



# CITY OF CLOVIS

CITY HALL • 1033 FIFTH STREET • CLOVIS, CA 93612

March 13, 2008

Amy Dutschke,  
Acting Regional Director  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, California 95825.

Received

MAR 14 2008

ADMINISTRATIVE

Subject: DEIS Comments, North Fork Rancheria's Hotel/Casino Project Environmental Impact Statement

Ms. Dutschke,

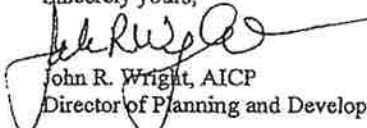
The City of Clovis would like to make sure that the EIS assess the resources and potential impacts of the proposed project on Fresno County roadways.

The EIS observes that consultation with the County and City of Madera, City of Chowchilla and Caltrans has occurred throughout the project. In contrast, we are unable to find in the EIS whether there were sufficient contacts with Fresno County agencies to coordinate analysis of potential impacts to Fresno County road system.

Notwithstanding Caltrans' participation, the lack of impact analysis for SR 99 south of the San Joaquin River leaves a substantial data gap in the EIS. Project-related vehicle trips to a freeway system already projected to exceed capacity do not appear to be addressed. The improvements identified in Fresno County's Measure C Extension Expenditure Plan were based on projected traffic generation rates which have the potential to be significantly altered by the project and other development at this location. Can you provide us with information on how this has been considered in the subject EIS?

Thank you for the opportunity to comment on the Environmental Impact Statement.

Sincerely yours,

  
John R. Wright, AICP  
Director of Planning and Development Services

cc: Alan Weaver, Director of Public Works and Planning, Fresno County  
Nick Yovino, Development Director, City of Fresno  
Moses Stites, Caltrans  
Kathy Millison, City Manager, City of Clovis  
Clovis City Council Members

City Manager (559) 324-2060 • Community Services (559) 324-2750 • Engineering (559) 324-2350  
Finance (559) 324-2101 • Fire (559) 324-2200 • General Services (559) 324-2060 • Personnel/Risk Management 324-2735  
Planning & Development Services (559) 324-2340 • Police (559) 324-2400 • Public Utilities (559) 324-2600

NA - 5



**MAYOR ASHLEY E. SWEARENGIN**

March 23, 2009

Dale Morris, Regional Director  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, California 95825

Dear Mr. Morris:

Thank you for the opportunity to comment on the application from the Northfork Rancheria of Mono Indians of California to conduct off-reservation gaming activities on property just north of the City of Madera.

Attached is a letter from our City Manager regarding potential environmental impacts on the City of Fresno. We deeply appreciate our relationship with Central Valley Indian Tribes, and we are grateful to have such good neighbors. But, while I fully support Tribal sovereignty, I join many of California's Tribal Governments in the belief that off-reservation gaming activities are not consistent with what the voters approved via Proposition 1A in 2000.

In addition, it is unclear as to whether or not Caltrans and the San Joaquin Valley Air Pollution Control District have been given an opportunity to comment on this application.

Thank you for taking time to consider my opposition to this project. If you have any questions, please feel free to contact me.

Sincerely,

ASHLEY SWEARENGIN  
Mayor

cc: Malcolm Dougherty, District Director Caltrans District 6  
Seyed Sadredin, San Joaquin Valley Air Pollution Control District

CITY OF FRESNO  
CITY HALL • 2600 FRESNO STREET • FRESNO, CALIFORNIA 93721-3600  
(559) 621-8000 • FAX (559) 621-7990 • [www.fresno.gov](http://www.fresno.gov)



Andrew T. Souza  
City Manager

March 23, 2009

**BY FACSIMILE TO (916) 978-6099**

Dale Morris, Regional Director  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, California 95825

Dear Mr. Morris,

**SUBJECT: COMMENTS ON PROPOSED OFF-RESERVATION GAMING ACTIVITIES  
FOR THE NORTHFORK MONO**

Thank you for your January 23<sup>rd</sup> letter requesting our comments regarding potential impacts of the proposed 305-acre casino site adjacent to State Route 99 in northern Madera County. We apologize for not raising these issues earlier in the environmental analysis process, but our Planning Department, Public Works Department, and Department of Public Utilities did not receive a copy of the EIR/EIS to review and we were unaware of earlier opportunities.

