

Tribal Consultation on Draft Revisions to Land Acquisition and Class III Tribal-State Gaming Compact Process Regulations

25 C.F.R. Part 151
25 C.F.R. Part 293

Office of the Assistant Secretary—Indian Affairs
May 2022





Consultation Schedule

- ❖ Monday, May 9, 2022 10:00 a.m. – 1:00 p.m. Eastern Time
- ❖ Monday, May 9, 2022 2:00 p.m. – 5:00 p.m. Eastern Time
- ❖ Friday, May 13, 2022 1:00 p.m. – 4:00 p.m. Eastern Time
- ❖ Monday, May 23, 2022 1:00 p.m. – 4:00 p.m. Eastern Time
- ❖ **Written comments are due by 11:59 p.m. Eastern Time on June 30, 2022**

25 C.F.R. Part 151 - Land Acquisition

Purpose of the draft revisions

Tribal homelands provide the foundation for Tribal sovereignty and self-determination. As a result, protecting and restoring Tribal homelands is a top priority for the Department.

In response to repeated criticisms voiced by Tribes over the years and in the Department's recent consultations with Tribes in October 2021, the Department is developing draft revisions to 25 C.F.R. Part 151 to provide for a more efficient, less cumbersome, and less expensive fee-to-trust process.

Please visit the website to learn more about the draft revisions to 25 C.F.R. Part 151 – Land Acquisition, and 25 C.F.R. Part 293 – Class III Tribal State Gaming Compact Process:

<https://www.bia.gov/tribal-consultation/25-cfr-part-151-land-acquisition-and-25-cfr-part-293-class-iii-tribal-state>

25 C.F.R. Part 151 - Land Acquisition

1. Do the draft revisions make the fee-to-trust application process more efficient? Are there additional ways to make the process more efficient?
2. Do the draft revisions reduce the costs of the fee-to-trust application process? Are there additional ways to reduce costs?
3. The draft revisions identify the information needed for a complete fee-to-trust application, after which the Secretary will have 120 days to issue a decision. Are there additional ways to increase certainty in the fee-to-trust application process?
4. The draft revisions propose criteria for evaluating applications involving land within the boundaries of a reservation (§ 151.9), land contiguous to the boundaries of a reservation (§ 151.10), land outside the boundaries of a reservation (§ 151.11), and land for an initial acquisition (§ 151.12). Do the draft revisions sufficiently account for the range of fee-to-trust applications?

25 C.F.R. Part 151 - Land Acquisition

5. The draft revisions explain how the Secretary will determine whether statutory authority exists to acquire land in trust status, including determinations whether a Tribe was under federal jurisdiction in 1934 (§ 151.4). Do these criteria sufficiently explain how the Secretary will evaluate the information?
6. Do the draft revisions sufficiently consider the concerns of state and local governments (§ 151.9 - § 151.12)?

25 C.F.R. Part 293

Class III Tribal State Gaming Compact Process

Purpose of the draft revisions

The Department recognizes the importance of Indian gaming as a means of Tribal economic and community development.

The Department is developing draft revisions to 25 C.F.R. Part 293 to provide clear guidance regarding the Secretary's review and evaluation process for Tribal-State class III gaming compacts.

Please visit the website to learn more about the draft revisions to 25 C.F.R. Part 151 – Land Acquisition, and 25 C.F.R. Part 293 – Class III Tribal State Gaming Compact Process:

<https://www.bia.gov/tribal-consultation/25-cfr-part-151-land-acquisition-and-25-cfr-part-293-class-iii-tribal-state>

25 C.F.R. Part 293

Class III Tribal State Gaming Compact Process

1. Do the draft revisions increase certainty and clarity in the Secretary's compact review process? Are there additional ways to increase certainty and clarity?
2. Do the draft revisions provide sufficient guidance to parties engaged in compact negotiations? Are there ways to provide additional guidance?
3. Should the draft revisions include provisions that facilitate or prohibit the enforcement of state court orders related to employee wage garnishment or patron winnings?
4. Should the draft revisions include provisions that facilitate or prohibit state court jurisdiction over the gaming facility or gaming operations? Should this apply to all claims or only certain types of claims?

25 C.F.R. Part 293

Class III Tribal State Gaming Compact Process

5. Should the draft revisions include provisions that identify types of meaningful concessions that a Tribe may request from a state, other than protection from state- licensed commercial gaming (i.e., exclusivity), for which a Tribe could make revenue sharing payments? How would such provisions affect compact negotiations?
6. Should the draft revisions include provisions that facilitate statewide remote wagering or internet gaming?
7. Should the draft revisions include provisions that offer or require the submission of electronic records?



Next Steps...

- ❖ Written comments are due by 11:59 p.m. Eastern Time on June 30, 2022 to consultation@bia.gov. Please identify in the subject line if your comments relate to Part 151 or Part 293.
- ❖ If you have questions regarding this effort, please contact Maria Wiseman, Senior Policy Advisor for Climate and the Environment, at (202) 208-7227 or maria.wiseman@bia.gov



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