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U.S. DEPARTMENT OF INTERIOR, OFFICE OF REGULATORY AFFAIRS,
AND COLLABORATIVE ACTION TRIBAL CONSULTATION FOR:
RE-PETITIONING FOR FEDERAL ACKNOWLEDGMENT AS AN AMERICAN
INDIAN TRIBE (25 CFR PART 83)

TRANSCRIPT OF REMOTE TRIBAL CONSULTING MEETING

HELD VIA ZOOM ON
MONDAY, AUGUST 19, 2024
3:01 P.M.

WASHINGTON, D.C.

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1 REMOTE APPEARANCES

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J. Michael Harty, Facilitator, Kearns & West
Madeline Kane, Facilitator, Kearns & West
Ben Duncan, Facilitator, Kearns & West
Bryan Newland, Assistant Secretary for Indian Affairs
(AS-IA)
Regina Gilbert, Regulatory Specialist, Office of Regulatory
Affairs and Collaborative Action, Office of the Assistant
Secretary for Indian Affairs
Oliver Whaley, Office of Regulatory Affairs and
Collaborative Action
Keely Driscoll, Department of the Interior Contractor Team
K. Denise Litz, Acting Director, Office of Federal
Acknowledgment
Stephanie Sfiridis, Senior Counselor, Office of Assistant
Secretary for Indian Affairs
Sam Ennis, Assistant Solicitor, Tribal Government Services,
Office of the Solicitor
John-Michael Partesotti, Office of Federal Acknowledgment
Team Lead, Tribal Government Servicer, Office of the
Solicitor
Judge Gregory Bigler
Kathryn Isom-Clause, Deputy Assistant Secretary, Indian
Affairs for Policy & Economic Development

REMOTE APPEARANCES

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Chief Vincent Mann, Turtle Clan Chief, Ramapough Munsee
Nation
Richard Reich, Attorney for the Muckleshoot Tribe
Maryanne Mohan, Attorney for the Suquamish Tribe

1 TRANSCRIPT OF REMOTE TRIBAL CONSULTING MEETING

2 HELD VIA ZOOM ON

3 MONDAY, AUGUST 19, 2024

4 3:01 P.M.

5
6 MR. HARTY: Good afternoon and welcome to today's
7 virtual government to government consultation session on
8 the 25 CFR Part 83 Proposed Rule on Re-Petitioning for
9 Federal Acknowledgment as an American Indian Tribe.

10 My name is Michael Harty and I'll be facilitating
11 today's session. My team members, Madeline, Ben, and I,
12 are contractors to the Department of the Interior. We're
13 supporting the Department's team for this Part 83
14 consultation process. Derrick Beetso and Keely Driscoll
15 are also part of our contractor team and will be tracking
16 all of today's input.

17 This is the first of three opportunities to
18 provide input virtually on the Part 83 Proposed Rule. A
19 second consultation session is scheduled for September 3rd
20 and a listening session is scheduled for September 5th .
21 This information is provided in a "Dear Tribal Leader"
22 letter dated July 12. A link to that letter can be found
23 in the chat.

24 As noted, the consultation sessions are closed to
25 the press and the public.

1 A few technical items to insure you're able to
2 participate, particularly if you can keep your phone or
3 your listening -- your microphone on "mute", it will be
4 very helpful. I want to make sure that everyone
5 understands the consultation today is only open to
6 federally recognized tribes. It's closed to non-federally
7 recognized groups, to the public, and the press in order to
8 protect any confidential information.

9 We do have a court reporter today. Her name is
10 Barbara Molina. Barbara will be preparing a transcript of
11 all the input today and will have instructions for you
12 later to ensure that all of your input is accurately
13 captured. We will ask tribal leaders and elected officials
14 and/or their representatives to provide those comments.
15 And, again, we'll have more instructions when we get to
16 them.

17 We also have closed captioning services. If you
18 would like to use closed captioning, go to the bottom of
19 your screen and click on the arrow next to "Closed Caption"
20 and choose, "Show Subtitle"; or you can use the link that
21 we'll paste into the chat box -- again, if you would like
22 to use closed captioning.

