

4-1-2005

## Casino-Style Gaming District. Initiative Constitutional Amendment.

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SA2005RF0048,  
Amdt. #1-S

Title and Initiative Summary Request  
(ix 9002).

February 7, 2005

RECEIVED  
FEB - 8 2005

Tricia Knight  
Initiative Coordinator  
Office of the California Attorney General  
P.O. Box 944255  
Sacramento, CA 94244-2550

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Dear Ms Knight:

On behalf of The **Prosperity For All Project** the proponent of this Initiative, I would like to take this opportunity to request that this amended initiative be accepted as the final version of SA2005RF0048 initiative measure to be prepared by the Office of the Attorney General Initiative Coordinator section.

Respectfully,

David K. Johnson  
Prosperity For All Project  
P.O. Box 3126  
Beverly Hills, CA. 90212

SA2005RF0048,  
AMDT. #1-S

CALIFORNIA CONSTITUTION

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure adds a new article to the California Constitution.

ARTICLE XX. RESPONSIBLE GAMING & POPULATION SEGMENT INVESTMENT -

SECTION 1. DECLARATION: The People of California find and declare as follows:

That gaming when done responsibly can be like any other form of entertainment neither detrimental to the public welfare nor destructive to individual citizens.

That seniors and others should not have to leave the state of California in order to enjoy the fruits of their years of labor.

That the citizens of California have suffered because no capital formation mechanism exists that responds adequately to investing in alternative energy production and distribution enterprises.

That they have suffered because no capital formation mechanism exists that responds adequately to develop businesses to serve the specific needs of minority communities.

That they have suffered because no capital formation mechanism exists that responds adequately to develop economic and social development enterprises in historically challenged segments of the California citizenry in particular.

That they have suffered because no capital formation mechanism exists that responds adequately to reversing the decline of above average wage paying technology industry jobs.

That they have suffered because no capital formation mechanism exists that responds adequately to maintaining and increasing entertainment industry production within the state.

That they have suffered because no capital formation mechanism exists that responds adequately to investing in economic activities designed to improve the quality of life for all Californians.

That they have suffered because no capital formation mechanism exists that responds adequately to provide quality affordable healthcare for all citizens of California.

SECTION 2. RESPONSIBLE GAMING DISTRICT: A gaming district shall be established within the state of California.

- 2.1 The Article 4 Section 19 e provision shall apply to all other parts of the state but it shall be null, void and not apply to the Responsible Gaming District.
- 2.2 All parts of the state constitution or other laws of the state restricting gaming in the state of California shall not apply in the Responsible Gaming District.
- 2.3 The states eminent domain powers shall be used to acquire twenty-five to fifty square miles of rural primarily undeveloped property in San Bernardino County that will constitute an extra-territorial gaming district.
  - 2.3.1 Owners of properties acquired for the gaming district shall be paid in full for their property by developers seeking to build within the district.

