

# West Bank Homeowners Association

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September 26, 2019

John Tahsuda, Counselor to the Secretary  
Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

RE: PL88-302, 78 Stat. 188  
Disputed Area  
Approval of Tribal Leases  
Teleconference of Sept. 24, 2019

Dear Counselor Tahsuda:

On Tuesday September 24, 2019, yourself, Dept of Interior attorney Kyle Scherer, fellow West Bank member Robert Gordon, and myself participated in a teleconference to discuss our prior request to the Dept of Interior (DoI) Secretary David Bernhardt to cease approving leases in the Disputed area per PL88-302, 78 Stat. 188 (letter attached). We wish to memorialize the gist of that discussion in this letter.

You began with noting that you had familiarized yourself with the history of the reservation boundary dispute and the United States' position on the matter. You admitted that you did not read California's amicus brief filed in *French v. Starr*, nor did you review the ruling in that case as I had requested. Attorney Scherer proceeded to regurgitate the U.S. position on the reservation boundary dispute as asserted throughout the *AZ v. CA* trilogy, and as amicus in *French v. Starr*. Afterward I explained that the historical positions of the U.S. based upon the '69 Secretarial Order were rejected by the U.S. Supreme Court in *AZ v. CA* and in *French v. Starr*. I also explained that the issue at hand is not the boundary dispute; rather it is PL88-302 which only requires the unresolved boundary dispute to deny Secretarial approval of leases on behalf of the Reservation. You responded that the DoI will not be reviewing its position on Secretarial authority to approve leases in the disputed area regardless of rulings by the courts or California's affirmation of the unresolved boundary and concern over treatment of its citizens subjected to tribal jurisdiction.

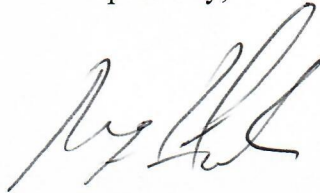
Previously, you had requested that myself and other members of the West Bank Homeowners Association "refrain from attempting to contact other offices in the Department". Considering the position of the DoI as you stated, please understand that I and other West Bank members will contact whomever we deem appropriate to persuade the Secretary to comply with federal law in accordance with PL88-302, including personnel within the Department. We acknowledge your threat to screen any and all communication to the Secretary, but we intend to continue our efforts

anyway in accordance with our constitutional rights.

Lastly, I would like to address your previously expressed desire for a “fruitful conversation”. From my experience, any fruitful conversation must begin with an attempt to become familiar with the other parties’ position, and all relevant facts common to the discussion. It is my hope that in any future discussions with you or the DoI, that as a minimum, you and your colleagues at least make an attempt to examine all facts presented, even if you consider them adverse to the Department. Such is required for any “fruitful conversation”.

The West Bank Homeowners Association remains willing and eager to participate in future discussions related to the problems within the disputed area. Feel free to contact me at your convenience with any questions or comments.

Respectfully,

A handwritten signature in black ink, appearing to read 'R. French', written in a cursive style.

Roger L. French, President

cc: Governor Gavin Newsom c/o Joe Dhillon  
Senator Dianne Feinstein c/o Emily Condon