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May 4, 2021

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
State Capitol, Room 2206
Sacramento CA, 95814

**RE: SB 712 (Hueso) - Local government: California Tribes: Federal Fee-to-Trust Applications
As amended April 19, 2021 – Oppose Unless Amended
Set for hearing in Senate Appropriations Committee – May 10, 2021**

Dear Senator Portantino:

The California State Association of Counties (CSAC) respectfully opposes SB 712 unless amended. While we do not object to the core premise of the bill, which we believe will encourage intergovernmental collaboration between the state, local governments and tribes to facilitate the restoration of tribal lands; we are concerned by the provision that would constrain how counties may respond to an individual fee-to-trust application.

Counties recognize the importance of the federal fee-to-trust process in facilitating tribal self-governance through the acquisition of trust lands. We support the provisions of the bill that encourage both the state and its local agencies to work collaboratively with tribes to facilitate acquisition of non-gaming trust lands. We also do not object to adding a requirement in state law that local agencies must consider taking a position on fee-to-trust application on a case-by-case basis rather than adopting a policy of uniform opposition to all fee-to-trust applications.

The Bureau of Indian Affairs regulations for the fee-to-trust application process offer state and local governments 30 days to provide written comments on a fee-to-trust application’s potential impacts on regulatory jurisdiction, real property taxes and special assessments. These issues can be significant depending on the scope of the individual proposed acquisition and whether significant changes in land use are proposed as part of the application. Further, the fee-to-trust regulations require the Secretary of the Interior to consider the need for the land to be acquired in trust status, as well as the anticipated economic benefits if an acquisition is proposed for economic development purposes.

SB 712 would require a local agency that opposes a fee-to-trust to also incorporate within its comments specified economic benefit information received from the tribe, whether or not this information is included in the subject application. While the aforementioned regulations already require the federal government to consider benefits of the acquisition, including applicable economic benefits, we object to amending state law to mandate that local agencies include specific economic benefit information from the applicant tribe in their comments—especially information that is either beyond the scope of the application or not included in the application materials.

Further, SB 712 would result in increased costs to counties and create a reimbursable state mandate by requiring that local agencies include specified information in the documents counties submit to the federal government regarding fee-to-trust applications.

We appreciate the conversations that we have already had with the author's office on this bill and look forward to working to resolve our final remaining concern. If you need additional information about our position please contact me at clee@counties.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Chitf", written in a cursive style.

Christopher Lee
Legislative Representative

cc: The Honorable Ben Hueso, California State Senate
Honorable Members, Senate Appropriations Committee
Mark McKenzie, Staff Director, Senate Appropriations Committee
Kirk Feely, Fiscal Director, Senate Republican Caucus