

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF NATIVE AMERICAN PROGRAMS

NAHASDA Reauthorization Act of 2008
Negotiated Rulemaking Session
June 8, 2010, Day

Taken at 1635 Eighth Avenue
Seattle, Washington

DATE: Tuesday, June 8, 2010

REPORTED BY: Kristin M. Vickery, CCR, 3125

A P P E A R A N C E S

Committee Members Present: JASON ADAMS
STEVEN ANGASAN
MARGUARITE BECENTI
RODGER BOYD
LARRY COYLE
RAY DEPERRY
MARK BUTTERFIELD
KARIN FOSTER
CAROL GORE
LAFE HAUGEN
SANDRA HENRIQUEZ
LEON JACOBS
MARVIN JONES
BLAKE KAZAMA
LEONARD TELLER
JUDITH MARASCO
THOMAS MCGEISEY
SHAROL MCDADE
REBECCA PHELPS
SHAWNA PICKUP
S. JACK SAWYERS
MARTY SHURAVLOFF
RUSSELL SOSSAMON
DARLENE TOOLEY
SUSAN WICKER

1 SEATTLE, WASHINGTON; TUESDAY, JUNE 8, 2010

2 8:33 A.M.

3 --o0o--

4 MR. COYLE: Good morning, everybody. Get your
5 seats, please.

6 Thank you, ladies and gentlemen. First off, I'd
7 like to have Dr. Kazama give the prayer.

8 MR. KAZAMA: Let's pray.

9 (Opening prayer.)

10 MR. COYLE: One thing is for sure, we got a group
11 in the participation perimeters here, and we want you all to
12 go into the different committees later on during the day and
13 help participate there. We have a great group over our
14 day-to-day situation here.

15 And once again, thanks to everybody concerned for
16 making me and Leon, here, a cochair. We're still fighting
17 the battle.

18 First off, I would like to give the roll call.

19 Adams -- Jason Adams?

20 MR. ADAMS: Here, sir.

21 MR. COYLE: Steve Angasan?

22 MR. ANGASAN: Here.

23 MR. COYLE: Marguarite Becenti?

24 MS. BECENTI: Here.

25 MR. COYLE: Rodger Boyd?

1 MR. BOYD: Here.

2 MR. COYLE: Henry Cagey?

3 Anybody for Diane Phair? Is she here?

4 Myself, Larry Coyle, here.

5 Ray DePerry?

6 MR. DEPERRY: Here.

7 MR. COYLE: Robert Durant or Mark Butterfield?

8 COMMITTEE MEMBER: Ho.

9 MR. COYLE: Karin Foster?

10 MS. FOSTER: Present.

11 MR. COYLE: Carol Gore?

12 MS. GORE: Here.

13 MR. COYLE: Lafe Haugen?

14 MR. HAUGEN: Here.

15 MR. COYLE: Sandra?

16 Retha Herne?

17 Leon Jacobs?

18 MR. JACOBS: Here.

19 MR. COYLE: Marvin Jones?

20 MR. JONES: Here.

21 MR. COYLE: Marvin Jones?

22 Blake Kazama?

23 MR. KAZAMA: Here.

24 MR. COYLE: Ervin Keeswood or Leonard Teller?

25 MR. TELLER: Here.

1 MR. COYLE: Now, Leonard, you're going to be the
2 permanent person here now, or will there be a possibility of
3 an alternate later?

4 MR. TELLER: That has not been answered yet.

5 MR. COYLE: Judith McCart?

6 MS. MARASCO: Here.

7 MR. COYLE: Marasco, excuse me, Judith.

8 MS. MARASCO: I'm still here.

9 MR. COYLE: Thomas McGeisey?

10 MR. MCGEISEY: Here.

11 MR. COYLE: Alvin Mole -- Moyle?

12 MS. MCDADE: Moyle. Here.

13 MR. COYLE: And you're the (Inaudible.)

14 MS. MCDADE: Sharol?

15 MR. COYLE: Sharol. Excuse me. Sharol.

16 Rebecca Phillips -- Phelps, excuse me.

17 MS. PHELPS: Here.

18 MR. COYLE: Shawna Pickup?

19 MS. PICKUP: Here.

20 MR. COYLE: Jack Sawyers?

21 MR. SAWYERS: Here.

22 MR. COYLE: Alexander -- Jack, is he --

23 MR. SAWYERS: I said "yes."

24 MR. COYLE: Marty Shuravloff?

25 MR. SHURALVLOFF: Here.

1 MR. COYLE: Russell Sossamon?

2 MR. SOSSAMON: Here.

3 MR. COYLE: Darlene Tooley? Do I hear from Phil?
4 Are there any other people here that I didn't call
5 out?

6 Susan.

7 We have a quorum. So the meeting is official.
8 Thank you. Now, I'm going to turn it over to the
9 facilitator.

10 FACILITATOR: Good morning, ladies and gentlemen.
11 And welcome everybody, guests, and folks in the audience.
12 We -- this morning, we can review our draft agenda, and you
13 should have the minutes. The minutes, if you just take a
14 look at them -- and you don't have to look through them
15 right this second, but review them at your leisure. They're
16 pretty long and very -- and give you a good description of
17 what happened at the last meeting.

18 And if there's any corrections or anything that we
19 got wrong, please let us know, and we'll make those
20 corrections.

21 This morning, we're going to have reports from the
22 work chairs to inform the committee on how many items are
23 left to be worked on. Last time, we had a very productive
24 session, and I think we kind of surprised ourselves at how
25 fiercely and intensely -- and productive people were.

1 So I think -- so this morning, we would like to
2 start with having the work group chairs inform the full
3 committee on how many items remain to be worked on. And I
4 think Carol also has a report on some suggestions about
5 reorganizing some of the work that your committee is doing.

6 So why don't we start with Workgroup A.

7 MS. GORE: Good morning. I'd like to take this to
8 a less formal place, just initially. I hope you'll indulge
9 me.

10 We've come from far places and near places, and
11 some of us have given up very special days to be here
12 because this work is important. And so I want to recognize
13 Maria Tagliavento (phonetic).

14 Thank you. She didn't want to come on this trip.
15 She just said, "I'm just too busy."

16 Well, I knew it was her birthday. And so I want
17 to make sure that you all wish her a happy birthday today
18 and thank her for being here to help us. Thanks for
19 indulging me.

20 Two things. I think the contractors have a couple
21 of worksheets to hand out. There's one that looks like
22 this. It's a summary of the remaining issues for Workgroup
23 A. And you'll see we've listed five issues, and there's
24 also a very brief explanation of what those five issues are.

25 And just for the record, I'll read the titles of

5 De minimus procurement is Issue No. 51 on the NHIC
6 chart.

7 Tribal preference and employment and contracting
8 is Issue 15.

10 Negotiated rule making is Issues 35 through 37.

11 Folks are looking for this. Hang on. I thought we were
12 prepared to hand it out. I'm sorry. Are we good? So it's
13 on its way. So you don't really have to take notes because
14 you'll get a hard copy of this.

15 FACILITATOR: Anybody else want a copy of this?

16 Raise your hand.

17 MS. GORE: I don't think they passed them out. I
18 thought they were passing them out and prepared. I checked
19 with them this morning. But you will get a hard copy of it.
20 So I'm just reading it primarily for the audience, so the
21 audience knows if they want to participate in the issues,
22 they know which group to participate in.

23 The last issue is program income, and that's

24 Issues No. 24 to 26 and 29 through 30.

25 The other worksheet that I've asked the

1 contractors to pass out is, I worked with the chairs of the
2 other workgroups. And just for the audience, we were
3 divided into four workgroups based on the subpart in the
4 statute: Subparts A, B, C, and F.

5 So I've worked with those chairs and put together
6 a summary sheet -- and you will get a copy of this too --
7 but this summary sheet will collect the issues that are
8 related.

9 As an example, negotiated rule making is actually
10 three sections. So rather than call it three issues, we've
11 titled it under one title to collect that subject matter
12 under one subject. So this worksheet will tell you what
13 reference in the statute, what page it's on, and what issue
14 it is on the NHIC worksheet.

15 So I'm hoping this will help us be more organized.
16 We've also given the issues titles. Each of the chairs of
17 the workgroups have given them titles so that we can
18 understand exactly what those issues are and sort of set
19 aside some of the regulatory language and gave them
20 definitions that all of us would understand so we'd know
21 where to participate.

