



# City of Temecula

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May 14, 2008

The Honorable Darrell Issa  
211 Cannon House Office Building  
Congressman, 49<sup>th</sup> District  
Washington, DC 20515

**RE: HR 2963, The Pechanga Band of Luiseno Mission Indians Land  
Transfer Act**

Dear Congressman Issa:

The City of Temecula has historically been supportive of land transfers from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians for the protection of their cultural resources and to maintain open space. It is of paramount importance to the City that these areas be preserved only as open space with absolutely no development that would promote, in any way, resort operations.

In 2004, the City was supportive of HR 4908 (Issa) but did request that if in the future the Band's plans for the area changed, the Tribe consult with the City to ensure that all local issues are appropriately addressed. As a result, we are more concerned now because these open space areas now contain the Pechanga tribe's golf course. These land uses were "switched out" irrespective of the representations made in the federal environmental documentation. Although the NEPA approval called for "no impacts," the tribe apparently changed its mind, and there was no recourse. The City of Temecula was never consulted about this change nor were discussions held with us to address mitigating the impacts of this development.

The City of Temecula is deeply concerned about transferring additional land to the Tribe without the ability to enforce the provisions of the MOU with the Fish and Wildlife Service. As currently written, the MOU can simply be broken. Thus, it is the final section that is crucial:

(h) Restricted Use of Transferred Lands-

(1) IN GENERAL- The lands transferred under subsection (a) may be used only for the protection, preservation, and maintenance of the archaeological, cultural, and wildlife resources thereon.

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(2) NO ROADS- There shall be no roads other than for maintenance purposes constructed on the lands transferred under subsection (a).

However, we are very concerned over the enforcement of these provisions and public access to these areas. If they are violated, how will they be enforced? Further, what opportunities will the public have to enjoy this pristine, natural area? We recommend the following enforcement and access actions be added to the legislation:

1. A reversion clause, wherein the land reverts to federal ownership if the conditions on its use are violated.
2. Designation of the Department of the Interior (DOI) as the entity that monitors the use of the land and enforces the reversion if the facts warrant.
3. Access rights to DOI for monitoring purposes.
4. In the event of federal government inaction, a citizen suit provision that gives citizens the right to sue DOI to enforce the reversion clause after 60 days notice to the Tribe and to DOI.
5. Public access is maintained in exactly the manner it is today with no change to that access.

We believe that strong and accountable enforcement provisions are necessary. The reversion clause and citizen suit components are essential to ensuring that this environmentally sensitive land will remain protected. The City of Temecula cannot support this transfer without the above provisions included as part of HR 2963.

Sincerely,



Shawn Nelson  
City Manager

cc: City Council  
David Turch & Associates  
Pechanga Tribal Council