

# **APPENDIX Y**

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*Draft EIS Comments and Responses*

# CHAPTER 1.0

## COMMENTS

Commenter that submitted either written or oral comments on the Draft EIS are listed in **Table 1**. Comment letters and the public hearing transcript are provided in their entirety within **Chapter 2.0**. Issues are individually bracketed and numbered in the margins of the comment letters and the public meeting transcript. Responses to the numbered comments are provided in **Chapter 3.0**.

**TABLE 1**  
LIST OF COMMENTERS

| Letter              | Individual or Signatory                                | Affiliation  | Address  | Date      |
|---------------------|--|--|--|-----------|
| Government Agencies |  |  |  |           |
| G-1                 | Dean Florez, Senate Member                             | California State Senate                              | State Capitol, Room 5061<br>Sacramento, CA 95814           | 6-Mar-08  |
| G-2                 | Steve Mindt,<br>Councilmember                          | City of Madera                                       |  | 12-Mar-08 |
| G-3                 | Robert Pythress,<br>Councilmember                      | City of Madera                                       | 3125 Forest Ct. Madera, CA<br>93637                        | 11-Mar-08 |
| G-4                 | Elaine M Craig, Executive<br>Director                  | Madera County Workforce Investment<br>Board          | 209 E 7th Street Madera, CA<br>93638                       | 31-Mar-08 |
| G-5                 | Charles Altekus,<br>Community Relations<br>Director    | North Fork Rancheria                                 | 1626 Chesnuts St., Berkeley,<br>CA 94702                   | 31-Mar-08 |
| G-6                 | Kevin De Leon, Assembly<br>Assistant Majority Leader   | Forty-Fifth Assembly District                        | State Capitol P.O. Box<br>942849 Sacramento, CA<br>94249   | 10-Mar-08 |
| G-7                 | Jared Huffman,<br>Assemblymember                       | 6th District   | State Capitol, Room 4139<br>Sacramento, CA 95814           | 10-Mar-08 |
| G-8                 | Morris Reid and Joe Alberta,<br>Chairman and Secretary | Picayune Rancheria of Chuchansi<br>Indians           |  | 5-Mar-08  |
| G-9                 | Cathleen Galgiani,<br>Assemblymember                   | 7th District   | State Capitol P.O. Box<br>942849 Sacramento, CA<br>94249   | 5-Mar-08  |
| G-10                | Katy Sanchez   | Native American Heritage Commission                  | 915 Capitol Mall, Room 364<br>Sacramento, CA 95814         | 25-Feb-08 |
| G-11                | Richard M. Milanovich,<br>Chairman                     | Agua Caliente Band of Cahuilla Indians               | 5401 Dinah Shore Drive Palm<br>Springs, CA 92264           | 12-Mar-08 |
| G-12                | John R. Wright, Director                               | Planning and Development Services,<br>City of Clovis | City Hall 1033 Fifth Street<br>Clovis, CA 93612            | 13-Mar-08 |
| G-13                | Barbara A. Brenner                                     | Stoel Rives for Madera Irrigation<br>District        | 980 9th Street Sacramento,<br>CA 95814                     | 28-Mar-08 |
| G-14                | Leanne Walker-Grant, Tribal<br>Chairperson             | Table Mountain Rancheria                             | 23736 Sky Harbour Road<br>P.O. Box 410 Friant CA,<br>93626 | 25-Mar-08 |
| G-15                | Leanne Walker-Grant, Tribal<br>Chairperson             | Table Mountain Rancheria                             | 23736 Sky Harbour Road<br>P.O. Box 410 Friant CA,<br>93626 | 26-Mar-08 |
| G-16                | John LeCompte  | Madera County Alcohol & Drug<br>Advisory Board       | P.O. Box 1288 Madera, CA<br>93639                          | 27-Mar-08 |
| G-17                | Gayle Holman, Field                                    | Field Representative for Mike Villines               | Capitol Office P.O. Box                                    | 12-Mar-08 |

| Letter | Individual or Signatory              | Affiliation  | Address   | Date      |
|--------|--------------------------------------|--|---|-----------|
|        | Representative                       |  | 942849 Sacramento, CA<br>94249  |           |
| G-18   | Maryann McGovran, Tribal Treasurer   | North Fork Rancheria   |   | 12-Mar-08 |
| G-19   | Debi Bray, President/CEO             | Madera Chamber of Commerce   |   | 12-Mar-08 |
| G-20   | City of Chowchilla                   | Office of Community and Economic Development   | 130 S Second Street Civic Center Plaza Chowchilla, CA 93610             | 12-Mar-08 |
| G-21   | Joanne Rhoads, Commissioner          | National and Cultural Resources Commission of the Picayune Rancheria of Chukchansi Indians | P.O. Box 307 Raymond, CA 93653  | 12-Mar-08 |
| G-22   | Randell Ishii, Senior Civil Engineer | Engineering Division, Madera County Resource Management Agency                             | 2037 W. Cleveland Ave Madera, CA 93637                                  | 12-Mar-08 |
| G-23   | Debi Bray                            | Madera District Chamber of Commerce  | 120 North E Street Madera, California 93638                             | 28-Mar-08 |
| G-24   | Briza Sholars                        | Department of Public Works and Planning -Development Services Division, Fresno County      | 2220 Tulare Street, 6th Floor Fresno, CA 93721                          | 25-Mar-08 |
| G-25   | Alberto Torrico, Assemblymember      | 20th District Director of Majority Affairs   | State Capitol P.O. Box 942849 Sacramento, CA 94249                      | 12-Mar-08 |
| G-26   | Joseph Hamilton, Chairman            | Ramona Band of Cahuilla Indians  | 56370 Highway 371, Suite B PO Box 391670 Anza, CA 92539                 | 28-Mar-08 |
| G-27   | Michael Navarro                      | Office of Transportation Planning, District 06 California Department of Transportation     | 1352 West Olive Ave P.O. Box 12616 Fresno, CA 93778                     | 31-Mar-08 |
| G-28   | Mike L. Martin, Fire Chief           | Madera County Fire Department  | 14225 Road 28 Madera, CA 93638  | 28-Mar-08 |
| G-29   | Darcie L. Houck                      | Fredericks Peebles & Morgan LLP for Picayune Rancheria of the Chukchansi Indians           | 1001 Second Street Sacramento, CA 95814                                 | 21-Mar-08 |
| G-30   | John M. Peebles                      | Fredericks Peebles & Morgan LLP for Picayune Rancheria of the Chukchansi Indians           | 1001 Second Street Sacramento, CA 95814                                 | 28-Mar-08 |
| G-31   | Gary L Svanda, Councilmember         | City of Madera   | 205 W Fourth Street Madera, CA 93637                                    | 28-Mar-08 |
| G-32   | Jacque Davis Van Huss, Chairperson   | North Fork Rancheria   |   | 12-Mar-08 |
| G-33   | Dora Jones, Vice Chair               | Picayune Rancheria of Chukchansi Indians   |   | 12-Mar-08 |
| G-34   | Frank Bigelow, Supervisor            | District 1-Madera County Board of Supervisors  | Madera County Government Center 200 West Fourth Street Madera, CA 93637 | 12-Mar-08 |
| G-35   | Jerald C James, Director             | Madera County Resource Management Agency - Airport Land Use Commission                     | 2037 W Cleveland Avenue Mail Stop - G Madera, CA                        | 31-Mar-08 |
| G-36   | Morris Reid, Chairman                | Picayune Rancheria of Chukchansi Indians   | 46575 Road 417 Coarsegold, CA 93614                                     | 31-Mar-08 |
| G-37   | Janice Devine, Treasurer             | Picayune Rancheria of Chukchansi Indians   | 46575 Road 417 Coarsegold, CA 93614                                     | 31-Mar-08 |
| G-38   | Mark Emerick, Tribal Council         | Picayune Rancheria of Chukchansi Indians   | 46575 Road 417 Coarsegold, CA 93614                                     | 31-Mar-08 |
| G-39   | Dora Jones, Vice-Chairperson         | Picayune Rancheria of Chukchansi Indians   | 46575 Road 417 Coarsegold, CA 93614                                     | 31-Mar-08 |
| G-40   | Harold M. Hammond, Tribal Council    | Picayune Rancheria of Chukchansi Indians   | 46575 Road 417 Coarsegold, CA 93614                                     | 31-Mar-08 |
| G-41   | Sam Lawhon, Tribal Council           | Picayune Rancheria of Chukchansi Indians   | 46575 Road 417 Coarsegold, CA 93614                                     | 31-Mar-08 |
| G-42   | Joe Alberta, Secretary               | Picayune Rancheria of Chukchansi   | 46575 Road 417 Coarsegold,  | 31-Mar-08 |

| Letter  | Individual or Signatory                  | Affiliation  | Address   | Date      |
|---|--|--|---|-----------|
|   |  | Indians  | CA 93614  |           |
| G-43  | Randy Atkins, General Council Member     | Picayune Rancheria of Chukchansi Indians   | 46575 Road 417 Coarsegold, CA 93614                     | 31-Mar-08 |
| G-44  | Donald C. Horal, Chairman                | Madera City Airport Commission   | P.O. Box 233 Madera, CA 93639                           | 21-Mar-08 |
| G-45  | Leanne Walker-Grant, Tribal Chairperson  | Table Mountain Rancheria   | 23736 Sky Harbour Road<br>P.O. Box 410 Friant CA, 93626 | 12-Mar-08 |
| G-46  | John M. Peebles                          | Fredericks Peebles & Morgan LLP for Picayune Rancheria of the Chukchansi Indians | 1001 Second Street<br>Sacramento, CA 95814              | 24-Jan-08 |
| G-47  | Juan Arambula, Assemblymember            | 31st District  | State Capitol P.O. Box 942849 Sacramento, CA 94249      | 28-Mar-08 |
| G-48  | Dave Herb, Executive Officer             | Madera LAFCO   | 2037 W. Cleveland Ave<br>Madera, CA 93637               | 12-Mar-08 |
| G-49  | Nicole M. Parra, Assemblywoman           | 30th District  | P.O.Box 942849 Sacramento, CA 94249                     | 26-Feb-08 |
| G-50  | Tom Berryhill, Assemblymember            | 25th District  | P.O.Box 942849 Sacramento, CA 94249                     | 22-Jan-07 |
| G-51  | Jeff Denham, Senator                     | 12th Senate District   | State Capitol Room 0076<br>Sacramento, CA 95814         | 3-Mar-08  |
| G-52  | Tony Mendoza, Assemblymember             | 56th District  | State Capitol P.O. Box 942849 Sacramento, CA 94249      | 27-Feb-08 |
| G-53  | Michael N. Villines, Assemblymember      | 29th District - Assembly Republican Leader                                       | State Capitol P.O. Box 942849 Sacramento, CA 94249      | 8-Feb-08  |
| G-54  | Greg Aghazarian, Assemblymember          | 26th District  | State Capitol P.O. Box 942849 Sacramento, CA 94249      | 27-Feb-08 |
| G-55  | Morris Reid, Chairman                    | Picayune Rancheria of Chukchansi Indians   | 46575 Road 417 Coarsegold, CA 93614                     | 21-Feb-08 |
| G-56  | Picayune Rancheria of Chukchansi Indians | Picayune Rancheria of Chukchansi Indians   | 46575 Road 417 Coarsegold, CA 93614                     | 31-Mar-08 |
| G-57  | John M. Peebles                          | Fredericks Peebles & Morgan LLP for Picayune Rancheria of the Chukchansi Indians | 1001 Second Street<br>Sacramento, CA 95814              | 28-Mar-08 |
| G-58  | Julia Berry, Executive Director          | Madera County Farm Bureau  | 1102 S Pine Street Madera, CA 93637                     | 28-Mar-08 |
| G-59  | John P Anderson, Sheriff                 | Madera County Sheriffs Department  | 14143 Road 28 Madera, CA 93638                          | 31-Mar-08 |
| G-60  | Darcie L. Houck                          | Fredericks Peebles & Morgan LLP for Picayune Rancheria of the Chukchansi Indians | 1001 Second Street<br>Sacramento, CA 95814              | 31-Mar-08 |
| G-61  | James F Devine, Senior Advisor           | Science Applications, USGS   |   | 28-Mar-08 |
| G-62  | Sam Lawhon, Chairman                     | Central California Leadership Alliance   |   | 29-Feb-08 |
| <b>Business and Non-Governmental Agencies</b> |  |  |   |           |
| B-1   | Roger Leach                              | Valley West Christian Center   | 16740 Ave 17  | 12-Mar-08 |
| B-2   | Beatrice Alvarado                        | Building for Christ  | 29453 Ave 16 1/4 Madera, CA                             | 12-Mar-08 |
| B-3   | Ronald Shaw                              | Madera First So Baptist  | 13175 Rd 35 Madera, CA 93636                            | 12-Mar-08 |
| B-4   | Tiffanie Martinez                        | MTL for MCCS   | 696 Santa Bonita Street                                 | 12-Mar-08 |
| B-5   | Mary Ellen Koop                          | Latinas Unidas   | 2620 Riverview Dr. Madera, CA 93637                     | 12-Mar-08 |

| Letter             | Individual or Signatory                    | Affiliation                                      | Address   | Date      |
|--------------------|--|--|---|-----------|
| B-6                | Nora Salazar                               | Latinas Unidas                                   | 821 W. Yosemite Ave<br>Madera, CA 93637                                     | 12-Mar-08 |
| B-7                | Juan R Ramirez                             | Madera Youth Leaders                             |   | 12-Mar-08 |
| B-8                | Randall L. Brannon,<br>President           | Madera Ministerial Association                   | 26171 Valarie Ave. Madera,<br>CA 93638                                      | 12-Mar-08 |
| B-9                | Randall L. Brannon,<br>President           | Madera Ministerial Association                   | 26171 Valarie Ave. Madera,<br>CA 93638                                      | 12-Mar-08 |
| B-10               | Chaplain Jim Adair, et.al.                 | The Madera Ministerial Association               | 209 W. Yosemite Ave<br>Madera, CA 93638                                     | 12-Mar-08 |
| B-11               | Pat Handley                                | North Lake Church of God                         | 16424 N Lake Street Madera,<br>CA 93638                                     | 12-Mar-08 |
| B-12               | Cheryl Schmit, Director                    | Stand Up for California!                         | P.O. Box 355 Penryn, CA<br>95663  | 12-Mar-08 |
| B-13               | Rick Farinelli, GM/VP of<br>Production     | Berry Construction                               | 413 West Yosemite, Ste. 106<br>Madera, CA 93637                             | 12-Mar-08 |
| B-14               | Rick Farinelli, GM/VP of<br>Production     | Berry Construction                               | 413 West Yosemite, Ste. 106<br>Madera, CA 93637                             | 26-Mar-08 |
| B-15               | Richard L. Harriman                        | Valley Advocates                                 | 1130 L Street, Suite B<br>Modesto, CA 95354                                 | 31-Mar-08 |
| B-16               | Tommy Du Bose, President                   | Chowchilla Industrial Development<br>Corporation | C/O Sherman & Boone<br>Realty, 206 W Robertson<br>Blvd Chowchilla, CA 93610 | 31-Mar-08 |
| B-17               | Nora Salazar                               | Latinas Unidas                                   | 821 W. Yosemite Ave<br>Madera, CA 93637                                     | 31-Mar-08 |
| B-18               | Roseanne Bonilla, President                | Madera Association of Realtors                   | 1915 Howard Rd Ste A<br>Madera, CA 93637                                    | 31-Mar-08 |
| B-19               | Haig Papaian, Jr & George<br>Turmanian     | Commerce Casino Los Angeles                      | 6131 E. Telegraph Road,<br>Commerce, Ca, 90040                              | 28-Mar-08 |
| B-20               | Haig Kelegian                              | The Bicycle Casino                               | 7301 Eastern Avenue, Bell<br>Gardens, CA 90201-4503                         | 31-Mar-08 |
| B-21               | Barbara Beedon, Regional<br>Vice President | American Lung Association - California           | 4948 N Arthur Fresno, CA<br>93705   | 28-Mar-08 |
| <b>Individuals</b> |  |  |   |           |
| I-1                | Jerry Magnuson                             |  | 19107 Diablo Road, Madera<br>CA 93638                                       | 12-Mar-08 |
| I-2                | Meryl Bertrand                             |  | 2248 Sinclair Dr, Chowchilla<br>CA  | 12-Mar-08 |
| I-3                | Talia Preis                                |  | 418 E Simpson   | 12-Mar-08 |
| I-4                | John T. Slen                               |  | 18675 Avenue 18 1/2<br>Madera, CA   | 12-Mar-08 |
| I-5                | Travis Taylor                              |  | 513 Heatherwood Drive<br>Madera, CA   | 12-Mar-08 |
| I-6                | Rachel Hernandez                           |  | 17925 Wabash Road   | 12-Mar-08 |
| I-7                | Donna Pride                                |  | 55606 Old Town Road 226<br>North Fork, CA 93643                             | 12-Mar-08 |
| I-8                | Connie J. Offer                            |  | 18624 Smithwood Drive<br>Madera, CA 93638                                   | 12-Mar-08 |
| I-9                | Charlotte Wynne                            |  | 22851 Maplest   | 12-Mar-08 |
| I-10               | Elizabeth Wisener                          |  | 22082 Shari Lane Madera,<br>CA 93638  | 12-Mar-08 |
| I-11               | Gary Comer                                 |  |   |           |
| I-12               | Don Rasmussen                              |  | 25771 Pickford Drive  | 12-Mar-08 |
| I-13               | Ryan Gutile                                |  |   | 12-Mar-08 |
| I-14               | Desi Comer                                 |  | Merced, CA  | 12-Mar-08 |
| I-15               | Linda Lewis Wright                         |  | P.O. Box 783 Madera, CA<br>93639  | 12-Mar-08 |
| I-16               | Donna Red Sky                              |  | 1143 Elm Ct. Hanford, CA  | 12-Mar-08 |
| I-17               | Margo Smith                                |  |   | 12-Mar-08 |
| I-18               | Lavada McFee                               |  | 11302 Avenue 18 1/2   | 12-Mar-08 |

| Letter | Individual or Signatory   | Affiliation | Address                                | Date      |
|--------|---------------------------|-------------|--|-----------|
|        |                           |             | Chowchilla, CA 93610                   |           |
| I-19   | Juan Urena                |             | 17654 Road 27 Madera, CA 93638         | 12-Mar-08 |
| I-20   | Michelle Lewis            |             | 5231 E Kaviland                        | 12-Mar-08 |
| I-21   | Vernon Shupe              |             | 19686 Ave 18 1/2 Madera, CA 93637      | 12-Mar-08 |
| I-22   | Lezlie Gittings           |             | 16810 Walden Drive Madera, CA 93638    | 12-Mar-08 |
| I-23   | Debbie Rodriquez          |             | 2718 Desert Ranch Way Madera CA 93637  | 12-Mar-08 |
| I-24   | Dolores Holley            |             | 338 W Sherwood #301 Madera, CA 93638   | 12-Mar-08 |
| I-25   | John and Yola Arslan      |             | 18463 Road 23 Madera, CA 93637         | 12-Mar-08 |
| I-26   | Feleena Berry             |             | 17702 Seabright Dr. Madera, CA 93638   | 12-Mar-08 |
| I-27   | Kathryn Horn              |             | 132 Deborah Way Chowchilla, CA 93610   | 12-Mar-08 |
| I-28   | Robert Lyday              |             | 601 Sunrise Ave. # A2                  | 12-Mar-08 |
| I-29   | Joshua Kirk               |             | 4766 Road 20                           | 12-Mar-08 |
| I-30   | Daniel Bonilla            |             | 821 W. Yosemite Madera, CA 93637       | 12-Mar-08 |
| I-31   | Dorteo Hernandez          |             | 825 Sonora Street                      | 12-Mar-08 |
| I-32   | Richard Livasy            |             | 1929 Jennings Street Madera, CA 93637  | 12-Mar-08 |
| I-33   | Karamjit S. Nijjar        |             | 7755 N Gilroy Ave. Fresno, CA 93722    | 12-Mar-08 |
| I-34   | Elvin Davis               |             | 21441 Ave. 5 1/2 Madera, CA            | 12-Mar-08 |
| I-35   | Cathy Magnuson            |             | 19107 Diablo Road Madera, CA 93638     | 12-Mar-08 |
| I-36   | Bonnie Day                |             | 2119 W. Park Dr. Madera, CA 93637      | 12-Mar-08 |
| I-37   | Maurico Ceja              |             | 124 High St. Madera, CA 93638          | 12-Mar-08 |
| I-38   | Nancy De La Cruz          |             | 4321 E. San Gabriel Ave. Fresno 93726  | 12-Mar-08 |
| I-39   | Linda Azevedo             |             | 16800 Road 15 Madera, CA 93637         | 12-Mar-08 |
| I-40   | Dr. Robert Manlove        |             | 1604 Viela Court Lafayette, CA 94549   | 12-Mar-08 |
| I-41   | Lola M. Whipple           |             | 17334 Barstow Drive Madera, CA 93638   | 25-Mar-08 |
| I-42   | Dan Casas                 |             | P.O. Box 2672 Clovis, CA 93613         | 12-Mar-08 |
| I-43   | Rae Mohr                  |             | 526 Grenache Ave Madera, CA 93637      | 12-Mar-08 |
| I-44   | Rae Mohr                  |             | 526 Grenache Ave Madera, CA 93637      | 12-Mar-08 |
| I-45   | Rae Mohr                  |             | 526 Grenache Ave Madera, CA 93637      | 12-Mar-08 |
| I-46   | Mr. and Mrs. Chris Bonner |             | 19223 Deane Dr Madera, CA 93638        | 24-Mar-08 |
| I-47   | Rodney Reindl             |             | 19295 Panoramic Drive Madera, CA 93638 | 24-Mar-08 |
| I-48   | Beverly Alberda           |             | 18035 Schmidt Place Madera, CA 93638   | 25-Mar-08 |
| I-49   | John Barsotti             |             | 17759 Rodeo Dr Madera, CA 93638        | 23-Mar-08 |
| I-50   | Kim Collins               |             | 49453 Ralsont Way Friant,              | 20-Mar-08 |

| Letter | Individual or Signatory   | Affiliation     | Address  | Date      |
|--------|---------------------------|-----------------|--|-----------|
|        |                           |                 | CA 93626                                       |           |
| I-51   | Jeffrey Singer            |                 |  |           |
| I-52   | Lorraine Kincaid          |                 | 1001 Sylmar Ave Spc 249<br>Clovis, CA 93621    | 8-Mar-08  |
| I-53   | Julie Tymn                |                 | 10233 N Sterling Lane<br>Fresno, CA 93730      | 31-Mar-08 |
| I-54   | Michael Rhoads            |                 |  | 6-Mar-08  |
| I-55   | Leslie Kittlings          |                 |  |           |
| I-56   | Carol Graham              |                 | 3167 Hillcrest Court Madera,<br>CA 93637       | 17-Mar-08 |
| I-57   | Jim and Doris Blair       |                 | 24837 Ave 11 1/2 Madera,<br>CA 93637           | 12-Mar-08 |
| I-58   | LH and Royce Cope         |                 | 25326 Ave 18 Madera, CA<br>93638               | 12-Mar-08 |
| I-59   | Fern Pallesi              |                 | 26847 Ave 18 1/2 Madera,<br>CA                 | 18-Mar-08 |
| I-60   | Michael Rench             |                 | 642 Berkeley Ct. Merced, CA<br>95340           | 10-Mar-08 |
| I-61   | Dennis Bruno              |                 | 18235 Pickfair Way Madera,<br>CA 93638         | 13-Mar-08 |
| I-62   | Sharon Nichols            |                 |  | 12-Mar-08 |
| I-63   | T. Dodson                 |                 | 181 N Park Dr. Madera, CA<br>93637             | 16-Mar-08 |
| I-64   | Jeff Karst                |                 |  | 12-Mar-08 |
| I-65   | Rosane Bonille            |                 |  | 12-Mar-08 |
| I-66   | Dan Carter                |                 |  | 12-Mar-08 |
| I-67   | Ted Atkins                |                 |  | 12-Mar-08 |
| I-68   | Johnathan Morris          |                 |  | 12-Mar-08 |
| I-69   | Kirk Atamian              |                 | 300 West Olive Ave Madera,<br>CA 93637         | 12-Mar-08 |
| I-70   | Gary Gilbert              |                 | 34950 Wintergreen Loop<br>North Fork, CA 93643 | 12-Mar-08 |
| I-71   | Sandy Schelter            |                 | 18759 Rd 22 Madera, CA<br>93637                | 12-Mar-08 |
| I-72   | Jon Barsotti              |                 |  | 12-Mar-08 |
| I-73   | Denise Marmolejo          |                 |  | 12-Mar-08 |
| I-74   | Ollia Ridge               |                 |  | 12-Mar-08 |
| I-75   | Leora Beihn               |                 |  | 25-Mar-08 |
| I-76   | Christopher Muhly         |                 | 25531 Ave 17 Madera Ca<br>93638                | 12-Mar-08 |
| I-77   | Gary Gilbert              |                 | 34950 Wintergreen Loop<br>North Fork, CA 93643 | 27-Mar-08 |
| I-78   | Jodi McEdward             |                 | 1879 Fillmore Ave Madera,<br>CA 93637          | 29-Mar-08 |
| I-79   | Richard Crawford          |                 | 17407 Camden Dr Madera,<br>CA 93638            | 28-Feb-08 |
| I-80   | Judy B. Reaves            |                 | 1850 Alice Street #1016<br>Oakland, CA 94612   | 31-Mar-08 |
| I-81   | Ray McEdward              |                 | 1879 Fillmore Ave Madera,<br>CA 93637          | 29-Mar-08 |
| I-82   | Michele Pecina, Principal | Millview School |  | 31-Mar-08 |
| I-83   | Dennis Holschlag          |                 | 26213 Haley Way Madera,<br>CA 93638            | 28-Mar-08 |
| I-84   | Robert E Marden           |                 | 3674 Riverview Dr Madera,<br>CA 93637          | 31-Mar-08 |
| I-85   | Ollia Ridge               |                 | 10233 N Sterling Lane<br>Fresno, CA 93730      | 31-Mar-08 |
| I-86   | Annette Kephart           |                 | 5 Greystone Madera, CA<br>93637                | 14-Jun-07 |

| Letter                         | Individual or Signatory            | Affiliation                              | Address                                | Date      |
|--------------------------------|------------------------------------|--|--|-----------|
| I-87                           | Steven Killian                     |  |  | 2-Aug-06  |
| I-88                           | Alberto Solano                     |  | 1305 E Yosemite Madera, CA 93637       | 8-Oct-06  |
| I-89                           | R. and K. Carranza                 |  | 968 Paintbrush Madera, CA 93637        | 14-Jun-07 |
| I-90                           | Francis Morris                     |  |  |           |
| I-91                           | Corinne Buttram                    | North Fork Rancheria                     | 20153 Oak Hill Road Madera, CA 93638   | 17-Mar-08 |
| I-92                           | Marcel Muhly                       | Mono Indian                              | 624 Spruce Ave Pacific Grove, CA 93950 | 20-Mar-05 |
| I-93                           | Dartland Muhly                     | North Fork Rancheria                     | 25531 Ave 17 Madera, CA 93638          | 26-Mar-08 |
| I-94                           | Patricia A. Jones                  | North Fork Rancheria                     | P.O. Box #812 North Fork, CA 93643     | 20-Mar-08 |
| I-95                           | Victor Muhly                       | North Fork Rancheria                     | 25531 Ave 17 Madera, CA 93638          | 27-Mar-08 |
| I-96                           | Craig J. Muhly                     | North Fork Rancheria                     | P.O. Box 722252 San Diego, CA 92172    | 12-Mar-08 |
| I-97                           | Joyce Burel                        |  | 49514 Rd 420 Coursegold, CA 93614      | 24-Mar-08 |
| I-98                           | Sophia Abarca                      | Enterprise Rancheria                     | 23733 Ave 9 Madera, CA                 | 12-Mar-08 |
| I-99                           | Earlene Keller                     | North Fork Rancheria                     | P.O. Box 473 Bass Lake, CA 93604       | 12-Mar-08 |
| I-100                          | Victor Williams                    | North Fork Rancheria                     | 1105 Davis Street Madera, CA           | 12-Mar-08 |
| I-101                          | Ro Jones                           | North Fork Rancheria                     | P.O. Box 892 Los Banos, CA 93635       | 12-Mar-08 |
| I-102                          | Mari Crockett                      | North Fork Rancheria                     | P.O. Box 892 Los Banos, CA 93635       | 12-Mar-08 |
| I-103                          | Robert Maahs                       | North Fork Rancheria                     | 209 N Street Madera, CA 93637          | 12-Mar-08 |
| I-104                          | Alfred Romero                      | North Fork Rancheria                     | 4730 E Alta Fresno, CA 93702           | 12-Mar-08 |
| I-105                          | Tricia Bernel                      | North Fork Rancheria                     | 933 Geary Ave Sanger, CA 93657         | 12-Mar-08 |
| I-106                          | Matthew Johnson                    | North Fork Rancheria                     | 1143 Elm Ct Hanford, CA 93230          | 12-Mar-08 |
| I-107                          | Kathy Horn                         | Cherokee                                 | 132 Deborah Way Chowchilla, CA 93610   | 12-Mar-08 |
| I-108                          | Patricia Benara                    | North Fork Rancheria                     | 22082 Melrose Ct Madera, CA 93638      | 12-Mar-08 |
| I-109                          | Julie Eskebrook                    | Picayune Rancheria of Chukchansi Indians |  | 6-Mar-08  |
| <b>Public Hearing Speakers</b> |                                    |  |  |           |
| S-1                            | Steve Mindt, Councilman            | City of Madera                           |  | 12-Mar-08 |
| S-2                            | Gary Svanda, Councilman            | City of Madera                           | 173 North Park Drive Madera, CA        | 12-Mar-08 |
| S-3                            | John Anderson, Sheriff             | Madera County Sheriffs Department        |  | 12-Mar-08 |
| S-4                            | Ron Dominici                       | Madera County Board of Supervisors       |  | 12-Mar-08 |
| S-5                            | Frank Bigelow                      |  |  | 12-Mar-08 |
| S-6                            | Michael Kime, Police Chief         | Madera Police Department                 |  | 12-Mar-08 |
| S-7                            | Henry Perea                        | Fresno County Board of Supervisors       |  | 12-Mar-08 |
| S-8                            | Richard Lehman                     |  |  | 12-Mar-08 |
| S-9                            | Jacque Davis-Van Huss, Chairperson | North Fork Rancheria of Mono Indians     |  | 12-Mar-08 |
| S-10                           | Elaine Bethel Fink, Vice Chair     | North Fork Rancheria of Mono Indians     |  | 12-Mar-08 |



| Letter | Individual or Signatory                          | Affiliation   | Address                           | Date      |
|--------|--|---|-----------------------------------|-----------|
| S-11   | Gary Gilbert                                     |   |                                   | 12-Mar-08 |
| S-12   | John Hutson                                      | Building and Construction Trades Council - Fresno, Madera, Tulare, and Kings County |                                   | 12-Mar-08 |
| S-13   | Dennis Hendricks, Councilmember                  | Tuolumne Band of Mewuk Indians  |                                   | 12-Mar-08 |
| S-14   | Tilford Denver                                   | Bishop Paiute   |                                   | 12-Mar-08 |
| S-15   | Dean Florez, Senator                             | 16th Senate District  |                                   | 12-Mar-08 |
| S-16   | Morris Reid, Chairperson                         | Picayune Rancheria of Chukchansi Indians  |                                   | 12-Mar-08 |
| S-17   | Dora E. Jones, Vice-Chairperson                  | Picayune Rancheria of Chukchansi Indians  |                                   | 12-Mar-08 |
| S-18   | Janice Devine, Treasurer                         | Picayune Rancheria of Chukchansi Indians  |                                   | 12-Mar-08 |
| S-19   | Mark Emerick                                     | Picayune Rancheria of Chukchansi Indians  |                                   | 12-Mar-08 |
| S-20   | Leanne Walker-Grant, Chairperson                 | Table Mountain Rancheria  |                                   | 12-Mar-08 |
| S-21   | Brenda Lavell, Vice-Chairperson                  | Table Mountain Rancheria  |                                   | 12-Mar-08 |
| S-22   | Dan Casas  | Table Mountain Rancheria  |                                   | 12-Mar-08 |
| S-23   | Matthew Franklin, Tribal Chairman                | Ione Band of Miwok Indians  |                                   | 12-Mar-08 |
| S-24   | Tom Wheeler                                      | Ione Band of Miwok  |                                   | 12-Mar-08 |
| S-25   | Gayle Holman, District Director                  | Office of Assemblymember Mike Villines - Fresno Office                              |                                   | 12-Mar-08 |
| S-26   | Donald Holley                                    | Madera County Planning Commission   |                                   | 12-Mar-08 |
| S-27   | Bob Waterson                                     | Fresno County Board of Supervisors  |                                   | 12-Mar-08 |
| S-28   | Eddie Chapa                                      |   |                                   | 12-Mar-08 |
| S-29   | Valerie Keller                                   | North Fork Rancheria of Mono Indians  |                                   | 12-Mar-08 |
| S-30   | Demetrio Quintero                                | Pasqua Yauqi Tribe Tuscon, Arizona  |                                   | 12-Mar-08 |
| S-31   | Rae Mohr   |   | 526 Grenache Avenue<br>Madera, CA | 12-Mar-08 |
| S-32   | Ivana Krajcinovic                                | Unite Here International Union  |                                   | 12-Mar-08 |
| S-33   | Art Ramos  |   |                                   | 12-Mar-08 |
| S-34   | Bobby Kahn, Executive Director                   | Madera County Economic Development Commission                                       |                                   | 12-Mar-08 |
| S-35   | Katrina Lewis, Secretary                         | North Fork Rancheria of Mono Indians  |                                   | 12-Mar-08 |
| S-36   | Maryanne McGovran, Treasurer                     | North Fork Rancheria of Mono Indians  |                                   | 12-Mar-08 |
| S-37   | David Rogers                                     |   |                                   | 12-Mar-08 |
| S-38   | Charles Altekruise, Community Relations Director | North Fork Rancheria of Mono Indians  |                                   | 12-Mar-08 |
| S-39   | Phyllis Lewis, Tribal Council Representative     | Big Sandy Rancheria   |                                   | 12-Mar-08 |
| S-40   | Natori Hatfield                                  | North Fork Rancheria of Mono Indians  |                                   | 12-Mar-08 |
| S-41   | Bill Jones                                       | Pasqua Yauqi Tribe Tuscon, Arizona  |                                   | 12-Mar-08 |
| S-42   | Pat Handley, Pastor                              | North Lake Church of God  |                                   | 12-Mar-08 |
| S-43   | Randall Brannon, Pastor                          | Grace Community Church  |                                   | 12-Mar-08 |
| S-44   | Dustin Graham                                    |   |                                   | 12-Mar-08 |

| <b>Letter</b> | <b>Individual or Signatory</b>             | <b>Affiliation</b>  | <b>Address</b>                      | <b>Date</b> |
|---------------|--|---|-------------------------------------|-------------|
| S-45          | Avis Punkin                                | North Fork Rancheria of Mono Indians  |                                     | 12-Mar-08   |
| S-46          | Robert Manlove                             |   |                                     | 12-Mar-08   |
| S-47          | Leora Beihn                                |   |                                     | 12-Mar-08   |
| S-48          | Joanne Rhoads,<br>Commissioner             | Natural and Cultural Resource<br>Commission - Picayune Rancheria of<br>Chukchansi Indians |                                     | 12-Mar-08   |
| S-49          | Harold Hammond                             |   |                                     | 12-Mar-08   |
| S-50          | Sean Kennings                              | LAK & Associates  |                                     | 12-Mar-08   |
| S-51          | Alvin Greenberg                            |   |                                     | 12-Mar-08   |
| S-52          | Bruce King, Interim General<br>Manager     | Chukchansi Gold Resort Casino   |                                     | 12-Mar-08   |
| S-53          | Jonathan Morris, Director of<br>Facilities | Chukchansi Gold Resort Casino   |                                     | 12-Mar-08   |
| S-54          | Ted Atkins, Director of<br>Security        | Chukchansi Gold Resort Casino   |                                     | 12-Mar-08   |
| S-55          | Jeffrey Singer                             |   |                                     | 12-Mar-08   |
| S-56          | Bobby Hale                                 |   |                                     | 12-Mar-08   |
| S-57          | Nora Salazar, President                    | Latinas Unidas  |                                     | 12-Mar-08   |
| S-58          | Dan Carter                                 |   |                                     | 12-Mar-08   |
| S-59          | Rosanne Bonilla                            | Madera Vision 2025  |                                     | 12-Mar-08   |
| S-60          | Jerry Brown, Tribal<br>Chairman            | Chowchilla Yokuts   |                                     | 12-Mar-08   |
| S-61          | Jeff Karst                                 |   |                                     | 12-Mar-08   |
| S-62          | Darcie Houck, Tribal<br>Attorney           | Picayune Rancheria of Chukchansi<br>Indians   |                                     | 12-Mar-08   |
| S-63          | Kirk Atamian, Chairman                     | Madera Chamber of Commerce  | 300 West Olive Avenue<br>Madera, CA | 12-Mar-08   |
| S-64          | Michael Leven                              | Mariposa Wine Company   |                                     | 12-Mar-08   |
| S-65          | Jeremiah Bearden                           |   |                                     | 12-Mar-08   |
| S-66          | K.C. Pomeroy                               |   |                                     | 12-Mar-08   |
| S-67          | Shawn Hatfield                             | North Fork Rancheria of Mono Indians  |                                     | 12-Mar-08   |
| S-68          | Richard Farinelli                          | Berry Construction and Business<br>Coalition for Better Madera                            | 1748 Glade Madera, CA               | 12-Mar-08   |
| S-69          | John Maier, Tribal Attorney                | North Fork Rancheria of Mono Indians  |                                     | 12-Mar-08   |
| S-70          | Cheryl Schmit                              | Stand Up for California   |                                     | 12-Mar-08   |
| S-71          | Herman Perez                               |   | 1108 Pinewood Court<br>Madera, CA   | 12-Mar-08   |
| S-72          | Debi Bray, President/CEO                   | Madera Chamber of Commerce  |                                     | 12-Mar-08   |
| S-73          | Darren Schmall                             |   |                                     | 12-Mar-08   |
| S-74          | Bill Pursell                               |   |                                     | 12-Mar-08   |
| S-75          | Loretta Armenta                            |   |                                     | 12-Mar-08   |
| S-76          | Joe Alberta, Secretary                     | Picayune Rancheria of Chukchansi<br>Indians   |                                     | 12-Mar-08   |
| S-77          | Sam Lawhon                                 |   |                                     | 12-Mar-08   |
| S-78          | John Peebles, Tribal<br>Attorney           | Picayune Rancheria of Chukchansi<br>Indians   |                                     | 12-Mar-08   |
| S-79          | Orville Reid                               | Picayune Rancheria of Chukchansi<br>Indians   |                                     | 12-Mar-08   |
| S-80          | Irene Waltz                                |   |                                     | 12-Mar-08   |

