

**Sonoma County Memorandum of
Agreement (MOA) with the
Lytton Rancheria of California**

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Supervisor James Gore

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MOA Background

- 2007 Lytton trust application and NEPA Review to build 147 homes on 124 acres;
- Engaged in meetings with neighbors and held hearings in 2009 and 2011;
- Submitted comments to BIA critical of Environmental Document;

MOA Background

- Engaged in discussions with Tribe to better identify project environmental impacts and to negotiate mitigation and gaming prohibition; and
- Approved MOA at public Board meeting on March 10, 2015.

Federal Trust Law/Policy

- Subjective Result-Driven Process;
- Obama Administration goal to take 500,000 acres of land into trust by end of term; and

Federal Trust Law/Policy

- *Carcieri* Decision Not Bar:
 - Tribes push for Legislative “Clean Fix”
 - Solicitor General provides BIA an Administrative Fix in March 12, 2014 Memorandum, Relaxing “Under Federal Jurisdiction “ Standard
 - Pending Legislation and changing congressional dynamic to overturn *Carcieri*

Sonoma County MOA Key Provisions

- No gaming In Sonoma County for MOA Term (22 years);
- Majority of land subject to County General Plan and Zoning Ordinance;

Sonoma County MOA Key Provisions

- Housing and winery/resort General Plan exceptions subject to NEPA review and binding mitigation determination for off-reservation impacts;
- Enforcement of identified mitigation measures for original housing project;

Sonoma County MOA Key Provisions

- Independent mitigation monitoring;
- Compliance with California Fire and Building Codes;
- Payment of in-lieu taxes and development fees;

Sonoma County MOA Key Provisions

- Limited waiver of sovereign immunity; and
- Framework for future intergovernmental relations.

H.R. 2538 (Huffman)

- Makes permanent the ban on gaming on the trust property.
- Protects County Agreement from BIA interference.