



ADMINISTRATION FOR
CHILDREN & FAMILIES

330 C Street, S.W., Washington, DC 20201 | www.acf.hhs.gov

May 1, 2017

Nooksack Tribe
Robert Kelly Jr., Chairman
5048 Mt Baker Hwy PO Box 157
Deming, WA 98244

Dear Tribal Chairman Kelly:

This letter serves as notification that the Nooksack Indian Tribe's request to continue administration of a Tribal Family Assistance Plan for an additional three years has been given conditional approval through May 1, 2018 with the condition that an acceptable tribal resolution be submitted to the Office of Family Assistance (OFA) prior to that date. In addition, the Nooksack tribe must continue Temporary Assistance for Needy Families (TANF) services and support to Nooksack Indian tribal members who were disenrolled since March 24, 2016 who are otherwise eligible for TANF, pending the outcome of litigation between the Nooksack Indian Tribe and the U.S. Department of Interior.

In an October 17, 2016 letter from the U.S. Department of the Interior (DOI), DOI notified the Nooksack Indian Tribe that it will not recognize any actions taken by the tribe's tribal council after March 24, 2016. DOI concluded that because the tribe failed to hold an election and does not currently have a tribal council quorum, actions taken by the tribal council after March 24, 2016, are invalid and will not be recognized by DOI. Subsequent to March 24, 2016 Nooksack Indian tribal members were disenrolled in the absence of a quorum of elected council members and some were informed that they were no longer eligible for TANF based on their disenrollment from the tribe. In federal court, the Nooksack Indian Tribe is seeking an injunction, in part, so that DOI recognizes the current Nooksack Tribal Council as the legitimate governing body of the tribe.

The U.S. Department of Health and Human Services (HHS) defers to DOI regarding federal recognition of a tribal government. Therefore, OFA is only granting conditional approval as stated above. The conditional approval should not be construed as a recognition of the current Nooksack Indian Tribal Council as the legitimate governing body of the tribe, however, it is granted so that there may be continuity in the TANF program that minimizes disruption to the tribe and eligible families that receive TANF benefits and services.

Aside from the requested information, no issues were found that would prohibit approval of the TANF plan as submitted. Within the Department's statutory authority regarding the TANF program, the Secretary has found that the Nooksack Tribe submitted a plan that includes the necessary

elements listed in section 412(b) of the Social Security Act, as amended and exercises his authority under section 412(b)(2) to approve the plan for a time period of **May 1, 2017- May 1, 2018**.

Pursuant to section 412(a)(1)(A) of title IV-A of the Social Security Act, and based on the data submitted and accepted by the State of Washington, the Nooksack tribe qualifies to continue to receive annual funding under TANF, a Tribal Family Assistance Grant (TFAG), in the amount of **\$913,828** subject to availability of funds.


The name, address and EIN for the Tribe are:

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

EIN 91-1487296

The Office of Family Assistance looks forward to our continued work with the Nooksack tribe. Please do not hesitate to contact Frank Shields, Regional Program Manager at 206-615-2569, for any questions or concerns pertaining to this approval.

Sincerely,



Stanley Koutstaal
Division Director
Tribal TANF Management and Regional Operations

cc: Frank Shields, TANF Regional Program Manager
Patrick Wells, Division Director of Mandatory Grants
Nadeen Jimmy, Assistant Social Services Director