

December 2, 2016

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

Dear Assistant Secretary of the Army (Civil Work) Jo-Ellen Darcy,

Director for Office of Tribal Justice Tracy Toulou,

And Principal Deputy Assistant Secretary – Indian Affairs,

This letter is in regards to how the United States Federal Government and its agencies can better ensure that tribal views are integrated into decision making with infrastructure projects throughout the country.

- (1) How can Federal agencies better ensure meaningful tribal input into infrastructure-related reviews and decisions, to protect tribal lands, resources, and treaty rights within the existing statutory framework?

I feel that you hit the nail right on the head with the letter that was sent out, it stated, “(How can the Federal Government better account for, integrating tribal views, on future infrastructure decisions throughout the country) Consistent with our nation-to-nation relationship(s), our consultations are with tribal leaders and their designated tribal staff.”

Those statements entail that the U.S. Federal Government have a close and continuously working relationship with tribes and seek their input and to a degree advising. I feel that there must be an establishment of 567 designated liaisons to keep this relationship between individual tribes and the U.S. working. These liaisons would report solely between the tribal government and U.S. Government which handles tribal trust, interests, and other affairs. I know that would be a long shot to establish a system like that due to feasibility and funding, but that is how close these government bodies should be.

The U.S. Government seeks to ensure meaningful tribal input into infrastructure-related reviews and decisions; to protect tribal lands, resources, and treaty rights within the existing statutory framework. With that the tribes are sovereign nations and are a separate entity from the general U.S. public, so tribes being invited to a “Public Consultation Session” isn’t holding up that Federal Trust relationship of respect with tribes. Tribes should have executive consultation sessions and then open tribal consultation session with tribal members, with that tribal leaders and their designated staff can be quite busy since they are their own sovereign nation and each

tribe operates their government differently, just like our United States Leadership they are tackling many tasks and some are thrown into their offices with a mountain of tasks and a full agenda from day one of assuming their role as tribal leaders.

Seeking input to protect tribal lands, resources, and treaty rights, I feel to ensure the protection of these affairs that there must be a dual or joint permitting process, not just consultation but permitting; this not only gives the tribes their stance on government-to-government trust relationship but it allows the tribe to have the responsibility for input, and puts responsibility and liability on the tribes. If this were to be established and practice there would be a checks and balances system in place to ensure that solely not one entity holds all responsibility and liability for infrastructure projects. They can better protect their lands, resources, and treaty-rights. But with that I feel there must be an addressment with treaty-rights to fully establish what treaty rights tribes have and that those rights must be honored by the U.S. Federal Government and that the entities that are responsible for tribal affairs must go into lobby for maintaining those rights that were put into trust. Part of a tribe's resource and one of its most valuable resources is, its people they need protection as well since they are a resource to the tribe.

- (2) Should Federal Agencies propose new legislation altering the statutory framework to promote these goals?

I feel that before any changes of legislation altering the statutory framework within the agencies and various departments' policies and procedures that, sessions are to occur with tribes to collaborate on their input if there are changes to be made and that a system be established whether changes can be approved or disapproved and as stated before there are 567 Federally recognized tribes and each tribe is different, one change may be beneficial to one while it may be detrimental to another. And if changes are established tribes should have the right to appeal changes it changes do not suite the tribe, all policies are not a "one size fits all" practice.

I feel given the recent events and how far they have escalated and to what levels in the government that people are reaching out to (i.e. the head of our nation) to take action. I feel that many of the events could have all been avoided if relations were honor, and policies, procedures, as well as roles were followed.

Respectfully,

Bryn E. Fragua
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