



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted electronically

October 20, 2017

The Honorable Ryan Zinke
Secretary
United States Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Dear Secretary Zinke,

On behalf of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we write in response to the Department of the Interior's (Department) recently-issued consultation draft of revisions to Trust Acquisition Regulations, as well as in follow-up to our letter of August 16th regarding these revisions. USET SPF is deeply disappointed that our request for withdrawal of these revisions pending consultation with Tribal Nations was not honored. Again, we are unaware of any Tribal Nations who are seeking these types of changes. Further, we question the thoroughness of the consultation initiated along with the revisions, as consultation locations are not regionally diverse and the comment period insufficient.

USET SPF is a non-profit, inter-tribal organization representing 27 federally recognized Tribal Nations from Texas across to Florida and up to Maine¹. USET SPF is dedicated to enhancing the development of federally recognized Tribal Nations, to improving the capabilities of Tribal governments, and assisting USET SPF Member Tribal Nations in dealing effectively with public policy issues and in serving the broad needs of Indian people. This includes advocating for the full exercise of inherent Tribal sovereignty.

Need for Consultation in the East

The Tribal Nations located in the eastern part of what is now the United States have a lengthier history when it comes to the systematic dispossession of our lands as a result of hundreds of years of federal (and before that, colonial) policies. In the wake of these policies, a majority of USET SPF Tribal Nations hold only a fraction of their homelands and some remain landless. Therefore, any changes to the current land-into-trust process will have particularly significant impacts in the east. We continue to work to reacquire our homelands, which are a fundamental to our existence as sovereign governments and our ability to thrive as vibrant, healthy, self-sufficient communities. And as our partner in the trust relationship, it is incumbent upon the federal government to prioritize the restoration of our land bases.

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

It is concerning, then, that none of the currently-scheduled consultation meetings is set to occur in our region. Consultation is fundamental to the trust relationship, and meaningful consultation includes dialogue with Tribal Nations from all over Indian Country. We are aware that a number of Tribal Leaders (from the east and other regions) requested additional consultation locations at the recent listening session in Milwaukee, WI. USET SPF urges you to honor this request and include an opportunity for consultation in the USET SPF region.

Insufficient Consultation Timeline

The consultation draft proposes fundamental changes to the current land-into-trust process that Tribal Nations are working to evaluate and understand. These proposed changes must be given meaningful, appropriate deliberation and dialogue. As such, USET SPF feels that a December 15th deadline for comments does not reflect a commitment to thorough dialogue. We note the extension of other comment periods, including that for the Department's revisions to the Indian Trader Regulations. This consultation is ongoing, and received extensive attention and effort from the Department in order to provide a comprehensive evaluation of proposed regulatory changes. USET SPF expects that at a minimum, these proposed revisions will receive a similar level of effort.

We reiterate that consultation must include Tribal *consent* for actions that significantly impact or threaten Tribal interests. The proposed revisions would have major implications for a process that is at the heart of the federal trust responsibility. We urge you to provide a timeline for consultation that is more appropriate for the significance of these revisions.

Conclusion

The restoration of Tribal homelands is a critical function of the federal government and the Department must work in partnership with **all** Tribal Nations to determine what changes, if any, should be made to the land-into-trust process. We continue to look forward to the opportunity to work with you to ensure that this obligation is more fully realized.

Should you have questions or require additional information please do not hesitate to contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at (202) 624-3550 or by email at lmalerba@usetinc.org.

Sincerely,



Kirk Francis
President



Kitcki A. Carroll
Executive Director

CC: James Cason, Associate Deputy Secretary
John Tahsuda, Acting Assistant Secretary—Indian Affairs
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