require that Tribal Nations have an opportunity to provide input on and review of federal actions that may harm our cultural, environmental, and natural resources, ensuring that federal actions avoid damage to these resources and averting potential costly litigation activities. The ability of Tribal Nations to protect our environment, resources, and sacred sites provided by these statutes, is vital to the health and cultural well-being of current and future generations within Indian Country. Consultation with Tribal Nations through these review processes is a critical method by which the federal government meets and upholds its trust and treaty obligations. The implementation of emergency permitting procedures for NEPA, NHPA, and ESA regulations in the absence of Tribal consultation is an abrogation of these obligations.

Further, failure to provide adequate timeframes for consultation risks violating the statutory obligations embedded in NEPA, NHPA, and ESA, but disregards the very intent behind these statutes. These statutes were all enacted by Congress with the intention of upholding trust and treaty obligations to Tribal Nations to protect important natural and cultural resources. They were meant to honor the unique legal and diplomatic relationship between the federal government and Tribal Nations—relationships rooted in centuries of sovereign-to-sovereign engagement and formalized through the U.S. Constitution, treaties, statutes, Executive Orders, and judicial decisions. These statutes must continue to be implemented along with meaningful Tribal consultation requirements, ensuring adequate time, respectful engagement, and sufficient resources.

Indian Country supports and has a vested interest in the goal of energy independence, but it cannot come at the expense of the federal government's trust and treaty obligations to Tribal Nations, including the protection of our religious freedom, cultural heritage, and natural and environmental resources. Since the declaration of the National Energy Emergency by President Trump under EO 14156, hundreds of new projects have moved forward in the expedited permitting process. Despite the significance of the expanded emergency permitting procedures, there was no Tribal consultation on this action prior to implementation.

For these reasons, USET SPF offers the following comments regarding the emergency permitting procedures advanced by DOI—

- **Federal trust and treaty obligations include the safeguarding of Tribal resources.** The implementation of expanded emergency permitting procedures for projects that agencies determine fall under EO 14156 severely limit Tribal consultation and our participation in critical environmental and cultural review processes. These limitations undermine federal trust and treaty obligations to Tribal Nations that ensure the protection of Tribal resources in perpetuity. Tribal lands and waters, sacred sites, and culturally significant areas and species must have the protections necessary to ensure the health and wellbeing of these resources and our communities.

Historically, failures to effectively engage with Tribal Nations have caused irreparable damage and harm to Tribal cultural, natural, and environmental resources and practices. Expedited reviews would directly jeopardize Tribal Nations' efforts to protect and preserve our religious freedoms and cultural heritage, conserve our culturally significant areas and species, and protect our water, air, and lands. The federal government must not truncate review processes to spur energy development at the cost of our culture and natural resources.

- **The NEPA emergency permitting procedures are unrealistic and must not override Tribal sovereignty.** The emergency permitting procedures are unrealistic because they ignore the practical and legal complexities that Tribal Nations must navigate. The expedited 14-day timeline for environmental assessments and 28-day timeline for environmental impact statements under the alternative NEPA process do not provide sufficient time for Tribal consultation on impacts to Tribal lands and our cultural, natural, and environmental resources. These expedited timelines do not provide sufficient time for Tribal participation as a Cooperating Agency, given the need for development of memoranda of understanding between the lead agency and any non-federal agency. USET SPF also emphasizes that such timelines must account for Tribal governmental decision-making. Moreover, these emergency permitting procedures do not provide sufficient time for critical studies to be completed, including scientific and cultural resource studies that assess the impact of a proposed project on federally protected Tribal resources. Nor do they allow for Tribal Nations participating as Cooperating Agencies to develop studies or reports on issues relating to our jurisdiction and special expertise.
- **The expedited 7-day timeline for the NHPA Section 106 review under DOI's expedited procedures does not provide Tribal Nations with reasonable opportunity for meaningful, statutorily mandated Tribal consultation.** The NHPA's Section 106 regulations require federal agencies to acknowledge the special expertise of Tribal Nations in assessing the eligibility of historic properties, as Tribal Nations hold unique and exclusive knowledge about culturally significant properties. This special expertise must be respected in the process for any emergency undertakings. We are the final arbiters of cultural significance for our respective Tribal Nations. Tribal consultation efforts must provide Tribal Nations with reasonable opportunity to engage in meaningful government-to-government consultation to identify, evaluate, and advise on impacts to historic properties, and to participate in the resolution of adverse effects. Moreover, individual agency development of ad hoc emergency procedures under Section 106 must develop those procedures in consultation with the Advisory Council on Historic Preservation (ACHP) and Tribal Nations, and get those procedures approved by ACHP.
- **The expedited Section 7 consultation under the ESA fails to ensure species and habitat protection.** The development of biological opinions in the ESA's Section 7 formal interagency consultation process is critical for Tribal Nations with federally protected rights to fish or hunt. Without provisions ensuring meaningful Tribal participation in the emergency procedures for the Section 7 consultation process, Tribal Nations will not have the opportunity to propose or argue for reasonable and prudent alternatives to agency actions that threaten Tribal Nations' federally protected rights and resources.
- **Fully fund and provide technical assistance to Tribal Nations to effectively participate in permitting reviews.** As part of our inherent sovereignty, Tribal Nations have oversight and authority for environmental, cultural, and permitting reviews on Tribal lands. However, project proposals and construction on our traditional homelands located outside of our current jurisdictional boundaries often proceed with limited to no coordination with Tribal Nations. This can lead to

