



United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

June 5, 2012

The Honorable John Perez
Speaker of the Assembly
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0046

Dear Speaker Perez:

I write to express my concern about Senate Bill 162, which is currently awaiting action by the Assembly's Governmental Organization Committee.

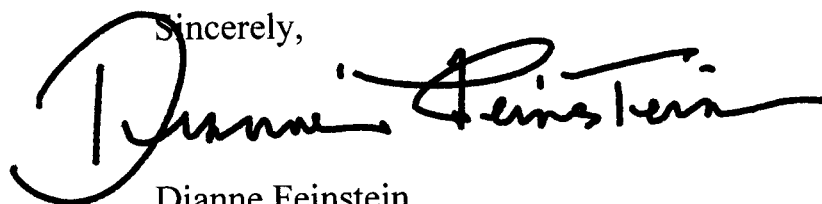
It appears that this legislation would categorically prohibit State agencies from opposing fee to trust proposals for housing, environmental protection, or cultural preservation. While I share concerns about the slow and burdensome fee to trust process, I fear that this prohibition could result in a situation where agencies are unable to fulfill their obligations under state and federal law. For instance:

- Would the Department of Fish and Game be able express opposition to proposals which result in the unlawful take of endangered species?
- Would the Department of Water Resources and the California Water Resources Board be able express opposition to proposals which result in a degradation of our state's water supply?
- Would CalTrans be able express opposition to proposals which overload our infrastructure and result in unsafe conditions on our roads and bridges?
- Would CalFire be able express opposition to proposals which result in significant fire hazards?

Additionally, even though the bill explicitly states that "cooperation by state agencies...shall not be construed to include activities that promote gambling," the

legislation could be used to facilitate an expansion of gaming in California. Under federal law and regulation, trust acquisitions are not tied to specific uses; once land is in trust, a legal opinion from the Solicitor of the Department of the Interior stating that the land meets the broad and vague criteria of the Indian Gaming Regulatory Act is all that is needed before gaming is permitted on the land. Therefore, this legislation could incentivize bad actors to seek trust land for one purpose, and then turn around and use it for gaming.

Given its overly broad nature, I ask that you not move the bill until significant modifications have been made that allow state agencies to express opposition grounded in the derogation of their statutory mandates. Thank you for your consideration of my request and I look forward to working with you to ensure that California State Agencies maintain their ability to protect our constituents.

Sincerely,


Dianne Feinstein
United States Senator

DF:dr

cc: The Honorable Jerry Brown, Governor
The Honorable Darrel Steinberg, Senate President Pro Tempore
The Honorable Isadore Hall III, Chairman, Governmental Organization
Jacob Appelsmith, Director, Department of Alcoholic Beverage Control