

## TRIBAL ADMINISTRATOR REPORT

**TO:** TRIBAL BUSINESS COUNCIL

**DATE:** May 1, 2019

**SUBJECT:** Monthly Report

**Federal Budget.** The President has presented his FY 2020 budget proposal. For FY 2020, there will be separate budgets for BIA and BIA. The BIE has multiple issues surrounding construction, repairs and ordering supplies. The President has targeted BIE initiatives in the amount of \$68.9 million for construction and \$62.8 million in facility improvements. The overall BIA budget is reduced by approximately 10%. Small and Needy Tribes funding is proposed to be eliminated as well as HIP and Tribal Climate Resilience. Funding for Social Services, Welfare Assistance and Indian Child Welfare Act programs is being reduced with ICWA being reduced by as much as 30%.

For the BIE budget, Scholarships and Adult Education is being proposed for elimination, as well as Special Higher Education and Science Post Graduate scholarships. A reduction in TPA dollars for JOM is also being proposed.

For EPA, the programs that are proposed to be eliminated that affect the tribe include: Nonpoint Source (Section 319), pollution prevention, LUST Prevention (Underground Storage Tank programs that focus on inspections, enforcement, development of leak prevention regulations, and other program infrastructure), Waste Minimization and Recycling, and Reduce Risks from Indoor Air, Lead Risk Reduction Program. EPA programs that are proposed to be reduced that affect the tribe include: Brownfields, Pollution Control (Section 106), and Tribal General Assistance Program (GAP). Included with my report are the summaries of the BIA, BIE and EPA FY 2020 budget proposals. Tribes will need to work with our congressional representatives to restore proposed cuts. *The Congressional Appropriations Committee is still working on the appropriation levels for FY 2020. Senate Majority Leader Mitch McConnell and House Speaker Nancy Pelosi are beginning negotiations on a two-year deal to raise the budget caps. President Trump is against these negotiations. If no agreement is made, spending cuts mandated by the Budget Control Act (sequestration) will go into effect October 1, 2019.*

**Attorney Fees.** For 2019, we spent *\$47,372.02* out of the General Fund for attorney and consultant fees and the budget is \$210,000.00. Most of these funds have been used by the attorneys in the EPA and FHWA Self-Governance initiatives, as well as the gaming compact. Out of the *\$47,372.02*, *\$7,500.00* was spent on lobbying fees and *\$12,024.32* was spent on the new gaming compact.

**Road Inventory.** The Public Works and I are working on the proposed MOUs that will need to be done with the BLM, Caltrans, City, County, and Forest Service to include their roads that provide access to tribal properties. *I hope to have this completed on our end by the middle of May.*

**Strategic Planning Session.** A new Special Tribal Business Council meeting date will need to be set up to finalize the items needed for the Tribal Strategic Plan and a discussion will need to be held on when and where to conduct the tribe's Strategic Planning Session as well as the tools that will be used to develop the concepts for the session.

**Federal Highways Administration (FHWA).** The tribe's 2019 Tribal Transportation Improvement Plan (TTIP) has been submitted to FHWA for incorporation into the State Transportation Improvement Plan (STIP). We have received the signed Referenced Funding Agreement for Fiscal Year 2019 as well as RFA Amendments 1 and 2. The approved funding includes \$68,310.98 in TTP funds and \$1,552.52 in TTP Transportation Planning funds (2%). The Public Works Director and the Fiscal Department has completed the semi-annual reporting keychain on the projects identified in the tribe's 2019 TTIP.

**BIA Contract Support Cost Workgroup.** The BIA cancelled the meeting at the Isleta Casino and Resort scheduled for April 16<sup>th</sup> and 17<sup>th</sup> in Albuquerque, NM due to the failure to get their paperwork processed in time. When we meet, we will go over how the contract support costs have been handled since the approval of the Indian Affairs Manual (IAM) Chapter on Contract Support Costs as well as the finalization of a handbook to go along with this chapter of the IAM. I have told the workgroup members that I will be stepping down as the Tribal Co-Chair of the BIA Contract Support Cost Workgroup at the next meeting or as of December 6, 2019, whichever comes first.

**10.45 Acres Property.** The Pow Wow Chair has a concept for the Pow Wow grounds that I need to coordinate with both her and the Public Works Director to see if the concept will work given the layout of the property. The NRD Director is working on an RFP to get the property resampled for hazardous materials. Once that is done, the tribe will need to move forward on a plan to take care of the hazardous sites. This item will be revisited after the meeting with the EPA Brownfields Program Manager on May 2<sup>nd</sup>.

**18.09 Acres Property.** All the items needed to have the property rezoned from R-4 to C-O have been turned in to the City's Planning Department. The RFP/Q for the Environmental Assessment is being advertised and I have had four companies request the Scope of Work. The RFP/Qs are due by 4:30 pm on Friday, June 14<sup>th</sup>, and will be on the June 18<sup>th</sup> Tribal Business Council meeting for approval of the lowest/most responsible bidder.

**Census 2020.** The tribe has received a \$5,000 mini-grant to provide outreach for the Census. The Tribal Executive Secretary is the tribe's representative for the Census. She has been involved in meetings and webinars in preparation for the Census. It is important that in mixed households, the Native American is put as the Head of Household, otherwise the home will not be counted as a Native American home.

