



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JUL 31 2020

The Honorable Clint Halftown
Federal Representative, Cayuga Indian
Nation of New York
256 Cayuga Street
Union Springs, New York 13160

Dear Mr. Halftown:

This letter provides my decision on the application of the Cayuga Indian Nation of New York (Nation) to the United States Department of the Interior (Department) requesting the transfer of approximately 114 acres of land in Cayuga County into trust, for gaming and other purposes. I hereby disapprove the Nation's application in my discretion as Assistant Secretary for Indian Affairs after considering the Nation's demolition of property controlled by Tribal members and the subsequent violence that occurred in February of this year, and based on concerns regarding the land use and jurisdictional conflicts under 25 C.F.R. § 151.10(f), questions as to whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities that could result from the acquisition under 25 C.F.R. § 151.10(g), and considerations made under 25 C.F.R. § 151.10(b) and (c).

I. Background

In two submissions dated April 14, 2005 and May 25, 2005, the Nation applied to the Department requesting that the Secretary of the Interior transfer approximately 129 acres of land into trust for the Nation in Cayuga and Seneca Counties, New York for gaming and other purposes. The Nation planned to continue the existing uses of the parcels, including a gaming facility, stand-alone convenience store/gas station, car wash, and agricultural area. The application was returned as incomplete in 2011, resubmitted in 2012, and the Nation later amended its application to remove certain lands from its application, including all lands in Seneca County. The amended application requested the transfer into trust of approximately 114 acres of land in Cayuga County (the Property).

The Department performed a comprehensive analysis of the Nation's application, including through the issuance of an Environmental Impact Statement (EIS) in 2009 and a 2018 Technical Memorandum updating the EIS. However, my decision to deny the Nation's application follows from my consideration of the serious problems in relation to the land use and jurisdictional problems criteria for review, and in relation to recent events, as described below.

Throughout the 15-year history of this application, the State of New York and neighboring local communities have consistently and uniformly expressed opposition, often based on concerns over land use and jurisdictional conflict. This is reflected in the comments provided by these governments on the 2018 Technical Memorandum and 2009 EIS. Counsel writing for Cayuga County, the Town

of Springport, and the Village of Union Springs raised five pages of opposing arguments in 2018, including concern about "conflicts that will result from attempted enforcement of different regulatory schemes on properties located in close proximity to the Nation's properties should they be taken into trust."¹ Counsel for Seneca County raised similar concerns with "checkerboarding" in terms of jurisdictional problems, and noted that the Nation has failed to pay the County property taxes owed on lands it holds in fee within Seneca County, amounting to an ignored tax bill at that time of nearly \$4 million.² Seneca County further expressed concern about policing and jurisdiction in the area. The County alleges that as "has been demonstrated in recent years, the Nation properties often require police intervention," and policing by local government officers must be addressed in the application's NEPA analysis.³ The County noted that the Nation intended to establish its own police department, and stated that such a department "operated by the Nation raises serious questions regarding jurisdictional issues, how such a 'police force' would coordinate its operations with the New York State Police, the County Sheriffs Department and Town police forces."⁴ No cross-deputization or other jurisdictional agreements existed at the time of these comments or, to the Department's knowledge, exist currently, but it is clear that the Nation has now established its own police force. Additional letters of opposition were received from the Town of Seneca Falls, Union Springs Central School District, and the Seneca Falls Central School District.

In addition, the Nation has been engaged in longstanding litigation with the Village of Union Springs over jurisdictional and land use conflicts related to the Property. The Nation initially argued that no local zoning and land use laws may be applied to their actions on the Property, and the Nation won a permanent injunction against such local regulation.⁵ This decision was later overturned following *City of Sherrill v. Oneida Nation of New York*.⁶ Considering the rule articulated in *Sherrill*, the United States District Court for the Northern District of New York (District Court) reversed its injunction and held that local zoning and land use laws were applicable to the Nation's activities.⁷

However, another six years of litigation followed, from October 28, 2014 until March 24, 2020, regarding whether and how the Village could regulate Tribal gaming.⁸ In its final Decision and Order, the District Court provided a thorough summary of both the prior litigation and the current one, describing in detail its many, complex episodes.⁹ The District Court settled the matter in March

¹ Letter from Phillip G. Spellane to Bruce Maytubby, Acting Regional Director, BIA Eastern Regional Office (May 4, 2018); see also Letter to Franklin Keel, Regional Director, Bureau of Indian Affairs, from Joseph D. Picciotti, Harris Beach PLLC (Nov. 19, 2010); Letter to Franklin Keel, Regional Director, Bureau of Indian Affairs, from David L. Dresser, Ph.D. (Nov. 17, 2010).

