**RESOLUTION NO. 2014-88**

**A Resolution of the napa county Board of Supervisors Urging the Department of Interior to Extend the Public Comment Period for the Proposed changes to the Rule on federal acknowledgment of indian tribes; Requesting Congress Hold OVERSIGHT Hearings on the Proposed Rule changes; and Oppose lowering of the acknowledgment standards**

**WHEREAS**, in response to criticisms that the existing federal recognition process for Indian Tribes is expensive, burdensome, opaque, and inflexible, the Department of Interior (DOI) released a Proposed Rule that would fundamentally alter the process; and

**WHEREAS**, Napa County respects the rights of Indian Tribes to seek federal acknowledgement and understands the importance to tribes of establishing that they have a special government-to-government relationship with the United States of America; and

**WHEREAS**, federal acknowledgment offers significant benefits to Indian Tribes, including the ability to have lands removed from local government regulatory jurisdiction and placed into trust status; and

**WHEREAS**, the acknowledgment process can be a precursor to Indian Tribes taking land into trust for gaming and other development projects, and therefore counties have an interest in the regulations governing decisions related to federal acknowledgement; and

**WHEREAS**, the proposed changes to the Rule on Federal Acknowledgment (“Proposed Rule Changes”) are complex and the significant changes they would make to the long-established rules governing tribal acknowledgment require an in-depth analysis; and

**WHEREAS**, California is home to 109 federally recognized tribes and the Proposed Rule Changes could significantly increase the number of federally-recognized tribes, due to the 68 acknowledgment petitions from California Indian groups that are pending with the DOI; and

**WHEREAS**, the Proposed Rule Changes would alter the mandatory criteria, reduce the periods of evaluation, and generally lessen the standards for federal acknowledgment that have been in place for the last four decades; and

**WHEREAS**, the Proposed Rule Changes would also allow previously denied petitioners under certain circumstances (the Mishewal Wappo Tribe of Alexander Valley may be included here) an opportunity to re-petition for federal acknowledgment administratively with the DOI; and

**WHEREAS**, a recent report, “California Indian Petitioners and the Proposed Revisions of the Federal Acknowledgement Process,” found that 34 California Indian Tribes could achieve federal recognition, which could lead to the development of an additional 22 Indian gaming facilities throughout the state; and

**WHEREAS**, Napa County opposes the provisions in the Proposed Rule Changes that would greatly diminish the role of local governments in the federal recognition process, which has historically been to provide the DOI with crucial evidence which impacts acknowledgment decisions; and

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA** urges the Department of the Interior to extend the comment period for the Proposed Rule Changes by at least sixty days to provide for robust analysis and time to participate in the public process; and

**Be it further resolved,** that Napa County requests Congress hold oversight hearings on the Proposed Rule Changes to fully understand and vet their potential impacts on governments of all levels including: city, county, existing tribes, state and federal; and

**BE IT FURTHER RESOLVED,** that Napa County supports modifications to the current process to address legitimate concerns that it is too slow, expensive, burdensome, inefficient, intrusive, obscure and unpredictable, however, the changes must not compromise the integrity of the DOI’s decisions to recognize a group as an Indian tribe nor should it eliminate the county’s voice in the federal acknowledgment process.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Board of Supervisors of the County of Napa, State of California, at a regular meeting of the Board held on the 22nd day of July, 2014, by the following vote:

AYES: SUPERVISORS WAGENKNECHT, DODD, DILLON,

CALDWELL and LUCE

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

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MARK LUCE, Chairman of the

Board of Supervisors

ATTEST: GLADYS I. COIL

Clerk of the Board of Supervisors

**APPROVED BY THE NAPA COUNTY**

**BOARD OF SUPERVISORS**

Date: July 22, 2014

Processed by:

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Deputy Clerk of the Board

**APPROVED AS TO FORM**

Office of County Counsel

By: *Minh Tran* (Via E-Signature)

Date: July 16, 2014

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_