



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



October 26, 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: Yurok Comments to Draft Revisions to the Licensed Indian Traders regulations, 25 CFR part 140

Aiy-ye-kwee' Deputy Assistant Secretary Clarkson;

The Yurok Tribe is in receipt of your most recent letter received September 8, 2017, inviting written input regarding revisions of the "Licensed Indian Traders" regulations, currently found at 25 CFR part 140. In addition to the brief oral testimony offered by the Yurok Tribe during the October 16, 2017 consultation in Milwaukee, we wish to submit the following written comments.

The Yurok Tribe is located in rural northwest California. We are the largest federally recognized tribe in California with over 6,200 enrolled members. In the high season, the Yurok Tribe and sub-entities employ over 500 people. Yurok people have lived along the Klamath River since time immemorial. Today, the Yurok Reservation extends one mile either side of the Klamath River from the mouth at the Pacific Ocean 44 miles up to the Yurok Village of Weitchpec. However, our Ancestral Territory is much larger, about 765 square miles, most of it now outside the Yurok Reservation.

There is arguably no better example of federal government neglect of economic development in Indian Country than the Indian Trader Regulations. Existing regulations are rarely used, and were never effective to prevent abuses. The Yurok Tribe supports a fresh look at these regulations with emphasis on tribal self-determination. The regulations should recognize a tribe's authority to determine how and why it does business with traders on its own lands. Tribal laws should regulate businesses on tribal land. There should be a basic presumption of tribal jurisdiction for those businesses electing to operate on the Yurok Reservation.

The Yurok Tribe greatly struggles with economic development on the Yurok Reservation. On portions of our reservation, unemployment rates are higher than 80%. Economic sovereignty is essential to the Yurok Tribe's ability to be self-sufficient. Common law creating dual taxation in Indian Country causes great harm to the Yurok Tribe. The Tribe does not collect taxes, and we suffer from weakened infrastructure. The Yurok Tribe strongly encourages DOI to pursue revisions to the Indian Trader regulations that would have the effect of preempting state and local taxation on Tribal lands.

Preemption of state taxation is vital to the continued growth of the Yurok Tribe. Tribal governments, including Yurok, are taking on increasing levels of government responsibility, but receive inadequate federal funding. The Tribe provides many governmental services to the Reservation community, including water systems, social services, roads, transportation, fisheries management, tribal police, tribal court and much more. In order to continue providing these services, we must have the ability to collect excise taxes and personal property taxes.

The Department of Interior should take the next step. Initiating a regulatory process will send a strong message to states and local government that they must deal fairly on taxes and services. Additionally, the Yurok Tribe wishes to add that tax, regulatory, and service agreements with states and local governments should be encouraged, but never required as a part of any new regulations.

Should you have any questions regarding this comment letter, please contact Yurok General Counsel Amy Cordalis at acordalis@yuroktribe.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas P. O'Rourke, Sr.", written in a cursive style.

Thomas P. O'Rourke, Sr.
Chairman