

CREST/DEHESA/GRANITE HILLS/HARBISON CANYON
SUB-REGIONAL PLANNING GROUP
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June 14, 2012

Honorable Joel Anderson
California State Senator
State Capitol Room 2018
Sacramento, CA 95814
Fax: 916 447-9008

Honorable Mark Wyland
California State Senator
State Capitol Room 4048
Sacramento, CA 95814
Fax: 916 446-7382

Honorable Martin Garrick
California State Assembly Member
State Capitol Room 2158
Sacramento, CA 95814
Fax: 916 319-2174

**RE: Opposition to SB 162 – Proposes to abdicate California's responsibilities
to all California citizens to the benefit of tribal entities**

Dear Senators Anderson, Wyland and Assembly Member Garrick:

Crest, Dehesa, Granite Hills, Harbison Canyon Planning Group operates according to policies adopted by the San Diego County Board of Supervisors. Our mission is to advise and assist the Director of Planning, the Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission and the Board of Supervisors in the preparation, amendment and implementation of community and sub-regional plans.

We are opposed to the Senate Bill 162. This bill would prohibit a California State agency from opposing specified fee-to-trust land acquisition applications. SB162 would prevent the Governor or Attorney General from taking action on behalf of our community in the review of incorrectly or inconsistent processing of land acquisitions. We have a responsibility to advise regarding safety, infrastructure, environment and welfare of our planning area. The potential impacts are most significant at our local level, and presently there is no meaningful role in the fee-to-trust process at that level. By eliminating the state's ability to "weigh-in" on fee-to-trust issues, there is a loss of state and local control.

Despite a high degree of success, Sycuan Band of the Kumeyaay Nation (the Tribe) continues to request to have more land placed in trust for development. By having the land placed in trust it effectively means extending tribal sovereignty over the land, the Tribe can evade our local land use restrictions and adherence to CEQA.

A major problem with trust land acquisition is that it does not impose limitations on the use that can be made of such land once it is taken into trust. The Tribe identifies future housing and future cultural purposes until the trust land decision is made. If "no change in use" is argued by the Tribe, the Tribe could avoid NEPA review entailing public comment. For example, in 2004 the Tribe acquired in trust 82.85 acres contiguous to the existing casino. San Diego County, in a letter dated March 30, 2001, expressed concerns the land use would include gaming purposes. The Tribe's response to the S.D. County's letter "*In fact, these acquisitions are not intended to be used for gaming purposes, and Sycuan's*

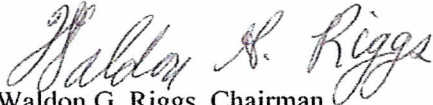
application does not constitute a request the Secretary authorize use of the lands for gaming purposes. Sycuan seeks to have these lands accepted into trust status because acquisition of suitable additional lands in trust is critical to Sycuan's survival as a tribal community.” **Note**, instead of housing the Tribe constructed a five-level 2000 space parking structure attached to the casino.

In a letter dated April 1, 2008, Representative Duncan Hunter questioned BIA's decision regarding the 82.85 acres and the fact that the “use” had changed after the land was placed in trust. The BIA response was “*once land is taken into trust, the Department is not authorized to reconsider its decision because land cannot be taken out of trust without Congressional authorization.*” Also, “*current land acquisition regulations in 25CFR Part 151 do not authorize the Department to impose restrictions on a Tribe's future use of land which has been taken into trust.*”

Note, in that same letter dated May 12, 2008, the Department stated that in regards to future trust acquisition of a specific 1,600-acre parcel: “*If and when that happens, the Department will be vigilant in reviewing the application, especially because of the 2007 compact specifically lists that parcel as potentially eligible for gaming.*” Actually, the 1999 compact also permits the Tribe to have two gaming facilities and requires the land meet the standards of “Indian lands” under IGRA.

The cumulative cost of removing land from our tax rolls and the environmental impacts on our sub-regional planning group area makes fee-to-trust land acquisitions a very serious issue. Please list ***Crest/Dehesa/Granite Hills/Harbison Canyon Sub-regional Planning Group*** opposed to SB162.

Sincerely,



Waldon G. Riggs, Chairman
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Crest/Dehesa/Granite Hills/Harbison Canyon
Sub-regional Planning Group
San Diego County, CA

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