| Letter               | Individual or Signatory               | Affiliation   | Address  | Date      |
|----------------------|---------------------------------------|---|--|-----------|
| S-81                 | Brian Fulcher                         |   |  | 12-Mar-08 |
| S-82                 | Rodney Clements, Tribal Administrator | North Fork Rancheria of Mono Indians                        |  | 12-Mar-08 |
| S-83                 | Blair Bucan                           |   |  | 12-Mar-08 |
| S-84                 | Jon Barsotti                          |   |  | 12-Mar-08 |
| S-85                 | Mischelle Liscano                     | Picayune Rancheria of Chukchansi Indians                    |  | 12-Mar-08 |
| S-86                 | Jeff Bray, Marketing Director         | Tachi Yokut Tribe and Tachi Palace and Hotel                |  | 12-Mar-08 |
| S-87                 | Stan Nakagawa                         | Fresno County Public Works                                  |  | 12-Mar-08 |
| S-88                 | Donna Pride                           |   |  | 12-Mar-08 |
| S-89                 | Lanny Fisk                            |   |  | 12-Mar-08 |
| S-90                 | Reginald Lewis                        | Picayune Rancheria of Chukchansi Indians                    |  | 12-Mar-08 |
| S-91                 | Sophia Abarca                         | Enterprise Rancheria of Maidu Indians - Northern California |  | 12-Mar-08 |
| S-92                 | Bonnie Day                            |   |  | 12-Mar-08 |
| S-93                 | Cathy Magnuson                        |   |  | 12-Mar-08 |
| S-94                 | Mark Levitan, Tribal Attorney         | Picayune Rancheria of Chukchansi Indians                    |  | 12-Mar-08 |
| S-95                 | Lawrence Bill, Chairman               | Sierra Nevada Native American Coalition                     |  | 12-Mar-08 |
| S-96                 | Jim Hunter                            | Tule River Tribe  |  | 12-Mar-08 |
| S-97                 | Kelly McManis                         | City of Chowchilla  |  | 12-Mar-08 |
| S-98                 | Sally Phillips                        |   |  | 12-Mar-08 |
| S-99                 | Mel Cellini                           |   |  | 12-Mar-08 |
| S-100                | Robert Lyday                          |   |  | 12-Mar-08 |
| S-101                | Jacque Davis-Van Huss, Chairperson    | North Fork Rancheria of Mono Indians                        |  | 12-Mar-08 |
| <b>Late Comments</b> |                                       |   |  |           |
| L-1                  | Katrina Lewis                         | North Fork Rancheria of Mono Indians                        |  |           |
| L-2                  | Steve A. Mindt                        | Madera City Council   |  | 7-Apr-08  |
| L-3                  | Douglas A. Patteson                   | RWQCB - Central Valley Region                               |  | 10-Apr-08 |
| L-4                  | Terry Roberts                         | C/O Douglas Patteson  |  | 10-Apr-08 |
| L-5                  | Terry Roberts                         | State Clearinghouse   |  | 2-Apr-08  |
| L-6                  | Phil Mueller                          |   | 18768 Auburn Way Madera, CA                          | 22-Apr-08 |
| L-7                  | Debbie Mueller                        |   | 18768 Auburn Way Madera, CA                          | 22-Apr-08 |
| L-8                  | Cecelia Bock                          |   | 1513 University Ave Madera, CA 93637                 | 21-Apr-08 |
| L-9                  | Nova Blazej                           | Environmental Review Office - USEPA                         | 75 Hawthorne Street San Francisco, CA 94105          | 7-Apr-08  |
| L-10                 | Jerry Brown, Tribal Chair             | Chowchilla Tribe of Yokut Indians                           | P.O. Box 148 Chowchilla, CA 93610                    | 3-Apr-08  |
| L-11                 | Bobby Kahn                            | Madera County, Economic Development Commission              | 2425 West Cleveland Ave., Suite 101 Madera, CA 93637 | 1-Apr-08  |
| L-12                 | W.E. Loudermilk                       | California DFG - Central Region                             | 1234 East Shaw Avenue Fresno, CA 93710               | 1-Apr-08  |
| L-13                 | Primitivo Nuno                        | Primo Realty  | 450 Madera Ave. Suite B Madera, CA 93637             | 4-Apr-08  |

| <b>Letter</b> | <b>Individual or Signatory</b> | <b>Affiliation</b>                              | <b>Address</b>                                     | <b>Date</b> |
|---------------|--------------------------------|---|--|-------------|
| L-14          | Jerry Brown, Tribal Chair      | Chowchilla Tribe of Yokut Indians               | P.O. Box 148 Chowchilla, CA 93610                  | 7-May-08    |
| L-15          | Loretta Lorenz                 |   |  |             |
| L-16          |                                | Casinos Represent a Poor Solution               |  |             |
| L-17          | Noel Krahforst                 |   | 525 Singley Road, Loleta, CA 95551                 | 24-May-08   |
| L-18          | Marcia Spurgeon                | Jamulians Against The Casino                    | P.O. Box 1317, Jamul, Ca 91935                     | 13-May-08   |
| L-19          | James B Butler                 | California Coalition Against Gambling Expansion | 803 Vallejo Way, Sacramento, CA 95818              | 15-May-08   |
| L-20          | Mark Lacaze                    |   | 25674 El Vado Dr, Madera, CA 93638                 | 21-May-08   |
| L-21          | Kathy Cleary                   | Preservation of Los Olivos                      |  | 5-May-08    |
| L-22          | Richard M Forster, Chairman    | Amador County Board of Supervisors              | 810 Court St, Jackson, Ca 95642                    | 8-May-08    |
| L-23          | Katherine Venturelli           |   |  | 14-May-08   |
| L-24          | Ronald and Cynthia Winter      |   | 2604 Pinewood Dr, Madera, CA 93637                 | 12-May-08   |
| L-25          | Natalie Samarripa              |   | 418 Winchester Dr, Watsonville, CA 95076           | 12-May-08   |
| L-26          | Rev. David E. Roy              | Center for Creative Transformation              | 5475 N. Fresno St, Ste. 109, Fresno, CA 93710-8333 | 18-Apr-08   |
| L-27          | Gloria Magleby                 |   | 115 Marys Ave, Bay Point, CA 94565                 | 21-Apr-08   |
| L-28          | Stephen Gallenson              |   | Cloverdale, CA                                     | 19-Apr-08   |
| L-29          | Sandra Gilbert                 | Citizens's for a Better Way                     | 15 Pleasant Grove Rd, Wheatland, Ca 95692          | 24-Apr-08   |
| L-30          | Lance H. Nystrem               | Lance H. Nystrem Insurance Services             | 481 West Bullard #8, Clovis, CA 93612              | 17-May-08   |
| L-31          | Stephanie Jamison              |   | 1625 Howard Rd #208                                | 8-May-08    |
| L-32          | William P. Bengen              | Residents Against Gaming Expansion              | 844 Singing Heights Dr, El Cajon, CA 92019         | 8-May-08    |
| L-33          | Ron Dominici- Chairman         | Madera County BOS                               |  |             |
| L-34          | John M. Peebles                | Fredericks, Peebles, and Morgan LLP             | 1001 Second St, Sacramento, CA 95814               |             |
| L-35          | John M. Peebles                | Fredericks, Peebles, and Morgan LLP             | 1001 Second St, Sacramento, CA 95814               |             |
| L-36          | Chukchansi Council             |   | 46575 Road 417, Coarsegold, CA 93614               | 16-Jul-08   |
| L-37          | Craig Knight, Mayor            | City of Firebaugh                               | 1575 Eleventh St, Firebaugh, CA 93622              | 24-Sept-08  |
| L-38          | Jerry Brown, Tribal Chair      | Chowchilla Tribe of Yokuts Indians              | 321 Yosemite Ave, Madera, CA 93637                 | 24-Jul-08   |
| L-39          | Robert H. Smith, Chairman      | California Tribal Business Alliance             | 1530 J Street, Suite 250, Sacramento, CA 95814     | 31-Oct-08   |

# **CHAPTER 2.0**

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## **COMMENT LETTERS**

- **GOVERNMENT AGENCY LETTERS**
- **BUSINESS AND NON-GOVERNMENT AGENCY LETTERS**
- **INDIVIDUAL LETTERS**
- **PUBLIC HEARING LETTERS**
- **LATE LETTERS**

## Comment Letters from Government Agencies

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State Capitol, Room 5067  
Sacramento, CA 95814-4900  
TEL (916) 651-4016  
FAX (916) 327-6988

District Office  
1805 10th Street, #350  
Bakersfield, CA 93301  
TEL (805) 369-3020  
FAX (805) 739-3423

3550 McElroy Hall, 7th Floor  
Fresno, CA 93791  
TEL (559) 264-3770  
FAX (559) 442-6206

SENATOR.FLOREZ@SEN.CA.GOV

WWW.SEN.CA.GOV/FLOREZ

# California State Senate

## SENATOR DEAN FLOREZ

REPRESENTING KERN, KINGS, PLACER AND TULARE COUNTIES



G-1

Governmental  
Organization  
Select Committee on  
Air Quality  
Select Committee on  
Food-Borne Illness

MEMBER  
Agriculture  
Appropriations  
Banking, Finance &  
Insurance  
Business, Professions &  
Economic Development  
Environmental Quality

SELECT COMMITTEES  
California Wine Industry  
Public Health &  
the Environment  
F-875

March 6, 2008

Mr. Carl Arman  
Assistant Secretary, Indian Affairs  
1849 C Street, NW, Room 4160  
Washington, D.C. 20240

Dear Mr. Arman:

The North Fork Rancheria of Mono Indian's ("North Fork") application to take 305 acres of land into trust for development of a Class III gaming facility in the City of Madera raises many practical and very serious quality of life concerns for residents of the Central Valley. As you know, the project site is adjacent to State Highway 99, a highly traveled and already congested vital north-south thoroughfare in the Central Valley.

More importantly, I believe the proposed location makes a mockery of the long-held understanding that Indian gaming was to remain on "Indian lands" as implied in Proposition 1A. Recognized Indian lands under the North Fork tribe's jurisdiction are at least 40 miles away in adjacent foothills. Taking land into trust, miles away from already existing tribal lands, for the sole purpose of conducting Class III gaming sets an objectionable precedent that could result in a grand race to place other major casinos along Highway 99.

While I have great respect for the North Fork tribe and its leaders and I appreciate the circumstances they face, other similarly situated tribes have adjusted and have made the best use of their existing resources. Certainly the Bureau of Indian Affairs has a trust responsibility to all tribes and should not ignore the socioeconomic impacts this proposed project will have on other tribes within the greater Central Valley.

COMMITTEES

Governmental  
Organization  
Select Committee on  
Air Quality  
Select Committee on  
Food-Borne Illness

MEMBER  
Agriculture  
Appropriations  
Banking, Finance &  
Insurance  
Business, Professions &  
Economic Development  
Environmental Quality

SELECT COMMITTEES  
California Wine Industry  
Public Health &  
the Environment

G-1.1

G-1.2

G-1.3



Mar-06-2008 01:28pm From

+

T-784 P.003/003 P-875

I strongly encourage your office to adhere to the standards set for in federal law and take into consideration the voters' understanding that tribal gaming was to occur on historical Indian lands when reviewing the North Fork proposal before you.

G-1.4

Sincerely,

Dean Florez  
State Senator, District 16



Good evening. My name is Steve Mindt and I am member of this community, a local business man, a Madera City Council member and the past Mayor. I am here tonight to express my support for the North Fork Rancheria's Casino and Resort project.

G-2.1

In 2006, I was a member to the City's negotiating team that resulted in the Memorandum of Understanding with the North Fork Rancheria Indians of California. During numerous negotiation sessions, I found that the tribes negotiating members conducted themselves with the utmost of professionalism and unwavering concern for the local community. The negotiations resulted in a proposed agreement including \$9.4MM in a one time contribution and annual contributions of over \$1.0MM.

The \$1.0MM annual contributions will cover additional law enforcement personnel, improvements to the local transit system, funding for our downtown, and additional funding of the city's General fund.

G-2.2

The \$9.4MM in one time contributions will cover the capital costs associated with the addition of the law enforcement personnel, the costs of a specific plan update for the area in close proximity to this project, traffic mitigation costs, \$2.5MM towards the much needed improvements of our local Municipal golf course and \$2MM to benefit the Madera East Side Youth Recreational improvements.

It should be pointed out that this MOU has a total value in excess of \$30.0MM for the City alone and does not include the value of the MOU for the County of Madera or other agreements. It also does not include the economic impact of the nearly 4,000 jobs that will be created of which 1,600 to 1,800 will become permanent jobs. The projected payroll and benefits of these jobs are estimated at \$50-\$60MM.

G-2.3

With a current unemployment rate of 9 - 13%, this project will yield improvements to the economic vitality of our community.

The City Council of Madera voted unanimously on October 18<sup>th</sup> 2006 with a vote of 5-0 to affirm this MOU with the North Fork Rancheria Indians of California.

G-2.4

  
Steven A. Mindt  
Madera City Council

**Setting the Record Straight:**

The North Fork Mono Tribe recently released an advertisement in the Madera Tribune (3-8-08) that stated their desire to set the record straight regarding the misguided and greedy intentions of other competing tribes as they criticized the plans of the proposed North Fork Casino on the Madera City Limits. I admire the Mono Tribe seeking truth as that is a noble goal. I therefore will help them with their quest for truth by reminding them that the City of Madera has never endorsed the proposed North Fork casino, contrary to their ad listing the City as an endorser. The Memorandum of Understanding (MOU) that they signed with the City of Madera during the Fall of 2006 did not include the language of endorsement and the Tribe is simply wrong if they believe the MOU even implies an endorsement. At best, the MOU mitigates issues presented by the possible existence of the casino.

G-3.1

I am also hoping that many of the Citizens of Madera have taken time to read the Environmental Impact Statement that will be discussed and commented on in a Public Hearing to be conducted this Wednesday, March 12<sup>th</sup>, beginning @ 6:00 P.M. at Hatfield Hall located on the Madera Fairgrounds. I was particularly interested in the section of the report that projected permanent jobs for Madera County residents, direct and indirect, that the proposed casino would create. Of the 2,319 jobs that would be created, 1,581 of these jobs will be held by Madera County residents. However, the report estimates that there will be 705 problem gamblers created by the proposed casino, of which 15% will seek treatment for their problem. If my math is correct, that means there will be approximately 2 problem gamblers emerging for every 5 jobs created for Madera County residents. I would like to reiterate that I am not using hyperbole reporting this information. Read it for yourself. This information alone is enough for me to oppose the North Fork Casino. Support for the project knowing this data would reflect a callous disregard for the welfare of our Citizens susceptible to gambling addiction.

G-3.2


There is no doubt that The North Fork Tribe, their media team, and The Stations Casino have done an excellent job in their campaign of spin and diversion to move their project forward. While their media presentations have completely focused on casino contributions to the community, we must keep in mind what the only real reason for their interest in creating a casino is creating profits for the Tribe and Stations Casino. Although I encourage and support business and personal profitability, doing so while creating human carnage in the hundreds and other collateral damage when one considers the families of problem gamblers is reprehensible. I encourage you to attend the public hearing this Wednesday and voice your concern for the future of not only yourselves but your neighbors. Let's not lower the bar any further. We can do better.

G-3.3

G-3.4

G-3.5

Robert Poythress  
Madera City Councilman  
3125 Forest Ct.  
Madera, Ca. 93637

  
3-11-08

MADERA COUNTY  
INVESTMENT BOARD  
WORKFORCE

Amy [G-4]  
RPM BZ crms  
NO

March 31, 2008

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

**Re: "DEIS Comments, North Fork Rancheria's Hotel/Casino Project"**

Dear Ms. Dutschke,

The mission of the Madera County Workforce Investment Board is focused on our commitment to the economic health of Madera County through leadership and guidance, resulting in a quality employment and training system. The Workforce Investment Board actively seeks opportunities for innovative collaborations, and strongly supports a local environment that is conducive to economic development. The WIB's vision and mission are specifically intended to support building a vibrant local economy through increased employment opportunities for local residents.

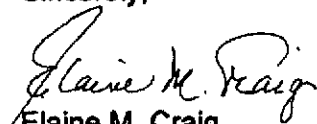
Key to this local system is access to quality jobs offering good wages, benefits, and opportunities to advance. The Madera County Workforce Investment Board supports the development of the resort/casino project by the North Fork Rancheria because it will provide a large number of quality employment opportunities for local residents. These opportunities will be created during both the project development and implementation phases, and the size of the project will stimulate growth and opportunities throughout the community.

G-4.1

Current adverse economic conditions demand bold and innovative strategies to strengthen our local economy and create employment opportunities for local residents. With an unemployment rate of 9.7% for the month of February of 2008, and an upward trend in unemployment since September of 2007, Madera County needs good jobs in year-round industries – and this project appears to offer just such jobs.

If you would like additional information, please contact me at (559) 662-4586.

Sincerely,

  
Elaine M. Craig  
Executive Director

**CA CONSULTING**  
STRATEGIC COMMUNICATIONS

Reg. No. G-5  
Reg. Reg. L.  
Reg. Adm. Off.  
Route DEPT 110  
Response Required NO  
Date Date \_\_\_\_\_  
Memo \_\_\_\_\_  
Tele \_\_\_\_\_

March 31, 2008

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

**Re: DEIS Comments, North Fork Rancheria's Hotel/Casino Project**

Dear Ms. Dutschke,

Please accept my written comments below that complement the verbal comments provided at the March 12, 2008 hearing in Madera.

Good evening, my name is Charlie Banks-Altekruse and I am the Community Relations Director of the North Fork Rancheria of Mono Indians of California. I would like to speak regarding local community support of the project.

I reside in Berkeley, CA at 1626 Chestnut St., but I travel weekly to Madera County to participate in community events.

From my position as Community Relations Director and having spent much of the past 3 years getting to know this community, participating in hundreds of community events, and getting to know 1,000s of local citizens, I am uniquely qualified to say that this project has enormous community support.

But don't believe me. Here is a box containing thousands of individual support forms filled out by citizens of the region. In combination with submissions to our web site, we have exceeded 4,000 endorsements and are narrowing in on 5,000. Rather than leave this heavy box of forms with you tonight, I will provide the BIA hardcopy backup of these forms with contact information.

[Please note, rather than overburdening you with 4,500 plus individual forms, I am enclosing about 1,000 completed forms together with an MS Excel spreadsheet database of nearly 4,500 names compiled from all the forms. Feel free to cross-reference any of these forms against the database. Another 500 or so forms remain to be entered into this database bringing our number to nearly 5,000. At last count, the opposition web site We Did Not Vote For This lists less than 400 supporters though we are unaware of any hardcopy signature forms.

In addition, we have support letters from every Chamber of Commerce in Madera County as well as many from neighboring communities. We have support from diverse ethnic groups such as the Pan American Club, Latinas Unidas, and NAACP chapter of Madera. The premier tourism agency of the County, the Yosemite Sierra Visitors Bureau, support us. We will submit hard copies of these letters as well.

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**CA CONSULTING**  
STRATEGIC COMMUNICATIONS

How did we garner such an unprecedented level of support for a tribal gaming project? We did it the old fashioned way: we earned it. We engaged the community with a constructive, collaborative, and transparent approach. We listened to their concerns and issues and tried to address the most significant ones that we could.

We took out ads to keep people informed and up-to-date with the project and not to attack or malign. As a result, our Tribal Council, Tribe, tribal programs and development project is very well known throughout this community.

You have heard a lot tonight about the MOU agreements negotiated freely with the County of Madera, City of Madera, and MID. I believe these are remarkable, comprehensive, and fair agreements and serve to underscore this project as a model for 'responsible development.'

But again, don't believe me. Here's what the local paper reported the day after the City Council voted 5-0 in favor of our project's MOU:

*"Mayor Robert Poythress, who has openly opposed the idea of a casino locating at the northern edge of the city, said he was pleased with the agreement, and was impressed with the way in which the tribe conducted itself during the negotiations."*

*"The tribe was very cooperative in the process," Poythress said. "They didn't have to step up and provide the mitigation, but they did, and I'm satisfied with the finished product."*

*"This is a mitigation for issues that will arise if and when the casino comes," Poythress said. "I feel that if we didn't do this, we would be derelict in our duties to move forward with something like this."*

*"This is something that we believe is a satisfactory document, and we feel it shows good faith on the part of the tribe to be a good corporate partner. They were very nice in negotiations. They knew where I stood, but regardless, it was just one of those things where they did step up, and it was a good negotiation."*

I feel that if people familiar with the EIS and mitigation measures as the honorable Mayor, they will come to the same conclusion and nearly 5000 Madera citizens, businesses, and community leaders: this draft EIS is responsible, comprehensive, and sufficient in addressing the concerns and impacts and proving sufficient mitigation relating to the project. In turn, this project will improve the quality of life of this community that is facing combined fiscal, housing, and economic crises.

Thank you,



Charles Altekruise



Partial list - complete list on CD

# North Fork Rancheria Project Supporters Database

1834 = Count as of 3/31/08

| Mr./Ms. | First/Last Name (w/ Initial) | Date        | Organization  | Street Address                   | City   | State | Zip Code | Phone        | Fax  | Email                       | Interest J/W/G | Signature |
|---------|------------------------------|-------------|---------------|----------------------------------|--------|-------|----------|--------------|------|-----------------------------|----------------|-----------|
| Ms.     | Angelita Abarca              | 9/16/07     |               | 236 Hull Ave.                    | Madera | CA    | 93638    |              |      |                             |                | Y         |
| Ms.     | Sophia Abarca                | 9/11/05     |               | 23733 Ave. 9                     | Madera | CA    | 93637    | 559-706-2073 |      | dopevsc                     | J              | Y         |
| Ms.     | Marcioelina Abundis          | 9/7/06      |               | 123 Harding St.                  | Madera | CA    | 93638    | 559-474-6544 |      |                             | J              | Y         |
| Ms.     | Martina Aceves               | 9/9/08      |               | 1327 N D st                      | Madera | CA    | 93638    | 559-661-4876 |      |                             |                | Y         |
| Ms.     | Anitra Acuna                 | 9/10/05     |               | 18755 Auburn Way                 | Madera | CA    | 93638    | 559-673-5718 | 559- | saacuna04@yahoo.com         |                |           |
| Ms.     | Helen Acuna                  | 9/10/05     |               | 18755 Auburn Way                 | Madera | CA    | 93638    | 559-673-5718 | 559- | Helen_Honeysett@hotmail.com |                |           |
| Ms.     | Margarita Adams              | 6/14/07     |               | Home Cake 304 South I St. Apt. C | Madera | CA    | 93637    | 559-673-8244 |      |                             | J              | Y         |
| Mr.     | Michael Adams                | 9/11/05     |               | 704 Oakridge Dr.                 | Madera | CA    | 93637    | 559-673-8256 |      |                             | J              | Y         |
| Mrs.    | Rose V. Adams                | 9/25/09     | Retired       | 808 Blocker Street               | Madera | CA    | 93638    | 559-676-8081 |      |                             |                | S         |
| Ms.     | Carol Adams                  | 9/7/08      | Hinds Hospil  | 515 Sunset Ave.                  | Madera | CA    | 93637    | 559-673-0898 |      |                             |                | Y         |
| Ms.     | Irene Adams                  | 9/8/08      |               | 1812 Paul                        | Madera | CA    | 93637    | 559-675-1432 |      |                             |                | Y         |
| Ms.     | Stephanie Adams              | 9/7/06      |               | 1029 Sonora St                   | Madera | CA    | 93638    | 559-430-8774 |      |                             |                | Y         |
| Mr.     | Salvador Aguayo Jr.          | 9/7/06      | Pan Am Clul.  | 2301 Lansing                     | Madera | CA    | 93637    | 559-673-7243 |      | puplebui                    | N              | Y         |
| Mr.     | Juan Aguilar                 | 9/9/05      |               | 36617 Ave 17 1/2                 | Madera | CA    | 93638    | 559-645-5006 |      |                             | J              | Y         |
| Ms.     | Linda R Aguilar              | 6/14/07     |               | 2826 Oregon Ave                  | Madera | CA    | 93638    | 871-3813     |      |                             |                | Y         |
| Mr.     | Nick Aguilar                 | 9/10/06     |               | 15691 Owens                      | Madera | CA    | 93638    |              |      |                             |                | Y         |
| Ms.     | Minnie Aguirre               | 5/9/06      |               | 204 De Sante                     | Madera | CA    | 93637    | 559-674-4145 |      |                             | J              | Y         |
| Mr.     | Robert Ahumadas              | 6/15/06     |               | 1832 Merced St. #218             | Madera | CA    | 93038    | 559-871-8553 |      |                             |                | Y         |
| Ms.     | Dee Alan Zewe                | 9/7/07      |               | 2148 Driftwood Dr.               | Madera | CA    | 93637    | 559-673-4174 |      |                             | Other          | Y         |
| Ms.     | Calestino L. Alaniz          | 6/15/06     |               | 2828 Boles St.                   | Madera | CA    | 93637    |              |      |                             | J              | Y         |
| Ms.     | Mavlon Alcarvaz              | 1/12/07     | ARES Secur    | 25711 Honda Rd.                  | Madera | CA    | 93638    | 559-681-8086 |      |                             | JW             | Y         |
| Mr.     | Philip Alkama                | 6/15/06     |               | 1405 Popuntain Way               | Madera | CA    | 93638    | 675-0310     |      |                             |                | Y         |
| Mr.     | Armando Alejandro            | 9/10/06     |               | 2326 Beechwood Way               | Madera | CA    | 93637    | 559-675-5197 |      | arman314@aol.com            |                | Y         |
| Ms.     | Vanesa Aleman                | 12/16/06    |               | 800 Lilly St. Apt. 40            | Madera | CA    | 93638    | 559-673-3056 |      |                             | V.C            | Y         |
| Ms.     | Arcelia Aljaal               | 9/6/07      |               | 14525 Rd 28                      | Madera | CA    | 93638    |              |      |                             |                | Y         |
| Ms.     | Rosanne Allen                | 9/8/07      |               | 3477 Kelsey Lane                 | Madera | CA    | 93637    | 559-363-9888 |      |                             |                | Y         |
| Mr.     | Jeffery Allen Fasiok?        | 9/9/07      | SSI           | 121 West Willson Ave A           | Madera | CA    | 93638    |              |      |                             |                | Y         |
| Ms.     | Donna Allen-Foster           | 9/8/06      |               | 1216 Sonora St.                  | Madera | CA    | 93638    | 559-662-8345 |      |                             | J              | Y         |
| Mrs.    | Judy Allgood                 | 9/23/09     |               | 19861 Rd. 24                     | Madera | CA    | 93638    | 559-674-3211 |      |                             |                | Y         |
| Mr.     | Pete M Almendarez            | 8/23/07     |               | 12768 Trieste Dr.                | Madera | CA    | 93636    | 559-645-5182 |      |                             |                | S         |
| Mr.     | Joe Altamirano               | 9/06 & 1/07 | Pan Am        | 2612 National                    | Madera | CA    | 93637    | 559-871-3888 |      |                             |                | Y         |
| Ms.     | Connie Alvarado              |             |               | 18717 Pickfair Way 4             | Madera | CA    | 93638    |              |      |                             |                | Y         |
| Ms.     | Esperanza Alvarado           | 9/10/05     |               | 768 Linden St.                   | Madera | CA    | 93637    | 559-675-0887 | 559- |                             |                | Y         |
| Mr.     | Mariana Alvarado             | 5/19/05     |               | 27699 Avenue 13                  | Madera | CA    | 93637    | 559-673-8084 |      |                             |                | S         |
| Mr.     | Abraham Alvarez              | 7/11/09     | Alistata Insu | 51 E. Loop                       | Madera | CA    | 93637    | 559-673-9203 |      |                             |                | N         |
| Ms.     | Amelia Alvarez               | 5/8/06      |               | 223 No. Q. St.                   | Madera | CA    | 93637    | 559-673-4356 |      |                             | J              | Y         |
| Ms.     | Esperanza Alvarez            | 9/8/06      |               | 25067 Ave 17 3/4                 | Madera | CA    | 93638    | 559-674-9437 |      |                             | J              | Y         |
| Ms.     | Mariacela Alvarez            | 9/8/06      |               | 25067 Ave 17 3/4                 | Madera | CA    | 93638    | 559-674-9437 |      |                             | J              | Y         |
| Mr.     | Mario Alvarez                | 9/2/07      |               | 25737 El Vado-Dr.                | Madera | CA    | 93638    |              |      |                             |                | Y         |
| Ms.     | Sonia Alvarez                | 9/8/08      | City of Mada  | 1101 Malta Ave.                  | Madera | CA    | 93638    | 559-661-5405 |      | calgma@peoplepc.com         |                | Y         |
| Ms.     | Roberta Alves                |             | Oasis Tradin  | 3451 Yeager Drive                | Madera | CA    | 93638    | 559-661-0688 | 559- | selvarezc@cityofmadera.o    |                | Y         |
| Mr.     | Emanuel Ambrosio             | 12/16/06    |               | 217 N. C St. Apt. 104            | Madera | CA    | 93638    | 559-474-6059 |      | Oasistrading@aol.com        | J              | Y         |
| Ms.     | Flora Ambrosio               | 12/16/06    |               | 200 N. B St.                     | Madera | CA    | 93638    | 559-661-0634 |      |                             | J              | Y         |
| Ms.     | Veronica Amezcua             | 10/6/08     |               | 20526 Brightwood Rd.             | Madera | CA    | 93638    | 559-716-7888 |      |                             | J              | Y         |
| Ms.     | Maria Amezola                | 9/10/06     |               | 1045 Los Arcos Ln                | Madera | CA    | 93638    | 559-674-6827 |      |                             |                | Y         |
| Mr.     | Bruce Anderson               | 10/8/06     |               | 20769 Olympia Rd.                | Madera | CA    | 93638    | 559-675-1319 |      |                             |                | Y         |

|     |           |        |          |                       |        |    |       |              |   |   |
|-----|-----------|--------|----------|-----------------------|--------|----|-------|--------------|---|---|
| Ms. | Sophia    | Abarca | 9/11/05  | 23733 Ave. 9          | Madera | CA | 93637 | 559-706-2073 | J | Y |
| Ms. | Margarita |        |          | 13429 Rd. 24          | Madera | CA | 93637 | 559-674-5016 |   | Y |
| Ms. | Maria     |        | 10/8/06  | 28195 Posey Ave.      | Madera | CA | 93638 | 559-673-2719 |   | Y |
| Ms. | Maria     |        | 9/8/07   | 112 El Dorado Dr.     | Madera | CA | 93637 | 559-661-4421 | J | Y |
| Ms. | Manlu     |        | 12/21/06 | 117 W. Clark St.      | Madera | CA | 93638 | 559-662-8621 | J | Y |
| Ms. | Mona      |        | 9/9/07   | 25572 Whitharth Dr S- | Madera | CA | 93638 |              |   | Y |
| Mr. | Richard   |        | 9/7/06   | 304 So. L St.         | Madera | CA | 93637 |              | J | Y |
| Ms. | Rufina    |        | 12/16/06 | 416 S. Lake           | Madera | CA | 93638 |              |   | Y |
|     | Shuion    |        | 9/6/07   | 338 Sherwood Way      | Madera | CA | 93638 | 559-674-4833 |   | Y |
|     | Silvestre |        | 9/9/07   | 16979 Crystal Dr.     | Madera | CA | 93638 | 559-674-3908 |   | Y |
|     | Timoteo   |        | 9/16/07  | 27411 Ellis St.       | Madera | CA | 93637 | 559-674-3236 |   | Y |
| Ms. | Virginia  |        | 9/30/06  | 116 Clemmensen Ave.   | Madera | CA | 93637 | 559-674-1013 | J | Y |

|              |             |
|--------------|-------------|
| Madera       | 1934        |
| North Fork   | 145         |
| Fresno       | 573         |
| Chowchilla   | 106         |
| Other Cities | 652         |
| Out of State | 38          |
| <b>Total</b> | <b>3448</b> |

Additional not-yet-entered new web as of 3/31 old web before 12/20 not entered ~ 4516

# North Fork Rancheria Project Supporters Database

145 = Count as of 3/31/08

| Mr./Ms. | First Name (Initial) | Last Name | Date                 | Organization              | Street Address                | City       | State | Zip Code | Phone                 | Fax      | Email               | Interest | J/V/G | Signature |
|---------|----------------------|-----------|----------------------|---------------------------|-------------------------------|------------|-------|----------|-----------------------|----------|---------------------|----------|-------|-----------|
| Ms.     | Mary                 | Adelzadah | 5/18/05              |                           | 33027 Weathersly Way, #4      | North Fork | CA    | 93843    | 559-877-3036          |          | mdelzadah@yahoo.com |          |       | Y         |
| Mr.     | Bill                 | Aguire    | 9/3/05               |                           | 33209 Rd 272                  | North Fork | CA    | 93843    | 559-                  |          |                     |          |       | Y         |
| Ms.     | Tammy                | Armstrong | 3/06 & 1/07          |                           | Douglas Bangar Station Rd. P  | North Fork | CA    | 93842    | 559-877-7086          |          |                     |          |       | Y         |
| Ms.     | Chris                | Bannister | 10/21/06             |                           | 32215 Rd 224                  | North Fork | CA    | 93843    | 559-877-8422          |          |                     |          |       | Y         |
| Ms.     | Christine            | Bannister | 10/1/05              |                           | 32215 Bonnie B Rd             | North Fork | CA    | 93843    | 559-877-8422          |          |                     |          |       |           |
| Mr.     | Ken                  | Bannister | 10/1/05              | Retired                   | 32215 Road 224                | North Fork | CA    | 93843    | 559-877-8422          |          |                     |          |       |           |
| Ms.     | Ila                  | Barnes    | 10/1/05              |                           | 56386 Wild Plum Ln.           | North Fork | CA    | 93843    | 559-877-4374          |          | bamassk@sjl.net     |          |       |           |
| Ms.     | Joyce                | Barnes    | 5/18/05              |                           | 33109 Rd. 233                 | North Fork | CA    | 93843    | 559-877-4531          |          |                     |          |       |           |
| Mr.     | Paul                 | Barnes    | 10/1/05              |                           | 56836 Wild Plum Ln.           | North Fork | CA    | 93843    | 559-877-4374          |          |                     |          |       |           |
| Ms.     | Wendy                | Barnhart  | 10/1/05              |                           | 34893 McDaniel Dr.            | North Fork | CA    | 93843    | 559-877-2434          |          |                     |          |       | N         |
| Mr.     | Brian                | Beasley   | 9/4/05               | USFS                      | P.O. Box 181                  | North Fork | CA    | 93843    | 559-841-2429          |          |                     |          |       |           |
| Mr.     | Jeremy               | Bebout    | 9/4/05               |                           | 57839 Rd 225 House #9         | North Fork | CA    | 93843    | 559-877-2857          |          |                     |          |       |           |
| Mr.     | James                | Bethel    | 5/05 & 8/06          | N.F. Rancheria            | P.O. Box 800                  | North Fork | CA    | 93843    | 559-877-3315 or -5315 |          |                     |          |       | Y         |
| Mr.     | Joey R.              | Bishop    | 5/18/05              | Mono Rancheria Member     | 7003 Rd. 225                  | North Fork | CA    | 93843    | 559-877-2345          |          |                     |          |       |           |
| Mr.     | Chuck                | Borden    | 10/1/2005 and 8/1/05 | THC INC                   | 59258 Road 225                | North Fork | CA    | 93843    | 559-877-7083          |          | ymidval@sjl.net     |          |       | Y         |
| Ms.     | Judy                 | Borden    | 9/06 & 1/07          | North Fork Women's Club   | 8256 Road 225                 | North Fork | CA    | 93843    | 559-877-7083          |          |                     |          |       |           |
| Mr.     | Ken                  | Boyer     | 9/2/05               |                           | 53401 Timberview Rd           | North Fork | CA    | 93843    | 559-                  |          |                     |          |       |           |
| Mr.     | Thomas               | Burdette  | 8/25/05              |                           | 56101 Old Town Rd.            | North Fork | CA    | 93843    | 559-                  |          |                     |          |       |           |
| Mr.     | Donald               | Burka     | 9/3/05               |                           | 53022 Pine Hill Ln            | North Fork | CA    | 93843    | 559-                  |          |                     |          |       |           |
| Ms.     | Barbara A.           | Burnough  | 5/08 & 1/07          | Sierra Mono Museum        | 130914 Wyle Ranch Way         | North Fork | CA    | 93843    | 569-877-2818          |          | patton@netpic.net   |          |       | Y         |
| Mr.     | Rory                 | Bury      | 5/21/05              | South Fork Motel          | P.O. Box 745                  | North Fork | CA    | 93843    | 207-894-1803          | 559-877- | jack@coothedi.com   |          |       | Y         |
| Mr.     | Kenny                | Caines    | 5/27/05              |                           | 34125 Rd. 228                 | North Fork | CA    | 93843    | 559-877-3650          |          |                     |          |       |           |
| Mr.     | Agustin              | Capuchino | 5/18/05              | North Fork Fire Dept.     | P.O. Box 638                  | North Fork | CA    | 93843    | 559-877-2120 or 51    | 877-2800 | capuchino@cdp.net   |          |       | Y         |
| Ms.     | Deanna               | Carwright | 9/4/05               |                           | 36178 Popl Poyah              | North Fork | CA    | 93843    | 559-877-8283          |          | deanna@netpic.net   |          |       | Y         |
| Mr.     | Perry                | Cerdia    | 4/23/08              |                           | 57833 Rd. 225 #4              | North Fork | CA    | 93843    | 559-877-              |          |                     |          |       |           |
| Mr.     | Jeff W.              | Cheepo    | 9/2/05               |                           | P.O. Box 594                  | North Fork | CA    | 93843    | 559-877-8286          |          |                     |          |       | Y         |
| Ms.     | Joanne               | Childers  | 9/2/05               |                           | 56106 Road 228                | North Fork | CA    | 93843    | 559-877-4257          |          |                     |          |       | Y         |
| Ms.     | Ellen                | Ching     | 9/8/07               |                           | 56108 Road 228                | North Fork | CA    | 93843    | 559-877-4428          |          |                     |          |       |           |
| Ms.     | Nathan               | Ching     | 9/8/07               |                           | 56108 Road 228                | North Fork | CA    | 93843    | 559-877-4426          |          |                     |          |       |           |
| Ms.     | Sandy                | Clark     | 9/18/05              |                           | 58188 Trails End Rd.          | North Fork | CA    | 93843    | 559-877-2993          |          | pat@netpic.net      |          |       | Y         |
| Ms.     | Monie                | Coleman   | 9/1/05               |                           | 33143 Mission Drive           | North Fork | CA    | 93843    | 559-877-7550          |          |                     |          |       |           |
| Ms.     | Mary                 | Collins   | 1/5/06               |                           | 58020 Horn Rd.                | North Fork | CA    | 93843    | 559-877-7550          |          |                     |          |       |           |
| Ms.     | Carol                | Coronado  | 8/18/05              | N.F. Womens Club          | P.O. Box 427                  | North Fork | CA    | 93843    | 559-877-4332          |          | mlm@netpic.net      |          |       | Y         |
| Ms.     | Gretchen             | Cox       | 8/17/05              |                           | P.O. Box 427                  | North Fork | CA    | 93843    | 559-877-6453          |          |                     |          |       |           |
| Mr.     | James                | Crocket   | 10/4/05              |                           | 29424 Rd. 222                 | North Fork | CA    | 93843    | 559-877-6453          |          |                     |          |       |           |
| Mr.     | Lloyd                | Crocket   | 10/1/05              |                           | 54442 Pine Tree Lane          | North Fork | CA    | 93843    | 559-877-8879          |          | trapek@fjm@sjl.net  |          |       | Y         |
| Ms.     | Pauline              | Cross     | 10/1/05              | NFAC, Sierra Art Trails   | 54442 Pine Tree Lane          | North Fork | CA    | 93843    | 559-877-8879          |          | lyouth@netpic.net   |          |       | Y         |
| Mr.     | Ben                  | Davis     | 10/1/05              |                           | P.O. Box 1258                 | North Fork | CA    | 93843    | 559-877-2319          |          |                     |          |       |           |
| Ms.     | Dedrea               | Davis     | 5/21/05              | North Fork Mono Rancheria | Box 481                       | North Fork | CA    | 93843    | 559-877-3736          |          |                     |          |       |           |
| Ms.     | Gertrude M.          | Davis     | 5/14/05              | North Fork Rancheria      | 30768 Wyle Ranch Road         | North Fork | CA    | 93843    | 559-877-7263          |          |                     |          |       |           |
| Mr.     | Yed                  | Davis     | 5/17/05              | North Fork Rancheria      | P.O. Box 877, 30784 Wyl Ranch | North Fork | CA    | 93843    | 559-877-7558          |          |                     |          |       |           |
| Ms.     | Constance            | DeSilva   | 10/1/05              | North Fork Mono Rancheria | 600 Rd. 225                   | North Fork | CA    | 93843    | 559-877-2898          |          |                     |          |       |           |
| Mr.     | Jack                 | DeSilva   | 9/3/05               |                           | P.O. Box 81                   | North Fork | CA    | 93843    | 559-877-2847          |          |                     |          |       |           |
| Ms.     | Toni                 | DeSilva   | 9/3/05               |                           | P.O. Box 928                  | North Fork | CA    | 93843    | 559-877-8325          |          | desilva@netpic.net  |          |       | Y         |
| Mr.     | John                 | DeSilva   | 9/3/05               |                           | P.O. Box 928                  | North Fork | CA    | 93843    | 559-877-8325          |          | desilva@netpic.net  |          |       | Y         |
| Mr.     | John                 | DeSilva   | 5/21/05              |                           | Box 1124                      | North Fork | CA    | 93843    | 559-877-8325          |          |                     |          |       |           |
| Ms.     | Cathy                | Doe       | 8/1/08               |                           | 123 4th St.                   | North Fork | CA    | 93843    | 559-877-              |          |                     | V        |       | Y         |
| Ms.     | Rachelle             | Dozier    | 9/4/05               |                           | 33383 Rd 224                  | North Fork | CA    | 93843    | 559-877-2580          |          |                     |          |       |           |
| Ms.     | Volney               | Dunavan   | 3/18/08              |                           | 59646 Cascade Dr.             | North Fork | CA    | 93843    | 559-877-2580          |          |                     |          |       |           |
| Mr.     | Kenny                | Duit      | 5/21/05              |                           | P.O. Box 230                  | North Fork | CA    | 93843    | 559-877-3017          |          |                     |          |       | Y         |
| Ms.     | Kathleen             | Ellis     | 10/1/05              |                           | P.O. Box 431                  | North Fork | CA    | 93843    | 559-877-4986          |          |                     |          |       |           |
| Ms.     | Stephanie            | Englund   | 9/9/05               |                           | C-21 Golden Chain Ranch       | North Fork | CA    | 93843    | 559-877-2421          |          |                     |          |       |           |
| Ms.     | Joanne               | Etrner    | 5/18/05              |                           | 600 Rd. 228                   | North Fork | CA    | 93843    | 559-877-7320          |          |                     |          |       |           |
| Ms.     | Patricia             | Evans     | 8/24/05              |                           | P.O. Box 182 / 28183 Rd. 222  | North Fork | CA    | 93843    | 559-877-4681          |          |                     |          |       | Y         |





