



Stillaguamish Tribe of Indians

PO Box 277 3322 236th St. NE
Arlington, WA 98223

December 2, 2016

VIA ELECTRONIC MAIL

Office of the Assistant Secretary—Indian Affairs
Attn: Office of Regulatory Affairs & Collaborative Action
1849 C Street, NW, MS 3071
Washington, DC 20240

Re: Stillaguamish Tribe Comments Regarding Government to Government Consultation on Large Infrastructure Projects

Dear Assistant Secretary:

Thank you for the opportunity to comment on infrastructure projects, as announced in your invitation to consultation on September 23, 2016.

This is a historic moment for Indian Country, as you know. Indian Country is watching, listening, standing and speaking. We are watching and listening to see if the United States government is finally ready to fulfill its treaty promises to our peoples. We are standing and speaking to hold the US to its promises, and we will continue to do so until the promises are fulfilled.

I write on behalf of the Stillaguamish people, who have lived in the Puget Sound region since time immemorial. Water, land, fish, wildlife, forests and plants have always been of central importance to our people's religion, culture, diet and way of life, and will always be. We stand with the people of Standing Rock, our Tribes in this region, and with all Indian peoples working to protect and advance their way of life, and to protect our planet.

Your invitation to consultation asked Tribes how Federal agencies could "better insure meaningful tribal input into infrastructure-related reviews and decisions, to protect tribal lands, resources, and treaty rights within the existing statutory framework". You also asked whether the Federal agencies should propose new legislation to promote these goals. My letter will address question number one, as it is the Tribe's position that the US government already has treaty and trust responsibilities that require meaningful consultation and free, prior and informed consent about projects that will impact the Tribe's sacred lands, water, religion, culture, fish, wildlife, forests and plants.

The answer to question number one is simple, but it is not easy. In other words, it is not complex, and it is not about adding additional layers of bureaucracy or new regulations. It is this simple:

Indigenous people were here from time immemorial, and their lifeways have been profoundly altered with the coming of the settlers. In signing the treaties, the tribes realized that they were giving up an enormous part of their past, including an enormous amount of land; but they did not have the power against the military and population pressures to retain everything. What they did retain, however, was sacred to them—and central to what they retained was the right to practice their religion and culture; to fish, hunt and gather forever, as they had always done; and people can't practice their religion and culture, fish, hunt and gather forever if there is no more clean water, no more fish, wildlife or plants, no more clean air, no more respect for their sacred lands and their ancestors. The US, in signing these treaties, made promises to the indigenous people that were meant to last forever. The indigenous people know that these promises mean something; they were not “promises” that would be withdrawn when it became inconvenient, or expensive, or politically risky. They are promises.

Indigenous people are not just another interest group. They are the people to whom the promises were made. Promises are moral imperatives, not legalisms with potential loopholes.

So, when considering an application to permit an infrastructure project, Federal agencies must recognize their moral imperative to sit down and talk with tribes first. Every inch of ground on this continent is land that is the homeland of indigenous people. If you are not a descendant of someone indigenous to this land, you are a visitor, even if you and your family have been here hundreds of years. As such, you owe it to the people whose homeland this is to speak to them first. As trustee for the Tribes, the US must put the tribes first in its considerations for projects over which the US has jurisdiction. If a project is proposed you must contact the tribes immediately to begin consultation and to insure that they are giving their free, prior and informed consent. This is not a box-checking exercise; it is respectful, deep, meaningful dialogue. Tribes have been here since time immemorial. We are not going anywhere. Sit down and talk with us, and we will return the respect that you provide.

Sincerely,



Shawn Yanity
Chairman
Stillaguamish Tribe of Indians