



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

July 24, 2014

By Electronic Mail

Kevin Washburn
Assistant Secretary – Indian Affairs
Department of the Interior
MS-3642-MIB
1849 C Street, NW
Washington, D.C. 20240
consultation@bia.gov

Re: Comments on the proposed revisions to the Federal Acknowledgment of Indian Tribes Process (25 CFR Part 83 or “Part 83”)

Dear Assistant Secretary Washburn:

The Tribe supports the Federal Government’s procedural changes to the Federal Acknowledgment of Indian Tribes Part 83 process and their attempt to improve efficiency, consistency, and transparency. For example, the proposed page limits for applications, elimination of letter of intent, phased review process, reduced comment periods, and posting of petitions online are welcome changes. These procedural changes to the Part 83 Process are sorely needed because the current process requires too much time and money to be considered reasonable. However, while we support the timely, fair, and efficient recognition of legitimate Indian tribes, the Nez Perce Tribe does have concerns with the proposed rule changes to the Part 83 Process.

The Tribe is concerned that decreasing the substantive burden for becoming a federally recognized tribe threatens to endanger the federal trust responsibility to already recognized Indian Tribes. Federal recognition brings with it protection, services, and benefits from the Federal Government that require federal resources. The Tribe strongly stresses the Federal Government to take a serious look at the impact additional tribes will have on the current trust responsibilities to already recognized tribes. It is recommended that if a petitioner is recognized, then Congress must be notified of the need for additional resources to be dispersed to the BIA to ensure the fulfillment of trust responsibilities. And we would expect those additional financial obligations to be reflected in the President’s budget request.

Section 83.22 of Subpart C of the proposed rule changes to 25 CFR 83 describes the procedure for notifying third parties about the receipt of a petition for federal recognition. Pursuant to §

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83.22 of the proposed revisions, the Tribe recommends that interested third parties who are also federally recognized tribes be notified in writing if a petitioning group is located within 25 miles of the federally recognized Tribe's aboriginal territory as defined by the Indian Claims Commission. Additionally, any petitioning group whose headquarters are within the exterior boundaries of an existing federally recognized tribe's aboriginal territory must be denied in order to uphold the federal government's trust responsibilities to currently recognized tribes.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Whitman', with a long horizontal flourish extending to the right.

Silas C. Whitman
Chairman