

Stand Up For California!

“Citizens making a difference”

www.standupca.org

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May 21, 2008

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Honorable Mike Thompson
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RE: Request for Amendment to the Graton Rancheria Restoration Act of 2000

Dear Senators Boxer and Feinstein and Representatives Woolsey and Thompson:

Stand Up For California writes today seeking an exercise of your mutual political power to amend the Graton Rancheria Restoration Act of 2000. While no doubt unintentional, the language of the bill presents serious future concerns to the Counties of Marin, Sonoma and the State of California. Even the most ardent supporters of the Federated Indians of the Graton Rancheria must recognize that the section on lands to be taken into trust on a mandatory basis is not only detrimental to the Counties of Marin and Sonoma but also bordering Counties and the State of California. We ask that you communicate with all members of the California Congressional Delegation, and work toward amending this statute.

The problematic language is as follows:

H.R. 5528 Omnibus Indian Advancement Act Title XIV Graton Rancheria Restoration - Section 1405

- (a) **LANDS TO BE TAKEN IN TRUST - Upon application by the Tribe, the Secretary shall accept into trust for the benefit of the Tribe any real property located in Marin or Sonoma County, California, for the benefit of the Tribe after the property is conveyed or otherwise transferred to the Secretary and if, at the time of such conveyance or transfer, there are no adverse legal claims to such property including outstanding liens, mortgages, or taxes.**

And,

(c)LANDS TO BE PART OF RESERVATION – Any real property taken into trust for the benefit of the Tribe pursuant to this title shall be part of the Tribe’s reservation

DISCUSSION:

Whatever the merits may have been at the time for conferring authority and direction for mandatory trust land status, it is clear that the statutory provision is overbroad in the extreme. As you can see, there is no time limitation as to when the purchases of land may occur, simply **“pursuant to this title”**. **Further**, there is no limit on location or purpose other than **“any real property located in Marin or Sonoma County”**. As a matter of indisputable law, any and all land acquisitions from now and until the end of time must be processed as “mandatory acquisitions”. Furthermore, this language obligates the Secretary of the Interior to accept into trust without the exercise of discernment or for that matter any regulatory process that considers purpose and needs of the acquisition, environmental concerns or off reservation impacts, shared natural resources such as water, night sky, open space or transportation systems, loss of taxation, and loss of community character or administration of justice. No justification or statement of purpose for this extraordinary grant by Congress is made and no other limitations appear to apply from other laws.

Of significant concern the language does not limit the Tribe to just the one casino in Rohnert Park. The Tribe has the potential to open up other gaming facilities anywhere at anytime it purchases real property in Marin or Sonoma County, because the land **“shall be part of the Tribe’s reservation”**. While the Tribe may state it has no intention of doing so today, the plain language of the act as a matter of indisputable law permits this action at *any unknown time or location* in the future. If this act were about anything other than Indians, the State or the Counties would have recourse through the court system. But Tribes enjoy sovereign immunity from suits which potentially raise Just Compensation, Due Process or other complex issues.

- The Graton Restoration Act in essence created a Reservation for the Restored Tribe as all of Marin and Sonoma Counties without regard to the approximate 1 million non tribal citizens in these counties and without regard to the 1.5 billion combined annual budgets for essential public health and safety services supported by the property taxes of taxpayers in these two counties.
- The Graton Restoration Act directed the Secretary of the Interior to take land into trust without discernment over the impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls.
- The Graton Restoration Act directed the Secretary of the Interior to take land irregardless of the significant jurisdictional and administration of justice problems and potential conflicts of land use which will arise.

CONCLUSION

Congress possesses comprehensive plenary power with respect to Indian affairs and has an obligation to enact an amendment to the Graton act that strictly limits the power to purchase land anywhere anytime in these two counties and obtain mandatory trust status for any such land. The *only solution* to protect the future interests of all affected citizens, tribes, local governments or the interests of the State requires a Congressional amendment to the original Act. I look forward to your reply and a commitment to work towards a mutually beneficial and amicable solution.

Sincerely,

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CC: County of Sonoma Board of Supervisors
County of Marin Board of Supervisors
City of Rohnert Park
CSAC - Attn: Mike McGowan
League of Cities – Attn: Lisa Stark
Assembly Member Huffman
Honorable Arnold Schwarzenegger – Governor of the State of California
Honorable Jerry Brown – Attorney General of the State of California
Honorable Bill Lockyer – State Treasurer of the State of California
The Lytton Band of Pomo Indians
The Dry Creek Pomo Indians