



August 13, 2010

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**Dear Members of the California Congressional Delegation:**

**The California State Association of Counties (CSAC), the single, unified voice speaking on behalf of all 58 California Counties writes to express our serious concerns regarding the Department of Interior's (DOI) potentially imminent action to approve tribal government gaming on newly acquired lands based upon the Indian Gaming Regulatory Act (IGRA) "restored lands exception" (25 U.S.C. 2719(b)(1)(B)(iii)).** Specifically, CSAC understands that the DOI intends to approve gaming activities for the Guidiville Band of Pomo Indians on newly acquired urban commercial property under the "restored lands exception" and that the property (in Contra Costa County) is hundreds of miles from the Tribe's homeland (in Lake County) and leapfrogs over other tribes' historical lands.

CSAC's policy with respect to gaming on restored lands is one that reflects the importance of local government and individual tribal government relationships and the uniqueness of each local situation. Specifically, CSAC opposes the practice commonly referred to as "reservation shopping" where a tribe seeks to place land into trust outside its aboriginal territory over the objection of the affected county.

CSAC recognizes that Contra Costa County and the Guidiville Tribe have reached a local mitigation agreement with respect to the Point Molate project and that the County has withdrawn its opposition. While CSAC supports tribal and local governments reaching agreements to mitigate the off-reservation impacts of significant development projects, nonetheless CSAC still has significant concerns regarding the potential precedent that approval of the Guidiville application would have for projects in other counties. It is simply a gross misuse of "restored lands" status to approve such an application for a tribe with no demonstrated historical connection to the land. As expertly noted in the joint letter from the Northern California Counties Tribal Matters Consortium and affected local tribes, in order for a tribe to qualify under the restored lands exception, it must demonstrate a significant historical connection to the land proposed to be taken into trust. The significant historical connection to the land means the land is located within the boundaries of the tribe's last reservation under a ratified or unratified treaty, or the tribe can "demonstrate by historical documentation the existence of the tribe's villages, burial grounds, occupancy or subsistence use of the vicinity of the land." Approving the Guidiville application, in which no significant historical connection to the land has been established, therefore sets the stage for other tribes to petition to have land taken into trust for gaming purposes on lands far removed from their historical roots.

CSAC supports cooperative and respectful government-to-government relations that recognize the interdependent role of tribes, counties and other local governments to be responsive to the needs and concerns of all members of their respective communities. Approving a restored lands application with which the tribe does not demonstrate a historical connection to the land infringes upon this general policy and we urge you to express your mutual concern to the DOI on this important matter. Should you have any

questions or need additional information please contact DeAnn Baker, CSAC Senior Legislative Representative, at (916) 327-7500 ext. 509 or at [dbaker@counties.org](mailto:dbaker@counties.org).

Sincerely,

A handwritten signature in black ink that reads "Mike McGowan". The signature is written in a cursive style with a small dot above the 'i' in "Mike".

Mike McGowan  
Supervisor, Yolo County, California  
Second Vice-President, California State Association of Counties  
Chair, CSAC Indian Gaming Working Group

cc: The Honorable Ken Salazar, Secretary of the Interior  
The Honorable Larry Echo Hawk, Assistant Secretary for Indian Affairs  
The Honorable George Skibine, Acting Deputy Assistant Secretary for Policy and Economic Development – Indian Affairs