22 A couple of things from Workgroup A. We talked
23 yesterday about balancing the work in the workgroups. And I
24 think all the workgroup chairs feel that we've -- we're
25 going to be able to complete our work today. I guess we

1 have optimists in the room.

2 If we work really hard, we think we can get all of
3 the issues completed in the workgroups. But there was an
4 imbalance. Remember, we divided by subparts. We didn't
5 necessarily divide by workload.

6 So because -- since I got to go first -- workgroup
7 A has a couple of pretty sticky issues, and in order to get
8 through them, we asked to Workgroup B to tackle one issue
9 that was handed to us at the end of the last session. And
10 before he says anything, Blake said, yes.

11 So when you get this worksheet -- I can read
12 this -- Issue No. 35 through 37, negotiated rule making,
13 will be handled in Workgroup B, not Workgroup A. Thank you,
14 Blake, for tackling that.

15 And then there's one correction. Issue No. 47,
16 reserve account interest on program income is already being
17 worked on by Workgroup B. Program income is under Workgroup
18 A, but we've discovered there are several related topics
19 that impact other workgroups. And so those workgroups --
20 Workgroup F, as an example, also has a section of program
21 income.

22 So one of the ideas we've been talking about as
23 workgroups chairs, program income has four different issues.
24 Each of them are separate issues. But what we will likely
25 propose to the negotiated rule making committee is that,

8 So there are some issues like that, and they are
9 identified on this simple one-pager in an aggregate fashion
10 so that it might help the committee get through those issues
11 that are related. So we've done a lot of work behind the
12 scenes since the last meeting, simply to provide
13 organizational structure.

25 MR. KAZAMA: First of all, I want to thank

1 Workgroup B [sic] for that additional work. We look forward
2 to doing that. Thank you very much.

3 Workgroup B, basically, we are going to do a
4 little bit more work on reserve account, which is Item 47.
5 We have completed Items 40 to 46 that we'll bring to the
6 table. That's on income and eligible families. Items 52,
7 54 -- to 54 and 62, which is useful life and binding
8 commitment, we also will be bringing to this committee for
9 consensus.

10 Another thing is the Item 23 as well as 63 to 68,
11 which is that demonstration projects, Subtitle B, and we
12 have a PIH notice that we want to bring also to this table,
13 which, kind of -- we want to discuss that with you in terms
14 of not needing regulations, because the statute seems pretty
15 clear about how to handle that.

16 And finally, we want to talk about the -- under --
17 Workgroup B also does Workgroup E as well. So I'm also
18 going to also address one item in Workgroup E, and that is
19 Item 91, which is the demonstration program. And we had
20 been waiting for a PIH notice. We have a PIH notice, and so
21 we'll be talking about that as well in bringing it to the
22 table.

23 And so with that, basically, there's about -- in
24 discussion in Workgroup B today, I'm looking forward to
25 talking about three major -- three areas, basically, because

1 the rest have been completed, and they're waiting to be
2 presented here.

3 So we have three items. The one that Carol gave
4 us may take us two years to complete, but thank you very
5 much, Carol. But anyway we will be discussing that today.
6 So thank you.

7 FACILITATOR: Okay. Thank you, Blake.
8 Jason, Workgroup C?

9 MR. ADAMS: Yes, good morning. As far as
10 Workgroup C, we offered to hand all our work to Workgroup B,
11 but our offer wasn't accepted. So we have to go back to
12 work.

13 I want to thank Carol for initiating the work to
14 put this summary together. This is a good piece of work
15 here. So I'll be working off of that here this morning. We
16 have, essentially, in Workgroup C, you'll see nine items
17 left there for Workgroup C.

18 We have language and ready for negotiation on
19 three of those items as of today. Items 7 and 8 and 9 and
20 10 that you see listed there, local cooperation agreements
21 is 7 and 8. Exemption from taxation is Items 9 and 10.

22 We had asked for a workgroup of attorneys to
23 address those issues and look at those, and that workgroup
24 of attorneys hasn't met yet. So hopefully today we'll have
25 some time set aside that some attorneys can take a look at

1 those issues for us and come to some agreement or give us
2 some direction on how we can proceed on a legal basis.

3 The last two items listed there, I'll go through
4 the review here. Items 6, 11, and 12 are the items we have
5 language prepared. We were ready to hand those out at the
6 last meeting.

7 The last two items listed there, performance
8 objectives, Section 1000.504, that was an item we found in
9 our workgroups that was a statutory change that needed some
10 work and wasn't listed, actually included on the matrix. So
11 we're taking a look at that issue, hope to have some
12 language for that to propose tomorrow.

13 And the last item is the IHP and APR format and
14 the related PIH notice. We are hoping to continue our work
15 in our workgroup. What we started is a full review of
16 statutory changes that are included in the draft IHP/APR
17 formats that are out there, have been out there for quite
18 some time.

19 Our workgroup will complete our review of that,
20 hopefully today, and have that ready for the committee to
21 negotiate on. So other than that, I think that is the work
22 left on the table today for Workgroup C.

23 FACILITATOR: Thank you, Jason. Any questions for
24 Workgroup C? Okay. Thank you.

25 Lafe?

1 MR. HAUGEN: Good morning, everyone. Welcome back
2 to the assistant secretary. We missed you in Colorado.
3 Glad she's here today to negotiate.

4 Workgroup F -- and again, I want to thank Carol
5 for her good work, the document that she put together. It's
6 very clear cut. In Workgroup F, we have several issues that
7 we're going to tackle this round.

8 And we also took the liberty of noting how much
9 time we thought each issue would take. I'm sure we're being
10 conservative, but nonetheless, we have quite a few issues.
11 And apologize for not making the meeting last night, but
12 definitely here today and ready to go to work. So with
13 that, I'm going to let John Tillinghast talk a little bit
14 about the issues we have.

15 MR. TILLINGHAST: Thank you, Mr. Chair. We have
16 eight issues left on our plate totally, we believe, about 12
17 hours worth of workgroup time. I guess, unfortunately,
18 we're now at some of the controversial ones.

19 First, there's an obscure provision that currently
20 requires -- an obscure regulation that currently requires
21 that you expend program income before you excess -- access
22 additional grant revenues.

23 The parties all agree that a 2005, I believe,
24 amendment in NAHASDA effectively repealed that requirement.
25 And so it's just a matter of choosing language there that

1 will be controversial.

2 Similarly, Section 209 of NAHASDA has a
3 stand-alone enforcement provision that I don't believe will
4 require any change. In any event, we're awaiting referral
5 from Subgroup B. Under the matrix, that issue should be
6 resolved by Subgroup B and then come to us.

7 Now, we get into the meaty stuff. Issue 74, we've
8 decided to -- there's two enforcement provisions, Sections
9 532 and 538. To the average reader, that implies that there
10 are two alternative enforcement procedures in case of
11 noncompliance. That's not true. There's one.

12 We're combining them into a one -- group into one.
13 We've agreed to do that. And HUD and the tribes each have
14 their own version of it. And the only differences in those
15 two versions are the controversial issues, which follow down
16 the line here.

17 We have Issue 75, which requires us to integrate
18 the concept of performing -- of performance agreements -- of
19 entering into performance agreements as a predicate for
20 getting technical assistance, if your noncompliance is due
21 to technical assistance -- or technical incapacity. I don't
22 imagine that being controversial.

23 Now, stuff starts getting controversial. Issue
24 76, there's a disagreement at the present time between HUD
25 and the tribes as to when, if ever, you're entitled to a

1 hearing if HUD wants to recapture funds because of a FCAS
2 overcount.

3 The next issue is equally controversial.
4 Currently there is a regulation which says that you can't
5 have funds recaptured if you currently spent them on
6 affordable housing activities. There used to be a statute
7 that says the same thing. The statute was repealed in year
8 2000. What did that do to the regulation?

9 And there's, right now, some difference of opinion
10 on that, and we're going to have to try and resolve it.

11 Next, NAHASDA was amended to make it clear that --
12 that you could recapture funds only if there was substantial
13 noncompliance and you were given the opportunity for
14 hearing.

15 Again, that raises the same issues as the hearing
16 requirement for FCAS overcounts. So that's going to be
17 controversial.