irreparable harm to our sacred sites, areas of cultural significance, and critical natural resources such as nearby waterways essential for our communities. Just as the federal government has trust and treaty obligations to protect our cultural heritage and well-being, it also has obligations to empower us to exercise self-determination and utilize funds and other resources to protect what is important to us. The resources available to Tribal Nations to fully participate in environmental and cultural review processes have always been inadequate. It should be noted that any reduction in federal permitting staff will further hinder the capacity of Tribal Nations to participate in environmental and cultural reviews. These reviews require specific technical expertise and knowledge that Tribal Nations may not have in-house and thus rely on federal personnel to provide as part of trust and treaty obligations. Without these resources, Tribal consultation during the review process amounts to an unfunded mandate, as we are not provided with the necessary resources and assistance to effectively participate in these processes. USET SPF stresses the significance of sufficient federal staffing to advance meaningful Tribal consultation and timely reviews. In the long run, providing sufficient resources for Tribal Nations to adequately participate in the permitting process and consultation activities will expedite review and permitting timelines and limit the potential for costly and lengthy administrative disputes or litigation.

- **Current funding for Tribal Historic Preservation Officers (THPOs) is inadequate.** It is important to note that in instances where Tribal Nations have a THPO and/or a cultural or natural resources department dedicated to conducting environmental, cultural, historic preservation, and permitting reviews, these individuals and departments are often inundated with multiple projects and permit applications that exceed available capacity and resources. Reviews of these projects can be lengthy because they are often broken into multiple, segmented reviews of a single project and span multiple agency jurisdictions and oversight authorities. Additionally, these individuals and departmental staff may fulfill multiple roles within their Tribal government due to the historic and persistent failures of the federal government to fund its trust and treaty obligations, including appropriating the necessary resources for these positions. It is not uncommon for a THPO/cultural resource manager to also fulfill the role of a natural resource manager or serve in an emergency management role, for example. Since funding for THPOs has been largely stagnant for decades, resources will be further strained by the new emergency permitting procedures. Further, we are aware of the proposed elimination of fiscal year 2026 funding to support THPO personnel. We strongly urge DOI to prioritize and fully fund THPOs so that we can retain these critically important personnel. Moving forward, DOI must uphold its trust and treaty obligations to Tribal Nations and request the appropriate funding levels necessary for THPOs and Tribal Nations to fully engage in the environmental and cultural review processes both within and outside of our jurisdictional boundaries. This would benefit both the federal government and Tribal Nations by hastening review processes and advancing the United States' energy development priorities.

Conclusion

The delivery of federal programs, services, and funds has long been in dire need of modernization, especially since the initiation of the era of self-governance and self-determination. While USET SPF supports DOI's efforts to increase effective and efficient delivery of Tribal programs and services, it must refrain from any efforts to reduce its federal workforce in a manner that will hinder achieving these objectives. We reiterate our strong opposition to the wholesale reduction or elimination of federal positions essential to serving Indian Country, as this will create situations that reduce or hamper the delivery of critical federal dollars, reduce the availability of technical assistance, and put Tribal Nations and our citizens in precarious scenarios affecting service delivery. Rather, DOI's Workforce Optimization Initiative must focus on improving direct programmatic service delivery as well as increasing Tribal self-governance compacting and self-determination contracting opportunities. This can be accomplished by streamlining

these operations, reducing bureaucratic barriers that hinder the delivery of Tribal services and funds, and waiving or removing burdensome reporting requirements. These efforts will support the shift away from the antiquated model of federal paternalism and support Tribal self-governance and self-determination to pursue Tribal Nation building and rebuilding.

In addition, while Indian Country supports the goal of energy independence, it must not come at the expense of the federal government's trust and treaty obligations to Tribal Nations, including the protection of our religious freedom, cultural heritage, and natural and environmental resources. The emergency permitting procedures advanced by DOI create an unattainable environmental and cultural review process and leave insufficient time for Tribal consultation. For these reasons, USET SPF does not support DOI's efforts to expedite these review processes, especially since the federal government has consistently failed to provide the necessary funding and technical assistance for Tribal Nations to participate in them. We urge DOI to hold harmless critical services and funds for Tribal Nations as DOI implements its Workforce Efficiency Initiative and to conduct further consultation on its emergency permitting procedures. Should you have any questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at LMalerba@usetinc.org or 615-838-5906.

Sincerely,



Chief Kirk Francis
President



Kitcki A. Carroll
Executive Director