

Kalispel Tribe of Indians
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June 28, 2018

Mr. John Tahsuda
Principal Deputy Assistant Secretary
Office of Indian Affairs
Department of the Interior
1849 C Street, N.W.
MS-4004-MIB
Washington, D.C. 20240


Re: Concern over Department's Proposal to Change Part 151 Regulations

Dear Principal Deputy Assistant Secretary Tahsuda,

The Kalispel Indian Tribe ("Tribe") appreciates the opportunity to share its views on the Department of the Interior's ("Department") December 6, 2017 Dear Tribal Leader Letter announcing its proposal to change the fee-to-trust regulations found at 25 C.F.R. § 151 ("Part 151"). The Tribe is concerned that this effort will result in new barriers for tribes seeking to acquire lands in trust, especially when those lands are located outside existing boundaries of a tribe's reservation.

The Tribe attended two separate in-person consultations to share our views and listen to other tribal leaders' views on the Department's proposal. The first consultation we attended was last October in Milwaukee at the National Congress of American Indians Annual Conference and the second consultation we attended was in Portland, at the Affiliated Tribes of Northwest Indians Winter Conference in January. Every tribal nation, except for one, spoke against this proposal in Milwaukee and the opposition was unanimous in Portland. Indeed, the National Congress of American Indians passed a resolution that "strongly opposes the proposed revisions to 25 C.F.R. Part 151 and asks that the Department immediately withdraw and cease any efforts to amend the land into trust regulations." MKE-17-059 (2017).

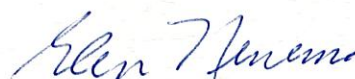
If the point of this consultation is to seek input from Indian Country, then it would appear that the Department has its answer on the collective desire of Indian Country to see this proposal abandoned. Indian Country fears this undertaking is not aimed to create a better and more efficient Part 151 process, but rather to erect new hurdles and create new criteria that will impede tribes' abilities to acquire lands in trust. These concerns mandate that the Tribe oppose this effort.



We also respectfully refuse to answer the Department's ten questions presented in the December 6, 2017 letter because the questions are constructed in a fashion that appears to lead the responses to certain conclusions rather than seeking meaningful tribal input. The Tribe fears that any responses, regardless of intent, will be utilized to justify the Department's goals in this proposal. We cannot participate in a process that is not a true meaningful consultation and the Tribe remains in opposition.

The Tribe respectfully requests that the Department cease this effort and instead focus its energy on working within the existing Part 151 regulations to restore tribal lands in the spirit of the Indian Reorganization Act. Again, thank you for the opportunity to share the Tribe's views on this effort.

Sincerely,



Glen Nenema
Chairman

cc: The Honorable Patty Murray, U.S. Senate
The Honorable Maria Cantwell, U.S. Senate
The Honorable Cathy McMorris Rodgers, U.S. House of Representatives