18 And finally, I don't know how controversial this
19 is going to be. Issue 79(e) will deal with the issue of
20 what level of monitoring and auditing and oversight is,
21 quote, appropriate, closed quote, for HUD as opposed to the
22 tribes.

23 That's what we have left.

24 FACILITATOR: All right. Anything else, Lafe?

25 Thank you. Any questions for Workgroup F?

1 If you review the agenda for today -- yes, Blake?

2 MR. KAZAMA: I would like to give a brief report
3 on the preamble and the work on the preamble committee, and
4 I'd like David to address that, as well --

5 MR. HEISTERKAMP: Good morning, everybody. The
6 preamble committee, as we reported last time, has been
7 established. There are going to be two lead drafters
8 working in that group. One is Dan Brown from HUD, and the
9 other one is going to be Earl Evans on the tribal side.

10 And I think in your packets, but certainly out on
11 the table this morning, is the first cut of that document.
12 So in a minute here, I'm going to turn it over, and Dan can
13 explain what's been produced here.

14 But this will be another workgroup that people can
15 participate in as they have an item of interest that they
16 want described. And you'll see some draft language in here
17 already, or if you want to just -- this document, as it is
18 updated, will be continuously be provided back to the
19 committee, so you can see what's being put together.

20 And you'll notice it contains not only the
21 beginnings of the preamble, but the language that you've
22 approved to date by consensus in redline format. So you can
23 see how it's going to look in its final regulatory form.

24 And I'll ask Dan to explain a little bit more.

25 But that's going to be the preamble committee. It's an ad

12 As Dick mentioned, it's also -- it's in redline
13 strikeout. Of course, as it's printed in the Federal
14 Register, it won't be in redline strikeout, but it's that
15 way so you can see what changes are made to the existing
16 text.

23 So a lot of things, for example, with what we've
24 seen on the screen, includes several paragraphs of existing
25 text with some minor changes. What goes in the Federal

1 Register are really just the minor changes. So I would just
2 suggest taking a few seconds to look at it, at some point,
3 just to get comfortable with the format.

4 And then the preamble itself, we describe very
5 briefly what each change is intended to accomplish. Again,
6 I think it's pretty straight forward and noncontroversial at
7 this point.

8 The only thing I guess I would add is what was
9 very helpful to me, personally, in doing the preamble
10 summaries, is I noticed, particularly Workgroup F, had, in
11 most cases, a single sentence that basically described what
12 the intended effect of their provision was.

13 That's very helpful to me, personally, and I would
14 just suggest that maybe some of the workgroups might want to
15 consider doing that as they format proposals that are going
16 to come before the committee. Because I think it's
17 important that people have a common meeting of the minds or
18 understanding of what the intended effect is so that we can
19 all agree that, okay, here's the language that we're
20 changing. Here's what the legislative intent, if you will,
21 is. This is what we're trying to accomplish so that we
22 don't later come up with, you know, various members of the
23 committee thinking, oh, I thought this change accomplished
24 X, and someone else says no, no, no. It didn't do that. It
25 was intended to do something different. So I would just

1 suggest that as one option.

2 And that just makes my life easier, because when
3 I'm writing the preamble section, it makes it easier for me
4 to capture what the intent was. So I don't know if there
5 are any questions?

6 FACILITATOR: Thank you.

7 MR. HEISTERKAMP: Along those lines, there's
8 another form that the drafting committee has developed and
9 would like to use. It was circulated to the drafting in the
10 last couple of weeks and then to the full committee
11 yesterday by e-mail from me.

12 There's printed copies out on the table, and some
13 of the proposals have already been formatted this way, but to
14 address Dan's concern, we've started to try and standardize
15 the way that the proposals will be presented to the
16 committee by clearly identifying the issue numbers and
17 regulations affected.

18 There is a place for comment, as Dan had
19 suggested, about what the regulation is intended to
20 accomplish. And then there's also spaces to capture if
21 there were a majority or minority opinions from both the
22 workgroups and from the committee, which is stuff that is
23 important in putting the preamble together.

24 And there's some other standardized formats for
25 date and time of consideration.

1 So in -- to try and -- to try and help Dan and
2 Earl out, instead of having them guess what we were doing
3 with the regulations, members of the drafting committee will
4 be trying to use that format, both as the proposals come
5 forward to the committee and then are sent for final
6 memorialization to the preamble workgroup.

7 FACILITATOR: Good. Thank you very much. I have
8 been -- I'd also like to welcome Sandra back to our
9 committee today. And, Sandra, I was told that you had a few
10 comments you'd like to make concerning your letter.

11 MS. HENRIQUEZ: Good morning, everybody. It's
12 good to be back. I have a little bit of a stiff neck, so if
13 I feel like I'm a robot, just bear with me. I'm taking lots
14 of stuff to try to make it feel better.

15 It is good to be back. It's good to be back in
16 Seattle. This is my brother's home, and so I have some
17 family and friends here as well. But it's good to see all
18 of you. I really did miss you. I thought about not coming
19 because I understood you made so much progress last time, in
20 Denver, but I thought, hmm, what's the common factor here?
21 So I thought -- but here I am anyway. So I hope that the
22 progress continues.

23 I wanted to just take a quick moment to talk to
24 you a little bit about a June 4th letter that I sent to all
25 of you regarding the IHP/APR streamlining process. And you

1 heard Jason talk about it in his report out from his
2 workgroup this morning as well.

3 There seems to be, from the reports that I got,
4 some confusion as to whether or not we should have gone --
5 we, HUD, should have gone to the Federal Register before the
6 full committee had a chance to review and comment and go to
7 consensus on this streamlining effort.

8 In order to make sure that we're all on the same
9 page and in order for HUD to be as clear as possible in its
10 respect for the work of the committee, I've decided to,
11 therefore, rescind the notice in the Federal Register so
12 that the workgroups could then finish, report out to this
13 committee, this committee had a chance to go to consensus
14 before HUD took further action to put it in the Federal
15 Register under the Streamlining and Paperwork Reduction Act
16 and moving forward toward implementation.

17 I understand that there seems to be a little bit
18 of controversy on both sides whether we should have
19 rescinded it and whether we should have published it. And
20 so I regret and I apologize if somewhere along the way,
21 whichever the camp you fall into, you are offended. We are
22 an equal-opportunity offender. So we wanted to at least get
23 playing -- a level playing field and move forward in a way
24 that respected this committee and its work. So that's why
25 the action was taken. Thank you very much.

1 FACILITATOR: Thank you, Sandra.

2 Yes, Lafe?

3 MR. HAUGEN: Jan, just a note that the item that
4 the item that I and John were reading off is now on the
5 screen, and it's a handout that you -- that's not -- the
6 other thing I wanted to note is Rodger has informed me that
7 the salmon that's handed out to all the members could be
8 tainted, so give it all to me. I'll test it and make sure
9 it's not. If you don't get it back, it's tainted. I washed
10 my hands before I handled it.

11 FACILITATOR: I think Lafe's spirit of
12 self-sacrifice is to be commended.

13 Just a little -- and we have a lot of visitors in
14 the audience today. So I think -- I was asked to just to go
15 over, quickly, some of the procedures for what we're going
16 to be doing today.

17 So basically, today, as you can see by the agenda,
18 it's a workgroup day. And the workgroups will soon adjourn
19 to their rooms to reach consensus on regulations and then
20 write them up in their rooms. And we found that -- and
21 submit periodically as you write them up to the contractor.
22 You can do that through Wi-Fi and send it to Kiana. And I
23 think everybody by now has Kiana's e-mail address.

24 And as the workgroups develop and reach agreement
25 on their product, they will send them directly to the

1 contractor. And by the end of the day, the contractor will
2 have been able to make hard copies of all the material that
3 we'll be looking at to approve tomorrow in the full
4 committee.

5 So we'll -- decided to skip the step of sending
6 workgroup material first to the drafting committee, because
7 it seems like all the drafting committee's members are
8 already in the workgroups. So we can skip that step and
9 skip that bottleneck.

10 So after the -- so after we -- tomorrow, we will,
11 as the committee approves this material, then it will be
12 sent to the drafting committee for final, kind of, reworking
13 or whatever.

14 So this -- at -- the other point that we think
15 will be useful and is also in the protocol is that at the
16 end of the workday, at five o'clock, when everybody kind of
17 quits, the working group chairs, the tribal cochairs,
18 facilitator, the PFO, will meet to review what's happening,
19 what has left to be done, and to kind of organize the work
20 for the following day.