23 And I think you may have heard earlier we are
24 recording this session.

25 So with that I am going to turn to Bryan Newland,

1 Assistant Secretary for Indian Affairs.

2 MR. NEWLAND: Thank you so much, Michael, and
3 good afternoon, everybody. My name is Bryan Newland. I
4 have the privilege of serving as the Assistant Secretary
5 for Indian Affairs here at the Department of the Interior.
6 And I'm glad that you have all joined us today for this
7 government to government consultation.

8 Before we begin this consultation, we always try
9 to make sure that we have these engagements done in a
10 respectful and proper way. And so to offer us a blessing
11 today, we've invited Judge Bigler all the way from Skogie
12 Creek to offer us a blessing.

13 So, Judge Bigler, if you'll do us the honors,
14 please?

15 JUDGE GREGORY BIGLER: Thank you and I'm very
16 honored to do this and perhaps it was fortuitous as the
17 Yuchi are not federally separately recognized but was in
18 the Muscogee Creek Nation. So maybe many of the things
19 that one talks about would be of interest to us, although
20 as I said, we are within the Muscogee Creek Nation and we
21 appreciate their help they've given us over the years.

22 So I will give a short prayer here in our Yuchi
23 language and then I'll translate it for those of you who
24 are -- or try to translate it for those of you who don't
25 understand. So if you'll give me a moment, please.

1 (WHEREUPON, traditional opening prayer provided
2 in the native Yuchi language.)

3 JUDGE GREGORY BIGLER: Creator, the One that
4 gives us breath, today we gather to think about Indians and
5 those who are not Indians and how the US will act towards
6 them. Our children who are home, You watch over them.

7 I ask that you help keep us -- keep them in our
8 minds as we work and that what we do here helps guard our
9 Indian people and our Indian ways. Our eldest that have
10 passed on, that is why we are still here.

11 Creator, today You pour Your blessings over us
12 and I ask at this meeting that everything goes well.

13 That is all.

14 MR. NEWLAND: Thank you so much, Judge, for your
15 words of prayer as well as for you taking the time to be
16 with us today.

17 So we have scheduled today this consultation for
18 90 minutes and we have a little bit of programming on the
19 front end. It shouldn't take us more than 15 or 20 minutes
20 and then we'll get to the part -- the main reason why we're
21 here, which is to hear from all of you.

22 Just one housekeeping item before we get started
23 is that I have a conflicting meeting for 15 minutes at 4:00
24 p.m. Eastern Time, so about 50 minutes from now. If we're
25 still going, I will duck out and our Deputy Assistant

1 Secretary Kathryn Isom-Clause will fill in probably much
2 more capably than me today and continue the conversation;
3 and I will rejoin when I'm able to do that.

4 So as I mentioned to you before, I'm Bryan
5 Newland. I serve as Assistant Secretary and we've got an
6 incredible team of folks here at the Department who do this
7 work and I'm going to introduce them to you right now.
8 That includes our Deputy Assistant Secretary Kathryn Isom-
9 Clause; our Senior Counselor from our Office of the
10 Assistant Secretary, Stephanie Sfiridis; the Acting
11 Director of OFA, the Office of Federal Acknowledgment,
12 Denise Litz.

13 We've got some of our key team members from the
14 Office of the Solicitor on the line, as well, including Sam
15 Ennis, our Assistant Solicitor for Tribal Government
16 Services; and John-Michael Partesotti, the Office of
17 Federal Acknowledgment Team Lead and Tribal Government
18 Services Attorney from the Office of the Solicitor.

19 And we also have here the man behind the scenes,
20 Oliver Whaley, who leads our Office of Regulatory Affairs
21 and Collaborative Action, handling the slides and making
22 sure that we're doing this consultation and promulgating
23 this Rule according to the correct process.

24 So, Oliver, can you go to the next slide, please?

25 So today's consultation, our programming, as I

1 mentioned, I'm going to give a little bit of background on
2 our federal acknowledgment regulations and how we got to
3 this point of proposing amendments to the Part 83
4 regulations and then we will turn it over to all of you.

