

Stand Up For California!
“Citizens making a difference”

www.standupca.org

P. O. Box 355
Penryn, CA. 95663

June 22, 2011

Honorable Daniel Akaka
United States Senator
Senate Hart Building
Washington, D. C.
Phone: 202 224-6361
Fax: 202 224-2126

Honorable Dale Kildee
United State Congressman
2107 Rayburn Office Building
Washington, D.C. 20515-2209
Phone: (202) 225-3611
Fax: (202) 225-6393

RE: Strongly Oppose - S. 676 and H. R. 1234

Dear Senator Akaka and Congressman Kildee:

Stand Up For California is a recognized state wide organization that has been involved with issues associated with Indian gaming for many years in California. Over the last decade and a half our organization has spent a great deal of time assisting communities affected by tribal gaming applications, for gaming on after-acquired lands as well as non-gaming applications. Our organization acts as a resource of information to local, state and federal policy makers.

We write today to once again strongly state opposition to any legislation that overturns the U.S. Supreme Court's decision in *Carcieri v Salazar* that does not also remedy serious problems in the fee to trust process. *Carcieri v. Salazar* should serve as a catalyst for necessary reforms at the federal level of government. Any proposed “fix” must restore the balance of authorities between tribes, states and local governments. The current fee to trust process needs a programmatic policy that to the greatest extent possible provides for all affected parties to participate in an open, fair and objective process.

Section 5 of the Indian Reorganization Act (IRA) is a standardless delegation of power that permits land to be removed from the jurisdiction of cities, counties and states, without regard to the effects on surrounding communities, without any meaningful participation by those communities and other stakeholders, and without controls on the spread of off-reservation casinos.

Failure to work with affected communities of citizens and local governments has resulted in numerous impacts:

- domestic and agricultural water outages that also exacerbate fire protection needs ,
- overdraft of ground water creating interference with wells
- denial of access to private property of non-tribal citizens,
- proposed garbage dumps in sensitive environmental locations,
- noise nuisance from the development of a new raceway within 100 yards of an established neighborhood
- numerous collisions on narrow unlit rural roads,
- increased drunk driving in rural residential areas
- massive developments in agriculturally zoned areas,
- developments in ecologically sensitive areas that disrupt wildlife migration, movement and connectivity
- a disruption of law enforcement services due to a mix of jurisdiction between tribes and the state
- Unfair competition for local businesses that were established in an area prior to the development of a new reservation on after acquired lands.

Moreover, once the land is in trust a tribe can develop the land without regard to state or local governmental environmental standards, and avoid taxation while using the local services of the surrounding tax payers. Many of the local ordinances and codes were put in place by citizens to protect and ensure the financial value of properties.

We support the recommendations of the California State Association of Counties, who have in detail explained how and why local governments should be included in fee to trust determinations.

A legislative solution is necessary to provide guidance to the Department of the Interior which has created and sustained the current trust land system. The development of the trust land system has been on a case by case basis, thus establishing weak procedure and ill-defined substantive standards. Since the Department has a special responsibility to Indians and tribes, and no particular obligations to states, local governments and communities, this explains why objective standards are so necessary.

Tribes seeking to expand land bases must be required to demonstrate the need or necessity for the acquisition of additional lands. The purpose of the acquisition must be clearly stated. Any change in that state purpose in future years must be revisited to ensure that the change does not result in significant negative unaddressed impacts to the shared resources of the regional areas affected by the change. We all live here together. We all share the limited resources. There is no desire to injure the economic viability of tribes but to enhance their abilities and opportunities. We achieve that through working together and conserving our shared resources.

Carcieri provides the opportunity for rational reform to restore the delicate balance of authorities between tribes, states and the federal government. Reform of federal Indian policy to the

greatest extent possible must provide all affected parties the opportunity to participate in a constructive, fair and objective process.

The Natural Resources Committee must consider holding hearings both in Washington D.C. and in affected States like California. All stakeholders must be given an opportunity to present the many unintentional consequences of the current land into trust system as well as offer suggestions to enhance and make suitable the process.

Stand Up for California urges reform of the federal fee to trust process and development of a programmatic policy.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl A. Schmit". The signature is written in black ink and is positioned above the typed name and contact information.

Cheryl Schmit – Director
Stand Up For California
916-663-3207
cherylschmit@att.net
www.standupca.org

Honorable Jerry Brown – Governor of California
Honorable Kamala D. Harris – Attorney General State of California