

POLICIES AND PROCEDURES REGARDING SANTA FE COUNTY'S RESPONSE TO
PUEBLO REQUESTS TO ACQUIRE ADDITIONAL TRUST LAND

I. GENERAL.

A. The federal regulations codified at 25 CFR §§ 151.1 through 151.15 ("Acquisition Regulations") generally govern requests by individual Indians and Tribes to the federal government to take new lands into trust.

B. In addition to the Acquisition Regulations, the federal Indian Gaming Regulation Act ("IGRA"), 25 U.S.C. § 2719, governs the acquisition of trust land for gaming purposes. The IGRA generally prohibited the acquisition of off-reservation trust land for gaming purposes after October 17, 1988, unless certain conditions are met, including concurrence of the Governor.

C. The Acquisition Regulations require the Bureau of Indian Affairs ("BIA") to provide a written notice to local governments of requests to take lands into trust ("Notice of Request") and an opportunity to provide written comments. It is the policy of Santa Fe County ("County") to provide written comments in response to all such notices regarding requests by Pueblos to take land into trust, unless the BCC determines otherwise.

II. PROCEDURES AND CONSIDERATIONS

A. The County has 30 days after receipt of a Notice of Request to provide written comments to BIA. The Notice of Request must "inform the state or local government that each will be given 30 days in which to provide written comments as to the acquisition's potential impacts on regulatory jurisdiction, land use, real property taxes, and special assessments." 25 CFR 151.10 and 151.11(d).

B. Upon receiving a Notice of Request:

i. A copy shall immediately be provided to the County Manager, the County Attorney, the County Assessor, County Treasurer, and the County Administrator. If the Notice of Request allows the County to request an extension of the time in which to provide comments, the County Attorney shall request promptly request the extension.

ii. The Notice of Request shall be placed on the next available Board of County Commissioners ("BCC") meeting agenda as an action item. Prior to the BCC meeting, the County Attorney will review the statutory authority under which the acquisition is proposed. In addition, the County Manager and/or the County Attorney will meet with the County Assessor, County Treasurer, and County Administrator to obtain their comments and ascertain the potential impacts of the proposed acquisition on the County's regulatory jurisdiction, land use, real property taxes, and special assessments.

iii. Unless the BCC decides that the County should not provide comments, the County Attorney will prepare written comments for the County Manager's review and signature so that they may be submitted to BIA within the 30-day comment period, as the same may be

extended. In addition to commenting on the potential impacts on the County's regulatory jurisdiction, land use, real property taxes, and special assessments, the County may provide comments concerning any matter relevant to the determination of whether to take the lands into trust under 25 CFR 151.10, 25 CFR 151.11, or the IGRA, as applicable.

III. APPEAL

A. The BIA must provide the County with notice of the decision ("Notice of Decision") to acquire new trust land. The County may initiate an administrative appeal of the Notice of Decision pursuant to 25 CFR Part 2 within 30 day of receiving it. Upon exhausting all administrative appeals, the County may appeal to a federal district court under the federal Administrative Procedures Act.

B. Upon receiving a Notice of Decision, it shall be placed on the next available BCC meeting agenda for discussion in executive session whether to appeal.

C. If the BCC decides to appeal the Decision, the County Attorney shall prepare and file a notice of appeal in accordance with applicable law.

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