21 And these are, of course, open meetings, if
22 anybody wishes to come, but they're basically just kind of
23 organizational meetings and summing up to see where we're
24 at. So there's no decisions or consensus or matters of that
25 kind to be discussed. It's just to really organize and to

1 take stock of where things are at and prepare to have a
2 productive day the following day.

3 Then tomorrow, the full committee will meet with
4 hard copies in hand of all the product that's been put
5 forward by and agreed to by the workgroups. And we will go
6 through and try to reach a consensus on what's been put
7 forward.

8 If there are difference or concerns or
9 negotiations, we can handle that within the full committee
10 tomorrow. And we'll deal with that then. So that's kind of
11 the plans for today. I think -- yes, Blake?

12 MR. KAZAMA: Could we at the end of today, the
13 committee get the hard copies before the evening, so people
14 who want to read it tonight can get that, all the hot
15 copies.

16 FACILITATOR: The -- I just talked to our
17 contractors. They need two hours to get everything put
18 together and to rearrange the template and all that kind of
19 thing. So we should maybe give ourselves a deadline. I
20 would say that if we can get it to them and finish up any
21 hard -- any product by three o'clock, that'd be great.

22 At the outside, if you're really working hard and
23 you think you can just finish it up and get it by four at
24 the very, very latest, that will force Kiana to work until
25 six, a little bit of overtime on her part, which -- and then

1 we could probably have it, you know, available by, like,
2 around seven or something like that.

3 So we could leave it out here, people could pick
4 it up, study it, make sure that we're all informed. We can
5 have -- we'll use our time well tomorrow.

6 How's that sound? So shoot for three o'clock.
7 Try to get your product in the e-mail to Kiana by three. If
8 you can't, at four at the latest. After that, we can't
9 guarantee that it will be published and in hard copy.

10 And I think that we also think -- I think we also
11 have seen that it's much more productive to have something
12 in hand before you sit down to negotiate this thing. I
13 think we have to have that.

14 Any other concerns about the procedures for today?
15 Yes, Karin?

16 MS. FOSTER: I just have a question, and I guess
17 I'd also like to express my appreciation for all the work
18 that's gone on behind the scenes in terms of setting
19 organization for this meeting. It's very, very helpful.

20 But I do have one question about something you
21 said, and that was talking about referring the committee's
22 work to the drafting committee for final rework. I wasn't
23 sure, is it anticipated that there would be changes made by
24 the drafting committee or after it had come through the
25 committee? I wasn't quite understanding that part of

1 process.

2 FACILITATOR: I think that we expect that what
3 comes out of the workgroups and is agreed to is pretty much
4 99 percent done.

5 There is -- I think the -- and once that's agreed
6 to within the committee, once the committee approves that
7 material, that's done. We tick that off. The drafting
8 committee is simply a final review of anything that might
9 have been missed or looks out of shape, something like that.
10 But that would not come back to be -- receive -- they
11 wouldn't have the authority to change anything substantial
12 on it.

13 MS. FOSTER: Karin Foster, Yakama Nation Housing
14 Authority.

15 They wouldn't have the authority to change
16 anything?

17 FACILITATOR: Substantially. Substantial --

18 MS. FOSTER: So if there were any changes from the
19 drafting committee, then can we request that they come back
20 to committee?

21 FACILITATOR: Oh, yes. Yes. The final draft
22 after the drafting committee's finished will come back to
23 committee to be reviewed and, you know, that kind of thing,
24 but not to go through the whole process of approval again.

25 Any other questions? Is everybody comfortable

1 with that?

2 So today, then, we will spend time in workgroups.
3 The facilitators and the tribal cochairs will be circulating
4 around to check your progress. If you finished early or
5 that kind of thing -- if everybody's miraculously finished
6 at one o'clock and we need to rearrange a committee meeting
7 again, we'll do that. We'll have some flexibility with
8 that.

9 But other than that, we expect that the working --
10 workgroups will have plenty to do today. And you can take
11 your breaks at 9:45 or 10:00 on your own and take your lunch
12 on your own.

13 And we will be checking around towards the end of
14 the day to make sure that there's any -- all the material
15 that's been submitted -- has been submitted.

16 And Kiana, if we -- if everybody gets their
17 material to you by four o'clock, can we say, then, that by
18 seven o'clock it will all be available, sitting out here on
19 the thing? Is that giving you enough time?

20 You want to put it in the Cobalt Room? Okay. But
21 what time should we tell them to come pick it up? Before
22 nine. Wow.

23 The Cobalt -- I'll give you room assignments in a
24 moment. The Cobalt Room is all -- everything's on this
25 floor, right, on the third floor? The Cobalt Room is where

1 the office is for Kiana and Valencia (phonetic) and
2 everybody else.

3 Workgroup A, you're -- you will be in the Steel
4 Room -- Steel.

5 Workgroup B, you're in Ballroom D, like in "dog."

6 Workgroup C will stay here and work in this room.

7 And Workgroup F, you're in Cyan, that's C-Y-A-N.

8 You're all posted out there, so just -- yes, Jason?

9 MR. ADAMS: I've got a question, again, just on
10 what you mentioned about the process and getting everything
11 back tonight. Was that, then, anticipated to be a package
12 of information available at nine o'clock tonight?

13 FACILITATOR: Before nine. By what time?

14 MR. ADAMS: Well, correct me if I'm wrong, but I
15 thought we talked about in our meeting last night that if we
16 had things done, we could get them to the contractor today
17 and then within a couple hours they'd have that turned
18 around and back to us so that it's not one big packet of
19 information to --

20 FACILITATOR: Yes. No, no, excuse me. During the
21 day, as you get things finished, please e-mail them to Kiana
22 so she can work on it during the day, and she won't have it
23 all at once.

24 MR. ADAMS: And the same coming back? As she
25 finishes those things, they're made available to the public

1 so that it's not one packet that we would pick up at nine,
2 but throughout the day there could be things available?

3 FACILITATOR: Is that right?

4 MS. FAUCETTE: Whatever's sent to me, it will be
5 made available immediately after it's finished. We only
6 extended the nine o'clock time because not everyone may be
7 ready to pick things up. And we'll keep the office open so
8 that you can pick everything up by nine o'clock, but you can
9 get it as it's ready, in general.

10 And the general turnaround, contingent on how many
11 pages it is, is about an hour. If it's a big document like
12 the ranking chart, that takes two hours to print 40 copies.
13 But if it's a two-pager, something like that can be done for
14 the entire committee and the public in about 30 minutes.

15 FACILITATOR: Thank you.

16 Does that answer your question, Jason?

17 MR. ADAMS: Yes.

18 FACILITATOR: Any other questions?

19 Larry also reminded me to encourage all of our
20 visitors also, these are all open workshop meetings. So
21 please, you're encouraged to attend and participate in the
22 workshop where you have the most interest and to give your
23 input and assistance to the committee members there.

24 Any other questions before we adjourn to our
25 workgroups?

1 Okay. Well, go forth and do good work.

2 (The meeting adjourned to workgroups at
3 9:16 a.m.)

4 -o0o-

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, the undersigned officer of the Court, under my commission as a Notary Public in and for the State of Washington, hereby certify that the foregoing proceedings were taken stenographically before me and thereafter transcribed under my direction;

That I am neither attorney for nor a relative or employee of any of the parties to the action; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this day of , 2010.

Kristin M. Vickery
NOTARY PUBLIC in and for
the State of Washington,
residing at Renton.
Commission expires 7/29/2010.

