

# LOWER SIOUX INDIAN COMMUNITY OF MINNESOTA

*Cansayapi Otunwe*



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Official Comments and Suggestions:

FEDERAL CONSULTATION WITH TRIBES REGARDING  
INFRASTRUCTURE DECISION-MAKING:

November 22nd, 2016

## **Prelude:**

The Lower Sioux Indian Community (LSIC) is a federally recognized tribe located in Redwood County, southwest Minnesota, approximately two miles south of Morton. Mni Sota (Minnesota) is a Dakota word and loosely translates to, *where the waters reflect the sky* and is the original homelands of the eastern bands of Dakota people. Our traditional Minnesota River Valley homeland is called Cansayapi, 'where they marked the trees red'. After treaties with the U.S. in 1851, 'Lower Sioux' was the name given to our band and current homeland.

The tribe is governed by an elected five-member tribal council, constitution, and by-laws. There are currently over 1,100 enrolled members, with approximately 875 living on the 1,743-acre reservation and/or within the 10-mile service area.

The LSIC's mission: *is to strive to make reservation lands livable permanent homelands for tribal citizens through programs and services that promote the general welfare of tribal community including economic and social programs which are necessary to raise the standard of living and the social well-being of its membership.*

The Vision of the LSIC *is a healthy, safe, and happy community – grounded and guided by Dakota culture, traditions, and language – where every person contributes to a diversified social and economic life. The people grow, adapt, and innovate together, through opportunities that span the generations and seek continuous success.*



In order to understand our current needs as a Tribal nation it seems necessary to introduce our history, our mission and vision as a community. We appreciate the opportunity to provide comment on the improvement of the consultation process in relation to infrastructure decision-making.

The suggestions for improvement are based on the current capacity of LSIC THPO dept. Federal & State agencies seemingly understand Tribes receive numerous notices for consultations, project reviews, and infrastructure proposals; the workload and review process are the primary factors which constitute the recommendation to the existing framework:

These suggested procedures allow adaptability and discretion to both parties under the National Historic Preservation Act (NHPA), 16 U.S.C -Section 106 consultation process.

- Allow Tribes the choice of a Pre-Decisional Scoping process- this would be presented to Tribal Nations at the beginning stage of infrastructure projects; preferable before an invite to consult.

Tribal consultation must be initiated as early in the decision-making process as possible. Early consultation and complete transparency with tribal leadership & THPO's is critical for several reasons.

Without early consultation, agencies continue to develop relationships based on incomplete and anecdotal understanding of issues that surround cultural resources, sacred sites and tribal lands. Tribal input is continually being dismissed and curb-sided until it's time to complete the checklist. An open process in every stage of consultation creates better and more efficient government-to-government relations; transparency is crucial when engaging with Tribes it's the foundation all future interactions are built from and it should not be created by agencies attempting to 'fast-track' the review process, 'skirt the law' or diminish the capacities of Tribal Nations.

For example, pre-decisional scoping with Tribal governments/ THPO's on the scope and impact of Tribal infrastructure projects can provide agencies with pre-draft consultation reports, which are necessary to



insure real problems are identified in the beginning and properly studied; that issues that are of minimal concern do not consume time, effort and tribal resources. The focus of the scoping process is to initiate a thorough identification and review of the issues & concerns prior to the official invite to consult. The pre-decisional scoping process should also identify areas which need further research and gather input from tribal leaders/ THPO's about how the consultation process should proceed.

Implementation of pre-decisional review would allow Tribes ample time to identify project issues, prepare for consultation (if necessary), and voice concerns to lead agencies. Once Tribes accept an invite to consult, especially Tribes with small personnel capacity and limited resources, the time constraints and outreach necessary to contribute "meaningful" Tribal input is challenging. The pre-decisional scoping process is an opportunity for both parties to maximize efforts and resources therefore when/if consultation arises, concerns, mitigation strategies and input will be identified.

Additionally, the LSIC is concerned about the potential impact of infrastructure development on natural resources that we depend on for medicinal, cultural, and economic purposes. These concerns extend to proposals that might have long-lasting impacts on LSIC's resources. LSIC wants to prevent environmental degradation and put a premium on infrastructure development that minimizes environmental harm as it is installed as well as in its potential to cause significant environmental harm if or when it fails. The United States cannot delegate its treaty obligations but states are often responsible for issuing many of the permits necessary for infrastructure development to proceed. Tribes need federal agencies' help to make sure that the full range of potential impacts on Treaty rights are fully evaluated. To fail to do so diminishes the Tribes' rights. Also, LSIC would like to see a more comprehensive analysis of cumulative impact, particularly when an infrastructure project crosses state lines. States do not often assess the cumulative impact of a project except within their state's boundaries.



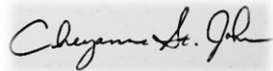
## LSIC Input/ Comments

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On behalf of Lower Sioux Indian Community of Minnesota, we appreciate the opportunity to provide these comments to improve government-to-government relations. We stand together with hopes that our voices be heard and what's been offered to your agencies as input comes to fruition in the coming months.

Pidamaya,

Robert Larsen  
President  
Lower Sioux Indian Community  
In the State of Minnesota



Cheyenne St. John, THPO  
Lower Sioux Indian Community

Deb Dirlam, Environmental Director  
Lower Sioux Indian Community

