



June 5, 2012

The Honorable Joel Anderson
California State Senate
State Capitol, Room 2054
Sacramento, CA 95814

**Re: SB 162 (Anderson): Economic Development: Federally Recognized Indian Tribes
As Amended on 5/21/12 – OPPOSE**

Dear Senator Anderson:

The California State Association of Counties (CSAC), Regional Council of Rural Counties (RCRC), and Urban Counties Caucus (UCC) write to inform you of our opposition to your Senate Bill 162, which would prohibit a state agency from opposing fee-to-trust land acquisition applications if the land is intended for housing, environmental protection, or cultural preservation.

Our organizations have adopted policies in support of Tribal governments and their ability to protect all members of their community and to preserve traditional Tribal culture and heritage. At the same time, CSAC, RCRC, and the UCC recognize and respect the counties' legal responsibility to provide for the health, safety, environment, infrastructure, and general welfare of all members of their communities.

We do not generally oppose Tribes taking fee land-into-trust and in fact our policies support trust applications and associated Tribal development when the affected local governments also support the application. However, taking fee land-into-trust has the potential for significant impacts at the local level, whether reducing tax revenues utilized for public services or for environmental protection purposes. Further, currently there is no meaningful role in the fee land-into-trust process for local governments and the people they serve, even though the potential impacts are typically most significant at the local level. This is due to the fact that the federal fee land-into-trust process does not currently provide an affected local government with adequate notice, meaningful consultation, or mitigation.

Additionally, there is no prohibition for a change of use once land is taken into trust by a Tribal government. A Tribe can apply to the federal government to take fee land-into-trust for purposes of non-gaming activities such as housing, environmental protection, or cultural preservation and upon approval of the application immediately begin planning and implementation of a gaming facility or other type of project.

Counties rely on the State to provide comments on fee-to-trust land acquisition applications on behalf of the state as a whole and also the affected local communities. Therefore, we oppose any attempt to limit the State in this capacity. Moreover, it is the State's duty to provide comments on Tribal fee-to-trust land acquisition applications as the federal government and Californians at large have a right to understand all potential impacts an application for trust land may have, regardless of the type of project the application includes.

For these reasons, we respectfully oppose SB 162. If you need additional information regarding our position on this measure, please do not hesitate to contact us. DeAnn Baker, CSAC, can be reached at (916) 327-7500 ext. 509 or dbaker@counties.org. Cyndi Hillery, RCRC, can be reached at (916) 447-4806 or chillery@rcrcnet.org. Jolena Voorhis, UCC, can be reached at (916) 327-7531 or jolena@urbancounties.com.

Sincerely,



DeAnn Baker
Senior Legislative Representative
California State Association of Counties



Cyndi Hillery
Legislative Advocate
Regional Council of Rural Counties



Jolena Voorhis
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