



July 5, 2016

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The Honorable Rob Bishop  
Chairman  
House Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Don Young  
Chairman  
Subcommittee on Indian, Insular  
and Alaska Native Affairs  
1324 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Raul Grijalva  
Ranking Member  
House Committee on Natural Resources  
1329 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Raul Ruiz  
Ranking Member  
Subcommittee on Indian, Insular  
and Alaska Native Affairs  
1329 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman Bishop, Ranking Member Grijalva, Chairman Young, and Ranking Member Ruiz:

On behalf of the California State Association of Counties (CSAC), I am writing in opposition to language in the fiscal year 2017 Interior Appropriations bill (HR 5538) that would overturn, in part, the Supreme Court's *Carcieri v. Salazar* decision. Under the provision in question (Section 128), tribal trust-land acquisitions made between June 18, 1934 and February 24, 2009 would be insulated from legal action challenging the Secretary of the Interior's authority to hold the land in trust.

CSAC has long recognized the disparity caused by the *Carcieri* decision and has called on Congress to pass legislation that would put *all* federally recognized Indian tribes on equal footing relative to the opportunity to seek trust land. At the same time, our association has repeatedly maintained that **any** *Carcieri* bill must comprehensively reform the Bureau of Indian Affairs' (BIA) broken fee-to-trust process. Unfortunately, the language of HR 5538 would fail to accomplish either of these objectives.

Incidentally, the "partial fix" included in HR 5538 would have the effect of perpetuating the two-class tribal system created by *Carcieri*. While the bill would shield pre-February 24, 2009 trust-land decisions from legal challenges, any trust acquisitions made after that particular date – including all future acquisitions made by the United States on behalf of tribes that were federally recognized after 1934 – would remain vulnerable to litigation.

Moreover, the language would do nothing to address the legitimate concerns of local governments regarding the longstanding flaws in the fee-to-trust process. As conveyed by CSAC in testimony before your Committee, the BIA's administratively created procedures for taking land into trust have caused significant controversy, serious conflicts between tribes and local

governments – including litigation costly to all parties – and broad distrust of the fairness of the system.

In the interest of creating a new trust-land paradigm that balances the needs of both tribes and local governments, our association has put forth a comprehensive legislative package that would, among other things, incentivize local mitigation agreements between tribes and counties. Our legislative proposal also includes a statutory mechanism that would require the Secretary of the Interior to ensure that the off-reservation impacts from tribal development projects are sufficiently mitigated. We believe that these and other essential fee-to-trust process reforms must be part of any bill that attempts to address the implications of the *Carciere* decision.

As the Rules Committee and full House prepare to consider the Interior Appropriations bill, we strongly urge you to seek removal of the “partial” *Carciere* fix language. Moving ahead, we look forward to continuing to work with you and your Committee to advance legislation that balances the interests of both Indian tribes and local governments.

Thank you for your attention to this important matter. Should you have any questions or if you need any additional information, please contact Joe Krahn, Waterman & Associates, CSAC’s Federal Representative, at (202) 898-1444.

Sincerely,



Matt Cate  
CSAC Executive Director

cc: California Congressional Delegation  
House Appropriations Committee  
Senator Dianne Feinstein  
Senator Barbara Boxer