



COUNTY OF SAN DIEGO

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CLERK OF THE BOARD
OF SUPERVISORS

COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

AGENDA ITEM

DATE: April 7, 2021

05

TO: Board of Supervisors

SUBJECT

FRAMEWORK FOR OUR FUTURE: COOPERATIVE APPROACH TO TRIBAL GOVERNMENTS AND FEE TO TRUST PROPOSALS (DISTRICTS: ALL)

OVERVIEW

The San Diego region is built on Kumeyaay land and has a rich Native American history. San Diego County has more Tribal Governments than any other county in the nation. The unincorporated area of San Diego county is home to nineteen Native American reservations represented by eighteen Tribal Governments. Establishing government-to-government relations with each local Native American Tribal Government are necessary to ensure delivery of efficient services and improved quality of life for respective residents and the communities. In the San Diego region, statistics show that the Indian gaming industry has created more than 10,000 jobs in the region, resulting in a \$1 billion industry with approximately \$263 million in goods and services purchased annually and \$500 million in payroll. In addition, Tribal Governments fund mutual aid agreements for numerous emergency services, such as fire protection, law enforcement, and ambulance services, which are available to the general public.

The Tribal Governments have a federal process to secure land that they own into their reservations under the fee-to-trust (FTT) process. On March 29, 1994 the Board of Supervisors approved blanket opposition to all additional FTT applications proposed by Tribal Governments in San Diego County through Resolution No. 94-115. Since that action, County staff have opposed all FTT applications regardless of case-by-case information and merits of the request. On June 13, 2001, the Board of Supervisors adopted strict criteria for tribes to obtain liquor licenses for their facilities through Resolution No. 01-162. Many of the required criteria go above and beyond liquor license requirements at similar establishments off-reservation.

Today's actions include repealing the previously approved resolutions opposing tribes processing FTT applications and strict criteria to obtain liquor licenses. FTT applications and liquor licenses would still be reviewed and commented on by the County on a case-by-case basis. It also establishes a tribal liaison position to further the government-to-government relationship with each of the region's eighteen Tribal Governments.

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RECOMMENDATIONS

SUPERVISOR DESMOND AND SUPERVISOR VARGAS

1. Find that the proposed project is not subject to the California Environmental Quality Act (CEQA) because it is not a project as defined in Sections 15060(c)(3) and 15378(b)(5) of CEQA Guidelines.
2. Adopt a resolution titled RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO REPEALING COUNTY RESOLUTIONS No. 94-115 AND No. 01-162.
3. Direct the Chief Administrative Officer to:
 - a. Work in cooperation with Tribal Governments and surrounding communities to address and minimize off-reservation impacts of fee-to-trust applications.
 - b. Review and comment on fee-to-trust applications for Tribal Lands on a case-by-case basis, consistent with other interjurisdictional project requests for cities and governmental agencies. The County shall consider the economic benefits to the county from the project that is the subject of the application.
 - c. Review and comment on Liquor License applications consistent with other liquor license applications throughout the unincorporated area.
 - d. Work in collaboration with the Tribal Governments to establish a Tribal Liaison position to include in Fiscal Year 2021-2022 budget.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

In 1934, Congress gave the federal government the authority to take lands into federal trust on behalf of Native American tribes. This authority is governed by the Indian Reorganization Act. Under the fee-to-trust (FTT) process, title to land owned by tribes can be transferred to the federal government in trust for the benefit of current and future generations of tribal members. Tribes can request the federal government to take additional lands into trust. Trust status of lands can be conferred only by the Secretary of the Interior or the U.S. Congress by statute. These tribes are Federally recognized as separate nations and are generally governed by federal law.

A few of these tribes have land holdings throughout the County, some of which are not "Tribal Land" held in trust by the Federal government, and as such, are not part of the Reservation. Tribal-

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owned land adjacent to, near, or even island inholdings outside of trust lands is governed through local County zoning and code requirements.

In the early 1990's there was concern from the previous Board of Supervisors that including additional land into the tribes' reservations through the FTT process could lead to compatibility issues. Federal statute allows local jurisdictions to comment on the FTT process. On March 29, 1994, the Board of Supervisors approved a resolution (Resolution No. 94-115) urging the Secretary of the Interior to deny designation of Tribal Land to newly purchased land from the tribes.

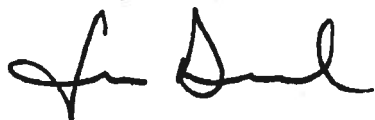
Since this time, many of the tribes have responsibly developed businesses and commercial centers throughout their reservations and have proven to be good neighbors. Tribal businesses are vital to the economic development in their communities. These developments have provided a steady income to many tribes which would otherwise be negatively impacted from a lack of general revenue for administrative/governmental operations and general well-being. It is time we better recognize the tribes throughout the County and allow them the ability to expand their land holdings into Tribal Land without blanket opposition.

Today's actions would also establish a Tribal Liaison County position, responsible for interfacing with Tribal Governments and County departments on matters that may impact Tribal Governments. The Tribal Liaison position would be responsible for building relationships with each Tribal Government and would be the main point of contact for County matters. The Tribal Liaison will assist the Tribal Governments in navigating the County departments and will coordinate and facilitate meetings with various County Departments as needed. The full scope of the Tribal Liaison position will be prepared by County staff in concert with participating Tribal Governments to ensure adequate representation.

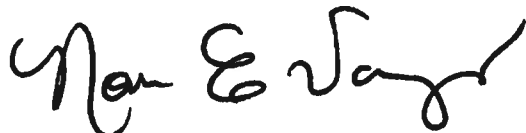
ENVIRONMENTAL STATEMENT

Adoption of a resolution to repeal resolutions (No. 94-115 and No. 01-162) is not subject to the California Environmental Quality Act (CEQA) because it is not a project as defined in Sections 15060(c)(3) and 15378(b)(5) of CEQA Guidelines. Actions taken by the County regarding future tribal fee to trust and liquor license applications will undergo CEQA review when required.

Respectfully submitted,



JIM DESMOND
Supervisor, Fifth District



NORA VARGAS
Vice-Chairwoman, First District

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TRIBAL GOVERNMENTS AND FEE TO TRUST PROPOSALS
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ATTACHMENT(S)

**ATTACHMENT A - RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SAN DIEGO REPEALING COUNTY RESOLUTIONS No. 94-115 AND No.
01-162**

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

Resolution No. 94-115
Resolution No. 01-162

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

ORIGINATING DEPARTMENT: First and Fifth District, Board of Supervisors

OTHER CONCURRENCE(S): N/A

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