



June 4, 2009

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The Honorable Byron Dorgan
Chairman, Committee on Indian Affairs
United States Senate
838 Hart Office Building
Washington, DC 20510

Re: Executive Branch Authority to Acquire Trust Lands for Indian Tribes

Dear Chairman Dorgan:

The California State Association of Counties (CSAC), the single, unified voice speaking on behalf of all 58 California counties, would like to submit the attached written statement for the record of the Senate Committee on Indian Affairs for its hearing to Examine the Executive Branch Authority to Acquire Trust Lands for Indian Tribes held Thursday, May 21, 2009.

With 108 federally recognized Tribes in our state, California's counties are at the forefront of responding to the myriad of challenges associated with the unprecedented rise of Indian gaming. As such, due to the impacts related to large scale tribal gaming in California, Indian issues have emerged as one of CSAC's top priorities.

The Supreme Court's recent decision in *Carcieri v. Salazar* has created a firestorm of controversy and in response many and varied recommended approaches to "fix" the Indian Reorganization Act (IRA). CSAC firmly believes that Congress and the Department of Interior should take the necessary time to fully reconsider its constitutional authority for trust land acquisitions, to define the respective roles of Congress and the executive branch in trust land decisions, and to establish clear and specific Congressional standards and processes to guide trust land decisions in the future, whether made by Congress, as provided in the Constitution, or the executive branch under a Congressional grant of authority.

The attached statement is considerably similar to the testimony submitted to the House Committee on Natural Resources in response to the recent hearing on the Ramifications of the Decision of the U. S. Supreme Court in *Carcieri v. Salazar*. CSAC is also in strong support of the testimony submitted on behalf of the Conference of Western Attorney's General to the House Natural Resources Committee.

CSAC understands that the Senate Committee on Indian Affairs is considering holding a second hearing on the trust lands issue. Should a second hearing take

place, we respectfully request a place on the agenda and the opportunity to testify in person at the hearing.

Thank you in advance for your consideration of our statement and request to provide verbal testimony at a future hearing. We look forward to working with you and the Committee on this important issue. Please contact Joe Krahn with Waterman and Associates at (202) 898-1444 or DeAnn Baker with CSAC at (916) 327-7500 ext. 509 should you have any questions or need further information on our position.

Sincerely,

A handwritten signature in black ink that reads "Mike McGowan". The signature is written in a cursive, slightly slanted style.

Mike McGowan
Supervisor, Yolo County, California
Chair, CSAC Indian Gaming Working Group

cc: Members, Senate Committee on Indian Affairs
Andrea Hoch, Legal Affairs Secretary, Office of Governor Arnold
Schwarzenegger
Cynthia Bryant, Director, Governor's Office of Planning and Research
Robert L. Mukai, Senior Assistant Attorney General, Indian and Gaming Law
Section, Office of Attorney General Jerry Brown