

City Council

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City of Sebastopol

October 18, 2017

Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Honorable Kamala Harris
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

RE: HR 597 – Oppose

Dear Senators Feinstein and Harris:

The City of Sebastopol is opposed to HR 597 (Denham), which would take into federal trust lands in Sonoma County adjacent to the Town of Windsor on behalf of the Lytton Rancheria of California. As you know, legislation is necessary because the Lytton Rancheria, which was not a federally recognized tribe in 1934, faces what appears to be an insurmountable *Carciari* problem.

The City of Sebastopol is a small semi-urban community on the western edge of the Santa Rosa plain. It is 50 miles north of San Francisco, 8 miles west of Santa Rosa, 10 miles from Bodega Bay, and about 15 miles from the Russian River. In the Spring of 2010, the City of Sebastopol submitted an application to Cittaslow International and after review, the City was certified as a "Slow City" with core values of:

- Support for local products
- Sustainable environmental policies
- Human-friendly infrastructure (e.g., pedestrian and bikeways)
- Making wise use of technology
- Connectivity and community awareness between people, businesses and organizations

HR 597 will seek to disrupt the unique character of this small town. The North Bay counties and cities in general, and Petaluma in particular due to their location, are highly sensitized to reservation shopping efforts by both newly recognized and long established tribes. The Graton Rancheria, established by Congress in 2000, after being pressured to abandon its original Highway 37 site, eyed Petaluma before settling on Rohnert Park. Every single Rohnert Park councilmember who supported bringing the Graton casino there was defeated in their next election.

In the City of Petaluma's case, the Dry Creek band, which operates River Rock casino in northern Sonoma County, purchased a ranch adjacent to Highway 101 on the southern boundary shortly after the Graton Rancheria announced plans for Rohnert Park. The Dry Creek band has agreed, in negotiations with the County of Sonoma centered on River Rock, not to seek for several more years to have the Petaluma parcel taken into federal trust. But that agreement will expire, and the City of Petaluma will be faced with the prospect of another potential casino or, at the least, intensive development on lands zoned for agriculture outside their Urban Growth Boundary in a highly visible community separator. Although Sebastopol is set further to the west of potential developments, these developments could be detrimental to the City.

The County of Sonoma has negotiated a Memorandum of Agreement with the Lytton Rancheria obligating it to support the Lytton's land-to-trust efforts. The County apparently felt it negotiated the best deal possible under the legal circumstances, although we note that it mistakenly contemplated that the land might be taken into trust by the Department of the Interior without congressional action. Because of this MOA, we understand that Sonoma County supervisors are being told by their legal counsel that they cannot oppose efforts to take the land into trust for the Lytton, even if that is their personal viewpoint. Similarly, our colleagues on the Windsor Town Council are apparently still hopeful of obtaining funding from the Lytton to build a community pool.

A particularly troublesome aspect of HR 597 is Section 5. Section 5(b)(1) provides that additional lands taken into trust for the Lytton in Sonoma County will not be gaming eligible until after March 15, 2037. Section 5(b)(2) makes the prohibition on gaming permanent for future trust lands in Sonoma County located north of the intersection of Highways 12 and 101.

The two largest cities in Sonoma County located south of the intersection of Highways 12 and 101 are Rohnert Park and Petaluma. No new casino would want to locate in Rohnert Park because the Graton casino is already there. Conversely, locating in or near Petaluma would be attractive – as the Dry Creek investment demonstrates – because it would leapfrog the Graton casino and be closer to the central Bay Area.

Section 5 is even more problematic because it could be construed as overriding IGRA and making lands taken into trust for the Lytton in or near Petaluma gaming eligible, even though such lands would not otherwise be gaming eligible under IGRA. See 25 U.S.C. § 2719(a)&(b).

The City of Sebastopol supports the City of Petaluma in the opposition of this bill.

Sincerely,



Una Glass
Mayor
City of Sebastopol