



Daniel J. Tucker
Chairman

January 29, 2007

Ricci LaBrake
Vice Chairman

Honorable Duncan Hunter
United States Congress
11870 Cordell Ct. St. 206
El Cajon, CA 92020

Candelita Billingsly
Secretary

Cody J. Martinez
Treasurer

Subject: Response to Dehesa Community Council Letter of January 10, 2007

Pilar T.A. Pettiford
Council Member

Dear Congressman Hunter:

Orlando Sandoval
Council Member

I understand that you, and most likely some or all of your colleagues, recently may have received a letter from a group calling itself the Dehesa Community Council, alleging that the Sycuan Band of the Kumeyaay Nation ("Sycuan") somehow has acted deceptively or irresponsibly in connection with the Department of the Interior's acceptance into trust status in 2004 of 82.85 acres of land adjacent to the Sycuan Reservation that Sycuan purchased in 1988.

Deedra Tucker
Council Member

I want you to know that these letters are but the latest salvo in what seems to be an orchestrated campaign by a few individuals to use factual misrepresentations and distortions to foment hostility toward the Sycuan Band and undermine the close, positive working relationship that the Sycuan Band has worked hard to develop and maintain with its neighbors in the Dehesa Valley and elsewhere in San Diego County. I would like to take this opportunity to set the record straight as it relates to the allegations made in this letter.

The Accusations Are Blatantly False

The inflammatory letter from the Dehesa Valley Community Council contains several serious allegations that are blatantly false in fact, and legally incorrect. The letter cites to federal statutes and Sycuan's existing gaming Compact as a basis for the claim that Sycuan acted improperly and lied to the Department of Interior regarding the 2004 application for trust status for the property. The accusation that Sycuan acted deceptively in applying to have those adjacent lands accepted into federal trust status is not merely a baseless insult to our Tribe's integrity, but also is demonstrably false. The fact is that Sycuan's application to the Department of the Interior stated that the land was not to be used for gaming, and in fact the land is not being used for gaming. A parking garage is not defined as "gaming" by the federal regulations under which the land was taken into trust.

A parking garage certainly constitutes a "project" within the meaning of Sycuan's existing Compact; that is why, pursuant to §10.7 of its Compact, Sycuan conducted an exhaustive environmental review of that project, complete with public comment and consultation with the County of San Diego, in full compliance with its obligations to assess the potential adverse impacts of its project on the off-Reservation environment, and to make good-faith efforts to fully mitigate any such impacts.



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The Facts about the 2004 Trust Application

Our 2004 Trust application specifically stated that the property in question would not be used for gaming purposes as defined by applicable federal regulations. As stated in this application, this property was planned for use for tribal government purposes, tribal housing or other projects that further the economic self-sufficiency of the Sycuan Tribe.

The construction of a new 2,000-space parking facility, which applicable federal law does not define as a gaming activity, will contribute to the to the economic self sufficiency of the tribe by improving public access and public safety for patrons and employees of our Resort and Casino, as well as other facilities on the Reservation. In the future, a portion of this land may also be used for a new Government Center for the tribe.

The Facts about Lands not yet in Federal Trust Status

The Dehesa Valley Community Council's letter also refers to an additional 1,600 acres now owned by Sycuan that is not yet in trust, but which Sycuan may seek to have accepted into trust in the future. These lands include the golf resort formerly known as Singing Hills and now operated as the Sycuan Resort Golf Course, and the approximately 1,200 acres of land that Sycuan more recently purchased from Vulcan Materials; this land had been used for a sand mining operation. That mining operation has long afflicted the Dehesa Valley with dust and exhaust fumes from heavy mining equipment and the large volume of semi-truck traffic going to and from the mining operation on Dehesa Road. Since Sycuan's acquisition of the property, mining operations have ceased -- along with the associated dust, air pollution and truck traffic, and Sycuan is developing a plan, in conjunction with the County and other entities, to restore the wetlands and other natural attributes of that property in a way that will greatly enhance the quality of the natural environment and the Sweetwater River.

If and when Sycuan seeks to convey this land into trust, Sycuan will have to follow the entire Department of the Interior's prescribed procedures, including compliance with NEPA. Before constructing any gaming facilities on this land, Sycuan also would have to comply with the environmental impact assessment and mitigation requirements of its gaming Compact. If the Legislature ratifies and the Secretary of the Interior approves the amended Compact that Sycuan and Governor Schwarzenegger signed in August, 2006, Sycuan not only would have to first conduct a full environmental review of the proposed project, but also enter into a binding and enforceable agreement with San Diego County to mitigate any adverse impacts on the off-Reservation environment or local government services attributable to the new casino project. As it always has, Sycuan stands ready to pay its fair share to mitigate any off-Reservation impacts its gaming activities may cause.



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In summary, Sycuan has fully complied with both the spirit and the letter of all federal laws and regulations applicable to our land trust applications, as well as its obligations under its gaming Compact. Contrary to the outrageous and false claims made by the Dehesa Community Council, Sycuan consistently has done everything reasonably feasible and within its power to ensure that its gaming activities would make only positive contributions to the surrounding community, not be a burden upon it. I would welcome the opportunity to provide you with any additional information that you might desire in connection with this matter, and to host you on a tour of the lands in question.

Sincerely,

A handwritten signature in black ink, appearing to be "D. J. Tucker", written over a horizontal line.

Daniel J. Tucker
Tribal Chairperson

CC: Supervisor Dianne Jacob
United States Senator Dianne Feinstein
Jack L. Rohmer, Associate Director, Office of the Inspector General
Jim Cason, Assistant Secretary, Bureau of Indian Affairs
David Longly Bernhardt – Solicitor, Department of the Interior
Phil Hogen, Chairman, National Indian Gaming Commission
George Skibine, Office of Indian Gaming Management
Andrea Lynn Hoch, Legal Affairs Secretary
Stephanie Shimazu, Deputy Legal Affairs Secretary
Robert Mukai, Senior Assistant Attorney General – Indian Law and Gaming Unit
Sara Drake, Supervising Deputy Attorney General – Indian Law and Gaming Unit
Chandra Waller, Deputy Chief Administrative Officer, County of San Diego
San Diego County Congressional Delegation
San Diego County State Legislative Delegation