



**U.S. Department of Housing and Urban Development
Tribal Consultation – February 25, 2021**

Facilitated by

**Jenn Jones, HUD's Chief of Staff
Heidi Frechette, Deputy Assistant Secretary, Office of Native American Programs**

Michelle: Ladies and gentlemen, welcome, and thank you for joining today's tribal consultation and strengthening nation to nation relationships. Before we begin, please ensure that you have open the WebEx participant and chat panels by using the associated icons located at the bottom of your screen. Please note all audio connections are muted, and this conference is being recorded. You are welcome to submit questions throughout the session, which will be addressed at the consultation session of the event. To submit a written question, select all panelists from the dropdown menu in the chat panel. Then, enter your question in the message box provided and send. If you require technical assistance, please send a chat to the event producer. With that, I will turn the session over to Jenn Jones, Chief of Staff for the US Department of Housing Urban Development. Jenn, please go ahead.

Jenn Jones: Great. Thank you. It's always funny to start a WebEx and to see a headshot of yourself. Good afternoon, or good morning, depending on where you're joining us from today. I'm Jenn Jones, Chief of Staff for the Department of Housing and Urban Development. I want to start by welcoming our, the same tribal leaders and tribal representatives who have joined us for today's first of two tribal consultation sessions. I am deeply honored to be here.

If I look vaguely familiar to some of you it's because I had the privilege of working at HUD in the office of Public and Indian housing during the Obama administration. I served as an advisor to the former Assistant Secretary, Sandy Henriquez, and later as an advisor to HUD Secretary Julian Castro. During that time, I had the opportunity to work on a wide range of issues involving Native American programs, most memorably and notably participating in the Indian housing block grant negotiated rulemaking.

I have many fond memories from that experience, which included working with some of you. I learned from that experience how critical it is to make sure the views and positions of tribal nations and tribal leaders are always meaningful. Especially when an agency like HUD formulates policy impacting tribal communities. I'm honored to join you all today, representing the Biden-Harris administration and HUD secretary designate, Marcia Fudge. She still awaits Senate confirmation.

As you all know, one of the president's first actions was to issue a presidential memorandum, affirming the federal government's commitment to tribal

consultation and strengthening nations to nation relationships. It calls on all federal agencies to look at how each carries out its tribal trust responsibilities. This administration, this department, this secretary, deeply value government to government consultation with tribal nations and take the solemn responsibility very seriously.

Back in 2016 HUD revised its tribal consultation policy. It was the culmination of many years of work and extensive tribal consultation. I think it's made our policies better going through that process, but we're always looking for opportunities to improve consultation policies and practices. Regular, meaningful, and robust consultation with tribal nations needs to be a cornerstone of federal Indian policy. So that's why we're here today.

Today's session will be led by somebody I think you all know very well. Heidi Frechette, Deputy Assistant Secretary for Native American Programs. Additionally, we've invited, I think, close to 20 senior leaders from across the department to join us this afternoon. And I wanted to make sure that we did this because I want it to be abundantly clear that this work within HUD is not just the responsibility of the Office of Native American programs. We have senior leaders on the line today from the Office of the Secretary, the Office of Community Planning and Development, the Office of General Counsel, the Office of Housing and the Federal Housing Administration, and of course the Office of Public and Indian Housing.

I'm looking forward to hearing your thoughts and feedback on the tribal consultation policy and examining how, with your help, HUD can continue to be a strong partner in our government-to-government relationship. I'm also eager to hear your thoughts on how HUD can improve the way it conducts tribal consultations. So thank you again for joining us this afternoon or this morning, and with that, I'll turn it over to Heidi.

Heidi Frechette:

Great. Thank you, Jenn, and everyone. Hello. So nice to see so many folks engaged and on the line with us today. As our Chief of Staff, Jenn Jones, mentioned, I am Heidi Frechette. I'm Menominee and Brothertown from Wisconsin, and I am the Deputy Assistant Secretary for the Office of Native American Programs. I too feel the great honor it is to be here today engaging with you, tribal leaders, tribal housing practitioners, and tribal advocates, and I want to say Waewananen and thank you all for tuning in. I hope that you all are staying safe and well and finding strength in your communities and your families during these difficult times.

And I really want to say a special thank you to the Chief of Staff, Jenn Jones, not only for her commitment to Indian housing and issues through the years, but also her leadership and engagement, as well as the HUD senior leadership who are on the call today for this consultation session. I think it shows the true commitment by senior leaders at HUD to meaningful consultation.

I'm also joined today by senior team of Office of Native American Programs, which many of you know, and recognize their names. I'm sure they're joining us as well, so we can make sure that we engage robustly capture all of your comments and really have a good consultation session.

And tribal consultation is the foundation for both our housing programs at HUD and our federal trust responsibility. And we take tribal consultation very seriously at HUD. We aim to do our best to provide regular, robust, and meaningful consultation. And we really want to hear from you all. So we reserve this time to ensure that we have time to have your comments and feedback. Next slide please.

So the purpose real quickly, I'm sure many of you have seen the presidential memorandum, but we understand the significance of our government to government relationship, and we work closely with our nearly 600 sovereign partners in Indian country. As Jenn mentioned on January 26th, President Biden issued the presidential memorandum and it directs agencies to submit a plan of action to implement policies and directives under Executive Order 13175. And this requires agencies to review their tribal consultation policies and engage in tribal consultation to inform the action plan for ensuring regular and robust consultation.

Some of you I'm sure, I'm sure all of you know, about the existing executive order issued in 2000 and more specifically through this directive, you know HUD is required to engage in tribal consultation on the action plan. So that's the purpose here today. We also have deadlines established in the memorandum for completing the action plan as we're providing annual progress reports to Congress. With this in mind, we're doing a robust engagement with all of you within this time period. So just want to make sure that we get as much in as we can to meet the deadlines. Next slide please.

As Jenn mentioned, also, we did revise our consultation plan in 2016, and this plan applies to all HUD departments and programs. And just to build on that, in the past year, I know many of you have been engaged with us on consultation and various programs, including the Office of Housing Counseling, as well as the Section 184 Program and the tribal HUD-VASH Program, and you'll notice our approach to these was really to get in on the ground floor before we started drafting, particularly on the Section 184 regulations, to get your thoughts and input before we developed any kind of draft regulation. That was very important to us to engage early and often. I think we had a total of 18 sessions, both in-person, regional, and national.

And so in addition to that, HUD plans on engaging in additional consultation, going forward on the continuum of care program with our CPD partners at HUD, and we're always excited about new funding opportunities and new opportunities for tribes. So I encourage you to attend those other consultation sessions as well. Next slide please.

So just building on some of the work that we've done, specifically during the pandemic, is really to try to increase outreach with all of you, and we all had to change the way we worked our daily business and adjust to telework or being completely shut down. So it was more important than ever that we engage with you all during COVID through Dear tribal leader letters, through our FAQs, through weekly calls, both with tribes and tribal industry groups. And we've really, one of the best things that has come out of that, is the weekly calls with the industry groups, where we talk with folks, hear what's going on. They raise issues and we're able to address them in real time. So I know that we've all been working hard. We've been focusing on the pandemic. It's been a very challenging and heartbreaking year, but I want you to know that HUD is committed to working with you and supporting you as you do the important work to serve your community, your elders, your children, and really get through what we're all going through together. So Waewanen and thank you all for sharing your time and engaging with us, and next slide, please.

I want to hear from, we want to hear from all of you now and let you, that's why we're here, just to hear from you not talk. So we'll move on to that portion of it. And I want to just highlight that we're not limited, you're not limited in your comments to commenting on our consultation policy or our past practices. This is wide open. We want to hear what you think about HUD's consultation practices, what we can do better. What other agencies do that you like. Is there any way that we can improve communication? So please know you're not limited to any of the documents or previous practices. It's wide open. We look forward to your input and please, when you do submit comments, please state your name and the tribe you're representing as well. That'll help with our transcript of these proceedings. So with that, I want to open it up to comments, and see if we have any in the chat or on the phone.

Michelle: All right, ladies and gentlemen, as a reminder, you are able to submit written questions in the chat box. Once you submit your question, select all panelists from the dropdown menu provided. Alternatively to ask a question or comment via phone, press pound two on your telephone keypad. You will hear a notification when your line is un-muted. At that time, please state your question or comment. And as a reminder, ladies and gentlemen, we are prioritizing comments from tribal leaders. Thank you.

Heidi Frechette: Great. I know it can be a little challenging doing this virtually, so please feel free. Don't be shy to type in the chat or also ask a verbal question. I do see one comment from Alaska. Good morning from Alaska. Good morning to you all in Alaska. Glad you can join us. It's a nice sunny day here on the East Coast, at four in the afternoon. So hope you all are doing well.

Michelle: All right. We do have a comment on the line. Caller, your line is un-muted. You may make your comment.

