



U.S. Department of Justice

Environment and Natural Resources Division

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May 30, 2014

The Honorable Lawrence E. Kahn
Senior United States District Judge
Northern District of New York
445 Broadway – Room 424
Albany, NY 12207-2926

Re: Upstate Citizens for Equality, Inc. v. United States, 5:08CV633 (LEK/DEP); Town of Verona v. Jewell, 6:08CV647 (LEK-DEP); CNYFBA v. Jewell, 6:08CV660 (LEK/DEP);

Dear Judge Kahn,

The above-referenced cases concern Administrative Procedure Act (“APA”) challenges to the Department of the Interior’s May 20, 2008 decision to accept approximately 13,003.89 acres of land into trust for the benefit of the Oneida Indian Nation of New York. The Department of the Interior has thus far not acted upon its decision to take the subject land into trust.

This letter provides notice to the Court and the parties challenging this agency action that the Department of the Interior will wait an additional thirty days from the filing of this notice before taking the subject land into trust. As of June 30, 2014, the Department of the Interior will take the land into trust at a time of its choosing without any further notice.

Placing the subject lands in trust will not have any effect on the proceedings before this Court. The Supreme Court has held that the Quiet Title Act, 28 U.S.C. § 2409a, does not bar APA challenges to lands held in trust for the benefit of Indians where the plaintiff does not seek to quiet title in itself. Match—E—BE—Nash—She—Wish Band of Pottawatomi Indians v. Patchak, 132 S. Ct. 2199 (2012).

Sincerely,

/s/

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