

Stand Up For California!
“Citizens making a difference”
www.standupca.org

P. O. Box 355
Penryn, CA. 95663

December 6, 2017

Ms. Amy Dutschke
Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

**RE: Comment on Redding Rancheria Fee-to-Trust and Casino Project
Announced November 29, 2016**

Dear Ms. Dutschke,

Please add *Stand Up for California!* (Stand Up), to the service list for the gaming application announced November 29, 2016. Please include Stand Up on the service list of the environmental process.

The following comment is submitted on behalf of Stand Up regarding the gaming application of the Redding Rancheria for certain lands in Shasta County, California, referred to as “Strawberry Fields” and additional parcels, approximately 232 ac. of land to be taken into trust.¹ Significantly concerning is the precedent created by processing and approving the Redding Rancheria gaming application on after-acquired lands as “restored lands” in order to re-locate an existing casino. This action would affect the relationships of Tribes to other Tribes, to their non-tribal neighbors, and significantly disrupt long established community plans.

Since 2003 the Redding Rancheria has been focused on acquiring certain lands in Shasta County, California, referred to as “Strawberry Fields”. In 2009 the Tribe sent a request to the Office of Indian Gaming Management seeking a determination of restored lands under regulations set forth in 25 C.F.R. Part 292. In 2010, the Tribe amended its application to include an additional 80 acres for gaming and gaming ancillary purposes. In December of 2010, Assistant Secretary Indian Affairs Larry Echo Hawk sent a detailed 8 page denial letter to Chairman Jason Hart of the Redding Rancheria explaining why the proposed trust acquisition did not meet the specific criteria of a restored lands exception.

Undeterred, the Tribe challenged the Secretary of the Interior and Assistant Secretary of the Bureau of Indian Affairs in federal court. The Tribe asserted that the Department did not take into consideration the Tribe’s alternative offer to move all gaming to the new casino and close its original casino on after-acquired lands for which the Tribe previously used the restored lands exception. The 9th Cir ignored the temporal and geographic limitations of the regulation and directed the Department to reconsider the application with the alternative of the re-location of the casino.

¹ Stand Up reserves the right to submit additional comments.

The Indian Gaming Regulatory Act (IGRA) provides “limited exceptions” to IGRA’s general prohibition to gaming on after-acquired lands. In order for the regulations in Part 292 to be consistent with IGRA’s principals of cooperative federalism, the Act recognizes the rights of states and narrowly applies the criteria which include temporal and geographical limitations for restored lands. While the Redding Rancheria meets some of the criteria in 25 C.F.R. 292.12, it cannot meet the temporal limitation as was pointed out in the December 2010 denial letter. The regulation criterion is clear on how a tribe establishes connections to newly acquired land for the purposes of “restored” lands exception.

292.12(c) (1) “The land is included in the tribe’s **“first request”** for newly acquired lands since the tribe was restored to Federal recognition; or

(c) 2 the tribe submitted an application to take the land into trust within 25 years after the tribe was restored to Federal recognition **and the Tribe is not gaming on other lands.**

Redding Rancheria has already used the restored lands exception on its **“first” request.** The Tribe is and has been gaming on other lands.

IGRA’s exceptions were enacted so that newly acknowledged tribes and restored tribes would not suffer prejudice in seeking economic independence. ***Congress in its wisdom did not intend for the restored land exception to be used over and over again to allow Tribes to re-locate existing casinos off-reservation.*** Such an interpretation of IGRA circumvents the need for state approval and meaningful consultations with affected local government and the surrounding community of citizens. Such an interpretation is out-of-balance with the spirit of cooperation between states and the federal government.

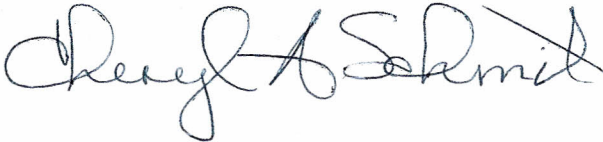
The Department in review and consideration of the many comments submitted during Rulemaking in 2008 for the development of Part 292 made specific responses to suggestions to 292(c) 1 and (c) 2 stating:

“...the temporal limitations effectuate IGRA’s balancing of the gaming interests of newly acknowledged and/or restored tribes with the interests of nearby tribes and the surrounding community.” (Federal Register/Vol.73 No.98 Tuesday, May 20, 2008/Rules and Regulations page 29367)

In 2000, California voters were asked to amend the State Constitution to provide an exception to legalize slot machines and casino style gaming on Indian lands primarily in remote rural parts of the state. The voter pamphlet clearly stated in rebuttal to claims that Proposition 1A would put casinos in urban areas; **“Proposition 1A and Federal law strictly limit Indian gaming to tribal land. The claim that casinos could be built anywhere is totally false...”** As time has evidenced, Tribes, tribal attorneys and gaming investors have ignored a clean and clear reading of federal law and regulation seeking ever-clever ways to move tribal gaming or relocate existing tribal casinos closer to more lucrative urban markets. IGRA does not promise mega-casino resort complexes to all tribes.

Stand Up recognizes the legitimate need of the Redding Rancheria Tribal government to obtain land for housing and economic development, but we cannot support an abuse of the regulations.

Sincerely,

A handwritten signature in black ink that reads "Cheryl A. Schmit". The signature is written in a cursive style with a large initial 'C' and 'S'.

Cheryl Schmit, Director
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www.standupca.org

CC: U. S. Senator Feinstein, Attn: John Watts

Governor Jerry Brown, Attn: Joe Dhillon

SPEAK UP SHASTA! info@speakupshasta.org

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