



FEDERATED INDIANS OF
GRATON
RANCHERIA

February 13, 2018

Sent via email to consultation@bia.gov

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

Dear Acting Assistant Secretary – Indian Affairs Tahsuda:

The Tribal Council of the Federated Indians of Graton Rancheria strongly opposes the proposed amendments to the federal regulations governing off-reservation land into trust procedures. These regulations will serve only to make the already time consuming and expensive fee-to-trust process even lengthier and more costly for Indian tribes. To add insult to injury, the proposed changes will give opponents of tribal trust acquisitions a significant amount of leverage to delay and potentially kill tribal fee to trust applications.

The proposed changes will harm California tribes in particular, because we tend to have smaller landbases compared to tribes in other parts of the country. This means that more applications for trust acquisition that we submit are likely to be for off-reservation lands. The proposed two-step process and the reinstatement of the 30-day waiting period are particularly troubling. The two-step review process in the proposed changes to §151.11 does not provide a timeframe or deadline by which the Department will complete its “initial review.” This change alone could add years to the process. The proposed changes to §151.12 would reinstitute the 30-day waiting period previously eliminated by the *Patchak* patch. This will undoubtedly result in even greater delays in the completion of trust acquisitions, a process that already takes a significant amount of time and resources. Reinstatement of the 30-day waiting period makes no sense at all, since the Supreme Court in *Patchak* ruled that interested parties can challenge a decision to place land into trust status for tribes even if the land has already been placed into trust. Not only is there no statutory basis for this requirement, but such a waiting period will only create an unreasonable and costly delay in trust acquisitions, and give opponents leverage in delaying or even killing potential trust acquisitions, including ones that are vital to a tribe’s economic prospects.

The proposed new requirement regarding evidence of cooperative efforts with state and local governments is also unnecessary and problematic. While we believe in cooperation with local jurisdictions, it should not be a requirement of a tribe’s efforts to exercise its rights to self-determination. Some local governments stridently oppose the very existence and restoration of

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Executive Secretariat - Indian Affairs (ESIA)

tribal reservations, and will never agree to a trust acquisition, regardless of any cooperative efforts on the part of the tribe. Adding this requirement will only make it too easy for local governments to prevent tribes from restoring their homelands and from acquiring land that may be crucial for tribal economic development, job creation and provision of vital government services to our members.

These proposed changes do nothing to assist tribes in our efforts to restore our tribal homelands and promote tribal self-governance. Instead, these proposed changes create additional hurdles and unreasonable delays throughout a process that is already extremely lengthy and costly. Proposing changes such as these is inconsistent with the Department of Interior's lawful role as trustee for the Indian tribes. We respectfully ask that you reconsider your proposal, withdraw the current proposed amendments and engage in more meaningful consultation with the tribes that takes the needs of our communities into account.

Sincerely,

A handwritten signature in black ink that reads "Greg Sarris". The signature is written in a cursive, flowing style.

Greg Sarris
Tribal Chairman
Federated Indians of Graton Rancheria

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TO JOHN TAHSUDA, ACTING ASST. SEC.

DEPARTMENT OF THE INTERIOR

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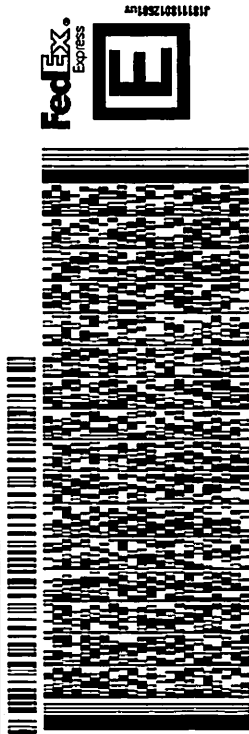
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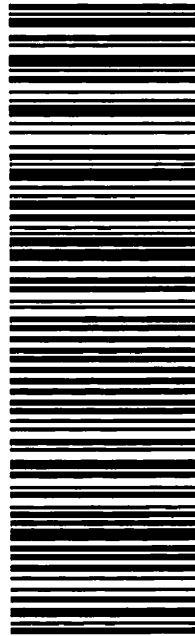
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