

EXHIBIT A, TAB 4M



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

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APR - 4 2000

Memorandum

To: Western Regional Director

From: Kevin Gover *Kevin Gover*
Assistant Secretary-Indian Affairs

Subject: Gila Bend Indian Reservation Lands Replacement Act

A delegation from the Tohono O'odham Nation has met with me to discuss the land acquisitions authorized by the Gila Bend Indian Reservation Lands Replacement Act ("Act"). The Nation's representatives advised of the difficulty in acquiring lands that meet the requirements of Section 6(d) of the Act. The Act requires that in order for lands to be taken in trust, they must be located outside the corporate limits of any city or town but must be within Maricopa, Pinal, or Pima Counties, Arizona. The Act also specifies that the acquired lands should be in no more than three separate tracts and at least one of the tracts should be contiguous with the existing Village of San Lucy. Apparently, there is only one parcel of land that is contiguous to the Village of San Lucy and it is owned by a private individual that either does not want to sell or wants an excessive price for the property.

The Act provides that the Secretary may waive the statutory limitation on the acquisitions if he determines that additional areas are appropriate. Unless expressly prohibited by statute from being re-delegated, all authority conferred on the Secretary by Congress is delegated to program managers within the Department of the Interior for implementation. Please be advised that as the Western Regional Director you have jurisdiction over the Tohono O'odham Reservation and delegated general program authority pursuant to 3 IAM 4.4. Thus, you have the authority to review the circumstances and based on a properly documented administrative record to make the determination authorized by Section 6(d) of the Act.

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