Jackie Pata:

Good morning. This is Jackie Pata and I am the tribal delegate to the Central Council Tribes of Alaska, Tlingit and Haida tribes of Alaska, and representing President Peterson on this call today. I wanted to, first of all, congratulate, Jenn, glad to have you with us. And your experience will be great. We're grateful for your experience, but I really want to compliment Heidi and her team. I think that HUD has done a great job on the consultation and their outreach, particularly during the COVID Cares Act crisis moment. And what I really appreciate about those consultations was the willingness to have regular scheduled consultation sessions with us so that those Thursday sessions with not only you, Heidi, but also the Deputy Secretary, was really good to have those one-on-one conversations and bring out our concerns and get them addressed immediately.

So I feel like I wanted to compliment you, but also say that's a best practice that I would continue to encourage. I have some additional recommendations. Some of the things, when we started this, the executive order for consultation through the various presidencies, we tried as tribes to continue to build upon the real true understanding of the government to government relationship. And although I know that Heidi and her team understands that, I believe it would be well worth it to have some internal discussions within the whole department. There are many times where our Native American programs cross over in other areas of leadership within the department and could use some lessons on consultation. And so I think that that would be a really important aspect of implementing. And there's a variety of programs that we utilize within the department that we would like to be able to improve upon through the consultation of the differences of the needs from Indian country.

In addition to that, another concern that we continually have had is tribes on these consultation policies is making sure that consultation is not only uniform throughout the department and not just to the agencies that are respectfully responsible for tribes, but also being able to make sure that those comments are tracked so that it is not just a consultation so that I can check the box and say that I received the consultation, but we're actually tracking the comments to see how many of them were incorporated and responded to, and if not, why. And I believe that that should be a responsibility that OMB should have some oversight of. Tribes that have repeatedly asked for a position in OMB that actually is responsible for making sure that tribal consultation is engaged on to the utmost and respected with that true government to government relationship.

I also appreciate the fact that you brought up the bullet point, can we use technology to solicit tribal comments and although we could have barriers in Indian country, and particularly in rural Alaska, to technology, we have found that technology also has been a very useful tool. I can envision a day where we would not only have the direct dialogue that we have like today, but that we would be able to have a portal where we can see comments in real time coming in from tribal leaders and participants in a way that meets our times and our

schedules so that we don't miss this one hour opportunity when it comes up. And I think that that could be very helpful.

I also see that that in other areas where we're dealing with industry players that intersect with tribal policy, that this technology mechanism as tribes, we could, and it's less about tribes, but more about EPA and environmental concerns and processes as well as technology with the FCC, but we could actually have a portal that tribes would identify the areas of jurisdiction that they want to be directly contacted on. Given if there were a permit that was being considered in their area or so it could trigger for them... Our limited resources as tribes, wanting to comment to all of the various environmental permits that are being placed, but it would trigger the industry who is proceeding or wishing to proceed in a project that may have some significant impact, we would be notified of that. So those are my comments at this time. I, once again, I want to thank you for the opportunity to provide comment and I look forward to continuing to work with you.

Heidi Frechette: [inaudible 00:19:32]. Great. [Foreign language 00:19:35] and thank you so much, Jackie, for your thoughtful comments. Some really good ideas and definitely things that can help improve. So thank you for that.

Jenn Jones: I see that we now have a comment in the chat, and please remember if you do submit a comment in the chat to include both your name and your tribe. This comment is from WH and the comment reads Heidi, Jenn, thank you for your leadership. How do you see the next year broadly and pandemic, and specifically the budget and appropriations process? And now I see that that was from Wendy Helgemo.

Heidi Frechette: Jenn, do you want to jump or be like?

Jenn Jones: I mean, I'll do top lines. So thank you, Wendy, for the question. I mean this administration is deeply committed to making sure that communities both urban and rural and tribal have the resources they need to do this work. You can see that in, I think some of the proposals from the American Rescue Plan and funding that is specific for tribal communities in Indian country, not only to deal with, sort of the very real immediate needs associated with the pandemic, but also to think about what net resources will be necessary to start to pivot to economic recovery across this country. And so, if you know Washington well, you know that the federal fiscal year 22 budget processes starting very, very soon, and the conversations that I've been in, there is a real understanding about the needs, the unmet housing needs, and the need for additional resources, especially in this moment.

So, I can't necessarily read the tea leaves, but I think there is certainly among the administration, a deep focus on identifying additional resources to try to meet the housing and community development needs in tribal communities. And so that's a very generic answer, but one that I think certainly gives you

insight into the perspective and intents of the administration as it relates to the appropriations process moving forward. Heidi, I don't know if there's anything specific you want to say.

Heidi Frechette: No, I think that's great, Jenn. Thank you. And I would just say from an administrative standpoint, really focusing on assisting tribes and supporting them as they expend the resources that they have, the recent research through treasury and also through our programs and potential additional resources, really helping support to meet some of the longterm systemic needs that Indian country has around housing. So just building on what Jenn said as well.

Jenn Jones: And I'll say too, I mean, just to add, I mean, maybe this is information that we can disseminate after this consultation, but I do think, I want to make sure that people have sort of additional information around proposals within the American Rescue Plan that are specific to tribal communities. Not just about COVID or pandemic relief, but also some funding related to emergency assistance related to housing. So I'll make sure at some point I'll work with Heidi and teams to make sure that the folks on this call has access to that information, because I think it's really important to note it should give you a sense or a flavor of how this administration is thinking about increasing these resources for Indian country.

Heidi Frechette: And I think that folds nicely into the consultation and the strengthening of the relationships with the sharing of information. So I think that would be excellent and we're happy to help with that, of course, and ONAP and just building on that. Are there other best practices that other federal agencies use that you suggest we use? Other things that you've been thinking about? I just keep remembering when I represented tribes, the need to be in the conversation early and not just being given something to react to, and also having the openness of not trying to fit Indian country into an existing structure, but really looking at what Indian country needs and starting from that point, and not just shoehorning them into another existing process or structure.

Those are just some things that come to mind, but are there any other thoughts that folks have on that? Federal agency practices, best practices? Jackie's comments on the technology were very helpful. I think we're seeing that we're reaching a larger audience when you don't have to travel, but then there's also challenges with internet and some of the other issues in remote areas. So Iris or Neil, did we have any other comments or on the phone or on the chat?

Neil: We do have-

Michelle: [crosstalk 00:25:12]. I'm sorry. I cannot see any questions in the queue, but once again, ladies and gentlemen, pound two will enter you into the verbal question queue.

Neil: Thanks, Michelle. We do have a couple chat questions that have come up. The next question, I see, or comment, rather, is from Colleen Dushkin Executive Director of the Association of Alaskan Housing Authorities. And the comment reads just to comment, thank you for this opportunity. I'm glad that the Office of Housing Counseling is on the line today. I want to emphasize the current tribal consultation policy section six, unfunded mandates, for example, the current proposal for implementing the housing counselor requirement contradicts HUD's example tribal consultation policy, and hope that comments collected during the tribal consultation are considered as HUD OAC moves forward.

Heidi Frechette: Neil, could you, you were just cutting out a little bit at the end.

Neil: Oh, I'm sorry. I'm happy to... You want me to start from the beginning?

Heidi Frechette: No no, maybe just the last sentence.

Neil: Yep. The current proposal for implementing the housing counselor requirements contradicts HUD's established tribal consultation policy and hope that comments collected during their tribal consultation are considered as HUD OAC moves forward.

Heidi Frechette: Okay. Thank you Colleen for that comment. As you recognize, we do have folks from the Health and Counseling Office on the phone to hear those comments. So thank you for sharing that. I don't know if any folks want to chime in, but that's helpful.

Michelle: We do have comments on the phone lines. All right, caller, your line is unmuted. You may make a comment.

Jackie Pata: Hi, this is Jackie again, and I don't want to hog it, but there was nobody else speaking, so I thought I would continue with my comments. I wanted to talk about scoping because you mentioned that Heidi and scoping, I think is just a really critical part of consulting with tribes. And sometimes it's the agency, the department that is doing the scoping because they know that there's something that they need to implement, whether it be a new statute or a change that they just think is necessary. But other times the scoping should come from the tribes directly. And I think that there should be a mechanism where we reach out to tribes and housing authorities and other to get their input on the areas of consultation that they feel is needed.

So for example, and that could be done through an electronic system or mechanism of surveying, what are the areas of consultation that you believe that we need to take up and being able to take a look at it.

And I'll just give some examples. One of the things that has been a constant discussion is how do we deal with data and data collection? And we know that's

a bigger term kind of issue, but how can we tackle those conversations? Another thing would be the areas, the one thing that's unique about ONAP within HUD is this recognition of self-determination of tribes. And yet that doesn't cross over in other areas, that self-determination. And then, so then how do we respond when there are requests such as the consultation, excuse me, that counseling requirements that are being considered now with the self-determination of tribes, to be able to make their own decisions, whether or not that should be whether or not they want to choose to implement those counseling requirements rather than them being mandated. And how do we address those? But we also see that with things such as the discussions around the competitive grant and going out when a program was created to be more formula based for the purposes of promoting self-determination and tribal decision-making.

So I think that was just, you know, a number of things that I think, and I'm sure others will have ideas of areas that would be worthy of putting on the agenda for, through a scoping process for future consultations. Thank you.

