

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

WYANDOTTE NATION,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 11-2656-JAR-DJW
S.M.R. JEWELL, in her official capacity)	Judge Julie A. Robinson
as Secretary of the United States)	
Department of the Interior,)	
)	
Defendant,)	THIRD STATUS REPORT
)	
and)	
)	
STATE OF KANSAS, ex rel.)	
DEREK SCHMIDT, Attorney General,)	
)	
Intervening Defendant.)	
_____)	

Defendant S.M.R. Jewell, in her official capacity as Secretary of the United States Department of the Interior (“Department”), through undersigned counsel, hereby submits a third status report on the progress of the Department’s review of the Wyandotte Nation’s (“Nation”) pending application seeking to place certain land in Park City, Kansas, in federal trust for the benefit of the Nation. This status report is submitted pursuant to the Court’s April 10, 2013, Order (“Order,” ECF No. 83) directing the Department to submit quarterly reports. Order at 27. The Department submitted its first report on July 9, 2013 (*see* ECF No. 85), and the second report on October 25, 2013 (*see* ECF No. 90).

At the close of the prior status report period, the Department had begun a preliminary review of March 20 and April 8, 2013 submissions from the State of Kansas and September 16, 2013, submission from the Nation, to evaluate the accounting issues raised in the State’s and the

Nation's submissions. A decision on the Nation's application hinges on whether the Nation purchased the Park City property with funds provided to it by Public Law 98-602 ("98-602"). Because the statute could mandate that the Department acquire the property in trust if the Nation purchased the property with 98-602 funds, it is necessary that the Department evaluate the issue closely.

Work Over the Preceding Three Months

1. On November 8, 2013, staff from the Office of the Solicitor's Division of Indian Affairs met with accounting staff from the Office of the Special Trustee for American Indians ("OST") to discuss the Nation's and State's submissions. OST is responsible for managing Tribal trust funds and individual Indian trust accounts and employs accounting professionals, including certified public accountants. At the meeting, OST staff provided Solicitor's Office staff with its views concerning the Nation's and State's submissions.

2. Based on the information OST staff provided at the November 8 meeting, Solicitor's Office staff began a comprehensive review of the Nation's and State's accounting-related submissions to date, as well as accounting-related materials from the Shriner Tract litigation. These materials are voluminous and the review of them has been time-consuming.

3. Concurrently with its review of the accounting-related materials, the Solicitor's Office is drafting a client memorandum for the Assistant Secretary – Indian Affairs that identifies options for how to proceed to a final decision on the Nation's application.

Planned Work Over the Forthcoming Six Months

The Solicitor's Office will continue its review of pertinent accounting-related materials and will finalize the client memorandum for the Assistant Secretary – Indian Affairs as soon as possible. The Solicitor's Office expects to finalize the memorandum within the next thirty to

sixty days. The memorandum will enable the Assistant Secretary to make a determination as to whether any further assessment or information is needed to reach a final decision on the application.

Respectfully submitted this January 24, 2014,

ROBERT G. DREHER
Acting Assistant Attorney General

s/ Kristofor R. Swanson
KRISTOFOR R. SWANSON
(Colo. Bar No. 39378)
U.S. Department of Justice
Environment & Natural Resources Division
Natural Resources Section
P.O. Box 7611
Washington, DC 20044-7611
Tel: 202-305-0248
Fax: 202-305-0506
Email: kristofor.swanson@usdoj.gov

OF COUNSEL:

REBECCA ROSS
Office of the Solicitor
Division of Indian Affairs
Department of the Interior
Washington, DC

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2014, the above pleading was filed with the Court's CM/ECF system, which will provide notice to all parties.

s/ Kristofor R. Swanson
Kristofor R. Swanson