# North Fork Rancheria Project Supporters Database

106 = Total Count as of 3/31/08

| Mr./Ms. | First Name<br>(Initial) | Last Name    | Date    | Organization                           | Street Address                            | City       | State | Zip   | Code | Phone        | Fax          | Email                   | Interest<br>JV/G | Signature ? |
|---------|-------------------------|--------------|---------|--|---|------------|-------|-------|------|--------------|--------------|-------------------------|------------------|-------------|
| Ms.     | Susan                   | Acopfer      | 9/10/05 |  | 340 S. First St.                          | Chowchilla | CA    | 93610 |      | 559-669-5358 |              |                         |                  |             |
| Mr.     | John C.                 | Anderson     | 5/20/05 |  | 801 Robertson Blvd.                       | Chowchilla | CA    | 93610 |      | 559-665-3604 |              |                         |                  |             |
| Ms.     | Mary L.                 | Anderson     | 5/20/05 |  | 801 Robertson Blvd.                       | Chowchilla | CA    | 93610 |      | 559-665-3604 |              |                         |                  |             |
| Ms.     | Sam                     | Anguiano     |         |  | 11368 Missionhills Terrace                | Chowchilla | CA    | 93610 |      |              |              |                         |                  |             |
| Ms.     | Violet                  | Azlin        | 9/16/07 |  | 1105 Riverside                            | Chowchilla | CA    | 93610 |      | 685-5764     |              |                         |                  |             |
| Ms.     | Marnes?                 | Barases?     |         |  | 19 464 22 1/2 Chowchilla                  | Chowchilla | CA    | 93610 |      |              |              |                         |                  |             |
| Ms.     | Christine               | Barbosa      | 9/4/05  |  | 23394 Robertson Blvd                      | Chowchilla | CA    | 93610 |      | 831-245-5273 |              | chbarbosa56@yahoo.com   |                  |             |
| Ms.     | Henry                   | Barbosa      | 9/6/05  |  | 23394 Robertson Blvd                      | Chowchilla | CA    | 93610 |      | 559-665-6378 |              | Cs_barker61@yahoo.com   |                  |             |
| Ms.     | Carol                   | Barker       |         |  | 1532 W. Robertson Blvd                    | Chowchilla | CA    | 93610 |      | 559-474-9238 |              |                         |                  |             |
| Mr.     | Darrell                 | Baze         |         |  | 650 N. 3rd St.                            | Chowchilla | CA    | 93610 |      |              |              |                         |                  |             |
| Ms.     | Debbie                  | Baze         |         |  | 650 N. 3rd St.                            | Chowchilla | CA    | 93610 |      | 559-665-5811 |              |                         |                  |             |
| Mr.     | Larry                   | Bebec        | 5/20/05 |  | 1520 Harding Ave.                         | Chowchilla | CA    | 93610 |      | 559-665-3377 |              |                         |                  |             |
| Mr.     | Lehm                    | Beil         | 8/17/06 |  | 20720 Rd.                                 | Chowchilla | CA    | 93616 |      | 559-602-0160 |              |                         |                  |             |
| Ms.     | Lupe                    | Bejarano Jr. | 5/20/05 | McDonald's                             | 250 Robertson                             | Chowchilla | CA    | 93610 |      | 559-665-7305 |              |                         |                  |             |
| Mr.     | Curtis                  | Bennett      | 11/8/05 | Retired                                | 125 Autumn Way                            | Chowchilla | CA    | 93610 |      | 559-665-4579 | 559-665-7178 |                         |                  |             |
| Ms.     | Sally                   | Bibby        |         |  | 4030 Bella Vista                          | Chowchilla | CA    | 93610 |      | 559-665-7874 |              | curtisbnt@sbcglobal.net |                  |             |
| Mr.     | Troy                    | Bockhop      | 9/8/07  |  | C&R Stove and S 23180 Rd. 16 P.O. Box 418 | Chowchilla | CA    | 93610 |      | 559-665-1487 | 685-2489     | sales@cantandRRBara.com |                  |             |
| Ms.     | Margaret                | Bowery       | 5/19/05 | private                                | 535 N. 2nd                                | Chowchilla | CA    | 93610 |      | 559-665-2186 |              |                         |                  |             |
| Mr.     | James                   | Bufford      | 9/8/06  | Democratic Party                       | 21200 Rd 20                               | Chowchilla | CA    | 93610 |      | 559-665-4387 |              |                         |                  |             |
| Ms.     | Karla                   | Burns        | 5/6/06  |  | 19696 Ave. 22 1/2                         | Chowchilla | CA    | 93610 |      | 559-665-4288 |              |                         |                  |             |
| Mrs.    | Jennie                  | Bustillos    | 9/25/08 |  | 22532 Fir St.                             | Chowchilla | CA    | 93610 |      | 559-665-3483 |              |                         |                  |             |
| Ms.     | Norma R.                | Bustillos    | 9/22/05 | J. J. Bustillos & S. 19398 Ave. 22 3/4 |   | Chowchilla | CA    | 93610 |      | 559-665-1121 |              |                         |                  |             |
| Ms.     | Maira                   | Caja         | 5/20/05 | McDonald's                             | 250 Robertson                             | Chowchilla | CA    | 93610 |      | 559-665-7305 |              |                         |                  |             |
| Ms.     | Marla                   | Cerda        | 9/11/05 |  | 1545 Truman Dr.                           | Chowchilla | CA    | 93610 |      | 559-665-0750 |              |                         |                  |             |
| Ms.     | Kelley                  | Chambers     | 9/11/05 |  | 625 N 3rd St                              | Chowchilla | CA    | 93610 |      | 559-665-7967 |              |                         |                  |             |
| Mr.     | Blair                   | Cook         | 6/14/07 |  | 2126 Harrison                             | Chowchilla | CA    | 93610 |      |              |              |                         |                  |             |
| Mr.     | Andrew                  | Covington    | 9/24/05 |  | 1304 Orange Ave.                          | Chowchilla | CA    | 93610 |      | 559-665-0401 |              |                         |                  |             |
| Ms.     | Doris                   | Coyne        | 5/20/05 | Fairmead School                        | 19440 Ave., 22 3/4                        | Chowchilla | CA    | 93610 |      | 559-665-4314 |              |                         |                  |             |
| Mr.     | Barry                   | Crews        | 9/3/05  |  | 16329 Ave. 26                             | Chowchilla | CA    | 93610 |      | 559-665-1318 |              |                         |                  |             |
| Ms.     | Gabriela                | Curtel       | 5/7/06  |  | 1316 Orange Ave.                          | Chowchilla | CA    | 93610 |      | 559-871-5134 |              |                         |                  |             |
| Ms.     | Marie                   | Davalos      | 9/16/07 |  | 521 Colusa                                | Chowchilla | CA    | 93610 |      |              |              |                         |                  |             |
| Ms.     | Georgia                 | Davis        | 5/20/05 | McDonald's                             | 250 Robertson                             | Chowchilla | CA    | 93610 |      | 559-665-7305 | 559-665-7178 |                         |                  |             |
| Mr.     | John                    | Doe          | 9/5/06  |  | 123 4th St.                               | Chowchilla | CA    | 93610 |      | 559-665-1234 |              |                         |                  |             |
| Mr.     | Yskiro                  | Duran        | 9/11/05 |  | 1545 Truman Dr.                           | Chowchilla | CA    | 93610 |      | 559-6650750  |              |                         |                  |             |
| Ms.     | Oralia                  | Erdias       | 9/8/05  |  | 5230 Camelback St.                        | Chowchilla | CA    | 93610 |      | 559-665-7063 |              |                         |                  |             |
| Mr.     | Generoi (Davi)          | Flores       | 9/9/06  | Plumber                                | 18543 Palm St.                            | Chowchilla | CA    | 93610 |      | 559-665-2861 |              | endriass@attitude.com   |                  |             |
| Mr.     | Humberto                | Flores       | 5/20/05 | McDonald's                             | 250 Robertson                             | Chowchilla | CA    | 93610 |      | 559-665-7305 |              |                         |                  |             |
| Mr.     | Art                     | Galicia      | 9/11/05 |  | 21565 Rd 19 1/2                           | Chowchilla | CA    | 93610 |      | 559-665-0554 |              |                         |                  |             |
| Ms.     | Katherine Diar          | Gallegos     | 9/14/06 |  | P.O. Box 328                              | Chowchilla | CA    | 93610 |      | 559-665-0585 |              | chirle_119@yahoo.com    |                  |             |
| Mr.     | Bob                     | Galley       | 5/20/05 |  | 701 Sonoma                                | Chowchilla | CA    | 93610 |      | 559-665-7178 |              | bob@kbb.com             |                  |             |
| Ms.     | Angie                   | Garay        | 5/20/05 | McDonald's                             | 250 Robertson                             | Chowchilla | CA    | 93610 |      | 559-665-7305 |              |                         |                  |             |
| Ms.     | Rosa                    | Garay        | 5/20/05 | McDonald's                             | 250 Robertson                             | Chowchilla | CA    | 93610 |      | 559-665-7305 |              |                         |                  |             |
| Ms.     | Leticia                 | Gonzalez     | 10/8/06 |  | 18289 Hwy 152                             | Chowchilla | CA    | 93610 |      | 559-313-8412 |              |                         |                  |             |
| Mr.     | Gary                    | Graham       | 5/20/05 |  | 209 Colusa                                | Chowchilla | CA    | 93610 |      | 559-665-4138 |              |                         |                  |             |
| Mr.     | Ralph                   | Graham       | 5/20/05 |  | 209 Colusa                                | Chowchilla | CA    | 93610 |      | 559-665-4138 |              |                         |                  |             |
| Ms.     | Jenny                   | Guire        | 9/10/05 |  | 23437 Road 14 1/2                         | Chowchilla | CA    | 93610 |      | 559-665-1925 |              | gulire_5@sbcglobal.net  |                  |             |
| Ms.     | Audra                   | Hawthorne    | 5/20/05 | McDonald's                             | 410 N. 11th                               | Chowchilla | CA    | 93610 |      | 559-665-7651 |              |                         |                  |             |
| Ms.     | Angela                  | Horsley      | 5/8/06  |  | P.O. Box 903                              | Chowchilla | CA    | 93610 |      | 559-665-1143 |              |                         |                  |             |
| Ms.     | Carolyn                 | Igo          | 5/19/05 |  | 1042 Callaveras St.                       | Chowchilla | CA    | 93610 |      | 559-665-5505 |              |                         |                  |             |
| Mr.     | Glen E.                 | Igo          | 5/19/05 | X Major and Coun                       | 1042 Callaveras St.                       | Chowchilla | CA    | 93610 |      | 559-665-5505 |              | g.e.igo@tune.com        |                  |             |
| Mr.     | Robert G.               | Jackson      | 5/19/05 | Retired                                | 1549 Roosevelt Dr.                        | Chowchilla | CA    | 93610 |      | 559-665-3674 |              |                         |                  |             |

# North Fork Rancheria Project Supporters Database

852 Total Count as of 4/15/07

| Mr./Ms. | First Name (w/ Initial) | Last Name      | Date    | Organization    | Street Address           | City         | State | Zip Code | Phone        | Fax | Email                   | J/N/G | Signature |
|---------|-------------------------|----------------|---------|-----------------|--------------------------|--------------|-------|----------|--------------|-----|-------------------------|-------|-----------|
| Ms.     | Michelle                | Abenotija      | 8/18/08 | Synovate        | 1640 N. Reed Ave. Apt. B | Reedley      | CA    | 93864    | 559-637-7061 |     | mitcheleabenoja@cs      | J     | Y         |
| Mr.     | Mario                   | Abueto         | 8/23/05 |                 |                          |              |       |          |              |     |                         |       | Y         |
| Mr.     | Richard                 | Acosta         | 8/18/08 |                 |                          |              |       |          |              |     |                         |       | Y         |
| Mr.     | Steve                   | Adams          | 9/9/06  |                 | 2701 Mitchell Rd         | Ceres        | CA    | 95307    | 208-345-7129 |     |                         |       | Y         |
| Mr.     | Jorge                   | Alamilla Perez | 5/3/06  |                 | 14680 W. Dakota          | Kerman       | CA    | 93830    |              |     |                         |       | Y         |
| Mr.     | John                    | Allan          | 8/2/08  |                 | 8474 E. Floral           | Selma        | CA    | 93862    | 559-891-7728 |     |                         | J     | Y         |
| Ms.     | Marjorie                | Allen          | 9/9/07  |                 | 2013 Vanhikien Ave.      | Clovis       | CA    | 93611    |              |     |                         |       | Y         |
| Mr.     | Mary                    | Alvarado       | 5/20/05 |                 | 2223 Walton              | Sanger       | CA    | 93857    | 559-917-2888 |     |                         |       | Y         |
| Ms.     | Ricardo                 | Alvarado       | 5/20/05 |                 | 945 W. Valen...?         | Fresley?     | CA    | 93706    |              |     |                         |       | Y         |
| Mr.     | Aliso                   | Arnezua        | 9/10/08 |                 | 615 Lyon Ave.            | Sanger       | CA    | 93857    | 559-875-8644 |     | Supernai2083@aol.com    |       |           |
| Ms.     | Cheryl                  | Anderson       | 9/10/08 |                 | P.O. Box 203             | Coarsegold   | CA    | 93814    |              |     | dunneanderson@cs        | J     | Y         |
| Mr.     | Duane                   | Anderson       | 9/10/08 |                 | 1511 Ash Ave.            | Clovis       | CA    | 93611    |              |     |                         |       |           |
| Mr.     | Virgie                  | Anderson       | 9/10/08 |                 | P.O. Box 203             | Coarsegold   | CA    | 93814    |              |     |                         |       |           |
| Ms.     | Lynda                   | Appling        | 8/17/09 |                 | 4982 Watt Rd.            | Maniposa     | CA    | 96338    | 209-372-8789 |     | luappling@hotmail.com   | J     | Y         |
| Ms.     | Patricia                | Araukelian     | 1/11/07 |                 | 3053 Via Serena South #C | laguna Woods | CA    | 92837    | 559-341-1874 |     |                         |       | Y         |
| Ms.     | Rebecka                 | Araukelian     | 1/11/07 |                 | 27 Water Ridge Court     | Dana Point   | CA    | 92629    | 310-437-8707 |     |                         |       | Y         |
| Ms.     | Martha                  | Arevazo        | 8/15/08 |                 |                          |              |       |          |              |     |                         |       |           |
| Ms.     | Armas-Kelly             | Armstrong      | 9/11/05 | Chia Ca Health  | 829 El Portal            | Merced       | CA    | 95340    | 208-722-5067 |     |                         |       | Y         |
| Mr.     | Mamuela                 | Armendarez     | 9/11/05 |                 | 3635 Esal Olive Ave.     | Merced       | CA    | 95340    | 209-723-2288 |     |                         |       | Y         |
| Ms.     | Masy                    | Arnavato       | 5/31/05 |                 | 2388 Fairbrook Ave.      | Clovis       | CA    | 93611    | 559-289-4605 |     |                         |       | Y         |
| Ms.     | Ruben                   | Arovalo        | 9/21/05 |                 | 288 O St                 | Clovis       | CA    | 93857    | 559-289-4605 |     |                         |       | Y         |
| Ms.     | Bobble                  | Araksson       | 12/5/05 |                 | 50783 Heals Ransagh Ln   | Oakhurst     | CA    | 93844    | 559-280-5924 |     |                         |       | Y         |
| Mr.     | Lucas                   | Avery          | 9/8/05  | Innovative Deal | 37093 Mimosa Ln          | Squaw Valley | CA    | 93875    | 338-2803     |     |                         |       | Y         |
| Mr.     | Deborah M.              | Avila          | 9/19/05 | Coldsprings     | Sycamore                 | Toilhouse    | CA    | 93857    | 559-855-4521 |     |                         |       | Y         |
| Mr.     | Raymundo                | Avila          | 7/31/08 |                 | 12935 Sierra Ave.        | Cutter       | CA    | 93815    | 559-528-0241 |     |                         | J     | Y         |
| Ms.     | Lorena                  | Azuvedo        | 9/30/08 |                 | 835 St. Mantelena        | Oakhurst     | CA    | 93844    | 559-718-9213 |     |                         |       | Y         |
| Ms.     | Laura                   | Backmann       | 9/30/05 | Redbud Bouquet  | 49289 Rd. 426 Ste B      | Bass Lake    | CA    | 93804    | 559-841-2837 |     |                         |       | Y         |
| Mr.     | Audra                   | Bagdasarian    | 9/3/05  |                 | 49501 Rd. 222            | Merced       | CA    | 95340    | 559-269-4757 |     |                         |       | Y         |
| Ms.     | Karen                   | Baizer         | 8/13/08 |                 | 1112 W. St               | Merced       | CA    | 95340    | 209-761-0019 |     | K.Baizer@hotelpros.biz  |       | Y         |
| Ms.     | Johnny                  | Baldete        | 9/3/05  |                 | 1654 E. Farmland Ave.    | Merced       | CA    | 95340    | 559-591-8798 |     |                         |       | Y         |
| Ms.     | Magdalena               | Baldete        | 9/3/05  |                 | 1980 Mt. View Way        | Dinuba       | CA    | 93818    | 559-591-8798 |     |                         |       | Y         |
| Ms.     | Patrick                 | Barbello       | 9/3/05  |                 | 1980 Mt. View Way        | Dinuba       | CA    | 93818    | 559-591-8798 |     |                         |       | Y         |
| Ms.     | Dea                     | Barber         | 9/3/05  |                 | P.O. Box 318             | Arwahnee     | CA    | 93810    | 209-988-8761 |     |                         |       | Y         |
| Mr.     | Joe                     | Barcia         | 8/2/08  |                 | 41408 Edgewood Way       | Arwahnee     | CA    | 91308    | 559-858-6187 |     |                         |       | Y         |
| Ms.     | Delores                 | Barnas         | 1/5/08  | North Fork Won  | 35808 Sierra Linda Dr.   | Selma        | CA    | 93882    | 558-877-2128 |     |                         |       | Y         |
| Mr.     | Kevin                   | Barnes         | 8/20/05 |                 |                          | Wahon        | CA    | 93689    | 558-235-8919 |     |                         |       | Y         |
| Mr.     | Brad                    | Barus          | 9/3/05  |                 | 36100 Hwy 41             | Coarsegold   | CA    | 93814    | 559-287-0577 |     |                         |       | Y         |
| Mr.     | Vivian                  | Bateman        | 9/3/05  |                 |                          | Los Angeles  | CA    | 90025    | 558-853-2461 |     |                         |       | Y         |
| Mr.     | William                 | Bauman         | 9/10/05 |                 |                          | Oakhurst     | CA    | 93844    | 559-642-3748 |     |                         |       | Y         |
| Ms.     | Michael                 | Beighley       | 5/16/05 | North Fork Sch  | 39443 Manzanilla         | Oakhurst     | CA    | 93844    | 559-856-4060 |     |                         |       | Y         |
| Ms.     | Courtney                | Belm           | 8/16/05 | Tribal Citizen  | 33331 St & E Rd.         | Aubrey       | CA    | 93802    |              |     | courtney_belm@caumb.edu |       | Y         |
| Mr.     | Leticia                 | Belmonte       | 7/31/06 |                 |                          |              |       |          |              |     |                         |       | Y         |
| Mr.     | David                   | Beltran        | 8/2/08  |                 | 590 Almond St.           | Parlier      | CA    | 93848    | 559-646-8679 |     |                         |       | Y         |
| Ms.     | Guadalupe               | Beltran        | 9/10/05 |                 | 13861 8th St.            | Parlier      | CA    | 93848    | 559-846-7803 |     |                         |       | Y         |
| Mr.     | Yolanda                 | Beltran        | 9/10/05 |                 | 14288 W. G St.           | Kerman       | CA    | 93830    | 559-         |     |                         |       | Y         |
| Mr.     | Lillian                 | Bernal         | 5/28/05 |                 | 1600 Villa Ave. #111     | Clovis       | CA    | 93812    | 558-324-1765 |     |                         |       | Y         |
| Ms.     | Rudy                    | Bernal         | 5/28/05 |                 | 1500 Villa Ave. #111     | Clovis       | CA    | 93812    | 558-324-1755 |     |                         |       | Y         |

# North Fork Rancheria Project Supporters Database

(38) Total Count as of 4/15/07

| Mr./Ms. | First/Initial | Last/Name   | Date     | Organization | Street Address                    | City          | State | Zip Code | Phone          | Fax | Email                   | J/V/G   | Signature |
|---------|---------------|-------------|----------|--------------|-----------------------------------|---------------|-------|----------|----------------|-----|-------------------------|---------|-----------|
| Ms.     | Dinazar       | Carbejal    | 12/19/06 |              | 1127 E. 49 ST.                    | Los Angeles   | CA    | 90011    |                |     |                         |         | Y         |
| Mrs.    | Caroline      | Carlison    |          |              | 2831 W. Winatal                   | Tucson        | AZ    | 85716    | 520-795-9830   |     | manthony_cd@yahoo.c     | J       | Y         |
| Dr.     | M. Anthony    | Collins     |          |              | 520 Folly Rd # 305                | Charleston    | SC    | 29412    |                |     |                         |         | Y         |
| Ms.     | Jenny         | Davis       | 1/15/07  |              | 196 Elm St.                       | Rosford       | OH    | 43460    | 419-872-4470   |     | losegarcia_z@hotmail    | J       | Y         |
| Mr.     | Jose Miguel   | Garcia      | 1/1/07   | Hispanic     | 8622 Pasado Rd. Unit B            | Santa Barbara | CA    | 93117    | 558-871-5536   |     |                         |         | Y         |
| Ms.     | Perla         | Gutierrez   |          |              | 3892 Fitzpatrick Dr.              | Las Vegas     | NV    | 89030    | 702-531-8887   |     |                         | C       | Y         |
| Ms.     | Cecelia       | Kantura     | 1/22/07  |              | 22140 Bittersweet                 | Curtis        | OH    | 43412    | 419-838-2004   |     |                         | C       | Y         |
| Ms.     | Elizabeth     | Kantura     | 1/22/07  |              | 22140 Bittersweet                 | Curtis        | OH    | 43412    | 419-838-2004   |     |                         | C       | Y         |
| Mr.     | Ken           | Kantura     | 1/22/07  |              | 22140 Bittersweet                 | Curtis        | OH    | 43412    | 419-838-2004   |     |                         | C       | Y         |
| Mr.     | Kenneth J.    | Kantura     | 1/22/07  |              | 22140 Bittersweet                 | Curtis        | OH    | 43412    | 419-466-0700   |     | K.KANTURA@aol.co        | J       | Y         |
| Mr.     | Kurt          | Kantura     | 1/22/07  |              | 22140 Bittersweet                 | Curtis        | OH    | 43412    | 419-466-5878   |     |                         | J       | Y         |
| Mr.     | Ray           | LeGarneto   | 9/10/06  |              | Veterans Adi 5717 Pebble Rock Rd. | Las Vegas     | NV    | 89149    | 702-444-4944   |     | rlsagarreta@hotmail.c   | J       | Y         |
| Ms.     | April Nicole  | McCullish   | 1/22/07  |              | 14226 Piles Place                 | Parks         | AR    | 72950    | 478-577-2370   |     | nicolemcullish@yahoo    | J,V,C,O | Y         |
| Ms.     | Cheri         | McIntosh    | 1/13/07  |              | 705 4th Ave. NW                   | Great Falls   | MT    | 58405    | 408-727-2783   |     | montanskaren111         | J       | web       |
| Ms.     | Elizabeth     | McMahon     | 1/20/07  |              | 319 Mineral Ave.                  | Bozeman       | MT    | 59718    | 208-743-7414   |     |                         | J       | Y         |
| Mr.     | Jease         | McMahon     | 1/20/07  |              | 319 Mineral Ave.                  | Bozeman       | MT    | 59718    | 408-589-8728   |     |                         | J       | Y         |
| Mr.     | Jason G.      | Ness        | 1/11/07  |              | 5731 orchard St. W #10            | Tacoma        | WA    | 98467    |                |     |                         | J,V,C   | Y         |
| Mr.     | Ken           | Neville     | 1/15/07  |              | 5349 Edgewater Dr.                | Toledo        | OH    | 43611    | 419-729-2681   |     |                         | J       | Y         |
| Mr.     | Andrew        | Parsons     | 1/21/07  |              | 8600 Cattlemen Rd.                | Waldron       | AR    | 72958    | 479-837-4343   |     |                         | J       | Y         |
| Ms.     | Cecelia       | Reinboit    | 1/24/07  |              | 7772 Apache Trail                 | Temperance    | MI    | 48182    |                |     |                         | J       | Y         |
| Ms.     | Kelly         | Reinboit    | 1/19/07  |              | 7772 Apache Trail                 | Temperance    | MI    | 48182    |                |     |                         | J       | Y         |
| Mr.     | William       | Reinboit    | 1/19/07  |              | 7772 Apache Trail                 | Temperance    | MI    | 48182    |                |     |                         | J       | Y         |
| Ms.     | Karen K.      | Ritter      | 1/24/07  |              | 8600 Cattlemen Rd.                | Temperance    | MI    | 48182    | 419-297-9433   |     | monorein@hotmail.com    | J       | Y         |
| Ms.     | Henniferita   | Roudalusa   | 9/7/06   |              | 411 Manzano St.                   | Waldron       | AR    | 72858    | 479-837-4343   |     | WDBOLT@aol.com          | J,V     | Y         |
| Mrs.    | Imogen        | Ryder       | 9/4/05   |              | 2580 Oak St.                      | ABD           | NM    | 87108    |                |     | kirriter2003@yahoo.c    | J,V,C   | Y         |
| Mr.     | Bruce         | San Nicolas | 9/3/05   |              | P.O. box 11833                    | Eugene        | OR    | 97405    | 541-814-0473   |     | lyrdan@earthlink.net    | J & V   | Y         |
| Mr.     | Robert        | Sandberg    | 9/3/05   |              | P.O. Box 87                       | Glendale      | AZ    | 85318    | 208-963-7911   |     | lpowerswall@mngel.com   | J & V   | Y         |
| Mr.     | Jean          | Schultz     | 9/3/05   | Environment  | 202 N. 17th St.                   | Buckee        | WA    | 98371    | 208-963-7911   |     | stcphusup@caica.net     | J & V   | Y         |
| Mr.     | Lawrence      | Smith       | 9/4/09   |              | 121 Rainbow Dr #2188              | Larnesse      | TX    | 79331    | (806) 332-8235 |     | woodtat@booker@mail.com | J       | Y         |
| Mr.     | Floyd         | Smith       | 4/24/07  |              | 121 Rainbow Drive #2188           | Livingston    | Tx    | 77389    | 585-908-4186   |     | woodtat@rocketmail.com  | J       | Y         |
| Mr.     | Patrick       | Stark       | 1/30/07  |              | 13361 Shiloh Rd                   | Livingston    | TX    | 77386    | 569-908-4188   |     | 284-718-8887            | J       | Y         |
| Ms.     | Patricia      | Thompson    | 1/30/07  | NFR Citizen  | 39 Pickle lane                    | Troy          | TX    | 76579    |                |     |                         | J,V,C   | Y         |
| Mrs.    | Brandon       | Thurbow     | 9/4/05   |              | 9189 Coors Rd NW #73              | Heavener      | OK    | 74837    | 918-839-3804   |     | trickathomason@evard    | J       | Y         |
| Ms.     | Cynthia       | Wright      | 1/8/06   | Eaglesun Sy  | 4186 S. Birmingham Pl             | Albuquerque   | NM    | 87120    | 850-486-3185   |     | brandon_sips@yahoo.com  | J       | Y         |
| Ms.     | Cecelia       | Wyatt       | 1/12/07  |              | 3902 256th Street E. Apt. #A-     | Tulsa         | OK    | 74105    | 918-743-9855   |     |                         | C       | Y         |
| Ms.     | Claudia       | Wyatt       | 1/12/07  |              | PO Box 111564                     | Tacoma        | WA    | 98411    | 253-381-3686   |     |                         | J, V, C | Y         |
| Mr.     | Matthew       | Wyatt       | 1/12/07  |              | PO Box 111564                     | Tacoma        | WA    | 98411    | 253-381-3686   |     |                         | C       | Y         |
| Ms.     | Ramona        |             | 1/18/07  | Vendor/supp  | 6154 W 83 way                     | Arvada        | CO    | 80003    | 303-927-8284   |     | monalabressoull@yah     | V       | web       |



Madera Chamber of Commerce  
120 North E Street  
Madera, California 93638  
Telephone (559) 673-3563  
www.maderachamber.com

2

October 17, 2007

Subject: Written Testimony Supporting North Fork Rancheria Notice of Availability

Members of the U.S. Senate Indian Affairs Committee:

The Madera Chamber of Commerce began working with the North Fork Mono Rancheria in support of their proposed destination resort and gaming facility in Madera in the year 2004. It is recognized that any development like this takes proper planning and time. Respectively, Madera County and City Governments have completed their due process with efficiency and in a timely matter to move this highly supported project forward. Our community has overwhelmingly supported the North Fork Mono Rancheria's venture and the final approval has been highly anticipated. There was always a local understanding of the process and time it takes for a project such as this to come to fruition through the federal level. It is said that good things come in time, but the timing of the federal process has experienced an unreasonable delay, one which should not be considered acceptable.

It was my understanding after I attended a Scoping Meeting on November 15, 2004 held by the Bureau of Indian Affairs, that the federal process was well underway. In a scoping report presented by AES in July 2005, it was estimated that the draft EIS would be available for public review in early 2006 for a period of 45 days. During this 45-day public review period the BIA would conduct a public hearing which then would allow for the final EIS to be available in mid-2006. It would then be possible that within 30 days after making the final document available that a final decision could be rendered. This schedule was drafted as a result of comments made by the BIA at the November 15, 2007 Scoping meeting held in Madera. Further, past precedence of other Native American project approvals would certainly support this timeframe.

As I submit this testimony to you, it has been well over a year that the decision on the North Fork Mono Rancheria's project was expected. Reasonable delays are to be expected, but this setback by the BIA is not.

I believe that the U.S. Senate Committee can certainly understand the impacts this delay has caused for North Fork Mono Rancheria and the community of Madera in terms of economic development and future prosperity. The tribe has worked diligently in creating a collaborative partnership with our community for the future benefit of their tribal members and the citizens of Madera.

It is with respect, that I submit this written testimony on behalf of the Madera Chamber of Commerce, urging your support in the release of the draft environmental impact statement for the North Fork Mono Rancheria's development project; and to further support the testimony of Madera County Board of Supervisor Frank Bigelow presented to the U.S. Senate Committee on Indian Affairs on October 4, 2007 in Washington, D.C.

Respectfully submitted,

Debra L. Bray, President/CEO

**Proposed Entertainment and Destination Resort  
Endorsed by Board of Directors**

The Directors of the Madera Chamber of Commerce have endorsed the proposed Entertainment and Destination Resort, a project of the North Fork Rancheria Mono Indians of California. In doing so, the Board of Directors acknowledged the necessary process in which the tribe must continue working to obtain all final approvals from local, State, and Federal Agencies. The position taken on the project was a direct reflection of the Chamber's mission statement....*"to promote a diverse and thriving business environment for the community of Madera"*.

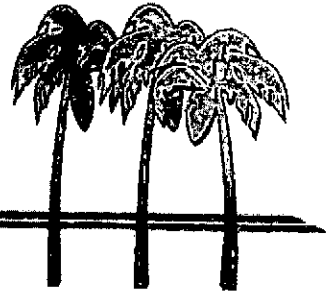
Over a year ago, the Madera Chamber of Commerce hosted a membership meeting where the North Fork Tribal Chair, Elaine Bethel-Fink, and other representatives presented the proposed project. Since that time, the Madera County Board of Supervisors have approved a Memorandum of Understanding in August of 2004. The County Supervisors in August of 2005 officially gave their support to the North Fork Rancheria Mono Indians and their plans to develop this project north of town.

The Tribe has reported that the Destination Resort would create 4,250 jobs. Of these jobs, 1,500 would be well-compensated positions with the resort (with an annual payroll of \$50 – 60 million) providing an average income of \$48,000 annually. The resort would also offer diversified positions with career ladders within the organization. Included in the job creation would be an additional 750 construction jobs and 2000 jobs would be developed indirectly.

Additional benefits to the proposed plans being approved are the business opportunities projected when a development this size lands in a community. North Fork Rancheria Resort estimates that \$45–50 million dollars in goods and services will be spent. It is their goal to dedicate themselves to working with local vendors. The equation goes further when you factor in the millions of dollars that will be generated by a multiplier effect benefiting Madera County's economy. It has also been recognized that growth through the investment of private capital without local fees or taxes will further enhance our community and economic development. Finally, there will be a major impact increasing and creating additional tourism in Madera.

Currently the Environmental Impact Statement is being done and the plans are now being reviewed by the Bureau of Indian Affairs, department of the US Secretary of Interior. Once approval is granted the project then goes to the Governor's office for final approval. It is anticipated a final decision will be rendered in Fall of 2006.

For additional information about the Proposed Entertainment and Destination Resort contact the Chamber office.



130 S. Second Street  
Civic Center Plaza  
Chowchilla, CA 93610  
(559) 665-8615 - (559) 665-7418 fax  
www.ci.chowchilla.ca.us

**EXCERPT OF MINUTES  
CHOWCHILLA CITY COUNCIL MEETING**

I, Rebekah Steed, Chief Deputy City Clerk of the City of Chowchilla, California, DO HEREBY CERTIFY, under penalty of perjury under the laws of the State of California, that the following is an excerpt of the minute action of the Chowchilla City Council at its Special Meeting of May 5, 2005, at which meeting the following Chowchilla City Council members were present: Mayor Lucchesi, Mayor Pro Tem Harris, and Council Members Ginsburg, Belton, and Warner.

*Mayor Lucchesi asked the Council for consensus on the proposed Rancheria casino in Madera County. He noted that the Madera County Board of Supervisors is having a meeting at 1 PM on May 17, 2005, and he wanted to tell them how the Chowchilla City Council felt about the project.*


*Council Member Belton commented that the Sheriff noted that the casinos were clean operations. Mayor Pro Tem Harris commented that the Rancheria will pay the salaries of several deputy sheriffs and fire fighters and will put in a fire station and reimburse the County and City on any expenses incurred due to their operation. Council Member Ginsburg commented that he had no objection to building in the County and that it would probably generate a good deal of revenue and a lot of jobs. Council Member Warner stated that he is not necessarily in favor of the casino being in our back yard as he feels gambling is a disease. He prefer that it be located up in the mountains instead.*

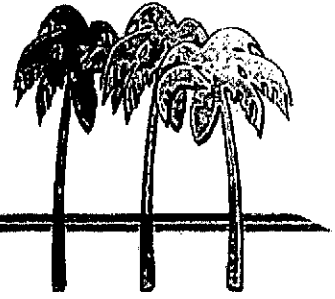
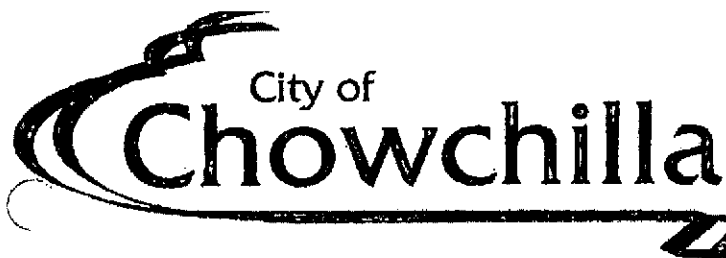
*Mayor Lucchesi explained that the proposed project was discussed at the Drug Advisory Board. Although they are looking at ways to solve these types of addictions, he noted that the stock market is also a form of gambling, not just casinos.*

*It was the consensus of Council that they are in favor of the project and its location and Mayor Lucchesi will present it this way to the Madera Board of Supervisors on May 17.*

Dated this 14<sup>th</sup> day of May, 2007.

CITY OF CHOWCHILLA

  
Rebekah Steed  
Chief Deputy City Clerk



130 S. Second Street  
Civic Center Plaza  
Chowchilla, CA 93610  
(559) 665-8615 - (559) 665-7418 fax  
[www.ci.chowchilla.ca.us](http://www.ci.chowchilla.ca.us)

October 17, 2007

US Senate Indian Affairs Committee  
Email: [testimony@indian.senate.gov](mailto:testimony@indian.senate.gov)

**RE: Written Testimony Supporting North Fork Rancheria Notice of Availability**

Dear Committee Members,

The City of Chowchilla has a direct and immediate stake in the development of the proposed North Fork Rancheria destination hotel and casino resort in Madera County. As Mayor of the City of Chowchilla, I am writing to encourage the Bureau of Indian Affairs to allow the Environmental Impact Statement process for this project to continue in a timely and orderly manner by immediately releasing the draft EIS.

