

Confederated Tribes of Siletz Indians
Comments on Tribal Trust Compliance and Federal Infrastructure Decision-making
Submitted by Tribal Chairman Delores Pigsley

The Confederated Tribes of Siletz Indians is a federally recognized tribal nation located in the State of Oregon. We are submitting comments on federal infrastructure permitting affecting Indian Tribes. Our tribal comments are submitted in response to the opportunity provided by the Departments of the Interior, Justice, and Army whom invited consultation on how Federal decision-making on infrastructure projects can better account for protection of Tribal rights and inclusion of Tribal views and needs.

The National Congress of American Indians (NCAI) on behalf of the Tribe's it represents has submitted extensive comments on the Tribal Trust Compliance and Federal Infrastructure Decision-making requesting that policy that protect Tribes from infrastructure projects that affect their respective Tribal lands, waters, treaty rights and sacred spaces. We strongly support the NCAI comments and recommend that the agencies take the comments provided by all tribal nations to heart and make policy that will adequately protect Tribes from ongoing detrimental and damaging projects that negatively impact the rights of their members.

We urge the federal government and its agencies to take immediate action to prevent any project affecting Tribal lands, water, treaty rights or sacred spaces to go forward without a true and valid consultation to occur with the Tribe or Tribes that it will affect. Further Federal policies must take into consideration recognition of Tribal sovereignty, respect for treaty rights, compliance with the Federal trust responsibility, upholding all statutory obligations and ensuring environmental justice; and prior to a project's approval all of these considerations should be addressed and reflected in a written record for the decision.

We also recommend that the Federal government implement the following seven best practices: (1) regional mapping and Tribal impact evaluation; (2) consultation in early planning and coordination; (3) early, adequate notice and open information sharing; (4) funding for Tribal participation in processes; (5) training for agencies to improve understandings of Tribal Nations; (6) creation of Tribal impact statements and a Trust Responsibility Compliance Officer; and (7) evaluation of cumulative impacts and regional environmental impacts.

The Federal government has an obligation to honor and respect Tribal rights and resources that are protected by our treaties. The Confederated Tribes of Siletz Indians has a responsibility to protect our lands and the lands of our people, so we express our support for the Standing Rock Sioux Tribe's struggle against the Dakota Access Pipeline and again urge federal government to take action to protect this Tribe's resources and to prevent future projects from harming other Tribes who could be the subject of the next stand-off.

In closing, we again state our support of the NCAI comments on development of adequate and meaningful Tribal Trust Compliance and Federal Infrastructure Decision-making policy. We also strongly recommend that the Administration issue guidance entitled "Principles and Best Practices for Infrastructure permitting Relating to Tribal Nations and the Federal Trust Responsibility". And, last, we recommend agency-specific recommendation, to assist in improving assessment of Tribal impacts and protection of Tribal rights in infrastructure decision-making processes.