

ROB BISHOP OF UTAH
CHAIRMAN

JASON KNOX
STAFF DIRECTOR

RAÚL GRIJALVA OF ARIZONA
RANKING MEMBER

DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

February 15, 2017

The Honorable James E. Cason
Acting Deputy Secretary
U.S. Department of the Interior
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Cason:

I am writing to express my concern regarding a number of determinations and discretionary actions made by the Department of the Interior in the last days of the Obama Administration and, in the weeks since President Donald J. Trump took office, by agency heads in “acting” roles designated by President Obama. I respectfully ask that in accordance with applicable law and regulation you freeze or suspend the effectiveness of such determinations and actions until each has been thoroughly examined and resolved on its merits, unless a determination or action is inherently related to the protection of public health and safety. Any legal opinion in support of any action should be scrutinized as well because of the precedent it may set for future actions.

While the full range of troubling determinations and actions are not yet known, Committee staff has identified several examples of last-minute approvals of Indian casinos located outside existing reservations. In one case, Acting Assistant Secretary for Indian Affairs Michael S. Black approved¹ a fee-to-trust application for a casino even though his immediate predecessor, then-Deputy Assistant Secretary Lawrence Roberts, was aware of allegations of conflicts-of-interest involving Bureau of Indian Affairs’ (BIA) processing of the application. In another case, a decision was made over the objection of other Indian tribes.

In addition, the discretionary approvals of other potentially controversial off-reservation casinos were made in the waning hours of the Obama Administration. While the last-minute nature of these actions does not necessarily imply wrongdoing, it begs scrutiny, especially as the decisions were rendered with little or no transparency and with no notification to the Committee on Natural Resources many of whose Members are on record expressing concerns with off-reservation gambling.

¹ Letter from Michael S. Black, Acting Assistant Secretary—Indian Affairs, to Jennifer MacLean, Perkins Coie, dated February 10, 2017.

Acting Deputy Secretary Cason
February 15, 2017
Page 2

If an examination of a Departmental determination, action, or legal opinion reveals it was or may have been influenced by political or personal considerations, or done without a fair consideration of the affected interests (including but not limited to taxpayers, state and local governments, recognized Indian tribes, private landowners, and those who use of public land in accordance with the law), then it should be reversed. There is precedent for the reversal of last-minute actions made by an outgoing administration's personnel following an investigation.²

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Bishop", with a long horizontal flourish extending to the right.

Rob Bishop
Chairman
Committee on Natural Resources

² Several positive recognition decisions were reversed by Secretary Gale Norton after the U.S. Department of the Interior Office of Inspector General discovered misconduct by Clinton Administration officials. See *Investigative Report: Allegations Involving Irregularities in the Tribal Recognition Process and Concerns Related to Indian Gaming*. Report No. 01-I-00329, February 2002.