



July 28, 2015

1100 K Street  
Suite 101  
Sacramento  
California  
95814

Telephone  
916.327-7500

Facsimile  
916.441.5507

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

Dear Chairman Barrasso:

On behalf of the California State Association of Counties (CSAC), I am writing to thank you for introducing the *Interior Improvement Act (S. 1879)*. CSAC is pleased to offer our strong support for this critically important piece of legislation, which, if enacted, would bring much-needed, long-overdue reforms to the Department of the Interior's fee-to-trust process.

As you know, the *Indian Reorganization Act of 1934 (IRA)* provides the Secretary of the Interior with broad discretionary power to take land into trust for the benefit of Indian tribes, an authority that has not been amended by Congress since the IRA's enactment 81 years ago. The Act does not include any limits or standards relative to the exercise of the Secretary's trust acquisition authority, which has left all policies for taking land into trust to the discretion of the Bureau of Indian Affairs (BIA). Unfortunately, the BIA's fee-to-trust process has created significant controversy, serious conflicts between tribes and local governments – including litigation costly to all parties – and broad distrust of the fairness of the system.

Under current BIA practices, county governments are afforded limited, and often late, notice of a pending trust land application. Additionally, the BIA does not accord local concerns adequate weight in the land-into-trust process, as counties are only invited to provide comments on two narrow issues – potential jurisdictional conflicts and the loss of tax revenues. Moreover, current law does not provide any incentive for Indian tribes to enter into enforceable mitigation agreements with counties to address the often significant off-reservation impacts associated with tribal development projects, including casinos.

Under your legislation, the BIA would be required to provide adequate, up-front notice to counties whenever the agency receives a complete or partial application from a tribe seeking to have off-reservation fee or restricted land taken into trust. In turn, counties would be afforded an opportunity to review and comment on the application.

Furthermore, the bill would encourage tribes that are seeking trust land to enter into cooperative agreements with counties, the terms of which could relate to mitigation,

changes in land use, dispute resolution, fees, etc. In cases in which tribes and counties have not entered into mitigation agreements, the bill would require the Secretary of the Interior to consider whether off-reservation impacts have been sufficiently mitigated. We are pleased that many of the provisions of S. 1879 closely mirror CSAC's comprehensive fee-to-trust reform proposal.

In closing, CSAC continues to stand ready to work with you and the Committee to advance this important reform bill. We believe that a new fee-to-trust process, one that is founded on mutual respect and encourages local governments and tribes to work together on a government-to-government basis, is long overdue. CSAC believes that tribes and counties need a process that encourages cooperation and communication, provides a basis to expedite decisions, and reduces costs and frustration for all involved.

Thank you again for introducing the *Interior Improvement Act* and for including CSAC throughout the process of developing this legislation. Should you have any questions or if you need any additional information, please contact Joe Krahn, CSAC Federal Representative, Waterman and Associates at (202) 898-1444.

Sincerely,



Matt Cate  
CSAC Executive Director

cc:       Members of the Senate Committee on Indian Affairs  
          Senator Dianne Feinstein  
          Senator Barbara Boxer  
          Members of the House Committee on Natural Resources  
          California Congressional Delegation