5 So, Oliver, next slide, please.

6 Many of you know that the Department first
7 published federal recognition regulations in 1978, which
8 creates the process that we use to date now for groups to
9 petition the federal government for recognition. Those
10 regulations were amended in 1994 and then again in 2015.
11 Once the federal government acknowledges a tribe then you
12 go on the annual list that we publish every year, according
13 to the 1994 List Act.

14 Next slide, please, Oliver.

15 Our federal recognition regulations include seven
16 mandatory criteria for federal acknowledgment. Those are
17 listed at 25 CFR Section 8311. They're listed here
18 briefly. I'm not going to read them verbatim to you.

19 Next slide, please, Oliver.

20 So just a little bit of background on re-
21 petitioning and the Department's prohibition on allowing
22 groups to petition for recognition after they had
23 previously been denied. This prohibition has been part of
24 the Department's regulations since 1994.

25 In 2014, the Department published a rule that

1 would've allowed groups to re-petition; but one year later
2 the final rule withdrew that proposal and maintained the
3 1994 regulation's prohibition with some of the reasoning
4 set forth below.

5 Next slide, please, Oliver.

6 After we published the revised regulations in
7 2015, two petitioners, the Chinook Indian Nation and the
8 Burt Lake Band of Ottawa and Chippewa Indians, filed suit
9 to challenge our decision to not include the re-petitioning
10 language in the final rule. And in 2020, two separate
11 courts in the Western District of Washington, as well as
12 the District of DC, agreed with the petitioners' lawsuits
13 and held that the 2015 final rule was arbitrary and
14 capricious under the Administrative Procedures Act because
15 the Department did not adequately justify not including the
16 re-petitioning language in the final rule. And they both
17 remanded the rule back to the Department to reconsider the
18 language.

19 Next slide, please, Oliver.

20 So since those decisions in 2020, the Department
21 has been wrestling with this issue; and in late 2020 under
22 the previous administration the Department announced its
23 intent to reconsider the ban and solicited written
24 comments. After President Biden's inauguration in 2021,
25 the Department held a consultation with federally

1 recognized tribes and the comment period closed at that
2 time. And after that the Department considered three
3 different options, including retaining the prohibition on
4 re-petitioning, allowing limited re-petitioning or allowing
5 open-ended re-petitioning. Then we published a proposed
6 rule with the first option in 2022.

7 Next slide, please, Oliver.

8 That rule -- that proposed rule in 2022 included
9 language that would've upheld the 1994 prohibition on re-
10 petitioning with several of the arguments you see listed
11 here.

12 Next slide, please, Oliver.

13 We published that proposed rule again in April of
14 2022. We held tribal consultation two years ago in that
15 summer. We also held a listening session with prospective
16 petitioners who were not federally recognized and we closed
17 that comment period in July of 2022, and then worked to
18 consider again three different options: retaining the
19 prohibition, allowing limited re-petitioning, and allowing
20 open-ended re-petitioning and we have now settled on the
21 second option which is reflected in the regulations we've
22 proposed.

23 Next slide, please, Oliver.

24 Some of the reasons that we've laid out for
25 taking this approach include equity and fairness to

1 unsuccessful petitioners, especially in light of the 2015
2 regulations. We wanted to be responsive to the courts in
3 both the Chinook and Burt Lake lawsuits. Advancements in
4 technology and our ability to process these rules or these
5 petitions, excuse me, protection from -- protection from
6 wide ranging litigation of previously denied petitions and
7 previously decided issues, as well as recognition of third
8 party and departmental interests and finality.

9 Next slide, please, Oliver.

10 So under the language that we've proposed now,
11 the Rule would append a new subpart to 25 CFR Part 83 that
12 would condition re-petitioning on a threshold review. So
13 to petition again for federal recognition, a group would
14 first have to plausibly allege that the Department's
15 previous negative determination would change to a positive
16 on reconsideration based on one or both of the following:

17 The change in the regulation itself from a
18 previous version of the Rule to the current version and/or
19 new evidence.

