

Stand Up For California!

“Citizens making a difference”

www.standupca.org

P. O. Box 355
Penryn, CA. 95663

June 22, 2016

Honorable Rob Bishop
Chairman
House Resources Committee
1324 Longworth House Office Building
Washington, D. C. 20515
FAX: 202 – 225 5929

RE: Oppose - Cole Amendment to the Interior and Environment Appropriations Bill

Dear Congressman Bishop,

Stand Up For California (“Stand Up”) is a nonprofit corporation and serves as an advocate and information resources for community groups, local, state and federal policy makers trying to understand and respond to the complexities surrounding the expansion of tribal gaming in California. We do not seek to impede the economic progress and advancement of California’s native peoples; rather we seek regulatory reforms that we believe are in the best interest of all the inhabitants of this State. We believe that it is possible to promote responsible growth of tribal gaming and at the same time address the legitimate concerns of the communities in the vicinity of casino operations. ***But this possibility heavily depends upon all sides recognizing the duties and responsibilities that we all have to each other.***

The Carcieri decision has provided the catalyst, the only leverage affected parties and other entities have had in years to try to improve the fee-to-trust process. ***The opportunity the Carcieri Fix provides must not be squandered.*** The recently introduced amendment offered by Congressman Cole of Oklahoma is a constructive step in the direction of a compromise. However, the language assumes that all fee-to-trust transactions have been completed in full compliance with agency rules, regulations and federal statute.¹

Congressman Cole’s amendment while benefiting tribes seeking to expand their jurisdiction, authority and perhaps develop an economic engine of a casino, allows the BIA bureaucratic culture to continue to exercise a lack of accountability and responsibility to all affected parties. The BIA has long failed to recognize the interest of private citizens germane to the decision to convert fee land to trust land. The conversion of land into trust diminishes the local tax base impacting local services. Further it creates complex multijurisdictional conflicts complicating the administration of justice and the ability of law makers and law enforcement officers

¹ In the North Fork gaming fee-to-trust transaction the BIA acknowledged their failure to comply with the Clean Air Act (CAA), seeking a remand without vacating the trust decision to fix its violation of the CAA. Common in California the BIA consistently fails to recognize recorded easements on properties to be transferred into trust creating takings of private property rights. The BIA’s title verification of property has resulted in wrong parcels of land being taken into trust or considered parcels as contiguous (when they are not) and processed a trust application as an exception under IGRA for gaming. At least 3 times in California the BIA has reaffirmed tribal groups as federally recognized tribes without the authority to do so.

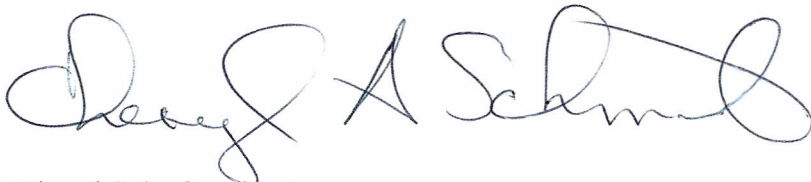
Honorable Rob Bishop, Chairman House Resouces
Congressman Cole Amendment to Appropriations

to resolve ordinary disputes. The only recourse left is for an affected party to seek a fair hearing in federal court which further creates adversarial relationships.

Legitimate concerns over private property rights, fiscal impacts on and complications over resource management by local governments and state's rights have developed under the current patch-work fee-to-trust system. While some of these impacts can be and have been resolved through comprehensive tribal-state compacts and judicially enforceable local agreements, there are still many concerns that require Congressional action to resolve.

Stand Up will support a Carcieri Fix **IF** it includes a programmatic approach² to fee-to-trust transactions. Congressional action is required to resolve the unintended consequences of Carcieri and fee-to-trust transactions. Otherwise, enforcement is left to affected parties and the courts. Congress is much better skilled at establishing a policy that promotes balance between tribes, states and the federal government.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl A Schmit". The signature is fluid and cursive, with a large initial "C" and "S".

Cheryl Schmit, Director

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² Senator Barrasso Bill S-1879 is a programmatic approach although that legislation also requires considerable work to bring about fairness to all affected parties.