Heidi Frechette: Thank you, Jackie. I think that's a great idea about the scoping in the areas. That's really very helpful and great idea. Thank you.

Michelle: We do have another comment on the phone. Caller, your line is unmuted; you may go ahead.

Patricia: Hi, this is Patricia Iron Cloud Runs Through I'm from Fort Peck. Assiniboine and Sioux Tribe. I'm a tribal leader, and I'm grateful that you could have this consultation with us. One of the things that we have been faced with this year is since we had the funds from the feds so that we could have...

Patricia: ... so that we could have money to help our people through this pandemic. It has helped us in one of our communities to build a structure for the sewage. And up until that time, it's been overlooked. So, because of this pandemic, the people are getting help there. And it's sad that we have to go through that to get that, because now we can build more housing in that area and they've needed housing in this one area of our tribe, which is in Frazer, Montana, and the housing that we have here, they're challenged because of the epidemic of drug use. Epidemic of the homes being set aside and not being usable for the next family, and we keep track of these homes. There are more homes that need to be put into place so that we can have housing here.

It is so bad that we have a lot of families, especially young families, that are having children that don't have a safe home to go into. And that's one of the things that when I speak at any of the national meetings and Mr. Paul Iron Cloud, who is my cousin, who we lost him, he's always a voice for our people. My name is Patricia Iron Cloud Runs, and I'm grateful Heidi, for your comments. I'm grateful, Jen, for your comments. When you say government to government consultation, that means exactly that. And that's what you're doing for us today.

You're allowing us a tribal leaders to tell you what's on the ground floor. We live here. We know exactly what it feels like to have this problem of not enough funds coming down. You know, we have 14,000 members here and at least 7,500 live on the reservation. And for our tribe to have the treaties that have been fulfilled, and a lot of them haven't been fulfilled, you are doing it now by even asking our input. We're grateful for that.

I'm a grandmother of 48 grandchildren, four great-grandchildren. I have served as the vice chairman of my tribe, and we have many needs here still. And I've been working on this since 1997. And I've gone through a lot of the government consultations all over the nation because of our housing needs. And just for you to open this up for us and to stay on the ball for us, that makes a big difference for me. And I'm a voice for the people. We have a chairman who is Floyd Azure, he is a voice for the people. He makes sure that anyone that is willing to listen to us, he makes sure that there's an Avenue for us to be heard. So that's what we're going through now. We're going through some of the... the homes here that we have are unlivable, and there is not enough money to help to renovate them. So at times we have to take the homes down because they're infested with drugs and things like that. And it's sad.

But then the new children that are coming through with their new families, we pray that they will have enough love for their children to not do drugs. To keep those home safe. And right now we have at least 11 homes going up for the \$6 million that was given to us through the feds during the pandemic, Kara. We're still going through that. We pray that each one of you will know it in your heart and think of us on Fort Peck, Indian reservation, as we think of all the ones around the nation that are being hit by this COVID, which is the Navajos and the Hopis, and the Coos, and all of our people in Browning, the Blackfeet people, the Flathead people, the Cheyenne people, the people up in Alaska, where some my relatives are there now. We pray for them. We pray that you will not have to freeze to death. We have lost two this year from freezing to death because they don't have their own home.

We'd like to see if they could have single housing that you don't have to have a family. Because these ones that have passed away, they're single people. Died from exposure. We pray for the ones that are suffering around this nation. The people in Texas, the natives in Oklahoma, because of the snow. Their homes weren't made for that. That's why their pipes are breaking and that's what's happening here. We need snow here. We have the cold, but we need snow here and we don't have it. So those are the things that impact us. Impact us in our foods, in our housing, in our family. And just for you to be able to have a listening ear, Jen. For you to have a listening ear, Heidi. And all the senior leaders that are there in the housing administration and head administration, remember us. Remember us when you put that money towards us, because we need that here.

We're pitiful. And we're grateful for each one of you and the technology that we've had even today to be able to hold this phone in my hand and be heard throughout the nation. Thank you and thank you for very much for listening to me. I appreciate that.

Heidi Frechette: Thank you very much. And I just want to let you know, I knew Paul Iron Cloud. I worked for him. There was never a dull... There was never anything not to do. We always had tons to do because he was always serving his people in Indian country. But just thank you for grounding us today in why we're doing what we do and for your wisdom and your strength as a grandmother and an elder. Just thank you very, very much for grounding us and for sharing and for your strength and your leadership and commitment.

Jenn Jones: Yeah. So thank you. Thank you. You know, in my time working with ONAP, when I served in the Obama administration previously, I met Paul several times and I often say that it's astounding to me that it took a global pandemic and COVID to get this country talking about the sort of inequality and the inequity in this country and sort of rural communities, tribal communities, poor members of our country live with every day. It's the devastation of poverty and what it's done to our people. And so I just want to say that, thank you for, sort of, as Heidi said, grounding us. This is why we do this work. This is why, for those of us that are serving in Biden-Harris administration, this is why we came to do this work. We came to help people and to figure out how to make the lives of millions better. And so I just want to say, I appreciate you and I thank you so much for your coming.

Speaker 1: We do have additional comments in queue.

Heidi Frechette: Great. Go ahead.

Speaker 1: Caller, your line is unmuted. You may go ahead.

Leonard Forsman: Hello, it's Leonard Forsman, Suquamish Tribe, and ATNI.

Heidi Frechette: Hello.

Leonard Forsman: I just want to make sure. Okay, you can hear me.

Heidi Frechette: Yes. Go ahead.

Leonard Forsman: Okay. Thank you. Thank you for this opportunity to say a few words. And I would just like to... as far as consultation on a process, it's difficult for tribal leaders of course, to engage all the time and it's just complicated, and the more complicated it gets, the harder it gets to be accessible. And I don't know how we manage that, but the comments that I would say, first one, the first that came to mind is work with the inter-tribal organizations because tribal leaders don't always get to the other events that I was probably more familiar with. I think the

NAHC has their meetings, many of us don't get the focus in at that particular level of detail, but you're all aware of that.

But I just think as far as general housing, I think that as you're hearing on the call, the needs vary throughout Indian country. And they're from very, very difficult and challenging housing conditions to ones where we are up here, and we're across in Seattle, we're on checkerboarded reservation. Housing affordability is really, really hard. We have people who fortunately have jobs that pay decent and can afford to buy a house on their own reservation. So we've had to come up with, pretty much on our own, a lot of innovative programs that we've had to fund ourselves, but we have also have used our HUD funding to provide housing for our members as well. But sometimes the regulations aren't relevant to some of the tribes that have different demographic challenges. So I just think trying to be flexible and creative, and we know federal agencies in the past have had a hard time with that.

And I know that you have to deal with Congress, etcetera, on changing some of the rules and regulations, but just to bring that forward in my comments that, even within ATNI, we have varied housing needs. So some of the traditional programs still have a great need within the flask. But like it was said by an earlier caller, tribes have had to get innovative and kind of go to dealing with the homeless populations that many of us have. We have a smaller tribe, but we still have homeless situations. And we try to come up with some innovations such as the tiny home concept that we funded ourselves, but just had mixed success, but continued research and creativity and dialogue about how tribes are addressing with each other, what the community's needs, and having the federal government change their approach based upon some of that innovation and then an opportunity to, as much as we can, get away from the one size fits all approach and try to create some of the freedom for us to address that.

And I think that we have had some more freedom than we've had in the past, but we could even have more flexibility that would be awesome. So that's the end of my comments. Thank you.

Heidi Frechette:

Great. Thank you so much for your comments. I think that I really appreciate your comment on engaging with industry groups, as well as the many competing demands on tribal leaders and the ability to attend consultation sessions or just any kind of webinars or outreach that we do on housing. So appreciate your thoughts on that. And also if folks, or you have any additional ideas on how we can help make it where tribal leaders can engage, but we're not over burdening them with too much stuff, I would appreciate your thoughts on that. And then of course, always the flexibility as block grants and flexible block grants, if there are areas that we can make them more flexible, always welcome that input as well. So thank you very much.

Speaker 1:

We do have one more comment in queue.

Heidi Frechette: Great. Go ahead.

Speaker 1: Caller, your line is unmuted. You may go ahead.

Kimberly Teehee: Hi, this is Kimberly Teehee with Cherokee Nation. Can you hear me?

Heidi Frechette: Yes. Hello, Kimberly.

Kimberly Teehee: Okay, great. Hi. It's so good to see familiar faces, Heidi, and [inaudible 00:46:18].

Heidi Frechette: Kimberly, we're hearing a little muffled zone and not quite hearing you as loudly as originally.

Kimberly Teehee: Oh, how do I address that?

Heidi Frechette: I'm not sure. [crosstalk 00:46:35] Okay. I think I can hear you better now.

Kimberly Teehee: Okay. Testing one, two, three. Is that better?

Heidi Frechette: Yeah, perfect. That's perfect.

