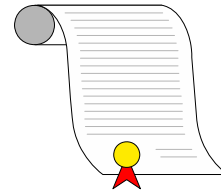


## The 2006-07 Sycuan Amended Compact

In early 2006, the Sycuan band of the Kumeyaay nation, our neighbors in the Dehesa Valley, joined with four other Indian bands around the state to seek amendments to their compacts with the State of California. The *compact* is an agreement which specifies the rules of gaming for an Indian tribe; it sets forth the numbers and types of gaming equipment which may be used, the location and number of permitted casinos, the proceeds to be paid to the state of California from gaming revenues, etc. *(A copy of the original Sycuan compact, and the proposed amended compact, may be found in our Library under "California")*.



The Sycuan amended compact includes two major changes from the earlier compact:

- First, although its original compact permits the band to build a 2<sup>nd</sup> casino only on its existing territorial land, the amended compact would permit it to build the 2<sup>nd</sup> casino on 1,600 acres of newly acquired land, which includes the Sycuan Resort at Singing Hills (hereafter abbreviated as Singing Hills Resort, for convenience). The Sycuan band leadership will not officially confirm that the Singing Hills Resort is the intended site of the second casino, but in our opinion that is their plan, as it is the only location within the 1,600 acres which makes sense. Chairman Daniel Tucker has stated publicly that the band intends to have a destination resort, including a golf course and a casino (see article in "Library" from *San Diego Union Tribune*, 9/13/2006). The Singing Hills Resort has three golf courses, restaurant facilities, hotel accommodations, and a tennis complex already in place, which could serve as the nucleus of a "destination resort".
- Second, the amended compact provides for an additional 3,000 slot machines for the Sycuan band, bringing the total permitted to 5,000. Presumably, this total number includes slot machines which would be added at the new casino. Since slot machines generate about \$100,000 annually each in revenue, 3,000 additional slots would add \$300 million to Sycuan band business revenues. The tribe has only 145 members.

Governor Schwarzenegger approved the amended compact with the five tribes in April 2006. The amended compact provides a significant increase in the state's share of Sycuan gaming revenues. The amended compact was then sent to the California State Legislature for finalization. However, the legislature adjourned In August 2006 without taking action on the issue, deferring consideration until its 2007 session.

It should be noted that we, the local residents, were not made aware that an amended compact was being considered, despite the dramatic effects a second casino would have on our community. We only learned about it because we read about it in the newspapers, after the fact! Apparently, there is no provision in law for local residents to provide any input into this process. If this sounds un-American- we agree!

In 2007, the state legislature in Sacramento again took up the issue of the 5 compacts for the amended tribes. After public hearings in the Senate (which were pretty much a formality), the Senate passed the bill in April 2007. Assembly Speaker Nunez initially expressed strong reservations about the fate of the amended compacts in his house. However, after the Indian tribes negotiated side agreements (MOA, or Memoranda of Agreement) with the governor, addressing in a haphazard manner some of the objectionable aspects of the compacts, four of the compacts, including that of Sycuan, sailed through that house as well in May. The governor then signed them into law.

However, the approval of an amended compact at the state level is only the first step in a two-step process. The State of California, even though it “pre-authorized” it in the amended compact, does not have the authority to grant the Sycuan band the ***right*** to build a casino on land, recently acquired, which is not part of their existing territorial land. That power resides only with the federal government, specifically the Department of the Interior, which oversees the Bureau of Indian Affairs (BIA).



The Sycuan band must apply to the BIA for permission to add the 1,600 acres of newly acquired land mentioned in the compact to their federal land trust (*See our Library under “Indian Gaming and Land Use- General National” for a discussion of how these land trusts work*). The band has stated publicly their intention to do so in the near future.

It should be noted that no San Diego Assemblyman or State Senator voted to oppose the compacts. Voting in favor of the compacts were two individuals who represent us in Sacramento: Assemblyman Joel Anderson and Senator Dennis Hollingsworth. Representatives of R.A.G.E. had met with both men, making detailed presentations, but to no avail. They had their own agendas, apparently.

Only County Supervisor Dianne Jacob raised objections to the Sycuan amended compact. She was the only public official in San Diego County who to make a public statement raising questions about the appropriateness of various provisions of the compact. We are grateful for her understanding and political courage.

In July, 2007, it was announced that several parties, including at least two Indian tribes, would seek to overturn the amended compacts by placing them on the February 2008 ballot, in the form of a statewide referendum.