In conjunction with the early EIS Scoping activities, our City Council considered the project at its Special Meeting of May 5, 2005 and gave consensus that we were in favor of the project and its location. I am surprised and confused to learn that over two years later, the Draft EIS has still not been release to the community by the BIA.

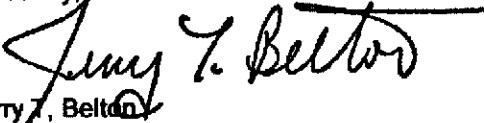
Although not officially requested a "Cooperating Agency" by the BIA, the City of Chowchilla has been involved in and monitored the EIS process given the potential economic, social, and environmental impacts of the project to Chowchilla. Further delay of the Draft EIS hinders our City's ability to review, analyze, and plan for the potential impacts. In addition, the delays stall economic benefits to our community in the form of jobs, vendor opportunities, and charitable and public funding.

The North Fork Rancheria Tribe has played by the rules and worked constructively and transparently with local jurisdictions and community groups to build a project that will serve the needs of this region and its citizens. Private investment endeavors such as these should be rewarded rather than penalized.

Now it is the turn of the federal government to fulfill its roles and responsibilities by following the standard rules and procedures governing the EIS process for Indian gaming and land-into-trust projects such as the North Fork Rancheria resort.

Please immediately release the NOA for the EIS and allow this important regional development project to move forward.

Sincerely,

  
Jerry T. Belton  
Mayor

C: City Council Members  
Nancy Red, City Administrator  
Jacquie Davis-Van Huss, Tribal Chairperson, [jvanhuss@netptc.net](mailto:jvanhuss@netptc.net)  
Charles Altekruise, NFR Community Relations, [calktekruise@caconsult.org](mailto:calktekruise@caconsult.org)





October 18, 2007

US Senate Indian Affairs Committee

**RE: RE: Written Testimony Supporting North Fork Rancheria NOA**

**OFFICERS**

Antonio Valtierra  
Chair

Dora Rivera  
President & CEO

**EXECUTIVE BOARD**

Treasurer  
Patricia Ahlenslager  
County Bank

Secretary  
Emerson Estrada  
Workforce Investment Board

**BOARD OF DIRECTORS**

Gabriela Mello  
Citibank

Rudy Medina  
Bank of America

Addie Delgado  
Sheriff Department

Robert Mendez  
Univision KFTV Ch. 21

Shannon Koortz  
Pacific Gas & Electric Company

Henry T. Perea  
Council Member District 7

Pete Estrada  
Specialized Printing and Promotion

Austin B. Ewell  
The Clarksfield Company

Dear Committee Members,

As Executive Director of the Fresno Area Hispanic Chamber of Commerce (FAHCC), I am writing in support of the proposed North Fork Rancheria development project and to urge the BIA to publish the Notice of Availability (NOA) for the Draft EIS for this project without further delay.

By promoting jobs, business opportunity and community investment the North Fork Rancheria project will directly support our Chamber's mission to *"To Improve and Strengthen Individuals, Business and Community."*

- **Jobs** to help citizens buy locally, raise families, purchase homes, pay taxes, save, and invest in their futures.
- **Business opportunity** to build stronger local businesses, governments and institutions.
- **Community investments** to enhance quality of life and build a stronger social fabric.

We support the North Fork Rancheria project because they have proven to be good neighbors, played by the rules, and worked constructively and transparently with all local governmental entities and many community groups like ours to build a project that will truly serve the needs of this region and its diverse citizens. Private investment projects like this should be rewarded rather than penalized by unreasonable and unwarranted bureaucratic delay.

Please immediately release the NOA for the North Fork Rancheria Draft EIS and allow this important regional development project to move forward.

If you have any questions please do not hesitate to contact the office at (559) 222-8705.

Sincerely,



October 17, 2007

US Senate Indian Affairs Committee

**RE: RE: Written Testimony Supporting North Fork Rancheria NOA**

Dear Committee Members:

As Executive Director of the Madera County Economic Development Commission, I am writing today in support of the North Fork Rancheria Entertainment and Gaming Resort. As addressed in the recent October 4, 2007 Oversight Hearing at the U.S. Senate Committee on Indian Affairs, this project has been delayed because of backlogs at the U.S. Department of Interior, Bureau of Indian Affairs.

Our mission at the EDC is to position Madera County – which is at the heart of California's Central Valley – as an economically viable and vibrant area through a multifaceted and diversified economic base. The North Fork entertainment and gaming resort offers the type of economic opportunity and diversity to our community which would include thousands of new jobs and enormous new career opportunities in a traditionally agricultural area.

The resort, to include not only gaming, but also retail stores, a hotel, spa, restaurant and entertainment options is an example of this economic diversification – in one package. In addition to the more than 1,400 new jobs expected, it would also have a ripple effect throughout the area by indirectly supporting other local businesses and the growth of new ones. Indeed, we believe that this resort could be a cornerstone for economic development throughout the region, generating roughly \$100 million in annual local economic benefits and activity. Accordingly, each day of delay costs Madera County and the region roughly \$275,000 in lost financial resources.

On behalf of the EDC, we respectfully request that the Bureau of Indian Affairs immediately release the Notice of Availability (NOA) for the Tribe's Environmental Impact Statement (EIS) to allow this important regional development project to move forward so we can all be part of a growing and vibrant Madera County.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bobby Kahn', is written over a white background.

Bobby Kahn  
Executive Director  
Madera County Economic Development Commission

*"Madera County, The Perfect Location"*



OFFICE OF THE MAYOR

Phone: (559) 661-5405

Fax: (559) 674-0446

Madera City Council  
Celebrating 100 Years!  
1907-2007

Mayor  
Steven A. Mindt

Mayor Pro Tem  
Sally J. Comprazzi

Council Member  
Sam Armentrout

Council Member  
Gary L. Svanda

Council Member  
Robert L. Pythress

October 17, 2007

Committee on Indian Affairs  
United States Senate  
838 Hart Office Building  
Washington, DC 20510

RE: Written Testimony Supporting North Fork Mono Rancheria NOA

Honorable Committee Members,

I am writing in support of the North Fork Mono Rancheria project and in support of the testimony presented on October 4, 2007 by Madera County Supervisor Frank Bigelow.

After a two and a half year process, the draft North Fork Mono Rancheria EIS was completed on February 2, 2007 and the draft NOA was submitted for signature as required by law. I am asking that the process be completed and allow the local community to complete its due process.

The proposed project represents a CORNERSTONE economic development project for our community that needs more jobs, business opportunities and will bring nearly \$100 million dollars annually in local economic benefits not to mention the impact economic benefits to the 1,900 local tribal members.

The North Fork Mono Rancheria Tribal members have established a collaborative and constructive working relationship with our community and have garnered unparalleled community support and endorsements. In addition, Memorandum of Understandings (MOU's) have been completed and signed between the North Fork Rancheria Tribe and the County of Madera, City of Madera and the Madera Irrigation District (MID) all of which were completed in a cooperative, collaborative, constructive manner.

Postponement or cancellation of this ANCHOR project could delay ancillary growth spawned by this development and will put at risk a number of key local developments predicated upon the successful completion of this project. Postponement or cancellation of this project will also create an additional economic hardship to a community that is already suffering from the recent slowdown in the housing and construction industries.

Thank you in advance for consideration of this testimony and I look forward to the speedy and timely completion to of the NOA before you today.

Sincerely,

*Steven A. Mindt*  
by *ha*

STEVEN A. MINDT  
Mayor, City of Madera

C: File



2331 Fresno Street Suite 115 • Fresno, CA 93721  
(559) 441-7929 Fax: (559) 495-4811 Website: [www.sjvbc.org](http://www.sjvbc.org)

October 17, 2007

US Senate Indian Affairs Committee

**RE: RE: Written Testimony Supporting North Fork Rancheria NOA**

Dear Committee Members,

I am writing in support of the proposed North Fork Rancheria development project and to urge the BIA to publish the NOA for this project without further delay.

One of the SJVBC Chamber's missions is to represent and advocate on behalf of businesses and the socioeconomic well-being of our community. The North Fork Rancheria, a member of our organization, is one of the largest proposed economic development projects in the region, and directly supports our organization's goals.

The North Fork Rancheria Tribe has worked constructively with all local governmental entities to build a project that will truly serve the needs of this region and its diverse citizens. Business endeavors such as these should be rewarded rather than unduly penalized.

We ask that the federal government fulfill its roles and responsibilities by following the standard rules and procedures governing the EIS process for Indian gaming and land-into-trust projects such as the North Fork Rancheria resort.

Our region, Central California, faces a number of severe, endemic economic imbalances that fall most heavily on the shoulders of our diverse populations. The North Fork project will help address this situation by bringing much needed

jobs, vendor opportunities, and public funding but only if the BIA allows the process to move forward.

Your Promptness in releasing the NOA for the EIS will allow this important regional development project to move forward.

Sincerely Yours,

Ken Blackwood  
CEO/President



Central California  
CHAMBER OF COMMERCE

Serving the Hispanic Community of the Central Valley for 50 years

SBA Community Partner of the Year

October 17, 2007  
US Senate Indian Affairs Committee

**RE: RE: Written Testimony Supporting North Fork Rancheria NOA**

Dear Committee Members,

As Executive Director of the Central California Hispanic Chamber of Commerce (CCHCC), I am writing in support of the proposed North Fork Rancheria development project and to urge the BIA to publish the NOA for this project without further delay.

Our Chamber's mission is to promote, stimulate and support Hispanic owned business. We seek to create, maintain, and improve a favorable business environment that strengthens the financial position of our members and contributes to the socioeconomic well-being of our community. As one of the largest proposed economic development projects in the region, the North Fork Rancheria project directly supports our organization's goals.

Business Chambers traditionally advocate for clearly defined rules, level playing fields for all businesses, and better, more transparent private and public collaboration. The North Fork Rancheria Tribe has played by the rules and worked constructively and transparently with all local governmental entities as many community groups like ours to build a project that will truly serve the needs of this region and its diverse citizens. Business endeavors such as these should be rewarded rather than unduly penalized.

Now it is the turn of the federal government to fulfill its roles and responsibilities by simply following the standard rules and procedures governing the EIS process for Indian gaming and land-into-trust projects such as the North Fork Rancheria resort.

Central California is a wonderful place to work, live and play but our region faces a number of severe, endemic economic imbalances that fall most heavily on the shoulders of our diverse populations. The North Fork project will help address this situation by bringing much needed jobs, vendor opportunities, and public funding – but only if the BIA allows the process to move forward.

Please immediately release the NOA for the EIS and allow this important regional development project to move forward.

Sincerely,

John Hernandez  
Executive Director  
Central California Hispanic Chamber

# Golden Valley Chamber of Commerce

57167 Ave. 12, Ste 5C, Madera, Ca 93636

Phone: 559 645-4001 Fax: 559 645-4002

E-Mail: goldenvalleychamber@theranchos.com

"Serving the Business Community of Southeastern Madera County"



July 26, 2007

Congressmen George Radanovich  
2367 Rayburn House Office Building  
Washington, DC 20515  
202 225-3402

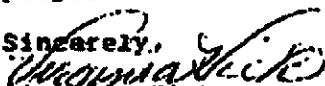
Dear Representative Radanovich,

As a citizen of Madera County, I urge you to intervene with the U.S. Department of Interior to publish the Notice of Availability (NOA) for the draft EIS of the North Fork Rancheria destination entertainment and hotel resort.

Any further delay in the publication of the NOA will unnecessarily deny the public an opportunity to review and comment on the draft EIS and adversely impact the local economy. Every day of delay for this project represents a loss to Madera County economy.

Interior's roughly 5 month delay in publishing the North Fork NOA has already cost Madera County and the region-in the mist of a serious housing slump-millions in lost economic benefits.

Please do everything within your power to resolve this issue for the benefit of Madera County whose citizens deserve the right to review and weigh the many merits and benefits of this project.

Sincerely,  
  
Virginia Vick  
Office Manager/Treasurer  
Golden Valley Chamber  
11068 El Capitan Drive  
Madera, Ca 93636  
559 439-7198

DRAFT

March 7, 2008

To Whom It May Concern:

In conjunction with early EIS Scoping activities, City of Chowchilla City Council considered the North Fork Rancheria Destination Hotel and Casino Resort project at its Special Meeting of May 5, 2005 and gave consensus that we were in favor of the project and its location. Again, in May of 2007 at a joint workshop with the Chowchilla District Chamber of Commerce, we reiterated our support and we continue to do so.

The City of Chowchilla, although not officially requested as a "Cooperating Agency" by the Bureau of Indian Affairs (BIA), has been involved in and has monitored the EIS process given the potential economic, social and environmental impacts of the project to Chowchilla.

We are reminded that the City of Chowchilla has a direct and immediate stake in the development of this project - the potential for needed jobs to be generated, opportunity to build stronger local business, community investment to enhance quality-of-life and build a stronger social fabric, local hospitality and entertainment amenities/venues and respectful partnership with the goal of improving the lives for all residents of the region.

In reviewing the recently released draft of EIS, the proposed project appears to meet and/or uphold many of the Goals and Policies of the Madera County General Plan. Three key areas relate to Commercial Land Use (Goal 1.D and Policy Sect. 1.D.), Job-Housing Balance (Goal: 1.F. AND Policy: Sect. 1.F.2), and Visual and Scenic Resources (Goal: 1.H, Policy: 1.H 1 and Policy: 1.H.2).

The North Fork Rancheria tribe has worked in a collaborative, constructive and transparent manner with the local community and county. Through the demonstration of their commitment to mitigate significant project impacts and for planned contributions - the project allocates generous public funding through the MOUs over its lifetime - they have garnered almost unanimous support from local agencies, jurisdictions, chambers and labor unions. The City of Chowchilla is among those supporters.

Sincerely,



# **BASS LAKE CHAMBER OF COMMERCE**

**(559) 642-3676**

September 20, 2007

North Fork Mono Rancheria

Attn: Charles Banks-Alterkruse  
(866) 461-2999 (fax)

Thank you for your informative presentation at the Bass Lake Chamber of Commerce meeting held on September 20, 2007. We appreciate you taking the time to meet with us.

We, as a Chamber, voted to endorse the North Fork Mono Rancheria Casino to be built in Madera. We see this project as a positive step towards revitalizing the community of North Fork and its residents and look forward to partnering with you to promote tourism in our area.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leslie Cox".

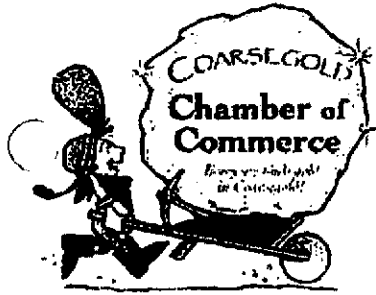
Leslie Cox, President  
Bass Lake Chamber of Commerce



866-461-2499

*D*

*Charlie*



# Coarsegold Chamber of Commerce

Post Office Box 815 • Coarsegold, California 93614  
(559) 642-2262 • [www.coarsegoldchamber.com](http://www.coarsegoldchamber.com)

May 22, 2007

Ms. Elaine Fink  
Mr. Charles Alte-Kruse  
North Fork Rancheria of Mono Indians  
PO Box 929  
North Fork, CA 93643

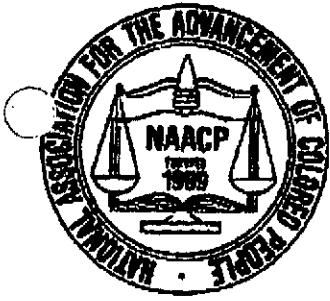
Dear Ms. Fink and Mr. Alte-Kruse,

On April 18, 2007 the Coarsegold Chamber of Commerce Board of Directors voted to support the North Fork Mono Rancheria resort and casino project. We were pleased with your presentation of information, and commend your work with the County of Madera, the City of Madera and all other parties to bring this project to completion.

We wish you success in your endeavors.

Best regards,

Vincent Sipe, President  
Coarsegold Chamber of Commerce  
Board of Directors



**NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE**

Madera Branch 1084  
Po Box 513  
Madera, CA 93639

**President  
Luther Slack**

March 7, 2007

**Vice President  
Frank Sanders JR**

Dear Charlie,

**Secretary  
Claresa Slack**

I am writing to let you know that the Madera NAACP supports the North Folk Mono Rancheria project. I thank the Rancheria entertainment and destination resort will be a great asset to the community. We appreciate your community spirit, and we look forward to forming a partnership to serve all of Madera County.

**Assistant Secretary  
Kim Eiland**

Please let us know if we can be of assistant. We are looking forward to the completion of your project.

**Treasurer  
Elce Murphy**

Sincerely,

**Assistant Treasurer  
Yvette Jenkins**

*Luther Slack*  
Luther Slack  
President Madera NAACP Branch 1084



113 North R Street • Madera, CA 93637 • (559) 673-8004 • Fax (559) 673-4699

October 19, 2007

U.S. Senate Committee on Indian Affairs  
Sacramento, California 94203

Re: North Fork Rancheria NOA

Gentlemen,

I am writing in support of the North Fork Development Project in Madera and asking that the Bureau of Indian Affairs release the completed draft EIS document for public review and comment. This project is strongly supported within our Community including every Chamber of Commerce in the County, the City and County of Madera as well as thousands of local citizens who have signed individual support signatures.

The positive economic impact on our community is tremendous. The project will provide employment, business opportunities and funding for many community services. Your favorable consideration to this request is appreciated.

Sincerely,

Monte Pistoressi



# Harbison International Inc.

Engineers - Surveyors - Planners

---

October 19, 2007

To: Members of the U.S. Senate Indian Affairs Committee:

RE: Written Testimony Supporting North Fork Rancheria Notice of Availability

Dear Committee Members:

I am writing this letter in support of the North Fork Rancheria Resort. As a member of the committee to bring business to Madera County, it is imperative that we support this project that represents a cornerstone to economic development for a region that is in dire need of new jobs, business opportunity and community funding. This project and others will not only bring millions of dollars into the community, but also would provide thousands of jobs and new career development to an area that greatly needs this resource.

I am sure that you understand the impacts such a delay has caused for this community. The project represents the most effective option for breaking the cycle of poverty and unemployment for both the Tribe and Madera County community. Thousands of dollars have been accrued in additional interest expenses, besides the millions of dollars of lost revenue from the resort. Madera County should be allowed to plan and execute their economic development and land use in cooperation with the Indian tribe without unnecessary and unexplained delays from the federal government.

I respectfully submit this written testimony on behalf of my company and as a committee member urging your support in the release of the draft environmental impact statement for the North Fork Rancheria's development project, and to support the testimony of Madera County Board of Supervisor Frank Bigelow's presentation of October 4 to your committee.

Sincerely,

Mike A. Hlamzy  
Principal / Owner

2755 E. Shaw Ave., Suite 101 - Fresno, CA 93710, USA

Tel: 559-294-7485 · Fax: 559-294-7481

E-mail: [mike@harbisonint.com](mailto:mike@harbisonint.com)

Website: [www.harbisonint.com](http://www.harbisonint.com)

October 18, 2007

Marilyn Bruce  
Bureau of Indian Affairs  
Senate Committee on Indian Affairs

Re: Written Testimony Supporting North Fork Rancheria NOA

Dear Ms. Bruce and Committee Members:

I am a partner in a agricultural marketing business based in Madera County. This community has struggled for many years with high unemployment, low paying jobs, impoverished schools and lack of infrastructure. The proposed Resort by the North Fork Rancheria will help address these issues that a community relying solely on commodity based agriculture cannot solve on its own. The Memorandum of Understanding between the North Fork Rancheria and the City and County of Madera is poised to contribute nearly \$100 million over the next 20 years to city and county coffers, an extraordinary amount of money that Madera County's local governments could never generate without this project. In addition, there are several other major developments in the area predicated on this project and due to the delays in releasing the NOA these projects are on hold. Developers will not wait forever, and could pull their projects if they do not see progress on the Resort. Along with many forward-looking business owners in Madera, I strongly urge you to move forward on the release of the NOA immediately, as this community is suffering as a result of this inexplicable delay.

In addition to the instability placed on the community with these expensive delays, the North Fork Rancheria residents are being denied the opportunity to help their own people. The Tribe is losing millions of dollars in lost revenue from the proposed Resort, as well as being forced to pay interest on borrowed money for all EIS work that has already been completed. Its members are doing without funding for health care, education programs and job training because of lack of revenue. The Tribe has worked diligently with the community and has offered on-going long term investment in not only business and infrastructure, but in local tourism, education and the arts, which NO OTHER tribe in Madera County has done. They have been transparent in their due diligence and have over 4000 letters of support for the project from local residents. The members of the North Fork Rancheria deserve the right to become self-sufficient and to better the lives of its members and our community by being allowed to move forward with the NOA.

Thank you for your prompt action on this matter.

Respectfully yours,

**DARREN  
SCHMALL**  
27877 Avenue 8  
Madera, CA 93637  
(559) 363 - 5433

Nicole Darracq  
Partner  
sent via email: [nicole@agpromarketing.com](mailto:nicole@agpromarketing.com)

**NICOLE  
DARRACQ**  
18135 Bourbon St.  
Jackson, CA 95642

**GOLDWELL  
BANKER**

**H & L REAL ESTATE**

322 W YOSEMITE AVE.  
MADERA, CA 93637  
BUS. (559) 673-9178  
FAX (559) 673-2114

October 18, 2007

To whom it may concern:

Re: Supporting North Fork Rancheria NOA

My concern is about the delay of the draft for North Fork Rancheria NOA. I support getting this completed for several reasons, economic impact on our community and business.

I'm asking for a decision to be made and action taken to complete this task. We need the jobs and income from this economic opportunity that the North Fork Rancheria NOA can provide.

Thank you



David Lee  
322 West Yosemite Avenue  
Madera, CA 93637  
(559) 232-5316

# Latinas Unidas

1625 Howard Rd. Box 240  
Madera, CA 93637

"Supporting Latina Women in Madera"

fe

April 26, 2007

North Fork Rancheria  
P.O. Box 929  
North Fork, CA 93643

To whom it may concern:

Latinas Unidas unanimously is in favor of the new casino set forth by the North Fork Rancheria. As a growing community, Madera has been in dire need of an establishment to create economic stability, promote job growth, and enrich our community as a whole. As promoters of further education, the new casino offers new opportunity and career growth for hundreds of our citizens. Furthermore, the members of our organizations are excited about the attraction of a new entertainment facility that will offer our city with more options and attract new citizens to experience life in Madera. The North Fork Rancheria has been very generous to our organization and we know they will continue to be generous with other non profits in a team effort to improve the quality of life for all Maderans. The Latinas Unidas organization will be proud to have the North Fork Rancheria Casino in Madera.

Sincerely,



Nora Salazar  
President

*CHAUSHILHA TRIBE OF YOKUT INDIANS*

Elaine Fink  
Tribal Chair  
North Fork Rancheria

RE: Letter of Support

Dear Ms. Fink:

I have been authorized by the Chaushilha Tribe of Yokut Indians to offer our support in your efforts to build a new casino on Highway 99 and Avenue 17 in Madera County.

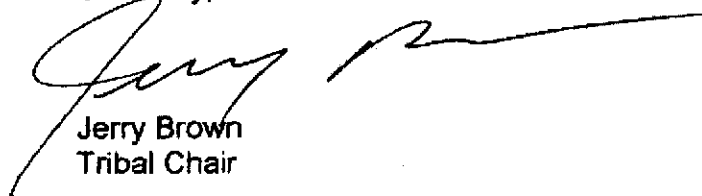
Our existence in the area is known through out the centuries by many historians, and it is also known that other aboriginal first Americans maintained villages within our boundaries and through out the central valley. With this history both our sovereignties are maintained. It is through mutual understanding that we remain united in each other's endeavors to succeed in establishing self-determination and self-sufficiency.

Our goal is to stand united with you and other neighboring tribes, but this is only a small contribution toward your efforts. If we can be of further assistance in assuring others that our intentions are genuine and honest, please feel free to have them contact me.

Thank you for letting us be a part in your historical road to success. We hope that you are triumphant and remain a leader of nations.

In the true meaning of Friendship, we wish you and your Tribe the best.

Sincerely,



Jerry Brown  
Tribal Chair





## **BIG SANDY RANCHERIA**

January 24, 2005

Connie Lewis  
Chairperson

Elaine Fink  
Tribal Chairperson  
Northfork Rancheria

Pearl Hutchins  
Vice Chair

RE: Letter of Support

Regina Riley  
Secretary

Dear Ms. Fink:

Phyllis Lewis  
Treasurer

The Big Sandy Rancheria Tribal Council, which represents over 400 members, has requested that I inform you that the Tribe will support your efforts in any economical venture that your Tribe embarks on.

Member-At-Large

We are looking forward to the construction and completion of your Casino on Avenue 17 and Highway 99 in Madera County. As you well know, tribes that stand together on issues that endanger our sovereignty and self-determination are never defeated.

Big Sandy Rancheria will stand with you and support you in every way we can. Please assure your Tribal Members that we in favor of your future development and self-sufficiency.

Please feel free to call me, or any Tribal Council member, for any assistance, and please pass on our sincere comments to anyone who may have interest in this letter.

Sincerely,

Connie Lewis  
Tribal Chairperson

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0049  
(916) 319-2045  
FAX (916) 319-2145

DISTRICT OFFICE  
106 NORTH AVENUE 58  
LOS ANGELES, CA 90042  
(323) 258-0450  
FAX (323) 258-3807

WEB  
<http://democrats.ussembly.ca.gov/members/ke6/>

# Assembly California Legislature



**KEVIN DE LEÓN**  
ASSISTANT ASSEMBLY MAJORITY LEADER  
FORTY-FIFTH DISTRICT

COMMITTEES  
ARTS, ENTERTAINMENT, SPORTS,  
TOURISM, AND INTERNET MEDIA  
GOVERNMENTAL ORGANIZATION  
HEALTH  
INSURANCE

March 10, 2008

Mr. Carl J. Artman  
Assistant Secretary, Indian Affairs  
1849 C Street N.W., Room 4160  
Washington, D.C. 20240

ARTS, ENTERTAINMENT,  
SPORTS, TOURISM,  
AND INTERNET MEDIA

**Re: North Fork Rancheria Application to Move to Highway 99**

Dear Mr. Artman:

I write to express my objections to a proposed move by the North Fork Rancheria from their current and historical Rancheria in the Sierra foothills nearly 50 miles away to the Highway 99 corridor. This proposed move will create a significant precedent for Tribal gaming statewide. Specifically, I am concerned that catapulting this Rancheria from the foothills down to the Highway 99 will trigger a statewide land rush to our urban corridors that will play out for years to come and have massive consequences for the entire state.

G-6.1

Permitting off-site gaming threatens the current Tribal gaming regulatory structure throughout California. I certainly sympathize with the North Fork Rancheria's efforts towards self-reliance and we need to support that goal, however, it must be done in a manner that fits within the Indian Gaming Regulatory Act (IGRA) and the statutes created by the voters when they approved Propositions 5 and 1A.

G-6.2

Approving a move by the North Fork Rancheria all the way down to Highway 99 will have a lasting and potentially enormous impact upon all California gaming. There are a number of other Tribes currently in negotiations with local governments in the Los Angeles metropolitan area searching for appropriate land. As a member of the Assembly Governmental Organization Committee, which has jurisdiction over gaming issues, and as a Los Angeles representative, I do not want a rush by gaming interests to relocate to urban centers in and around my community.

G-6.3

Mr. Carl J. Artman, Assistant Secretary, Indian Affairs  
March 10, 2008  
Page 2 of 2

Thank you for your consideration as you grapple with this important issue. I urge you to reject this application and work with the Tribe to develop a more suitable application given their circumstances.



G-6.4

Sincerely,

KEVIN DE LEÓN  
Assembly Assistant Majority Leader  
Forty-Fifth Assembly District

KDL.dr

STATE CAPITOL  
P.O. BOX 940649  
SACRAMENTO, CA 94269-0008  
(916) 319-2008  
FAX (916) 319-2108

DISTRICT OFFICE  
3501 CIVIC CENTER DRIVE, SUITE 412  
SAN RAFAEL, CA 94803  
(415) 479-4920  
FAX (415) 479-2123

# Assembly California Legislature



**JARED HUFFMAN**  
ASSEMBLY MEMBER, SIXTH DISTRICT

COMMITTEES  
CHAIR, ENVIRONMENTAL  
SAFETY AND TOXIC MATERIALS  
APPROPRIATIONS  
UTILITIES AND COMMERCE  
WATER, PARKS AND WILDLIFE

March 10, 2008

Mr. Carl J. Artman  
Assistant Secretary, Indian Affairs  
1849 C Street N.W., Room 4160  
Washington, D.C. 20240

Re: North Fork Rancheria Application to Move to Highway 99

Dear Mr. Artman:

I write to express my objections to a proposed move by the North Fork Rancheria from their current and historical Rancheria in the Sierra foothills nearly 50 miles away to the Highway 99 corridor.

G-7.1

I am deeply concerned regarding the precedent that such a move will have on California gaming. Specifically, I am concerned that catapulting this Rancheria from the foothills down to the Highway 99 will trigger a statewide land rush to our urban corridors that will play out for years to come and have massive consequences for the entire state.

G-7.2

Moving the North Fork Rancheria from its existing site is an obvious attempt by the tribes' Las Vegas investors to maximize profit margins. While I certainly understand the motivations by the Las Vegas interest group, that doesn't mean it is sound policy, nor equitable to the other gaming tribes in the foothills. Moreover, permitting profit margins to drive policy decision-making will undermine all restrictions on Class III gaming for Tribes and open it up to virtually any gaming interest willing to make the initial investment to site and construct a gaming facility in California. This is not the gaming structure the voters approved in Proposition 1A, nor is it equitable to permit it now.

G-7.3

Clearly the request by the North Fork Rancheria to leapfrog over other gaming interests down all the way to Highway 99 will have a lasting and potentially enormous impact upon all California gaming. I strongly urge you to reject this application and preserve our current regulatory structure for Tribal gaming in California.

G-7.4

G-7.5

Sincerely,

  
Jared Huffman, Assemblymember  
6<sup>th</sup> District

**Talking Points for Meeting with BIA Regional Office  
March 4, 2008**

*Procedural Issues*

1. The law requires BIA to consult with affected Tribes. We shouldn't have to come to you, you should have approached us for consultation.
  - a. When the proposed action may affect the environment of Indian trust or restricted land or other Indian trust resources, trust assets, or tribal health and safety, comments will be requested from the Indian tribal government unless the Indian tribal government has designated an alternate review process. 516 DM 4.18(B). 40 CFR 1503.1.
  - b. Tribal governments affected by a proposed action shall be consulted during the preparation of environmental documents and, at their option, may cooperate in the review or preparation of such documents. 516 DM 10.3(A)(2)(a).
  
2. The comment period on the draft EIS was set for only 45 days, the bare minimum under the law. For a proposed project of this magnitude, the comment period should be extended for at least another 45 days, and at least one additional public hearing should be scheduled. The draft EIS is thousands of pages long, and contains very complex materials.
  - a. Minimum review period for draft EIS is 45 days. 516 DM 4.26. 40 CFR 1506.10.

G-8.1

G-8.2

*Substantive Issues*

1. Appendix P of the Draft EIS states that the Phase I Environmental Site Assessments are contained at the offices of the BIA under separate cover. Why are they not included in the Draft EIS for public review?
  
2. The IRA, Section 465, gives discretion to BIA to take lands into trust for tribes. The BIA also has a trust responsibility to all tribes. How will the Regional Office balance its discretionary authority to take land into trust, with its trust obligation to protect the trust assets, which includes the trust land within the Picayune Rancheria, and Chukchansi Gold Resort & Casino, and other tribal properties. What methodology will the Regional Office apply?
  - a. To the extent practicable, the decision maker will consider other substantive and legal obligations beyond the immediate context of the proposed action. 516 DM 5.3. 40 CFR 1505.1.
  
3. Draft EIS analyzes impact on PRCI under federal environmental justice standards: "*disproportionately high or adverse impacts.*" Including impacts of competition on existing area Tribal casinos. Draft EIS Section 4.7.2, Alternative A analysis.

G-8.3

G-8.4

G-8.5

- a. Analysis of proposed alternatives in Section 2 gives following information:
  - i. Alternative A – gaming floor approx 100,000 sq feet.
  - ii. Alternative B – gaming floor approx 80,000 sq feet
  - iii. Alternative D – gaming floor approx 11,000 sq feet
- b. Draft EIS Section 4.7.2: Market share declines by 20% at Chukchansi, 17% at Table Mtn. and Big Sandy, and 6% at Tuolumne and Tachi. "All of the facilities are expected to remain open and continue to generate sustainable profits for their tribal owners." Therefore, disproportionately high and adverse effects to competing tribes would not occur and a less than significant environmental justice effect would result.
- c. Impossible to model revenue impact on other casinos without estimate of the number of slot machines at Hwy 99 facility. Gaming floor is only useful as a predictor to the extent that one can extrapolate from gaming floor to a number of slot machines.
- d. Draft EIS Appendix R, pg.62, Analysis of Socioeconomic effects of Alternative D, contains following language in second paragraph: "Instead of the 2000 slot machines and 60 tables analyzed at the Hwy 99 site, this option would only have 275 slot machines and 6 tables." However, neither Alternatives A or B contain any reference to a specific number of slot machines, only to the overall size of the casino facility. This strongly suggests that the 20% revenue impact analysis to Chukchansi, and the impacts to the other neighboring tribal casinos, was developed based on a model assuming the Hwy 99 casino had 2000 slot machines, but that references to 2000 machines were cleansed from other parts of the study. New compacts were approved over 2000 machines, and North Fork did not want to limit itself.
- e. The Draft EIS does not limit the Hwy 99 casino to a specific number of machines. Our experts are advising us that the Alternative A floor space could fit as many as 3000 or even 3500 slot machines. If the revenue impact analysis is based on 2000 slot machines, the analysis could change by a very significant amount. Further, since the mitigations set forth in the Draft EIS at Section 5 contain no limit on the size of the gaming floor or the number of slot machines, there really is no limit to how large the Hwy 99 casino can grow other than the actual size of the parcel. (For comparison, Chukchansi's entire casino, hotel, parking garage, WWTP, metal storage building, and tribal offices are built on less than 50 acres, and this proposed acquisition is for 305 acres.) This failure to accurately analyze the impact on the neighboring tribes requires that the Draft EIS be withdrawn by BIA for more work.
- f. Even without uncertainty of impact, how can conclusion be reached? What is standard that says 20% revenue/market share impact is not a disproportionately high and adverse effect? 20% market share could mean a much greater impact on the actual net revenues and money going to the Tribe for govt purposes. Because

cont.  
G-8.5

G-8.6

G-8.7

G-8.8

G-8.9

G-8.10

they believe Chukchansi will stay open is sufficient? \$1 of profit if can stay open? If have to scale back operations and reduce workforce by 1/3 to remain profitable, that is sufficient? There is no standard being applied, just a conclusory statement.

cont.  
G-8.10

4. Bad precedent in California. This fee to trust and 2-part is bad precedent for California. We have many areas where tribes are located close together, if commutability is the standard for 2-parts, Tribes will be jumping all over each other to get to best location. Please tell Assistant Secretary Artman that in California we need additional guidance that prevents leap-frogging, or the Tribe vs. Tribe battles are just going to get worse.

G-8.11



Picayune Rancheria  
of the

# CHUKCHANSI INDIANS

48575 Road 417 • Coarsegold, CA 93814 • (559) 883-8833

4

Fax (559) 883-8833  
 Reg. Adm. Off.  
 Route KPM  
 Response Required 1/1  
 Due Date 3/6/08  
 Memo \_\_\_\_\_  
 Tele \_\_\_\_\_

February 25, 2008

Amy Dutschke,  
 Acting Regional Director  
 Pacific Region, Bureau of Indian Affairs  
 2800 Cottage Way, Room W-2820  
 Sacramento, CA 95825

Re: Draft EIS for North Fork Rancheria Off-Reservation Gaming Acquisition

Dear Ms. Dutschke:

This letter is to request an extension of the time for commenting on the Draft Environmental Impact Statement for the North Fork Rancheria's Proposed 305 Acre Trust Acquisition and Hotel/Casino Project in Madera County, California ("DEIS"). The notice published in the Federal Register on February 15, 2008 provides for a limited 45 day comment period with comments due on March 31, 2008. The Bureau of Indian Affairs ("BIA") will hold one public hearing on March 12, 2008 from 6-9 PM per the Federal Register notice referenced above.

G-8.12

The Picayune Rancheria of the Chukchansi Indians (the "Tribe"), an interested party that will be significantly impacted by this project, requests that the comment period be extended for an additional 120 days. The Tribe also requests the BIA schedule additional public hearings on the project between now and mid-June. These requests are consistent with how the BIA is handling the environmental review process associated with similar projects (off reservation fee to trust acquisitions for gaming purposes).

G-8.13

This project is similar in size and description to the Cascade Locks Resort and Casino proposed by the Warm Springs Tribe in the City of Cascade Locks, Oregon. Both projects require Section 20 approvals for off reservation acquisitions; both projects are large facilities that include resort and casino features with at least 200 hotel rooms. The Warm Springs project will include parking for 3,700 vehicles, the North Fork project with include parking for 4,500 vehicles (and is directly off an over-congested freeway in one of the worst air quality areas of the nation). These projects have comparable impacts to surrounding communities and nearby Indian tribes and therefore should be treated similar as to the environmental review process. The Federal Register notice for the Warm Springs Tribe project was published the same day as the North Fork Rancheria's proposed project. The BIA set a deadline of May 15, 2008 for written comments and scheduled five hearings on the Warm Springs project. The BIA set a deadline of March 31 for written comments and scheduled one hearing on the North Fork project.

G-8.14

In order to allow for meaningful participation in the environmental review process for the North Fork DEIS the BIA must extend the comment period for an additional 120

G-8.15



days and hold additional hearings to provide an adequate opportunity to be heard. The DEIS is thousands of pages, and the deadline for the comment period does not provide interested parties with sufficient time to prepare meaningful comments. The BIA owes the Tribe and other area tribes a fiduciary duty to protect its interests in its trust land as to environmental and socioeconomic impacts. If an adequate opportunity to review and comment on the DEIS is denied it will be a breach of the BIA's trust obligation to other California tribes.

cont.  
G-8.15

G-8.16

G-8.17


The Picayune Rancheria respectfully requests that the BIA extend the comment period an additional 120 days and hold at least 3 additional hearings between now and mid-June 2008. Thank you for your consideration of this matter, we look forward to your response.

G-8.18

Sincerely,



Morris Reid  
Chairman



Joe Alberta  
Secretary

STATE CAPITOL  
P.O. BOX 942843  
SACRAMENTO, CA 95894-0017  
(916) 318-2017  
FAX (916) 318-2117  
DISTRICT OFFICES  
806 W. 18TH STREET  
MERCED, CA 95340  
(209) 728-5488  
FAX (209) 728-5489  
31 E. CHANNEL STREET #308  
STOCKTON, CA 93202  
(209) 948-7478  
FAX (209) 465-6058

Assembly  
California Legislature



CATHLEEN GALGIANI  
ASSEMBLY MEMBER, SEVENTY-NINTH DISTRICT

COMMITTEES  
CHAIR, SELECT COMMITTEE ON THE  
DEVELOPMENT OF A 10TH UNIVERSITY  
OF CALIFORNIA, MERCED CAMPUS  
CHAIR, SELECT COMMITTEE ON THE  
FUTURE OF FARMING IN CALIFORNIA  
STANDING COMMITTEES  
AGRICULTURE  
HIGHER EDUCATION  
LABOR  
TRANSPORTATION  
VICE CHAIR, RURAL CALIFORNIA

G-9

March 5, 2008

Carl Artman  
Assistant Secretary, Indian Affairs  
1849 C. St. NW, Rm 4160  
Washington, D.C. 20240

Dear Mr. Artman:

I write you on behalf of my Central Valley constituents to express my concerns about the North Fork gaming compact seeking to utilize land more than 40 miles away from their federally-recognized land in the Sierra foothills to a sight on Highway 99 in the city of Madera.