NAHASDA Reauthorization Act of 2008
Negotiated Rulemaking Session - Day 1

June 8, 2010
Page 34

A			B	
able	15:23 20:19	25:3	B	26:25
9:25 25:2	agreed	approved	9:4 10:8,13,17	Blake
accepted	16:13 26:5 28:3,5	18:22 19:9	11:24 12:1,3,11	2:9 4:22 10:10,14
13:11	agreement	approves	12:17,24 13:10	11:24 13:7 18:1
access	14:1 24:24	25:11 28:6	16:5,6 30:5	26:11
15:21	agreements	APR	back	bottleneck
accomplish	13:20 16:18,19	14:13	8:3 11:2,2,6 13:11	25:9
20:5,21 21:20	Alexander	areas	15:1 18:18 22:8	Boyd
accomplished	5:22	12:25	22:12,15,15 24:9	2:4 3:25 4:1
20:23	allow	aside	28:10,19,22 30:11	breaks
account	11:4	9:19 13:25	30:18,24	29:11
10:16 12:4	alternate	asked	balancing	brief
accustomed	5:3	8:25 10:8 13:22	9:23	7:24 18:2
19:18	alternative	24:14	Ballroom	briefly
Act	16:10	assignments	30:5	20:5
1:10 23:15	Alvin	29:23	based	bring
action	5:11	assistance	9:3	12:5,12
23:14,25 33:10	amended	16:20,21 31:23	basically	bringing
activities	17:11	assistant	12:3,23,25 20:11	12:8,21
17:6	amendment	15:2	24:17 25:22	brother's
ad	15:24	attend	basis	22:16
18:25	AMERICAN	31:21	14:2	Brown
Adams	1:2	attorney	battle	18:8 19:5
2:3 3:19,19,20 13:9	Angasan	33:9,10	3:17	busy
30:9,14,24 31:17	2:3 3:21,22	attorneys	bear	7:15
add	answer	13:22,24,25	22:13	Butterfield
19:3 20:8	31:16	audience	Becenti	2:6 4:7
additional	answered	6:11 8:20,21 9:2	2:4 3:23,24	
12:1 15:22	5:4	24:14	beginnings	C
address	anticipated	auditing	18:21	C
12:18 13:23 18:4	27:23 30:11	17:20	believe	2:1 9:4 13:8,10,16
21:14 24:23	anybody	authority	15:16,23 16:3	13:17 14:22,24
adjourn	4:3 8:15 25:22	28:11,14,15	better	30:6 33:1,1
24:18 31:24	anyway	available	22:14	Cagey
adjourned	13:5 22:21	27:1 29:18 30:12	big	4:2
32:2	apologize	30:25 31:2,5	30:18 31:11	call
affordable	15:11 23:20	Avenue	binding	3:18 6:4 9:10
17:6	appreciation	1:14	12:7	camp
agenda	27:17	average	birthday	23:21
6:12 18:1 24:17	appropriate	16:9	7:16,17	capture
aggregate	17:21	awaiting	bit	21:4,20
11:9	approval	16:4	12:4 15:13 18:24	Carol
agree	28:24	a.m	22:12,24 23:17	2:7 4:11 7:4 11:19
	approve	3:2 32:3		11:23 13:3,5,13

NAHASDA Reauthorization Act of 2008
Negotiated Rulemaking Session - Day 1

June 8, 2010
Page 35

15:4 Carol's 11:20 case 16:10 19:6 cases 20:11 CCR 1:23 cellphones 11:21 certainly 18:10 19:1 certify 33:7 Chair 15:15 chairs 6:22 7:2 9:1,5,16 9:24 10:23 11:15 25:17 chance 23:6,13 change 14:9 16:4 20:5,23 28:11,15 changes 14:16 19:15,25 20:1 27:23 28:18 changing 19:22 20:20 chart 8:6 31:12 check 29:4 checked 8:18 checking 29:13 choosing 15:25 circulated 21:9 circulating	29:3 clear 12:15 15:6 17:11 23:9 clearly 21:16 closed 17:21 Cobalt 29:20,23,24,25 cochair 3:16 cochairs 25:17 29:3 collect 9:7,11 Colorado 15:2 combining 16:12 come 7:10,14 11:6 14:1 16:6 20:16,22 22:4 25:22 27:24 28:10,19,22 29:21 comes 28:3 comfortable 20:3 28:25 coming 22:18 30:24 commended 24:12 comment 21:18 23:6 comments 11:20 22:10 commission 33:6,19 commitment 12:8 committee 2:3 4:8 6:22 7:3,5 10:25 11:2,10	12:8 14:20 18:3,6 18:19,25 19:1,2,9 20:16,23 21:8,10 21:16,22 22:3,5,9 23:6,10,13,13,24 25:4,6,11,12 26:3 26:9,13 27:22,24 27:25 28:6,6,8,19 28:20,23 29:6 31:14,23 committees 3:12 committee's 25:7 27:21 28:22 common 20:17 22:20 complete 9:25 11:3 13:4 14:19 completed 10:3 12:5 13:1 compliance 8:9 concept 16:18 concern 21:14 concerned 3:15 concerning 22:10 concerns 26:8 27:14 confusion 23:4 consensus 12:9 18:22 23:7,13 24:19 25:24 26:6 conservative 15:10 consider 20:15 consideration 21:25	contains 18:20 contingent 31:10 continue 14:14 continues 22:22 continuously 18:18 contracting 8:3,7 contractor 24:21 25:1,1 30:16 contractors 7:20 9:1 26:17 controversial 15:18 16:1,15,22 16:23 17:3,17,18 controversy 23:18 cooperation 13:20 copies 21:12 25:2 26:4,13 26:15 31:12 copy 8:14,15,19 9:6 27:9 copy's 19:7 correct 30:14 correction 10:15 corrections 6:18,20 counsel 33:11 COUNTY 33:4 couple 7:20 9:22 10:7 21:10 30:17 course	19:13 25:21 Court 33:6 Coyle 2:5 3:4,10,21,23,25 4:2,4,7,9,11,13,15 4:19,21,24 5:1,5,7 5:9,11,13,15,18 5:20,22,24 6:1,3 currently 15:19,20 17:4,5 cut 15:6 18:11 Cyan 30:7 C-Y-A-N 30:7 <hr/> D <hr/> D 30:5 Dan 18:8,12,24 19:1 21:18 22:1 Dan's 21:14 Darlene 2:14 6:3 date 1:21 18:22 21:25 David 18:4 day 1:12 3:12 24:18 25:1,20 26:2,2 29:14 30:21,22 31:2 33:13 days 7:11 day-to-day 3:14 De 8:2,5 deadline
---	--	---	---	---

NAHASDA Reauthorization Act of 2008
Negotiated Rulemaking Session - Day 1

June 8, 2010
Page 36

26:19 deal 17:19 26:10 decided 16:8 23:10 25:5 decisions 25:24 definitely 15:12 definitions 9:20 demonstration 12:11,19 Denver 22:20 DEPARTMENT 1:1 DePerry 2:5 4:5,6 describe 20:4 described 18:16 20:11 description 6:16 develop 24:24 developed 21:8 DEVELOPMENT 1:1 Diane 4:3 Dick 19:12 difference 17:9 26:8 differences 16:14 different 3:12 10:23 11:1 20:25 direction 14:2 33:8	directly 24:25 disagreement 16:24 discovered 10:18 discuss 12:13 discussed 25:25 discussing 13:5 discussion 12:24 divide 10:5 divided 9:3 10:4 document 15:5 18:11,17 31:11 dog 30:5 doing 7:5 12:2 20:9,15 22:2 24:16 Dr 3:7 draft 6:12 14:16 18:16 28:21 drafters 18:7 drafting 21:8,9 22:3 25:6,7 25:12 27:22,24 28:7,19,22 due 16:20 Durant 4:7 <hr/> E <hr/> E	2:1,1 12:17,18 33:1 33:1 Earl 18:9 19:1 22:2 early 29:4 easier 21:2,3 effect 20:12,18 effectively 15:24 effort 23:7 eight 15:16 Eighth 1:14 eligible 12:6 employed 33:11 employee 33:10,10 employment 8:3,7 encourage 31:19 encouraged 31:21 enforcement 16:3,8,10 enjoy 11:22 entering 16:19 entire 31:14 entitled 16:25 Environmental 8:9 equally 17:3	equal-opportunity 23:22 Ervin 4:24 essentially 13:16 19:8 established 18:7 Evans 18:9 evening 26:13 event 16:4 everybody 3:4,15 6:11 11:21 18:5 22:11 24:23 25:16 28:25 29:16 30:2 everybody's 29:5 everything's 29:24 exactly 9:18 example 9:9 10:20 19:23 excess 15:21 excuse 5:7,15,16 30:20 Exemption 13:21 existing 19:15,24 expect 28:2 29:9 expend 15:21 expires 33:19 explain 18:13,24 explanation	7:24 express 27:17 extended 31:6 e-mail 21:11 24:23 27:7 30:21 <hr/> F <hr/> F 9:4 10:20 15:4,6 17:25 20:10 30:7 33:1 facilitator 6:9,10 8:15 11:19 13:7 14:23 17:24 21:6 22:7 24:1,11 25:18 26:16 28:2 28:17,21 30:13,20 31:3,15,18 facilitators 29:3 factor 22:20 fall 23:21 families 12:6 family 22:17 far 7:10 13:9 19:8 fashion 11:9 FAUCETTE 31:4 FCAS 17:1,16 Federal 19:11,13,19,21,25 23:5,11,14 feel 9:24 22:13,14
---	---	--	--	---