Kimberly Teehee: All right. Awesome. All right, good. Hey, it's so good to see you. It's good to see friendly faces. Thank you for all that you've done as an alum from the Obama years. I know I've worked with many of you and also from my days on the Hill and having overseen the 2009 presidential memorandum on consultation, actually having drafted it. It's my pleasure to chime in on this particular subject. Things to keep in mind is, and I have had some conversations with the White House too, on implementation of the presidential memorandum. So I know some of you guys have already participated in those phone calls, but one of the things that I think is most helpful is if you have internal conversations with your various departments and programs, bringing in your political people, because one of the things I reckon I've recognized, we've all recognized, is that when we're in a friendly administration, sometimes omission occurs simply because somebody doesn't know better.

And so there were times, for example, in the Obama years, there were at the secretarial level, senior advisors put in place in the secretary's office on Native American affairs. They were not intended to bigfoot or trump any existing tribal programs. They served a coordinating role out of the secretary's office so that there were no omissions. That person was sort of a stop gap, the watchdog if you will, over the agency to ensure that the various departments were coordinating and talking to each other, and then learning about consultations. One of the things that I emphasized and I think was a useful tool in consultations is this dialogue. Turning consultation and listening sessions into actual dialogue, because people want to know that not only they've been heard, when you repeat back what they've heard, but also that you are dialoguing with them.

One of the things that you will hear often is, if there is just a silence from agency people and no back and forth, then tribal leaders may walk away not feeling like they were actually heard. And so I think that's also been a useful tool. The other piece is even, there are travel advisory committees. You can look at the secretarial travel advisory committee that's in HHS. Tribal advisory committees are not a way to... it's just an additional tool to consult, but it does bring in different tribal leaders in on an ongoing basis to give you sort of a check with them, the pulse of what's going on in Indian country, as you do these other things to engage as well. I think other examples is where there are opportunities to consult and where you can pull in other agency partners would be very helpful.

I'm going to use an example that we are probably all familiar with, which is the CARES act funding. We saw a treasury and interior consult, and not once in those consultations did the agencies ever mention the possibility of using the HUD IHBG Formula formula for distribution of those dollars. But yet, as we know in Indian country, any country probably should have known in advance that that was something that was going to be used. And now as you see the reconciliation package going through and the 20 billion, and we know that treasury will once again be responsible for dividing those resources out, they'll probably be looking to IHBG again as a formula, or some other alternative formula.

But either way, because HUD has been part of that process and its formulas having been used also, I would suggest that if you haven't had those conversations already, that HUD proactively reach out to treasury and say, "we need to be part of these conversations, and Indian country needs the consulted with if IHBG is going to be used as a mechanism again, because many tribal leaders were upset that IHBG Formula being used without the opportunity to update population numbers," for example. And that's just an example of something that I see kind of eminently occurring on something that's going to have a lot of impact on Indian country fast, that's upon us. And so I'm just flagging that. I think the other thing is, again, just partnering with other agencies that maybe have had more experience in consulting, which would be Interior, Indian Health Service, Department of Justice, find those opportunities where you can collaborate.

Even collaborating with the White House, asking Libby and Polly to convene a White House tribal consultation session. I mean Indian country loves to be able to participate in these kinds of sessions at the highest level. So bringing them in as the top political people for the White House would be a way to do that as well. And then technology, knowing that there are gaps, obviously. Using technology is a wonderful mechanism, but there are times where you'll have to also go into just rely on the good old phone call, snail mail sometimes, because we're in that environment where there are a lot of gaps and people don't always have the connectivity that they need in order to be impactful.

One thing that some agencies have used better than others is even just keeping track of the suggestions that you're getting from Indian country and keeping track, even if it's just an internal document on what you're receiving from Indian country, and what's actually making its way into the policy that you're developing. If it's a good story, wouldn't you love to tell Indian Country, "of the thousands of recommendations that you've given to us, we've considered those and 80% of those made it into our policy," kind of thing. That'd be a wonderful thing to report, even if it's just an internal kind of record keeping measure, but it does tell you the quality of feedback that you're getting from Indian country and how it's actually being implemented into the policies that you're proposing. And that's about all that I will say. Thank you guys so much for your time and for your service.

Heidi Frechette: Great. Thank you, Kimberly. These are some fantastic ideas. I thought I had heard a lot of good ideas on consultations through the years, but you've come up with some really good ones. So thank you for sharing them. And I want to just echo what you were saying as far as meaningful consultation and tracking the input from tribes, showing tribes where you've included their input. We recently did that on the IHBG competitive grant that ONAP administers, and we incorporated some of the concerns and issues from the tribes, because it was a new program when we set it up and lessons learned from the first time, and tribes were so appreciative. They could see that we did it and it made for a better program. We got the input from tribes and it just made for a better program. So I very much agree with that and I think we can do more of that as well. So thank you for your comments on that. I don't know if Jen wants to add anything.

Jenn Jones: No, no. I mean, I think that's exactly right. I mean I do love the idea of... has already started some of the conversations with our friends at Interior around opportunities to collaborate on some of these things. And so I think that's an excellent sort of best practice and something we could certainly be doing more of them. So this was great. Thank you, Kim. Good to hear your voice.

Heidi Frechette: Great. Thank you.

Speaker 1: All right. We do have another comment on the line. Caller your line is unmuted, you may make your comment. Caller you may go ahead, your line is unmuted.

Norma Contreras: Hello?

Speaker 1: Yes, go ahead Caller.

Norma Contreras: Hi, can you hear me?

Heidi Frechette: Yes.

Norma Contreras: Hi, my name is Chairwoman Norma Contreras. I'm from the LA Jolla Band of the Luiseño Indians. I'm calling, and just want to express some of the consents that we had with HUD. We want to make sure that there're services provided for transitional housing. We've had a lot of people where our goal is to make sure that we are providing wellness for our people due to the generational trauma that has occurred with them. And so, in doing that, it takes our people to get rehabbed. And then also those that are transitioning from the prison systems and stuff like that, our goal is to get our people healthy, and in order for us to do that, they need a home to come to. And part of that would be transitional housing for them and providing a safe space that they can go to. So that, that way they can be able to get the wellness that they need and the services that they need in order for them to reintegrate back into our community.

So we have a lot of people that go to rehab and when they come back, they don't have anywhere to go to. And going back to the families, it's kind of out of the question, and that's part of another healing process. But also to have services for education and to help build up their credit so that way they can... Because we are a small area and we're large land-based, but we have areas that are undeveloped. And so if we were able to provide those resources for people to get their credit scores up, to be able to have them... To be able to get their credit score in order to apply for these loans to get maybe outside housing available for them, because we know that that's part of the process too, is being self-sufficient.

And so we want our people to be self-sufficient. We want them to be healing and we want them to be able to have a system and those resources for them, so that way they can move on and be strong in our community and even outside of our community. And then also I know there's funding available for 184 loans, but I was wondering if we can provide funding for say, if we wanted to build apartment housing, or even, what is it called, outside the reservation to purchase maybe apartment buildings for residents. We have our single occupants, we have single mothers. There's different age categories that they don't need a big house, but they do need certain things, and so a smaller facility would be better and they would be closer to schools, they would be closer to medical needs since we're way out in the rural areas.

If we could provide funding for that, and we can either lease or rent outside the reservation, that would be awesome. So that way we can provide those services for our people. And then also making sure that the process for us to have concerns for our head department, because we are a consortium and we go through a consortium, and we've been having problems with them building, and we want to make sure that we follow the process for it if we have concerns on those concerns. And then also with the consultation and bridging a relationship, our administration has a timeframe where we have our terms. And so my term, I just got on, this is my second month, and so in two years we're going to have a turnover of personnel if I'm not voted in again.

So making sure that there's maybe a system that we can have, so that way we can make sure that we're submitting the new term, because I know we submit it to BIA, but if there's a way that maybe we can check in every year and say, "Hey, can you update us on your new council?" so that way we can get those communications going. Because I just found out about this meeting today, so I hurried up and jumped on it. And then best practices for other federal agencies. I think a lot of it has to do with understanding us as a people, a native people. We want our communities to be success successful. We want our people to be healthy and healing, and it takes a lot. In two months, I did a master plan, I did a strategic plan with our council so that way we can find out what our needs are of our people. And I think that's what the federal agencies should do with all the native people, is find out, I know these are consultations, but there needs to be more consultation throughout the year.

And several days, because I was in a meeting and I have a meeting that I'm supposed to be in right now, but I chose to go to this one so that way I can get this taken care of. So making sure there's several consultations, not just one or two, but over a period of time so that way we can make time and schedule those meetings. "How can we as an agency provide consistent consultation across programs," like I said, continue to have more meetings. One thing I witnessed since these two months that I've been on, is the more meetings we have, the more check-ins we have, the more we're like, "okay, these were our goals. This is what we looked for. This is what we've completed and this is what we need to look forward to," so I think continuing-

Norma Contreras:

He did. And this is what we need to look forward to. So I think continuingly having these consultations and a method to check, okay, these were your last goals, this is where your concerns from your last meeting, this is where we need to go forward. How can we prepare better the head staff to understand the consultation responsibilities and the government to government relationship?

