



## United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

AUG 22 2011

Honorable Dan Logue  
Assemblymember, 3<sup>rd</sup> District  
California Legislature  
State Capitol  
Sacramento, California 94249

AUG 16 2011

Dear Mr. Logue:

Thank you for your letter of June 14, 2011, to Secretary Salazar, regarding your opposition to the Enterprise Rancheria's (Tribe) application for the acquisition of land in trust in Yuba County, California for gaming purposes.

In enacting the Indian Gaming Regulatory Act (IGRA), Congress expressly prohibited tribal gaming on lands acquired in trust after October 17, 1988, except where those lands satisfy certain conditions expressly set forth in IGRA at 25 U.S.C. § 2719: (1) Such lands are located within or contiguous to the boundaries of a tribe's reservation; (2) "equal footing" exceptions, which were intended to place recently recognized and restored tribes on an equal footing with those tribes that were federally recognized at the time of IGRA's enactment; and (3) the "off-reservation" exception, which offers tribes a limited opportunity to conduct gaming outside of their existing reservations where appropriate. The Tribe has submitted its application under exception (3).

Under the off-reservation exception, the Secretary must determine that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community. The Governor of the state in which the proposed gaming facility would be located must concur in that determination. The Secretary's determination can only be reached after significant consultation with local communities, including nearby Indian tribes.

It is also important to note that there are independent and distinct requirements that a tribe must satisfy in order to legally game on lands acquired in trust after IGRA's enactment. The Department of the Interior must acquire lands in trust for the tribe pursuant to applicable Federal law. Additionally, for class III gaming the tribe must enter into a valid tribal-state gaming compact. Each of these requirements has varying levels of review, which can result in a process that consumes both time and resources. Consistent with all applicable laws and regulations, we will review the application, which will include notification to the state and local governments.

Thank you for your interest in this very important matter.

Sincerely,

Larry Echo Hawk  
Assistant Secretary - Indian Affairs