With regard to potential environmental impacts on the City of Fresno, we foresee three issues which may arise:

**Problems with design, safety, and level of service (traffic-carrying capacity on Freeway 99 interchanges** could be exacerbated by a project which draws additional travelers to freeway 99, and Freeway interchanges which are currently near their maximum capacity could sustain an additional increment of congestion to the point where they no longer have an acceptable level of service. Since Fresno is the largest metropolitan area near the proposed casino, we anticipate that some portion of City residents who currently patronize the Chukchansi, Table Mountain, and Mono wind gaming establishments will instead go to the new casino.

Whereas, the urban parts of Friant Road and Willow Avenue (leading to Table Mountain and Mono Wind casinos) and the urban freeway portion of State Route

City of Fresno  
City Hall • 2600 Fresno Street • Fresno, California 93721-3601  
(559) 621-7770 • FAX (559) 621-7776 • [www.fresno.gov](http://www.fresno.gov)

Letter to Bureau of Indian Affairs, Pacific Regional Office  
RE: Proposed Northfork Mono Casino site on Highway 99 in Madera County  
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41 have been more recently designed and constructed to handle urban levels of traffic, this is not be the condition of Highway 99. Several of the Freeway 99 interchanges in the City of Fresno were designed and built in the 1950s and early 1960s, and have become inadequate over ensuing time.

For example, the Shaw Avenue/Freeway 99 interchange was deemed deficient some twenty years ago, yet no funding source has been identified to fully address its continuing and worsening deficiencies (the Fresno County's "Measure C" sales tax increment ballot measure is not projected to generate sufficient revenue to fund this "Tier 2" project). Similarly, "Measure C" is not capable of fully improving the Herndon Avenue/99 interchange to current standards to provide an acceptable level of service. Other interchanges on Highway 99 were evaluated in the Fresno County Council of Governments' recent Freeway Deficiency Study (Shaw/99 was not included in that study because (Caltrans had already prepared a Project Study Report).

**There is a lack of available water resources to support unplanned, additional intensive development on the Valley floor.** A casino site in the foothills would not share the aquifer (the fractured-rock aquifer in the Sierra foothills is separate from the Valley groundwater basin aquifer), but the groundwater basin underlying Fresno and Madera Counties is hydrologically contiguous for most of the counties' interface, and both jurisdictions have withdrawn groundwater over the decades, resulting in a net reduction in static water levels.

Fresno and Madera Counties have had discussions over the years with regard to groundwater gradients, which seem to show that water purchased and percolated by the City of Fresno for the purpose of replenishing its aquifer is instead moving north across the San Joaquin River into one or more cones of depression in the drawn-down Madera County aquifer. The City of Fresno does not know whether the casino site is hydrologically contiguous with the aquifer of southern Madera County (along the Fresno boundary), but within our own 140+ square mile urban planning boundary we do know that we have a single aquifer (the Fresno Sole Source aquifer).

The primary source of surface water to do recharge or for provide alternative water supplies for both Fresno and Madera is the San Joaquin River, whose water supplies have been deemed to be "fully allocated" for quite some time. The City of Fresno does not know whether the Highway 99 casino site lies within an irrigation district that is entitled to water deliveries from the San Joaquin River, but we do know that the Madera Canal (which conveys water from Friant Dam into Madera County) has a lower carrying capacity than the Friant-Kern Canal (which serves Fresno County and land south to Arvin in Kern County). We know of no water exchange potential for the Madera Canal to take or receive water from another source such as the Fresno River, whereas, east of Centerville water

can be exchanged between the Friant Kern Canal and the Kings River Water Association.

Either through additional drawdown of the aquifer underlying Madera County or through additional demands on the already-overtaxed surface water supplies of the San Joaquin River, development of a major casino site on the Valley floor could make the City of Fresno's water supply situation more tenuous in the future.

**Regional air quality impacts and related economic effects:** the San Joaquin Valley Air Basin is in longstanding severe nonattainment for ozone/oxidants, and is soon to be designated in Extreme Nonattainment. The Basin has also had chronic problems meeting the Federal particulate matter pollution standards. The District considers the air pollutant inventory to be Valley-wide, and each jurisdiction risks sanctions for air pollution generated by all the other jurisdictions.

If the Highway 99 casino would attract more customers from outside the San Joaquin Valley Air Basin than the existing Chukchansi, Table Mountain, and Mono Wind casinos already attract from outside the Basin, then this proposal could create a net increase in air pollutants and air pollutant precursors.