² Letter from Brian Laudadio to Bruce Maytubby, Acting Regional Director, BIA Eastern Regional Office (May 4, 2018).

³ *Id.*

⁴ *Id.*

⁵ See *Cayuga Indian Nation of New York v. Village of Union Springs*, 317 F.Supp.2d 128, 151-52 (Apr. 23, 2004).

⁶ 544 U.S. 197 (2005).

⁷ See *Cayuga Indian Nation of New York v. Village of Union Springs*, 390 F.Supp.2d 203 (N.D.N.Y. Oct. 5, 2005).

⁸ See *Cayuga Indian Nation of New York v. Tanner*, No. 5: 14-cv-1317, 2020 WL 1434157 (N.D.N.Y. Mar. 24, 2020).

⁹ See *id.* at *3-11.

of this year, issuing a ruling that analyzed the preemptive effect of the Indian Gaming Regulatory Act (IGRA) and concluding that the Village could not regulate, civilly or criminally, the Nation's gaming activities permitted under IGRA.¹⁰ It appears that, after nearly twenty years of litigation, the legal structure of local and Tribal jurisdiction over the Property is now articulated, particularly with respect to IGRA issues.¹¹

Also important to my decision are two recent events during which the Nation used its governmental power in a manner that raised serious concerns from local governments, the State, the Department, and the United States Department of Justice. First, at 2:00 a.m. on February 22, 2020 in Seneca Falls, New York, the Cayuga Nation reportedly used "bulldozers to demolish a working daycare center, store, schoolhouse and other buildings controlled by trib[al] members who oppose" the Tribal government.¹² This extreme action was also reportedly supported by the Tribal police force.¹³

Local governments and the State of New York have expressed extreme concern about this event. Members of the Seneca County Board of Supervisors alleged that this unpermitted demolition violated County law and called on Congress to freeze all federal funds to the Nation until it "complies with local laws including administrative regulations and addressing all public safety concerns." It further requested the deployment of federal marshals to prevent violence and asked the U.S. Attorney for the Western District of New York to investigate and take appropriate action.¹⁴ I note that the U.S. Attorney also stated that he "shares the public's concerns," and that his office "is collecting information regarding the pre-dawn events of February 22, 2020, and assessing whether any violations of applicable law occurred."¹⁵

Several days later, Tribal members engaged in a violent altercation with Tribal police at the site of the demolished buildings. Tribal members who had planned a press conference for the morning of February 29 were met at the site by Tribal police who had taped off the area.¹⁶ When these Tribal members sought to cross the tape, "the situation turned violent" when they were "confronted by the

¹⁰ *Id.* at *23-24.

¹¹ I note, however, that this decision was appealed and remains pending before the United States Court of Appeals for the Second Circuit. See *Cayuga Nation v. Tanner*, No. 20-1310 (2d Cir. filed Apr. 20, 2020).

¹² Carolyn Thompson, *Indian Nation Destroys Own Buildings over Leadership Dispute*, ASSOCIATED PRESS, February 25, 2020, available at <https://abcnews.go.com/US/wireStory/indian-nation-destroys-buildings-leadership-dispute-69213147>.

¹³ The reported accounts further alleged that the Tribal police were armed: "'They came in there with drawn handguns, put them to the heads of the security people who were in the buildings and told them if they moved they would be shot. And they destroyed these buildings,' said attorney Joe Heath, who represents a faction of traditional Cayuga members who split with tribal leadership about 20 years ago[.]" *Id.*

¹⁴ *Seneca County Board Requests Federal Marshals Assist with Dispute Within Cayuga Indian Nation*, LOCALS YR.COM (Feb. 23, 2020), <https://www.localsyr.com/hews/local-news/seneca-county-supervisors-schedule-special-meeting-to-discuss-potential-cayuga-nation-legal-action-2/>.

