

P. O. Box 540, Pauma Valley, CA 92061
760.481.4201

June 10, 2012

Honorable Joel Anderson
State Capitol Room 2018
Sacramento, CA 95814

Honorable Mark Wyman
State Capitol Room 4048
Sacramento CA 95814

Honorable Martin Garrick
State Capitol Room 2158
Sacramento CA 95814

Gentlemen:

Re: Opposition to SB 162 that demands government agencies abdicate responsibilities to citizens

The idea of a bill prohibiting a state agency from objecting to any action, including a fee to trust transfer (FTT), seems to me to strike at the heart of the Constitutional responsibility and authority of the Executive branch to protect the interests of the State and its people. Prohibiting objections to such proposals implies that all such proposals are and will be in the interests of the State and its people. Many would believe that not every proposed FTT is in the interests of the State, its political subdivisions, and its people.

Because it limits and prohibits a constitutional responsibility, is SB 162 to be considered a State Constitutional amendment, one that creates a dangerous concept of an arbitrary and special purpose restriction on members of the Executive branch of State government.

Federal Indian Policy has to attempt to maintain a fragile balance among federal, state and tribal authorities and interests and laws. The BIA review of FTTs will be made in a less biased manner if all of the parties at interest are not free to express their opinions.

While SB 162 is presently limited to "purpose[s] of housing environmental protection, or cultural preservation" there is no definition of to what those very broad and emotive topics specifically refer. Further, many have concern that once the FTT is made for some apparently acceptable reason not having undue off-reservation impact, there is not adequate process and assurance that the use of land subsequent to a FTT will not eventually be for some purpose that has undesirable off-reservation impact, or other outcomes potentially of disadvantage to a minority of the tribe and persons off-reservation.

A specific concern of some is that SB 162 may have the unintended outcome of providing a back door to off-reservation gaming. The 1999 Compact language provides for gaming "on those Indian Lands on which gaming may lawfully be conducted under the Indian Gaming Regulatory Act (IGRA). Because in the Compact language "Indian Lands" are eligible for gaming whether or not the land was acquired for housing, gaming, and because SB 162 would preclude action on the part of the Executive branch regarding such FTTs, SB 162 could create a loop-hole for gaming expansion off-reservation without any State input.

Sincerely,



Charles Mathews,
Chair, Pala Pauma Community Sponsor Group.