

**Congressman Wally Herger  
242 Cannon HOB  
Washington, DC 20515**

**Senator Jim Nielson  
State Capitol, Room 6031  
Sacramento, CA 94249**

**Assemblyman Dan Logue  
1550 Humboldt Rd., Suite 4  
Chico, CA 95928**

**Supervisor Roger Abe  
Yuba County Government Center  
915 8th Street, Suite 109  
Marysville, California 95901**

**Supervisor James Gallagher  
Sutter County Board of Supervisors  
1160 Civic Center Blvd.  
Yuba City, CA 95993**

**Supervisor Andy Vasquez  
Yuba County Government Center  
915 8th Street, Suite 109  
Marysville, California 95901**

**Supervisor Bill Connelly  
Butte County Board of Supervisors  
5280 Lower Wyandotte Road  
Oroville, CA 95966**

January 11, 2013

The Honorable Dianne Feinstein  
331 Hart Senate Office Bldg.  
Washington, D.C. 20510

Dear Senator Feinstein:

We are writing to seek your immediate assistance regarding the Department of the Interior's plan to deprive our citizens of judicial review of trust decisions. Several citizens groups, residents of Yuba, Sutter, Butte and Nevada Counties, and federally-recognized Indian tribes have challenged the Assistant Secretary of Indian Affairs' December 3, 2012, decision to acquire land in trust for the Enterprise Rancheria of Maidu Indians for off-reservation gaming. There is a parallel challenge to the trust decision for the North Fork Rancheria of Mono Indians. As you know, these applications have been highly controversial and will set a precedent for all future off-reservation proposals in California.

These parties timely filed complaints in Federal court against the Assistant Secretary in both cases, consistent with the Department's longstanding rules. But while those rules require the Department to delay a transfer of land into trust while interested parties seek judicial review, the Department has taken the remarkable position that it is not bound by those rules or its

January 11, 2013

Page 2

longstanding policies. The Department's position now is that it will transfer the land in trust by February 1, 2013, for Enterprise (and North Fort), unless the plaintiffs have a court order enjoining the Department from annexing the land. *See* attachments. Its sudden change in policy forced plaintiffs to file with the courts for emergency relief over the Christmas holidays, without sufficient time and without the benefit of the Department's administrative record. In response to those emergency motions, which were filed in the Federal District Court for the District of Columbia, the Department then transferred the cases to the Eastern District of California, where it knew that the courts were too overloaded to address plaintiffs' emergency motions by the arbitrary February 1 deadline. The Department's egregious efforts to deprive our citizens of their day in court cannot be tolerated.

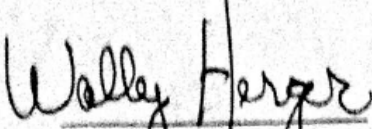
The Department's claim is that it no longer needs to follow its regulations because the Supreme Court's decision last year in *Patchak v. Salazar* held that the Quiet Title Act did not bar trust challenges after land has been annexed. But, there remains substantial question regarding the ability of these plaintiffs to obtain relief, because the Department has previously argued that it cannot be ordered to take the land out of trust. If that is correct, our citizens could be deprived of their day in court on these two decisions. Given the Court just reaffirmed the right of citizens to challenge trust decisions like these in *Patchak*, the Department's actions cannot be tolerated.

This issue will not be limited to these two applications. The Department is considering other off-reservation casino proposals, including Los Coyotes in Barstow and Manzanita in Calexico, and Guidiville and Scotts Valley may still request a two part determination in the Bay Area. Not only will this rapid expansion be bad for California, if citizens are unable to challenge these decisions, there will be no check on the Department's power to dictate policy to our State.

This is a remarkable departure from past practice. It is inconsistent with the Department's regulations, and appears to be an attempt to insulate the Department's trust decisions and expansion of off-reservation gaming from judicial review. The annexation of California land is a significant decision. Once done, the harm is irreparable and the ability of aggrieved parties to seek redress through the courts is compromised.

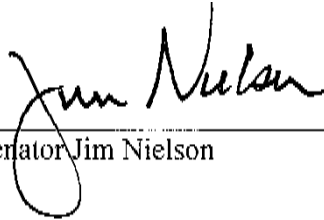
Congress must act now to prevent this injustice from occurring. Land annexation is an extraordinary power. The Department cannot be permitted to exercise that power in an arbitrary and capricious manner, and then insulate its actions from judicial review.

Very truly yours,




---

Congressman Wally Herger  
(retired)




---

Senator Jim Nielson



---

Assemblyman Dan Logue



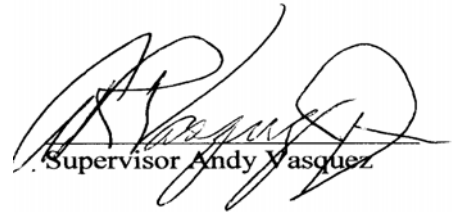
---

Supervisor Roger Abe



---

Supervisor James Gallagher



---

Supervisor Andy Vasquez



---

Supervisor Bill Connelly