G-9.1

Californians overwhelmingly passed Proposition 1A in 2000 authorizing gaming on Indian lands as long as gaming remained on existing tribal land. This request by the North Fork Tribe is contrary to 1A and also to the Indian Gaming Regulatory Act (IGRA) which mandates that prior to engaging in tribal government gaming, the Tribe must have Indian lands over which the Tribe exercises governmental jurisdiction.

G-9.2

I support the goal of Tribal self-reliance, however, the move to expansion of gaming outside a tribe's existing gaming-qualified reservation is not what California voters intended. The North Fork gaming compact, which proposes moving a tribe from the Sierra foothills down to the city of Madera will have serious economic consequences for surrounding Tribes which followed the intent of the law and invested in gaming operations on their existing rancherias.

G-9.3  
G-9.4

I represent much of the San Joaquin Valley where we are seriously impacted by traffic, housing, pollution and water issues that would only be exacerbated by locating this operation on the congested Highway 99 corridor. On behalf of my constituents I respectfully ask your agency to adhere to the standards set forth in IGF and to support the will of the voters to only allow tribal gaming on existing reservations where that land is also held in trust for the purpose of gaming.

G-9.5

Thank you for your serious consideration of this issue. Please do not hesitate to contact me if you have any questions.

G-9.6

Sincerely,

Cathleen Galgiani

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 657-4062  
Fax (916) 657-5390



February 25, 2008

John Rydzik  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

~~RE: Notice of Completion for the North Fork Rancheria of Mono Indians Fee-to-Trust  
Casino/Hotel Project, Madera County.  
SCH# 2008024002~~

Dear Mr. Rydzik:

The Commission has reviewed the above mentioned Notice of Completion for the North Fork Rancheria of Mono Indians Fee-to-Trust Casino/Hotel Project ; Madera County and does not have any comments.

G-10.1

Sincerely,

Katy Sanchez  
Program Analyst

CC: State Clearinghouse  
Janielle Desomer, Office of the Governor, Legal Affairs  
Sara Drake, Department of Justice  
Andrea Lynn Hoch, Office of the Governor, Legal Affairs

**AGUA CALIENTE BAND OF CAHUILLA INDIANS  
TRIBAL COUNCIL**

**RICHARD M. MILANOVICH CHAIRMAN • JEFF L. GRUBBE VICE CHAIRMAN  
MORAINO J. PATENCIO SECRETARY/TREASURER • JEANNETTE FRIETO-DODD MEMBER • VINCENT GONZALES III MEMBER**

March 12, 2008

Ms. Jacquie Davis-Van Huss  
Tribal Chairperson  
North Fork Rancheria  
P.O. Box 929  
North Fork, CA 93643

Dear Chairperson Van-Huss:

I am writing in response to your letter of March 4, 2008, in which you requested that the Agua Caliente Band of Cahuilla Indians (ACBCI) testify at a public hearing in Madera this evening in support of your Tribe's Draft Environmental Impact Statement for the trust acquisition of 305 acres for a gaming facility. Because of previously scheduled meetings at our offices in Palm Springs, we are unable to attend this hearing, or send a representative.

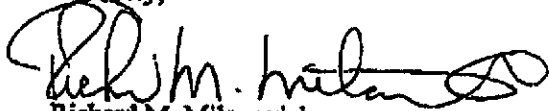
G-11.1

This Tribe has consistently maintained that Tribes should conduct gaming on their tribal lands. We respect the tremendous efforts of Tribes like yours to be restored to federal recognition and reclaim lands that were lost to you. We also recognize the hard work the North Fork Rancheria has undertaken to carefully follow the process prescribed in federal law for taking land into trust, of which we support.

G-11.2

We continue to support the diligent efforts you have made to follow the statutory process for your project, and we will monitor with interest how your application is ultimately decided. Please contact me or our Director of Government Affairs/Public Relations, Alva Johnson, with any further questions or concerns.

Sincerely,



Richard M. Milanovich  
Chairman, Tribal Council  
**AGUA CALIENTE BAND OF  
CAHUILLA INDIANS**

RMM:if  
TC-11059-03-08



# CITY OF CLOVIS

CITY HALL • 1033 FIFTH STREET • CLOVIS, CA 93612

*add* ✓  
*Caltrans*  
*photos* ✓

March 13, 2008

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

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.

G-12.1

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.

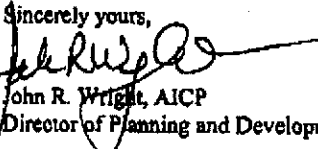
G-12.2

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?

G-12.3

G-12.4 ✓

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 Sites, 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



Handwritten notes and stamps including 'DEIS', '4-7-08', and 'AK'.

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Sacramento, California 95814  
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BARBARA A. BRENNER  
babrenner@stoel.com

March 28, 2008

**Via Federal Express**

Ms. Amy Dutschke  
Acting Regional Director, Pacific Region  
Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

**Re: DEIS Comments, North Fork Rancheria, Proposed Fee-To-Trust Casino/  
Hotel Project; Madera Irrigation District's Comments on the Draft Environmental  
Impact Statement for the North Fork Rancheria Casino and Hotel**

Dear Ms. Dutschke:

On behalf of Madera Irrigation District ("MID"), we respectfully submit the following comments regarding the Draft Environmental Impact Statement for the *North Fork Rancheria Casino and Hotel* ("DEIS"), circulated for public review and comment by the United States Department of the Interior ("Department") on February 4, 2008.

G-13.1

**Stormwater**

The United States Environmental Agency ("EPA") regulates construction and industrial stormwater management only on Indian/tribal lands within California.<sup>1</sup> A specific reference to EPA Permit Number: CAR10000I should be added to section 4.3 to reflect the EPA's general NPDES permit for construction stormwater.

G-13.2

**Water Resources**

Page 4.3-1 of the DEIS indicates that the proposed project is located in a floodplain. Projects encroaching within a 100-year floodplain are required by FEMA to be constructed a minimum of 1.0 foot above the estimated floodplain elevation. While the EIS indicates that the finished floor

G-13.3

<sup>1</sup> See <http://cfpub.epa.gov/npdes/stormwater/const.cfm> (Indian country within the State of California. Permit Number: CAR10000I); <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>; <http://cfpub.epa.gov/npdes/stormwater/indust.cfm> (Indian country within the State of California. Permit Number: CAR05000I); <http://cfpub.epa.gov/npdes/stormwater/authorizationstatus.cfm>.

Oregon  
Washington  
California  
Utah  
Idaho  
Colorado  
Minnesota



Ms. Amy Dutschke  
 March 28, 2008  
 Page 2

of the proposed gaming facility will be approximately five feet above the floodplain elevation, there is no discussion of whether the entirety of the project (*i.e.*, parking lots) will also be constructed at or above the 1.0 foot threshold.

cont.  
 G-13.3

**Wastewater**

Various sections of the DEIS indicate that the City of Madera’s wastewater treatment plant “will be expanded in the near future to a maximum capacity of 10.1 MGD.” (*See, e.g.*, sections 3.9.2 (p.3.9-5), 4.3 (p. 4.3-6), 4.9 (p. 4.9-5).) Please clarify when such expansion will occur. If the expansion has already occurred or is in process, please address accordingly.

G-13.4

Further, on page 4.9-5, the DEIS indicates that even after the expansion occurs, the City will only have sufficient capacity until 2023 – fifteen years from now. The DEIS should also include a discussion of additional future disposal options if the WWTP reaches capacity in fifteen years, as well as a discussion if the proposed expansion from 7.0 MGD to 10.1 MGD does not occur.

G-13.5

**Water Supply**

In section 3.3.2, “Groundwater,” the DEIS contains a statement that “the groundwater level has been dropping in the region; however, the City has not experienced any significant problems with supply or quality” and then cites “City of Madera, 1992.” (DEIS 3.3-8.) Is there any more recent data or information to support this conclusion regarding water supply and quality in the City of Madera? MID continues to be concerned with the lack of effort to relieve the overdrafted aquifer. It is our understanding that the City has experienced a significant drop in groundwater levels over the past year or so. More recent data regarding the status of the aquifer and City wells should be used to evaluate the impacts this project will have on groundwater supplies.

G-13.6

In section 3.9.1, there is a discussion of the Madera Site that does not contain information that is included in the discussion regarding the alternative North Fork site. On page 3.9-5 in the discussion regarding water supplies for the North Fork site, the DEIS notes that “[w]ater shortages have not been an issue for the District.” There is no information in the evaluation of water supplies for the Madera site as to whether water shortages have been an issue for the area in which the Madera Site is located.

G-13.7



Ms. Amy Dutschke  
March 28, 2008  
Page 3

### Water Quality

In section 3.3.3, "Water Quality," a statement on page 3.3-15 refers to Mr. Ward, a Water Quality Specialist for the Madera Public Works Department. Mr. Ward provides information that the existing ground water supply capacity is approximately 25 mgd, with an average demand of 6 mgd, noting that some of the buffer is used to provide additional flows during droughts and maintenance. However, the timeframe in which Mr. Ward provided the information regarding "existing" supplies is not clear. The next sentence in the DEIS provides "Mr. Ward also noted that two new wells were planned, with the first to be completed in May 2004." (DEIS 3.3-15.) Thus, information received from Mr. Ward is four years old and may no longer be accurate. The final EIS should contain more relevant and up-to-date information regarding the state of "existing" groundwater availability and the current status of those formerly planned wells.

G-13.8

Throughout various sections of the DEIS that discuss water quality (*see, e.g.*, sections 3.9.1 and 4.9), it is noted that while groundwater quality in the vicinity of the Madera site is generally good, manganese levels tend to increase with depth north of the City. (DEIS 3.9-1, 4.9-2.) No discussion of increased manganese levels on potential water supply uses associated with the project is included in the DEIS, nor does the DEIS indicate that such elevated levels of manganese are found in an area that is too far from the proposed site location to have any impact on the site, if this is in fact accurate. The DEIS should be revised to incorporate a discussion of the implications of elevated manganese levels and whether such levels will or could be a problem for the proposed project if groundwater wells are used to supply water to the project.

G-13.9

### Agriculture

Section 3.8.3 contains an outdated reference on page 3.8-49. In the subsection entitled *Current Use*, the DEIS states that "[n]o crop was planted this year and the land is currently vacant" and cites a personal communication from 2005 to support that information. Information for the past two to three growing seasons should be reviewed and this section should be updated to reflect that information and a reference to support any changes should be included since it currently is out-of-date.

G-13.10

### Mitigation

Pages 5-65 and 5-66 of the DEIS indicate that proposed mitigation measures for agricultural impacts have not been fully evaluated or secured by the Tribe. Page 5-65 provides the following

G-13.11





Ms. Amy Dutschke  
March 28, 2008  
Page 4

recommended mitigation measure, but the DEIS does not discuss the feasibility of such mitigation measure:

“An agricultural conservation easement shall be purchased . . . that is at least as large as the area of agricultural farmland converted on the Madera site. At least a portion of the agricultural conservation easement site shall be designed as prime farmland, unique farmland, farmland of statewide importance, or farmland of local importance.” (*Id.*)

cont.  
G-13.11

Further evaluation of the recommended mitigation measure should be incorporated into the DEIS.

**Conclusion**

MID appreciates the Department’s review of these comments, but encourages further review, augmentation, and recirculation of a draft environmental document that takes into consideration the issues identified herein to render the DEIS as accurately reflecting the current water supplies, quality, and wastewater treatment and disposal options available at the proposed Madera site.

G-13.12

Best regards,

Barbara A. Brenner

BAB:jmw

cc: Madera Irrigation District Board of Directors (via U.S. Mail and email)  
Mike Cunningham (via U.S. Mail and email)  
Jill Low (via U.S. Mail and email)



# TABLE MOUNTAIN RANCHERIA

## TRIBAL GOVERNMENT OFFICE

March 25, 2008

Dep Reg Dir T ✓  
Reg Adm Ofc \_\_\_\_\_  
Route Realty Owners  
Response Required \_\_\_\_\_  
Date \_\_\_\_\_  
Phone \_\_\_\_\_  
Fax \_\_\_\_\_

Acting Director Amy Dutschke  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825-1846

Leanne Walker-Grant  
Tribal Chairperson

Brenda D. Lavell  
Tribal Vice-Chairperson

Craig Martinez  
Tribal Secretary/Treasurer

Ray Barnes  
Tribal Council Member

John L. Burrough  
Tribal Council Member

Re: Request for Second Public Hearing on North Fork DEIS

Dear Acting Director Dutschke:

On behalf of the Table Mountain Rancheria Tribal Council, I write in reference to the public hearing conducted on March 12<sup>th</sup>, 2008 (the "Hearing"), to consider the draft environmental impact statement ("DEIS") for a gaming-related, off-reservation trust acquisition in Madera County (the "Proposed Project") for the benefit of the North Fork Rancheria Band of Mono Indians ("North Fork").

As you may be aware, the Bureau of Indian Affairs ("BIA") representatives conducting the Hearing were ill-prepared for the massive turnout this controversial project prompted. Hundreds of people lined up before the hearing began simply to air their opposition to the Proposed Project. In fact, over 800 hundred people tried to enter the building to attend the Hearing but over 300 hundred were turned away due to space constraints. Then due to the volume of participants, the Hearing lasted nearly six hours, until about midnight.

Many who wanted to offer comments were unable to do so. By 11:00 p.m., many who had waited patiently to speak had to leave to return to their families or jobs. At least thirty to forty people were not heard from because of the late hour, let alone those individuals that were originally turned away at the beginning of the Hearing.

Many others, such as myself, felt that those who voiced opposition to the Proposed Project or raised serious questions as to the adequacy of the DEIS were given less time to speak than those who spoke in support of the Proposed Project. It seemed as though members of surrounding tribal communities, who have a particular stake in the historical and cultural claims being presumed by North Fork to the Proposed Project site, were particularly ignored. Members of Table Mountain Rancheria, for example, myself included, were not called upon until

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G-14.1

G-14.2

G-14.3

very late in the evening, after other non-Indian speakers had been given ample opportunity. In fact, I was not called on to offer my comments until after seven other tribes, including two from out of state, had offered their remarks.

cont.  
G-14.3

In addition, the BIA did not follow procedures to call upon Tribes first in the government-to-government relationship, rather the representatives of the Madera City Council were granted the opportunity to speak well before the Tribal Officials. The crowd was informed that the Madera City Council needed to go first in order to leave for another meeting. However, after they testified they stayed in the Hearing. Clearly, the Madera City Council did not need to testify prior to the tribal leaders. Coupled with the heavy presence of police and what appeared to be private bodyguards, the Hearing was not a friendly environment to seek Tribal input on the Proposed Project.

G-14.4

Amy, as you know North Fork's Proposed Project is clearly controversial, even if it is supported by Madera County. The public hearing failed to mention the basis for North Fork's attempt to claim Indian lands status for the Proposed Project site. As an off-reservation acquisition, North Fork must make claims of a historical and cultural nexus to the site, claims we believe infringe on those of other, closer tribes.

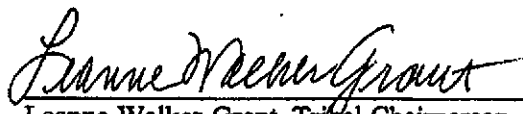
G-14.5

A specific list of our objections to the DEIS is being submitted by separate letter as part of the public comment period. While such written comments are useful and necessary, I nevertheless feel they are inadequate to a full and fair public discussion of a matter that concerns everyone in the surrounding communities. I therefore respectfully request that the BIA (i) immediately schedule one further public hearing at which all speakers are permitted to speak freely without intimidation; and (ii) extend the period for the receipt of public comments on the North Fork DEIS to accommodate such additional hearing.

G-14.6

G-14.7

Sincerely,

  
Leanne Walker-Grant, Tribal Chairperson  
Table Mountain Rancheria



G-15

# TABLE MOUNTAIN RANCHERIA

## TRIBAL GOVERNMENT OFFICE

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T.  
*[Signature]*  
Deer

March 26, 2008

Acting Director Amy Dutschke  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825-1846

Leanne Walker-Grant  
Tribal Chairperson

Brenda D. Lavell  
Tribal Vice-Chairperson

Craig Martinez  
Tribal Secretary/Treasurer

Ray Barnes  
Tribal Council Member

John L. Burrough  
Tribal Council Member

Dear Acting Director Dutschke:

Subject: DEIS Comments, North Fork Rancheria, Proposed Fee-to-Trust  
Casino/Hotel Project

Table Mountain Rancheria ("Table Mountain") hereby submits its comments on the inadequacy of the draft environmental impact statement ("DEIS") submitted by the North Fork Rancheria Band of Mono Indians in support of its Madera County gaming-related land-into-trust application. See 73 Fed. Reg. 8898 (Feb. 15, 2008).

G-15.1

As a preliminary matter Table Mountain Rancheria can not overemphasize how disappointed it was to see that more than Three Hundred (300) people were turned away from the March 12, 2008 public hearing on North Fork's DEIS. Those individuals were not even allowed into the building let alone given an opportunity to participate in the hearing process. Moreover, many individuals who were lucky enough to get in were not permitted to speak. Several individuals had to leave long before the 11:15 p.m. conclusion of the hearing because of the late hour. As such, Table Mountain Rancheria respectfully renews its request that the Bureau of Indian Affairs hold another hearing on the DEIS so that everyone who wanted an opportunity to speak on the DEIS can do so.

G-15.2

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### I. BASIS FOR GAMING ON PROPOSED OFF-RESERVATION SITE

One of the fundamental deficiencies of DEIS is the failure to unequivocally set forth the statutory basis upon which North Fork relies on to conduct gaming on the proposed trust-acquisition site in Madera County (the "Proposed Site"). To get around the prohibition of the Indian Gaming Regulatory Act ("IGRA"), which prohibits gaming on trust lands acquired after October 17, 1988, North Fork appears to imply that it intends to rely on the two-part determination exception contained in 25 U.S.C. § 2719(b)(1)(A).

G-15.3

Acting Director Amy Dutschke  
Bureau of Indian Affairs  
March 26, 2008  
Page 2

On January 3, 2008, Assistant Secretary-Indian Affairs Carl Artman issued new guidelines for interpreting regulations relating to the two-part determination of off-reservation trust-acquisitions for the purposes of gaming. According to the new guidelines, "if the proposed acquisition exceeds a commutable distance from the reservation" the reviewer should look more stringently at the benefits to the Tribe. See Memorandum from AS-IA Carl Artman, Guidance on Taking Off-Reservation Land for Gaming Purposes, Jan. 3, 2008.

cont.  
G-15.3

While the BIA did not provide any mileage threshold for determining what is a "commutable distance," BIA officials have used and implied that forty miles seem to be an acceptable bench mark. Given that North Forks' proposed acquisition site is nearly fifty miles away from the boundaries of North Fork's Court restored Rancheria, the proposed acquisition does not, on its face, satisfy the new guidelines.

The guidelines further require a careful and comprehensive analysis of the potential negative impacts to the reservation of an off-reservation acquisition, and require a showing of how they are outweighed by the financial benefits of tribal ownership. To comply with the new guidelines, North Fork must show its current rate of unemployment and demonstrate how the off-reservation gaming acquisition will affect its unemployment rate. North Fork must also show how many of its tribal members are likely to leave the reservation to work at the new gaming site. This showing would undoubtedly require North Fork to identify how many of its members are even capable of commuting 50 miles away from their reservation to work at the proposed site; and how their departure would affect or benefit the community of North Fork. While the above requirements might not be strictly a part of the NEPA review, these requirements clearly overlap with the requirements of NEPA relating to the social and cultural impacts of the proposed project, that their omission would render the DEIS inadequate.

G-15.4

The DEIS is devoid of any serious analysis or discussion of North Fork's cultural and historical ties to North Fork's proposed off-reservation site. Courts have held that off-reservation trust acquisitions must show some "indicia that the land has some significant relation to the Tribe." National Indian Gaming Commission, Karuk Land Opinion (October 12, 2004).

G-15.5

However the proposed acquisition site is far from North Fork's restored Rancheria boundaries and devoid of any real cultural or historical ties. According to Dr. Robert F. Manlove, an anthropologist who worked on the background for this project determined that North Fork does not have a historical nexus with the Proposed Site, which is approximately fifty miles away from their rancheria. Dr. Manlove's report goes on to state that:

"the homelands of the Northfork [sic] Monos are . . . carefully and distinctly known . . . The nearest boundary of these homelands is approximately 40 miles from the proposed casino site."

Robert F. Manlove, "Concerning Lands Historically Associated with the Northfork Mono Indians" (n.d.). Dr. Manlove then goes on to demonstrate that the Proposed Site was actually traditionally occupied by the Chukchansi Yokuts; and that constructing a casino on their traditional lands would violate their tribal rights.

Any claims by North Fork to an exclusive cultural nexus to the site cannot realistically be sustained; nor was it even seriously discussed in the DEIS. North Fork's alleged claims to the site should be assessed by comparing the competing claims of other, closer Tribes. "Reservation shopping" is one thing. What North Fork is proposing is the cultural and historical equivalent of claim-jumping, namely, appropriating lands once belonging to other tribes as their own.

The DEIS also lacks any reference whatsoever to the comments or input of the State of California or nearby tribes, as required under of 25 U.S.C. § 2719 and emphasized in the Assistant Secretary's new guidelines. Moreover, despite verbally promising the Fresno County Board of Supervisors that Fresno County's concerns, input and comments would be considered, addressed and included in the Tribe's Environmental Impact Statement, nothing in the DEIS remotely references Fresno County's or any other Communities' concerns outside of Madera County. While, again not specifically required under NEPA it would appear that North Fork's DEIS should have included the information in light of the basis under which North Fork seeks to take the land into trust. Such input would clearly overlap with NEPA's concerns, and therefore, should be included in any environmental impact study.

cont.  
G-15.5

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G-15.

G-15.

## II. COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT

The DEIS addressed several environmental issues including land resources, water resources, air quality, biological resources, socioeconomic conditions, and mitigation measures relating to the Proposed Project along State Highway 99. Although the DEIS attempted to discuss four alternative actions, the DEIS was unbalance with respect to all options and extremely lacking in some of the areas of controversy.

G-15.9

What follows is a listing of particularized objections to either the substance, form, or methodology of the DEIS

### A. Inadequate Exploration or Review of Alternative Sites

- The DEIS appears to consider the possibility of developing a casino within the restored boundaries of the North Fork Rancheria ("Alternative D"), but then seems to summarily dismiss that idea. Such summary rejection of Alternative "D" implies that the DEIS did not seriously take into consideration or explore the viability of placing the casino within the restored boundaries of the Rancheria. Moreover, it is clear that the DEIS did not seriously give the North Fork Community or area any thorough consideration; even though gaming developments on a Rancheria's restored land is preferred and consistent with the promises that North Fork and other California Tribes gave to the voters of California when the tribes asked for the voters' support of Proposition 1A. The DEIS seems to reject Alternative "D" and the North Fork area outright without detailing or exploring the feasibility or benefits of these alternatives to the Rancheria and the North Fork Community. Indeed, the DEIS never examined or discussed the old saw mill site as a possible alternative site for a casino even though it is virtually adjacent to the North Fork Rancheria, and even though the former Madera County Supervisor Gary Gilbert publicly stated that the old saw mill site had been the life blood of the North Fork Community that was destroyed when the saw mill closed. What better way to rejuvenate a community than to pump life back into the area by constructing the proposed casino project at the old saw mill site. Unfortunately, this option was never really considered or addressed in the DEIS.
- The DEIS never truly explored or discussed other possible options. Rather the DEIS seems slanted to favor Alternative "A," as the preferred off-reservation choice which is located along the main thoroughfare State

G-15.10

G-15.1

Highway 99. Examples of this basis are reflected by the pages that DEIS spends on the different alternatives. Alternative "A" in the DEIS got the bulk of the discussion and analysis while all of the other alternatives only got about a third of the attention. Moreover, the DEIS never considered a combination of the alternatives as a viable option. It did not explore taking the land into trust for the non-gaming purpose described in Alternative "C" in combination with the possibility of constructing a casino on or near the Rancheria's restricted boundaries which would accomplish two goals. First it would promote and assist the economic development objectives that North Fork, Madera County, Madera City and the Madera Chamber of Commerce want and encourage; while providing the Tribe with an additional secured life long stream of revenue. Second, building a casino on or near the restored boundaries of the Rancheria would make it easier for the tribal members to get involved with and become employed by the tribe's gaming enterprise which would not only help the Rancheria Community but would also help revitalize the town where the Rancheria is located.

G-15.12

- The DEIS did not also adequately review the effects on water resources. It only considered the watershed, flooding, drainage, municipal water supply, wells, and waste water effluent. By comparison, the draft environmental impact statement prepared for Graton Rancheria considered construction impacts, storm runoff, and groundwater levels and quality. See Graton DEIS, § 4.3. These items should have also been included in North Fork's DEIS.

G-15.13

**B. Inadequate Mitigation**

- The mitigation measures addressed in the DEIS are few and limited in scope. On March 4, 2008 both Former Supervisor Gary Gilbert and North Fork Rancheria Representative Charles Banks-Altekruse appeared before the Fresno County Board of Supervisor on behalf of North Fork Rancheria to address the concerns that County of Fresno had about their proposed Madera project. During their exchange, Fresno County's Supervisors told North Fork that it was not against North Fork's project per se, but needed to be included in the DEIS since the DEIS reflected that a majority of project's patrons would traverse and impact Fresno County and its infrastructure. The Supervisors also told North Fork that because of the configuration of the San Joaquin Valley, the pollution and other environmental issues were not going to stop at the Madera County boarder but would impact the entire valley and its residents. After much

G-15.14



discussion, North Fork's Representative Charles Banks-Altekruse acknowledged Fresno County's concerns as legitimate and promised that North Fork would meet with Fresno County to address Fresno County's concerns and incorporate them into its impact and mitigation analysis. This has yet to be done. Indeed, nowhere in the DEIS is Fresno County's valid concerns discussed or addressed.

cont.  
G-15.14

- The only real mitigation effort that the DEIS seems to discuss is a suggested mitigation measure to reduce Madera project's impact on the migratory birds. This mitigation approached would remove the vegetation after the nesting season instead of removing trees to make way for the construction during the mating season. While this may address the current mating season, it would have no effect in mitigating the impact after the first nesting season since the birds will have permanently lost this mating site. Further, a mere listing of mitigation measures without supporting analysis is inadequate. Idaho Sporting Congress v. Thomas, 137 F.3d 1146, 1151 (9<sup>th</sup> Cir. 1998). There was little supporting analysis attached to how the mitigation of removing the vegetation outside of the mating season would have a lasting impact on the migratory birds. (DEIS Section 4.5)

G-15.15

#### C. Air Quality

- The DEIS states that the proposed project would result in the generation of ROG (reactive organic gases) and NOx (nitric oxides) emissions at significant levels. Again the analysis only evaluated the limited impact area of Madera County and did not considered the true impact area of the San Joaquin Valley. This true impact area would include Merced County to the North and Fresno County which is located just 14 miles south of the project site. Diverted trips and pass-by trips were also excluded from the analysis of the air quality. The excluded Counties as well as the excluded diverted trips and pass-by trips must be included in the DEIS, but they are not.

G-15.16

#### D. Agricultural Value

- The DEIS did not adequately consider the value of the agricultural land surrounding the proposed site. Although it may be true that the soil is not currently productive, there was no discussion regarding productivity after being allowed to lay dormant for several years. In addition, part of the value of the agricultural land is its aesthetic value in maintaining

G-15.17

existing old farm houses, even if they do have yet to technically qualify for protection under the National Register of Historic Places.

cont.  
G-15.17

- Potentially hazardous substances were found on the site, such as a yellow sulfur, motor oil, paint thinner, and other hazardous substances. Although some of these substances can be removed others may have leached into the soil and require more extensive clean-up. The DEIS does not provide adequate information regarding the types and extent of the presence of these substances. Failing to fully disclose this information prevents the public from participating in DEIS process in an informed manner.

G-15.18

E. Data & Methodology

- The DEIS omits accompanying data in several instances. Most specifically in reference to the social justice and anticipated crime rates due to the development. NEPA requires that the public be able to access the underlying data that an expert used to develop the EIS.

G-15.19

- The section on cumulative effects contains questionable presumptions. For example, this section states that the congestion and emissions, specifically carbon monoxide concentrations, from traffic will not significantly increase due to the casino because more people will be purchasing and driving hybrid vehicles and there will be less idling due to the widening of SR-99. There is no support that these presumptive trends are accurate. DEIS analysis does not take into account increased population or impacts on neighboring communities like Fresno County who has requested to be included and promised by North Fork that it would be included because of the unique configuration of the bowl affects of the San Joaquin Valley.

G-15.20

- The DEIS states that the City of Madera is experiencing pressure to develop retail space for its increasing population. It goes on to state, without support, that no new businesses will be needed to serve the visitors and employees of the casino. It concludes that demand for new retail space will grow independent of any proposed EIS actions and no growth would occur due to any of the EIS proposed actions. These statements, especially the assertion that the proposed development will be able to serve all employees and visitors, are not supported by evidence and unrealistic. Moreover, Alternative "C" would mollify and address Madera's pressure to develop retail space for its increasing population.

G-15.21

F. Social Justice

- The DEIS calculated the anticipated levels of increased crime, need for behavior health services, etc. by comparing it to the experience of another tribally owned gaming project, the Chukchansi Casino. Obviously, what occurs at a rural Casino is not the same as Urban Casino that is readily accessible from a state highway. In addition, no analysis or consideration was given to the impact to Fresno County which the DEIS acknowledges the majority of patrons would traverse and impact. The figures provided in the DEIS simply provides little, if any, value and relevant information.
- The Memorandum of Understanding for law enforcement, fire protection and water and sewage services with Madera County, Madera City and the Madera Irrigation District is insufficient or adequate to protect the public. Indeed, the MOUs may be invalid as a matter of law and incapable of being enforced. See, County of Amador v. City of Plymouth, (2007) 149 Cal.App.4<sup>th</sup> 1089 where the Court of Appeals held that an MOU or MSA that was entered into by a municipality in support of an Indian Tribe's gaming fee-to-trust application is void and unenforceable unless the municipality conducted an independent CEQA analysis before signing the MOU or MSA. Nothing in the DEIS suggests that Madera County, Madera City or the Madera Irrigation District ever complied with the above law before they signed their respective MOUs. Indeed, the truth is no one ever did, therefore, the MOUs are void as a matter of law and unenforceable, a lawsuit which currently being prepared against the municipalities that illegally signed the MOUs.

cont.  
G-15.22

G-15.23

Sincerely,

  
\_\_\_\_\_  
Leanne Walker-Grant, Tribal Chairperson  
Table Mountain Rancheria

### WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: John LeCompte Madera County Alcohol & Drug Advisory Board

Address: PO Box 1288 Madera, CA 93639

Comment: Please see Attached.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: (559) 658-6368

Place me on the mailing list? Yes  No: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".



**MADERA COUNTY  
ALCOHOL AND DRUG ADVISORY BOARD**

P.O. Box 1288  
Madera, CA 93639-1288  
(559) 675-7926  
FAX 675-4999

March 27, 2008

John Rydzik, Chief  
Division of Environmental, Cultural Resource Management & Safety  
Bureau of Indian Affairs  
2800 Cottage Way, Room West 2820  
Sacramento, CA 95825

**Subject: EIS Scoping Comments  
North Fork Rancheria of Mono Indians  
Casino and Hotel Project**

Dear Mr. Rydzik:

Please accept this Position Statement regarding ***Problem Gambling Prevention, Education and Intervention*** submitted by the Madera County Alcohol and Drug Advisory Board as written comment to be considered in regard to the Environmental Impact Report for the North Fork Rancheria of Mono Indians Casino and Hotel Project.

Please direct correspondence to:

John LeCompte, Chairperson  
Madera County Alcohol and Drug Advisory Board  
PO Box 1288  
Madera, CA 93639

Thank you.

Sincerely,

Judy Comer  
Recording Secretary  
Madera County Alcohol and Drug Advisory Board

Enclosure

MADERA COUNTY ALCOHOL & DRUG ADVISORY BOARD  
PROBLEM GAMBLING COMMITTEE

POSITION STATEMENT REGARDING PROBLEM GAMBLING  
PREVENTION, EDUCATION AND INTERVENTION  
As Approved at a Special Meeting  
of the Madera County Alcohol & Drug Advisory Board

It is the opinion of the Madera County Alcohol & Drug Advisory Board that the currently proposed financial support is inadequate to mitigate the anticipated impact of problem gambling in our community.

G-16.1

It is generally understood that increased access to casino gambling in Madera County will provide a substantial boost to the local economy, including the addition of new jobs and increased tourism as well as significant contributions from gaming revenues to support county and city services.

What is less understood or acknowledged is the reality that increased availability of gambling venues in a community is also likely to result in substantial increase in problem gambling and its attendant effects; loss of control, financial collapse, family disruption, co-occurring substance abuse, emotional and/or physical problems and the like. The personal and family impacts of problem gambling can be debilitating; at the same time the wider community may also be impacted in terms of increased costs for welfare, child protection, physical health care, mental health services, substance abuse treatment and law enforcement.

The California Department of Alcohol and Drug Programs established an Office of Problem Gambling in 2005 and it is charged with developing a state wide strategic plan to address these impacts. Their initial recommendations call for a public health approach that "encompasses a broad range of activities." These include identifying key indicator data to monitor impacts statewide; strategic planning among state agencies, the gambling industry and local stakeholders where casinos reside; increasing the capacity of the workforce to identify, refer and treat problem gamblers; and providing education, prevention, intervention and treatment services.

G-16.2

The Madera County Alcohol and Drug Advisory Board supports these efforts, particularly those related to education and prevention of problem gambling as they stand to impact the behavior and attitudes of the larger population most effectively. Formal treatment must also be available for those whose gambling is truly pathological in nature. There is currently no funding from the state available at the local level for these initiatives. This has and will continue to hamper efforts locally to mitigate the effects of problem gambling.

As an advisory board we urge the local gambling industry to join in these efforts through their own initiatives, such as hotlines, voluntary exclusion programs and the adoption of "responsible gambling" marketing and advertising practices. We also encourage the local gambling industry to join in an active partnership with county health, mental health and substance abuse providers to financially support needed efforts to improve the availability of education, prevention and treatment services to address and mitigate the impact of problem gambling in the local community.

3/27/08



MICHAEL L. ...  
ASSEMBLY REPUBLICAN LEADER, 29TH DISTRICT

**GAYLE HOLMAN**  
FIELD REPRESENTATIVE

G-17

CAPITOL OFFICE  
P.O. Box 942849  
SACRAMENTO, CA 94249-0029  
(916) 319-2029  
FAX (916) 319-2129  
Gayle.Holman@asm.ca.gov

DISTRICT OFFICE  
6245 N. FRESNO STREET, SUITE 106  
FRESNO, CA 93710  
(559) 446-2029  
FAX (559) 446-2028

March 12, 2008

Good evening. My name is Gayle Holman, and I am the District Director for Assemblyman Mike Villines in his Fresno Office.

I am here tonight on behalf of Assemblyman Villines to encourage you to respectfully consider adding Fresno and Merced Counties to the Environmental Impact Statement (EIS). The magnitude of the project being considered, and its location on the largest artery for traffic through our valley, is certainly worthy of considering the broad impacts this project will have not only on the county in which it is located, but also the neighboring counties of Fresno and Merced. In an effort to fully vet the impacts of this project, neighboring counties should be entirely examined to include all impacts the proposed casino-resort complex would have before any decisions are made on proceeding with this project.

On behalf of Assemblyman Villines he appreciates your consideration of this request. Thank you.

G-17.1

### **Tribal Council/ Maryann McGovran Misc. Comments**

Good evening, my name is Maryann McGovran and I am the Treasurer for the Tribal Council of the North Fork Rancheria of Mono Indians of California. . I would like to speak on Table ES.1 of the Executive Summary of the Draft EIS relating to traffic.

I live in North Fork, CA residing at: \_\_\_\_\_

Throughout the Project's development, the Tribe has been in consultation with the County and City of Madera, City of Chowcilla, and Caltrans, including scoping meetings, to study traffic concerns and develop a traffic pattern study and mitigation plan for the Project for traffic-related impacts.

G-18.

The Tribe has entered into separate agreements with the County and City of Madera to mitigate project impacts on traffic. In many instances, the improvements will result in improved local traffic flow. The Draft EIS lays out a range of detailed traffic mitigation measures that the Tribe will undertake during the construction phase of the project and into the operational phase, spanning from the year 2008 to 2030.

➤ The DEIS provides for transportation improvements and significant steps to mitigate impacts on traffic, such as roadway and intersection improvements to portions of Avenue 17, SR 99, Avenue 18, and Cleveland Ave. /Ave. 15 ½

G-18.

➤ The Tribe has made significant financial commitments for road infrastructure improvements

- \$600,000 for general road maintenance (County MOU)
- \$4,000,000-\$15,000,000 – for transportation improvements to County roads based on final traffic study (County MOU)
- Up to \$4,000,000 – For improvements to roads in the City (City MOU)

G-18.

➤ The Tribe will also pay for a proportionate share of costs for any further mitigation to improve roads and intersections in the future where needed.

➤ The Tribe has also met with Region 6 CalTrans and will be entering into an MOU with CalTrans in order to negotiate a fair share contribution to CalTrans for interchange and possible signal improvements on Avenue 17.

G-18.



Some people have suggested that it doesn't make sense to put the casino along Highway 99 in an unincorporated area of Madera County.

G-18.5

Unlike most Indian gaming projects, the North Fork project is consistent with the land use plans of the City and County of Madera. The site was selected in part to avoid overburdening the existing infrastructure.

G-18.6

At a time when many counties are calling for a moratorium on large-scale development in the ecologically fragile foothills, it makes perfect sense to build this project along a major transportation artery in the Valley capable of handling the increased loads.

G-18.7

We hope that people using 99 will stop by our casino. That's part of the beauty of putting it there: to draw people traveling through the region to stop and spend their dollars locally. This is much preferable, both financially and traffic-wise, then having them drive on by – or worse use windy, congested secondary roads like 41 and 145?

G-18.8

One final point worth noting, the peak hours for the resort casino, from 7-10 p.m., will occur after the evening rush hour.

G-18.9

For the reasons stated above, I believe this draft EIS is responsible, comprehensive, and sufficient in addressing the concerns and impacts and proving sufficient mitigation relating to traffic.

G-18.1

Good evening. My name is Debi Bray and I am the President/CEO with the Madera Chamber of Commerce. The Madera Chamber has endorsed the North Fork Rancheria's project.

G-19.1

The national and state economy most certainly has an impact on Madera, and we are indeed feeling the effects of it lately. With Madera having double digit unemployment figures, the Madera Chamber of Commerce welcomes the 4000 plus jobs that will be created through this venture, more so now than we first supported the project almost 3 years ago. These much needed jobs, include permanent employment; temporary construction work, and spin-off jobs. Local suppliers of the construction industry surely could use a boost. Our businesses and professional services surely would benefit as well with a projection of \$45 to 50 million dollars being spend annually for goods and services.

G-19.2

The jobs generated by this project would create employees....Employees become consumers...Consumers of local products and services that directly benefit our business community; Employees become tax paying citizens; Tax paying citizens have a positive impact on our local resources such are police, fire, and other public services such as education. Employees become community contributors as does a prosperous business community resulting in generous support of local causes and charitable efforts. Couple these contributions with the commitment the North Fork Tribe has made to Madera in their MOU's of committing to 1.1 million dollars a year in Charitable giving, allowing local non profits to prosper in their mission, enhancing our quality of life.

