March 26, 2018

John Tahsuda
Principal Deputy Assistant Secretary - Indian Affairs
Department of the Interior
1849 C Street, N.W.
MS-4660-MIB
Washington, D.C. 20240

Dear Principal Deputy Assistant Secretary Tahsuda,

I am writing to respectfully submit our opposition to the proposed revisions to 25 C.F.R Part 151. This proposed rule change is not only unnecessary but seems to be a solution to no specific problem and creates a problem where none currently exists. It also contradicts current law. Specifically, the proposed two-step process adds unnecessary layers of bureaucracy to the existing process spelled out under the Indian Reorganization Act of 1934. This process of land acquisition was established to reverse tribal land losses through allotment and other policies that led to severe tribal land reductions.

Under the IRA, the Secretary of the Interior is allowed to take land into federal trust for the tribes, without restrictions. The only modification to the IRA was the U.S. Supreme Court decision in the Carcieri vs. Salazar case (2009), which stipulated that tribes had to be in existence at the time of the IRA but did not strike down the IRA mechanisms for tribes taking land into the federal trust.

Also, the Indian Gaming Regulatory Act (IGRA) prohibits the inclusion of gaming as a consideration in the trust process. This facet of the proposed rules is seemingly in direct contradiction to IGRA, which became law through Congressional legislation and can only be changed in a similar manner.

Provisions requiring that tribes address state and more importantly, local interests demonstrates a fundamental misunderstanding of where tribes reside in the framework of governments within the United States. Tribes are sovereign entities under the federal umbrella and elevating counties, subdivisions of the state governments, to equal status demonstrates an ignorance of basic civic roles.

Further, there is no evidence that this law is necessary to remedy any currently extant problem and seems to address a spectral issue known only to the writers of this rule. However, the facts on the current plane of our existence show that from 2001-2011, of the 111 applications in California for land-into-trust that were approved, only 14 were off-reservation. This is certainly not indicative of a greater problem that would precipitate a rule change.

In sum, we believe that this proposed rule change is simply unnecessary and seeks to redress no discernable current issue. As previously stated, this is a rule change that is a solution looking for a problem. It lacks basic understanding and respect of the status of tribes in the United States and seemingly contradicts current law. For these reasons, we are staunchly opposed to the rule changes and respectfully ask you to please remove them from consideration.

Sincerely,

Steve Stallings
Chairman
California Nations Indian Gaming Association