20 Next slide, please, Oliver.

21 Under this language, unsuccessful petitioners
22 would have five years to submit a new petition request and
23 that clock would begin on either the effective date of the
24 final rule if a previous -- if the Department had
25 previously denied a petition longer than five years ago,

1 you would have five days or five years from the final rule
2 or five years from a negative final determination whichever
3 one occurs after; and that clock would be told during any
4 lawsuit reviewing a negative final determination.

5 Once you had been denied or once a group has been
6 denied authorization to re-petition, they would not be
7 permitted to submit a petition again unless the Department
8 revises Part 83.

9 Next slide.

10 The new subpart at 83.50 to 83.61 would describe
11 the procedures that we would use to evaluate every petition
12 request and the procedure would mirror the same one that we
13 use for processing a documented petition, so that would
14 include publication of a notice in a federal register,
15 posting of certain portions of a submission on our website,
16 notification to certain third parties, and an opportunity
17 for public comment on the request.

18 Next slide, please.

19 The proposed Rule also classifies how the
20 Department would prioritize review of documented petitions
21 and re-petition requests.

22 So those petitions that are already under review
23 would receive the highest priority followed by petitions
24 awaiting review. New petitions would have priority over
25 resubmitted or re-petitions at least initially. And OFA

1 would maintain a list of re-petitioning requests ready for
2 active consideration. Any petition that's pending on that
3 list for more than two years would have priority over any
4 subsequently filed petition.

5 Next slide, please.

6 Within 180 days of the date that OFA notifies the
7 petitioner that we've begun review, we would issue a
8 decision on the re-petitioning request itself. That's that
9 threshold question before we get into the substance of re-
10 petitioning. If we find that a petitioner meets those
11 conditions for re-petitioning, we would grant authorization
12 at that point. That would not be a final agency action if
13 we authorize re-petitioning. Instead, it just simply
14 allows a group to submit a new petition.

15 However, a decision that denies a request to re-
16 petition and would be considered final agency action that
17 would allow for interested parties to go to court and seek
18 redress.

19 Next slide, please.

20 Our proposed Rule would also give any petitioner
21 that's currently moving under the previous version of Part
22 83 the choice to switch over to the 2015 process, and we
23 believe that this promotes efficiency because without this
24 choice petitioners currently proceeding under the previous
25 version of Part 83 would have to await a final

1 determination, and in the event of a negative determination
2 it would then have to file a Request to Re-Petition under
3 the part -- under the 2015 regulations. So this saves a
4 lot of headache, heartache, and resources by everybody.

5 Next slide, please.

6 Okay. So we are going to stop our part of this
7 where we speak at you and open the floor up to all of you.
8 If you wish to comment, you can use the "Raise hand" icon
9 on your taskbar at the bottom of your screen. If you're
10 participating today by phone, you simply press "Star 9" on
11 your keypad. That will raise your hand and then you'll
12 have to use -- make sure that you unmute yourself. So if
13 you're on phone it will be "Star 6" (sic) that will
14 identify you by the last four digits of your phone number
15 or here if you're participating by Zoom, you'll have to
16 just unmute yourself at the bottom of your screen.

17 We are going to try to make sure that we're
18 responding to tribal leaders first as we see them. We'll
19 go in order as long as we have comments or questions up
20 until our regularly scheduled time, which is about 70
21 minutes from now.

22 So with that we'll open the floor to all of you
23 and we will please also monitor the chat because we will be
24 providing some important information for those of you
25 there, including this important fact that if you have a

1 written comment you want to submit, please send it to
2 consultation@bia.gov by midnight on Friday, September 13th,
3 and it will be included in the consultation record.

4 Do we have any participants who wish to comment
5 or who have questions?

6 MR. HARTY: I don't see any raised hands yet but
7 maybe people are moving their cursors to the "Raise hand",
8 Bryan, now.

