



COUNTY OF SACRAMENTO

Terry Schutten, *County Executive*



CITY OF ELK GROVE

Laura S. Gill, *City Manager*

June 26, 2009

The Honorable Arnold Schwarzenegger
Governor of the State of California
State Capitol Building
Sacramento, CA 95814



RE: Tribal Recognition of the Wilton Miwoks

Dear Governor Schwarzenegger:

The County of Sacramento respectfully requests that the State of California intervene in the action entitled *Wilton Miwok Rancheria, et al. v. Kenneth L. Salazar, et al.*, Federal District Court Case No. C-07-02681 (JF)(PVT) (Cal., N.D.).

In this action, on June 4, 2009, the United States Department of the Interior and the Wilton Miwoks of Sacramento stipulated to tribal recognition of the Wilton Miwoks. A copy of that stipulation is enclosed herewith.

Neither the State of California nor the County of Sacramento were made parties to this litigation. Further, the County of Sacramento was not notified of the pendency of this action or the proposed stipulation granting tribal status to the Wilton Miwoks. The case was brought in a venue outside of this County.

The manner in which tribal recognition has been granted is of extreme importance to the State of California and this County.

Further, the stipulation grants the authority to the Wilton Miwoks to transfer certain lands into trust and obligates the Department of the Interior to accept such lands into trust.

The United States Congress has reserved to itself the authority to grant tribal recognition. In this instance, whatever the merits of its claims for such recognition, Congress has failed to act on requests to "restore" tribal status to the Wilton Miwoks.

The United States Supreme Court has ruled in *Carcieri v. Salazar* (2009) ___ U.S. ___; 129 S. Ct. 1058 that the Secretary of the Interior has no authority to take land into trust for an Indian Tribe not under federal jurisdiction in 1934. Yet, the Wilton Rancheria did not organize until 1936.

By entering the stipulation granting such status, the Department of the Interior has usurped not only the congressional authority to recognize tribes, but also ignored the directives of the United States Supreme Court as to which tribes may place lands into trust.

Obviously, Sacramento County and its residents face potential local impacts from this decision over time. Because of the proximity of the Wilton Rancheria lands to its city limits, services provided to residents within the City of Elk Grove may be affected as well. Regardless of the local impacts, the manner in which the Department of Interior has acted in this instance should cause grave concern to the State of California.

No longer will the United States Congress be the arbiter of tribal recognition. Further, the current limits on which recognized tribes may place lands into trust become no limits at all. There is a potential for wide-ranging impacts throughout the State if the Department of Interior is permitted to act in this fashion. It will also impact the relationship of the State with existing, legitimately recognized tribes.

For these reasons, we believe the State should intervene in this action and seek to overturn the stipulation. Therefore, we respectfully request a time to meet with your Legal Affairs Secretary, Andrea Hoch, as soon as possible.

Thank you for your attention to this matter.

Sincerely,



Terry Schutten
County Executive
County of Sacramento

Sincerely,



Laura S. Gill
City Manager
City of Elk Grove

Enclosure: Stipulation and [Proposed] Order for Entry of Judgment-
C-07-02681/C-07-05706 JF

c: Distribution