



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 7/22/2014

Agenda Placement: 10A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Lawrance Florin - Director  
Housing and Intergovernmental Affairs

**REPORT BY:** Lawrance Florin, DIR HOUSING AND INTERGOVERNMENTAL AFFAIRS - 253-4621

**SUBJECT:** Opposition to proposed changes to Federal Acknowledgment Rule on Indian Tribes

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### **RECOMMENDATION**

Director of Housing and Intergovernmental Affairs requests adoption of a resolution urging the Department of Interior to extend the public comment period for the proposed changes to the Rule on Federal Acknowledgment of Indian Tribes ("Proposed Rule Changes"), requesting Congress hold oversight hearings on the proposed rule changes, and opposing the lowering of the federal acknowledgment standards for Indian Tribes.

### **EXECUTIVE SUMMARY**

The Department of Interior (DOI) has recently proposed changes to the Acknowledgment Rule (Proposed Rule Changes) for the administrative process to federally acknowledge American Indian tribes. These proposed changes would alter the mandatory criteria, reduce the periods of federal evaluation of tribal identities, and generally lessen the standards for federal acknowledgment that have been in place for the last 36 years. In addition, if adopted, the proposed changes may also allow previously denied petitioners, including the Mishewal Wappo Tribe of Alexander Valley, an opportunity to repetition acknowledgment administratively. 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 for casino or other development purposes. In consideration of these concerns, Congress should hold informational hearings on the Proposed Rule Changes to fully understand them and explore their potentially broad implications on local governments before the DOI takes any further action.

## **PROCEDURAL REQUIREMENTS**

1. Staff Reports
2. Public comments
3. Motion, second, discussion and vote on item.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

## **BACKGROUND AND DISCUSSION**

The Department of Interior (DOI) has recently proposed changes to the Acknowledgment Rule (Proposed Rule Changes) for the administrative process of federal acknowledgment of American Indian tribes. These proposed changes would alter the mandatory criteria, reduce the periods of federal evaluation of tribal identities, and generally lessen the standards for federal acknowledgment that have been in place for the last 36 years. In addition, if adopted, the proposed changes would also allow previously denied petitioners an opportunity to repetition acknowledgment administratively under certain circumstances.

Napa County respects the rights of Indian Tribes to seek federal recognition and understands the importance for tribes to establish that they have a special government-to-government relationship with the United States of America. Given the significant benefits of federal recognition, including the ability to have lands removed from local jurisdiction and placed into trust status for purposes of gaming or other developments, Napa County is concerned that the Proposed Rule Changes would significantly loosen the evidentiary showing needed to qualify for federal acknowledgment. If adopted, the proposed changes may allow the Mishewal Wappo Tribe of Alexander Valley, whose petition was previously rejected by both Congress and DOI, an opportunity to repetition for acknowledgment.

A recent report, "California Indian Petitioners and the Proposed Revisions of the Federal Acknowledgement Process," found that the overall impact of the Proposed Rule Changes in California could be as many as 34 newly recognized Indian Tribes, which could lead to the development of 22 casinos (currently California has 61 casinos). Already home to 109 federally recognized tribes, California has also 68 pending applications by Indian groups which desire

acknowledgment from the federal government as an Indian tribe. Local governments have an interest in acknowledgement regulations and decisions, as newly-recognized tribes may desire to secure trust lands, which are removed from state and local jurisdiction, upon or in connection with acknowledgment for a variety of uses, including economic development and gaming. Given these potential impacts of acknowledgement decisions on local government, it is particularly distressing that the Proposed Rule Changes diminish the role of local government. Specifically, the Proposed Rule Changes constrain the ability of local governments to participate as interested parties in the review of acknowledgement petitions.

In consideration of these concerns, Napa County opposes lowering of the Acknowledgment standards; urges the DOI to extend the public comment period for the Proposed Rule Changes and Congress to hold oversight hearings to fully understand these Proposed Rule Changes and explore their potentially broad implications on local governments before the DOI takes any further action.

#### **SUPPORTING DOCUMENTS**

A . Resolution

CEO Recommendation: Approve

Reviewed By: Leanne Link