



Ysleta del Sur Pueblo

Tribal Council

119 S. Old Pueblo Road · P.O. Box 17579 · El Paso, Texas 79917 · (915) 859-8053

August 30, 2017

Attn: Revise Indian Trader Rule
Office of Regulatory Affairs & Collaborative Action
Office of the Assistant Secretary – Indian Affairs
1849 C Street NW, Mail Stop 4660-MIB
Washington, DC 20240

RE: 25 C.F.R. Part 140

Dear Deputy Assistant Secretary Clarkson:

Please accept this letter on behalf of the Ysleta del Sur Pueblo as formal comment in response to the proposed update of the “Licensed Indian Traders” regulations currently found at 25 C.F.R. Part 140. A letter released by your office dated July 28, 2017, requested comments and economic data concerning specific projects our Tribal organization would be unable to initiate or approve under current regulatory requirements.

Specifically, the Pueblo has a mixed use development project on the horizon which would include a medical facility, multi-family housing, and retail spaces, but would lose out on approximately \$113,750/year on a gross sales retail tax because of the dual taxation issue. If the Pueblo were to impose a gross sales tax on the retail tenants, it would create a dual taxation environment for the prospective tenants and could ultimately terminate the project. The mixed-use development project requires an overall capital investment of \$26.5 Million and could potentially create 220 jobs.

Aside from the dual taxation impediment, the increased costs and delay inherent in the federal regulation of activities congruent with economic development, such as fee-to-trust and leasing of tribal lands, vitiates or substantially reduces the benefits of development projects. The Trump Administration should empower tribes by (1) prioritizing the fee-to-trust process for lands suitable for economic development, and (2) freeing tribal lands of all leasing regulation where the entire fee simple is held in trust by the United States or in the tribe subject to a restraint on alienation. Economic development in Indian Country requires a holistic approach whereby conflicting regulations and practices should be remedied for commerce to flourish and yield sustainable benefits.

If you have any questions concerning these comments, please contact Jonathan Robertson, Director of Community Development, at jrobertson@ydsp-nsn.gov or (915) 218-9198.

Sincerely,

Tribal Governor