I think a lot of it is the history. Finding out the history of Native Americans and the federal government, and learning that history, because that will tell you a lot of the relationship that we've had with government agencies. And then what we want to see in the future. And all we ask is bring us to the table ahead of time. Before you submit grants, before you decide to do that. If something comes up say, "Hey, we have this meeting, we would like you guys to be here. We're going to be doing this NOFA. We're going to be doing..." Whatever it is that your plans are, but always bring the tribes to the table, so that way we can express. And we have good ideas for our people. And that's around all the reservations, because we're all unique and we have different needs. And so we need to make sure everyone is addressed and accommodated for that. And then are there ways we can better use technology to solicit tribal feedback on policies? Yes.

A lot of it too is, and maybe include that into the HUD grant funding, is to include the technology things that we would need. There's a lot of reservations

that don't have the capability to get the funding to the reservations for housing and including the fiber optic. Because it's expensive, it's expensive to have that technology into these houses. But if we are able to set up the housing and include that in our grants, so that way these houses can have the fiber already built into it. And then that way, all they have to do is set up once they get the infrastructure, the fiber [inaudible 01:04:28] into the reservations or any internet service, or WI-FI or whatever. Have that already built into the homes and include that into the funding, so that way we don't have to look for other resources to get that in there.

And then, I don't know, finding a way to communicate. I mean, I get a lot of emails and I'm sure everybody else, all our tribal officials get many emails a day and go through them. But email notifications, text notifications, maybe utilizing that as a way to communicate as well, reminders about consultations, things like that. So that way, that can help. I mean, utilize the technology to its fullest potential. And I think that will help bridge the gap between that communication. That's all I have. And I just want to thank you for your time and I appreciate everything that you guys are doing and having this consultation and those that are out here on the call.

Heidi Frechette: Well, thank you, [inaudible 01:05:45] and thank you, chairwoman. You brought up a lot of great points and I really think your discussion shows the whole scope of needs in Indian country and what you as a tribal leader and tribes are addressing in the communities, from transitional housing to best practices to consultation. So thank you for raising those issues, and really, pointing out the need to keep in contact with trends, especially as there are new elections and there's new leadership, to keep updating that.

So I appreciate those inputs as well as, the best practices. We agree with you on the technology. And we did come into the technological age this year with having a Twitter feed and also really doing a lot of outreach on email. So I think that we will increase our efforts on that, but I also encourage you to look at our Twitter page and our Code Talk as well. And the cultural sensitivity piece of course is the basis for all of this. So being mindful that it's good to have that reminder and look at ways we can do that. So thank you so much for your input on this. Really appreciate your time as well, because I know you're, have a lot of demands on your time.

Norma Contreras: Great. Thank you. I appreciate that.

Neil: I see that we have a few comments that have come in through the chat. The first comment is from Bob Gaither, I'm sorry, Robert Gaither. And the comment reads, hats off to Randy Akers and his staff for holding town hall type meetings with the region eight tribes. With so many new staff, board members and tribal council personnel, this practice first ever is a great way to localize consultation.

Heidi Frechette: Great. And that's Bob [inaudible 01:07:48]. He's just trying to go by an alias, I think. No, I'm just kidding. Thanks Bob for your comments. That's really helpful about the regional approach. Thank you. Any other comments Neil?

Neil: Yep. The next comment comes from Lynnette Gray Bull from Northern Arapaho at Wind River. And she has a couple of comments. The first one reads, consistent consultation. My recommendation for this is to ensure that there is Native American professionals have a seat at the table, not just limited to Indian Country HUD related issues. It provides integrity to all people of color working in many sectors and branches of decision-making for an entire agency. It also helps develop the professionals to develop innovative concepts to nation to nation consultation, communication, and streamline. The next comment is on preparing HUD staff. I encourage any entity that works with tribes to have cultural sensitivity training, when professionals learn to understand how indigenous or even specific tribes, their way of life and learn what is important to them, it helps with communication and mistreatment. Mistreatment is common for those of us who work in Indian Country because of the stereotypes we are labeled with.

The next topic is... This is the same commenter, from Lynnette. The next topic is improvement to tribal consultation. And she writes, due to the 574 plus tribes within the US, it may be beneficial, and this can be asked of tribal leaders and representatives, to have tribal representatives to cover various regions. For example, the Northern Plains region, Southwest region, et cetera. Typically, cover the same environmental demographical and living habits within a region, and having a regional representative may help streamline feedback, consultation or other issues that arise. Maybe this is already in place or in the works. I would suggest that a tribal regional representative would need work closely within the tribes in their regions to ensure that tribes' input and concerns are communicated accurately and thoroughly.

Additional comment on consultation is to provide the easiest pathway for tribes to communicate their concerns. The regional rep can play a role in this manner, providing a prompt turnaround for concerns that arise from a tribe or tribes. Technology can provide direct portal or access to specific tribes. Consistent meetings is also vital. And finally Lynnette says, I can go on with other suggestions, but providing PSA videos of HUD programs from a tribal housing perspective would also be great. Storytelling is a great way to connect with others. Thank you for having this. And I surely appreciate your time.

Heidi Frechette: Great. Well, that's a lot of good stuff packed into those comments that we really can look at and consider. I really like the regional approach. I think it builds on what Bob [inaudible 01:11:01] was saying as well. And we can look at that because we have our area offices throughout Indian country and our area folks have worked directly with you all on day to day administration in the program. So we'll definitely look at that as well. And I think I hear a marketing PR piece as well in there of outreach and really highlighting HUD programs, what they can

do for folks. So thank you for that, as well as the cultural sensitivity piece. And I think that's one of the things that we're hearing a lot today, and definitely things we talked about at HUD as well as a way to get folks up to speed on issues in Indian country. So thank you for those comments, very much.

Neil: Two more comments. The first is a question that actually has come up a few times in the chat. And the question is, will the slides for today's presentation be available publicly? And I can answer that, yes, we're going to post those on the Codetalk website as soon as we can. We're actually recording the sessions that will be available as well for later reference. And the next comment reads... It's from [inaudible 01:12:21] Contreras. And the comment reads, yes, we are visual people. That's good feedback on the visual storytelling.

Heidi Frechette: Right. Thank you. That's very helpful. I agree. Thank you very much.

Neil: Sounds like we have a few people on the phone. Michelle, would you mind covering that?

Michelle: Absolutely. Caller, your line is now unmuted. You may make your comments.

Cheryl: Thank you. This is chairwoman Cheryl Andrews-Maltais from the Wampanoag Tribe of Gay Head Aquinnah in Massachusetts. It's good to see y'all even though it's little smiley faces on a video screen, but thank you very much for hosting this, and really appreciate the opportunity to chime in. And I will be uncharacteristically brief. I just wanted to echo kind of some of the sentiments that have been already expressed with regard to frequency and length of consultation and opportunities. Today is a particularly heavy day with consultation and deadlines for multiple agencies. So that's why I'm trying to be brief. I believe that with regard to the first question, more effectively consult, I believe that having quarterly regional calls and meetings with the stakeholder constituent tribes would be one way of keeping those lines of communication open, and the information free flowing and relevant and timely, as well as maybe by annual or semi-annual.

I never get that right. Every six months or so, having something that is on a national call so that we can all be in converse. And again, while we miss the in-persons, the technology being implemented now underneath this pandemic has really helped us be more collective and cohesive with communication. With regard to best practices and federal agencies, we've worked very hard in Region 1 of EPA to develop a really good relationship regionally to have ongoing communications, fostering a really good relationship. And EPA has that treatment as states program, which is similar to self-governance. So it has allowed us to evolve. And sometimes it can be brutal, but for the most part, at the end of the day, we all walk out with a smile on our face knowing that we just did our jobs on behalf of our constituents. So we never take it personally against each other.

The other instance that you were looking at, how can HUD better prepare staff. It was mentioned, but I think by having tribal representation and or within those regional calls, a segment of training and familiarity, because each tribe is so unique in their own areas, and they have circumstances that are unlike each other. So being able to have the one-on-ones to be able to understand that individual tribal constituency and their unique situations will help. And also training in sensitivity is one way of putting it, but I think it's more training, understanding and awareness of what the government to government relationship really means. And understanding the sovereignty embodied within that government to government relationship so that the decision-makers within the lower levels of the region are empowered in order to work with the tribes. So it's not such an arduous task, particularly for those tribes. It may not have a lot of human or financial resources to have that representation.

One of the things that I'm heartened by, but yet once again, we're doing the same thing as we did last time, is the reaffirmation of the consultation and coordination with Indian tribes, which is what precipitated this, and basically, utilizing that executive order as the policy. And then the implementation and the procedures of those individual sections are how we get to where the actual boots on the ground are. And specifically, when we look at it, really looking towards section six, with regard to the waivers, and I think it's section five with regard to understanding the sovereignty of tribes. Not five, three. But really leaning more towards the section six for flexibility and leniency. Most of these programs and or the legislation, when they were enacted and programs, guidance, and whatnot were enacted, they were predicated on, not tribes for one. We were outside the loops of contemplation when these things were developed.

