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Tuesday, April 07, 2009

By US Mails and fax to 916-327-2188

The Honorable
Christine Kehoe
State Capitol, Room 4081
Sacramento, CA 95814

Dear Senator Kehoe:

Re: Opposition to SB 170

If enacted, SB 170 would be another empowerment of the sovereignty of Indian tribes. Your opposition to it would represent support to the many of your constituents who have (i) been adversely impacted by developers of tribal trust land that care nothing for the impact of those developments on off-reservation environments and (ii) seen non-trust land be transformed to trust land on the flimsiest of rationales.

As drafted, SB 170 would provide Indian tribes or tribal groups the authority to effect cancellation of a Williamson Act contract simply by qualifying one of a broad range of new uses of Williamson Act land as being in the public interest. Such immediate cancellation apparently could be overturned only by the subsequent finding of the affected Board of Supervisors rebutting the tribal, public-interest presumption.

The draft bill provides no balancing safeguards on the tribal determination of public interest, and no apparent definition of the meaning of 'public interest' in its context. The unconscionable actions of many tribes in self-certifying Environmental Assessments and Tribal Environmental Impact Reports to the detriment of off-reservation environments clearly shows that few, if any, tribes have the ability to put first anything else other than their immediate self-serving needs. Further, because the affected Board of Supervisors has no certain period of time in which to catch-up and formulate an opinion, it is probable that few will elect to take such action on the basis of the costs and hardships of inevitable litigation.

Many of your constituents are weary of the continuing empowerment of Indian tribes and of the inability of state and federal government to ensure that the same environmental and safety restraints that are mandated off-reservation are required on-reservation – often just a few feet away. Over 100 of them signed a letter on September 19, 2007 strenuously objecting to the inadequacies of the draft EA/TEIR supporting a massive expansion of Casino Pauma. Their support was instrumental in obtaining a major redesign of the project to minimize, but still unfortunately not eliminate, off-reservation impacts.

In that case it was the requirement of the compact that provided the procedure and the time to restrain unilateral action otherwise detrimental to off-reservation values. Please consider not supporting SB 170 which provides further opportunities for unilateral action of the part of Indian tribes, many of whom have shown an arrogant disdain of the off-reservation effects of their on-reservation actions.

Yours sincerely,



Charles Mathews.

Copy: Ms. Cheryl Schmit – Stand Up for California