



CALIFORNIA STATE ASSOCIATION OF COUNTIES
1100 K Street, Suite 101
Sacramento, CA 95814
(916) 327-7500 • FAX 441-5507

NEW TRIBAL/STATE COMPACTS – ADOPTED AUGUST 23, 2004
Revised Compact with Lytton Tribe

Governor Schwarzenegger signed five new Tribal/State Compacts on August 23, 2004 with the following Tribes: Lytton Band (Contra Costa County), Buena Vista Rancheria (Amador County), Coyote Valley (Mendocino County), Fort Mojave (San Bernardino County), and Ewiiapaayp (San Diego County). The Lytton Band compact was revised and now limits that Tribe to 2,500 slots and also amends the compact to delete the veto authority of the Department of Finance regarding intergovernmental agreements.

Each of these compacts provides for contributions to the state, mitigation to local governments, and environmental analysis and mitigation of those impacts.

Specifically, each include the following:

- Payment to the state for between 12% and 25% of the tribes net win or revenues on an annual basis.
- Payment to the Revenue Sharing Trust Fund, if certain income levels are reached by the casino.
- Tribe must prepare a Tribal Environmental Impact Report (TEIR) before commencing a new project. A project is defined as any activity occurring on Indian Lands to serve the Tribe's gaming activities which may cause a direct or indirect physical change in the off-reservation environment.
- Once a project is undertaken by a tribe the new compact language would require a notice of preparation, development of an tribal environmental impact report (TEIR), which requires detailed information on significant effects, mitigation and project alternatives. Failure by the tribe to prepare a TEIR could result in the State obtaining an injunction to stop the project.
- Tribes must meet and negotiate with local governments and adopt an enforceable written agreement that address impacts to all off-reservation environmental impacts, public safety, gambling addiction and others.
- If an agreement is not reached within a specified amount of time (sometimes 55 days, sometimes 90 days), "baseball" arbitration would be triggered ultimately requiring the arbitrator to consider the most reasonable offer from each party if agreement remains elusive. Further, the arbitration process outlined could also determine the adequacy of the TEIR prepared by the tribe.
- Includes requirements for regulations and inspections by the California Gambling Control Commission.
- If either Proposition 68 or Proposition 70 passes in November, these could negate the provisions of these compacts.

There are many differences among these five compacts. For a more detailed description of the differences please see our spreadsheet on the August 23, 2004 Tribal/State Compacts.

CSAC Policy: In general, these compacts are consistent with our policy due to the enforceable written agreements, arbitration, and tribal environmental impact reports which are included in all five compacts.