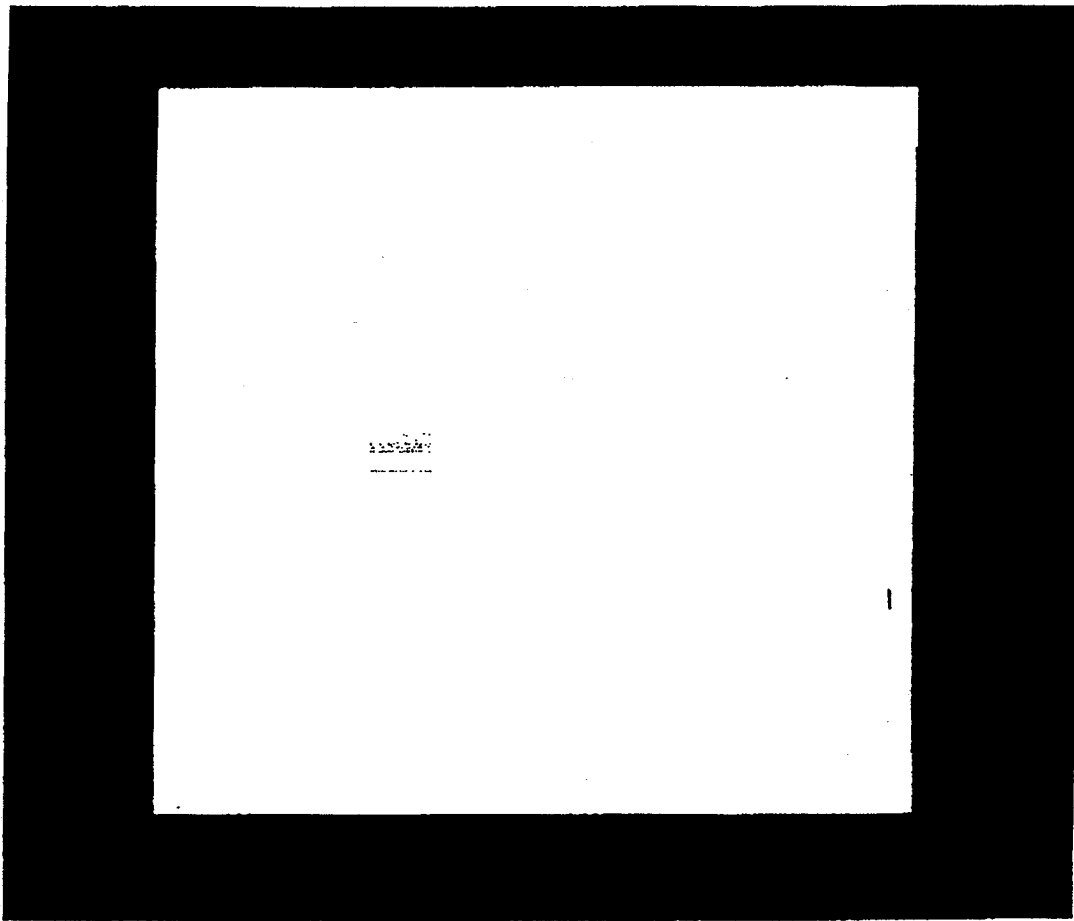
- 2.3.2 The Gaming district shall not be considered part of San Bernardino County nor any other county within the state of California but rather shall be a special district controlled by the citizens of the district.
- 2.3.3 Gaming such as that in Nevada and New Jersey within the state of California shall be authorized only on Native American reservation lands recognized as tribes by the federal government and in the responsible gaming district created in this article.
- 2.3.4 The Responsible Gaming District shall not be established within fifty miles of a class III Indian gaming establishment in existence in the state of California and operating as of January 1, 2005.
- 2.3.5 The Responsible Gaming District shall be established on twenty-five mile square of largely undeveloped land in San Bernardino County California.
  - 2.3.5.1 Gaming operations in the Responsible Gaming District shall not be taxed nor shall they pay any recurring fee to the state or any county within the state.
  - 2.3.5.2 Within the Responsible Gaming District a twelve-mile Responsible Gaming square shall be established.
    - 2.3.5.2.1 An expressway C shaped loop shall be constructed on a minimum of three sides of the Responsible Gaming Square.
    - 2.3.5.2.2 The Responsible Gaming Square shall consist of seven hundred eighty-four blocks between 2000ft x 2000ft and 2500ft x 2500ft.
    - 2.3.5.2.3 Eighteen lane bi-direction roads shall border each block.
    - 2.3.5.2.4 Sidewalks with a width of at least ten feet shall border each block.
    - 2.3.5.2.5 Two lanes of the nine lanes in each direction shall be reserved for right turns and two for left turns.
    - 2.3.5.2.6 Five lanes shall be reserved in each direction for directional travel.
    - 2.3.5.2.7 Roads bordering blocks and traveling north and south shall be Avenues.
    - 2.3.5.2.8 Roads bordering blocks and traveling east and west shall be Boulevards.
    - 2.3.5.2.9 Roads on the borders of the square running in between rows of more than five contiguous blocks authorized to operate Casinos shall have two lanes reserved for elevated monorail public bi-directional transportation systems.
    - 2.3.5.2.10 Land shall be reserved for the development of freeways bordering the Responsible Gaming Square as well as the park, recreation and underground parking lots on the periphery of the square.
    - 2.3.5.2.11 Land shall be reserved for the development of a freeway running through the center of the Responsible Gaming Square to the park/recreation area lands bordering Casinos and commercial developments around the central waterway.
    - 2.3.5.2.12 Land shall be reserved for the development of five freeway connections from Interstate 15 to the Responsible Gaming District.
      - 2.3.5.2.12.1 Land shall be reserved for the development of freeways running from interstate 15 along the borders of the Responsible Gaming District and back through the center of the district.
        - 2.3.5.2.12.1.1 One mile of land running parallel to the freeways on both sides along the entire length of the freeways outside of the Responsible Gaming Square shall be undeveloped natural habitat preservation areas.
        - 2.3.5.2.12.1.2 Land shall be reserved for the development of freeways running from interstate 15 through the Responsible Gaming District along the borders of the Responsible Gaming Square and back through the center of the District and the Square.

