

County Studying Proposed Rancheria Expansion

Village Life
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Applications from the Shingle Springs Band of Miwok Indians to expand its rancheria drew an emergency request for additional review time from the El Dorado County Board of Supervisors at its April 19 meeting.

Passed unanimously by the supervisors, a letter to the Bureau of Indian Affairs requesting 30 additional days of review was sent the same day. A week later, the BIA granted an additional 15 days for the county to respond to the tribe's applications.

District Supervisor Mike Ranalli raised the issue after the county learned the tribe intends to add more land to its rancheria. The tribe previously submitted two applications covering seven parcels it wants to convert from in-fee to in-trust status. If approved by the BIA, the land would become part of the tribe's sovereign nation and immune to any local control or taxes.

One application includes five parcels west of the rancheria totaling around 25 acres. The parcels all have homes on them that the tribe intends to use. The second application includes two parcels and a non-exclusive easement for road and utility purposes. It totals approximately 10.2 acres. The tribe plans to build homes on the property for its members.

Ranalli informed the board the county was only given 30 days to comment on the applications. The additional time will allow for more public input and also gives county staff more time to assess the impact removing the identified property would have on the tax rolls, the impact to services currently provided to the property and an analysis of how the intended use is consistent or inconsistent with current zoning.

The District 4 supervisor also said more time is needed to confirm the legal land description/site locations listed in the applications as land converted to in-trust is expected to be contiguous to the existing rancheria.

If the BIA grants the application for the five parcels, the county estimates it will lose \$17,980 a year in property tax revenue. If the application for the two undeveloped parcels are approved, the county will lose an additional \$5,571 a year.

Speakers before the board were uniformly critical of the applications and the tribe.

Aren Manda, who lives adjacent to property the tribe is currently using as a gun range, said her property value has dropped because of the range and now no one will buy it except the tribe.

Shingle Springs resident Lori Parlin urged the board to ask the BIA to deny the applications, saying the tribe doesn't respect its neighbors and instead harasses them.

Carol Louis also asked the board to request the BIA deny the tribe's application, saying the tribe is not legitimate and the parcels in question are not contiguous to the rancheria.

Ranalli reminded the audience that the decision is up to the BIA and not the Board of Supervisors. It is his understanding the BIA has never turned down a fee-to-trust request application, he added.

Dialogue rather than war

In an interview after the board meeting, Ranalli, who is a member of the Rural County Representatives of California, said other rural counties are dealing with many of the same issues related to Native American tribes. As a group, they share information, jointly study new legislation and have sent members to testify before Congress.

"This is an important issue to our county and to our constituents," he remarked.

Last year RCRC came out in support of a bill sponsored by Sen. John Barrasso, with several suggested amendments. SB 1879, the Interior Improvement Act, was written to address problems with the existing fee-to-trust land acquisition process at the U.S. Department of the Interior as well as what set it all in motion — the U.S. Supreme Court's *Carcieri v. Salazar* decision.

A letter to Barrasso from the RCRC noted that in California tribes have submitted fee-to-trust applications for 10,314 acres with the BIA invariably approving them. The letter recommend various amendments to the proposed legislation, including changing the amount of time allowed for comments, allowing any affected party to seek judicial review and requiring that changes in land use be reviewed by the public and contiguous jurisdictions.

The last amendment is particularly important as a tribe may propose one use and end up developing another. In El Dorado County's case, land the tribe is currently using as a gun range was originally proposed as a site for the medical clinic. An adjacent parcel where the tribe now plans to build a gas station, mini mart and other facilities was originally proposed as tribal housing.

"Currently there are no consequence if the tribe change uses," said Ranalli.

In response to complaints from rancheria neighbors, he and Supervisor Brian Veerkamp visited the gun range when it was in use. Ranalli noted the county has a variety of ordinances governing noise and the discharge of firearms but they don't apply to tribal property. Neighbors also objected to the noise and dust when a motocross event was held on the property.

Ranalli said the tribe has been responsive to feedback and has scaled back use of the gun range and the type of weapons used, even though it is not required to do so. As to the motocross, it was a one-time event the tribal leader shut down, he added.

The tribe is also using its land for public events — high school cross-country meets, paintball tournaments and the like.

“The plan for the gun range and motocross evolved due to dialogue,” he said. “It’s not perfect but it got better. Working together is a better approach than a fight since I don’t think it’s something we can win. But some members of the public would really rather have a war.”

Tribe responds

AmyAnn Taylor, general counsel for the tribe, said it has applied for additional land to be incorporated into the rancheria because of the need for more housing. “There is a waiting list of over 90 people who want to move onto the rancheria,” she said.

The tribe plans to use the existing homes on five of the parcels and to build another 10 homes on the two parcels that are undeveloped, she explained.

As to the question of why the tribe changed the uses on the parcels south of Highway 50, Taylor said the parcel being used as a gun range was originally for the medical clinic but they had to change their plans when the land became tied up in litigation and the deadline for grants and loans to build the clinic began running out.

As to the second parcel, which was originally designated for housing, she said tribal members weren’t interested in living so close to the freeway and the property was more suited for commercial operations — i.e. a gas station, mini mart and other facilities. Taylor said the tribe eventually plans to incorporate all the land it has bought into the rancheria and it has hired someone to prepare an area master plan.

Ranalli said he thinks Barrasso’s bill is a half-step forward in dealing with RCRC’s concerns. The bill is currently in the Senate Committee on Indian Affairs. However, he’s less than optimistic the situation will improve.

“I’m not sure there is the will in Congress to alter these laws,” he said. “People are angry at us, but what is happening is the result of what Congress has or hasn’t done. The hope is that having all these rural districts standing together may have an effect.”

Ranalli said his approach is to continue the dialogue and to build a relationship with the tribe. “It’s progress locally if they say in a letter ‘We’re not required to do this by law, but we’ll do it.’

“It’s difficult when state and federal officials don’t have your back,” he explained. “It necessitates a different approach. A dialogue has to take place about being better

neighbors. They are members of the community too and we all have to live together. That's my approach."

Taylor said the tribe is also interested in being a good neighbor and listening to the community. "We want live in this community peaceably with our neighbors and want to do things that are good for the entire community," she said, adding that the tribe contributes to the county by giving it millions of dollars and by maintaining its own roads.

Residents who want to write to the BIA regarding this matter can send letters to the U.S. Department of the Interior, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Sacramento, CA 95825. Amy Dutschke is the regional director.

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