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JOINT COMMITTEE  
LEGISLATIVE AUDIT

# Senate

## California Legislature

**JOEL ANDERSON**  
SENATOR  
THIRTY-SIXTH SENATORIAL DISTRICT



### **FAXED AND MAILED**

June 18, 2012

The Honorable Dianne Feinstein  
United States Senator  
750 B Street, Suite 1030  
San Diego, CA 92101

Dear Senator Feinstein,

In a recent article published in the *San Diego Union-Tribune* you are referenced as having concerns that the passage of Senate Bill 162 would prevent state agencies from raising legitimate concerns on Fee to Trust applications in California. I would like to assure you that this is not the intent of the legislation. The original intent was to stop the state and its agencies from responding negatively to all Fee to Trust applications without first becoming informed on the merits of the applications and meeting to confer with the Tribe on their request.

The introduction of SB 162 has focused a great deal of attention on the Fee to Trust process and that was one of my goals. As a result, my office has received both positive and negative comments on the bill. The one theme common to all of them is that no one is satisfied and everyone believes the current process needs to be improved. We have just learned that the Department of the Interior is reviewing the Fee to Trust process. In light of today's U.S. Supreme Court decision in *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak et al.*, can you confirm if the Department of the Interior's review will address the approval process for applications for both gaming and non-gaming purposes?

We simply want to assist in making the process more thoughtful in addressing all concerns and equitable to all parties. We believe that state agencies should provide meaningful input into these requests and should not continue to act without conferring with the applicant before objecting to applications.

We want to produce a thoughtful bill that takes into consideration everything that is occurring at the federal level, and understand the full implications of the *Patchak* case. Further, we want to fully understand how the State Legislature can best proceed to improve the process to

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ensure fair treatment for all parties. Therefore, we're asking the Assembly Governmental Organization Committee to pull SB 162 from this week's agenda. If we can continue to facilitate meaningful discussion between tribal governments in California and state agencies on Fee to Trust, the original intent of SB 162 will be met.

As tribes are growing and reuniting on native lands, they often require additional land to accommodate their increasing need for housing, environmental and cultural preservation. I believe we should look to find ways to support that growth in a reasonable and responsible fashion for all of California.

I look forward to working with you on this matter.

Sincerely,



Joel Anderson  
Senator, 36<sup>th</sup> District