



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted Electronically

September 26, 2022

The Honorable Charles Schumer
Democratic Leader Chairman of the Conference
U.S. Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Mitch McConnell
Republican Leader
U.S. Senate
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232 Capitol Building
Washington, D.C. 20515

The Honorable Kevin McCarthy
Republican Leader
U.S. House of Representatives
2468 Rayburn House Office Building
Washington, DC 20515

Dear Leader Schumer, Leader McConnell, Speaker Pelosi, and Leader McCarthy,

We write on behalf of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) to express our deep concern and opposition to the energy permitting provisions that have been advanced by Senator Joe Manchin for inclusion in the Continuing Resolution (CR). The Energy Independence and Security Act of 2022 seeks to expedite the environmental review process under the National Environmental Protection Act (NEPA), enhance federal permitting authority for interstate electric transmission facilities, and require Tribal Nations to publish requirements for water quality certification requests or else default to federal standards. Despite there being clear Tribal implications, this legislation has not received Tribal consultation and we strongly oppose its inclusion in the CR. We ask that you prioritize your trust and treaty obligations as federal officials and ensure that Tribal Nations have the opportunity to fully vet any legislative changes to the permitting process.

USET Sovereignty Protection Fund (USET SPF) is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to promoting, protecting, and

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe–Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), , Mi'kmaq Nation (ME), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Indian Tribe (VA) and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

We will continue to oppose the inclusion of this legislation in any CR or other legislative package until the legislative language respects Tribal Nation sovereignty and does not threaten environmental and cultural review processes on Tribal homelands and beyond. These processes are vital to protecting our sacred sites from environmental degradation as well as safeguarding the public health of our communities. Streamlining the review process without Tribal input may cause irreparable harm to our lands, our sacred sites, and our public health. Tribal Nations should not have to bear the brunt of these harms so the nation can further develop and transport its energy resources. We have already sacrificed so much of our lands and natural resources so that the United States could become the most powerful and economically successful country in the world.

While we strongly support robust and strengthened national infrastructure, any infrastructure build-out, in Indian Country and beyond, must not occur at the expense of Tribal consultation, sovereignty, sacred sites, or public health. In examining summaries of Senator Manchin's proposal for permitting reform, one thing is clear: Tribal consultation is necessary before it can move forward. In recognition of your trust and treaty obligations to Tribal Nations, we ask that you ensure any permitting reforms receive thorough Tribal consultation before they receive further action in Congress.

Sincerely,



Kirk Francis
President



Kitcki A. Carroll
Executive Director