¹⁵ Dep't of Justice, Statement of U.S. Attorney Kennedy Regarding the Cayuga Nation of Indians Dispute in Seneca County, New York (Feb. 27, 2020), available at <https://www.justice.gov/usao-wdny/pr/statement-us-attorney-kennedy-regarding-cayuga-nation-indians-dispute-seneca-county-ny>.

¹⁶ Gabriel Pietrorazio, *Tensions Reach Breaking Point in Seneca Falls over Cayuga Nation Leadership*, FINGERLAKES I.COM (Mar. 1, 2020), <https://fingerlakes1.com/2020/03/01/tensions-reach-breaking-point-in-seneca-falls-over-cayuga-nation-leadership/>.

Cayuga Nation Police with pepper spray and nightsticks in-hand."¹⁷ News accounts reported that while the Town of Seneca Falls Police Department, New York State Police, Seneca County Sheriff's Office, Seneca Falls Fire Department, and Seneca County Office of Emergency Management had together established a command post seeking to control the likely confrontation, it appears that they at first lacked sufficient personnel to deescalate the conflict and may have refrained from action due to jurisdictional confusion.¹⁸ It further appears that Tribal police detained or arrested multiple persons, including a non-Indian, with at least one individual sent to the hospital after suffering a possible concussion.¹⁹

II. Analysis

As a threshold matter, I note that the Department's discretion whether or not to acquire land in trust for a tribe is broad. The Secretary may approve or deny so long as the decision has a rational basis and is not an abuse of discretion.²⁰ The Bureau of Indian Affairs has developed regulations at 25 C.F.R. Part 151 for implementing the Secretary's discretionary authority. These have been guided by many years of administrative practice, and they list the relevant regulatory factors that the Department will consider. "While the regulation does not provide guidance on how the Secretary is to 'weigh' or 'balance' the factors, it does provide a list of objective criteria that the decisionmaker is required to consider in evaluating trust land acquisition requests."²¹

A. Secretarial Discretion Considering Property Destruction and Violence

First, I note that the Nation's unilateral demolition of property and subsequent violence may be considered by the Secretary as part of his review of all relevant circumstances to the application, in addition to and aside from the part 151 considerations. While part 151 lays out factors that the Secretary must consider, it does not preclude him from considering all relevant facts in his discretion. It is reasonable to conclude that the Nation's unilateral demolition and the public violence involving Tribal members and Tribal police is information the Secretary may and should consider in exercising his discretionary authority to determine the Nation's application, in addition to and apart from his mandatory part 151 considerations.

Here, the February 2020 events both underscore my § 151.10(t) and (g) determinations and provide a separate, dispositive rationale for my decision to disapprove. The destruction of property-including a daycare and schoolhouse-and significant acts of public violence are serious matters, and they weaken trust that the Nation's government can operate at this time in a harmonious manner with the other governments and law enforcement officers that share the same geography as the Nation's

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ See *Sac & Fox Nation of Missouri v. Norton*, 240 F.3d 1250, 1261 (10th Cir. 2001) ("Generally speaking, the Secretary has broad discretion under the Indian Reorganization Act of 1934 ... to decide whether to acquire land in trust on behalf of Indian tribes.").

²¹ *McAlpine v. United States*, 112 F.3d 1429, 1434 (10th Cir. 1997); see also *State of Florida v. United States Dep't of the Interior*, 768 F.2d 1248, 1252-53 (11th Cir. 1985), abrogated on other grounds by *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak*, 567 U.S. 209 (2012).

reservation. Taking the Property into trust at this time could heighten the current tension between the Nation and its neighbors, further complicating and exacerbating an already inflammatory situation. And, as discussed again below, should the land be taken into federal ownership in trust for the benefit of the Nation, the United States would bear special responsibilities for the land as owner and fiduciary. In the current uncertain and dangerous climate, I am unwilling to create such federal responsibilities.

In addition, I am mindful here of the unique relationship that the United States bears with Indian tribes and individual Indian persons. While continuing to support the long-standing policy of tribal self-determination, due consideration must also be given to the civil rights of individual Indians, protected by the Indian Civil Rights Act.²² Considering the absence of Tribal laws protecting its members from arbitrary exercise of government authority, and the apparent unwillingness to use restraint, I am unwilling to bar the application of local laws governing such conduct by taking the land into federal ownership at this time.