In order to prevent and remedy air pollution from vehicular travel associated with, and area-wide emissions generated by, new development, in the San Joaquin Valley Air Basin, the regional San Joaquin Valley Air Pollution Control District adopted an indirect Source Review (ISR) Rule. As part of its air quality attainment planning, the District lists the measures needed to achieve compliance with air quality standards, and uses the cost of pollution reduction to calculate its ISR and mitigation fees that are charged to new development projects.

The District is also currently considering a similar rulemaking and mitigation process for global climate change (greenhouse gases).

The City of Fresno does not know if tribal sovereignty precludes collection of Air District fees for development of the Northfork casino complex. If that were the case, nonpayment of ISR and global warming mitigation fees by the casino project would leave no equitable way to mitigate this large indirect and area pollution source.

This could adversely impact the economy of the City of Fresno in two ways:

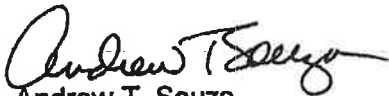
- first, there would be an additional risk of federal sanctions for nonattainment of ozone and particulate matter standards;
- and
- second, public and private (non-tribal) development and construction in Fresno would have to pay the additional increment of mitigation fees to try to compensate for the

Letter to Bureau of Indian Affairs, Pacific Regional Office  
RE: Proposed Northfork Mono Casino site on Highway 99 in Madera County  
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increment of pollution that an unmitigated casino would generate. This leaves Fresno at a competitive disadvantage in attracting new industries and receiving grants for economic development.

Thank you for considering this information in making your decision. If there are measures which could be used to mitigate these impacts, we welcome the chance to work with the Northfork Mono casino planners to resolve any potential difficulties in a productive manner.

Sincerely,



Andrew T. Souza  
City Manager

BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF FRESNO  
STATE OF CALIFORNIA

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IN THE MATTER OF INDIAN GAMING )  
AND RESERVATION SHOPPING )

RESOLUTION No. 06-139

WHEREAS, the County of Fresno affirms its support of Proposition 1A as passed by the electorate in 1999 to permit gaming on Tribal lands; and


WHEREAS, the County of Fresno fully supports Tribal efforts to engage in economic development for the benefit of the welfare of Tribal members; and

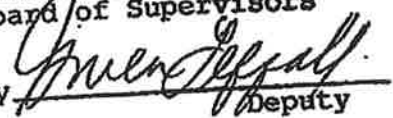
WHEREAS, the County of Fresno opposes the practice of reservation shopping by Tribes to acquire additional lands away from established Tribal lands held in trust for purposes of Indian gaming.

NOW, THEREFORE, BE IT RESOLVED, that the Fresno County Board of Supervisors opposes Indian reservation shopping and the furtherance of Indian gaming on non-tribal lands in Fresno County.

THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 28th day of February 2006, to wit:

- AYES: Supervisors Perea, Waterston, Anderson, Case, Larson
- NOES: None
- ABSENT: None

  
Chalman, Board of Supervisors

ATTEST:  
BERNICE E. SEIDEL, Clerk  
Board of Supervisors  
By  Deputy

---

**CERTIFICATE OF DELIVERY OF DOCUMENT**

I am employed by the County of Fresno as a Deputy Clerk of the Board of Supervisors.  
On February 28, 2006, I delivered a copy of Resolution #06-139 regarding Item #5 to the  
Chairman of the Fresno County Board of Supervisors.

Gwen Leffall.  
Deputy Clerk

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**RESOLUTION NO. 2009 - 68R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA  
IN OPPOSITION TO OFF-RESERVATION GAMING**

**WHEREAS**, the City of Selma has been approached by the *Keep Gaming on Indian Land* coalition to oppose a casino project north of Madera along State Route 99; and

**WHEREAS**, the land being proposed for the project is not located on Indian land or on a Reservation but has been taken into trust for the purpose of gaming; and


**WHEREAS**, although state and federal laws allow gaming on Indian lands there are many concerns about off-reservation gaming such as traffic, air quality, and environmental concerns, among others; and

**WHEREAS**, opposition to off-reservation gaming activities have been conveyed by the United States Congress, United States Senate, the cities of Fresno, Sanger and Firebaugh and the County of Fresno.

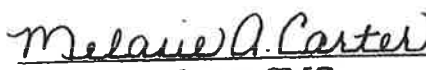
**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Selma hereby opposes off-reservation gaming activities and the practice of taking non-Indian land into trust for gaming purposes and therefore the casino project being proposed north of Madera along SR 99.

