

# United States Senate

WASHINGTON, DC 20510

September 15, 2009

The Honorable Ken Salazar  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

Dear Secretary Salazar:

We understand that many tribes have petitioned you to take land into trust for many purposes, including for purposes of Indian gaming. As you know, we strongly oppose taking off-reservation lands into trust for gaming purposes. We do not believe this was envisioned when we passed the Indian Gaming Regulatory Act (IGRA).

While Indian gaming is permitted on Indian lands and in accordance with state and federal laws, we have serious concerns about the recent practice of tribes and municipalities seeking advantageous gaming opportunities on lands that are not traditionally tribal lands. This is an abuse of the land into trust process and violates the spirit of the IGRA.

As you begin to evaluate the Department's policies on Indian gaming, we hope you will support certain aspects of the Department's January 3, 2008 guidance on taking off-reservation land into trust for gaming purposes. Without diminishing previously established requirements that an application must follow, the Department's guidelines require greater scrutiny with respect to the distance between the identified parcel and the tribe's reservation. In addition, the 2008 guidelines placed a "greater weight" on state and local concerns and potential jurisdictional and tax concerns should land be taken into trust. We support this additional consideration to maintain comprehensive and coordinated governmental and regulatory patterns and control. Lastly, the guidelines also provide for a comprehensive analysis of whether the proposed gaming facility is compatible with the current zoning and land use requirements of the state and local governments in the area surrounding the proposed gaming facility. Incompatible uses might consist of land zoned or used for, among other things, schools and residential developments.

Frequently, off-reservation gaming opportunities are sought without thorough consultation with local governments, other Indian tribes, or area residents and without discussing the impacts of a casino on the environment, air quality, noise levels, community planning, and quality of life. Where a state and its tribes have a long history of Indian gaming and have carefully negotiated initial and subsequent gaming compacts, a new gaming enterprise, particularly one outside the petitioning tribe's ancestral or historical lands, can be more disruptive to existing land use plans and revenue-sharing agreements. These impacts should be

considered as part of any determination to take land into trust, and especially in the rare occurrence when trust lands are sought outside a tribe's reservation boundaries.

We support increased scrutiny of the practice of taking off-reservation land into trust for gaming purposes, as advocated by the Department's guidance document, and ask that you consider this view as you and Assistant Secretary of Indian Affairs Larry Echo Hawk develop your policies for Indian gaming and consider applications for land into trust for gaming purposes. To the extent that you believe that current regulations and guidelines are insufficient to adequately address this troubling trend of off-reservation gaming, please advise us as to your solution and whether legislation is necessary to affect policies supporting these principles.

We look forward to hearing from you.

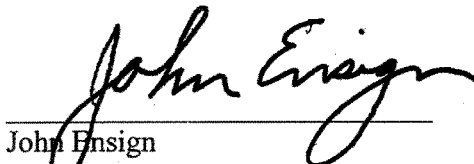
Sincerely,



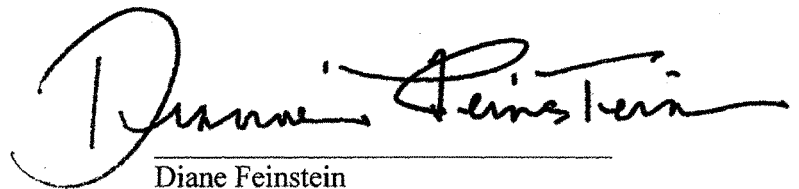
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United States Senator



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