B. Jurisdictional Problems and Potential Conflicts of Land Use

I have reviewed the factors provided at 25 C.F.R. Part 151. One of these factors, at § 151.10(f), requires me to consider "[j]urisdictional problems and potential conflicts of land use which may arise" from a proposed acquisition and to "undertake an evaluation of potential problems" related to jurisdiction and land use conflicts.²³ Having done so, I have identified significant issues related to § 151.10(f). I conclude that potential problems are foreseeable here and weigh in favor of disapproval.

1. Recent Litigation on Jurisdictional Conflicts and Land Use

First, I note that only on March 24, 2020, did the United States District Court for the Northern District of New York decide the Nation and Union Spring's dispute regarding the regulation of gaming.²⁴ This decision, complementing the District Court's earlier decision regarding the application of land use and zoning laws to Tribal fee lands within the Village,²⁵ has settled these matters. The District Court has explained the balance between local government regulation of land use and Tribal gaming authorities.

I am hesitant to upset this balance, only four months after it has come to rest after almost twenty years of litigation. This is especially so here, where there are no executed jurisdictional agreements between the Tribe and local governments covering emergency services, fees in lieu of taxes, or other matters the absence of which may complicate the coexistence of separate sovereigns that share the

²² See 25 U.S.C. § 1302(a) Constitutional Rights, P.L. 90-284 (1968) ("(5) take any private property for a public use without just compensation; ... (8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law ...").

²³ *South Dakota v. United States Dep't of the Interior*, 314 F.Supp.2d 935,945 (D.S.D. 2004), quoting *Lincoln City v. United States Dep't of the Interior*, 229 F.Supp.2d 1109, 1124 (D. Or. 2002).

²⁴ See *Cayuga Indian Nation of New York v. Tanner*, No. 5:14-cv-1317, 2020 WL 1434157 (N.D.N.Y. Mar. 24, 2020).

²⁵ And, presumably, providing useful guidance to disputes regarding the Nation's fee lands within the other county and city jurisdictions that share the same geography as its reservation.

same geography. While such intergovernmental agreements are by no means mandatory, in the unique circumstances present here—the longstanding disputes only recently settled, the Nation's recent unpermitted demolition of property and use of force against Tribal members and at least one non-member—their absence creates an additional concern weighing in favor of disapproval.

2. State and Local Opposition

Second, the record indicates that the State and local governments are "uniformly opposed" to the proposed acquisition, and that Cayuga County, the Town of Springport, and the Village of Union Springs object on jurisdictional grounds, with commenters expressing concern regarding "checkerboarding" land ownership, negative impacts to the environment, public health, and safety, and inconsistency with local land uses. I have considered these comments as part of my duty prescribed by the introductory paragraph to § 151.10(t), which requires that the Department "notify the state and local governments having regulatory jurisdiction over the land to be acquired ... [and grant] 30 days in which to provide written comments." However, I also consider them as evidence of the likelihood of future jurisdictional problems and conflicts of land use. It appears that the commenting governments anticipate precisely these concerns. The backdrop of decades of litigation between the Village of Union Springs and the Nation on these issues, and the Nation's failure to pay its taxes on its fee land holdings in Seneca County,²⁶ provide further evidence that future jurisdictional disputes are a predictable outcome despite the recent District Court decision.

The events of February 2020 add weight to the concerns already expressed by local government. After the February events, Seneca County called for federal intervention and the freezing of federal housing funds. Separately, the Village of Union Springs submitted a letter to the Honorable David Hurd, the United States District Court Judge overseeing litigation between the Village and the Nation regarding its gambling operation on the Property. In its letter, the Village urged the District Court to act quickly to resolve the jurisdictional dispute, citing "the recent string of violence in Seneca Falls between warring factions of the Cayuga Nation and fear that violence will spread to the Village of Union Springs."²⁷

Even before February 2020, the united opposition of all the surrounding jurisdictions to the Property, and the generally poor relations between the Nation and its neighbors, were factors that cut against

²⁶ The Department's understanding is that all taxes on the Property at issue have been paid. While unpaid taxes on other properties do not, of course, prevent the Department from accepting the Property into trust, I find the Nation's unpaid taxes to be a further indication of a pattern of dispute and poor relations with neighboring governments that suggest strongly that additional jurisdictional problems and conflicts of land use may arise in the future.