The foregoing Resolution was duly approved at a regular meeting of the Selma City Council held on the 2<sup>nd</sup> day of November, 2009 by the following vote, to wit:

AYES:	4	COUNCIL MEMBERS:	Lujan, Rodriguez, Avalos, Derr
NOES:	0	COUNCIL MEMBERS:	None
ABSTAIN:	1	COUNCIL MEMBERS:	Grey
ABSENT:	0	COUNCIL MEMBERS:	None

  
\_\_\_\_\_  
Dennis Lujan  
Mayor of the City of Selma

Attest:

  
\_\_\_\_\_  
Melanie A. Carter, CMC  
City Clerk

# United States Senate

WASHINGTON, DC 20510

September 15, 2009

The Honorable Ken Salazar  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

Dear Secretary Salazar:

We understand that many tribes have petitioned you to take land into trust for many purposes, including for purposes of Indian gaming. As you know, we strongly oppose taking off-reservation lands into trust for gaming purposes. We do not believe this was envisioned when we passed the Indian Gaming Regulatory Act (IGRA).

While Indian gaming is permitted on Indian lands and in accordance with state and federal laws, we have serious concerns about the recent practice of tribes and municipalities seeking advantageous gaming opportunities on lands that are not traditionally tribal lands. This is an abuse of the land into trust process and violates the spirit of the IGRA.

As you begin to evaluate the Department's policies on Indian gaming, we hope you will support certain aspects of the Department's January 3, 2008 guidance on taking off-reservation land into trust for gaming purposes. Without diminishing previously established requirements that an application must follow, the Department's guidelines require greater scrutiny with respect to the distance between the identified parcel and the tribe's reservation. In addition, the 2008 guidelines placed a "greater weight" on state and local concerns and potential jurisdictional and tax concerns should land be taken into trust. We support this additional consideration to maintain comprehensive and coordinated governmental and regulatory patterns and control. Lastly, the guidelines also provide for a comprehensive analysis of whether the proposed gaming facility is compatible with the current zoning and land use requirements of the state and local governments in the area surrounding the proposed gaming facility. Incompatible uses might consist of land zoned or used for, among other things, schools and residential developments.

Frequently, off-reservation gaming opportunities are sought without thorough consultation with local governments, other Indian tribes, or area residents and without discussing the impacts of a casino on the environment, air quality, noise levels, community planning, and quality of life. Where a state and its tribes have a long history of Indian gaming and have carefully negotiated initial and subsequent gaming compacts, a new gaming enterprise, particularly one outside the petitioning tribe's ancestral or historical lands, can be more disruptive to existing land use plans and revenue-sharing agreements. These impacts should be

The Honorable Ken Salazar  
September 15, 2009  
Page 2

considered as part of any determination to take land into trust, and especially in the rare occurrence when trust lands are sought outside a tribe's reservation boundaries.

We support increased scrutiny of the practice of taking off-reservation land into trust for gaming purposes, as advocated by the Department's guidance document, and ask that you consider this view as you and Assistant Secretary of Indian Affairs Larry Echo Hawk develop your policies for Indian gaming and consider applications for land into trust for gaming purposes. To the extent that you believe that current regulations and guidelines are insufficient to adequately address this troubling trend of off-reservation gaming, please advise us as to your solution and whether legislation is necessary to affect policies supporting these principles.

We look forward to hearing from you.

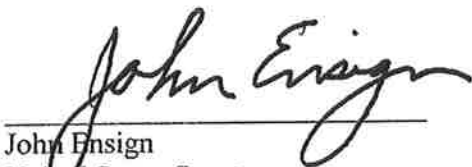
Sincerely,



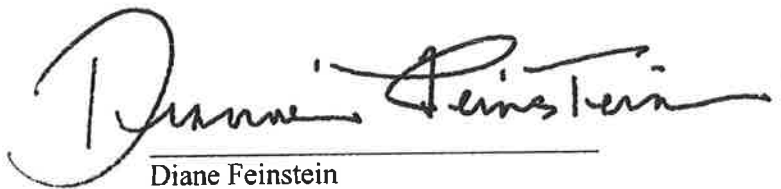
Jon Kyl  
United States Senator



Harry Reid  
United States Senator



John Ensign  
United States Senator



Diane Feinstein  
United States Senator



Barbara Boxer  
United States Senator

**Congress of the United States**  
**Washington, DC 20515**

November 3, 2009

**The Honorable Ken Salazar**  
**Secretary**  
**U.S. Department of the Interior**  
**1849 C Street, N.W.**  
**Washington, D.C. 20241**