G-19.3

Another boost to our local economy through this development would be the additional tourism dollars. With an increase in entertainment and retail options, a multi-use facility with hospitality services, we would be provided

G-19.4

with additional marketing opportunities to increase the number of visitors to Madera, and provide an additional destination for those on their way to visit Eastern Madera County and Yosemite National Park.

cont.  
G-19.4

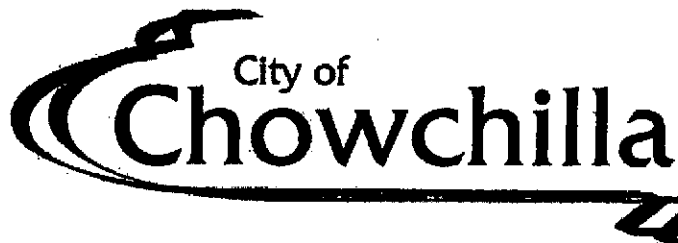
While this project provides much needed resources for Madera, it also supports the tribal members to become self sufficient and successful in the Tribe's endeavors through their programs and projects.

G-19.5

The Madera Chamber of Commerce would like to thank the Bureau of Indian Affairs for the time and consideration given; and respectfully urges you to approve this project as needed and allow the North Fork Rancheria to pursue prosperity, for their tribe and neighboring communities.

G-19.6

Thank you.



130 S Second Street  
Civic Center Plaza  
Chowchilla, CA 93610  
P (559) 665-8615 - F (559)-665-7418  
www.ci.chowchilla.ca.us

March 12, 2008

In conjunction with early EIS Scoping activities, City of Chowchilla City Council considered the North Fork Rancheria Destination Hotel and Casino Resort project at its Special Meeting of May 5, 2005 and gave consensus that we were in favor of the project and its location. Again, in May of 2007 at a joint workshop with the Chowchilla District Chamber of Commerce, we reiterated our support and we continue to do so.

G-20.1

The City of Chowchilla, although not officially requested as a "Cooperating Agency" by the Bureau of Indian Affairs (BIA), has been involved in and has monitored the EIS process given the potential economic, social and environmental impacts of the project to Chowchilla.

G-20.2

We are reminded that the City of Chowchilla has a direct and immediate stake in the development of this project - the potential for needed jobs to be generated, opportunity to build stronger local business, community investment to enhance quality-of-life and build a stronger social fabric, local hospitality and entertainment amenities/venues and respectful partnership with the goal of improving the lives for all residents of the region.

In reviewing the recently released draft of EIS, the proposed project appears to meet and/or uphold many of the Goals and Policies of the Madera County General Plan. Three key areas relate to Commercial Land Use (Goal 1.D and Policy Sect. 1.D.), Job-Housing Balance (Goal: 1.F. and Policy: Sect. 1.F.2) and Visual and Scenic Resources (Goal: 1.H, Policy: 1.H.1 and Policy: 1.H.2).

G-20.3

The North Fork Rancheria tribe has worked in a collaborative, constructive and transparent manner with the local community and county. Through the demonstration of their commitment to mitigate significant project impacts and for planned contributions - the project allocates generous public funding through the MOUs over its lifetime - they have garnered almost unanimous support from local agencies, jurisdictions, chambers and labor unions. The City of Chowchilla is among those supporters.

G-20.4

Office of Community and Economic Development  
City of Chowchilla

JOANNE RHOADS, MSN, CFNP  
P.O. BOX 307  
RAYMOND, CALIFORNIA 93653

*+ a commissioner of the national  
+ cultural Resources commi  
of the Paganum Rancheria of the  
Chukchansi Indians.*

RE: DRAFT EIS OF PROPOSED NORTH FORK MONO CASINO PROJECT

March 12, 2008

*m regard  
o sites*

*our* - It is ~~my~~ opinion that an alternative site within the North Fork Mono territory would be the best option.

G-21.1

\*\*\*The Rancheria site would be one of those options.

\*Like the Chukchansi's, the North Fork's Rancheria is recognized as a reservation by the United States.

G-21.2

\*Like the Chukchansi Tribe, the North Fork Mono Tribe has contracted with a management company to assist them in developing the gaming facility, and to purchase land for that purpose.

G-21.3

\*The North Fork Mono Tribe could purchase back lands within Their Rancheria to develop a casino, instead of buying from Non-Indians, they would be buying from Tribal members, Which should be an easier transition.

G-21.4

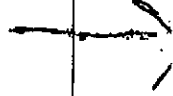
*The* \*\*\*American Forest Products Mill Site is another prospective site.

\*The North Fork Mono Tribe could purchase lands within their Territory to develop a casino.

G-21.5

\*The old mill site is a ~~quality~~ location near the Rancheria that would be a good spot for casino development.

\*As the former economic engine for the area, it is a fitting Location for the economic rebirth of the North Fork community.



*Jim regards  
To*

\*\*\*Territory

*my*  
\*Staying within our territories is important for the Indian Tribes in this region. The North Fork Mono Tribe is attempting to step Outside of their boundaries and in so doing are infringing on Other Tribes' traditional homelands. In the Central Valley and Mountain areas there are 7 Tribes that have ~~played by the~~ ~~rules.~~ We expect the same from the Mono Tribe.

G-21.6

*kept their  
promise  
under  
Prop 1A*

G-21.7

\*As a Commissioner of the Natural and Cultural Resources Commission of the Picayune Rancheria of the Chukchansi Indians, we are responsible for monitoring and consultation Under the Native American Graves Protection and Repatriation Act and SB 18.

G-21.8

\*A proposal for a gaming/ resort site in Madera which is out of the Tribes territory confuses the issues of appropriate consultation regarding human remains and archaeological findings that are found in these areas by confusing federal and state officials regarding which Tribe is where and who to contact. ~~we~~ regarding these important issues.

G-21.9

*for* \*\*\*Travel / Transportation

\*If the North Fork Mono put a casino within their territory, their Tribal Members would not have so far to travel to be able to Work, thus improving the local economy in their original land Base in North Fork and decreasing fuel emmissions and Vehicle traffic on already crouded valley roads and highways.

G-21.10

Sincerely,  
*Joanne K Rhoads CFNP*  
Joanne Rhoads, MSN, CFNP

*Thank you for your time  
& attention.*



RESOURCE MANAGEMENT AGENCY  
DEPARTMENT OF ENGINEERING  
AND GENERAL SERVICES  
S. Greg Farley PE, County Engineer

G-22

2037 W. Cleveland Avenue  
Madera, CA 93637-8720  
(559) 661-6333  
FAX (559) 675-7639  
Greg.Farley@madera-county.com

Date: March 12, 2008  
To: Bureau of Indian Affairs  
From: Randell Ishii, P.E., Senior Civil Engineer  
Engineering Division  
Subject: Mono Casino at Ave. 17, Madera

Ladies and Gentlemen:

1. The subject property is **NOT within a Maintenance District or Service Area** administered by the Madera County Engineering Department. Applicant must make their own provisions for fresh water supply and wastewater services. G-22.1
2. Your project must be in accordance with the National Flood Insurance Program (NFIP) requirements. The identified parcel(s) are shown on the **Flood Insurance Rate Maps (FIRM) as being in within Flood Zone 'A0', an area inundated by 100-year flood with depths of 1 to 3 feet AND Zone "X", areas determined to be outside of the 500-year flood plan.** A pre and post elevation certificate will be required for any structures built within the Special Flood Hazard Area. Alternatively applicant must use flood resistant materials and have a Licensed Civil Engineer certify flood proofing to base flood elevation. A parcel identified as not being located within a Special Flood Hazard area may be subject to localized drainage problems that are site specific and not included in this flood zone determination. G-22.2  
G-22.3  
G-22.4
3. Applicant will:
  - a. Construct on-site drainage improvements sufficient to pass the master-planned 10-year 24-hour event peak flow from the point or points of diversion from Schmidt Creek across the project to the existing outlet structure. The Project (after on-site grading and drainage improvements) shall be able to pass the estimated volume of floodwater from the master-planned 100-year, 24-hour event through the property without creating additional upstream flooding. G-22.5
  - b. The channels will be maintained by the property owner. A channel easement and access rights will be granted to the County of Madera for maintenance purposes. The County will work with the Developer and the State to route the stormwater to the State's facilities G-22.6
4. Prior to the start of any new construction or remodeling, the applicant shall secure a Building Permit at Madera County Department of Engineering and General Services. All construction shall meet the applicable standards and specifications of the California Building Codes, including, but not limited to, the California Building Code, National Electrical Code, Fire Code, Uniform G-22.7

Plumbing, Uniform Mechanical Code, Disabled Accessibility, and with the California Amendments of these codes. The applicant's architect or engineer shall identify the occupancy and type of construction proposed. All plans must be prepared by a registered civil engineer or licensed architect.

cont.  
G-22.7

5. If any grading is to occur, the applicant shall submit a grading, drainage and erosion control plan to the Engineering Department. This plan shall identify onsite retention for any increase in storm water runoff generated by this project. The basis for all designs shall be the provision of capacity for the runoff from a 100 year, ten day storm event. The grading, drainage and erosion control plan shall be prepared by a registered civil engineer and shall meet all applicable standards of the Uniform Building Code and the Madera County Code.

G-22.8

6. The applicant is required to retain onsite, or make other provisions, to mitigate post development runoff and flows to pre development levels. Madera County requirement is no net change. The applicant shall submit a storm water management plan prepared by a registered civil engineer addressing no net change to storm water quantities as a result of this project.

G-22.9

7. It is possible that the quality of storm water may be affected by pollutants, such as, but not limited to, oil, grease, fuel, dissolved metals from batteries and glycols from automotive coolant or antifreeze. The applicant shall mitigate any impacts associated with storm water contamination caused by this project. This may be in the form of grease & oil separators as designed by the applicant's engineer. The applicant shall submit a storm water management plan prepared by a registered civil engineer addressing this issue.

G-22.10

Attachments:





APPROXIMATE SCALE IN FEET  
 1000 0 1000

NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
 FLOOD INSURANCE RATE MAP

MADERA COUNTY,  
 CALIFORNIA  
 (UNINCORPORATED AREAS)

PANEL 605 OF 776  
 (SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

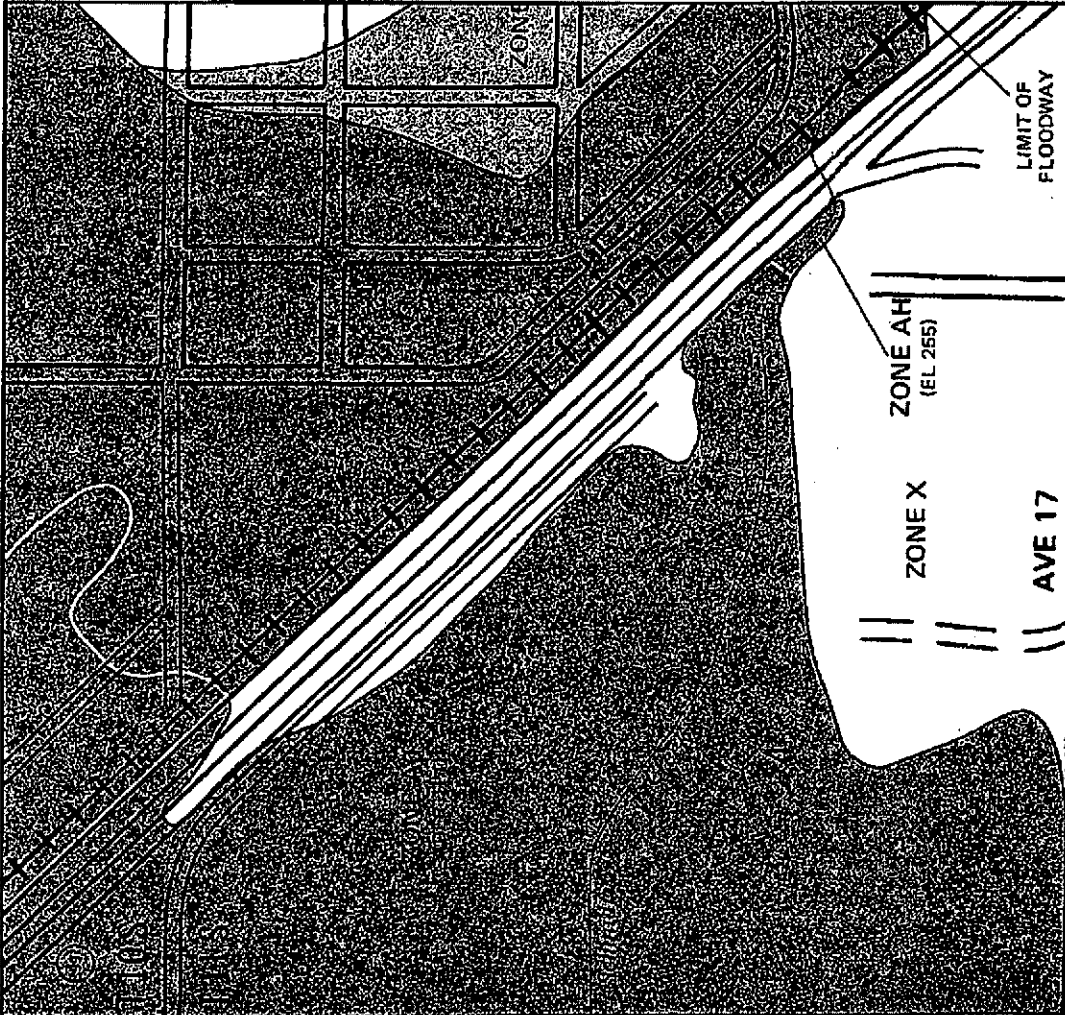
COMMUNITY-PANEL NUMBER  
 060170 0605 B

EFFECTIVE DATE:  
 AUGUST 4, 1987



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



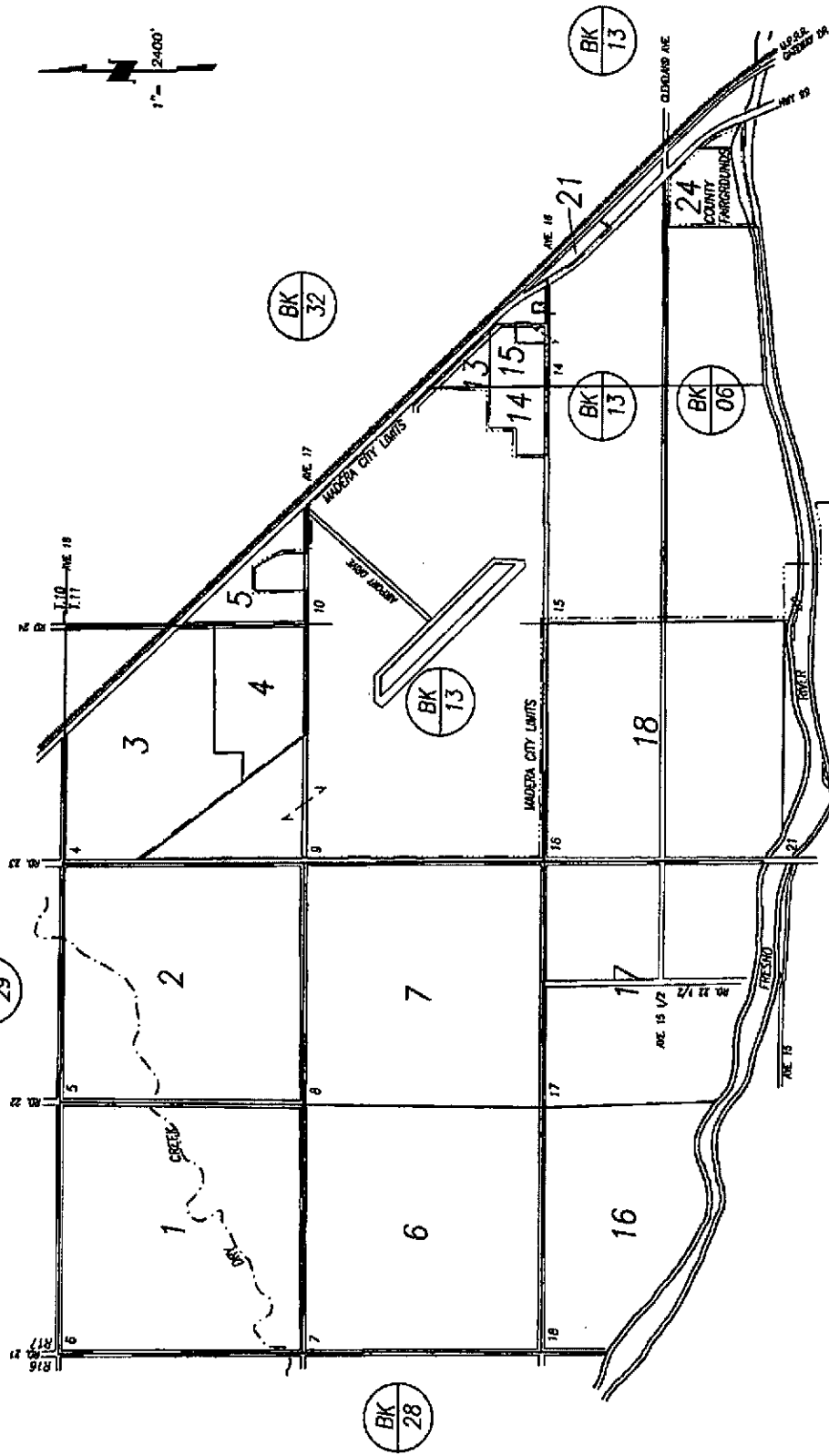
JOINS PANEL 0600

3

4

T.11S. R.17 E. M.D.B.&M.

ORIGINAL  
IN BLUE



NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

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07/13-25 RM

BOOK 33  
Assessor's Maps  
County of Madera, Calif.

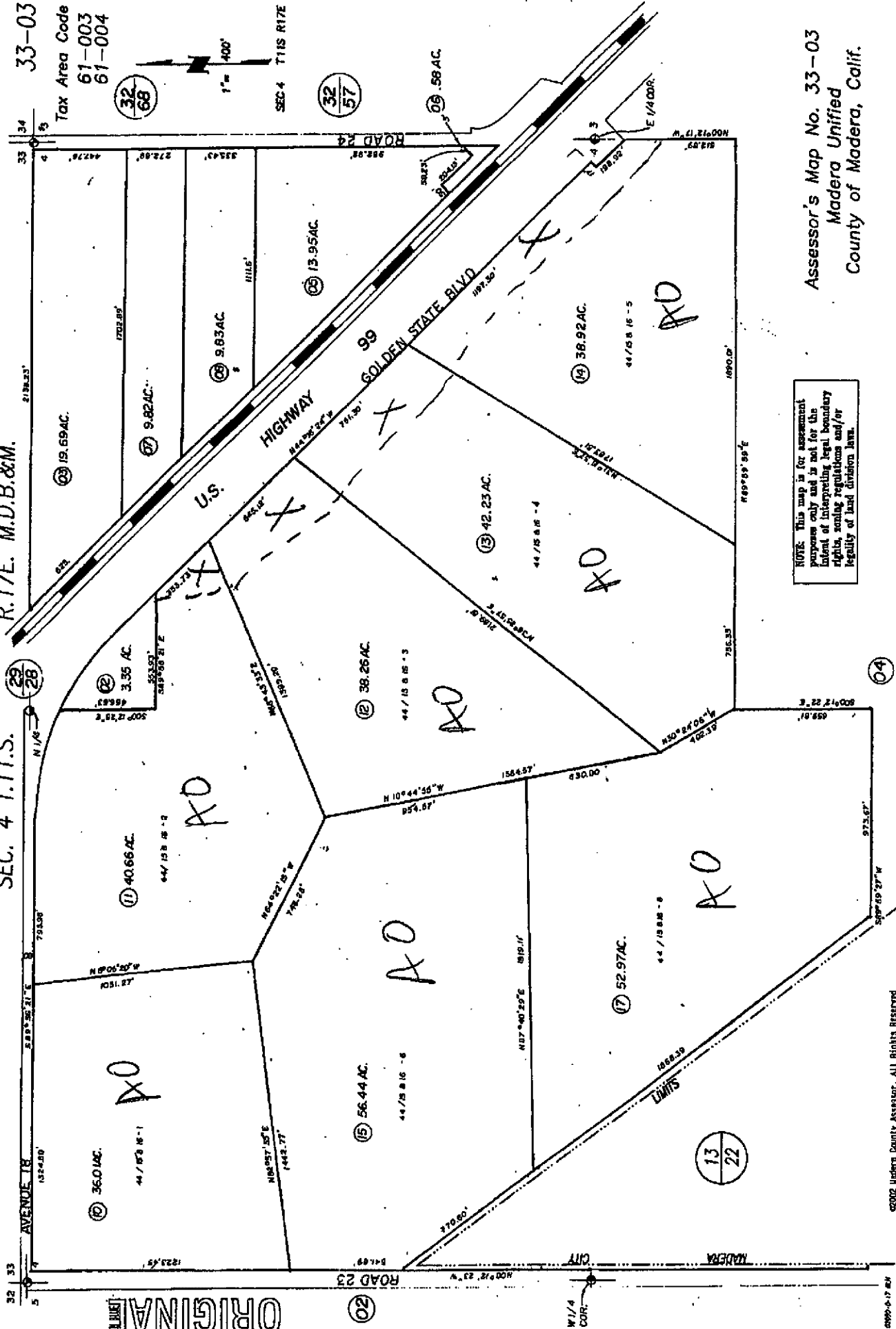
SEC. 4 T.11.S.

R.17E. M.D.B.&M.

33-03

Tax Area Code  
61-003  
61-004

ORIGINAL



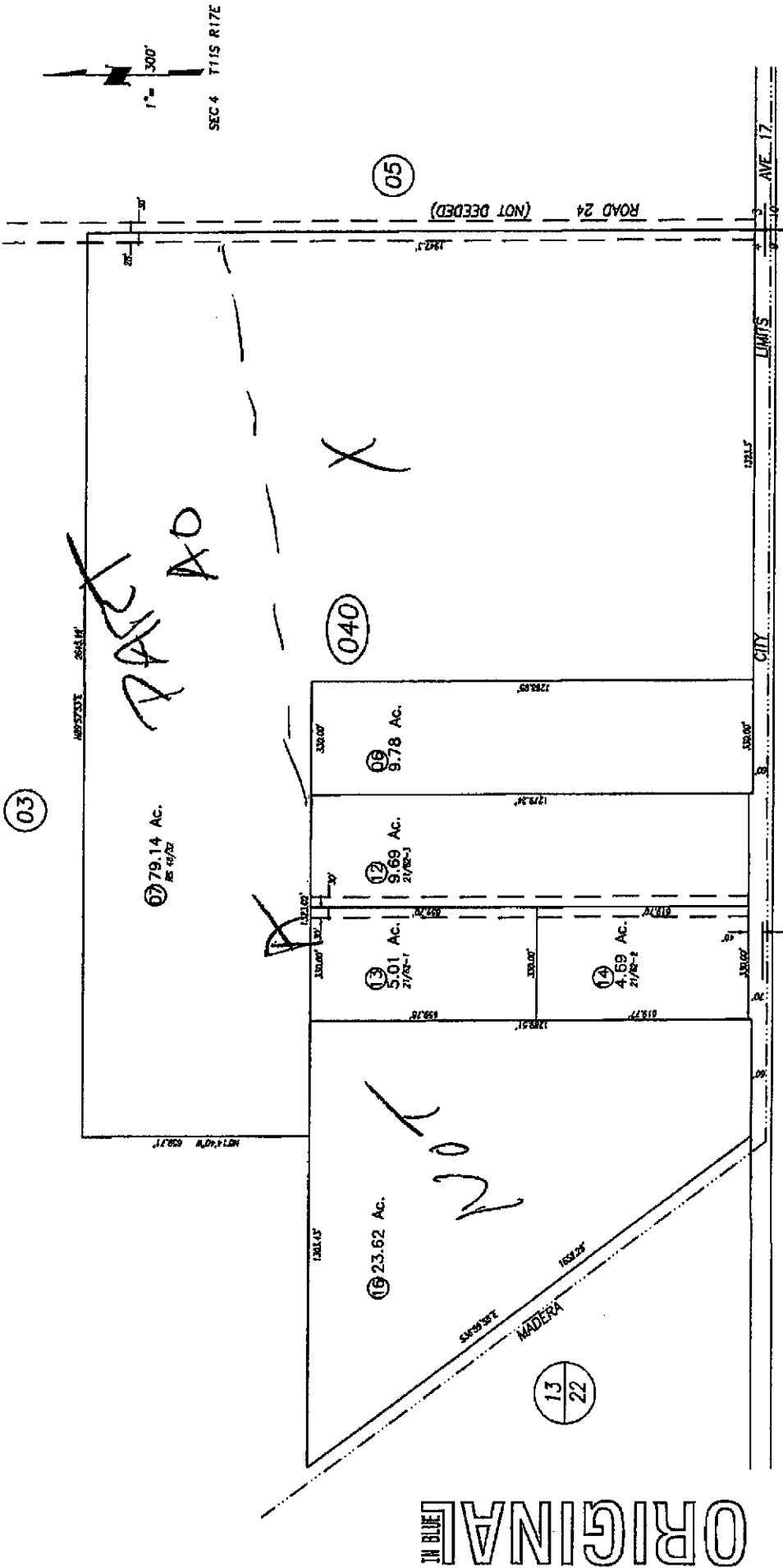
NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

Assessor's Map No. 33-03  
Madera Unified  
County of Madera, Calif.

POR. S1/2 SEC. 4 T.11S. R.17E. M.D.B.&M.

Tax Area Code  
61-003

33-04



NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

Assessor's Map No. 33-04  
Madera Unified  
Madera Outside  
County of Madera, Calif.

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ORIGINAL  
IN BLUE



**Madera District Chamber of Commerce**  
**120 North E Street**  
**Madera, California 93638**  
**(559) 673-3563**  
[www.maderachamber.com](http://www.maderachamber.com)

March 28, 2008

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

SUBJECT: "DEIS Comments, North Fork Rancheria's Hotel/Casino Project"

Dear Ms. Dutschke:

The Madera Chamber of Commerce has been working with the North Fork Rancheria Tribe on their proposed destination resort and casino since April 2004. We are steadfast in our support to the project and the tribe. Most importantly, Madera Chamber of Commerce is committed to the citizens of Madera and our endorsement of this project should reflect their desire and enthusiasm for economic well-being, now and in the future.

G-23.1

I am writing to you to respectfully request that there be no extension of the comment period, (past March 31, 2008), or any additional public hearings granted. Working continuously as an endorser of the project, Madera Chamber of Commerce believes that there has been ample time and opportunity for comments. There have been public hearings held by your agency and those by our local government as needed for the approval of their memorandum of understandings with the North Fork Tribe. We believe that there have been multiple venues and time for comments from the community. We urge you to stay committed to the schedule you set forth.

Further, if an extension is granted, it will be a great disappointment to the majority of our Madera citizens, who overwhelmingly support the proposed development. These citizens have been patient but are now extremely anxious and want to this project come to fruition.

G-23.2

If an extension is granted as requested by the few who oppose this project, it only gives them time to continue bringing in their so-called experts. The BIA should consider that the real experts have already spoken. Those true experts live and work right here in Madera, they are our citizens and local leaders...they truly know what's best for Madera, not the outside "experts" that are brought in to fight this for the opposition.

Your cooperation and consideration in the matter of this request is gratefully appreciated.

Thank you.

Respectfully,

Debi Bray, President/CEO

March 25, 2008

John Rydzik  
c/o Clayton Gregory, Regional Director  
U.S. Department of the Interior  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825-1846

Subject: North Fork Rancheria Casino and Hotel  
Draft Environmental Impact Statement

Dear Mr. Rydzik:

The County of Fresno appreciates the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS) for the proposed North Fork Rancheria's Hotel/Casino Project, including taking into Federal trust 305 acres of land currently held in fee by the Tribe.

The County of Fresno (County) requests that the DEIS provide sufficient analysis and mitigation to fully analyze not only local but regional impacts (air quality, water resources, traffic, farmland conservation) that the project would have on the environment. Because this use will be a regional attraction, impact analysis should not be limited to Madera County, but should evaluate impacts to adjoining counties and cities, including but not limited to Fresno County and its cities.

G-24.1

If you have any questions you can email me at [bsholars@co.fresno.ca.us](mailto:bsholars@co.fresno.ca.us) or contact me at (559) 262-4454.

Sincerely,

Briza Sholars, Planner  
Development Services Division

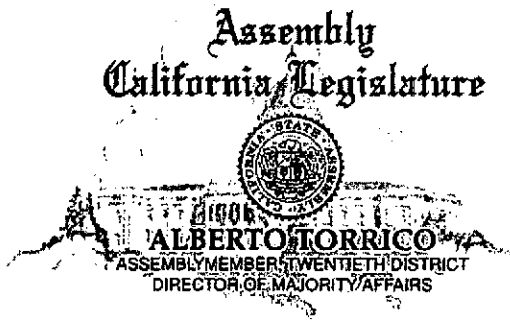
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c: Stan Nakagawa, Design Division  
Theresa Acosta-Mena, Development Services  
Bernard Jimenez, Manager, Development Services

**DEVELOPMENT SERVICES DIVISION**

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4055 / 262-4029 / 262-4302 / 262-4022 FAX 262-4893  
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P.O. BOX 942849  
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FAX (916) 319-2120  
  
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39510 PASEO PADRE PARKWAY, STE 280  
FREMONT, CA 94538  
(510) 440-9030  
FAX (510) 440-9035  
  
EMAIL:  
assemblymember.torrigo@assembly.ca.gov



G-25  
STANDING COMMITTEES  
GOVERNMENTAL ORGANIZATION (CHAIR)  
BANKING AND FINANCE  
BUSINESS AND PROFESSIONS  
JOINT LEGISLATIVE AUDIT COMMITTEE  
PUBLIC EMPLOYEES, RETIREMENT  
AND SOCIAL SECURITY  
  
WEBSITE:  
www.assembly.ca.gov/torrigo

March 12, 2008

Mr. Carl J. Artman  
Assistant Secretary, Indian Affairs  
1849 C Street N.W., Room 4160  
Washington, D.C. 20240

Re: Guidance on taking off-reservation land into trust for gaming purposes.

Dear Mr. Artman:

I am writing to express my concerns regarding the limitations of the current federal policy on reservation shopping as it relates to the California experience. In California, we are fortunate to have a growing list of more than 100 federally recognized tribes with aboriginal ties to our State. While this clearly contributes to the rich cultural diversity of California, it does complicate sovereign to sovereign relations.

I am appreciative of the Bureau's effort to further clarify Section 151.11 of 25 C.F.R. Part 151 with the January 2, 2008 letter of guidance, but believe clearer standards are still needed. The guidance sets up a series of questions that should be asked and addressed in cases where the distance from the reservation to the proposed acquisition exceeds a commutable distance. A commutable distance is defined as the distance a reservation resident could reasonably commute on a regular basis to work at a tribal gaming facility located off-reservation.

G-25.1

The issue with this standard in California stems from the large number of tribes and average commute distances within the state. Due to high housing prices, a significant number of Californians have a commute that exceeds an hour in length each way. Combining this with the high number of tribes in California could lead to a significant expansion of gaming that I do not believe was contemplated by California voters in passing Proposition 5 and Proposition 1A.

G-25.2

In my view, the off-reservation land in trust policy should curb the financial incentives to locate in population centers and along busy transportation corridors and balance competing interests, by focusing on at least three factors:

1. The commutability standard as defined in the January 2<sup>nd</sup>, 2008 letter;
2. The availability of alternatives, including existing reservation sites or property contiguous with an existing reservation;

G-25.3



3. The physical, cultural and financial impact on the applicant tribe and other local tribes as contemplated in Section 2719(b) of the Indian Gaming Regulatory Act.

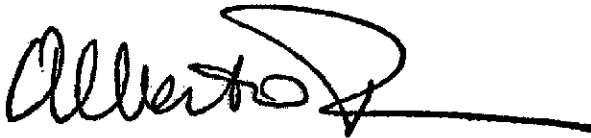
cont.  
G-25.3

If the department does not take these factors into consideration, I am concerned that California will see a proliferation of gambling unwelcome by the public which will ultimately create a backlash that could endanger the continuing economic, educational and cultural development of all tribes. As you said in the guidance letter, IGRA was not intended to encourage the establishment of Indian Gaming facilities far from existing reservations for gaming purposes.

G-25.4

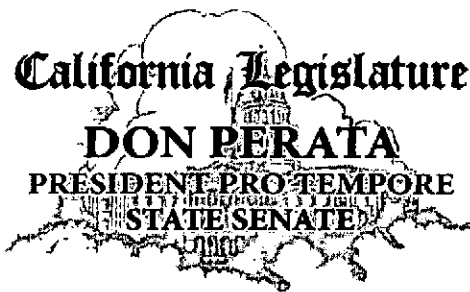
Thank you for your time and consideration. If you have any questions, please do not hesitate to contact me. I can be reached at 916.319.2020

Sincerely,



Alberto Torrico  
Chair, Assembly Governmental Organization Committee





March 8, 2008

Carl J. Artman  
Assistant Secretary, Bureau of Indian Affairs  
Washington, DC 200515

Mr. Secretary:

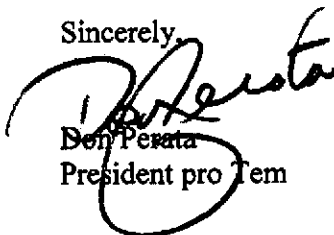
As the President Pro tem of the California State Senate, I write to notify the bureau that the state senate will not ratify any tribal gaming compact negotiated by the Schwarzenegger administration with the North Fork nation IF that compact allows or necessitates a relocation of tribal lands. While the BIA clearly has the federal authority to grant lands-in-trust status, the state must decide if a compact conforms to state law.

Over the years, voters of California have been explicit on the "rules" when they have supported tribal gaming. Gaming must be limited to historical tribal lands held in trust. These are sites well-established and accepted in counties throughout the state. There is no tolerance, however, for so-called "reservation shopping" where a tribe – often at the encouragement of a non-tribal gaming partner- seeks to relocate from its recognized lands.

This legislature – as with those preceding it – is adamant on the matter. Relocation for the obvious purpose of enhancing a tribe's gaming prospects does not merit a compact with the state of California.

Thank you.

Sincerely,



Don Perata  
President pro Tem

## Tricia Attard

---

**From:** John M. Peebles [jpeebles@ndnlaw.com]  
**Sent:** Wednesday, March 12, 2008 3:01 PM  
**To:** Tricia Attard  
**Subject:** FW: CCLA FLASH - Tule River to Move to Valley Floor!!

---

**From:** davidq@vzw.blackberry.net [mailto:davidq@vzw.blackberry.net]  
**Sent:** Wed 3/12/2008 2:37 PM  
**To:** Tricia Attard; Kathy Eide; Dan Casas; samlawhon@yahoo.com; Joe Alberta; Morris Reid; John M. Peebles; Brenda Lavell; Dora Jones; Mark Emerick; Janice Devine; Angela Karst  
**Cc:** Tricia Attard; Jana McKeag; Tom Foley; Bill Oldaker; Will Gonzalez  
**Subject:** CCLA FLASH - Tule River to Move to Valley Floor!!

WE REALLY NEED TO GET THIS STORY OUT. IT IS WHAT WE HAVE SAID ALL ALONG -- ONCE ONE MOVES - THEY WILL MOVE, EACH EATING INTO THE PROJECTED PROFITS OF THE PRIOR, IT'S CALLED, THE RACE TO THE BOTTOM..... Q

Eagle Mountain Casino's Plans to Relocate

3/11/2008, ABC KFSN-TV

Porterville (KFSN) -- A South Valley casino is taking a major step towards moving closer to the Valley floor.

Right now Eagle Mountain Casino is on Reservation Road 13 miles off of Highway 190 in Porterville. Tribe and city officials want to relocate it closer to Highway 65 near the Porterville Municipal Airport.

The City of Porterville has just signed a memorandum of understanding with the Tule River Indian Tribe to move the Eagle Mountain Casino, along with a 135 room hotel and possibly a golf course right here to the Valley floor.

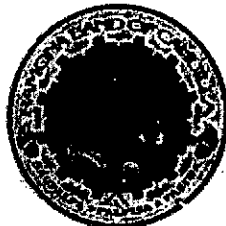
Both parties say the development will improve the local economy and make it more convenient for visitors.

Sent from my Verizon Wireless BlackBerry

# RAMONA BAND OF CAHUILLA

G-26

56310 Highway 371, Suite B  
Post Office Box 391670  
Anza, California 92539



Tel: (951) 763-4105  
Fax: (951) 763-4325  
E-mail: admin@ramonatribe.com

March 28, 2008

"A SOVEREIGN NATION"

U.S. Department of Interior  
Bureau of Indian Affairs  
Pacific Region  
2800 Cottage Way  
Room W-2820  
Sacramento, CA 95825-1846

Re: North Fork Rancheria-Support for Draft EIS

To Whom it May Concern:

On behalf of the Ramona Band of Cahuilla Indians, I am writing in support of the Draft Environmental Impact Statement (DEIS) submitted by the North Fork Band of Mono Indians.

The North Fork Band has been tirelessly going through the arduous fee to trust application process pursuant to the Indian Reorganization Act, as well the two-part determination process pursuant to the Indian Gaming Regulatory Act. I have been apprised of the contents of the DEIS and believe North For Band has performed a thorough review of the potential impacts their proposed gaming facility will have on the environment, and the Tribe will ensure that any potential impacts will be mitigated in a fair and judicious manner.

G-26.1

The Ramona Band supports tribes such as the North Fork Band, who, like the Ramona Band and other similarly situated tribes, cannot pursue viable economic development on their existing land base. North Fork's situation is exacerbated further because the only trust lands associated with the North Fork Band are lands held in trust by individual Indians and not the Tribe. Further, these individual trust lands are not conducive for the development of a gaming facility. The gaming site near Madera, California would serve as a "win-win" situation for all parties, providing much needed revenue for the North Fork Band and the city of Madera.

G-26.2

G-26.3

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Hamilton", written over a horizontal line.

Joseph Hamilton, Chairman  
Ramona Band of Cahuilla Indians

cc: Jacquie Davis Van Huss, Chairwoman  
North Fork Band of Mono Indians

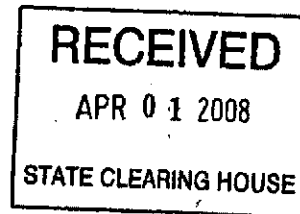
**DEPARTMENT OF TRANSPORTATION**

1352 WEST OLIVE AVENUE  
 P.O. BOX 12616  
 FRESNO, CA 93778-2616  
 PHONE (559) 445-5868  
 FAX (559) 488-4088  
 TTY (559) 488-4066

G-27



*Flex your power!  
 Be energy efficient!*



clear  
 4-1-08  
 e

March 31, 2008

SCH# 2008624002

2134-IGR/CEQA

6-MAD-99-14.222

DRAFT BIS

NORTH FORK RANCHERIA FEE-

TO-TRUST CASINO/HOTEL

PROJECT

Ms. Amy Dutschke, Acting Regional Director  
 U.S. Department of Interior  
 Bureau of Indian Affairs  
 Pacific Regional Office  
 2800 Cottage Way  
 Sacramento, CA 95825

Dear Ms. Dutschke:

We have completed our review of the proposal to develop a 268,480 square-foot casino including shops and restaurants, and a 200 room hotel (224,530 square feet). The project includes constructing approximately 4,500 parking spaces. The 305-acre site is located on the southeast quadrant of Road 23 and Avenue 18, approximately 0.5 mile north of the State Route (SR) 99 interchange at Avenue 17 and south of the SR 99 interchange at Avenue 18½.

