**PECHANGA INDIAN RESERVATION**
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# TESTIMONY OF MARK MACARRO
# CHAIRMAN OF THE PECHANGA BAND OF LUISEÑO MISSION INDIANS

## BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS
## REGARDING S. 113
## A BILL TO MODIFY THE DATE AS OF WHICH CERTAIN TRIBAL LAND OF THE LYTTON RANCHERIA OF CALIFORNIA IS DEEMED TO BE HELD IN TRUST

Good morning, Mr. Chairman, Mr. Vice-Chairman and members of the Committee. Thank you for the opportunity to testify regarding S. 113, a bill "to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust".

My name is Mark Macarro, and I am the Chairman of the Pechanga Band of Luiseño Mission Indians. I've been asked to discuss the Pechanga Tribe's position with regard to S. 113.

The Pechanga believe that each and every federally-recognized tribe is a sovereign in its own right and enjoys all the rights and privileges that flow from sovereignty, including the right to pursue economic development opportunities which improve the quality of life for all tribal members. However it is our sincere belief that all Indian tribes also have a responsibility to the larger community, and that the specific instance of the backdating of the fee to trust acquisition of the Lytton Rancheria is contrary to the best interests of all Indian Country.

The Pechanga Tribe supports S.113 for two reasons.

First, we believe that the Lytton fee to trust acquisition should follow the same procedure that all other tribes must follow to authorize gaming on what are termed "after-acquired" trust lands. While the process is not perfect, it allows tribes, states and local communities to have input and a chance to participate in the process, including the ability to resolve differences, before a decision is made. The manner in which this acquisition was placed into trust deprived those communities who are most affected by the acquisition a chance to address important issues before the land was placed in trust.

The other reason we support this legislation is that it will reverse an action which violates a promise that all California Indian tribes made to the citizens of California when propositions 5 and 1A were considered and approved. During the time those propositions were considered, tribes in California pledged that the passage of those propositions would not result in the proliferation of urban gaming, but would be confined to a tribe's existing reservation lands, the vast majority of which are not located in urban areas.

The legislation which directed the Lytton land acquisition to be placed into trust status violated that promise to the citizens of California and denied the citizens affected by the acquisition to play a part in the process which determines whether land should be placed into trust status.

We believe S. 113, by providing that the trust acquisition of the Lytton Rancheria, while remaining in trust status, is considered to be placed in trust as of its actual date of acquisition, levels the playing field. It requires the Lytton Rancheria to deal with the local community and the Governor before it may operate gaming on the parcel, or it must apply to the Bureau of Indian Affairs before the land can be declared meeting one of the exceptions to the prohibition on gaming on lands acquired after October 17, 1988. Both processes provide for more detailed, thoughtful consideration on the merits of the application before gaming can be conducted on those lands.

This concludes my testimony. Again, I would like to thank you for the opportunity to provide our views on S. 113. I would be happy to answer any questions you may have.

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