- 2.3.5.2.12.1.3 Land shall be reserved for the development of freeways running from interstate 15 through the center of the Responsible Gaming District and the Responsible Gaming Square.
- 2.3.5.2.13 City streets bisecting park and recreational spaces shall be built in tunnels under the parks and recreational spaces.
- 2.3.5.2.14 Underground parking, roads and subway systems for casinos and casino patrons may be developed underneath park and recreational spaces.
- 2.3.5.2.15 The Responsible Gaming District may obtain loans to develop underground parking, roads and subway systems underneath park and recreational spaces.
- 2.3.5.2.16 Sewage and utility lines shall run under sidewalks and shall only run under roadways at intersections.
- 2.3.5.2.17 Blocks shall be numbered from the southwest corner to the north and from west to east.
- 2.3.5.2.18 Two hundred twelve blocks shall be reserved for Casino and Gaming related development. (Blocks 1 – 56, 57&58, 83-86, 111-114, 139-142, 167-170, 195-198, 223-226, 251-254, 279-282, 307-310, 335-338, 363-366, 391-394, 419-422, 447-450, 475-478, 503-506, 531-534, 559-562, 587-562, 587-590, 615-618, 643-646, 671-674, 699-702, 727-734, 738-741, 713 & 685, 629, 601, 573, 572, 544, 460, 432, 434 & 435, 437, 465, 549, 577, 576, 604, 632, 688, 716, 744-747, 751-762, 766-769, 772-775, 779-784)

Figure 1.