And then once the tribes were looped in, they were looped in on the antiquated reservation model, which has not worked and has not been implemented for years. Many tribal members do not, cannot or choose not, to live on tribal lands because there simply isn't enough opportunity for jobs, education, or housing. So therefore, still predicating our processes, our policies and our guidance on those antiquated models simply does not work and specifically doesn't work in the Northeast. And last but not least, just really working with the technology as was stated, text reminders, and on these WebEx, we have to host them too. And I mean, my goodness, I send reminders out the week before, the day before, and two hours before, our general membership meetings, our council meetings, and we get it from WebEx.

So being able to have those reminders and putting that information in those things that we can download to our calendars automatically is great, as well as texting and really trying to employ these advanced technological opportunities so that we don't have to get on a plane, expand our resources, our financial resources, if we don't have them, or if you don't have the time, but still remain connected and engaged with each other.

And thank you for the work that you guys do. It's not easy. I know it. And I can be challenging on my own right. So thank you. But we're all trying to get to that, yes. So if we can work collaboratively to get to that, yes, as long as we're staying within the lines of the statute and the law, keeping us all out of jail, that's what we want to do. So thank you again. And I look forward to the rest of the meeting.

Heidi Frechette: Well, thank you, chairwoman. It's good to hear your voice and I appreciate your engagement on housing issues. And really, the conversations we've had since you've been on board. But I think that, the regularly quarterly calls that you're talking about really helpful, the engagement through the area offices, kind of echoing what [inaudible 01:19:27] had said. Those are things that we can really look at because I think that those are valuable tools and I appreciate you bringing it up. And I really appreciate you grounding us in this, not just cultural sensitivity, but the political sovereign nation status of tribes and the importance of that, when we are consulting and engaging with tribes. So thank you. And the reminders. I always say, I can never get too many reminders on anything. And I assume that the tribal leaders who are dealing with a lot, a lot, a lot, it's an important thing. Reminders are always helpful. So thank you for that as well.

Cheryl: Absolutely. I just want to note too, when we talk about the regions, and this is a discussion we had with the department of the interior, and I'll use the term discussion very loosely. When we look at our likeness of our regions, as one of the previous speakers had mentioned that we're Eastern Woodlands Indians. And so therefore the agencies have their own delineation and determination for how those regions are determined, but they do not seem to meld with how we as tribal nations determine our regions only because, on the BIA side and the IHS side, our region Nashville or BIA region Eastern region is from the Canadian border to the Western shores of the Gulf of Mexico. That encompasses so many different types of tribes, languages practices and, similar and yet distinctly different cultural practices, that there's no way that you can fit us all into the same thing.

So by having the opportunity to even break it down even further so that when we're talking to, we even hate to call us colonial tribes, but talking to early contact tribes, our experience is significantly different than tribes that are in the South, vastly different than tribes that are in the West, Southwest, Pacific Northwest. And we're all different than Alaska and Hawaii. So having us be able to have that likeness of our shared experience identified and recognized and spoken to within the regions is also a helpful way of looking at enhancing our relationship. Thank you.

Heidi Frechette: Great. Thank you. Very important point. And we often talk about that in ONAP as far as our area office structure. And Eastern Woodlands covers a large, large area. So I understand what you're saying. Thank you.

Cheryl: [inaudible 01:22:09] as well.

Heidi Frechette: Thank you. Do we have other comments or ... questions, comments.

Michelle: We do have additional comments in the queue. Caller, your line is unmuted. You may ask your question or comment.

Jody Perez: Hi, my name is Jody Perez. I'm the executive director for the Salish and Kootenai housing authority in Montana. And so I wanted to thank you guys for allowing us to provide feedback and just the opportunity to work together. This is how we are building our relationship and that's so important. My, I guess advice or recommendation would be if you guys would focus or maybe do a preference for hiring native Americans in the staff, that would be probably the best bang for your buck because they already understand. And everything, all of your questions would be answered by having native Americans on staff. And then I also thought that, we have Codetalk, we have NHIC policy examples, there's resources scattered all over. UNAHA has information. If there was one centralized database that we could have everything go to there, you could do a search, find examples, best practices, recommendations, frequently asked questions.

One central database, that would be great. And then I think just what you guys are already doing. I love my Northern Plains ONAP office. They are fabulous to work with. And I know they advocate for me personally at our level. And I hope they do as they move on up the ranks. So I-

Heidi Frechette: Oh, they do. They do. Lest assured, they do.

Jody Perez: [inaudible 00:22:10] that communication is already, those relationships are already built. And I think that's probably the most important because like [inaudible 00:22:22], you cannot know every single tribe. So you have to delegate it down. And so I think that does work and I've learned about the [inaudible 00:22:33] through IHBG and Katie's been helping me with those. And I love them. I wish someone would have told me about them when I very first started and maybe they did, but I didn't take advantage of it. But now I feel like I'm building capacity and being able to move forward in a good way. So that's the only recommendations I have and thank you for your time.

Heidi Frechette: Thank you so much. And good suggestions. I think highlights. We like to think Codetalk as the one stop shop, but we know there's other resources out there. So if we can do some more coordination with those folks. Yeah, we can definitely look into that. I think that's a really good point. And appreciate hearing your input on working with your area. We were answering questions from [inaudible 01:25:30] regarding best practices with COI and post policy positions around NEPA and environmental reviews.

So I'll take the first part of the question. I think that's a great suggestion, working across agencies. We do a best practices webinar and series, featuring best practices that tribes do with our programs. And you can find that on

Codetalk, but I hadn't thought about extending it to agencies. So I like that idea. And I think we can definitely look into that, particularly in the land into trust title status report area, where we work so closely with interior in our 184 loan guarantee program to get native families into homes. So definitely we'll look at that. And then the environmental piece. I don't know, [inaudible 01:26:20], you want to comment on that? We don't have any updates yet on that.

Jenn Jones: Hey, thanks Heidi. I am sorry. So remind me, so what's the question around NEPA and environmental review?

Heidi Frechette: Neil, do you want to read it?

Neil: I'm sorry. I can't see [inaudible 01:26:42] chat.

Let me bring it back up right now. Yep. So the question reads, also, what is the policy position of this administration and HUD in particular with the revised NEPA process from the prior administration?

Jenn Jones: Oh, so thanks for that. I'm not sure that the question I can answer now, but I'm happy to sort of look into it after this consultation session, to take a look at the sort of [inaudible 00:25:19] policy around environmental review. And happy to get back to you, I'll work with Heidi and team to make sure we respond quickly.

Neil: Great. We have a few more comments then we can jump back to the phone. The next comment is from Rebecca Kidder, from Peebles Kidder LLP legal counsel. And she says that she represents several TDHEs and this comment concerns real issues with the implementation of the department of treasury ERA program. HUD issued its determination to TDHEs that eligible families include families at or below 80% of the adjusted median income, which HUD has defined under 24 CFR 1000.10 and Program Guidance 2020-01 as the greater of local or national median income.

TDHEs have asked treasury to issue a FAQ determining that tribes and TDHEs will be using this definition provided by HUD. Treasury issued FAQ number four on Monday that references 42 USC 1437 AB2. This statute does provide that AMI is defined as the local median income or as otherwise defined by the secretary of HUD. This does not answer the issue. HUD has responded to us that HUD will not comment on the issue. This is a critical question and HUD needs to work with treasury to confirm we can use 24 CFR 1000.10. This is holding out the ERA program. Please engage.

Heidi Frechette: Okay. Well thank you Rebecca, for your comments. We are flagging this concern for treasury and working with them on it. So just wanted to give you reassurance that we're sharing your comments. It is a treasury program, so we are respectful that it's their program, but it doesn't mean that we're not coordinating with each other and actually [inaudible 01:29:33], my director of performance and planning here in ONAP has been working closely with treasury

on it. So I just asked if [inaudible 01:29:40] has any comments as well on this particular comment.

Speaker 2: Hi Rebecca. Hopefully you can hear me okay. So I think Heidi covered it well. We certainly are aware of the issue and treasury is certainly aware of the issue. We had some discussions with them over this particular issue to see if there's any flexibility in the statute to allow tribes to use the greater of national median income versus area median income in the ERA program. One thing that I think would be helpful from you for treasury, I know treasury has been kind of struggling with this is, unlike [inaudible 01:30:23] which has a specific provision that says you use the greater of area median income or the national median income when you're assessing income, that language does not exist in the ERA statute. And they're struggling with that. So I think from your perspective, as an attorney representing and advocating for tribes and TDHEs, what would be helpful for treasury would be presenting some convincing legal argument to them on why they have the legal basis to issue FAQs or guidance clarifying this and allowing for the use of the greater of national median income or area median income.

So to the extent you feel like you have good legal arguments that you can present to treasury or present to us, and we will share with treasury, we're happy to do that, or we're happy to let treasury know that you'll be providing that. I think that's one thing that you could do on your end that would help with this issue. We're aware of it. We flagged it. It was not addressed expressly in the last round of FAQs that they released that was published on Monday, but could be addressed in future guidance that they put out, if they feel like there's a basis to do this, or there's a legal basis to do this. So that's my pitch to you, is come up with a good, strong legal argument and present it to treasury, we'll help you share that with them. But like Heidi said, ultimately, this is a treasury program. So this is a call for a Treasury's Council to make and not us, but we're happy to help.

