



# THE PAIUTE INDIAN TRIBE OF UTAH

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October 25, 2019

RADM Charles Ty Reidhead, Director  
Phoenix Area Indian Health Service  
40 N. Central Ave., Suite 600  
Phoenix, AZ 85004

**Re: *Shivwits Band's Notice of Objections to the Relocation of the Health Care Clinic in St. George, Utah***

Dear RADM Reidhead,

The Paiute Indian Tribe of Utah (hereinafter, the "Tribe" or "PITU") Tribal Council received a copy of the letter from Carmen Clark on behalf of the Shivwits Band (hereinafter, the "Band") to you dated October 21, 2019, which requests the Indian Health Service ("IHS") to take action to prevent the Tribe from relocating its current health clinic to St. George, Utah. This letter provides additional context for the Band's concerns and constitutes the Tribe's response to the Band's objections.

Internal governance issues involving the Band are ongoing. The enclosed correspondence previously sent by the Tribe to IHS and the Bureau of Indian Affairs ("BIA") on related objections by the Band highlights these internal governance issues. In addition, the enclosed letter by the Shivwits Band Council dated April 30, 2019, clarifies that the Band previously vacated its seat on the PITU Tribal Council and would no longer be participating in Tribal Council proceedings. I assure you that the internal governance issues raised in the letter from the Band are taken seriously and are currently being addressed within and among the PITU Tribal Council.

The PITU Tribal Council's decision to relocate the health care clinic has been in discussion for several years and came after hearing concerns raised by tribal members relating to accessibility to health care services. The new location of the clinic is more accessible to all tribal members, will offer more specialized services and have increased capacity to serve tribal members. In addition, the new location will be more accessible to our FourPoints Health services, which provides health and wellness, dental services, behavior health, and vision services to our tribal members. The PITU Tribal Council's decision to relocate the health care clinic has nothing to do with the Band's desire to separate itself from the PITU, our programs and services. The relocation of a tribal clinic is not unprecedented. For instance, the previous Tribal Council directed the Health Department to relocate the clinic in Richfield from the

reservation to a more accessible location where additional services could be provided to tribal and non-tribal patients.

Consistent with past correspondence sent by the Tribe to IHS and BIA on related objections, the Band is not a separate federally recognized Indian tribe. PITU is a single federally recognized Indian tribe composed of five constituent bands, which include the Cedar City, Kanosh, Koosharem, Indian Peaks, and Shivwits Bands. The PITU Constitution recognizes PITU as a single federally recognized Indian tribe composed of five “constituent bands of the tribe.” PITU Const. art. III. The BIA’s official list of “Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs” also recognizes the Paiute Indian Tribe of Utah as a single, federally recognized Indian Tribe. 84 Fed. Reg. 1200, 1202 (Feb. 1, 2019). Nothing in the Paiute Indian Tribe of Utah Restoration Act (“Restoration Act”) or any other source of authority indicates that the constituent band of PITU are separate federally recognized Indian tribes.

The Band cites to the Indian Self-Determination and Education Assistance Act (“ISDEAA”) to argue that its approval and consent is required to contract with IHS under Section 5321. In the case of a contract with IHS, Section 5321(a) requires the Secretary of Health and Human Services, “upon the request of any Indian tribe by tribal resolution, to enter into a self-determination contract or contracts with a tribal organization to plan, conduct, and administer programs or portions thereof, including construction programs.” The Band is not an Indian tribe but is a constituent band of the Tribe. In addition, the Band does not meet the definition of a “tribal organization” empowered to negotiate and enter a self-determination contract pursuant to ISDEAA. Section 5304(l) defines “tribal organization,” in pertinent part, as “the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body.” Furthermore, the Band is not a tribal organization because it is not “controlled, sanctioned, or chartered” by the Tribe. Accordingly, there is not support for the Band’s argument that the ISDEAA requires the Band to approve or consent to the relocation of the health care clinic to St. George, Utah.

Please do not hesitate to contact me with any questions regarding this letter.

Sincerely,



Tamra Borchardt-Slayton  
Chairwoman, Tribal Council  
Paiute Indian Tribe of Utah

cc: Henry Dodge, ISDEAA Specialist, Office of Self-Determination, IHS  
Mark Echo Hawk  
Geoff Strommer  
Paul Tsosie

Enclosures: Letter on Shivwits Band’s Withdrawal from the PITU Tribal Council  
Letter on Shivwits Band’s Proposal for Contract for Health Services  
Letter on Shivwits Band’s Request for a Secretarial Election  
IHS 15-day letter to the Shivwits Band of Paiute Indians