Responsible Gaming Square

North



West

East

South

□ **Industrial Development**

- 2.3.5.2.19 The private parties making the highest bids shall have the first picks of blocks for development.
- 2.3.5.2.20 Blocks for in-State developers making no bid shall have blocks chosen by lottery. In-State developers may trade blocks among themselves.
- 2.3.5.2.21 Blocks 434 & 435 shall be reserved for section 2.2.5.8.3.1.4
- 2.3.5.2.22 The block adjacent and directly west of block 434 as well as the block adjacent to and directly east of block 435 both at waters edge shall be reserved for section 2.2.5.8.4.1.1
- 2.3.5.3 Existing Gaming operations or owners of gaming operations in California shall receive blocks of land and the right to development of Theme Park Hotel Resort & Gaming operations in the Responsible Gaming District by only paying a nominal licensing fee, the cost of acquiring the land plus any additional cost incurred by the state or private entities involved in transferring ownership or preparing the land for development.
  - 2.3.5.3.1 11 blocks shall be reserved for Theme Park Hotel Resort & Gaming operations to be owned and developed by private entities currently owning and operation card casinos.
  - 2.3.5.3.2 5 blocks shall be reserved for Theme Park Hotel Resort & Gaming operations to be owned and developed by private entities currently owning and operation horse racing tracks.
- 2.3.5.4 6 blocks shall be reserved for Theme Park Hotel Resort & Gaming operations to be owned and developed by private entities currently willing to invest seventy-five percent of the profits from the operation as specified in each of the following sections:
  - 2.3.5.4.1 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations to be owned and developed by private entities willing to invest seventy percent of their profits into cooperative investment projects designed to help more lower and middle class men of western European descent become capitalists.
  - 2.3.5.4.2 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations for covering the costs of the construction and operation of a high speed rail system linking the Responsible Gaming District with Los Angeles and Las Vegas.
  - 2.3.5.4.3 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations by a private entity dedicated to the creation and operation of a homeland security force separate from all existing law enforcement agencies to protect California's water, parks and infrastructure
    - 2.3.5.4.3.1 The homeland security force is to be headed by a council chaired by the governor with eight other council members to be elected directly by the people.
  - 2.3.5.4.4 The first private entity in each sections 2.2.5.4.1-6 to gather one million signatures in support of its bid to build a hotel and casino and is willing to invest 75% of their profits after paying off their investment in development shall be awarded the right to build, own and operate a casino in the Responsible Gaming District.
- 2.3.5.5 53 blocks shall be reserved for Theme Park Hotel Resort & Gaming operations by Native Americans tribes currently operating casinos in California

- 2.3.5.6 40 blocks shall be reserved for Theme Park Hotel Resort & Gaming operations by historically challenged Native American tribes currently seeking recognition or recognized tribes not currently operating casinos.
- 2.3.5.7 40 blocks shall be reserved for Theme Park Hotel Resort & Gaming operations by American based casino companies currently operating in Nevada, Atlantic City and Mississippi.
  - 2.3.5.7.1 Existing Gaming operations or private owners of gaming operations in Nevada, New Jersey and Mississippi shall receive blocks of land and the right to development of Theme Park Hotel Resort & Gaming operations in the Responsible Gaming District by paying 500 million dollars, a nominal licensing fee, the cost of acquiring the land plus any additional itemized measurable cost incurred by the state or private entities involved in transferring ownership or preparing the land for development. If any party chooses not to exercise an option to develop a Theme Park Hotel Resort & Casino within the Responsible Gaming district within the Responsible Gaming District the block reserved for them shall to sold any other reputable party with no ties to organized crime willing to pay 500 million dollars. To maintain the right to develop, all parties shall have no longer than one year after the identification and establishment of the Responsible Gaming District to state their intention to build on the land reserved for them and pay 500 million dollars.
- 2.3.5.8 The first private entity in each sub-section of section 2.2.5.8 to gather one million signatures in support of its bid to build a hotel and casino and is willing to invest 75% of their profits after paying off their investment in development shall be awarded the right to build, own and operate a casino in the Responsible Gaming District. The 500 million dollars paid by out of state gaming related corporations or private entities in order to operate within the Responsible gaming district shall be used to finance the development of several groups of Special Status Casinos (500 million each).
  - 2.3.5.8.1 The 10 California state budget items listed below:
    - 2.3.5.8.1.1 Special Status 1 - 10 blocks shall be reserved for Theme Park Hotel Resort & Gaming operations that shall be held in trust to support the following California State budget items:
      - 2.3.5.8.1.1.1 K-12 teachers salaries
      - 2.3.5.8.1.1.2 Community Colleges
      - 2.3.5.8.1.1.3 California State Universities
      - 2.3.5.8.1.1.4 University of California campuses
      - 2.3.5.8.1.1.5 State highway construction and maintenance
      - 2.3.5.8.1.1.6 Clean Water
      - 2.3.5.8.1.1.7 Environment Protection Agency
      - 2.3.5.8.1.1.8 Natural Resources
      - 2.3.5.8.1.1.9 Energy
      - 2.3.5.8.1.1.10 Housing
    - 2.3.5.8.1.2 Funds raised from gaming activities in Theme Park Hotel Resort & Gaming operation facilities shall are to be supplemental funds
      - 2.3.5.8.1.2.1 Funds raised from gaming activities in the 10 Theme Park Hotel Resort & Gaming operation facilities listed above shall provide additional funding for the budget items listed; therefore, the state legislature shall not use funds from gaming operations to replace funds raised from other sources and appropriated to fund those items or reduce appropriations in the budget items listed above, shift or transfer funds from the budget items because of the availability of the additional funds provide from gaming revenue. Budget items may be cut as part