**Dear Secretary Salazar:**

**It has come to our attention that the Department of Interior is currently reviewing its administrative policies relating to federal acquisition of lands taken into trust for Indian gaming purposes. We are writing to express our concerns with existing Department policies that allows Tribes to acquire lands for gaming purposes outside their ancestral territory.**

**In recent years, there has been a significant increase in the number of Tribes seeking to acquire lands to build off-reservation casinos. Many of these applications are from Tribes seeking lands that are far from their existing reservations and outside their ancestral and historical territory. We believe this is contrary to an underlying purpose of the Indian Gaming Regulatory Act (IGRA), which was designed to encourage reservation-based economic development and the creation of local jobs for tribal communities. We understand that a large number of Indian Tribes from across the country share this view and have written you expressing their concern on this issue.**

**The Department's current interpretation of IGRA seems to allow this type of activity to occur. Thus, we strongly encourage you to review these policies and regulations in order to bring a more reasonable approach to federal land acquisition for Indian gaming purposes.**

**We thank you for your consideration of these requests and look forward to working with you on this important issue.**

**Sincerely,**

Secretary Salazar  
November 3, 2009  
Page Two

  
The Hon. Carolyn C. Kilpatrick

  
The Hon. Kevin McCarthy

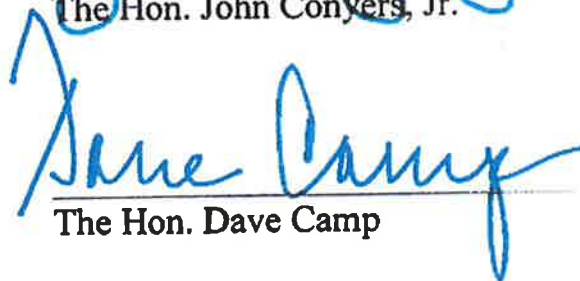
  
The Hon. Shelley Berkley

  
The Hon. Mike Rogers (MI)

  
The Hon. Mark H. Schauer

  
The Hon. John Conyers, Jr.

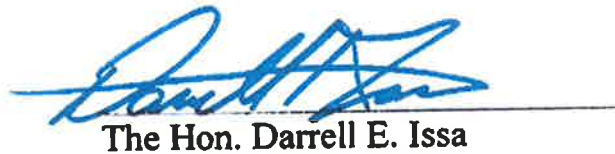
  
The Hon. Lynn Woolsey

  
The Hon. Dave Camp

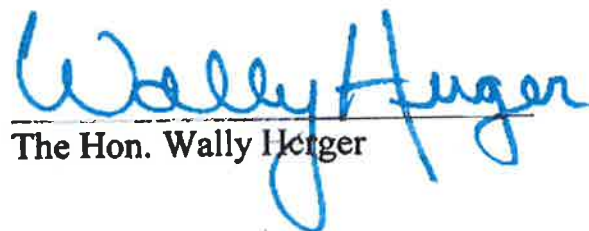
  
The Hon. Joe Courtney

  
The Hon. Joe Baca

  
The Hon. Patrick Kennedy

  
The Hon. Darrell E. Issa

  
The Hon. Jerry Lewis

  
The Hon. Wally Herger

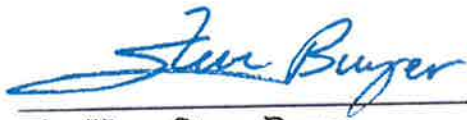
Secretary Salazar  
November 3, 2009  
Page Three

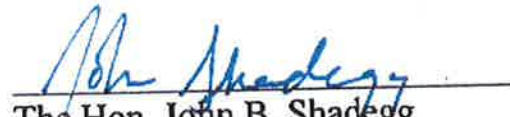
  
The Hon. Bob Goodlatte

  
The Hon. Dean Heller

  
The Hon. Denny Rehberg


  
The Hon. Frank A. LoBiondo

  
The Hon. Steve Buyer

  
The Hon. John B. Shadegg

  
The Hon. Brian P. Bilbray

  
The Hon. Heath Shuler

  
The Hon. Gene Taylor

  
The Hon. Rob Denny

  
The Hon. John Campbell

  
The Hon. Ken Covert

  
The Hon. Walter B. Jones

June 29, 2009

The Honorable Ken Salazar  
Secretary of Interior  
U.S. Department of Interior  
1849 C Street, NW  
Washington, D.C. 20240

Dear Mr. Secretary:

We are writing to express our strong opposition to off-reservation gaming outside a Tribe's ancestral lands. We believe that numerous efforts currently underway by Tribes in several regions of the country undermine the Indian Gaming Regulatory Act (IGRA) and set a dangerous precedent for Indian gaming across the country.

