



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

NOV 14 2016

The Honorable Robert Kelly, Jr.
Chairman, Nooksack Tribe
P.O. Box 157
Deming, Washington 98244

Dear Chairman Kelly:

I have received your letter dated October 25, 2016. I want to reiterate that pursuant to our Nation-to-Nation relationship, the Department of the Interior (Department) will not recognize actions by you and the current Tribal Council members without a quorum consistent with the Nooksack Tribe's (Tribe) Constitution and decisions issued by the Northwest Intertribal Court System.

As I stated in my October 17, 2016 letter, the Department will only recognize those actions taken by the Tribal Council prior to March 2016, when a quorum existed, and will not recognize any actions taken since that time because of the lack of a quorum. Accordingly, until a Council is seated through an election consistent with tribal law and the decisions of the Northwest Intertribal Court System, we will not recognize any "referendum election" including the purported results posted on the Tribe's Facebook page on November 4, 2016, claiming to disenroll current tribal citizens or any other action inconsistent with the plain language of the Tribe's laws. This further includes any election results from the Tribal Council Primary Election scheduled for December 17, 2016, or the Tribal Council Regular Election scheduled for January 21, 2017, according to the notice found on www.nooksacktribe.org.


As I stated in my earlier letter, the Bureau of Indian Affairs stands ready to provide technical assistance and support to the Tribe to carry out elections open to "all enrolled members of the Nooksack Tribe, eighteen years of age or over," regardless of county residency, to vote to fill the vacant tribal council seats. As the Nooksack Court of Appeals' order dated March 22, 2016, clearly stated:

The trial court found that to date the Respondents are enrolled members of the Tribe. Order Denying Defendants' Motion for Reconsideration at 16. Under the Nooksack Constitution, an enrolled member of the Tribe is eligible to vote in elections. Const. Art. IV, Sec. 1. Although Respondents may eventually face disenrollment proceedings—they are currently enrolled members. Neither the Constitution nor the Nooksack election code prohibits an enrolled member from voting even where the member is the target of disenrollment proceedings.

I reiterate that elections or actions inconsistent with 1) the Court of Appeals' Order of March 22, 2016, in *Belmont v. Kelly*; 2) the trial court's decisions of January 26, 2016, and February 29, 2016; and 3) Nooksack law will not be recognized by the Department.

Finally, with regard to your request to meet, I have asked my staff to make arrangements to meet with you at Nooksack tribal offices or in the Regional Office in the near future. Please feel free to contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Lawrence S. Roberts", with a stylized flourish at the end.

Lawrence S. Roberts
Principal Deputy Assistant Secretary – Indian Affairs

cc: Regional Director Speaks
Northwest Intertribal Court System
Nooksack Tribal Council members