of an across the board budget cut or if it can be shown that expenditures in the budget items listing require less funding because the needs in those areas have been reduced.

2.3.5.8.2 Private entities who are citizens of the United States and members of the population segments below, develop an economic development strategy for development within communities in which they predominate, gather one million signatures in support of that strategy and agree to invest a minimum of seventy-percent of the profits from the Theme Park Hotel Resort & Gaming operations in areas defined in their economic development strategy shall gain the right to own and operate Theme Park Hotel Resort & Gaming operations within the Responsible Gaming District.

2.3.5.8.2.1 Special Status 2 - 10 blocks shall be reserved for Theme Park Hotel Resort & Gaming operations to provide capital to assist economic development in communities predominately comprised of members of the following population segments:

- 2.3.5.8.2.1.1 African Americans
- 2.3.5.8.2.1.2 Descendents of U.S. Slavery
- 2.3.5.8.2.1.3 Persian Americans
- 2.3.5.8.2.1.4 Jewish Americans
- 2.3.5.8.2.1.5 Mexican Americans
- 2.3.5.8.2.1.6 Latino non-Mexican Americans
- 2.3.5.8.2.1.7 Asian Americans
- 2.3.5.8.2.1.8 Eurasian Americans – Russian, Armenian, etc. Americans
- 2.3.5.8.2.1.9 Women
- 2.3.5.8.2.1.10 Indian Americans

2.3.5.8.3 5 Clean water projects

2.3.5.8.3.1 Special Status 3 - 5 blocks shall be reserved for Theme Park Hotel Resort & Gaming operations to finance clean water projects.

2.3.5.8.3.1.1 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations by a private entity dedicated to and publicly advocating the cleaning of California's inland water ways.

2.3.5.8.3.1.2 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations by a private entity dedicated to and publicly advocating the cleaning of California's coastal waters.

2.3.5.8.3.1.3 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations by a private entity dedicated to and publicly advocating constructing and maintaining three man made inland lakes within the Responsible Gaming district.

2.3.5.8.3.1.4 2 blocks shall be reserved for Theme Park Hotel Resort & Gaming operations by private entities dedicated and publicly advocating constructing four canals from the Gaming district east along the Colorado River to the southern border and adjacent to the southern border to the coast.

2.3.5.8.3.1.4.1 One canal shall be reserved for private watercraft 700 ft. and under.

2.3.5.8.3.1.4.2 One Canal inside the Gaming district shall consist of two canals outside of the Responsible Gaming District.

2.3.5.8.3.1.4.2.1 One canal shall be reserved for cruise ships, other commercial ships and other private craft over 200 ft. in length.

2.3.5.8.3.1.4.2.2 One canal shall be reserved for constructing a lock system capable of receiving and holding icebergs and distributing the melted fresh water to other canals, water pipelines and water distribution systems for public and private use.

2.3.5.8.3.1.4.3 One canal shall be reserved for water fowl, Salmon/Trout spawning and recreational fishing.

2.3.5.8.3.1.5

2.3.5.8.4 Alternative Energy Resource development.

2.3.5.8.4.1 Special Status 4 - 5 blocks shall be reserved Water and Alternative Energy Resource Development.

2.3.5.8.4.1.1 2 blocks shall be reserved for Theme Park Hotel Resort & Gaming operations by a private entity dedicated to and publicly advocating the construction of Desalination and fresh water reclamation projects.

