

Temecula-Murrieta Open Space Preservation

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The Honorable Dianne Feinstein
United States Senator
Attn: dan Wessel, legislative Asst.
331 Hart Senate Office Building
Washington, D. C. 20510
FAX: 202 228-3954

RE: S. 338 - SUPPORT

Dear Senator Feinstein:

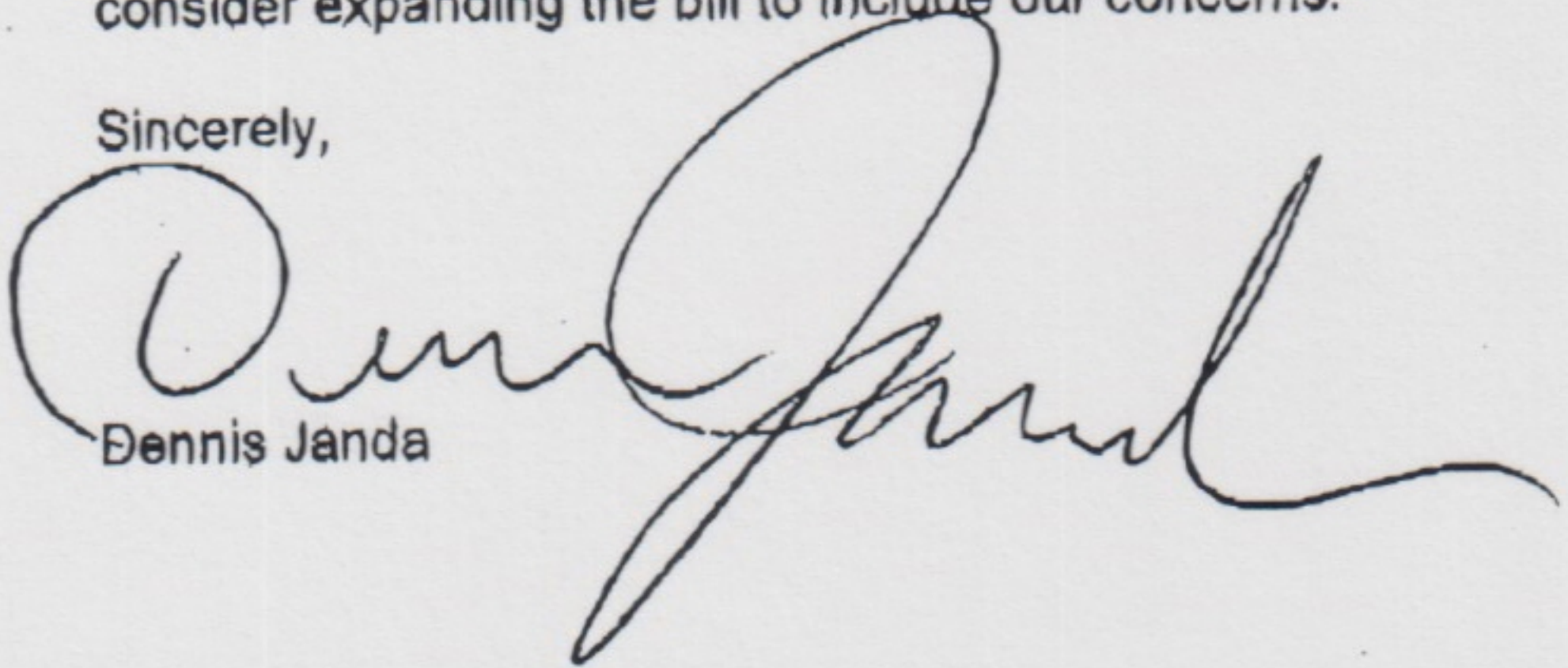
Temecula-Murrieta Open Space Preservation organization supports your efforts to correct a prior congressional act authorizing the acquisition of after acquired land for a Tribe in the San Francisco Bay area for a casino development. The application of the two-part determination requiring the concurrence of the Governor supported by the surrounding local communities restores control over the location of tribal gaming projects. This action likewise restores to the state oversight over the size and scope of the facility now and into the future. This action restores the political power of local elected officials and lastly it protects the rights of citizens to have a voice over the quality of life in their community. Certainly, this is what Congress envisioned in 1988 when adding limited exceptions for gaming on after acquired lands.

While Temecula-Murrieta Open Space Preservation organization supports your efforts on S. 338 we understand that there are significant discussions in Washington D.C over the entire land into trust process brought about by the *Carcieri v. Salazar* U.S. Supreme Court ruling. Clearly, the fee to trust process has been significantly abused in California. Our community has firsthand experience with land acquisitions that have been vague, ambiguously stated or more importantly the land use is changed once it is in trust to an ancillary use to a gaming project. Environmental standards at both the State and Federal level are thus circumvented.

The fee to trust process is largely without transparency, and the determinations made by the Secretary of the Interior are based on unlimited discretionary power and subjective criteria. The process needs reform. If the land to be acquired is in unrestricted fee status, objective criteria measuring the impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls, as well as the acquisition's potential impacts on regulatory jurisdiction, public safety, environmental protection, real property taxes and special assessments must be made. There must be a process in which affected citizens can participate if there are legitimate objections.

Temecula-Murrieta Open Space Preservation supports your current legislation, however we hope you will consider expanding the bill to include our concerns.

Sincerely,


Dennis Janda