In recent years, there has been an increase in the number of Tribes seeking off-reservation gaming under IGRA's Section 20 two-part determination and other statutory processes. Many of these applications are from Tribes who are seeking to establish casinos outside their ancestral lands and within the ancestral lands of another Tribe. In most cases, these Tribes have partnered with non-Indian developers to "reservation shop" for the best casino site, while cash strapped state and local governments eagerly encourage the process despite the harm to Indian gaming and Indian people.


We firmly believe that Tribal gaming is government gaming. If the Department of the Interior were to allow the acquisition of lands for gaming outside of a Tribe's ancestral territories, it would undermine a basic premise of IGRA that gaming is intended to promote reservation economic development. This is what fundamentally separates Indian gaming from commercial gaming. Furthermore, the approval of any such projects would open the floodgates and would encourage Tribes to seek gaming facilities anywhere in any state where gaming is permissible regardless of whether it has historical or aboriginal connection to the lands. Without question, this would be a dangerous precedent that would undermine the success of IGRA.

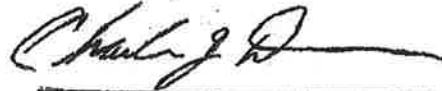
This is not only an issue that concerns Indian Country, but it was also the subject of extensive debate last year in the U.S. House of Representatives. On June 25, 2008, the U.S. House of Representatives considered legislation that would allow two Tribes in Michigan to take land into trust hundreds of miles from their reservations in order to settle a "proposed land claim." The debate over these bills essentially became a referendum on off-reservation gaming outside a Tribe's ancestral lands. These bills were opposed by over 70 Tribes across Indian Country, including some of the poorest Tribes in America. In the end, the legislation was soundly defeated by a bipartisan vote of 298-121. Since IGRA was passed in 1988, this has been the only vote in Congress on the issue of off-reservation gaming.

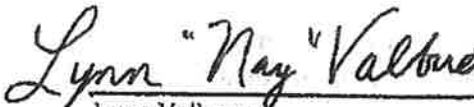
We believe it is critical that the Department of Interior reject all Section 20 applications, or applications based on other statutory processes, that are outside the ancestral lands of the Tribe seeking such approval. We would further request that the Department of Interior develop new regulations that would prohibit these egregious off-reservation gaming projects. Among other issues, these regulations must provide for comprehensive and meaningful consultations with Tribes who are affected by these off-reservation applications which the current regulations and the past practices of the Department do not protect. Finally, we would also request the opportunity to meet with you and your staff to discuss this issue in greater detail. We believe it is important that you hear directly from Indian Country on this important matter.

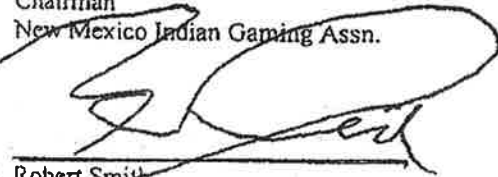
We want to thank you for your consideration of these requests and we look forward to working with you to improve the quality of life for Indian people.

Sincerely,

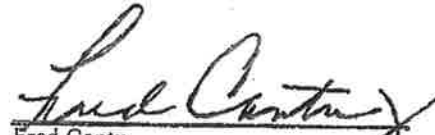
  
Kurt Luger  
Executive Director  
Great Plains Indian Gaming Assn.


  
Charlie Dorame  
Chairman  
New Mexico Indian Gaming Assn.

  
Lynn Valbuena  
Chairwoman  
Tribal Alliance of Sovereign Indian  
Nations (TASIN)

  
Robert Smith  
Chairman  
California Tribal Business Alliance

  
John McCarthy  
Executive Director  
Minnesota Indian Gaming Assn.

  
Fred Cantu  
Chief  
Saginaw Chippewa Tribe of Michigan

  
William R. Rhodes  
Governor  
Gila River Indian Community

# California Indian Pre-contact Tribal Territories





# California Counties

