



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**JUN 04 2013**

Dear Tribal Leader:

During the upcoming mid-year conference of the National Congress of American Indians (NCAI) in Reno, Nevada, we will be hosting sessions on two topics to obtain your and other tribal leaders' input. We hope that you will be able to join senior officials from the Department of the Interior (Department) and me to discuss contract support costs funding practices and regulations governing decisions to acquire land in trust. While we were unable to provide a full 30-days advance notice of these sessions, we have purposefully scheduled the consultation sessions to accommodate the schedules of tribal leaders who will attend the NCAI conference.

## ***Patchak Patch***

**Monday, June 24, 2013**

Reno Sparks Convention Center  
Grand Ballroom 6 of the Atlantis  
4:00 p.m. – 6:00 p.m.

## **Contract Support Costs**

**Tuesday, June 25, 2013**

Reno Sparks Convention Center  
Room A2  
1:30 p.m. – 4:00 p.m.

At the *Patchak Patch* session, we will discuss potential revisions to a section of the regulations addressing decisions by the Secretary to approve or deny applications to acquire land in trust. You may be familiar with the U.S. Supreme Court's ruling in the *Patchak* case<sup>1</sup>, finding that the Quiet Title Act did not preclude a neighbor of the tribe's land from challenging the Department's decision to take the land into trust. The revisions to the regulations would address this decision by ensuring that the Department acquires title in trust status as promptly as possible following our decision to acquire land into trust. The revisions would also establish notice requirements to ensure that the statute of limitations begins running for all potential challengers as soon as possible. These and other provisions are also intended to strengthen the case for requiring parties who oppose a Bureau of Indian Affairs land acquisition decision to exhaust administrative remedies and prevent such parties from challenging the trust acquisition decision if they fail to exhaust administrative remedies in a timely manner. Together, these revisions should add more certainty to trust acquisitions, allowing tribes to put their newly acquired trust land to productive use as soon as possible. A copy of the proposed regulatory text is available online at <http://www.gpo.gov/fdsys/pkg/FR-2013-05-29/pdf/2013-12708.pdf>.

The June 25 session will be to discuss the Department's approach to support contract support costs following the Supreme Court decision in *Ramah*<sup>2</sup>. President Obama's budget recommends an interim solution to fully fund contract support costs. However, the Department wants a robust

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<sup>1</sup> *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak*, 132 S. Ct. 2199 (2012).

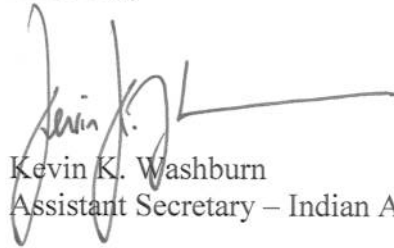
<sup>2</sup> *Salazar v. Ramah Navajo Chapter* 132 S. Ct. 2181 (2012)

discussion on what options exist moving forward, including alternative approaches to full funding. The discussion will be especially important as the Department begins to plan for FY 15 budget requests.

Federal consultation with tribal governments in the development of certain Federal policies and practices aims to improve how the Federal Government best meets its obligations to Indian Country. As the Department considers its path forward on these two significant and national matters, we hope that you will join me and other Department officials. If you have any questions, please contact my Deputy Chief of Staff, Mr. E. Sequoyah Simermeyer, at (202) 208-7163.

We hope to see you in Reno.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin K. Washburn", with a long horizontal line extending to the right.

Kevin K. Washburn  
Assistant Secretary – Indian Affairs