

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JULY 6, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 787

Introduced by Assembly Member Chesbro
(Coauthor: Senator Evans)

February 17, 2011

An act to ~~add Section 2864.5 to the Fish and Game Code, relating to marine resources~~ amend Section 12012.45 of the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 787, as amended, Chesbro. ~~Marine protected areas: California Native American tribes. Tribal-state gaming compacts.~~

Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature. Existing law ratifies a number of tribal-state gaming compacts between the State of California and specified Indian tribes.

This bill would ratify the amendment to the tribal-state gaming compact entered into in 2012 between the State of California and the Coyote Valley Band of Pomo Indians.

Existing law, the California Environmental Quality Act (CEQA), requires a lead agency to prepare, or cause to be prepared, and certify

completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

Existing law provides that in deference to tribal sovereignty, certain actions shall not be deemed projects for purposes of CEQA, including the execution of an amendment of a ratified tribal-state gaming compact.

This bill would provide that, in deference to tribal sovereignty, the amendment to the tribal-state gaming compact between the State of California and the Coyote Valley Band of Pomo Indians shall not be deemed projects for purposes of CEQA. By imposing additional duties on a lead agency with regard to the implementation of CEQA requirements, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The Marine Life Protection Act (MLPA) establishes the Marine Life Protection Program to reexamine and redesign California's marine protected area system. Existing law requires the Department of Fish and Game to prepare, and the Fish and Game Commission to adopt, a master plan that guides the adoption and implementation of the program, including recommended alternative networks of marine protected areas. Under the MLPA, the taking of a marine species in a marine life reserve, a type of marine protected area, is prohibited for any purpose, including recreational and commercial fishing, except as authorized by the commission for scientific purposes.~~

~~This bill would require a member of a federally recognized Native American tribe in California who engages in noncommercial fishing, gathering, or other traditional cultural practices within the North Coast Study Region, as designated pursuant to the act, to possess a valid tribal identification card and comply with the plan for Native American fishing and gathering approved by the commission.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~^{yes}.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12012.45 of the Government Code is
2 amended to read:

3 12012.45. (a) The following tribal-state gaming compacts and
4 amendments of tribal-state gaming compacts entered into in
5 accordance with the Indian Gaming Regulatory Act of 1988 (18
6 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)
7 are hereby ratified:

8 (1) The amendment of the compact between the State of
9 California and the Buena Vista Rancheria of Me-Wuk Indians,
10 executed on August 23, 2004.

11 (2) The compact between the State of California and the Fort
12 Mojave Indian Tribe, executed on August 23, 2004.

13 (3) (A) The compact between the State of California and the
14 Coyote Valley Band of Pomo Indians, executed on August 23,
15 2004.

16 (B) *The amendment to the compact between the State of*
17 *California and the Coyote Valley Band of Pomo Indians, executed*
18 *on July 25, 2012.*

19 (4) The amendment to the compact between the State of
20 California and the Ewiiapaayp Band of Kumeyaay Indians,
21 executed on August 23, 2004.

22 (5) The amendment to the compact between the State of
23 California and the Quechan Tribe of the Fort Yuma Indian
24 Reservation, executed on June 26, 2006.

25 (b) The terms of each compact apply only to the State of
26 California and the tribe that has signed it, and the terms of these
27 compacts do not bind any tribe that is not a signatory to any of the
28 compacts. The Legislature acknowledges the right of federally
29 recognized tribes to exercise their sovereignty to negotiate and
30 enter into compacts with the state that are materially different from
31 the compacts ratified pursuant to subdivision (a).

32 (c) (1) In deference to tribal sovereignty, none of the following
33 shall be deemed a project for purposes of the California
34 Environmental Quality Act (Division 13 (commencing with Section
35 21000) of the Public Resources Code):

36 (A) The execution of an amendment of a tribal-state gaming
37 compact ratified by this section.

1 (B) The execution of a tribal-state gaming compact ratified by
2 this section.

3 (C) The execution of an intergovernmental agreement between
4 a tribe and a county or city government negotiated pursuant to the
5 express authority of, or as expressly referenced in, a tribal-state
6 gaming compact or an amended tribal-state gaming compact
7 ratified by this section.

8 (D) The execution of an intergovernmental agreement between
9 a tribe and the California Department of Transportation negotiated
10 pursuant to the express authority of, or as expressly referenced in,
11 a tribal-state gaming compact or an amended tribal-state gaming
12 compact ratified by this section.

13 (E) The on-reservation impacts of compliance with the terms
14 of a tribal-state gaming compact or an amended tribal-state gaming
15 compact ratified by this section.

16 (F) The sale of compact assets, as defined in subdivision (a) of
17 Section 63048.6, or the creation of the special purpose trust
18 established pursuant to Section 63048.65.

19 (2) Except as expressly provided herein, nothing in this
20 subdivision shall be construed to exempt a city, county, a city and
21 county, or the California Department of Transportation from the
22 requirements of the California Environmental Quality Act.

23 (d) Revenue contributions made to the state by tribes pursuant
24 to the tribal-state gaming compacts and amendments of tribal-state
25 gaming compacts ratified by this section shall be deposited in the
26 General Fund.

27 *SEC. 2. No reimbursement is required by this act pursuant to*
28 *Section 6 of Article XIII B of the California Constitution because*
29 *a local agency or school district has the authority to levy service*
30 *charges, fees, or assessments sufficient to pay for the program or*
31 *level of service mandated by this act, within the meaning of Section*
32 *17556 of the Government Code.*

33 *SEC. 3. This act is an urgency statute necessary for the*
34 *immediate preservation of the public peace, health, or safety within*
35 *the meaning of Article IV of the Constitution and shall go into*
36 *immediate effect. The facts constituting the necessity are:*

37 *In order to allow the revenues from this act to be eligible for*
38 *revenue sharing at the earliest possible time to address some of*
39 *the state's pressing budget issues, it is necessary that this act take*
40 *effect immediately.*

1 SECTION 1. ~~Section 2864.5 is added to the Fish and Game~~
2 ~~Code, to read:~~
3 ~~2864.5. A member of a federally recognized Native American~~
4 ~~tribe in California who engages in noncommercial fishing,~~
5 ~~gathering, or other traditional cultural practices within the North~~
6 ~~Coast Study Region as designated pursuant to this chapter shall~~
7 ~~possess a valid tribal identification card and comply with the plan~~
8 ~~for Native American fishing and gathering approved by the~~
9 ~~commission.~~

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