



Saint Regis Mohawk Tribe

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Executive Secretariat - Indian Affairs (ESIA)

Chief Eric Thompson
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Kenténha / October 25, 2017

The Honorable Ryan Zinke
Secretary
United States Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Shé:kon / Greetings Secretary Zinke:

We are writing regarding the Department's October 4, 2017 Tribal Leader letter, which formally announces the Department's determination to revise the fee-to-trust regulations at 25 C.F.R. Part 151. Any changes to the Part 151 process will have a significant impact on all tribes. The ability of a tribe to request land be held in trust by the United States has been enshrined in the law for nearly a century. It is the main process that tribes use to expand their land base for both governmental and economic purposes.

The letter sets out only three consultations, none in the eastern region, and requests comments on the proposals by December 15, 2017, a mere 72 days after the draft was shared. The Department's Tribal Consultation Policy is set forth in 512 DM 5 – Procedures for Consultation with Indian Tribes. The 512 DM 5.5.A(1) states in part, "The appropriate DOI officials within a bureau/office will provide notice to, and begin consultation with Indian tribes as early as possible when considering a departmental action with tribal implications **and provide Indian tribes a meaningful opportunity to participate in the consultation process.**" It provides further at 5.5.B (1) that "Bureaus/offices **will solicit the views of affected Indian tribes regarding the process timeline** to consult on a departmental action with tribal implications."

Given the significance of the regulations, the announced consultation period is wholly inadequate for two reasons—the period of time is far too short to allow tribes to give the input necessary to address the proposal and the few available consultations are all in the west, leaving any tribe east of Arizona, like the Saint Regis Mohawk Tribe, without ready access to a meeting. The Department proposed meetings are sandwiched around a major holiday, and then the comment period will be closed fifteen days after the consultation meetings. The DM, 512 DM 5.B, provides further guidance that the Department needs to take into account: "The basis of consultation is rooted in **meaningful dialogue where the viewpoints of tribes and DOI, including its bureaus and offices, are shared, discussed, and analyzed.**" Three days of consultation in the western United States and the close of a comment period 15 days later can hardly be called meaningful dialogue with tribes throughout the country.

The 512 DM 5.4.A, reminds that "Bureaus and offices must be open and candid with tribal government(s) during consultations and incorporate tribal views in their decision making processes. The consultations, whether initiated by the tribe or DOI, must be respectful of tribal sovereignty." While your letter claims the goal is to "reduce the burden on tribal applicants," so far as we are aware, no tribe has asked that this historical process be revisited or revised. Since no tribe has requested these regulations be revised, the Department should strive to take seriously the enjoinder that tribal sovereignty be respected.

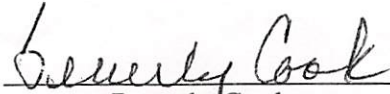
In addition, the United States has a trust duty to all tribes and that duty includes protection of tribal land interests. With that in mind, the Tribe urges the Department to reconsider what can only be called a fast track schedule for such an important issue and convene at least one consultation in the Eastern Region.

Skén:nen / Peace,

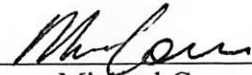
THE SAINT REGIS MOHAWK TRIBAL COUNCIL



Eric Thompson
Tribal Chief



Beverly Cook
Tribal Chief



Michael Conners
Tribal Chief

cc: James Cason, Associate Deputy Secretary
 John Tahsuda, Acting Assistant Secretary—Indian Affairs
 Benjamin Keel, Executive Director, White House Council on Native American Affairs