



## United States Department of the Interior

Bureau of Indian Affairs  
Northwest Regional Office  
911 NE 11<sup>th</sup> Avenue  
Portland, Oregon 97232-4169



DEC 14 2016

In Reply Refer To:  
Division of Tribal Government

Skagit County Board of Commissioners  
1800 Continental Place, Suite 1100  
Mount Vernon, Washington 98273

Dear Commissioners:

We received your letter dated November 28, 2016 wherein you voice concerns over the amendments the Swinomish Indian Tribal Community (Tribe) proposes for its constitution. Specifically, your concerns focus on jurisdiction and territory. Thank you for your comments.

Article IX of the Swinomish Constitution requires the Secretary of the Interior (Secretary) to conduct an election among the Tribal voters to decide proposed constitutional amendments, when requested by the Tribe's governing body. In the event of such an election, the Bureau of Indian Affairs (BIA) acts on behalf of the Secretary.

The Tribe has asked us to conduct an informal review of the proposed amendments in advance of its formally submitting a request for Secretarial election. We are currently reviewing the proposed amendments within the parameters prescribed to us by federal law, which limits our scope of review to determining whether the proposed amendments are contrary to applicable law. *See* 25 U.S.C. § 476, and 25 CFR Part 81. Beyond that narrow scope, we have no authority other than to execute the process in accordance with the regulations once the Tribe officially submits its request for an election.

While other federal processes, such as fee-to-trust land acquisitions, provide us the authority and mandate to solicit public comment, the regulations at 25 CFR Part 81 governing Secretarial elections do not. However, there is nothing preventing a tribe from independently conducting its own information sessions with its members and others. In fact, public education by the Tribe is encouraged. A more conciliatory approach overall may help clarify the intent of the tribe and alleviate some potential fears about possible outcomes if the amendments are passed. We suggest the Tribe and the County consider working together to address their concerns.

If you have any further questions, please contact Greg Norton, Tribal Government Specialist, at (503) 231-6723.

Sincerely,

  
Northwest Regional Director

Cc: Swinomish Indian Tribal Community