



December 7, 2009

The Honorable Byron Dorgan
Chairman, Senate Committee on Indian Affairs
838 Hart Senate Office Building
Washington, D.C. 20510

Re: **2010 Agenda**

Dear Chairman Dorgan:

As the Senate Committee on Indian Affairs develops its 2010 agenda, the National Association of Counties¹ strongly urges that the Committee examine the current lands into trust process. As you know, trust properties are not subject to property taxes levied by county and local governments. However, these same governments provide essential services to all citizens, including tribal members, whether the land on which they reside is taxable or not. These services include, but are not limited to, road construction and maintenance, law enforcement, state and county welfare services, and emergency services.

However, because of declining tax revenues, many local governments are struggling financially to continue to provide critical services and programs to our residents. For some jurisdictions, these financial challenges are exacerbated as a result of lands taken into trust by the federal government through the use of a flawed process.

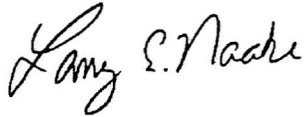
Currently, *if* the Bureau of Indian Affairs properly notifies a local jurisdiction that an application has been filed, the affected governments have only 30 days to provide comment. This short deadline is hardly sufficient for local governments to solicit public comment, hold appropriate public hearings, analyze the financial implications and other impacts of any possible action, and write and submit comments to the BIA. Further, the BIA has not traditionally shown any serious interest in accepting and/or acting on comments provided by local governments before submitting recommendations to the Secretary.

NACO supports the improvement of the process by requiring adequate, advance notice of applications and actual, meaningful consultation; a requirement that the BIA respond within 90 days, in writing, to local government comments, including the Bureau's rationale for acceptance or rejection of those comments; and, to the extent constitutionally permissible, the consent of the affected counties.

¹ The National Association of Counties (NACO) is the only national organization that represents county governments in the United States. Founded in 1935, NACO provides essential services to the nation's 3,066 counties. NACO advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money.

We thank you for your leadership in this matter and look forward to working with you and the Committee on this and other legislation of importance to county and tribal governments. If you have any questions regarding our position or need any additional information, please contact Steve Traylor, Associate Legislative Director, at 202-942-4254.

Sincerely yours,

A handwritten signature in black ink that reads "Larry E. Naake". The signature is written in a cursive style with a large initial "L".

Larry E. Naake
Executive Director
National Association of Counties

cc: Members, Senate Committee on Indian Affairs