



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

MAR 28 2022

Dear Tribal Leader:

The Department of the Interior (Department) seeks Tribal input on draft revisions to 25 C.F.R. Part 151 (Land Acquisition) and 25 C.F.R. Part 293 (Class III Tribal State Gaming Compact Process). The Department has prepared these draft revisions to Part 151 and Part 293 for purposes of Tribal consultation only. The draft revisions do not constitute a formal notice of proposed rulemaking. Once Tribal consultation has concluded and the Department has considered all Tribal comments, the Department plans to release a formal notice of proposed rulemaking.

25 C.F.R. Part 151 – Land Acquisition

Tribal homelands provide the foundation for Tribal sovereignty and self-determination. As a result, protecting and restoring Tribal homelands is a top priority for the Department. In response to repeated criticisms voiced by Tribes over the years and in the Department's recent consultations with Tribes in October 2021, the Department is developing draft revisions to 25 C.F.R. Part 151 to provide for a more efficient, less cumbersome, and less expensive fee-to-trust process.

In addition to comments on the draft revisions, we are seeking input on the following questions:

1. Do the draft revisions make the fee-to-trust application process more efficient? Are there additional ways to make the process more efficient?
2. Do the draft revisions reduce the costs of the fee-to-trust application process? Are there additional ways to reduce costs?
3. The draft revisions identify the information needed for a complete fee-to-trust application, after which the Secretary will have 120 days to issue a decision. Are there additional ways to increase certainty in the fee-to-trust application process?
4. The draft revisions propose criteria for evaluating applications involving land within the boundaries of a reservation (§ 151.9), land contiguous to the boundaries of a reservation (§ 151.10), land outside the boundaries of a reservation (§ 151.11), and land for an initial acquisition (§ 151.12). Do draft the revisions sufficiently account for the range of fee-to-trust applications?
5. The draft revisions explain how the Secretary will determine whether statutory authority exists to acquire land in trust status, including determinations whether a Tribe was under

federal jurisdiction in 1934 (§ 151.4). Do these criteria sufficiently explain how the Secretary will evaluate the information?

6. Do the draft revisions sufficiently consider the concerns of state and local governments (§§ 151.9 – 151.12)?

25 C.F.R. Part 293 – Class III Tribal State Gaming Compact Process

The Department recognizes the importance of Indian gaming as a means of Tribal economic and community development. The Department is developing draft revisions to 25 C.F.R. Part 293 to provide clear guidance regarding the Secretary’s review and evaluation process for Tribal-State class III gaming compacts.

In addition to comments on the draft revisions, we are seeking input on the following questions:

1. Do the draft revisions increase certainty and clarity in the Secretary’s compact review process? Are there additional ways to increase certainty and clarity?
2. Do the draft revisions provide sufficient guidance to parties engaged in compact negotiations? Are there ways to provide additional guidance?
3. Should the draft revisions include provisions that facilitate or prohibit the enforcement of state court orders related to employee wage garnishment or patron winnings?
4. Should the draft revisions include provisions that facilitate or prohibit state court jurisdiction over the gaming facility or gaming operations? Should this apply to all claims or only certain types of claims?
5. Should the draft revisions include provisions that identify types of meaningful concessions that a Tribe may request from a state, other than protection from state-licensed commercial gaming (i.e., exclusivity), for which a Tribe could make revenue sharing payments? How would such provisions affect compact negotiations?
6. Should the draft revisions include provisions that facilitate statewide remote wagering or internet gaming?
7. Should the draft revisions include provisions that offer or require the submission of electronic records?

The Department will conduct four virtual consultation sessions listed below and will accept oral and written comments. Please register in advance for any consultation session you plan on attending. After registering, you will receive a confirmation email containing information about joining the meeting. Please note that these Tribal consultations will be closed to the press and the public to protect confidential information that may be discussed during the sessions. I look forward to speaking with you at one or more of the following sessions:

Monday, May 9, 2022

10:00 a.m. – 1:00 p.m. Eastern Time (US and Canada)

Please register in advance at:

<https://www.zoomgov.com/meeting/register/vJltdeCqj0pHEBKRO0-7mXy08fCw5epsJQ>

Monday, May 9, 2022

2:00 p.m. – 5:00 p.m. Eastern Time (US and Canada)

Please register in advance at:

<https://www.zoomgov.com/meeting/register/vJltf-qsrzMpHJbVbYOwp5oxbHH2csas4G0>

Friday, May 13, 2022

1:00p.m. – 4:00 p.m. Eastern Time (US and Canada)

Please register in advance at:

https://www.zoomgov.com/meeting/register/vJlscGvrzgoGxCZLPaT3jLMnO_Bp0Q51RE

Monday, May 23, 2022

1:00 p.m. – 4:00 p.m. Eastern Time (US and Canada)

Please register in advance at:

<https://www.zoomgov.com/meeting/register/vJltf-2trD0qGka0NH4shVd3uKm8W0Nn33w>

You may provide written comments to consultation@bia.gov by 11:59pmET on Thursday, June 30, 2022. If you have questions regarding this effort, please contact Maria Wiseman, Senior Policy Advisor for Climate and the Environment, at (202) 208-7227 or via email: maria.wiseman@bia.gov.

Sincerely,



Bryan Newland
Assistant Secretary – Indian Affairs