**General Plan.** The General Plan is a legal document that will be adopted by the Tribal Business Council and will ensure consistency in regulations. The General Plan would address a 20-year time frame and its goals will be long-range in nature while its policies and programs will be intermediate or short-range. I have copies of the City of Susanville



General Plan as well as the Lassen County General Plan I can use for guidance. I will seek other General Plans that tribes have done to see what I may be able to include in ours. Once complete, this will assist the tribe in developing land by identifying the tribe’s priorities for development, bike trails, sidewalks, roads, etc. In order to do the General Plan, the land use for the Guitierrez Property and the BLM Land transfer property will need to be identified. The Master Plan and General Plan will need to involve input from both the TBC and community members. I will use that strategic plan to ensure that all the departments are meeting or striving to meet the strategic plan of the tribe in a sound and financial manner.

<b>Task</b>	<b>Deliverables / Comments</b>
BIA Land Title Status Report	<p>Russ and I met with Jamie Parisot and Julie Hector from the BIA on the lot assignments June 29, 2016 in the Tribal Office Modular Conference Room. We reviewed the status of each lot (Tribal, Master Lease with SIRHA or Sublease to an individual) and Jamie and Julie will go back to review and update their records. The BIA will no longer record in the Trust Asset Management System (TAMS) or record with the Land Realty Title Office lot assignments as they are controlled by the tribe. The signed residential lease and resolution for Lot 22B have been sent to the BIA for signature and for them to forward the documents to LRTO so that they can record the lease. Once that is done, Anna Young can use those documents to obtain a HUD Section 184 loan. The BIA sent the tribe an acknowledgement letter for the lease with Anna Young and enclosed a Residential Lease Checklist. Those items have been completed and the BIA Northern California Agency has completed their Environmental Review of the property and is recommending that it be Categorically Excluded. They have forward their recommendation and photos to Dan Hall at the Pacific Regional Office for his approval. Dan Hall has visited the property to verify the environmental condition. We are waiting on the BIA to sign the lease, return it to us and then enter the lease into TAMS. The Northern California Agency sent all of the required information for Anna Young’s assignment the end of February to LRTO to be recorded so now it is LRTO’s hands. On August 3<sup>rd</sup>, the BIA sent the preliminary information regarding Anna Young’s lease, but we are still waiting on LRTO to send us the certified Title Status Report. I talked to Julie Hector, the NCA Realty Officer, in November and she is checking on the status of the certified Title Status Report on a regular basis. At</p>

	<p>the BIA FY 2021 Budget Formulation meeting, I talked to Mervel Harris, Acting Deputy Regional Director – Trust Services about the problem with obtaining the Certified Title Status Report. He said he will investigate this and get back to me. <b>I called Mervel Harris again today (May 1<sup>st</sup>) and left a message asking for him to call me on the certified Land Title Status Report for Anna Young.</b></p>
<p>Cradle Valley Fee-to-Trust Application</p>	<p>As the property will be used for the same purposes, it is classified as Categorically Excluded for environmental purposes. Dave Rapport did a follow-up call from the BIA and they asked for something from the tribe stating that we would not be building any new structures on the property. I provided an email to Dave Rapport stating this and he has forwarded it on to the BIA. This further justifies the Categorically Excluded decision for the property. The BIA Solicitor at the Pacific Region has issued a non-endorsement for the Preliminary Title Opinion based on exception number 10 on the title commitment. The Deed provides for the NRCS easement to be in place for thirty years, which means if the land transfers into trust, the US would assume the obligations. The easement expires in March 2036 and the sum the tribe received for this easement was \$98,400.00. Dave Rapport has contacted the BIA Solicitor on this issue and both believe that some type of agreement may be able to be reached so that the property can be placed into trust status. Dave Rapport has sent a proposed agreement to USDA and he is waiting on their response after it has been reviewed by their legal department. Dave Rapport has reached out again to USDA to see if their legal department has reviewed and accepted the agreement or not. Dave Rapport was able to talk to the USDA representative and will be setting up a conference call with their lawyers to work out the agreement. Dave Rapport will keep me posted. I talked to Dave Rapport at the end of February about this and he is reaching out to the USDA attorney to find out the status. Nothing new to report at this time.</p>

As always, please feel free to come by the office or call me if I can answer any questions for you or if you need anything.

Attorney / Consultant Fees as of May 1, 2019

Lobbying	\$	7,500.00
Land Transfer	\$	-
Gaming Compact	\$	12,024.32
CV Fee-to-Trust Application	\$	-
New Clinic	\$	-
SFSI	\$	-
SIRCO	\$	-

Bluebird CPAs	\$	-
Mapetsi Policy Group	\$	7,500.00
Rosette & Associates, PC	\$	27,169.66
Rapport and Marston	\$	57.00
Hobbs, Straus, Dean and Walker, LLP	\$	14,478.08

Year to Date Figures		
ATTG	\$	-
Casino	\$	-
EPA	\$	-
FHWA	\$	-
FTA	\$	-
Gam. Comm.	\$	-
GF	\$	47,372.02
ICDBG	\$	-
ICWA	\$	918.22
IHS	\$	-
Indirect	\$	282.00
LIHC	\$	632.50
LRTP	\$	-
NAGPRA	\$	-
New Clinic (IHS AFA)	\$	-
New Clinic (3rd party)	\$	-
NRD	\$	-
Public Works	\$	-
Road Construction	\$	-
RSTF	\$	-
SFSI	\$	-
SIRCO	\$	-
SIRHA	\$	-
Third Party	\$	-
TLC	\$	-
USFWS TWG	\$	-
Total	\$	49,204.74