NAHASDA Reauthorization Act of 2008
Negotiated Rulemaking Session - Day 1

June 8, 2010
Page 37

field 23:23	14:13 18:22 19:10 20:3,15 22:4	given 7:11 9:16,17 17:13	hand 7:21 8:12,16 13:10	2:8 22:11
fiercely 6:25	formatted 21:13	giving 29:19	14:5 26:4 27:12	Henry 4:2
fighting 3:16	formats 14:17 21:24	Glad 15:3	33:12	hereto 33:11
final 18:23 22:5 25:12 27:22 28:8,21	forth 32:1	go 3:12 8:3 10:6 13:11 14:3 15:12 19:10 23:6,13 24:14 26:5 28:24 32:1	handed 10:9 24:7	hereunto 33:12
finally 12:16 17:18	forward 12:1,24 19:8 20:6 22:5 23:16,23 26:5,7	goes 19:25	handle 12:15 26:9	Herne 4:16
financially 33:11	Foster 2:6 4:9,10 27:16 28:13,13,18	going 5:1 6:8,21 9:25 12:3,18 15:7,13 17:10,16,19 18:7 18:9,12,23,25 20:15 24:15	handled 10:13 11:5 24:10	hmm 22:20
finish 23:12 26:20,23	found 14:8 24:20	good 3:4 6:10,16 7:7 8:12 13:9,14 15:1 15:5 18:5 22:7,11 22:12,15,15,17 32:1	handout 24:5	Ho 4:8
finishes 30:25	four 9:3 10:23 11:4 26:23 27:8 29:17	Gore 2:7 4:11,12 7:7 8:17	hands 24:10	hoc 19:1
first 3:6,18 10:6 11:25 15:19 18:11 25:6	friends 22:17	grant 15:22	Hang 8:11	home 22:16
five 7:23,24 25:16	front 19:7	great 3:13 26:21	happened 6:17	hope 7:8 11:14 14:11 22:21
flexibility 29:7	full 7:2 14:15 21:10 23:6 25:3 26:3,9	group 3:10,13 7:2 8:22 16:12 18:8 25:17	happening 25:18	hopefully 13:24 14:20
floor 29:25,25	funds 17:1,5,12	guarantee 27:9	hard 8:14,19 10:2 25:2 26:4,13,21,22 27:9	hoping 9:15 14:14
folks 6:11 8:1,11	further 11:17 23:14 33:10	guess 9:25 15:17 20:8 22:2 27:16	Haugen 2:7 4:13,14 15:1 24:3	hot 26:14
follow 16:15	G	guests 6:11	hear 6:3	hour 31:11
following 25:20 26:2	general 31:9,10	H	heard 23:1	hours 11:4 15:17 26:17 30:17 31:12
force 26:24	gentlemen 3:6 6:10		hearing 17:1,14,15	housing 1:1 17:6 28:13
foregoing 33:7	getting 11:16,22 16:20,23 30:10		HEISTERKAMP 18:5 21:7	How's 27:6
form 18:23 21:8	give 3:7,18 6:16 14:1 18:2 24:8 26:19 29:23 31:22		help 3:13 7:18 9:15 11:10 22:1	HUD 16:13,24 17:1,21 18:8 19:1 23:5,9 23:14
formal 7:8			helpful 11:14,16 19:17 20:9,13 27:19	I
format			HENRIQUEZ	ideas 10:22
				identified

June 8, 2010
Page 38

11:9 identifying 21:16 IHP 14:13 IHP/APR 14:16 22:25 imagine 16:22 imbalance 10:4 immediately 31:5 impact 10:19 implementation 23:16 implies 16:9 important 7:12 20:17 21:23 Inaudible 5:13 incapacity 16:21 included 14:10,16 19:5 includes 19:24 income 8:23 10:16,17,21 10:23 11:7 12:6 15:21 indulge 7:8 indulging 7:19 inform 6:22 7:2 information 30:12,19 informed 24:6 27:4 initially	7:8 initiating 13:13 input 31:23 integrate 16:17 intended 20:5,12,18,25 21:19 intensely 6:25 intent 20:20 21:4 interest 10:16 18:15 31:22 interested 33:11 issue 8:4,5,8,9,23 9:13 10:8,12,15 14:11 15:9 16:5,7,17,23 17:3,19,19 21:16 issues 7:22,23,24 8:10,21 8:24 9:7,10,16,18 10:3,7,23,24 11:3 11:4,8,10 13:23 14:1 15:6,10,14 15:16 16:15 17:15 item 12:4,10,18,19 14:8 14:13 18:15 24:3 24:4 items 6:22 7:3 12:5,6 13:3,16,19,19,21 14:3,4,4,7	Jan 24:3 Jason 2:3 3:19 13:8 14:23 23:1 30:8 31:16 John 15:13 24:4 Jones 2:9 4:19,20,21 Judith 2:10 5:5,7 June 1:12,21 3:1 22:24	Kristin 1:23 33:17	life 12:7 21:2 line 16:16 lines 21:7 listed 7:23 13:20 14:3,7 14:10 little 12:4 15:13 18:24 22:12,24 23:17 24:13 26:25 local 13:20 long 6:16 look 6:14,14 12:1 13:23 13:25 14:11 18:23 19:18 20:2 looking 8:11 12:24 25:3 looks 7:21 19:19 28:9 lot 11:11,23 19:23 24:13 lots 22:13 lunch 29:11
		Karin 2:6 4:9 27:15 28:13 Kazama 2:9 3:7,8 4:22,23 11:25 18:2 26:12 keep 31:7 Keeswood 4:24 Kiana 24:22 26:24 27:7 29:16 30:1,21 Kiana's 24:23 kind 6:24 12:13 25:12 25:16,19,22,25 26:10,18 28:23 29:5 KING 33:4 knew 7:16 know 6:19 8:1,22 9:20 17:18 20:22 21:4 27:1 28:23 knows 8:21	L ladies 3:6 6:10 Lafe 2:7 4:13 14:25 17:24 24:2 Lafe's 24:11 language 9:19 13:18 14:5,12 15:25 18:16,21 20:19 Larry 2:5 4:4 31:19 latest 26:24 27:8 lead 18:7 leave 27:3 left 6:23 13:17 14:22 15:16 17:23 25:19 legal 14:2 legislative 20:20 leisure 6:15 Leon 2:8 3:16 4:17 Leonard 2:10 4:24 5:1 letter 22:10,24 Let's 3:8 level 17:20 23:23 liberty 15:8	M M 1:23 33:17 major 12:25 majority 21:21 making 3:16 8:10 9:9 10:12 10:25 15:11 Marasco

