



Lawrence Roberts, Acting Assistant Secretary – Indian Affairs
Bureau of Indian Affairs
U.S. Department of the Interior
1894 C Street NW
MS-3071-MIB
Washington, D.C. 20420

Submitted to: consultation@bia.gov

RE: Laguna Best Practices in Consultation

Dear Acting Assistant Secretary Roberts:

The Pueblo of Laguna would like to take the opportunity to offer its recommendations on consultations with Tribes on infrastructure projects that will impact, or potentially impact Tribal lands or resources.

General Comments:

Regular and transparent contact with the correct Tribal stakeholders is recommended. Structurally, quarterly notices of intended actions would allow the Pueblo to plan and discuss important issues and respond in a timely manner. Additionally, close contact and long-term relationships with government personnel is very beneficial to communications. Meetings between agency personnel and the Pueblo on topics of Laguna's concern would be welcome. Lastly, the agency being up-front about policy hurdles and possible difficulties is very useful and trust building.

Ineffective Consultation – Over the years, these are some the major stumbling blocks we have seen as hindrances to effective and meaningful consultation with Tribes:

- Consulting multiple tribes at once –this hampers honest communication and does not allow for individualized input
- “Centralized Location” – This requires travel for almost everyone, adds travel time to meeting time, impacts scarce resources
- Generic “Dear Tribal Leader” letters - Shows a lack of respect, may eventually get to the right staff member, but may result in even shorter timelines
- Short timelines - This does not allow appropriate responses, may be lost between levels of government
- Single notifications - May come at the wrong time or not be a priority at that time, or if sufficiently far in advance, be forgotten about in governmental or staff transitions.


- Inconsistent consultation- Tribes are repeatedly left out of discussions with States resulting in lack of transparency. The shift from active consultation to silence results in anger and bad feelings.
- Lack of recognition for traditional knowledge bearers- Agency's tend to lack proper respect for the traditional knowledge and oral history handed down and entrusted to Tribal religious leaders.

Specifically, we recommend the following:

- Regular direct communication between line employees
- Regularly updated lists of staff in both directions – Tribal Liaison Position
- Established relationships
- Regular (quarterly) notification of agency activities
- Occasional meetings between decision-makers
- Sharing of policy/legal hurdles
- Advance notice of potential actions
- Multiple notifications (quarterly notice of proposed actions)
- Multiple lines of communication – Government to Government, Line to Line
- Responsible consultation with regard to religious knowledge - Often religious knowledge of sacred sites is forbidden to be shared; this should be addressed appropriately with inquiry that is respectful to the ancient nature of this knowledge. This may require separate meetings with religious and/or cultural leaders.
- Enforce the consultation rules, and facilitate a more equitable relationship between Tribes and private entities.

We applaud all who are participating in working to improve communication and consultation with Tribes. Thank you for the opportunity to comment on the Policy.

Respectfully,


Virgil Siow, Governor
Pueblo of Laguna