



State of Connecticut

HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE ARTHUR J. O'NEILL
SIXTY-NINTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING, ROOM 4200
300 CAPITOL AVENUE
HARTFORD, CT 06106-1591

HOME: (203) 264-3112
TOLL FREE: (800) 842-1423
FAX: (860) 240-0207
Arthur.ONeill@housegop.ct.gov

DEPUTY REPUBLICAN LEADER- AT-LARGE

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September 25, 2013

Elizabeth Appel
Office of Regulatory Affairs & Collaborative Action
U. S. Department of the Interior
1849 C Street, NW
MS4141
Washington, DC 20240

Re: Discussion Draft Rule part 83, Title 25

I am the State Representative for the 69th House District of the Connecticut General Assembly. The 69th District consists of the towns of Bridgewater, Roxbury, Southbury, and Washington which are located in western Connecticut. I have lived my entire life in the Town of Southbury and have been the State Representative for this area since 1988. As such I have experienced firsthand the incredible disruption caused by land claims asserted by groups seeking federal recognition.

Specifically in 1993 a group calling itself the Golden Hill Paugussett tribe filed land claims in various towns in Fairfield, and New Haven. In the Town of Southbury the claims were made by way of filing thousands notices of *lis pendens* on the land records in the Town of Southbury against thousands of individual land owners as well as the Town of Southbury and State of Connecticut in their capacities as land owners. As a result of the filing of the notices of *lis pendens* the affected land owners were unable to sell or mortgage their properties. Many sales and purchases were cancelled, businesses were not opened and college educations were stopped. A massive shadow was cast upon our town.

In other towns the claims were asserted by way of filing other documents that made vague claims to the lands. I believe some claims were made by way of a press conference. The claimants made clear both in public statements and presentations in court was that their objective was to put pressure on public

officials such as myself to put pressure on members of Congress to grant federal recognition to the Golden Hill group.

The Town of Southbury immediately went to court to challenge the notices of *lis pendens*. After over \$100,000.00 of legal fees and months of Court hearings the trial judge determined the notices to be without merit. That decision was upheld by the Connecticut Supreme Court after many months and tens of thousands of dollars of additional legal expenses to the residents of Southbury.

I would like to note that during the court proceedings maps were presented by the attorneys for the Golden Hill group that purported to show that most of Fairfield, New Haven and Litchfield Counties were subject claims by the Golden Hill group.

While those two court decisions were pending the Connecticut General Assembly convened in special Session to change the laws of Connecticut to try prevent the future abuse of our legal process.

Eventually the Golden Hill group sought and was denied federal recognition by the BIA. That decision was upheld in federal court. For nearly 20 years I and my constituents thought this matter was settled. Then the discussion draft was released. The purpose of that draft appears to be to reopen this conflict and reverse the decisions made years ago by simply moving the goal posts. In fact it seems likely that all of the Connecticut claimants for federal recognition that have been denied such recognition during the last 20 years would probably be recognized. Based on the maps these groups have presented in various forums their land claims would wipeout the state of Connecticut.

I have carefully reviewed the discussion draft and I have read the comments by Connecticut Governor Dannel Malloy, the comments by Connecticut's Congressional delegation dated August 27, 2013 and the comments by the Northeastern Connecticut Council of Governments.

I concur with the analysis and objections contained in each of those comments. For all of the foregoing reasons, I urge you not to proceed with the Discussion Draft.

Sincerely,

A handwritten signature in cursive script that reads "Arthur J. O'Neill".

Arthur J. O'Neill

AJO:bb