

# **EXHIBIT A**





United States Department of the Interior

Bureau of Indian Affairs  
Northwest Regional Office  
911 NE 11<sup>th</sup> Avenue  
Portland, Oregon 97232-4169

SEP 07 2017

In Reply Refer To:  
Division of Tribal Government

VIA CERTIFIED MAIL  
AND FACSIMILE TO: (360) 592-2125

Honorable Robert Kelly, Jr.  
Nooksack Indian Tribe  
Post Office Box 157  
Deming, Washington 98244-0157

Dear Chairman Kelly:

I want to start by expressing my appreciation for the good efforts that led to the endorsement of the Memorandum of Agreement (MOA). As you know, the restoration of government to government relations is very much in the best interest of the United States and of the Nooksack Indian Tribe.

As established by the MOA, you have agreed to conduct a valid special election to fill four seats on the Tribal Council, and I am responsible for reporting to the Assistant Secretary – Indian Affairs as to whether or not I endorse the election. The MOA also memorializes your acceptance that all persons purportedly disenrolled since March 24, 2016, are members of the Nooksack Tribe in fact, entitled to vote in tribal elections and to run for tribal office. It is an implied requirement of this agreement that you will carry out your commitments in good faith.

Unfortunately, your actions and inactions to date do not bode well for the successful completion of the tasks you have undertaken under this agreement. Failure to take the following measures within the time specified, and provide my office proof that you have done so, will make it very difficult for you to establish that you have conducted a valid election and cause the Department to evaluate whether to exercise its option under Section H of the MOA:

1. Within seven days, reinstate Councilmember Tageant, and ensure her access to all Council meetings.
2. Within seven days, notify the purported disenrollees, by public notice, on the Tribe's website, and individually, of their rights to all the benefits of tribal membership, including the right to run for office in the upcoming special election.
3. No sooner than seven days following the completion of #1 and #2, announce the availability of candidate packets for the special election.
4. Ensure the actual provision of tribal benefits to the purported disenrollees.



5. Ensure sufficient time for Tribal members to obtain candidate packets and submit them to the Election Superintendent's Office. It appears that the Tribe's Notice of Election, including information about the candidate packets, was posted online no earlier than August 30, with a September 7 deadline to pick up packets from the office. More time must be allowed, and given that packets are not due back to the Election Superintendent's office until September 22, there is no apparent reason why they must be picked up today. Candidate packets should be available until at least seven days after the completion of #1 and #2, and the additional availability should be publicly announced in the same manner as the original announcement.
6. Appoint a new Election Superintendent. BIA has not required that the Election Superintendent be a purported disenrollee, but appointment of the twin sister of Katherine Canete, one of the so-called "holdover" council members and the Tribe's General Manager, who was involved in the termination of Tribal Court Judge Alexander after she issued her ruling in favor of the purported disenrollees, gives the appearance of skewing the election process against the purported disenrollees. At a minimum, the appointed Election Superintendent should not have either a close personal or familial connection to any sitting councilmember or any so-called holdover council member

My office and the Puget Sound Agency will do all we can to help you fulfill your commitment to conducting a valid election. Please do not hesitate to contact us.

Marcella Teters, Superintendent, Puget Sound Agency, at (425) 258-4651 or Greg Norton, Tribal Government Specialist, Northwest Regional Office, at (503) 231-6723 are available for any questions you may have.

Sincerely,

ACTING

*Bodie Shaw*

Northwest Regional Director

CC: Senior Tribal Attorney, Nooksack Tribe  
(VIA Certified Mail and Fax: (360) 592-2227)

BCC: SUBJECT: 3702P5 CONSTITUTIONS AND BYLAWS: NOOKSACK – RD LETTER TO KELLY  
CHRONO/YELLOW/ RD COPY/GNORTON 09/07/2017