



Strengthening the Tribal Consultation Process

by Steffani A. Cochran

It wasn't too long after stepping foot inside the Beltway that I began to question the sanity of my decision to uproot my family from Santa Fe and its majestic Sangre de Cristo mountains. Some of the best skiing is to be found in New Mexico, yet I had arrived in Washington, D.C. just in time to experience "Snowmageddon." This being the blizzard that shut down a town where closure is simply an unwelcome impediment and estimates for lost productivity run at a \$100 million per day. In spite of it all, I could only embrace this unscheduled intermission as time to contemplate the opportunity I have been given with the National Indian Gaming Commission (NIGC).

As a Chickasaw woman, my determination to accept opportunities as presented is firmly rooted in my concern for the well-being of our tribal community. In my first sixty days I understand how recent policy objectives of the Com-

mission have placed a strain on relationships with the regulated community, the gaming industry, and federal policy makers. I am particularly concerned about the tension in some of our relationships with tribes and their leaders. Thus, I believe we are in an opportune period where the commissioners will be asked to examine the past and to repair and strengthen these fractured relationships so that the dialogue stems from a position of mutual respect.

The first step thus will be an aggressive effort to confer with tribal leadership, tribal gaming regulators, and indeed within the NIGC to examine our efforts at consultation. I do believe that tribal consultation is the hallmark of healthy government-to-government relations. I also understand that tribal consultation stems from "the responsibilities that arise from the unique legal relationship between the federal government and Indian tribal governments" as set forth by President Obama (*Sec. 3 of EO 13175*). It is clearly an important responsibility during this administration and the NIGC has a history of engaging in tribal consultation. However, I am aware of the perception by some that our process can be superficial.

Tribal governments have asked that the NIGC not view consultation as merely a process – i.e., something to check off a list of requirements. I agree. An effective consultation process must be in place to ensure a collaborative, meaningful process. Jefferson Keel, Chairman of the National Congress of American Indians, has commented that tribal consultation should be defined as a process of decision-making that works in a cooperative manner toward reaching a consensus before a decision is made or an action taken. Moreover, the end result of consultation should be that these decisions and actions acknowledge the interest of both federal and tribal governments.

The comments of NCAI, tribal leadership, tribal regulators, and the industry are well heeded. I believe that it is imperative this agency undertake a careful examination of the current consultation process with the ultimate goal of looking at how we involve tribes in the identification of issues and the range of options. This will require revisions to our existing consultation policy. It will also require further discussions with the tribes. It is therefore an important policy priority for me during my term. It is an important opportunity that I accept as presented. ♣

Steffani A. Cochran is Vice Chairperson of the NIGC. She can be reached by calling (202) 632-7003 or email steffani_cochran@nigc.gov.

the TALL BEAR SOLAR group Native-Owned and Operated

Solar Power Development

Visit us at NIGA Booth #1655 April 6 - 9

Our Comprehensive Services Include:

- Residential and Commercial Installations
- Design, Installation and Finance
- Solar Utility Development
- Federal Stimulus and ARRA projects

12660 Branford Street • Los Angeles, CA 91331
www.tallbeargroup.com • (619) 481-2548