February 6, 2018

John Tahsuda
Principal Deputy Assistant Secretary
Department of the Interior
Indian Affairs
1849 C Street, N.W.
Washington DC 20240

Dear Mr. Tahsuda:

On behalf of the Viejas Band of Kumeyaay Indians, I thank you for this opportunity to partake in improving a process that is essential to every tribe’s existence and self-determination – land-into-trust. Through Viejas’ own experiences as well as observing the experiences of other tribes, I agree that the land-into-trust program can be improved for the benefit of Indian country.

The one aspect of the land-into-trust process that Viejas has directly experienced and strongly supports clarification is the definition of “contiguous”\(^1\). Viejas, however, is not alone in this involvement; in the past two decades, numerous other tribes and other interest parties from both sides of the issue have wasted years and millions of dollars on this word.\(^2\) At this juncture, there is sufficient precedent decisions by the Interior Board of Indian Appeals to formulate a clear definition of contiguous. To that end, I propose the definition of contiguous as follows:

\(^1\) 25 C.F.R. § 151.10.

\(^2\) Preservation of Los Olivos and Preservation Of Santa Ynez v. Pacific Regional Director, 58 IBIA 278 (2014); County of San Diego v. Pacific Regional Director, 58 IBIA 11 (2013); Jefferson County, County, Oregon, Board of Commissioners v. Northwest Regional Director, 47 IBIA 187 (2008); County of Sauk, Wisconsin v. Midwest Regional Director, 45 IBIA 201 (2007).
"To be considered contiguous, a parcel must touch a boundary of an existing Indian reservation, whether surface or subsurface, irrespective of the length,"; or

"Contiguous means touching a boundary of an existing Indian reservation, whether surface or subsurface, irrespective of the length."

Thank you for considering our suggestion to clarify the legal meaning of contiguous because this will benefit all parties involved in the fee-to-trust process, saving countless years and resources for everyone.

Sincerely,

VIEJAS BAND OF KUMEYAAAY INDIANS

Robert J. Welch, Jr.
Tribal Chairman

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3 Suggested insertion in 25 C.F.R. § 151.10 for on-reservation acquisition criteria.
4 Suggested insertion in 25 C.F.R. § 151.2 in the definition section.