Heidi Frechette: Yeah. And we'll continue to flag it and thank you for sharing it as well. Because we have had concerns from other tribes as well. So thank you.

Neil: Great. The next comment comes from Scott George. And the comment reads, IHS seems to have great efforts towards tribal consultation. My wife is a director in the area office and she is constantly preparing for their tribal consultation meetings.

Heidi Frechette: Great. Thank you for the comment. I have a confession to make. I actually, Indian healthcare was my first love professionally. So I'm very familiar with Indian Health Service, HHS, CMS consultation, and definitely we will take a look at what they're doing in addition to what we are doing as well. I think some of the differences is we don't actually do direct services in Indian country unlike some of the other agencies, but based on self-governance and the consultations

with self-governance time. Definitely we can look at that as well. So thank you for liking that.

Heidi Frechette: So thank you for flagging that.

Neil: Perfect. Well, I see that we have a couple callers on the line. Michelle, would you go ahead and open up the line for the next caller?

Michelle: Absolutely. Caller, your line is un-muted. You may go ahead. Caller, your line has been un-muted. You may proceed. All right. We are going to move to the next caller in queue. Caller, your line is un-muted. You may go ahead.

Willard Hand: Thank you. This is Willard Hand Native Village of Kluti-Kaah in Copper Center, Alaska. We're part of the Ahtna Region, eastern interior of Alaska.

Uniquely our tribes in this region belong to a housing authority, so we work well with them, but I had concerns on consultation or an example of poor consultation when the treasury decided to put out this rental assistance and utility separate funding that came out this month.

Our tribes specifically told the treasury to give it directly to us because we have two thirds of our tribal members that live outside our housing authority district. So I had concerns of how we would help those folks with COVID expenses outside the region. But as I found out a couple of days ago, the treasury gave the money to the housing authority based on our 2005 NAHASDA numbers, was the email I got and it was pretty... We work well with our housing and sort of probably won't be an issue for us to help our tribal members, but it was directly what we asked not to have happen because we weren't familiar in our tribal offices of how the NAHASDA numbers work, how they compare to our current enrollments and how we were utilizing the other treasury money.

So that's just one example of kind of poor consultation on another agency and that put it right into your laps. I'm still not sure how the matrix... Every tribe and every reservation around the nation are going to be different, but there's so many of our tribal members that don't live on the reservation or live within our tribal boundaries that are going to need help. And that's going to create an interesting matrix for the housing authorities or agencies that are going to control this new set of money from treasury to be able to disperse that. So I have issues or concerns with that.

This was my first consultation with HUD because usually our housing authority would take space on these calls, and I believe they're on this call today, but I decided to start calling in and taking part in these consultations. So I want to thank you for this opportunity. And I like to hear the feedback from the tribes around the nation.

My last little comment will be just, I heard NEPA come up, and a couple concerns I have with those changes in NEPA, just to help you, Jenn, make you more aware. One of the big changes to NEPA was they're not going to allow any new technologies to help work with contaminants and contaminated ground. They eliminated new technology, which was kind of startling because I work in the hazardous material field. They also eliminated the ability to monitor bioaccumulation. So they were taking away the ability to see how much toxins build up in our soil or in our people or in our animals over time, because [crosstalk 01:36:37]. That really [inaudible 01:36:39] the permitting process, I believe, is pretty detrimental to NEPA. That was the last of my comments. And thank you again for listening and giving me some time.

Heidi Frechette: Well thank you for your comments.

Jenn Jones: [crosstalk 01:36:54] Yeah. Yeah. Thank you for that. And thank you for the tutorial on the changes to the really sort of damaging changes to NEPA. So we'll definitely get back to you because, honestly, our charge is to ensure that we are keeping people and families safe, right? And so [inaudible 01:37:20] sort of the standards associated with NEPA, it's a pretty significant problem. So thank you for that. So I'll get back to you soon.

Heidi Frechette: Yeah. And welcome. And thank you for engaging, and we know that a lot of folks have their tribal housing authorities or TDHEs on the call as well. We enjoy working with them and we also are happy to have tribal leaders engage as well. So thank you.

Michelle: All right. There are currently no additional comments in queue. If anyone would like to make a comment, please press pound two on your telephone keypad to enter the queue. Once again, pound two will enter you into the comment queue. And we do have a comment on the line. Caller, your line is un-muted. You may ask a question or comment.

Michaela Lowe: Hello, [foreign language 01:38:14] My name is Michaela Lowe, and I'm calling with the Saint Croix Chippewa Indians of Wisconsin, the Saint Croix Chippewa Housing Authority. I just wanted to make a quick comment and echo the effective consultation, beginning with a mutual respect and basic understanding of the individual tribal needs and to proceed in developing a plan for a successful program. HUD needs to ensure that their staff and that their processes, first and foremost, understand who we are as a people and where we come from and our individual histories and creation stories. They need to have the knowledge and have personal understanding of the sacrifices our ancestors and current day living individuals make on a daily basis. Know your tribes and know their individual needs, create liaison positions to coordinate successful government to government relationships, and hire tribal people in those positions within the local ANA offices. Building trusting relationships with the tribes will ensure successful programming for both the federal government and tribal governments, as well as tribal PDHD. Thank you.

Heidi Frechette: Great. Thank you so much for your comments. Very, very good suggestions. Thank you. And it's good to hear from you again. Do we have any other comments, questions on the line or in the chat?

Neil: We did just receive a new comment in the chat. This comment comes from Colleen Dushkin, and she writes, is there someone from TAD on the line? I think it would be beneficial for this participation to learn more about tribal housing program.

Heidi Frechette: Okay. Can you explain TAD? It's not ringing a bell to me, so I just want to make sure I understand, colleen. Oh, technical assistance. Okay. Okay. No, that's fine. I say TMCA. That's why it's a TAD's a new acronym for me, but I like it. Yes, we do have some of the ONAP representatives for technical assistance. Let me just look at your question. Yeah. Tribal housing programs. Yes, definitely. We will take that back as well, Colleen. So thank you for flagging. TNC is that very important part of the piece, right in supporting you all to serve the needs that you determine in your community. So thank you for flagging that as well.

Do we have any other comments on the line or in the chat?

Michelle: I do not see any additional comments on the line. Once again, ladies and gentlemen, pound two will enter you into the comment queue.

Heidi Frechette: Okay.

Michelle: Oh wait. There is one in the queue [crosstalk 01:41:32].

Heidi Frechette: Oh, good.

Michelle: All right, caller. Your line is un-muted. You may go ahead.

Jeff Ackley: Hello?

Michelle: Caller, your line is un-muted. You may go ahead. All right. I think the caller may have her phone or his phone on mute. All right. Maybe the caller got shy. All right. I currently do not see any additional comments in queue, but one more time, ladies and gentlemen, pound two will enter you into the comment queue.

Heidi Frechette: Okay. We'll give it a few seconds and then we can wrap up if there aren't any other comments.

Michelle: All right. I do see a comment in queue. Caller, your line is un-muted. You may proceed.

Jeff Ackley: Yeah. Hello. This is Jeff Ackley, Executive Director [inaudible 01:42:45] with Chippewa Tribe in Wisconsin. Thank you all for getting together like this. I actually had a consultation here with WEDA our Wisconsin Executive

Development Authority with our tribal government here earlier this morning. And this is the second one for the day, but I just wanted to follow up by commenting in the queue and email that was out to people about the [inaudible 01:43:14] emails that are going right back to HUD or wherever it's going. I replied in there and add big comments and stuff in there, I guess. Who will respond back to us on those?

[crosstalk 01:43:33].

Heidi Frechette: [crosstalk 01:43:33].

Jeff Ackley: It went to a tribalconsultationpolicy@hud.gov. And here, I guess I'll just read it real quick. So that way then I'll be done here.

Heidi Frechette: Okay.

Jeff Ackley: So a couple of things here for improving consultation between HUD and tribes. Thinking being that HUD could appoint a field office representative for every state that has tribal nations in it. Other than regular regional field offices type, currently work with, a lot of the tribal governments and their TADs appointing a spokesperson or lobbyist person on their behalf. We may be the executive director, administrator, et cetera, and all the tribes in that state can collectively have a coalition that can speak directly to what they need in their unique tribe because we're all different, and we all have special needs all over the country. We can be like a unified tribal representative, that to work directly with an appointed HUD field representative to address all the concerns of the tribes in that specific state.

And because we're all regional different demographically and everything, and this would only work if regional offices are [inaudible 01:44:38] this is a true government to government consultation between HUD and the tribes, not be sleep from here. If I'm here in Wisconsin, I'd reach out to my regional HUD office in Chicago in the Eastern Woodlands Office, and then by the time they get information that takes a while for it to get to the HUD, or DC.

So like, and then one other key point too, also in the current existing consultation policy section three items E and F. If they can be looked at a little more in depth and they kind of need to be addressed because sometimes these areas really hurt to try this HUD doesn't kind of push and work aggressively in areas of need that other state programs try to rely on to promote affordable housing in our community.