9 MR. NEWLAND: Yep, in my experience, Michael,
10 folks usually don't want to be first so I'll hold -- I'll
11 hold here for a few minutes. Of course, we're not going to
12 make everybody stare awkwardly at me in their screen if
13 nobody has comments. But we will hold for a few minutes
14 and see if anyone wishes to comment.

15 So I see a hand from Chief Vincent Mann.

16 Please share your name and who you're
17 representing today.

18 CHIEF MANN: (Speaking in native tongue.)

19 Hello, everyone. My name is Chief Vincent Mann.
20 I am currently the elected Turtle Clan Chief of the
21 Ramapough Lenape Nation. Our head sachem is Sachem Dwaine
22 Perry of the Ramapough Lenape Nation.

23 Our tribe petitioned for federal recognition back
24 in -- I guess we began that process in 1978, during which
25 time in 1994 our tribe was given a negative finding. Prior

1 to that actually being told to us, there was a senator who
2 leaked that information two weeks prior to. There was the
3 changes in the regulations that happened, so we were
4 allowed to continue to move forward. And then we received
5 another negative finding which then we had taken the BIA to
6 federal court.

7 In that court proceeding, the judge at that time
8 had asked the BIA's lawyer, you know, what was, you know,
9 what's the problem with our federal recognition bid; and
10 the reason why we were there is because they said we were
11 not Indians. But pressure from the judge in 2000 actually
12 caused the BIA's lawyer to tell the truth and stated that
13 there has never been a question ever whether or not we were
14 native people. And the judge proceeded to ask him, you
15 know, so then what was the problem? And then the lawyer
16 said, well, they didn't -- they didn't know which tribe of
17 historic first contact from which we come from.

18 You know, that in itself also was not true
19 because the Ramapough are listed on land deeds in 1680, I
20 believe, with Chief Katonah being the sole sachem of all
21 Ramapough Indians at that time. So the judge referenced to
22 the BIA that he said -- excuse -- excuse his way of putting
23 it forward, but he said it's likening this to a pre-
24 packaged loaf of bread in that you're finding something
25 wrong with all of these things.

1 What the BIA did in regards to the Ramapough
2 people was that they used impossible burden of proof
3 instead of reasonable likelihood. It was proven as such
4 and there was even documentation that came forward from the
5 BIA at that time that stated that they would not do that in
6 further recognition cases.

7 Since that time when we did not receive our
8 federal recognition our people have continued to suffer.
9 Specifically, the Turtle Clan living in a federal super
10 fund site which has been an ongoing battle for nearly 60
11 years now with no help whatsoever. But they continue to
12 live there and die.

13 And so in 2015 when this all came about, you
14 know, there were many of our people just, you know, native
15 communities in general that were super excited about the
16 fact that they would be able to go back and to petition
17 again. The Ramapough were also one of those peoples. We
18 had Bud Shapard who was a part of the BIA, who actually
19 left and came to our side and wrote how the Ramapough
20 provided 80 percent more documentation, you know, than most
21 federally recognized tribes at that time.

22 Unfortunately, if any of you are aware of our
23 case, the former president who is also running for
24 president at the moment, Donald Trump, was a big adversary
25 to our people because of his casinos in New Jersey, which

1 he no longer has which we filed way before that was even an
2 option to native communities. So for us, the Ramapough, I
3 would say that being -- being able to go back before the
4 BIA, the federal government, to lay out, you know, before
5 them what happened to us and why we should be federally
6 recognized is something that hopefully would set a
7 precedent in Indian country.

8 You know, native people have been through a lot
9 in this country and, you know, it's not just our lands that
10 were taken or our lives, you know, but even our names that
11 we carry. So I'm going to stop right there for now.

12 (Speaking in native tongue.)

13 Thank you.

14 MR. NEWLAND: Thank you, Chief Mann, and thank
15 you for sharing with us and also bringing along your good
16 boy to participate in the consultation. Dogs are always
17 welcome.

