

VIEJAS

TRIBAL GOVERNMENT

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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.

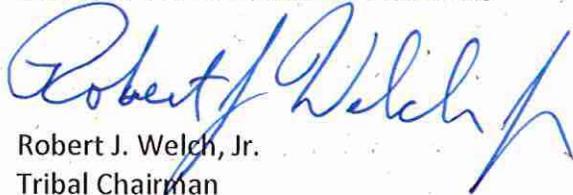
² Preservation of Los Olivos and Preservation Of Santa Ynez v. Pacific Regional Director, 58 IBIA 278 (2014); County of San Diego v. Pacific Regional Director, 58 IBIA 11 (2013); Jefferson County, County, Oregon, Board of Commissioners v. Northwest Regional Director, 47 IBIA 187 (2008); County of Sauk, 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";³
or

"Contiguous means touching a boundary of an existing Indian reservation, whether surface or subsurface, irrespective of the length."⁴

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 KUMEYAAY INDIANS

A handwritten signature in blue ink that reads "Robert J. Welch, Jr." with a stylized flourish at the end.

Robert J. Welch, Jr.
Tribal Chairman

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.