2.3.5.8.4.1.2 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations by a private entity dedicated to and publicly advocating the construction and operation of offshore hydrogen production facilities.

2.3.5.8.4.1.3 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations by a private entity dedicated to and publicly advocating the construction and operation of wind-power generation facilities.

2.3.5.8.4.1.4 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations by a private entity dedicated to and publicly advocating the construction and operation of Biomass facilities in California

2.3.5.8.5 Responsible Gaming District costs:

2.3.5.8.5.1 Special Status 5 - 5 blocks shall be reserved for Theme Park Hotel Resort & Gaming operations to finance activities within the Responsible Gaming District.

2.3.5.8.5.1.1 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations to finance security and public safety in the Responsible Gaming District.

2.3.5.8.5.1.2 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations for the General government of the Gaming District.

2.3.5.8.5.1.3 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations to finance Education within the District.

2.3.5.8.5.1.4 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations for the cost of transportation systems within the Gaming District.

2.3.5.8.5.1.5 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations to finance the construction and operation of government buildings, parks and capitated healthcare facilities within the district.

2.3.5.8.6 Special Status 6 - 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations to finance the state costs associated with the Responsible Gaming District.

- 2.3.5.8.7 Special Status 7 - 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations for building and operating a Responsible Gaming District Gaming Authorization Center.
  - 2.3.5.8.8 Special Status 8 - 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations to finance the construction of communities for seniors who are California resident American citizens and to provide supplemental income disbursements to seniors who are American citizens for whom social security is their primary source of income.
  - 2.3.5.8.9 Special Status 9 - 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations to provide supplemental payments to senior Medicaid recipients for whom social security is their primary source of income.
  - 2.3.5.8.10 Special Status 10 - 1 block shall be reserved for Theme Park Hotel Resort & Gaming operations to provide funds for prescription drugs for seniors who are California resident American citizens.
- 2.4 20 blocks shall be auctioned off to the highest bidder of those listed in this Article having blocks reserved for gaming operations or other private individual residents within the state of California who are also citizens of the United States. Minimum bids shall be 750 million dollars. 500 million x 20 shall go towards construction of the following special status casinos:
- o K-12 teachers salaries
  - o Community Colleges
  - o California State Universities
  - o University of California campuses
  - o State highway construction and maintenance
  - o Clean Water
  - o Environment Protection Agency
  - o Natural Resources
  - o Energy
  - o Housing
  - o Special Status 3
  - o Special Status 4
  - o Special Status 5
  - o Special Status 6
  - o Special Status 7
  - o Special Status 8
  - o Special Status 9
  - o Special Status 10
  - o 250 million x 20 blocks = 5 billion plus any funds received over 750 million shall go towards California state budget deficit reduction.

2.5 Prostitution shall be illegal in the Responsible Gaming District

**SECTION 3. RESPONSIBLE GAMING:** Gaming establishments operating in the Responsible Gaming District shall make an effort to assure that citizens of the state of California limit the amount that they spend on gaming to ten percent of their annual income.

- 3.1 All Casinos shall provide the facilities and infrastructure for a District Gaming Authorization office and allow District personnel to operate within their establishments.
- 3.2 All Casinos shall adhere to District Gaming Authorization Center standards.
- 3.3 All Casinos operating in the Responsible Gaming District shall require all gamblers to get a gaming card issued by the District Gaming Authorization Center before they are allowed to play.

