

Congress of the United States
Washington, DC 20515

March 5, 2014

The Honorable Sally K. Jewell
Secretary of the Interior
United States Department of the Interior
1849 C Street NW
Washington, D.C. 20240

**Re: Pending Determination on Congressionally Mandated Fee-to-Trust
Acquisition for Tohono O'odham Nation of Arizona**

Dear Secretary Jewell,

We write today to urge you to act expeditiously on a matter that has been pending before your Department: the Ninth Circuit Court of Appeals' remand to your agency of a single, narrow issue relating to a fee-to-trust decision for the Tohono O'odham Nation of Arizona.

More than five years ago, the Tohono O'odham Nation requested that the Department accept trust title to certain land in Arizona as is required by the Nation's 1986 land and water rights settlement – the Gila Bend Indian Reservation Lands Replacement Act, Pub. L. 99-503 (1986) (the "Act"). Among other things, the Act mandates that the Secretary must acquire trust title to a certain amount of land for the Nation if the land is within Maricopa, Pima, or Pinal Counties (areas in which the Nation has existing reservation land), but not "within the corporate limits of a city or town." Section 6(d). Pursuant to the requirements of the Act, on July 23, 2010, the Department issued notice that it would acquire trust title to an approximately 54 acre parcel of unincorporated land in Maricopa County, Arizona.

The U.S. District Court for the District of Arizona and the Ninth Circuit Court of Appeals soundly rejected the legal challenges filed by multiple parties to the trust acquisition, with the only exception being that, on May 20, 2013, the Ninth Circuit determined that the Department needed to better explain the reasoning behind its finding that the 54 acres were not "within the corporate limits" of Glendale, Arizona. *Gila River Indian Community v. United States*, 729 F.3d 1139 (9th Cir. 2013). Accordingly on August 12, 2013, the District Court remanded the matter to the Department consistent with the Ninth Circuit's opinion.

Following the issuance of the Ninth Circuit's opinion, the Department assured the District Court that:

While the Department of the Interior does not believe that a court-imposed deadline is necessary, it does not oppose the imposition of a sixty-day deadline under the circumstances here. The Department, as well as the Nation, has an interest in the prompt resolution of this matter. *And the Department believes that 60 days from the entry of this Court's order would give it sufficient time for thorough consideration and analysis of the*

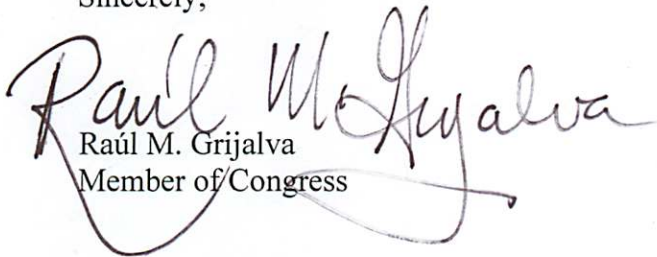
issue presented on remand. Joint Submission, *Gila River Indian Community v. United States*, No. 10-CV-01993-DGC, at 6 (D. Ariz. July 31, 2013) (Position of the Department of the Interior) (emphasis added).


We have discussed our concerns about the Department's delay with Assistant Secretary Kevin Washburn. We appreciated his time and attention, and we are confident of the diligence and timeliness that his office has brought to bear in analyzing this issue. However, we remained concerned over the Department's delay as it imposes great hardship on this impoverished Indian tribe.

When the Nation agreed to settle its claims against the United States for the taking of its land and water at the Gila Bend Indian Reservation, the United States made a promise to the Tohono O'odham Nation. We respectfully urge the Department to expeditiously complete its work on the remanded "corporate limits" question and to promptly issue its decision.

Thank you for your consideration of this important issue and for your service to the Department.

Sincerely,


Raúl M. Grijalva
Member of Congress


Ron Barber
Member of Congress

Cc: The Hon. Kevin Washburn, Assistant Secretary for Indian Affairs
The Hon. Hilary Tompkins, Solicitor, Department of the Interior
The Hon. Ned Norris, Jr., Chairman, Tohono O'odham Nation

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