

Mr. Chairman and honorable members of the committee. I am here today in two different roles. First, as an elected member of the Petaluma City Council and currently our city's vice-mayor. My colleagues and I have submitted two letters opposing HR 597, which I will briefly summarize and are included in my full testimony. And secondly, because opponents of the bill have been allocated one witness, I will speak on behalf of the grassroots group, Citizens for Windsor. Mr. Chairman, I ask that my full testimony be placed in the record.

Petaluma, has a population of 61,000 and is located on US Highway 101 in southern Sonoma County. Petaluma is 25 miles south of the Town of Windsor, which has a population of 27,000 and is located in central Sonoma County. The lands that are the subject of HR 597 are adjacent to Windsor.

My colleagues' and my concerns with HR 597 are two-fold. First and more narrowly, Section 5 of HR 597 paints a bull's eye on my city by offering only a 20-year prohibition on gaming on additional lands taken into trust for the Lytton in southern Sonoma County. Petaluma is the most logical place for a new casino in Sonoma County. My colleagues and I have offered specific statutory language to fix this serious problem.

Second and more broadly, we are very concerned that HR 597 represents another unsavory step in the reservation-shopping saga in the North Bay, by both newly recognized and long-established tribes. All nine cities in Sonoma County are surrounded by voter-approved Urban Growth Boundaries to prevent sprawl-type development. Layered over that are voter-approved Urban Separators and county zoning that support the same policy goals.

Cities in our region are surrounded by privately owned ranches and farms outside Urban Growth Boundaries in areas zoned for agriculture. These lands are off limits to intense development. There are enormous financial incentives to find ways to develop such lands, especially in the Bay Area, and that financial pressure will only intensify in the future. The Lytton proposal and HR 597 provide a blueprint for frustrated landowners and anti-zoning developers to partner with a tribe and override carefully designed regulations limiting sprawl development on lands adjoining cities throughout the region.

For those reasons, even with amendment to Section 5, The City Council of Petaluma urges a no vote on HR 597.

There are other significant concerns with HR 597. This land has not gone through the Bureau of Indian Affairs' normal fee-to-trust review process and would not qualify for trust status. The BIA has *never* approved any fee-to-trust application for Lytton Rancheria. The tribe was recognized in 1991. The Supreme Court's *Carcieri v. Salazar* decision holds that the federal government cannot take land into trust for tribes that were recognized after 1934.

HR 597 is in effect a "Carcieri fix", which will benefit only one tribe. This evasion of the BIA fee-to-trust application process will set a bad precedent for new Indian policy in Sonoma County, California, and the entire United States.

In 2000, Rep. George Miller added a paragraph to the Indian Omnibus bill to take nearly 10 acres of land into trust as a homeland for the Lytton so that they could operate a casino on it. That land is located in San Pablo in Contra Costa County.

This was one of the key reasons that the California Attorney General Kamala Harris' office opposed taking land into trust in Windsor, and in a 2011 letter to the Bureau of Indian Affairs said, "...to the extent that act describes those 10 acres of land as Lytton's 'reservation,' this provision makes clear that Lytton's tribal location should be considered to be Contra Costa County rather than Sonoma County..."

In that letter, Harris' office further argues that the land under consideration never received a complete environmental review and should not be considered until this is done. The Environmental Assessment for the proposed housing in Windsor is almost 10 years out of date and covers just 124 acres. There has been no environmental review of the entire 500+ acres HR 597 seeks to put into trust adjacent to Windsor.

This "homeland" bill purports to be about housing, but the Lytton have plans for a large commercial project – a 200-room hotel, restaurants, shops, event center, 200,000-case-per-year winery – on land that's currently zoned agricultural. This commercial development is outlined in a 2015 Memorandum of Agreement the Lytton signed with the County of Sonoma, but it is not mentioned anywhere in this bill. The County negotiated the MoA, obligating it to support Lytton's fee-to-trust efforts, after the County mistakenly assumed that the land might be taken into trust by the BIA.

Because this land is outside of Windsor's Urban Growth Boundary, where a vote of Windsor residents is legally required to

extend utilities, there are no assurances of the use of municipal water or sewer. There are many other irreparable environmental impacts, such as clear-cutting a grove of 1,500 historic oak trees. In addition, the proposed development is on narrow country roads inaccessible to Highway 101 in an emergency.

In 2017, the Lytton purchased from Salvation Army 564 acres of contiguous land adjacent to their historic rancheria at Lytton Springs and to Highway 101. If it is determined that it is appropriate for the Lytton to have a homeland in both Contra Costa County and Sonoma County, then this site is a far more appropriate location for the proposed Lytton development, given its proximity to Highway 101, and its past uses for residential and commercial purposes. It should be given serious consideration before *any* action is taken on HR 597.

A compromise is certainly possible that would place a second Lytton reservation in an appropriate location. Thank you, Mr. Chairman.