²⁷ Letter to the Court from David Tenant, Counsel for Defendant Village of Union Springs at 1, *Cayuga Indian Nation of New York v. Tanner*, No. 5:14-cv-1317, 2020 WL 1434157 (N.D.N.Y. Mar. 2, 2020). As explained *supra*, the District Court did issue a final appealable order in this case on March 24, 2020, finding that the Nation could lawfully game on the Property and that the Indian Gaming Regulatory Act preempted the Village from regulating the gaming operation. *See id.* at *23-24. The District Court had, however, ruled in earlier litigation that the Nation was not entitled to immunity from state and local land zoning and land use laws for Tribally-owned fee property within the historic boundaries of its reservation. *Cayuga Indian Nation of New York v. Village of Union Springs, et al.*, 390 F. Supp. 2d 203, 206 (N.D.N.Y. 2005).

approval based on jurisdiction and land use conflicts. And again, in the special circumstances present here, the lack of any intergovernmental agreements addressing jurisdiction and land use issues between the Nation and its neighbors increases the likelihood of future disputes concerning the Property once taken into trust. Should the Department take the Property into trust, no consensual mechanisms will exist for the provision of public services or for dispute resolution when concerns arise. While not required by Department policy, intergovernmental agreements between tribes and local governments have been present in a number of the Department's approved or mandated trust acquisitions precisely because they can offer assurance of positive continuing relations.²⁸ The courts have referenced such agreements as supportive of the Secretary's approvals under the § 151.10(f) criterion.²⁹ These agreements offer reliable evidence that jurisdictional problems and conflicts of land use will be managed effectively, and thus would support Secretarial approval of land-into-trust applications. The notable absence of such agreements in the fraught circumstances here stands in stark contrast.

Last, I note that should the land be taken into federal ownership in trust for the benefit of the Nation, the United States would then bear special responsibilities for the land as owner and fiduciary. The lack of intergovernmental agreements assuring services and mitigating the potential for disputes is especially concerning considering the federal government's special responsibilities. This not only relates to my analysis provided here regarding § 151.10(f), but also raises concerns regarding 25 C.F.R. § 151.10(g), which requires the Secretary consider "whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status." At this time, the extent and complexity of the additional responsibilities that might arise for the BIA should the land be taken into trust is overhung by the circumstances of conflict and intergovernmental tensions described here. I find the likelihood of additional responsibilities burdening the BIA from this acquisition is another, independent reason for disapproval.

3. February Events are Recent, Serious Examples of Jurisdictional Problems and Conflicts of Land Use

In addition, the Nation's February unilateral demolition of certain properties and the violence that followed provide concrete, current examples of jurisdictional problems and land use conflicts. These

²⁸ For instance, the Santa Ynez Chumash Band of Indians completed a memorandum of agreement with the County of Santa Barbara, California, while the Lytton Rancheria of California entered into a memorandum of agreement with the County of Sonoma, both of which Congress cited as supportive of its legislative transfer of title. See National Defense Authorization Act for Fiscal Year 2020, Pub. L. No. 116-92, tit. XXVIII, §§ 2868(b)(1), 2869(a)(18). Examples of judicial approval for intergovernmental memoranda are provided *infra* in note 27.

²⁹ See, e.g., *South Dakota v. United States Dep 't of Interior*, 401 F .Supp.2d 1000 (D.S.D. 2005)

(Department reasonably considered potential jurisdictional problems and conflicts of land use which might arise, by noting that tribe add city entered into an agreement for provision of law enforcement services and fire protection, and by finding that no future zoning conflicts would develop); *No Casino in Plymouth v. Jewell*, 136 F.Supp.3d 1166 (E.D. Cal. 2015), *vacated on other grounds*, 698 Fed. Appx. 531 (9th Cir. 2017) (Secretary adequately considered jurisdictional problems and possible conflicts of land use where record of decision stated that through incorporation of prior municipal services agreement, tribe had agreed to address all major jurisdictional issues, including, but not limited to compensation of county sheriffs department, prosecutor's office, courts, and schools that would provide public services on trust lands).

incidents undermine the hope that such conflicts as may arise with local or State government in the near future could be successfully managed.

