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November 24, 2014

Sally Jewell  
Secretary  
U.S. Department of Interior  
1849 C Street, N.W.  
Washington DC 20240

Secretary Jewell,

The Department's October 22 notice to take into trust 152 acres of land in Clark County, WA for the Cowlitz Tribe on or after January 21, 2015 has become a great source of concern and confusion in Southwest Washington. For this acquisition to take place while the court is still considering a case to determine whether the Department even has the authority to take this land into trust is not only a major shift in the Department policy, but also potentially a violation of federal law.

In an effort to provide clarity to Southwest Washington and all affected parties I respectfully request that you answer the following questions:

1. Why would the Interior Department approve a Class III Gaming Compact for the Cowlitz Tribe and take this land into trust before the U.S. District Court has rendered its decision in this case?
2. Several of my constituents, including Clark County, the City of Vancouver, and individual citizens opposed to this casino, are following the appropriate legal process to challenge this trust land acquisition under the federal Administrative Procedures Act. The Department's decision severely undermines those efforts. Why is the Department so willing to deny my constituents their day in court?
3. Historically, the Department has imposed a "self-stay" on taking land into trust during a challenge to one of its trust land decisions. In 2013, the Department amended its regulations to permit it to take land into trust at any time, after the U.S. Supreme Court decision in *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak*.

Despite this change to its long-standing self-stay policy, the Department has not engaged in any evaluation or study of the issues involved in taking land out of trust if the Department loses a trust land challenge. There are also provisions in federal law that require the government to

provide “just compensation” if the United States is divested of title as a result of a judicial proceeding.

Given the fact that casino-style gaming may be operating on this land—employing hundreds of people and serving thousands of patrons—why has the Department not thoroughly considered the legal and practical problems involved in reversing this land transfer if it loses this case?

Thank you for your attention to this important matter. The people of Clark County and all of Southwest Washington are well aware of the potential consequences of the Department’s decision and will be eagerly awaiting your response.

Sincerely,



Jaime Herrera Beutler  
Member of Congress