G-27.1

It is estimated that the proposed project would generate 674 A.M. peak hour trips and 1,099 P.M. peak hour trips. It is anticipated that this project will have a significant impact on State facilities.

G-27.2

The opening day mitigation was not clearly stated in the document. However, it is our understanding that the project would construct interchange improvements at SR 99/Avenue 17 at opening day. This should include the construction of the interim interchange improvement at SR 99/Avenue 18½. It is unclear if the project would construct all improvements for the 2008

G-27.3

Project as stated in Table 100 (Recommended Improvement Cost Estimates). The project may contribute their fair share for the 2030 SR 99 interchange improvements as stated in Table 19 on page 65 in the study, or contribute their fair share through the City Traffic Impact Fee Program if it is established. The opening day mitigation and the fair share cost should be summarized in the study.

G-27.4

G-27.5

The 2008 traffic volumes at the SR 99 interchange at Avenue 17 seem high. Please provide an explanation of the land use included in and around the airport between Avenue 17 and Avenue 16. This project is on the city-county boundary. The City Redevelopment Agency has plans to improve land use and circulation in and around the airport. We are concerned that cross

G-27.6

G-27.7

jurisdictional coordination is not occurring and our facilities will suffer when more development impacts intersections near the southbound ramps.

cont.  
G-27.7

**SR 99/Avenue 17 Interchange:**

The study shows the westbound queuing on Avenue 17 between Golden State Boulevard and the southbound off-ramp. This queuing is expected to be greater in the future, which could cause backing up onto the southbound off-ramp and freeway mainline. The intersections on Avenue 17 between Golden State Boulevard/Airport Drive and the southbound off-ramp are closely spaced (less than 400 feet from curb return to curb return). The intersection spacing would be reduced when the southbound off-ramp and Golden State Boulevard are widened. The intersection of Avenue 17 and Golden State Boulevard/Airport Drive should not be signalized and should be allowed for right-turns in and out only with the construction of a raised median on Avenue 17. A signalized intersection may be constructed approximately 800 feet from the existing Golden State Boulevard/Airport Drive new Golden State Boulevard/Airport Drive alignment.

G-27.8

The construction cost estimate in Table 100 for this interchange improvement is too low. The cost estimates provided only include ramp improvements with no consideration for the overcrossing. The cost estimate needs to be revised.

G-27.9

It is unclear why the widening of Avenue 17 to eight-lanes is not recommended as stated on page xxi of the study. A Project Study Report (PSR) to reconstruct the SR 99 interchange at Avenue 17 is currently being prepared by Peters Engineering. This PSR should be consulted. Caltrans has not had the opportunity to review the PSR and corresponding traffic study. The PSR should determine the proposed lane configurations for both opening day and the build out traffic condition.

G-27.10

G-27.11

**SR 99/Avenue 18½ Interchange:**

The SR 99/Avenue 18½ interchange improvements at the opening day would include signalizing both ramp intersections with one year traffic signal monitoring. The traffic signals may be turned off if they do not meet signal warrants after one year. Other improvements would include adding a westbound left-turn lane and southbound right-turn lane at the intersection of the southbound off-ramp/Avenue 18½, and adding a northbound right-turn lane at the intersection of the northbound off-ramp/Avenue 18½.

G-27.12

For 2030 mitigation, a statement should be added that Road 23, opposite the southbound off-ramp would be realigned to the west to connect to Golden State Boulevard. A separate right-turn lane should be added on westbound Avenue 18½ at Road 23/Golden State Boulevard.

**Future SR 99/Ellis Street Interchange:**

A PSR to reconstruct the SR 99 interchange at Avenue 16 prepared by Caltrans Design was completed in June 2004. Two alternatives were proposed, with both alternatives proposing to realign SR 99 to the west, close the existing Avenue 16 interchange, and place the new

G-27.13

interchange at Ellis Street. The first alternative would modify the City's proposed four-lane structure. The second alternative would construct a new five-lane structure. Both alternatives propose to realign Golden State Boulevard and convert Schnoor Avenue north of Avenue 16 to a cul-de-sac. SR 99 would be widened to six lanes on an eight-lane right-of-way. Upgrading the existing Avenue 16 interchange at its current location was not found to be viable due to the insufficient weaving distance on SR 99 to the Cleveland Avenue interchange. There is currently no funding available for the proposed SR 99 interchange at Ellis Street. This PSR should be consulted. Additionally, the City of Madera Redevelopment Agency has hired a consultant engineer to prepare the local road circulation system between Avenue 17 and Avenue 16 near the airport. They are proposing some big box development and other land uses that should be considered as part of the overall circulation system and land use impacts.

cont.  
G-27.13

G-27.14

Caltrans has not yet established nor seen a consultant prepared fair share cost/trip at for this new interchange.

G-27.15

#### SR 99/Avenue 16 Interchange:

When the SR 99/Ellis Street interchange is constructed, the SR 99 ramps at Avenue 16 will be closed.

The southbound off-ramp and Avenue 16 realignment project as proposed for the 2005 traffic condition was completed last summer (except the traffic signal). The project included realigning the intersection to a hook ramp configuration, replacing all-way stop control to a single stop at the off-ramp, adding a right-turn lane on the southbound off-ramp, and adding an eastbound left-turn lane to the southbound on-ramp.

G-27.16

The proposed eastbound dual left-turn lanes to the northbound on-ramp will require structure widening that may not be cost effective.

The two ramp intersections currently do not meet signal warrants. If the intersection of Avenue 16 and Schnoor Avenue is signalized and there are operational problems at the ramp intersections, then the ramp intersections would need to be signalized.

G-27.17

Caltrans identified an interim improvement to install traffic signals at the ramp intersections, to reconfigure and to widen an eastbound left-turn lane at the northbound ramps/Avenue 16 intersection that was once estimated to cost \$3.731 million. Caltrans has calculated a fair share cost/trip of \$1,002/trip. However, this number should be updated.

G-27.18

#### SR 99/Cleveland Avenue Interchange:

The SR 99 interchange at Cleveland Avenue will require major reconstruction to improve operations. The improvements recommended in the study will require widening the existing structure or constructing a new structure to meet the standard vertical clearance, which may cost in excess of \$30 million. The cost estimated in Table 100 is too low for the proposed improvements. Caltrans has identified an interim improvement for fair share purposes. The interim improvements would be reconstructing the southbound ramp intersection. The

G-27.19

intersection would need to be relocated to the west to provide longer left-turn storage on Cleveland Avenue. The southbound on-ramp will need to have an HOV lane and two mixed flow lanes. The southbound off-ramp will need to have dual left-turn lanes and a right-turn lane

cont.  
G-27.19

The study recommends a two-lane exit ramp at the northbound off-ramp in 2008. However, the two-lane exit ramp would not be needed till 2030.

**SR 99/SR 145/Olive Avenue Interchange:**

A Caltrans project to upgrade and reconstruct the SR 99/SR 145 and the SR 99/Gateway interchanges was prepared by the URS Corporation. The project included structure widening from two lanes to six lanes on SR 145 over SR 99, adding northbound and eastbound dual left-turn lanes at the SR 145/Olive Avenue intersection, constructing new SR 99 southbound ramps at Almond Avenue, and realigning the Gateway Drive overcrossing to connect to Almond Avenue. The traffic study for this project prepared by the Y&C Transportation Consultants dated March 2001 did not adequately address the operational problems that are expected to occur in 2025. Additional improvements at these two interchanges would be needed.

G-27.20

The SR 99 interchange improvements at SR 145/Olive Avenue is in the final Plans, Specifications and Estimate (PS&E) stage and planned for construction at the end of 2008. The additional improvements needed at the SR 145/Olive Avenue intersection include adding a separate southbound right-turn lane, which may require minor structure widening, and adding a separate eastbound through lane. An additional right-turn lane at the SR 99 southbound off-ramp to Olive Avenue should also be constructed to improve the operations at the intersection. The additional improvements needed at the Olive Avenue/"I" Street intersection include adding eastbound dual left-turn lanes and a separate westbound right-turn lane. Based on the traffic study for the Ventana Development Project prepared by KD Anderson in 2007, a fair share cost/trip was calculated to be \$1,889/trip.

G-27.21

**SR 99/Avenue 12 Interchange:**

Caltrans currently has signal projects at the ramp intersections as well as at Avenue 12 and Road 29. The Caltrans project does not include widening the westbound approach at the northbound off-ramp. The project will be adding a right-turn lane at the northbound off-ramp.

A Caltrans PSR to upgrade and reconstruct the SR 99 interchange at Avenue 12 was completed in 2003. The project proposes ultimate build and minimum build alternatives. The ultimate build alternative would accommodate the 2030 traffic volumes and consists of widening the overcrossing to eight lanes, realigning Golden State Blvd. and Road 29 South, constructing a new southbound slip on-ramp, reconstructing intersections, and installing traffic signals. The project cost was estimated to be between \$37 and \$47 million. The minimum build alternative would accommodate the 2020 traffic volumes and consists of widening the overcrossing to five lanes, reconstructing intersections, and installing traffic signals. The cost is estimated to be between \$19 and \$29 million. Both alternatives would realign Road 29 (east of the northbound ramps) to the east. The ultimate build alternative would provide an 8-lane freeway on SR 99 and the minimum build alternative would provide a 6-lane freeway on SR 99. Based on the Ventana

G-27.22

Ms. Amy Dutschke  
March 31, 2008  
Page 5

Development Project TIS and assuming 50% funded by Madera County, a fair share cost/trip was calculated to be \$3,165.25/trip. The design and cost estimate are currently being updated. cont.  
G-27.22

The traffic portion of the environmental document needs to be revised to address the above comments. The document seems to be extremely vague in terms of the project's mitigation responsibilities toward State facilities. Many of the cost estimates provided in Table 100 seem to G-27.23

be low. A detailed cost estimate indicating how the consultant arrived at their cost estimates should be provided. A table clearly outlining the project's mitigation responsibilities by phase G-27.24

should also be provided. The amended traffic portion of the environmental document should be provided to Caltrans for further review once all of the necessary revisions have been made. G-27.25

Caltrans is available to meet with the applicant and/or traffic consultant should either feel necessary to discuss the project. If you have any questions, please call me at (559) 445-5868.

Sincerely,

**MICHAEL NAVARRO**  
Office of Transportation Planning  
District 06



**MADERA COUNTY FIRE DEPARTMENT**

IN COOPERATION WITH  
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

14225 ROAD 28  
MADERA, CALIFORNIA 93638-5715  
(559) 675-7799  
FAX: (559) 673-2085

MIKEL L. MARTIN  
MADERA COUNTY FIRE CHIEF

March 28, 2008

Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Rm. W-2820  
Sacramento, California 95825

Atten: John Rydzik

The following comments, in reference to the North Fork Rancheria of Mono Indians Fee-to-Trust Casino/Hotel Project EIS, are submitted by the Madera County Fire Department:

In alternative A, the draft EIS proposes the construction of one fire station and the purchase of one aerial ladder truck. The draft EIS proposes a staffing level of 3-0 for this aerial ladder: One Fire Captain, one Engineer and one Fire Fighter. A total of nine additional full time firefighters.

The Madera County Fire Department (MCFD) recommends the construction of one fire station, purchase of one aerial ladder truck and purchase/funding of one, Type I Fire Engine. MCFD recommends a staffing level of 4 persons for the Aerial Ladder truck, consisting of one Fire Captain, one Engineer and two Fire Fighters. MCFD recommends a staffing level of 3-0 for the Fire Engine, consisting of one Fire Captain, one Engineer and one Fire Fighter, for a total of 21 additional full time personnel.

In alternative B, the draft EIS proposes the construction of one fire station and purchase of one additional Fire Engine. The draft EIS proposes a staffing level of 2-0: one fire Captain/Engineer and one Fire Fighter. A total of six additional full time personnel.

MCFD recommends the construction of one fire station and purchase/funding of one additional Type I Fire Engine. MCFD recommends a staffing level of 3-0 for the Fire Engine, consisting of one Fire Captain, one Engineer and one Fire Fighter, for a total of 9 additional full time personnel.

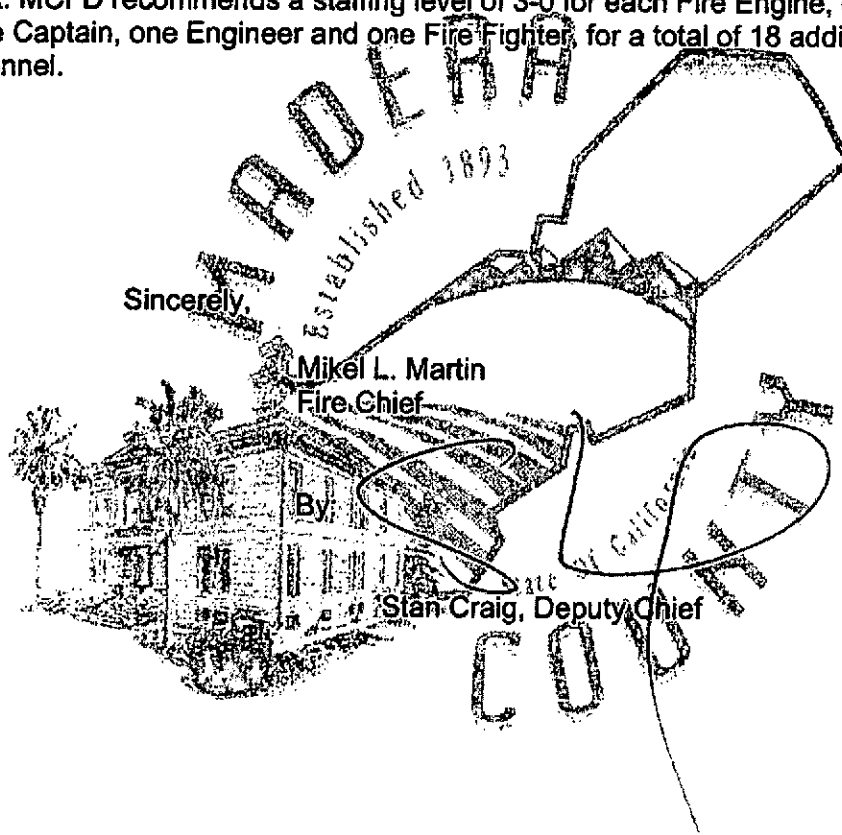
In alternative C, the draft EIS proposes the construction of one fire station and purchase of one additional Fire Engine. The draft EIS proposes a staffing level of 2-0: one fire Captain/Engineer and one Fire Fighter. A total of six additional full time personnel. MCFD recommends the construction of one fire station and purchase/funding of one additional Fire Engine Type II or higher. MCFD recommends a staffing level of 3-0 for the Fire Engine, consisting of one Fire Captain, one Engineer and one Fire Fighter, for a total of 9 additional full time personnel.

G-28.1

In alternative D, the draft EIS proposes using the existing fire protection resources at the Chukchansi/Coarsegold Fire Station or proposes the building of an additional fire station in an unknown location. There is no adequate discussion of additional fire resources needed if this proposal were to be implemented. Use of existing fire protection resources at Chukchansi/Coarsegold Fire Station would result in an unacceptable response time of greater than 20 minutes. This EIS does not propose what additional resources would be needed if an additional fire station were to be built.

cont.  
G-28.1

MCFD recommends at a minimum, the funding of two full time year round Fire Engines, Type III or higher, at the Rancheria Cal Fire station, located near the town of North Fork. MCFD recommends a staffing level of 3-0 for each Fire Engine, consisting of one Fire Captain, one Engineer and one Fire Fighter, for a total of 18 additional full time personnel.



cc: Ray Beach, Director  
Madera County Resource Management Agency



G-29

**DARCI L. HOUCK**  
1001 SECOND STREET  
Sacramento, CA 95814  
T: (916) 441-2700  
F: (916) 441-2067  
E: [dhouck@ndnlaw.com](mailto:dhouck@ndnlaw.com)  
[www.ndnlaw.com](http://www.ndnlaw.com)

March 21, 2008

Mr. John Rydzik, Chief of the Division of  
Environmental, Cultural Resource Management and Safety  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Re: DEIS Comments, North Fork Rancheria's Hotel/Casino Project (DEIS)

Dear Mr. Rydzik:

This letter is written on behalf of the Picayune Rancheria of the Chukchansi Indians ("PRCI") to request additional public hearings to receive comments on the above DEIS, and to extend the March 31, 2008 deadline to receive written comments on the scope and implementation of the North Fork Rancheria's proposed 305-acre trust application and hotel/casino project, as described in the Federal Register on February 15, 2008 (Volume 73, Number 32, Page 3, 8848-8899) for an additional 120 days. The Federal Register Notice is attached as Exhibit A.

G-29.1

G-29.2

As you are aware, the National Environmental Policy Act (42 USC 4331, et seq.) and the regulations promulgated pursuant thereto (40 CFR §§ 1503.1 and 1506.6) require the lead federal agency provide an opportunity for the public to comment on the DEIS. Federal law requires the lead federal agency to notify the public of the proposed action, allow an opportunity to comment meaningfully on the proposed action and then consider the comments.

G-29.3

The DEIS (with the exception of Appendix P to the DEIS) was made available for review by the public on February 15, 2008. Appendix P to the DEIS was located at the office of the BIA under a separate cover, and PRCI did not receive a copy until March 4, 2008, more than two full weeks from the date the DEIS was released. The DEIS consists of four volumes with over 1000 pages. The public comment hearing was held on March 12, 2008. Given the serious environmental impacts of the proposed project, the heightened public interest and the volume and complexity of the DEIS, the lead agency did not provide the public adequate time to review and comment on the DEIS.

G-29.4

G-29.5

The Picayune Rancheria of the Chukchansi Indians submitted a letter to the BIA on February 25, 2008 requesting additional time for public comment on the DEIS. The BIA responded on March 7, 2008 recognizing PRCI's concerns as to the Project, and noted that PRCI raised the concern that the Project was being treated differently than a similar project in the state of Oregon, the Cascade Locks project. The BIA stated that it believes there are notable distinctions between the Cascade Locks project and the Project proposed by North Fork. PRCI would like to note that 300 people attended the first public hearing for the Cascade Locks project and over 800 people were either present or attempted, but were turned away, from attending the hearing on the North Fork Project. Although the Cascade Locks project involves impacts on two states, the North Fork Project involves impacts to at least four tribes. The BIA has a trust responsibility to each of these tribes, and this project proposes significant adverse economic impacts not only to tribal casinos in the area, but the tribal programs put in place through casino revenues. Although the Portland metropolitan area is significantly larger than Madera, there are large metropolitan areas all along highway 99 to the immediate south and north of the Project location. The highway is a major thru-way connecting northern and southern California with some of the heaviest traffic, and the worst air quality in the nation. Although the Cascade Locks project may impact the Columbia River Gorge, the North Fork Project has a potential to impact Sequoia-Kings Canyon National Park. There is heightened public interest, and these potential adverse impacts should be carefully examined, and the surrounding communities and nearby tribes given an adequate opportunity to provide meaningful comments.

G-29.6

Further, the public hearing held at Hatfield Hall, Madera County Fair Grounds failed to provide the public a meaningful opportunity to be heard.

G-29.7

First, the supporters of the Project were provided "reserved seating" at the public hearing while the general public was provided general seating, left standing, or locked out of the hearing altogether. In effect, if an individual supported the Project they not only were given access to the hearing but also a reserved seat.

G-29.8

Second, proponents of the Project were allowed to complete their public comments while members of the public were not. At the beginning of the hearing, the hearing officers informed those in attendance (those that had been allowed into the hearing facility) that comments were to be limited to three minutes. This rule was not enforced with regard to the proponents of the Project. Proponents of the Project were allowed to complete their comments without regard to time. Thereafter, the general public was limited to the 3-minute comment period.

G-29.9

Finally, the hearing began at 6:00 p.m. while the majority of the members of the general public waited for admission to the hearing outside Hatfield Hall.

G-29.10

Third, on the afternoon of the hearing, the North Fork Rancheria Chairwoman notified the listening public on a radio talk show broadcast in Madera County that the public should not attend the public hearing. (See Fresno Bee Blog and comments at Exhibit B).

G-29.11

Fourth, the attorney for the North Fork Rancheria verbally accosted a representative of PRCI by screaming that it was North Fork's hearing, and questioning why they were there. This was an attempt to prevent PRCI from bringing materials into the hearing to be used during the public comment period concerning the Project.

G-29.12

**EXHIBIT A**

Fifth, approximately 800 people packed Hatfield Hall at the Madera District Fairgrounds. However, hundreds of individuals who wanted to attend the public hearing were turned away and not allowed to participate in the hearing. These individuals were turned away as the location for the public hearing could not accommodate the tremendous turnout of public participants interested in the Project.

G-29.13

Sixth, due to the inadequate accommodations, the number of persons in attendance, and the late hour to which the hearing extended, many (hundreds) members of the public left before they had an opportunity to be heard on the record at the public hearing.

G-29.14

Accordingly, the Picayune Rancheria of the Chukchansi Indians requests additional public hearings to receive comments on the DEIS, and requests that the time by which to submit written comments be extended by 120 days from March 31, 2008.

G-29.15

Sincerely,

Fredericks Peebles & Morgan LLP



Darcie L. Houck

DLH:se

Cc: Carl J. Artman, Assistant Secretary – Indian Affairs  
United States Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Amy Dutschke, Acting Regional Director  
Bureau of Indian Affairs  
Pacific Region  
2800 Way Cottage Way  
Sacramento, CA 95825

Morris Reid, Chairman  
Picayune Rancheria of the Chukchansi Indians  
40575 Road 14  
Coarsegold, CA 93614

[Federal Register: February 15, 2008 (Volume 73, Number 32)]  
[Notices]  
[Page 8898-8899]  
From the Federal Register Online via GPO Access [wais.access.gpo.gov]  
[DOCID:fr15fe08-94]

-----  
DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Draft Environmental Impact Statement for the North Fork  
Rancheria's Proposed 305 Acre Trust Acquisition and Hotel/Casino  
Project, Madera County, CA

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

-----  
SUMMARY: This notice advises the public that the Bureau of Indian  
Affairs (BIA) as lead agency, with the North Fork Rancheria of Mono  
Indians (Tribe), California Department of Transportation, Madera  
Irrigation District, City of Madera, National Indian Gaming Commission  
and U. S. Environmental Protection Agency (EPA) as cooperating  
agencies, intends to file a Draft Environmental Impact Statement (DEIS)  
with the EPA for the proposed 305 acre trust acquisition and the  
construction of a hotel/casino project to be located in unincorporated  
Madera County, just north of the City of Madera, California, and that  
the DEIS is now available for public review. Public review of the DEIS  
is part of an administrative process designed to evaluate tribal  
applications that seek to have the United States to take land into  
Federal trust pursuant to 25 CFR part 151. Reviewers are advised that  
we will consider public comments carefully

[[Page 8899]]

prior to deciding whether to approve or disapprove this application.  
~~This notice also announces a public hearing to receive comments on the  
DEIS.~~

~~DATES: Written comments on the scope and implementation of this  
proposal must arrive by March 31, 2008. The public hearing will be held  
March 12, 2008, from 6 p.m. to 9 p.m., or until the last public comment  
is received.~~

ADDRESSES: You may mail or hand carry written comments to Amy Dutschke,  
Acting Regional Director, Pacific Regional Office, Bureau of Indian  
Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include  
your name, return address, and the caption, 'DEIS Comments, North Fork  
Rancheria's Hotel/Casino Project,' on the first page of your written  
comments.

The public hearing will be at the Hatfield Hall, Madera District  
Fairgrounds, 1850 West Cleveland Avenue, Madera, California.

The DEIS is available for review at the Madera County Public  
Library, 121 N. G. Street, Madera, California 93637, and at the Madera  
County Public Library, Chowchilla Branch, 300 Kings Ave., Chowchilla,

California 93610. General information for the Madera County Public Library may be obtained by calling (559) 675-7871, and for the Madera County Public Library, Chowchilla Branch, by calling (559) 665-2630.

If you would like to obtain a copy of the DEIS, please write or call John Rydzik, Chief of the Division of Environmental, Cultural Resource Management and Safety, at the BIA address above or the telephone number provided below. An electronic version of the DEIS may be viewed at <http://www.NorthForkEIS.com>.

FOR FURTHER INFORMATION CONTACT: John Rydzik, (916) 978-6042.

**SUPPLEMENTARY INFORMATION:** The Tribe has requested that the BIA take into Federal trust 305 acres of land currently held in fee by the Tribe, on which the Tribe proposes to construct a hotel, casino, parking areas and other facilities. The proposed project is located in unincorporated Madera County, California, just north of the City of Madera and adjacent to State Route 99 (SR-99). The project site is bounded on the north by Avenue 18, rural residential land, light industrial land, and vacant land; on the east by Golden State Boulevard and SR-99; on the south by agricultural land and residential land; and on the west by Road 23 and agricultural land.

The proposed action includes the development of an approximately 472,000 square foot hotel and casino resort and associated facilities, which would include a main gaming hall, food and beverage services, retail space, banquet/meeting space, and administration space. Food and beverage facilities would include three full service restaurants, a five-tenant food court, a buffet, four bars and a lounge. The hotel would include 200 rooms, a resort style pool area and a spa. Approximately 4,500 parking spaces would be provided. Regional access to the project site is via SR-99, Road 23, Avenue 18, and Golden State Boulevard would provide direct access to the hotel/casino resort.

A range of project alternatives is considered in the DEIS, including: (1) Preferred hotel/casino; (2) reduced casino; (3) commercial development; (4) North Fork Rancheria alternate site; and (5) no action. Environmental issues addressed in the DEIS include land resources, water resources, air quality, biological resources, cultural resources, socioeconomic conditions, environmental justice, transportation, land use, agriculture, public services, noise, hazardous materials, visual resources, cumulative effects, indirect effects, growth inducing effects and mitigation measures. Input from the public, including that from a public scoping meeting the BIA held on November 15, 2004, in Madera, California, was included in the development of these alternatives and issues.

#### Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the ADDRESSES section, during business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### Authority



This notice is published in accordance with section 1503.1 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Department of the Interior Manual (516 DM.1-6), and is in the exercise of authority delegated to the Assistant Secretary--Indian Affairs by 209 DM 8.1.

Dated: January 28, 2008.  
Carl J. Artman,  
Assistant Secretary--Indian Affairs.  
[FR Doc. E8-2828 Filed 2-14-08; 8:45 am]

BILLING CODE 4310-W7-P

**EXHIBIT B**

## **Highway 99 Indian casino controversy gets a hearing**

More than 800 people showed up at Hatfield Hall at the Madera District Fairgrounds last night for a hearing on the environmental impact statement on the proposed casino on Highway 99 north of Madera. So many people showed up that not everyone could get into the hearing, and not everyone had a chance to speak. While they can submit written comments until the end of the month, it would have been much better if the feds could have accommodated everyone last night.

It shouldn't have been a surprise to the Bureau of Indian Affairs that this controversial casino proposal would draw so many people to the hearing. Opponents had been drumming up interest in the hearing for several weeks and supporters of the casino rallied their troops to show up. The BIA started the hearing while several hundred people were still trying to get in. This "public" hearing does not give you a lot of confidence that the BIA is handling this proposal in an even-handed way.

In a column last Sunday, I said the site is not a good one, although I support Indian gaming. Casinos should be on Indian land in rural areas. That was the deal the tribes made with voters when expanded Indian gaming was approved at the ballot box.

State Sen. Dean Florez, D-Shafter, argued in his testimony that approval of the casino would set a precedent leading to a "gaming corridor along Highway 99." Florez is a key official in this political exercise because he chairs a Senate committee that will have to approve a gaming compact if the federal government allows the North Fork Rancheria of the Mono Indians to proceed with the casino.

Here's Florez's statement:

Mr. Chair. I'm Sen. Dean Florez. I represent the 16th Senate District, which covers a wide area of the Central Valley -- from Bakersfield in the south to Fresno in the northern part of my district.

I am also the chairman of the Senate Committee on Governmental Organization, which is the Senate policy committee with jurisdiction on issues of gaming. This includes Indian Gaming Compacts.

Let me start by saying that I have great concerns about any tribe's efforts to take land into trust that is not reasonably situated to their existing tribal lands. I understand that there are some situations which merit special consideration.

Taking land into trust, miles away from already existing tribal lands, for the sole purpose of conducting Class III gaming sets an objectionable precedent that could result in a grand race to place other major casinos along Highway 99.

I'm not in favor of creating a gaming corridor along Highway 99 and would prefer that the tribe find a solution closer to its existing tribal lands.

While this proposal may not come close to the off-reservation plans that were proposed for the city of Barstow (which didn't receive legislative support), I would say that members of the Legislature are aware of the issue of off-reservation gaming, and I can say, haven't shown an interest in supporting off-reservation gaming in general.

We would probably closely look at how any proposed casino will affect existing facilities and tribes and we would ask that you complete such a similar review in your analysis.

Posted by Jim Boren on March 13, 2008 9:09 AM | [Permalink](#)

## Comments

The hearing seemed to be unfair and onesided. Several hundred people were not allowed into the hearing because of capacity. Several Senior Citizen left before they could testify because the hearing gave preference to certain groups before the general public. The hearing went on until almost midnight. If the BIA really wants the public's input on the Draft EIS, then the BIA needs to hold another hearing so that all people can be heard.

Posted by: Dan Casas | [March 13, 2008 10:50 AM](#)

I was happy to see a large turnout last night to this PUBLIC Hearing-even though there were those from the North Fork Tribe that tried to discourage the public from coming-as stated on the Ray Appleton Show earlier in the day. They claim there have been many public hearings before this one, although, this is the first one I have been aware of-thanks to the media. Is there something North Fork is trying to hide? sweep under the rug? It is my Californian opinion that all tribes need to abide by the original agreement of "gaming must remain on tribal ground". If you disagree maybe you should move to Nevada.

Posted by: Hazel | [March 13, 2008 11:28 AM](#)

If the Indians can buy land and then turn it into Indian land (sovereign)we should sell them ANWR in Alaska and they could get rich pumping oil(something productive for our society). If not... why don't they include prostitution as being available at casinos. Think of all the families(Spitzer and Clinton come to mind) that would be spared the humiliation and the savings by law enforcement. Why haven't they done it already? Do they have a moral issue? They could do anything they want with this government free opportunity and they choose to be parasites on society instead and any entity that takes money from them(charities, municipalities, unions, politicians, etc... anyone!)are complicit in this parasitic behavior. There is no way this can ever be a positive for society so who cares where you put it.

Posted by: Brian Murray | [March 13, 2008 11:45 AM](#)

The only positive thing I can see with this is it may bring in some revenue for some local businesses but I don't think as much as they think it will. People that are going to gamble are going to do that not shopping.

Posted by: Jackie Krage | [March 13, 2008 1:05 PM](#)

For a "public" hearing, this really was conducted in a manner that was counter-productive. First, the listening public was told by the North Fork Chairwoman on a radio talk show that afternoon that the public should NOT attend the public hearing(?)

Then, unless you arrived at 4:00, two hours prior to the start of the hearing, you were forced to get into a line that wound 500+ strong around the dusty parking lot until the doors opened. Once inside, there was reserved seating for the North Fork tribe, but not for anyone else--not any of the elected officials or any of the other tribal officials.

Time allotted per speaker was greater if you were a North Fork representative or a member of the public. This was such a lopsided meeting---which is really sad considering that so many people took the time to come out and express their views. I'd like to ask for another public hearing to be held--this time a serious hearing, a real one, for all of us with serious views.

Posted by: Inga | [March 13, 2008 3:53 PM](#)

I thought this issue was decided with the passage of Propositions 5 and 1A. How many times do we have to vote on the same issue??? Keep Indian Gaming on Indian Land.

Posted by: Julie | [March 13, 2008 4:13 PM](#)

This was the first public hearing I've ever attended and I was so disappointed in the process. It was my understanding that this was supposed to be an impartial hearing, sponsored by the Bureau of Indian Affairs to give both sides an equal opportunity to voice their opinions.

Sadly, that was not the case. I felt like all the time I spent standing in the 800-person line was for nothing. My feelings were affirmed when everyone who spoke on behalf of the North Fork tribe was given permission to drone on and on. But as soon as the buzzer rang for opponents of the project, they were quickly asked to take a seat out of respect for the other speakers.

I guess it shouldn't have been a surprise that there were two sets of rules. That's exactly why I oppose this project. Why should we allow this tribe to pick prime land for their site when all the other tribes have had to build on their reservations or at least adjacent to their reservations. I'm sure if others could have chosen this premier real estate they would have.

If we say yes to North Fork, we might as well just throw all the rules out the window and let the Indians put casinos wherever they want. Heck, why limit it to them. Let Las Vegas casinos come and build here, too. Oh wait, they already are. This isn't about improving the standard of living for Native Americans. It's about money. Shame on us for exploiting these people. They are not California's cash cow!!!

Posted by: Annette | [March 13, 2008 4:19 PM](#)



**FREDERICKS PEEBLES & MORGAN LLP**  
ATTORNEYS AT LAW

*Keating*  
*Amy already recd*

G-30

Sacramento, CA 95814  
T: (916) 441-2700  
F: (916) 441-2067  
E: jpeebles@ndnlaw.com  
www.ndnlaw.com

*J. Orger*  
*Fwd DECRMS 4/4/08*

March 28, 2008

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

Re: Draft Environmental Impact Statement for the North Fork Rancheria's Proposed  
305 Acre Trust Acquisition and Hotel/Casino Project, Madera County, California.

Dear Ms. Dutschke:

The purpose of this letter is to bring to your attention on behalf of the Picayune Rancheria of the Chukchansi Indians ("PRCI") a serious matter concerning the public hearing held on March 12, 2008 at the Hatfield Hall at the Madera District Fairgrounds and the transcript of that public hearing. Representatives of PRCI have been informed that a portion of the transcript, which is unavailable to the public, has been prepared and made available to the North Fork Rancheria concerning the testimony given by Dora Jones, Vice Chairperson of the PRCI concerning the proposed project. (A copy of that portion of the transcript was provided upon request and is attached hereto as Exhibit A). The transcript was utilized by representatives of the North Fork Rancheria to lobby support for the proposed project and request public comment letters be submitted before March 31, 2008. The public was not provided access to the hearing transcripts prior to the March 31, 2008 comment period date described below.

G-30.1

As you are aware, the transcript is the property of the BIA, not that of the North Fork Rancheria, the written comment period with regard to the scope and implementation of the proposed project set forth in the Federal Register published February 15, 2008 (Volume 73, No. 32, a copy of which is attached hereto as Exhibit B) ends on March 31, 2008. However, representatives of PRCI have been advised that the transcript will not be available to the public until after that date.

G-30.2

**received**  
RB 3/31/08

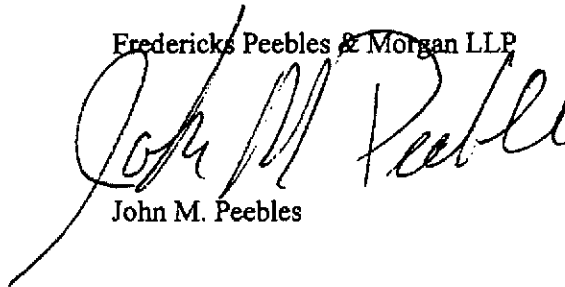
Amy Dutschke  
March 28, 2008  
Page 2 of 2

Accordingly, the Picayune Rancheria of the Chukchansi Indians request that additional hearings be held and that the public comment period be extended for 120 days beyond the March 31, 2008 date to provide the entire general public fair opportunity to review and comment upon the above captioned matter.

G-30.3

Sincerely,

Fredericks Peebles & Morgan LLP

A handwritten signature in black ink, appearing to read "John M. Peebles", is written over the typed name and firm name.

John M. Peebles

JMP:se

Cc:

Carl J. Artman, Assistant Secretary – Indian Affairs  
United States Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Mr. John Rydzik, Chief of the Division of  
Environmental, Cultural Resource Management and Safety  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Morris Reid, Chairman  
Picayune Rancheria of the Chukchansi Indians  
40575 Road 14  
Coarsegold, CA 93614

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PARTIAL REPORTER'S TRANSCRIPT OF  
NORTH FORK RANCHERIA OF MONO INDIANS FEE-TO-TRUST  
AND CASINO/HOTEL PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
PUBLIC HEARING

---oOo---

DATE: Wednesday, March 12, 2008  
TIME: 6:00 p.m.  
LOCATION: Madera District Fairgrounds  
Hatfield Hall  
1850 West Cleveland Avenue  
Madera, CA 93637  
REPORTED BY: Peter D. Torreano, CSR, CRR  
Certified Shorthand Reporter  
License Number C-7623

**EXHIBIT**  
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A P P E A R A N C E S:

Bureau of Indian Affairs Panel:

Bureau of Indian Affairs, Pacific Regional  
Office

By: JOHN RYDZIK, Chief of the Division of  
Environmental, Cultural Resource Management  
And Safety  
2800 Cottage Way  
Sacramento, CA 95825

Bureau of Indian Affairs, Pacific Regional  
Office

By: VALERIE THOMAS  
2800 Cottage Way  
Sacramento, CA 95825

Bureau of Indian Affairs, Pacific Regional  
Office

By: PATRICK O'MALLAN, Environmental  
Protection Specialist  
2800 Cottage Way  
Sacramento, CA 95825

Analytical Environmental Services, Inc.

By: CHAD BROUSSARD, Associate  
1807 Seventh Street  
Sacramento, CA 95811

1 Madera, California

March 12, 2008

2 P R O C E E D I N G S

3 MS. THOMAS: Thank you very much, sir.

4 Also representing the Picayune Rancheria is  
5 Dora Jones.

6 Dora, if you could come up, please.

7 MS. JONES: Thank you. My name is Dora  
8 Jones. I appreciate the opportunity to speak before  
9 you. I'm the vice chair of Picayune Rancheria of the  
10 Chukchansi Indians.

11 My testimony tonight is to inform you that a  
12 number of elected officials from throughout the State  
13 of California have expressed their opposition to this  
14 project at its proposed location, Madera.

15 The following is a list of officials that have  
16 submitted letters of opposition to the Bureau of Indian  
17 Affairs regarding this project.

18 Senate Pro Tem, Don Perata, Democrat-Oakland.

19 Senate Republican Leader Dave Cogdill,  
20 Republican-Modesto.

21 Senate GO Chairman, Dean Florez,  
22 Democrat-Shafter.

23 Senator Jeff Denham, Republican-Merced.

24 Assemblyman -- Assembly Republican leader mike  
25 Villines, Republican-Clovis.

1 Madera, California

March 12, 2008

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Assemblymember Tom Berryhill,  
Republican-Modesto.

Assemblymember Nicole Parra,  
Democrat-Bakersfield.

Assemblymember Cathleen Galgiani,  
Democrat-Livingston.

Assemblymember Tony Mendoza, Democrat-Los  
Angeles.

Assemblymember Jared Huffman, Democrat-San  
Rafael.

Assemblymember Greg Aghazarian,  
Republican-Stockton.

Assemblymember GO Chairman Alberto Torrico;  
Democrat-Fremont.

And Assemblymember Kevin DeLeon, Democrat-Los  
Angeles.

I'd like to quote the following from  
Assemblymember DeLeon's letter.

He states: "I write to express my objections  
to a proposed move by the North Fork Rancheria from  
their current and historical rancheria in the Sierra  
Foothills nearly 50 miles away from the Highway 99  
corridor. This proposed move will create a significant  
precedent for tribal gaming statewide. Specifically, I  
am concerned that catapulting this rancheria from the

1 foothills down to Highway 99 would trigger a statewide  
2 land rush to our urban corridors that will play out for  
3 years to come and have massive consequences for their  
4 entire state."

