



# PUEBLO OF SANTA ANA

## OFFICE OF THE GOVERNOR

02 December 2016

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

**Re: Infrastructure Decision-making Comments.**

Dear Assistant Secretary Roberts:

Thank you very much for your past support of the Pueblo of Santa Ana and for this opportunity to provide comments regarding tribal consultation and infrastructure decision-making. Representatives from the Pueblo attended the meeting held in Albuquerque on September 23<sup>rd</sup> and had an opportunity to comment verbally on these issues.

Meaningful consultation is neither easy nor inexpensive. The Pueblo understands the challenge in consulting with 567 tribes across the country, each of them having unique governments, interests, and cultures. The Pueblo similarly deals with a large number of local, state, and federal departments and agencies that are themselves comprised of many smaller departments and agencies.

In the eyes of the Pueblo, meaningful consultation has three general components. First, the Pueblo needs to be adequately informed of pending decisions, thoroughly briefed on the actions being taken, and the informed of what the government perceives the impacts of the project or decision to be. Second, the actual consultation meeting or meetings should include those individuals with the authority to make decisions not just defer to others who are not in the room. Third, and perhaps most importantly, there needs to be clear feedback from the government agency on how the Pueblo's comments or concerns are being addressed. This third component of consultation is where governmental agencies most often fail, resulting in a perception that they are either not truly interested in hearing comments or that the decision has already been made and that consultation is simply a box being checked by the agency. Often times, tribes may choose not to pursue consultation after the first step for a number of reasons including their concurrence with the position of an agency or a determination that a project is unlikely to have any effect on them. If a tribe does pursue consultation, the third step should be mandatory.

All too often the Pueblo receives vague information about a project or impending decision with either inadequate supporting documentation or insufficient time in which to respond. “Dear Tribal Leader” letters do not properly set the tone for meaningful consultation. Each tribe and its leadership deserve the respect of being addressed individually. There is no reason that agencies can’t take the time to properly address communication with a tribe.

Thank you again for giving the Pueblo the opportunity to provide comments on this point of mutual concern. If you have any question or would like more information, please contact my office at 505.771.6701 or at [governors@santaana-nsn.gov](mailto:governors@santaana-nsn.gov). I look forward to hearing about the results of this consultation and the steps being taken to improve consultation with tribes.

Sincerely,



Pueblo of Santa Ana  
Myron Armijo, Governor