18 I just want to -- your comments are included in
19 the record. I want to make sure that reiterating and
20 emphasizing a point that we tried to raise at the top,
21 which is today's consultation is intended to be government
22 to government between the Department of Federally
23 Recognized Tribes. We do have a separate listening session
24 that is aimed to be also a part of the rulemaking process
25 and record for unrecognized groups that either are

1 currently petitioning or wish to -- may wish to re-petition
2 the Department for federal recognition.

3 We draw this distinction because there is a --
4 there is a bit of a difference that is important between
5 that formal government to government between the Department
6 of Recognized Tribes and those seeking recognition, and we
7 will certainly account for the views in our rulemaking and
8 want to hear from you in the rulemaking if you are
9 representing unrecognized groups, either currently
10 petitioning or seeking re-petition.

11 But thank you again for joining us and we'll turn
12 back to our list of participants and look for raised hands.
13 So if you wish to comment, please raise your hand. If you
14 are on the phone, you can press "Star 9".

15 MR. HARTY: I don't see any other hands at the
16 moment, but let's give them some time.

17 Any elected or appointed tribal representatives
18 or their designated representatives today for federally
19 recognized tribes?

20 MR. NEWLAND: All right. A reminder, if included
21 in the chat that if you wish to submit written comments,
22 please send those to consultation@bia.gov by midnight on
23 September the 13th .

24 MR. REICH: Yes, my "Raised hand" function isn't
25 working.

1 MR. NEWLAND: Okay.

2 MR. REICH: If there are no elected tribal
3 leaders, my name is Richard Reich, tribal attorney for the
4 Muckleshoot Indian Tribe in Washington State.

5 MR. NEWLAND: Yes. Go ahead, Richard.

6 MR. REICH: The Muckleshoot Tribe -- let me turn
7 on my camera here, I suppose.

8 The Muckleshoot Tribe supported the continuation
9 of the 1994 ban on re-petitioning contained in the 2015
10 final Rule revising Part 83. It supported the Department's
11 2022 proposal to maintain the ban on re-petitioning
12 following the Burt Lake and Chinook decisions.

13 The Muckleshoot Tribe continues to support
14 maintenance of the ban on re-petitioning for all of the
15 reasons persuasively described by the Department in the
16 2022 proposed rule.

17 With that said, my questions today focus on the
18 standard for the threshold determination described in the
19 July 12th proposed Rule. The tribe will be submitting
20 written comments by the -- by the deadline to amplify its
21 support for maintenance of the ban.

22 My understanding is under the standard for
23 surviving a motion to dismiss used by the federal courts,
24 which is described in the proposed Rule, the decision maker
25 must accept all of the complainants' or in this case the

1 petitioners' allegations and material facts as true and
2 draw all reasonable inferences in favor of the petitioner.
3 The only question for the decision maker under the proposed
4 standard is whether the petitioner's factual allegations
5 are ultimately -- if ultimately proven true would entitle
6 the petitioner to the relief sought.

7 I guess my first question is: Am I correct that
8 this is the threshold standard the Department is proposing
9 and am I correct that it doesn't involve a fact finding by
10 the Department as part of the threshold determination?

11 And if I'm wrong about that, can you point me out
12 where in the proposed Rule I have misunderstood the
13 proposed Rule?

14 MR. NEWLAND: Did you have additional questions
15 you wanted to ask, Richard?

16 MR. REICH: Yeah. The additional questions are:
17 Can you explain the reasoning for proposing the proposed
18 threshold standard which appears to adopt the standard used
19 by federal courts under Federal Rule of Civil Procedure
20 12v6 to assess motions to dismiss for failure to state a
21 claim?

22 Why did the Department choose that standard as
23 opposed to the standard that it proposed at the 2014 --
24 excuse me -- yes, the 2014 draft regulations?

25 And can you explain why the Department considers

1 this to be a narrow standard when it's clearly much broader
2 than the standard proposed in 2014?

3 MR. NEWLAND: Thank you, Richard. So what I --
4 what I can say is that simply point back to the language
5 that's in the proposed Rule itself. I don't want to in
6 this setting get beyond what we included in the Notice of
7 Proposed Rulemaking because it is extensive and we tried to
8 lay out our rationale there.

