

# COUNTY OF EL DORADO

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February 21, 2023

Oliver Whaley  
Director, Indian Affairs  
Regulatory Affairs & Collaborative Action  
1001 Indian School Road NW, Suite 229  
Albuquerque, NM 87104

Re: 25 CFR Part 151 (Land Acquisition) Draft Revision

Dear Director Whaley:

The County of El Dorado submits these comments concerning the draft amendments to 25 CFR Part 151 dealing with land acquisitions under the Indian Reorganization Act of 1934.

The County recognizes and respects the tribal right of self-governance to provide for tribal members and to preserve traditional tribal culture and heritage. In a similar fashion, the County recognizes and promotes self-governance by counties to provide for the health, safety, and general welfare of all members of their communities.

To that end, the County is concerned that the proposed streamlining provisions do not provide the County adequate time to truly understand the tax roll and jurisdictional impact, and respectfully requests the following revisions of the BIA's proposed regulations governing the fee to trust process under the Indian Reorganization Act of 1934:

- Advance notice of applications; and
- Meaningful consultation (including providing counties 120 days to respond to applications and requiring the Department of the Interior/Bureau of Indian Affairs to respond within 90 days, in writing, to such comments explaining the rationale for acceptance or rejection of those comments).

Additionally, the proposed rule appears intended to overturn *Carcieri v. Salazar*. The County is concerned with the concept of an administrative or legislative “quick fix”, and instead requests Congress to address any *Carcieri* issues as part of a comprehensive examination and congressionally enacted reform of the fee land into trust process.

Thank you for the opportunity to comment.

Sincerely,

Wendy Thomas  
Chair, Board of Supervisors