

Stand Up For California!
“Citizens making a difference”

www.standupca.org

P. O. Box 355
Penryn, Ca. 95663

April 1, 2011

Honorable Stephanie Shamazu
Acting Chairperson
2399 Gateway Oaks Drive, Suite 220
Sacramento, CA. 95833-4231

**RE: Newly-Public Information that may Affect CGCC Methodology
For Determining a Non-Compact Tribe.**

Dear Madam Chair:

Stand Up For California wishes to provide you with new information regarding payments from the Revenue Sharing Trust Fund (RSTF) to the Colorado River Indian Tribe (CRIT). It appears to us that recent events pertaining to whether or not the CRIT has Indian lands in California are of import to the CGCC. Thus, we are supplying you with the accompanying information, and suggest that you may wish to reconsider the Commission’s methodology for determining a Non-Compact Tribe.

Our organization (see letter dated June 7, 2010) and the Colorado River Residents for Justice (CRR4J) (see letter dated September 2008) have previously written to the CGCC on this issue. To summarize, the CRR4J has stated and documented that the Tribe has no Indian lands in California. Moreover, the CRR4J has stated in their September 12, 2008 letter: “In our view, RSTF money is being used to fund litigation to the detriment of non-tribal citizens and businesses along the Colorado River...” *Stand Up For California’s* concern has been the improper diversion of state money to Tribes that do not meet the definition of a non-gaming tribe in the tribal state compact.

The CGCC has responded to both the CRR4J (*See* letter dated June 1, 2009) and to *Stand Up For California* (*See* letter dated June 14, 2010). In both responses the CGCC states:

“Please note that the Commission does not concede, nor should its continued RSTF payments to CRIT be construed to concede or imply a belief on the part of the Commission or the State of California that the CRIT has land or even valid land claims in the State of California. Rather, the Commission at this time is merely deferring to the Bureau of Indian Affairs and the listing as currently reflected in the Federal Register, which shows CRIT as a California and Arizona tribe. The RSTF payments will continue to be made until such time as a federal court, that BIA or Congress determines otherwise.”

The CGCC has laid out an explicit position that a certain event must occur before there is reconsideration of the payment of RSTF funds to the CRIT. Until that time, the CGCC is merely deferring to the Bureau of Indian Affairs and the listing as is currently reflected in the Federal Register.

As you know, the California Tribal State Compact requires that California Indian lands for gaming must meet the legal threshold of the Indian Gaming Regulatory Act (IGRA). On September 12, 2008, former Secretary of Legal Affairs Andrea Lynn Hoch penned a letter to the CRIT providing the State of California’s analysis of the western boundary of the CRIT reservation. (*See*-Sept. 12, 2008 letter) Secretary Hoch concluded:

“Thus, it appears that any CRIT reservation lands, which were terminated in 1904, have not been restored”.

Secretary Hoch acting in the best interests of the State of California and its citizens has directly challenged the long standing claim to California lands by CRIT. Secretary Hoch did not defer to the Bureau of Indian Affairs or the listing of tribes currently reflected in the Federal Register.

CRIT’s response to Secretary Hoch’s letter became public when CRIT posted its reply letter on the tribal web site. (*See* letter dated March 2, 2009). The State’s response to the CRIT’s reply is significantly clear. **There is no tribal-state compact with the CRIT and there is no CRIT casino on California lands.** Obviously, the CRIT response to Secretary Hoch did not satisfactorily rebut the State’s analysis of the CRIT land claim.

As a result of Secretary Hoch’s letter becoming public, Water Wheel Resort, one of the unfortunate businesses that is a victim of self-help evictions by the CRIT tribal court, has filed a “Claim for Damages to Person or Property” pursuant to government Code Section 945.6 with the County of Riverside. The company’s letter states that for years Riverside County has permitted the CRIT to assert tribal jurisdiction over lands within the State of California and the County of Riverside. The legal position asserted by Water Wheel is identical to the analysis of Secretary Hoch.

Given this newly-public information, it is the hope of *Stand Up For California* that the Commission will once again discuss and give consideration to the distribution of the RSTF to the CRIT. We hope that the Commission would at the very least, ask the same questions of the CRIT before sending anymore RSTF funds.

Sincerely,

Cheryl A. Schmit – Director
916-663-3207
cherylschmit@att.net
www.standupca.org

CC: Honorable Tiffany E. Conklin
Honorable James Shelby