9 We would, of course, welcome the tribe to comment
10 in recommendations on language. It's understood that the
11 tribe favors keeping the prohibition in place on re-
12 petitioning and if you have comments on regulatory language
13 that you want to make in the alternative, we would welcome
14 that as well into the record and I will -- what I can tell
15 you is that like we do in all of the rulemaking, we
16 actually do read your comments and a lot of these find
17 their way into regulatory text at the end of the day.

18 MR. REICH: Thank you.

19 MR. NEWLAND: Thank you.

20 MR. HARTY: Other commenters?

21 I see a hand from Maryanne Mohan. Go ahead,
22 Maryanne.

23 MS. MOHAN: Oh, yeah; sorry, let me fix my
24 camera.

25 Hi. I just wanted to -- I'm Maryanne Mohan,

1 attorney for the Suquamish Indian Tribe of the Port Madison
2 Reservation here in Washington.

3 I just wanted to echo Richard's comments and
4 provide that the Suquamish Tribe also urges the Department
5 of Interior to maintain the ban on re-petitioning under
6 Part 83 and that we will be submitting written comments as
7 well. Thank you.

8 MR. NEWLAND: Thank you, Maryanne.

9 MR. HARTY: Other comments?

10 I don't see any other hands.

11 MR. NEWLAND: While we wait for that, I just --
12 it -- you know, going back to Richard and Maryanne and your
13 comments, I want to emphasize for everyone the importance
14 of getting your -- if you wish to make written comments,
15 getting those to us before the deadline. Once in the
16 rulemaking process -- once we close the public comment
17 period, you know, that closes off our ability to engage
18 with you and begins the deliberative process period where
19 we have to look at the record in front of us. So if that's
20 all to say if you have something important that you wish to
21 share with us as part of this rulemaking, please be timely
22 in submitting your comments and we will review them.

23 We'll hold the floor open for another minute or
24 two; and as long as we've got folks with comments we'll
25 stay for our designated time. If not, we will let folks

1 go.

2 If you're on the phone, you can press "Star 9" to
3 raise your hand. You can use the "Raise hand" function at
4 the bottom of your screen. You can do that by pressing the
5 "React" button and then there's a separate one underneath
6 that that shows up that says you can raise your hand.

7 We'll do a final call for comments unless folks
8 want to keep it going.

9 MR. HARTY: I wonder if it would be helpful to
10 put up the -- that information you referred to a little bit
11 earlier about the deadline for submitting comments?

12 MR. NEWLAND: Yep, we've done that in the chat,
13 Michael.

14 MR. HARTY: Yeah. So you can find it in the
15 chat. And as also reflected in the chat, the next
16 consultation session is September 3rd at 1:00 Eastern and
17 then there is a listening session for present, former, and
18 prospective petitioners scheduled for September 5th at 3:00
19 p.m. Eastern Time.

20 MR. NEWLAND: I don't see any other hands at this
21 point. Last call for comments during today's consultation.

22 Going once, going twice. Okay.

23 What we can do then is adjourn today's
24 consultation session. As Michael said, we have additional
25 opportunities for you to join us in these formal

1 consultation sessions electronically and we look forward to
2 any written comments you wish to submit.

3 Thank you for joining us today and taking time.
4 We know that you're all incredibly busy working on behalf
5 of your people, your communities, your clients, and we
6 really appreciate you sharing some of that time with us.

7 With that, we will adjourn today's consultation
8 session at 3:40.

9 Thank you, Michael, Barbara, and our team.

10 MR. HARTY: Thank you.

11 (WHEREUPON, the session was concluded at 3:40
12 p.m.)

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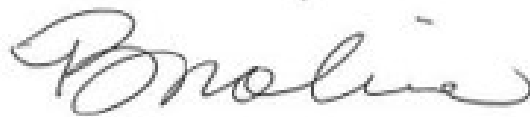
25

CERTIFICATE

I, Barbara Molina, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 4th day of September, 2024.



Barbara Molina

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