One of the programs I'm kind of referring to is like a tax credit process which is the federal government. And the federal government is awarding these tax credits to states to administer and distribute them similar to like they do with Wisconsin Housing Economic Development Authority, the tribes, I mean, kind of collectively need to change in this program for our allowing the awarding of

more 9% credits that allows new construction of homes in Indian Country. Because that's just like the rehab projects and stuff like that that we typically get, they help, but they're not exactly the need because it was such a large shortage in Indian Country. Like right here [inaudible 01:46:07] we have over a hundred plus people on our waiting list and not have any places to put people and so there's overcrowding and stuff like that and creating health issues and stuff of that nature, so.

But if the tribes were able to create their own coalition, like a WEDA, but having it be a unified tribe economic development authority couldn't HUD work with the federal government as far as separating those up and let the tribes dictate and see where those funds go for housing and that kind of thing.

So, but just HUD working directly with those state and local agencies on a more intimate basis to actually get the needs and all that kind of stuff together collectively would be a huge, helpful for tribes in the whole country actually. That's all I have. Thank you.

Heidi Frechette:

Great. Thank you. Very good comments. And I'm familiar with WEDA and your tribe, being from Wisconsin, but it's good to be reminded of that, some of the state and locals as well. So thank you so much for your comments. We did receive your comments. I see them, the senior team sees them and the folks from HUD on the call will see them as well. So just rest assured, if you did submit comments to the email address that we do review them and we do see them, and our plan is at the next session to get the themes and some of the broader themes and also specific comments. And we can circle back with you all on that as well at the next session. So we'll keep these comments live and keep discussing them just so you know, with the follow-up.

So I don't believe there's any other comments. We wanted to make sure we took everyone's comments and both in the chat and online, especially since we had that little snafu in the middle. Didn't want to cut this session short at all. So just one last time, are there any folks on the phone with comments? I don't see anything in the chat.

Michelle:

There are currently no comments in the queue, but one more time. Ladies and gentlemen pound two will enter you into the comment queue. Pound two will enter you into the queue. And we do have a comment on the line caller. Your line is un-muted. You may go ahead.

Arden Kucate:

Okay, good afternoon. My name is Arden Kucate and I am from the Zuni Tribe, Tribal Councilman, and I just had one general comment regarding the government to government tribal consultation policy. If there's going to be a movement towards streamlining some of the previous areas where especially the [inaudible 01:49:10] tribes really encountered situations years back. And I don't know if that's ever been kind of re-addressed or changed, but one of that particular area of concern when we were working through the Advisory Council

on Historic Preservation with a group was called the Native American Advisory Group, one of the areas that we tried to lobby and advocate for the [inaudible 01:49:41] tribes was the area of the Section 106 process, [inaudible 01:49:49] tribes were running into situations during that time where we bumped it up to the deputy director's level from HUD and we basically found out that HUD is the only federal agency that's got congressional, I guess, approval to determine their own Section 106 process and delegate it as how they desire.

So I'm not sure if this is something that might kind of get put back on the radar and if there was ever anything else that was looked further into. So that's one comment that I have.

And then the second one is that out here in the Southwest, before the [inaudible 01:50:42], we used to have the Office of Native American Programs based in Phoenix, Arizona. But if there's going to be any kind of standing committees, that's going to be a part of trying to really streamline and be transparent regarding the government tribal consultation policy and process, I would certainly look favorable to more continuous discussions on how something of that nature could really, really improve in terms of the president's memorandum and what have you, because over the years, from Bill Clinton to Bush and Obama, and what have you, there's always been these presidential memorandums followed with executive orders and federal agencies seem to really never try to took it a hundred percent in really trying to redefine what are the most significant area of, I would say, weaknesses that they really need to comply with to really become transparent in terms of a meaningful government to government consultation, so I just kind of wanted to chime in with that, with the Zuni tribe. Thank you.

Heidi Frechette: Well, thank you so much for your comments and thank you for raising the historic preservation issues, and I'm not an expert in it, but I know that that's a concern for tribes, so it's good to have that back on the radar for HUD as well.

And thank you for also raising the standing committee idea, advisory committee of some sort to have regular and meaningful meetings. That's really helpful as we look at going forward. And I think you made a really good point that it's not just our policies, but really the practice, right? HUD's practice of engaging and strengthening the government to government relationship. So it can take a lot of different forms and we need to take a look at that and look at ways that we can make it stronger. So thank you so much for your comments as well it was great to hear from you.

And with that, I think that we are, I don't think we have any more comments online. I'll just check one more time.

Michelle: Yep. We just got a comment in the line. So let me go ahead.

Heidi Frechette: Oh we did? Okay. I was wrong.

Michelle: Nope, no problem. Caller, your line is un-muted. You may go ahead.

Daryl Hernandez: Good afternoon. My name is Daryl Hernandez, the Oglala Sioux Tribe. I am obviously right there next to our colleagues and tribal members and tribal nations and discussion HUD issues, an overwhelming, obviously in Pine Ridge Reservation has a terrible housing shortage. I mean over thousands of our tribal members have needing housing in every aspect from, I know quite a few of them brought to the table. Tiny homes are, you know, individual two bedroom homes to having that type of an apartment duplex. So that would be something to look forward to, but with our actually a housing director, John [Steel 01:54:04], he actually was a prior tribal chairman.

With what he brought to the table before I came on as the legislative liaison, he brought a lot to the table and concerns that were partially addressed, but so far with what we've had with President Biden, you'd be utilizing this executive order to do these, the government to government consultations with the tribal nations, that's something we need to be able to, you know, it's an open door policy and to thrive together, to bring that alliance with HUD and a lot of good talking points so that was brought to the other tribal nations.

Obviously having the boots on ground understanding of what we're going up against in our own area. The COVID happening, that kind of brought a lot to the table to understand what we don't have in our tribal reservations and the issues that we face every single day. I'm born and raised here in the Pine Ridge Indian Reservation, and the issues that need to be taken care of, I should say addressed in a respectful manner, but also have it being taken care of in a proper, I know one of our, the Polygon Alliance said that, you know, we only have two years to be able to have the structure and set a good foundation for the next two years.

You know, if we're going to be here or if we're not, but we need to be able to set that platform of having that one-on-one alliance with HUD and BIA, to be able to get these priorities taken care of. Obviously not only do we have issues with HUD that has a domino effect of where our tribal member sits in a land base. They have poor roads, water and sewer, electricity. We need to be able to capitalize on having a tribal business here. I think one of them actually brought up to be able to have that procurement plan and to strategize and to be able to set that strategy and that tone to be able to utilize the funding in a proper way, obviously, but obviously in the next thing is just to be able to get businesses going.

We don't really have, obviously, JC Penney's down the road to say that it needs to get done. So but the overall aspect is to get our tribal housing taken care of. Get the sewer lines together, get the water and roads together, the electricity working hand in hand with BIA, and to let them know that it's a need here, here and obviously in other places in our nation, so.

But I would actually just want it to commend yourself, HUD, to be able to have this government consultation and bring this alliance together and get this... start us off on the right track and having deadlines. Obviously respectful deadlines to say that we want to have those talking points, having the milestones, making sure that we're on the right track. And one of them was saying having boots on ground technical assistance and just utilizing what we need to. So overall Sioux Tribe is wanting to, and such as the rest of the nations out there, wanted to be able to set our foot forward and get through the door and get to hit the ground running and get things going. So that's what [inaudible 01:57:40]. Thank you very much.

Heidi Frechette:

Great. Well, thank you so much for your comments and thank you for raising the needs of infrastructure economic development. And some of the innovations, right, that tribes are looking at as far as tiny homes in the community, and also deadlines. So speaking of deadlines, you'll see on the screen, we have a deadline for comments, April 5th to meet the deadlines that we have at the end of the month to submit our plan of action to OMB. So please continue to submit comments. As I said, we're getting them, we're reviewing them, we're incorporating them, they're meaningful, and we really, really appreciate them. So I think we're at time where we're ready to wrap up. I want to thank all of you so much.

Waewanen and thank you so much for being on the call today. I've learned a lot. I've got a lot of great ideas. I know the staff has as well. And I want to thank you for sharing your time with us. I know your time is very valuable. Thank you to the housing practitioners who provide us feedback often and are really the advocates and doing the great work in your communities. And thank you to the senior leaders at HUD as well for spending the time today, from all the programs across HUD to really engage and hear the issues and concerns and comments from Indian Country. So this will not only help us strengthen our policies and programs and practices, but also help us serve native communities. The elders, the children, the reason why we're here and why we're all here doing this work. So please remember we're accepting the feedback through the consultation inbox that's on the screen right there.

Once again, the deadline is April 5th, and we will be announcing soon another session through the [inaudible 01:59:49] tribal leader letter. And also we will take those comments to heart today, that no reminder is too much. We can't do too many reminders. We'll make sure that we get this out far and wide on the next consultation session that we'll be holding. So again, thanks to Jenn Jones, our Chief of Staff, as well as the senior leadership, and of course it was an honor, privilege to engage with all of the tribal leaders and tribal representatives on the call today. I hope that you all stay safe and well, and thank you so much for all the good work you're doing in your community. It's an honor to serve you and partner with you and support you. So Waewanen and thank you and goodbye.

Michelle: That concludes our conference.