



PALA BAND OF MISSION INDIANS

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Remarks of Robert Smith

Chairman, Pala Band of Mission Indians

Good evening, I am Robert Smith, Chairman of the Pala Band of Mission Indians, and I am here to strongly oppose the proposed Gregory Canyon Landfill, which is a terrible and unnecessary project. If built, this dump would desecrate Gregory Mountain and other areas considered sacred by the Luiseno people, forever threaten water sources that supply tens of thousands of San Diego County residents, degrade air quality, and industrialize a rural area that provides habitat for a number of endangered and other special species. Vice Chairman Miranda will speak to the important religious significance of the area, and the Pala Band will submit detailed written comments to the Corps.

While my comments will focus on the role of the federal government in this process, I think it is important to place this proposed dump in a historical context. For the Pala band and other tribes, this project is simply another example of governments ignoring the concerns and cultures of Native American Tribes. While it is not surprising, we see it as indefensible that the location chosen for a landfill that the County claims would serve San Diego County residents would be located in a far reach of the County on the border of the Pala Reservation.

That the proposed dump would be located on that border is an ironic injustice. The current boundary was created in 1902 when the Reservation was expanded to provide a home for the Cupa Indians, who had been forcibly evicted by the federal government from their home in Warner Springs so that white settlers could control and develop the area. A century later, non-Indians now propose a garbage dump along that same border.

This history is important because it helps explain why Pala has opposed this dump since the late 1980s, long before the Pala casino had been built. The point is that the Pala Band has not opposed the dump because of its casino; rather, Pala has been able to make its opposition to the project heard because of its casino.

The County actually had it right when it repeatedly refused to approve a landfill in Gregory Canyon in the 1990s because of its location. But proponents got a majority of voters in the County to rezone this site in a sparsely populated corner of the County, next to an Indian Reservation. That vote was evidence that democracy does not always produce just results. The vote would allow a landfill at the site, if approved through the multiple permit processes that the project would be required to go through. By no means did the vote mandate that a landfill be created at this location. Once that vote occurred, the County became an unwavering supporter of the project.

Now it is the federal government's turn to evaluate the need for, impacts of, and alternatives to the dump. While the County can ignore the concerns of Tribes, the special trust relationship between the federal government and Native American people demands more from the federal government.

That special relationship was recognized in the “Resolution of Apology” passed by Congress and signed by President Obama in December of 2009. That Resolution admitted that the federal government had breached its trust obligation on numerous occasions, but it also acknowledged that the Tribes and the federal government have a “solemn covenant” with the land that they both share.

That solemn covenant makes the duty of the Corps and other federal agencies to conduct their own investigations particularly important, and warns against reliance on the County’s previous analysis. The dump always has required federal permits, and the applicant’s attempts to avoid federal involvement simply delayed the inevitable. Those delays are no reason for the Corps to hurry this critical review process.

There is a simple reason why this project has been studied for so long: Gregory Canyon is the wrong place for a dump: it is next to the San Luis Rey River, a resource of national importance, next to two major drinking water pipelines, within critical habitat for three endangered species, and on the side of a sacred mountain. Surely there are alternatives that would be less environmentally damaging.

Federal review also must acknowledge that circumstances have changed since the EIR was completed in 2001. The claimed landfill crisis has not materialized as stricter laws and growing public awareness has decreased the percentage of waste that is disposed. And, the amount of waste that will be recycled, reused, or turned into energy in the future will only increase. Simply, there is sufficient landfill capacity and no need for this landfill.

Critically, water supplies also have decreased, and recent forecasts call for increasing scarcity due to global climate change. In light of those facts does it make any sense to build a landfill that would threaten critical groundwater supplies as well as a critical pipeline that carries imported water to San Diego County?

One need only look at the ongoing ecological disaster in the Gulf of Mexico to realize that claims that the proposed dump would be state-of-the art mean nothing. 30 million tons of garbage would remain buried long after the landfill owners are gone, looming over the river and threatening precious water supplies forever. Standing between the landfill and environmental catastrophe would be technology that sounds suspiciously like a blow-out preventer. The need to protect increasingly declining water supplies far outweighs any claimed need for additional landfill capacity.

For these reasons, the Pala Band and all the other tribes in San Diego County urge the federal government to abide by its trust obligation, seriously consider the need for and impacts of the project, and in the end reject it. Thank you.