



August 24th, 2017

Dr. Gavin Clarkson
Deputy Assistant Secretary – Policy and Economic Development
Attn: Revise Indian Trader Rule
Office of Regulatory Affairs & Collaboration
Office of the Assistant Secretary – Indian Affairs
1849 C Street NW, Mail Stop 4660-MIB
Washington, DC 20240

Dear Dr. Clarkson:

On behalf of the Snoqualmie Indian Tribe, I am providing these written comments urging the Department to update the Indian Trader regulations currently codified at 25 C.F.R. Part 140. As we shared with you at the tribal consultation held on August 22, 2017 in Portland, Oregon, our Tribe supports updating these regulations to promote tribal self-governance and economic development. The Snoqualmie Tribe has lived in the Puget Sound region since time immemorial. We have lived, hunted, and fished in this area for as long as the earth and rivers remember. We are still here today; caring for the land, water, fish, and game that our creator gave us.

Our Tribe was a signatory of the Point Elliott Treaty with the Washington territory in 1855. At that time, our people were one of the largest tribes in the Puget Sound region. As a result of the Department's since repudiated policy of termination in the 1950s and 1960s we lost our federal recognition in 1953. We were forced to petition for federal acknowledgement until October 6th, 1999 when we regained federal recognition. Resilient in defeating the Department's attempt to terminate our Tribe, we have worked to restore a small fraction of our original tribal land base and we are working to provide governmental services to our citizens. Placing land in trust is critical to tribal economic development and self-governance. Today, the Tribe employs over 1,500 people in jobs from social services to convenience stores to natural resources.

We applaud the Department in its desire to promote economic development in Indian country. Modernizing the current Indian trader regulations, which have not been updated since 1965, is long overdue. Our previously submitted comments underscore the importance of the Department's effort and are incorporated herein by reference. We provide the following comments in response to the Department's July 26, 2017 notice.

The Department requested information regarding projects that could move forward if new regulations were approved. If the regulations were modernized, they could profoundly impact economic development similar to how the HEARTH Act has stimulated economic development. Under the HEARTH Act, today a company wishing to do business in Indian country can engage directly with a tribe to lease tribal land without the uncertainty of whether such lease will be approved by BIA. Nearly every State and many Tribes regulate whom may do business within their borders. But in Indian country uncertainty remains as to whether that company is appropriately engaging in trade or business. That uncertainty can be removed by modernization of the Indian trader regulations. If the regulations are modernized to empower tribes to implement the federal statute in Indian country with BIA and the federal government retaining oversight similar to self-governance compacts and leasing under the HEARTH Act, businesses will have the certainty of



knowing that a license under the Indian Trader regulations carries the approval of both the sovereign tribe and the federal government.

Certainty attracts economic development. In most jurisdictions outside of Indian country, businesses have the certainty of knowing the laws they are operating under and the approvals needed to operate in a particular jurisdiction. Modernizing the regulations can bring this certainty to Indian country. Embracing a self-governance approach, the regulations can ensure that Tribal laws set the guideposts for acceptable business practices as well as the structure and timeline for issuance of a license to do business within the Tribe's jurisdiction. Likewise, regulations that reaffirm tribal courts as the forum for businesses to utilize will further cement existing case law and provide certainty for all parties.

The Tribe strives to continue to diversify economically while creating more Tribal jobs. If regulations promoting self-governance and certainty are proposed and finalized the Tribe would be investing capital and generating tribal revenue while creating many direct and secondary jobs. Specific impediments to realizing this development is the delay and uncertainty in restoring the tribal homelands in trust to make the development possible as well as the uncertainty as to the laws that apply in regulating trade within Indian country.

The Department has requested economic impact studies on the benefits of Indian Country economic development to surrounding communities. The Snoqualmie Tribe recently completed a study in May of 2017 which analyzes the economic contributions of the Tribe's economic development to the surrounding community. We have provided a copy of that study with these comments. We note that the Snoqualmie Tribe's business operations do not exist in economic isolation. The Tribe's payroll and vendor outlays have a large economic and fiscal impact on the area. As reservations have become more economically dynamic, nearby non-Indian communities have benefited. This study demonstrates that if the Department updates the regulations and respects tribal sovereignty by getting out of the way, both the Tribe and the surrounding community will benefit.

In closing, the Snoqualmie Tribe is constantly examining how to promote economic development and create jobs for its community. Unlike corporations that pay dividends to shareholders, Tribal economic development directly funds basic governmental services that are severely underfunded by the federal government. The Snoqualmie Tribe implores the Department to pursue this and other rulemakings that spur jobs and economic development as well as policies and regulations that help Native youth. The Snoqualmie Tribe stands with NCAI and other Tribes in requesting that the Department not move forward with any changes to the land-into-trust regulations. That effort, unlike this one, will create uncertainty and undermine economic development.

Sincerely,

Snoqualmie Tribal Council

A handwritten signature in blue ink that reads "Sunny E. Clear".

Sunny E. Clear
Tribal Chairwoman