

TESTIMONY OF THE HONORABLE JAMES BRULTE
SENATOR, CALIFORNIA STATE SENATE – 31ST DISTRICT

Before the House Committee on Resources
April 17, 2002

Mr. Chairman and Members, thank you for the opportunity to testify today on this important legislation. I also want to publicly thank our Congressman, Darrell Issa, for his leadership role on this matter.

I am here in support of H.R. 3476. My message to you is simple. A vast majority of state and local interests support protection of the Great Oak Ranch and its return to the Pechanga Reservation. This support is demonstrated by this list and the stack of letters I am providing the committee.

I do not need to tell members of this committee how unusual it is to have such strong local support for the protection of lands on behalf of a tribe. I think the depth and breadth of the support here is a strong indication of the uniqueness of the property in question and the need for this legislation.

Chairman Macarro has presented to you the moving and powerful story of this land, its tree, and its cultural significance. It's a story that he has shared quite effectively throughout Riverside County and in the corridors of our state capitol. It's a story with pictures, one in particular, that he has shared with you today - that 1500-year old tree with its 26-foot diameter trunk. As incredible as that picture is, it still doesn't do the tree justice. The next time you're in our part of the world, I hope you will contact me or Chairman Macarro and arrange a visit so you can stand under the tree and really grasp its grandeur.

I am here on behalf of myself and many other state and local officials to ask the committee to take favorable action on the bill introduced by Congressman Issa and co-sponsored by Congresswoman Bono so that our efforts to protect the Great Oak Ranch are successful.

It should be no surprise to anyone here today that as a state senator, I am quite partial to the final amendment in the Bill of Rights. The 10th Amendment is the foundation of our federalist form of government and is what protects the notion that what might be good for Californians isn't always the best solution for Arizonians - and vice versa.

I'd be remiss if I did not thank those of you who first looked at this legislation with a skeptical eye and through the prism of the 10th Amendment. However, as demonstrated by the chart on the easel and by my attendance at this hearing today, rest assured that the action taken by you and the Department of Interior is not only appropriate in the eyes of local officials, but, in my opinion, is required.

As a legislator, I could give you a very technical overview about Section 625 of the California Public

Utilities Code, which has been cited here today. But, in a nutshell, SDG&E's efforts to condemn this property before the CPUC has made a decision on the necessity of the line is why we are here today and why this legislation is necessary. But rather than get into a detailed discussion about Public Utilities Code Section 625, I am submitting a briefing on the issue for the record.

The bottom line is that the community supports the protection of the Great Oak Ranch and this legislation. The Issa/Bono bill tracks our state law in the sense it gives the benefit of the doubt to the private property owner and puts the burden of proof on the utility company.

This legislation merely protects the status quo with respect to this particular piece of land that the federal government has deemed worthy of being taken into federal trust on behalf of the Pechanga Tribe.

Mr. Chairman, I again thank you for the opportunity to testify today and I again urge the Committee's favorable and expeditious action on H.R. 3476. I look forward to answering the committee's questions.

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