First, Seneca County requires a permit from the County Department of Building and Fire Code Enforcement for demolition activities,³⁰ but the Nation proceeded without a permit, thereby acting unlawfully, according to the County, under its local land use rules. This immediate, significant conflict suggests that further jurisdictional and land use problems could likely arise.

Second, the fact that state and local law enforcement monitored the violent altercations that occurred but were unable to control them, whether through jurisdictional confusion or lack of capacity, exemplifies my apprehensions over fundamental issues of public safety. The Department issued a statement soon after the February 2020 incident that expands on these jurisdictional concerns. The Department recognized that "federal law limits [the Department's] authority to intervene in intra-tribal matters. However, detention of individuals on fee land, even tribal members alleged to be in violation of tribal law, can raise serious questions of state and federal jurisdiction."³¹ I am unwilling to further complicate these matters by changing the status quo at this time.

Based on my consideration of the application under the § 151.10(f) and (g) criteria and in light of the events of February 2020, I conclude that disapproval of the Nation's application is merited.³²

C. Applicant's Proposed Land Use and Purpose

While the serious concerns unveiled during review of the § 151.10(f) and (g) criteria are sufficient alone to disapprove the Nation's application, I also note that no substantive change in use for the subject property is anticipated. I expect, therefore, that the Nation will be able to continue its current activities regardless of this disapproval decision. This consideration is relevant when reviewing the criteria at § 151.10(b) and (c).

Section 151.10(b) requires that the Secretary consider "[t]he need of the individual Indian or the tribe for additional land." The Property is already owned in fee by the Nation. As noted below, some of the current activities are anticipated to continue³³ and acquisition by the United States in trust does not appear to improve the ability of the Nation to conduct those activities. As presented to the Department, nothing in the Nation's application indicates a "need ... for additional land."

³⁰ See SENECA COUNTY CODE ENFORCEMENT, CODES FEE SCHEDULE, <https://www.co.seneca.ny.us/gov/code-enforcement/>; *Seneca County Gives Go Ahead on Cayuga Nation Demolition as Federal Prosecutors Begin Investigation*, FINGERLAKES1.COM (Feb. 27, 2020), <https://fingerlakes1.com/2020/02/27/seneca-county-gives-go-ahead-on-cayuga-nation-demolition-as-federal-prosecutors-begin-investigation/> (describing the County's eventual issuance of building permits for the demolition five days after the early morning, unpermitted demolition was begun).

³¹ U.S. Dep't of the Interior, Public Statement on Cayuga Nation Demolition (Feb. 24, 2020).

³² And finally, in reviewing the Nation's application, I note that no substantive change in use for the subject property is anticipated. I expect, therefore, that the Nation will be able to continue its current operations regardless of this disapproval decision.

³³ The Nation's application indicates a desire to continue the gaming operation and convenience store/gas station business.

Next, § 151.10(c) requires that the Secretary consider "[t]he purposes for which the land will be used." The Nation has indicated in its application that it will continue its existing commercial activities on the Property, both gaming and nongaming. The conduct of gaming may continue uninterrupted as confirmed by the federal court,³⁴ and the gas station, which has operated successfully for many years, may continue operating subject to local zoning laws.

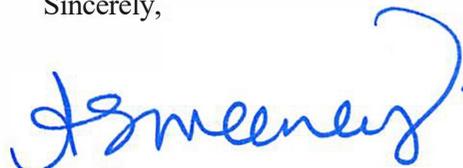
As presented to the Department, nothing in the Nation's application indicates any "purpose for which the land will be used" that will be furthered or aided by acquisition of the Property in trust by the United States.

III. Conclusion

Based on the foregoing, I will exercise my discretion to deny the Nation's application pursuant to § 151.10(b), (c), (f), and (g). Jurisdictional problems and conflicts of land use are not just potential but actual here, as the events of February 2020 demonstrate. In addition, independently of my §151.10 analysis, the unpermitted property destruction and serious incidents of violence here weigh in favor of caution and maintaining the status quo. The additional regulatory and jurisdictional changes to this set of circumstances that would result from taking the Property into trust at this time could be inflammatory and could subject the United States to unpredictable burdens.

The Nation's application for fee-to-trust acquisition of the Property is hereby disapproved.

Sincerely,



Tara Sweeney
Assistant Secretary- Indian Affairs

³⁴ *Supra* note 8