NAHASDA Reauthorization Act of 2008
Negotiated Rulemaking Session - Day 1

June 8, 2010
Page 39

2:10 5:6,7,8 Margarite 2:4 3:23 Maria 7:13 Mark 2:6 4:7 Marty 2:13 5:24 Marvin 2:9 4:19,21 massage 11:21 material 25:2,6,11 28:7 29:14,17 matrix 14:10 16:5 matter 9:11 15:25 matters 25:24 McCart 5:5 MCDADE 2:11 5:12,14 McGeisey 2:11 5:9,10 meaty 16:7 meet 25:18 26:3 meeting 6:7,17 11:12 14:6 15:11 20:17 27:19 29:6 30:15 32:2 meetings 25:21,23 31:20 MEMBER 4:8 members 2:3 19:2 20:22 22:3 24:7 25:7 31:23 memorialization	22:6 mentioned 19:12 30:10 met 13:24 minds 20:17 minimus 8:2,5 minor 19:25 20:1 minority 21:21 minute 18:12 minutes 6:13,13 31:14 miraculously 29:5 missed 15:2 28:9 Mole 5:11 moment 22:23 29:24 monitoring 17:20 morning 3:4 6:10,12,21 7:1 7:7 8:19 13:9,15 15:1 18:5,11 19:6 22:11 23:2 move 23:23 moving 23:16 Moyle 5:11,12 <hr/> <div style="text-align: center;">N</div> <hr/> N 2:1 NAHASDA 1:10 15:24 16:2	17:11 Nation 28:13 NATIVE 1:2 near 7:10 necessarily 10:5 neck 22:12 need 26:17 29:6 needed 14:9 needing 12:14 negotiate 14:21 15:3 27:12 negotiated 1:11 8:10 9:9 10:12 10:25 negotiation 13:18 negotiations 26:9 neither 33:9 NHIC 8:5 9:14 night 15:11 30:15 nine 13:16 29:22 30:12 30:13 31:1,6,8 noncompliance 16:11,20 17:13 noncontroversial 20:6 Notary 33:6,17 note 24:3,6 notes	8:13 notice 12:12,20,20 14:14 18:20 23:11 noticed 20:10 notified 11:22 noting 15:8 number 8:4 numbers 21:16 <hr/> <div style="text-align: center;">O</div> <hr/> objectives 14:8 obscure 15:19,20 offended 23:21 offender 23:22 offer 13:11 offered 13:10 office 1:2 30:1 31:7 officer 33:6 official 6:7 oh 20:23 28:21 okay 13:7 14:24 20:19 29:20 32:1 once 3:15 28:5,6 30:23 ones 15:18 one-pager	11:9 open 25:21 31:7,20 Opening 3:9 opinion 17:9 opinions 21:21 opportunity 17:13 opposed 17:21 optimists 10:1 option 21:1 order 10:7 23:8,9 organization 27:19 organizational 11:13 25:23 organize 25:19,25 organized 9:15 outcome 33:11 outside 26:22 overcount 17:2 overcounts 17:16 oversight 17:20 overtime 26:25 o'clock 25:16 26:21 27:6 29:6,17,18 30:12 31:6,8 o0o
--	---	--	--	---

3:3 32:4	16:18	plenty	proceedings	9:5 11:15,21 13:14
<hr/>	perimeters	29:10	33:7	15:5 18:19 19:10
P	3:11	point	process	23:14 26:4,6,17
P	periodically	20:2,7 25:14	22:25 28:1,24	29:20
2:1,1	24:21	possibility	30:10	putting
package	permanent	5:2	procurement	21:23
30:11	5:2	possible	8:2,5	<hr/>
packet	person	23:9	produced	Q
19:6 30:18 31:1	5:2	posted	18:13	question
packets	personally	30:8	product	27:16,20 30:9
18:10	20:9,13	pray	24:25 26:4,21 27:7	31:16
page	PFO	3:8	productive	questions
9:13 23:9	25:18	prayer	6:23,25 26:2 27:11	11:20 14:23 17:25
pages	Phair	3:7,9	program	19:3 21:5 28:25
31:11	4:3	preamble	8:23 10:16,17,20	31:18,24
Paperwork	Phelps	18:3,3,6,21,25 20:4	10:23 11:6 12:19	quick
23:15	2:12 5:16,17	20:9 21:3,23 22:6	15:21	19:18 22:23
paragraphs	Phil	predicate	PROGRAMS	quickly
19:24	6:3	16:19	1:2	24:15
part	Phillips	preference	progress	quite
26:25 27:25	5:16	8:2,7	22:19,22 29:4	14:17 15:10 27:25
participate	phonetic	prepare	projects	quits
3:13 8:21,22 9:21	7:13 30:1	26:1	12:11	25:17
18:15 31:21	pick	prepared	proposals	quorum
participation	27:3 29:21 31:1,7,8	8:12,18 14:5	20:15 21:13,15	6:7
3:11	Pickup	present	22:4	quote
particularly	2:12 5:18,19	2:3 4:10 16:24	propose	17:21,21
20:10	piece	presented	10:25 14:12	<hr/>
parties	13:14	11:2 13:2 21:15	protocol	R
15:23 33:10,11	PIH	pretty	25:15	R
pass	12:12,20,20 14:14	6:16 10:7 12:14	provide	2:1 33:1
9:1	place	20:6 28:3	11:12	Raise
passed	7:8 21:18	primarily	provided	8:16
8:17	places	8:20	18:18	raises
passing	7:10,10	print	provision	17:15
8:18	plans	19:21 31:12	15:19 16:3 20:12	ranking
people	26:11	printed	provisions	31:12
6:4,25 18:14 20:17	plate	19:13 21:12	16:8 19:9	Ray
26:13 27:3	15:16	probably	public	2:5 4:5
percent	playing	27:1	30:25 31:14 33:6	reach
28:4	23:23,23	procedures	33:17	24:19,24 26:6
performance	please	16:10 24:15 27:14	published	read
14:7 16:18,19	3:5 6:19 11:21 19:3	proceed	23:19 27:9	7:25 10:11 26:14
performing	30:21 31:21	14:2	put	reader
				16:9

NAHASDA Reauthorization Act of 2008
Negotiated Rulemaking Session - Day 1

June 8, 2010
Page 41

reading 8:20 24:4	12:14 21:17 22:3 24:19	23:11	29:25 30:4,6	21:3
ready 13:18 14:5,20 15:12 31:7,9	regulatory 9:19 18:23 19:10 19:19	rescinded 23:19	rooms 24:19,20	sections 9:10 16:8
really 8:13 10:2 20:1 22:18 25:25 26:22	related 9:8 10:18 11:11 14:14	reserve 10:16 12:4	round 15:7	see 7:23 13:16,20 18:16,19,23 19:3 19:15 22:17 24:17 25:23
rearrange 26:18 29:6	relative 33:9,10	residing 33:18	rule 8:10 9:9 10:12,25	seen 19:24 27:11
Reauthorization 1:10	relatively 19:7	resolve 17:10	Rulemaking 1:11	self-sacrifice 24:12
Rebecca 2:12 5:16	remain 7:3	resolved 16:6	rules 19:21	send 24:22,25
recapture 17:1,12	remaining 7:22	respect 23:10	Russell 2:14 6:1	sending 25:5
recaptured 17:5	remains 8:1	respected 23:24	<hr/> S <hr/>	sent 22:5,24 25:12 31:4
receive 28:10	Remember 10:4	rest 11:1 13:1	S 2:1,13	sentence 20:11
recognize 7:12	reminded 31:19	Retha 4:16	salmon 24:7	separate 10:24
record 7:25	renton 33:18	revenues 15:22	Sandra 2:8 4:15 22:8,9 24:1	sequence 11:5
redline 18:22 19:12,14	reorganizing 7:5	review 6:12,15 14:4,15,19 18:1 23:6 25:18 28:8	Sawyers 2:13 5:20,21,23	session 1:11 6:24 10:9
Reduction 23:15	repealed 15:24 17:7	reviewed 28:23	says 10:10 17:4,7 20:24	set 9:18 13:25 33:12
reference 9:13	report 7:4 11:17 18:2 23:1 23:12	rework 27:22	scenes 11:12 27:18	setting 27:18
referral 16:4	reported 1:23 18:6	reworking 25:12	screen 19:20,24 24:5	seven 27:2 29:18
referring 27:21	reports 6:21 23:3	right 6:15 17:9,24 29:25 31:3	seal 33:13	shape 28:9
regarding 22:25	request 28:19	Robert 4:7	seats 3:5	Sharol 2:11 5:14,15,15
Register 19:11,14,19,21 20:1 23:5,11,15	require 16:4 19:21	robot 22:13	Seattle 1:15 3:1 22:16	Shawna 2:12 5:18
regret 23:20	requirement 15:24 17:16	Rodger 2:4 3:25 24:6	second 6:15	sheet 9:6,7
regulation 15:20 17:4,8 21:19	requires 15:20,20 16:17	roll 3:18	seconds 20:2	shoot 27:6
regulations	rescind	room 10:1 29:20,23,24	secretary 15:2	SHURALVLOFF 5:25
			section 10:20 14:8 16:2	

