

## Important Revisions:

- Remove the limitations on who may seek judicial review (the bill should allow any party who satisfies the *Patchak* standard to seek judicial review of a trust decision—affected state and local governments, nearby tribes, environmental groups, business interests, and citizens;
- Remove the “on a discretionary basis” language from the bill;
- Remove retroactive “fix” for any case that is currently in litigation, by ratifying only those decisions made prior to 2008 (unless currently contested in judicial proceeding) and require the Department to provide an assessment and identification of tribes affected by *Carciari* (as previously requested by House Resources) before enacting a prospective fix;
- Eliminate use of “contiguous jurisdictions,” which is far too limiting; creates too many legal questions; undermines (eliminates) the ability of affected governments to participate or obtain mitigation; and is likely to pit contiguous jurisdictions against the state, neighboring jurisdictions, and nearby tribes. Notice, opportunity to comment, and the right of appeal should be granted to all affected parties;
- Use the IRA definition in 25 U.S.C. 479 of “Indian tribe” and “Indian” with the fix and remove new definition;
- Apply process to both on- and off-reservation trust applications or explicitly define process that applies to on-reservation acquisitions;
- Remove mandatory time frames, which are unrealistic, minimize the ability of affected parties to participate, and work against the interests of adversely affected parties; and
- Substantially clarify legislative language.
- OR...just oppose the bill until all affected parties are consulted and all legitimate concerns are addressed.