- 3.3.1 Each gaming card shall have a micro-chip capable of recording the amount of money played, won and lost by each gamer.
- 3.3.2 Citizens may only be charged a one time nominal fee for each card not to exceed five dollars to cover the price of the card.
- 3.3.3 The gaming card shall contain the gamers name and a photo, digital hologram or other digital representation of the gamer.
- 3.3.4 The gaming card shall not visibly display citizens' driver's license numbers or social security numbers.
- 3.3.5 To receive a gaming card gamblers must:
  - 3.3.5.1 Present a state issued ID, provide finger print sample or submit to a biometric analysis.
  - 3.3.5.2 Present a recent pay-stub, other proof of income or tax return for the previous year.
  - 3.3.5.3 Pay a one time, for each card, nominal fee not to exceed five dollars to cover the price of the card.
  - 3.3.5.4 Have a family member provide a gift voucher entitling the gamer to spend a specified amount.
  - 3.3.5.5 Provide proof of a financial windfall.
  - 3.3.5.6 Have a bank or other financial institution provide a line of credit statement or other proof of financial stability.
  - 3.3.5.7 Qualify for a high-profile waiver.
- 3.4 All slot machines in facilities operating in the Responsible Gaming District shall be linked electronically to a District Gaming Authorization Center and receive authorization for each gamer before that are allowed to play
- 3.5 All slot machines in facilities operating in the Responsible Gaming District shall contain facial recognition software and hardware that will verify all player's identity and ensure that they are gaming responsibly if they are residents of California before they are allowed to play
- 3.6 All tables in facilities operating in the Responsible Gaming District shall be linked electronically to a District Gaming Authorization Center and receive authorization for each gamer before they are allowed to play.
- 3.7 All tables in facilities operating in the Responsible Gaming District shall contain facial recognition software and hardware that will verify all player's identity and ensure that they are gaming responsibly if they are residents of California before they are allowed to play.
- 3.8 Gamers may choose to have their yearly gaming limit divided into quarterly, monthly, bi-monthly, bi-weekly or weekly limits.
- 3.9 Gamers who are not citizens of California shall be required to get a gaming card but shall have no mandatory limits placed on their gaming privileges.
- 3.10 Gaming in the Responsible Gaming District may only take place within Casinos.
- 3.11 In the event of a loss of communication between the Casino and the District Gaming Authorization Center Gaming may continue without the above limitations for a limited time until communications and service is restored.
- 3.12 Self-Exclusion – Gamers may have them selves barred from gambling in any and all casinos in the Responsible Gaming District.
- 3.13 Spouses may request limits or restrictions be placed on gamers in any and all casinos within the Responsible Gaming District through the Gaming Authorization Center and Gaming Cards.
- 3.14 No person or business that is not a commercial bank or a relative of a citizen of California may make a loan to a person that has been identified by the District Gaming Authorization Center as having been gaming at their limit habitually. Residents receiving loans from loan sharks shall not be held responsible for those loans and those making those loans if turned in by gamers, residents or others shall be arrested and if convicted shall serve no less than five-year prison sentences. The purpose of this section is to prevent organized crime from all dealings with citizens of the state of California. In no way shall this section be interpreted as permission to arrest or try

friends or relatives making small loans to their acquaintances on a one time or interim basis.

**SECTION 4. NATIVE AMERICAN SOVEREIGNTY:** Native America tribes shall have sovereignty on tribal lands based of the principal of encompassed sovereignty.

4.1 The phrase, "One persons freedom ends where another persons freedom begins" shall be the basis of the principal of encompassed sovereignty. Native America tribes shall have complete sovereignty on tribal lands except in cases in which an exercise of their sovereignty or freedoms endangers the lives or property of other citizens of the state of California and the United States of America or encroaches upon the freedoms of other Americans.

- 4.1.1 All elements of compacts that require Native Americans to pay a percent of their earnings to the state of California shall be null and void because they violate the principle of encompassed sovereignty as well as the spirit of the federal law authorizing the state to make compacts with the tribes which clearly state that it does not provide for authorizing states to tax Indian gaming.
- 4.1.2 All weddings and divorce proceedings that involve tribal assets and material tribal assets on tribal lands shall only be adjudicated by tribal authorities.
- 4.1.3 Tribal sovereignty shall not extend to the airspace above tribal lands.
- 4.1.4 Tribal sovereignty shall not extend greater than one hundred feet below tribal lands.
- 4.1.5 Tribal sovereignty over earth below tribal lands at depths less than one hundred feet may be limited if it can be shown to be in public interest of the tribe or the citizens of the state of California.