



# COUNTY OF SAN DIEGO

## BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

### AGENDA ITEM

**DATE:** June 19, 2012

**12**

**TO:** Board of Supervisors

**SUBJECT:** PRESERVING THE ABILITY FOR FEDERAL, STATE, AND LOCAL AGENCIES TO PROVIDE INPUT ON FEE-TO-TRUST PROPOSALS (DISTRICTS: ALL)

#### **SUMMARY:**

##### **Overview**

San Diego County is home to 19 Indian Reservations and 18 Tribal governments, more than any other county in the nation. In order to address the impacts associated with fee-to-trust proposals, it is crucial that local, state, and federal agencies are able to provide input and take a position.

Maintaining the ability to provide input would not impose unfair burdens on Tribal land use activities, but rather ensure that possible off-reservation impacts could be evaluated and mitigated. As stewards of the environment and public health and safety, all levels of government have a responsibility to provide input on fee-to-trust proposals and to ensure that land uses are properly managed.

Today's action opposes any legislative effort that aims to inhibit the ability of a Federal, State, or Local agency or department to comment and take a position on any tribal Fee to Trust application.

##### **Recommendation(s)**

##### **SUPERVISOR JACOB AND SUPERVISOR HORN**

Direct the CAO to include the following policy statement in the County's Legislative Program:

Oppose legislation that would limit or restrict the ability of Federal, State, and Local Government agencies or departments to comment or take a position on any tribal Fee-to-Trust applications.

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**Fiscal Impact**

There is no fiscal impact associated with this action.

**Business Impact Statement**

N/A

**Advisory Board Statement**

N/A

**BACKGROUND:**

San Diego County is home to 19 Indian Reservations and 18 Tribal governments, more than any other County in the nation. In order to address the impacts associated with fee-to-trust proposals, it is crucial that local, state, and federal agencies are able to provide input and take a position.

Recently, Senate Bill 162 was amended to include language that would prohibit State agencies from opposing fee-to-trust land acquisition applications that are for the purpose of housing, environmental protection, or cultural preservation. Should this bill or others like it in the future become law, a State agency would lose the ability to oppose fee-to-trust applications for non-gaming uses even if a negative impact to the community, public infrastructure or the environment was identified.

There are often substantial off-reservation impacts regardless of the stated intended use in a fee-to-trust proposal. Furthermore, after lands are taken into trust, future land use decisions regarding these areas are subject only to Tribal Government authority. In addition to the decrease in revenue to local governments from the loss of property tax, sales tax and transient occupancy tax, there are no requirements to comply with a jurisdiction's standard permitting processes, which evaluate or require mitigation for potential impacts in the surrounding area such as fire protection, emergency response, public safety, water supply, air quality, stormwater management, noise, habitat restoration, or other impacts. If the land is used for purposes other than initially identified and evaluated, there is no federal requirement that the actual use be further assessed or its impacts mitigated.

It is important to ensure that all levels of government, including local government, have a seat at the table and are able to provide input in the fee-to-trust process. Therefore, today's action opposes any legislative effort that aims to inhibit the ability of a Federal, State, or Local agency or department to comment and take a position on any tribal Fee-to-Trust application.

We urge your support!

**Linkage to the County of San Diego Strategic Plan**

N/A

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Respectfully submitted,

DIANNE JACOB  
SUPERVISOR, DISTRICT 2

BILL HORN  
SUPERVISOR, DISTRICT 5

**ATTACHMENT(S)**  
N/A

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**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:**          Yes        No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**  
     Yes        No

**PREVIOUS RELEVANT BOARD ACTIONS:**  
N/A

**BOARD POLICIES APPLICABLE:**  
N/A

**BOARD POLICY STATEMENTS:**  
N/A

**MANDATORY COMPLIANCE:**  
N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):**  
N/A

**ORIGINATING DEPARTMENT:** District 2 and District 5, Board of Supervisors

**OTHER CONCURRENCE(S):**    N/A

**CONTACT PERSON(S):**

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