NAHASDA Reauthorization Act of 2008
Negotiated Rulemaking Session - Day 1

June 8, 2010
Page 42

Shuravloff 2:13 5:24	spent 17:5	straight 19:7 20:6	3:10 7:17 8:3 15:9 19:5 23:8 24:8 27:4,23 29:14	tell 9:12 29:21
sic 12:1	spirit 24:11	streamlining 22:25 23:7,15	surprised 6:24	Teller 2:10 4:24,25 5:4
side 18:9 19:2	ss 33:3	strikeout 19:13,14	Susan 2:15 6:6	template 26:18
sides 23:18	standardize 21:14	structure 11:13	T	terms 12:13 27:18
Similarly 16:2	standardized 21:24	study 27:4	T 33:1,1	test 24:8
simple 11:9	standing 19:2	stuff 16:7,23 19:3 21:22 22:14	table 12:6,12,22 14:22 18:11 21:12	text 19:10,16,19,25
simply 11:2,12 28:8	stand-alone 16:3	Subgroup 16:5,6	tackle 10:8 15:7	thank 3:6 6:8 7:14,18 10:13 11:14,19,23 11:25 12:2 13:4,6 13:7,13 14:23,24 15:4,15 17:25 21:6 22:7 23:25 24:1 31:15
single 20:11	start 7:2,6	subject 9:11,12	tackling 10:14	thanks 3:15 7:18
sir 3:20	started 14:15 21:14	submit 24:21	Tagliavento 7:13	that'd 26:21
sit 27:12	starts 16:23	submitted 29:15,15	tainted 24:8,9	they'd 30:17
sitting 29:18	State 33:3,6,18	subpart 9:3	take 6:13 7:7 8:13 13:4 13:25 15:9 19:17 22:23 26:1 29:10 29:11	thing 3:10 12:10 17:7 20:8 24:6 26:19 27:12 28:23 29:5 29:19
situation 3:14	statute 9:4,13 12:14 17:6,7	subparts 9:4 10:4	taken 1:14 19:9 23:25 33:7	things 7:20 9:22 19:23 26:1 30:16,21,25 31:2,7
six 26:25	statutory 14:9,16	substantial 17:12 28:11,17	takes 31:12	think 6:24 7:1,4,20 8:17 9:24 10:2 11:16 14:21 18:10 19:6 19:17 20:6,16 24:11,14,23 25:14 26:11,23 27:10,10 27:10,13 28:2,5
skip 25:5,8,9	stay 30:6	Substantially 28:17	talk 11:6 12:16 15:13 22:23 23:1	thinking
soon 24:18	Steel 30:3,4	Subtitle 12:11	talking 10:22 12:21,25 27:21	
sorry 8:12	stenographically 33:7	suggest 20:2,14 21:1	taxation 13:21	
sort 9:18 19:18	step 25:5,8	suggested 21:19	technical 16:20,21,21	
Sossamon 2:14 6:1,2	Steve 3:21	suggestions 7:4		
sound 27:6	STEVEN 2:3	summaries 20:10		
spaces 21:20	sticky 10:7	summary 7:22 9:6,7 13:14		
special 7:11	stiff 22:12	summing 25:23		
spend 29:2	stock 26:1	sure		

NAHASDA Reauthorization Act of 2008
Negotiated Rulemaking Session - Day 1

June 8, 2010
Page 43

20:23 third 29:25 Thomas 2:11 5:9 thought 8:11,18 15:9 20:23 22:18,20,21 30:15 three 9:10,10 12:25,25 13:3,19 26:21 27:6,7 tick 28:7 Tillinghast 15:13,15 time 6:23 13:25 14:18 15:9,17 16:24 18:6 21:25 22:19 27:5 29:2,19,21 30:13 31:6 title 9:11 titled 9:11 titles 7:25 9:16,17 today 7:17 9:25 12:24 13:5,19,24 14:20 14:22 15:3,12 18:1 22:9 24:14 24:16,17 26:11,12 27:14 29:2,10 30:16 told 22:9 tomorrow 14:12 25:3,10 26:3 26:10 27:5 tonight 26:14 30:11,12 Tooley	2:14 6:3 topics 10:18 totally 15:16 transcribed 33:8 tribal 8:2,7 18:9 19:2 25:17 29:3 tribes 16:13,25 17:22 trip 7:14 true 16:11 try 11:5 17:10 21:14 22:1,1,14 26:6 27:7 trying 20:21 22:4 Tuesday 1:21 3:1 turn 6:8 18:12 turnaround 31:10 turned 30:17 two 7:20 11:4 13:4 14:3 14:7 16:8,10,15 18:7 19:2 26:17 31:12 two-pager 31:13 <hr/> U undersigned 33:6 understand 9:18,20 23:17 understanding	20:18 27:25 understood 22:19 unfortunately 15:17 updated 18:18 URBAN 1:1 use 21:9 22:4 27:5 useful 12:7 25:15 <hr/> V Valencia 30:1 various 20:22 version 16:14 versions 16:15 Vickery 1:23 33:17 visitors 24:13 31:20 <hr/> W waiting 12:20 13:1 waiver 8:9 want 3:11 7:12,14,16 8:15,21 11:14,25 12:12,13,16 13:13 15:4 18:16,17 19:3 20:14 26:14 29:20 wanted 22:23 23:22 24:6 wants 17:1 washed	24:9 Washington 1:15 3:1 33:3,7,18 wasn't 13:11 14:10 27:22 27:25 way 8:13 19:15 21:13 21:15 23:20,23 weeks 21:10 welcome 6:11 15:1 22:8 we'll 6:19 12:5,21 13:24 25:3,5 26:10 27:5 29:7,7 31:7 we're 3:16 6:21 9:24 14:11 15:7,9,18 16:4,12 17:10 19:22 20:19,21 23:8 24:15 25:23 27:4 we've 7:10,23 9:10,16,24 10:18,22 11:11 16:7,13 19:8,8,23 21:14 Whatever's 31:4 WHEREOF 33:12 whichever 23:21 WICKER 2:15 wish 7:17 wishes 25:22 WITNESS 33:12 Wi-Fi	24:22 work 6:22 7:2,5,12 8:1 9:23,25 10:2 11:11,17,23 12:1 12:4 13:10,12,13 13:14 14:10,14,21 15:5,12 18:3 23:10,24 25:19 26:24 27:17,22 30:6,22 32:1 workday 25:16 worked 6:23 7:3 9:1,5 10:17 workgroup 7:6,22 9:22,24 10:6 10:8,13,13,17,17 10:20 11:15,17,24 12:1,3,17,17,18 12:24 13:8,10,10 13:16,17,22,23 14:15,19,22,24 15:4,6,17 17:25 18:14 20:10 22:6 23:2 24:18 25:6 30:3,5,6,7 workgroups 8:1 9:2,3,17,23 10:3,19,19,23 11:1 14:9 20:14 21:22 23:12 24:18 24:24 25:8 26:5 28:3 29:2,10 31:25 32:2 working 11:15 13:15 18:8 25:17 26:22 29:9 workload 10:5 worksheet 8:25 9:12,14 10:11 worksheets
--	---	---	---	--

**NAHASDA Reauthorization Act of 2008
Negotiated Rulemaking Session - Day 1**

**June 8, 2010
Page 44**

7:21	<u>2</u>	52	9:45
workshop	2000	12:6	29:11
31:20,22	17:8	532	91
worth	2005	16:9	12:19
15:17	15:23	538	99
wouldn't	2008	16:9	28:4
28:11,15	1:10	54	
Wow	2010	12:7,7	
29:22	1:12,21 3:1 33:13	<u>6</u>	
write	209	6	
24:20,21	16:2	14:4	
writing	23	62	
21:3	12:10	12:7	
wrong	24	63	
6:19 30:14	8:24	12:10	
<u>X</u>	26	68	
X	8:24	12:10	
20:24	29	<u>7</u>	
<u>Y</u>	8:24	7	
Yakama	<u>3</u>	13:19,21	
28:13	30	7/29/2010	
year	8:24 31:14	33:19	
17:7	3125	74	
years	1:23	16:7	
13:4	34	75	
yesterday	8:9	16:17	
9:23 21:11	35	76	
<u>1</u>	8:10 10:12	16:24	
10	37	79(e)	
13:20,21	8:10 10:12	17:19	
10:00	<u>4</u>	<u>8</u>	
29:11	4th	8	
1000.504	22:24	1:12,21 3:1 13:19	
14:8	40	13:21	
11	12:5 31:12	8:33	
14:4	46	3:2	
12	12:5	<u>9</u>	
14:4 15:16	47	9	
15	10:15 12:4	13:19,21	
8:8	<u>5</u>	9:16	
1635	51	32:3	
1:14	8:5		