5 As you can see, representatives from all over  
6 California have united in their opposition to this  
7 off-reservation site in Madera.

8 It is clear that there should be additional  
9 consultation before the Bureau of Indian Affairs makes  
10 decisions on this project. Certainly, meetings with  
11 our neighboring Valley governments are imperative to  
12 this process: Fresno County, the City of Fresno, City  
13 of Clovis, Merced County, the City of Merced.

14 A true government-to-government tribal  
15 consultation should also be conducted with all  
16 neighboring tribes including Picayune Rancheria of  
17 Chukchansi Indians, Table Mountain Rancheria, Cold  
18 Springs Rancheria, Big Sandy Rancheria, Santa Rosa  
19 Rancheria, Tuolumne Band of Mi-Wuk Indians and Tule  
20 River.

21 Don't misunderstand us. We do support North  
22 Fork Rancheria building a casino in their community of  
23 North Fork.

24 Thank you.

25

[Federal Register: February 15, 2008 (Volume 73, Number 32)]  
[Notices]  
[Page 8898-8899]  
From the Federal Register Online via GPO Access [wais.access.gpo.gov]  
[DOCID:fr15fe08-94]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Draft Environmental Impact Statement for the North Fork  
Rancheria's Proposed 305 Acre Trust Acquisition and Hotel/Casino  
Project, Madera County, CA

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

---

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency, with the North Fork Rancheria of Mono Indians (Tribe), California Department of Transportation, Madera Irrigation District, City of Madera, National Indian Gaming Commission and U. S. Environmental Protection Agency (EPA) as cooperating agencies, intends to file a Draft Environmental Impact Statement (DEIS) with the EPA for the proposed 305 acre trust acquisition and the construction of a hotel/casino project to be located in unincorporated Madera County, just north of the City of Madera, California, and that the DEIS is now available for public review. Public review of the DEIS is part of an administrative process designed to evaluate tribal applications that seek to have the United States to take land into Federal trust pursuant to 25 CFR part 151. Reviewers are advised that we will consider public comments carefully

[[Page 8899]]

prior to deciding whether to approve or disapprove this application. This notice also announces a public hearing to receive comments on the DEIS.

DATES: Written comments on the scope and implementation of this proposal must arrive by March 31, 2008. The public hearing will be held March 12, 2008, from 6 p.m. to 9 p.m., or until the last public comment is received.

ADDRESSES: You may mail or hand carry written comments to Amy Dutschke, Acting Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and the caption, "DEIS Comments, North Fork Rancheria's Hotel/Casino Project," on the first page of your written comments.

The public hearing will be at the Hatfield Hall, Madera District Fairgrounds, 1850 West Cleveland Avenue, Madera, California.

The DEIS is available for review at the Madera County Public Library, 121 N. G. Street, Madera, California 93637, and at the Madera County Public Library, Chowchilla Branch, 300 Kings Ave., Chowchilla,

California 93610. General information for the Madera County Public Library may be obtained by calling (559) 675-7871, and for the Madera County Public Library, Chowchilla Branch, by calling (559) 665-2630.

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FOR FURTHER INFORMATION CONTACT: John Rydzik, (916) 978-6042.

**SUPPLEMENTARY INFORMATION:** The Tribe has requested that the BIA take into Federal trust 305 acres of land currently held in fee by the Tribe, on which the Tribe proposes to construct a hotel, casino, parking areas and other facilities. The proposed project is located in unincorporated Madera County, California, just north of the City of Madera and adjacent to State Route 99 (SR-99). The project site is bounded on the north by Avenue 18, rural residential land, light industrial land, and vacant land; on the east by Golden State Boulevard and SR-99; on the south by agricultural land and residential land; and on the west by Road 23 and agricultural land.

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A range of project alternatives is considered in the DEIS, including: (1) Preferred hotel/casino; (2) reduced casino; (3) commercial development; (4) North Fork Rancheria alternate site; and (5) no action. Environmental issues addressed in the DEIS include land resources, water resources, air quality, biological resources, cultural resources, socioeconomic conditions, environmental justice, transportation, land use, agriculture, public services, noise, hazardous materials, visual resources, cumulative effects, indirect effects, growth inducing effects and mitigation measures. Input from the public, including that from a public scoping meeting the BIA held on November 15, 2004, in Madera, California, was included in the development of these alternatives and issues.

#### Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the ADDRESSES section, during business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### Authority

This notice is published in accordance with section 1503.1 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Department of the Interior Manual (516 DM.1-6), and is in the exercise of authority delegated to the Assistant Secretary--Indian Affairs by 209 DM 8.1.

Dated: January 28, 2008.

Carl J. Artman,  
Assistant Secretary--Indian Affairs.  
[FR Doc. E8-2828 Filed 2-14-08; 8:45 am]

BILLING CODE 4310-W7-P





**Council Member Gary L. Svanda**  
Office of the Madera City Council  
Phone: (559) 661-5405  
Fax: (559) 674-0446

**Madera City Council**

Mayor  
*Sally J. Comprezzi*

Mayor Pro Tem  
*Sam Armentrout*

Council Member  
*Gary L. Svanda*

Council Member  
*Robert L. Poythress*

Council Member  
*Steven A. Mindt*

March 28, 2008

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

RECEIVED  
RES. 4/9/08

FRWD DECRMS 4/9/08

**DEIS Comments, North Fork Rancheria's Hotel/Casino Project**

Committee Members, my name is Gary Svanda. I reside at 173 North Park Drive in Madera, CA. I am a business owner, former Mayor, current City Councilmember for the City of Madera. I have been involved with the Tribe and the project from the inception and the overall process has been "model" for development projects. I would describe it as constructive, collaborative, and transparent.

The proposed North Fork Rancheria Development has successfully completed Memorandums of Understanding with both the County and City of Madera. They have support of all the home County Business Chambers, as well as over 5000 local citizens, businesses, and civic groups. Most of the citizens of our region already know a lot about this project because the Tribe has spent much of the past 5 years reaching out to the community to discuss how it could make this the best possible project for Madera and the San Joaquin Valley.

The Tribe met with nearly 80 groups during the past few years to discuss the project and gather community input and support. I know of no commercial, industrial, or housing development that has gone to such length. This project represents an opportunity that we have not seen in the past and likely will not see in the future. Our City, our County, and our entire area needs the change this development represents. Thank you for the opportunity to address the Committee.

Sincerely,

*Gary L. Svanda by sa*

Gary L. Svanda, Council Member  
City of Madera

*Amy D*  
*T*

RPM

NO

C: File

## Draft NFR EIS Intro Comments

Good evening. My name is Jacquie Davis Van Huss and I am the Chairperson of the North Fork Rancheria of Mono Indians of California.

I would like to begin by recognizing and thanking Mr. John Ryzdik of the Bureau of Indian Affairs' Pacific Region Office, his staff, and their contractor, Analytical Environmental Services, for conducting such a thorough environmental review of our proposed project.

I also would like to take a moment to introduce to you the other members of our Tribal Council here tonight, including Vice-Chair Elaine Fink, Treasurer Maryann McGovran, and Secretary Katrina Lewis.

To each of the local elected officials in attendance tonight and to all of you who took the time to be here this evening, here is a short native greeting:

*Mun a hoo e bosu*

*Mun a hoo e num*

*Mun a hoo to e hun noh pa teh'*

G-32.1

I've just said "*Hello to my friends. Hello to the Mono people. Hello to the people from all over*" in the native language of the Western Mono. This is the type of greeting that my ancestors would have shared with other tribes in social gatherings conducted here in Madera and throughout this region for centuries.

As Mr. Ryzdik stated, the purpose of tonight's meeting is to provide the public an opportunity to provide oral comments on the draft environmental impact statement (EIS) which the BIA has prepared for our proposed destination resort casino and hotel. I sincerely hope that all of us, no matter our backgrounds, affiliations, or viewpoints, will show respect and courtesy to each other as we speak and try to learn from one another.

This will be the seventh public hearing on our project over the past four years. The public first had an opportunity to learn about and comment on our proposal when the Board of Supervisors conducted two well-attended public hearings devoted exclusively to the project in August 2004. At the end of those hearings,

G-32.2

the Board of Supervisors voted unanimously to approve a Memorandum of Understanding (MOU) between Madera County and the Tribe. The public was then provided additional opportunities to provide public comment at the BIA Scoping meeting in November 2004, a State Senate GO Committee hearing in Madera in May 2005, another Board of Supervisors meeting in August 2005 where the County resolved to support the project location, a Madera City Council meeting in October 2006 where the City Council unanimously approved our MOU with the City, and now tonight's hearing on the Draft EIS. I think everyone will agree that the public has received more than adequate notice of this and the other hearings thanks in part to the efforts of two of our neighboring tribes.

cont.  
G-32.2

We know that most of the citizens of our region already know a lot about this project because of these numerous public meetings and our sustained efforts over the past four years to reach out to the community to discuss how we could make this the best possible project for Madera and the San Joaquin Valley. We have always tried hard to be as open, truthful, and accurate as possible in our communication and dialogue with the community. In that vein, we must apologize for a mistake in an ad that we recently ran. In that ad, we said that the City had endorsed our project. In fact, the City has specifically endorsed and entered into a Memorandum of Understanding with the Tribe but has never formally endorsed the project.

G-32.3

Early on we adopted a constructive, collaborative, and transparent approach for partnership with our community. Because we have no tribally held trust land of our own which is eligible for gaming, and because that land is too environmentally sensitive to build on even if we managed to obtain rights to build there, we met with our local representatives to identify an appropriate location to build a gaming facility that would benefit both the Tribe and the community. We eventually identified a site on which development would be consistent with the proposed land use for the site and surrounding area. We then chose to work proactively with local agencies and jurisdictions to identify and address the impacts of our development as an alternative to lawsuits and conflict. These details and many more are spelled out in the draft EIS document and are available on our web site as well.

G-32.4

We have worked diligently with local government to ensure that impacts of our proposed development are mitigated so that the region—which is in the midst of a serious economic, fiscal, and housing crisis—realizes the full economic benefits of our project. Even before the current economic recession, states and local communities have grown to rely on tribal gaming as a major source of revenues. Nobody denies the significant economic benefits that Chukchansi and Table Mountain have provided to the region. I firmly believe that our Tribe should have the same opportunity as those tribes to help our 1680 tribal citizens—which is more than twice the number of members of those two tribes combined. Just as importantly, our project will help not only our tribal citizens, but also the larger community by generating much-needed jobs, business opportunity, community investment, and tourism. And as we tap into new markets with our destination resort, we are confident that our project and the competition it brings will result in expanded opportunities for everyone--including the two tribes who unfortunately decided to work against us and the community rather than with us. It is a shame that those tribes continue to ignore the fact that the introduction of a new Indian casino in an area almost always results in an increase in revenues for surrounding casinos once the novelty of the new facility wears off after the first several months.

cont.  
G-32.

Some people are afraid of change, afraid of competition, some are even afraid of themselves. However, we know that our casino will be good for the residents of the City and County of Madera, for residents throughout the region, for our tribal members, and for neighboring tribes. No tribal casino project has been more transparent, worked more cooperatively with city and county government and local organizations, and conducted a more thorough and open environmental process than we have.

Working together to build a better Madera is more than a slogan. We Monos have worked side by side with this community for centuries to establish and grow some of the defining and enduring institutions and industries of our region. This project simply represents a new chapter in this historic and productive partnership.

Thank you.

My name is Dora Jones

I am Vice Chair of the Picayune Rancheria of the Chukchansi Indians

My testimony tonight is to inform you that a number of elected officials from throughout the State of California have expressed their opposition to this project in its proposed location. The following is a list of officials that have submitted letters of opposition to the Bureau of Indian Affairs regarding this project.

- **Senate Pro Tem Don Perata (D-Oakland)**
- **Senate Republican Leader Dave Cogdill (R-Modesto)**
- **Senate G. O. Chairman Dean Florez (D-Shafter)**
- **Senator Jeff Denham (R-Merced)**
- **Assembly Republican Leader Mike Villines (R-Clovis)**
- **Assemblymember Tom Berryhill (R-Modesto)**
- **Assemblymember Nicole Parra (D-Bakersfield)**
- **Assemblymember Cathleen Galgiani (D-Livingston)**
- **Assemblymember Tony Mendoza (D-Los Angeles)**
- **Assemblymember Jared Huffman (D-San Rafael)**
- **Assemblymember Greg Aghazarian (R-Stockton)**
- **Assembly G.O. Chairman Alberto Torrico (D-Fremont)**

G-33.1

- **Assemblymember Kevin DeLeon (D-Los Angeles)** I'd like to quote the following statement from his letter.

"I write to express my objections to a proposed move by the North Fork Rancheria from their current and historical Rancheria in the Sierra Foothills nearly 50 miles away from the Highway 99 corridor. This proposed move will create a significant precedent for tribal gaming statewide. Specifically, I am concerned that catapulting this Rancheria from the foothills down to Highway 99 will trigger a statewide land rush to our urban corridors that will play out for years to come and have massive consequences for the entire state."

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As you can see, representatives from all over California have united in their opposition to this off-reservation site in Madera.

G-33.3

It is clear that there should be additional consultation before the BIA makes decisions on this project. Certainly, meetings with our neighboring Valley governments are imperative to the process:

G-33.4

- Fresno County – the City of Fresno and City of Clovis
- Merced County – the City of Merced

A true government-to-government tribal consultation should also be conducted with all neighboring tribes including Picayune Rancheria of Chukchansi Indians, Table Mountain Rancheria, Cold Springs Rancheria, Big Sandy Rancheria, Santa Rosa Rancheria, Tuolumne Band of Mi-Wuk Indians and Tule River Reservation.

G-33.5

Don't misunderstand us ... we do support North Fork Rancheria building a casino in their community of North Fork.

G-33.6



## BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637  
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

FRANK BIGELOW  
SUPERVISOR, DISTRICT 1

As a member of this community, I want to express my support for this Project. I appreciate the Tribe's demonstrated commitment to mitigate project impacts and provide substantial benefits to the community and our environment.

G-34.1

### Talking Points: Annual Contributions to Local Governments - Overview

The North Fork Rancheria Project will serve as an economic stimulus package for Madera and the San Joaquin Valley. Not only will there be thousands of well-paying jobs created, local governments, including Madera County, City of Madera, and City of Chowchilla, and the communities they serve will gain direct financial benefits from this Project.

G-34.2

The Tribe has *voluntarily* entered into separate enforceable agreements with Madera County (2004), the City of Madera (2006), and the Madera Irrigation District (2006). These three comprehensive agreements call for well over \$100 million in contributions over 20 years to fund public safety projects and mitigate potential impacts. In addition, the Tribe has agreed to establish and annually fund several new foundations to invest in local charitable causes, education and economic development.

G-34.3

Ø Under MOUs with local governments, the Tribe will contribute over \$5 million dollars *annually* to the County of Madera and the City of Madera for mitigation and offsets for taxes, fees, etc.

G-34.4

Ø The monies paid by the Tribe annually to local governments will fund enhanced and improved public safety services such as law enforcement and fire protection, county and city governmental funding, housing and

workforce development services, park maintenance, mental health services, downtown revitalization, and public transportation.

Ø Annual contributions by the Tribe will also help fund several new charitable foundations created for the purpose of investing in local causes, including education and community economic development.

Ø Annual contributions to the County will also be made for purposes of additional governmental funding for both the Cities of Madera and Chowchilla.

### **Talking Points: One-Time Contributions to Local Governments - Overview**

The North Fork Rancheria is committed to local communities and to mitigating significant project impacts – in part by providing offsets for taxes, fees, and other revenue sources for local governments. The Tribe and local governments have agreed to a series of legally binding and enforceable MOUs. In addition to significant annual contributions, the MOUs between the Tribe and the County and City call for very generous one-time contributions for purposes of further mitigation and offsets.

cont  
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34.4

Ø The MOU with the County calls for a one-time contribution in an amount between approximately \$7 million and nearly \$18 million dollars, a sizable portion of which would be reserved for transportation related projects that will be based upon the final traffic study.

Ø Almost \$2 million of the one-time contributions to the County will be used for public safety services, with the balance reserved for road improvement, parks and recreation, schools, and reimbursement of legal fees to the County.

Ø The MOU with the City requires a one-time contribution of approximately \$5,700,000, which would be used by the City for public safety and law enforcement, water conservation and maintenance, youth recreational programs, City road improvements, and local land use planning.



## **Talking Points: Indirect Economic Benefits of Project**

The City of Madera and County, along with other nearby areas will benefit from the Tribe's Project in numerous ways. That is because in addition to the direct economic benefits to local governments and communities, this Project will also lead to further growth and stimulation of surrounding economies, creating a "multiplier effect" in which many local businesses will find new business opportunities to grow and benefit from the existence of a successful resort casino.

G-34.5

The Tribe and the local business community expect the proposed project to serve as an economic catalyst for a region with an unemployment rate consistently higher than the state average and an agriculture-based economy in need of diversification, generating a much needed boost to the local economy. For every day that the development is not in existence, the city loses roughly \$270,000 in lost economic activity.

G-34.6

Ø Because the Project is a destination resort with a spa, restaurants, and an upscale 200 room hotel – patrons will come from a widespread area to Madera and Madera County.

G-34.7

Ø One effect of drawing non-residents to the area will be increased demand for offsite entertainment venues, restaurants, and hotels in the City of Madera and surrounding areas.

Ø To illustrate, the Project's high-end hotel, which is expected to have few vacancies year-round, will generate the need for a range of other nearby accommodations for people traveling to the region.

G-34.8

Ø There will be substantial increased business opportunities for local businesses. As a large destination resort, the Tribe's hotel and casino will need to turn to local businesses that can provide quality services and goods that the casino will need as part of its daily operations – everything from food, laundry services, etc.

Ø As local businesses working with the casino grow, they themselves will create new jobs --- involving as many as 2000 new jobs in over 20 different segments of the economy, including services and manufacturing – jobs which can be filled by County residents, including those who are currently unemployed.

G-34.9

Ø Add to this the fact that the approximately 1500 workers employed at the casino and hotel will spend their earnings and act as consumers in the surrounding localities, means that a significant share of Project-generated income will remain in the local communities.

G-34.10

Ø Even during the construction phase, there will be important significant indirect benefits to the local economy. Local restaurants, hotels, and other businesses will benefit from the presence of 700 plus construction workers who will need to eat, sleep, and buy building materials and services locally.

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### **Talking Points: Non-Monetary Commitments Under County/City MOUs**

While the MOUs between the Tribe and City of Madera and County of Madera contain numerous financial contributions by the Tribe, the MOU also contains important non-monetary Tribal commitments. Under the MOUs, the Tribe will:

Ø Implement a hiring preference for Native-Americans and City and County residents.

G-34.12

Ø Prohibit anyone under 21 years of age from gambling.

Ø Adopt employee training programs and policies for responsible beverage service.

Ø Conduct background checks on all gaming employees.

Ø Agree not to construct a water park on the Tribe's property within 20

years from the date of the MOU.

Ø Agree not to construct a tribal casino golf course for at least 20 years from the date of the MOU, or at least until 60,000 rounds of golf are played on the City's golf course in the span of a year, or unless the City's golf course is sold or ceases operations.

### **Talking Points: Charitable Giving**

Under the MOU between the Tribe and County, annual contributions of \$1.1 million will be provided to four new foundations, including an Education Foundation.

Ø Specifically, the four new foundations will be the North Fork Rancheria Charitable Foundation, Economic Development Foundation, Education Foundation, and Unincorporated Area Foundation

Ø With an annual revenue of \$1.1 million that will be allocated among the four new foundations, possibilities will be offered to local community charities and nonprofits serving a wide-sector of Madera residents that were not previously available.

Ø In the area of education alone, the Tribe will annually contribute \$400,000 to the new education foundation.

cont.  
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In conclusion I want to thank the BIA and the Department of the Interior for the time they have taken to give the Madera County community a fair and open hearing. All anyone can ask for is the right to due process. If I can be of further assistance feel free to contact me at (559) 662-6010.

G-  
34.13



# Resource Management Agency Airport Land Use Commission

Jerald C. James, Director

2037 W. Cleveland Avenue  
Mail G-35  
Mad  
(559) 675-7821  
FAX (559) 675-6573  
TDD (559) 675-8970  
mc\_planning@madera-county.com

March 31, 2008

Amy Dutschke, Acting Director  
Pacific Region  
Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

*Amy all*

*DECRMS*

*4-14-08*

*yes*

*✓ ACK*

RE: North Fork EIS

Dear Ms. Dutschke:

I attended the NEPA Scoping hearing held in Madera on March 12, 2008 concerning the proposed North Fork Mono Casino. Attached is a map showing the area of the proposed site and its Airport Land Use designations. The site is designated with Zones B-1, B-2 and D designations. These designations put restrictions on the type and design of uses. I have attached a copy of the Madera County Airport Land Use Commission Land Use Plan for your reference as to the meaning of the designations and the limitations for development.

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If you have any questions, please feel free to contact me at (559) 675-7821.

Sincerely,

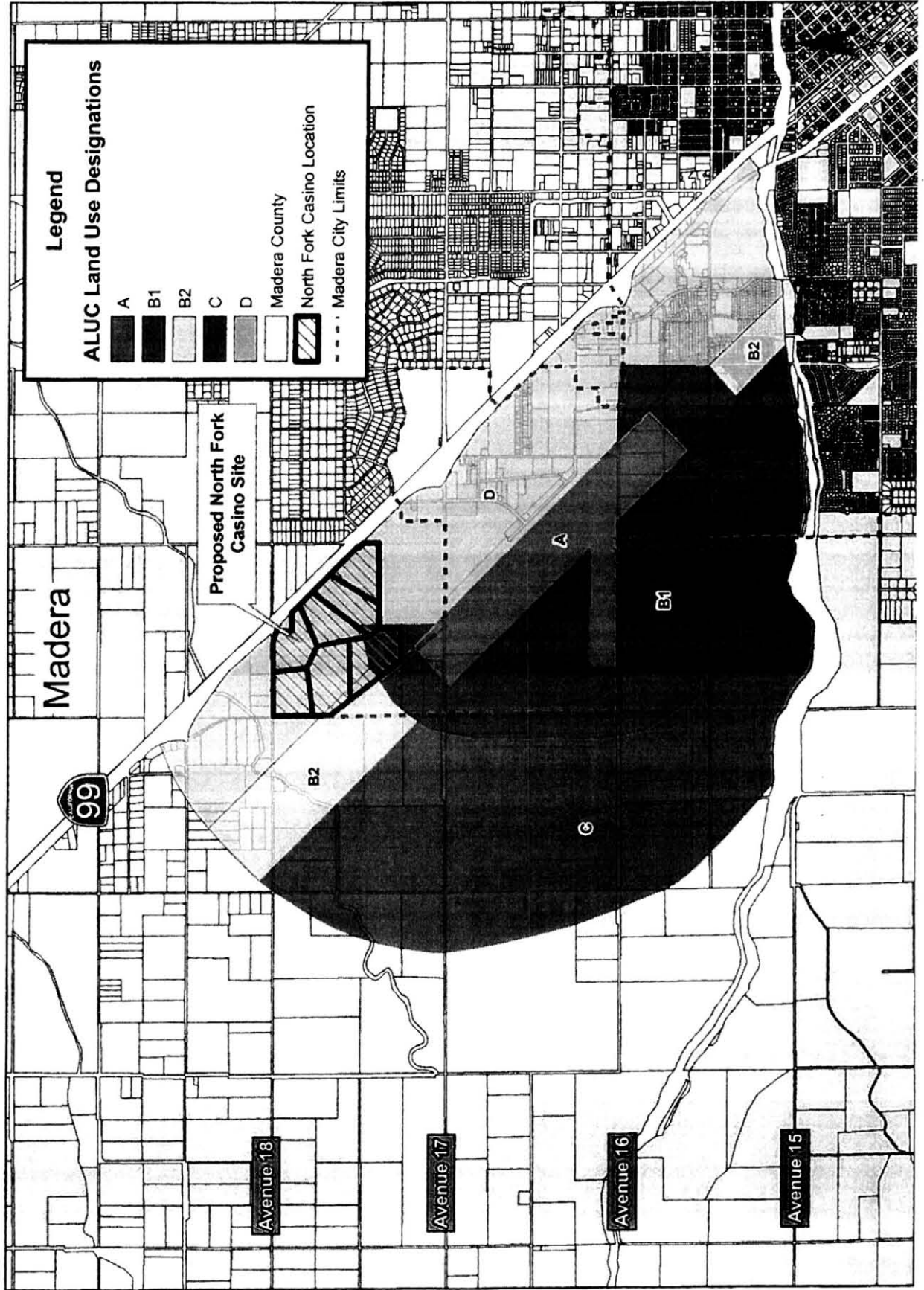
JERALD C. JAMES  
Director

cc: John Rydzik, Chief of the Division of Environmental, Cultural Resources  
Management and Safety, Pacific Region Bureau of Indian Affairs, 2800 Cottage  
Way, Room W-2820, Sacramento, CA 95825  
Rayburn Beach, Madera County RMA Director  
Stell Manfredi, Chief Administrative Officer

Attachment: ALUC Map  
ALUC Plan

*Handwritten notes and stamps, including '4/14/08' and 'ACK'.*

# Airport Land Use Commission Land Use Designations



# Airport Land Use Commission Land Use Designations

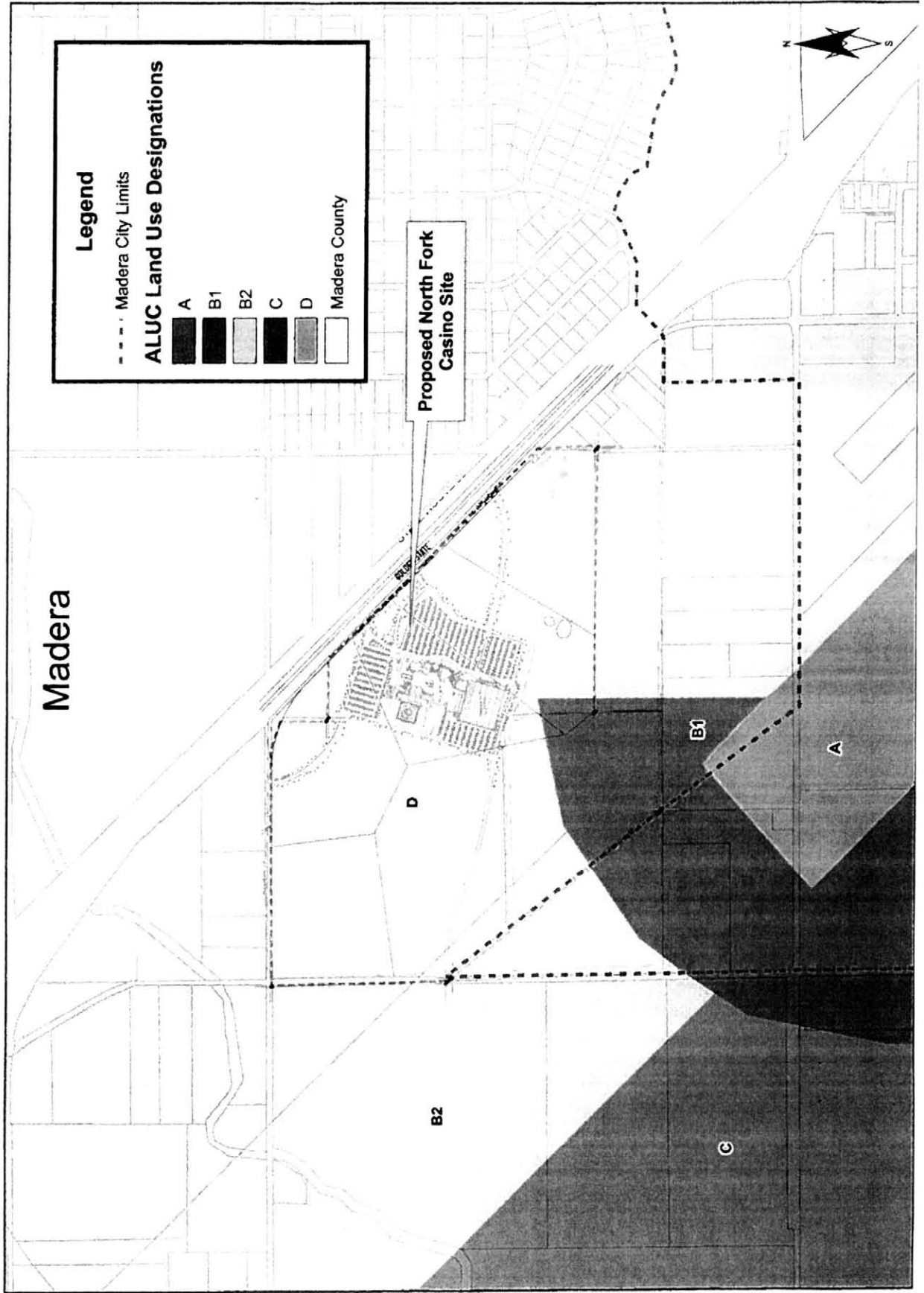


Table 2A

**Compatibility Criteria**

**Madera County Airport Land Use Compatibility Plan**

| Zone | Description  | Impact/Description  | Maximum Density     |                        | Required Open Space |
|------|--|---|---------------------|------------------------|---------------------|
|      |  |   | Residential (du/ac) | Other Uses (people/ac) |                     |
| A    | Runway Protection Zone or within Building Restriction Line | <ul style="list-style-type: none"> <li>• High risk</li> <li>• High noise levels</li> </ul>  | 0                   | 10                     | All Remaining       |
| B1   | Approach/Departure Zone and Adjacent to Runway             | <ul style="list-style-type: none"> <li>• Substantial risk – aircraft commonly below 400 ft. AGL or within 1,000 ft. of runway</li> <li>• Substantial noise</li> </ul> | 0.1                 | 60                     | 30%                 |
| B2   | Extended Approach/Departure Zone                           | <ul style="list-style-type: none"> <li>• Significant risk – aircraft commonly below 800 ft. AGL</li> <li>• Significant noise</li> </ul>                               | 3                   | 60                     | 30%                 |
| C    | Common Traffic Pattern                                     | <ul style="list-style-type: none"> <li>• Limited risk – aircraft at or below 1,000 ft. AGL</li> <li>• Frequent noise intrusion</li> </ul>                             | 6                   | 150                    | 15%                 |
| D    | Other Airport Environs                                     | <ul style="list-style-type: none"> <li>• Negligible risk</li> <li>• Potential for annoyance from overflights</li> </ul>   | No limit            | No limit               | No requirement      |

| Zone      | Additional Criteria   |   | Examples  |   |
|-----------|---|---|---|---|
|           | Prohibited Uses   | Other Development Conditions  | Normally Acceptable Uses  | Uses Not Normally Acceptable  |
| A         | <ul style="list-style-type: none"> <li>• All structures except ones with location set by aeronautical function</li> <li>• Assemblages of people</li> <li>• Objects exceeding FAR Part 77 height limits</li> <li>• Hazards to flight<sup>6</sup></li> </ul>    | <ul style="list-style-type: none"> <li>• Dedication of avigation easement</li> </ul>  | <ul style="list-style-type: none"> <li>• Aircraft tie-down apron</li> <li>• Pastures, field crops, vineyards</li> <li>• Automobile parking</li> </ul>   | <ul style="list-style-type: none"> <li>• Heavy poles, signs, large trees, etc.</li> </ul>   |
| B1 and B2 | <ul style="list-style-type: none"> <li>• Schools, day care centers, libraries</li> <li>• Hospitals, nursing homes</li> <li>• Highly noise-sensitive uses</li> <li>• Storage of highly flammable materials</li> <li>• Hazards to flight<sup>6</sup></li> </ul> | <ul style="list-style-type: none"> <li>• Locate structures maximum distance from extended runway centerline</li> <li>• Minimum NLR<sup>7</sup> of 25 dBA in residential and office buildings</li> <li>• Dedication of avigation easement</li> </ul> | <ul style="list-style-type: none"> <li>• Uses in Zone A</li> <li>• Any agricultural use except ones attracting bird flocks</li> <li>• Warehousing, truck terminals</li> <li>• Single-story offices</li> </ul>                       | <ul style="list-style-type: none"> <li>• Suburban residential subdivisions</li> <li>• Intensive retail uses</li> <li>• Intensive manufacturing or food processing uses</li> <li>• Two-story offices</li> <li>• Hotels and motels</li> </ul> |
| C         | <ul style="list-style-type: none"> <li>• Schools</li> <li>• Hospitals, nursing homes</li> <li>• Hazards to flight<sup>6</sup></li> </ul>  | <ul style="list-style-type: none"> <li>• Dedication of overflight easement for residential uses</li> </ul>  | <ul style="list-style-type: none"> <li>• Uses in Zone B</li> <li>• Parks, playgrounds</li> <li>• Low-intensity retail, offices, etc.</li> <li>• Low-intensity manufacturing, food processing</li> <li>• Two-story motels</li> </ul> | <ul style="list-style-type: none"> <li>• Shopping malls</li> <li>• Theaters, auditoriums</li> <li>• Sports stadiums</li> <li>• Office buildings with 4 or more stories</li> </ul>   |
| D         | <ul style="list-style-type: none"> <li>• Hazards to flight<sup>6</sup></li> </ul>   | <ul style="list-style-type: none"> <li>• Deed notice required for residential development</li> </ul>  | <ul style="list-style-type: none"> <li>• All except ones hazardous to flight</li> </ul>   |   |

Table 2A Continued

**Compatibility Criteria**

**Madera County Airport Land Use Compatibility Plan**

**NOTES**

- 1 Residential development should not contain more than the indicated number of dwelling units per gross acre. Clustering of units is encouraged as a means of meeting the Required Open Land requirements.
- 2 The land use should not attract more than the indicated number of people per acre at any time. This figure should include all individuals who may be on the property (e.g., employees, customers/visitors, etc.). These densities are intended as general planning guidelines to aid in determining the acceptability of proposed land uses. See Appendix C for guidance on determining occupancy loads.
- 3 See Policy 3.2.5.
- 4 These uses typically can be designed to meet the density requirements and other development conditions listed.
- 5 These uses typically do not meet the density and other development conditions listed. They should be allowed only if a major community objective is served by their location in this zone and no feasible alternative location exists.
- 6 See Policy 3.3.5.
- 7 NLR = Noise Level Reduction; i.e., the attenuation of sound level from outside to inside provided by the structure.

**BASIS FOR COMPATIBILITY ZONE BOUNDARIES**

The following general guidelines are used in establishing the Compatibility Zone boundaries for each airport depicted in Chapter 3. Modifications to the boundaries may be made to reflect specific local conditions such as existing roads, property lines, and land uses.

- A The boundary of this zone for each airport is defined by the runway protection zones (formerly called runway clear zones) and the airfield building restriction lines.

Runway protection zone dimensions and locations are set in accordance with Federal Aviation Administration standards for the proposed future runway location, length, width, and approach type as indicated on an approved Airport Layout Plan. If no such plan exists, the existing runway location, length, width, and approach type are used.

The building restriction line location indicated on an approved Airport Layout Plan is used where such plans exist. For airports not having an approved Airport Layout Plan, the zone boundary is set at the following distance laterally from the runway centerline:

|  |          |
|--|----------|
| Visual runway for small airplanes                  | 370 feet |
| Visual runway for large airplanes                  | 500 feet |
| Nonprecision instrument runway for large airplanes | 500 feet |
| Precision instrument runway                        | 750 feet |

These distances allow structures up to approximately 35 feet height to remain below the airspace surfaces defined by Federal Aviation Regulations Part 77.

- B1 The outer boundary of the Approach/Departure Zone is defined as the area where aircraft are commonly below 400 feet above ground level (AGL). For visual runways, this location encompasses the base leg of the traffic pattern as commonly flown. For instrument runways, the altitudes established by approach procedures are used. Zone B1 also includes areas within 1,000 feet laterally from the runway centerline.

- B2 The Extended Approach/Departure Zone includes areas where aircraft are commonly below 800 feet AGL on straight-in approach or straight-out departure. It applies to runways with more than 500 operations per year by large aircraft (over 12,500 pounds maximum gross takeoff weight) and/or runway ends with more than 10,000 total annual takeoffs.

- C The outer boundary of the Common Traffic Pattern Zone is defined as the area where aircraft are commonly below 1,000 feet AGL (i.e., the traffic pattern and pattern entry points). This area is considered to extend 5,000 feet laterally from the runway centerline and from 5,000 to 10,000 feet longitudinally from the end of the runway primary surface. The length depends upon the runway classification (visual versus instrument) and the type and volume of aircraft accommodated. For runways having an established traffic solely on one side, the shape of the zone is modified accordingly.



Noise Compatibility Criteria

**Table 2B**

**Noise Compatibility Criteria**

| LAND USE CATEGORY   | CNEL, dBA |       |       |       |       |
|---|-----------|-------|-------|-------|-------|
|   | 50-55     | 55-60 | 60-65 | 65-70 | 70-75 |
| <b>Residential</b>  |           |       |       |       |       |
| single family, nursing homes, mobile homes                            | +         | o     | -     | --    | --    |
| multi-family, apartments, condominiums                                | ++        | +     | o     | --    | --    |
| <b>Public</b>   |           |       |       |       |       |
| schools, libraries, hospitals   | +         | o     | -     | --    | --    |
| churches, auditoriums, concert halls                                  | +         | o     | o     | -     | --    |
| transportation, parking, cemeteries                                   | ++        | ++    | ++    | +     | o     |
| <b>Commercial and Industrial</b>                                      |           |       |       |       |       |
| offices, retail trade   | ++        | +     | o     | o     | -     |
| service commercial, wholesale trade,<br>warehousing, light industrial | ++        | ++    | +     | o     | o     |
| general manufacturing, utilities,<br>extractive industry              | ++        | ++    | ++    | +     | +     |
| <b>Agricultural and Recreational</b>                                  |           |       |       |       |       |
| cropland  | ++        | ++    | ++    | ++    | +     |
| livestock breeding  | ++        | +     | o     | o     | -     |
| parks, playgrounds, zoos  | ++        | +     | +     | o     | -     |
| golf courses, riding stables,<br>water recreation                     | ++        | ++    | +     | o     | o     |
| outdoor spectator sports  | ++        | +     | +     | o     | -     |
| amphitheaters   | +         | o     | -     | --    | --    |

**LAND USE AVAILABILITY**

**INTERPRETATION/COMMENTS.**

|    |                       |  |
|----|-----------------------|--|
| ++ | Clearly Acceptable    | The activities associated with the specified land use can be carried out with essentially no interference from the noise exposure.   |
| +  | Normally Acceptable   | Noise is a factor to be considered in that slight interference with outdoor activities may occur. Conventional construction methods will eliminate most noise intrusions upon indoor activities.   |
| o  | Marginally Acceptable | The indicated noise exposure will cause moderate interference with outdoor activities and with indoor activities when windows are open. The land use is acceptable on the conditions that outdoor activities are minimal and construction features which provide sufficient noise attenuation are used (e.g., installation of air conditioning so that windows can be kept closed). Under other circumstances, the land use should be discouraged. |
| -  | Normally Unacceptable | Noise will create substantial interference with both outdoor and indoor activities. Noise intrusion upon indoor activities can be mitigated by requiring special noise insulation construction. Land uses which have conventionally constructed structures and/or involve outdoor activities which would be disrupted by noise should generally be avoided.  |
| -- | Clearly Unacceptable  | Unacceptable noise intrusion upon land use activities will occur. Adequate structural noise insulation is not practical under most circumstances. The indicated land use should be avoided unless strong overriding factors prevail and it should be prohibited if outdoor activities are involved.  |



Picayune Rancheria  
of the

G-36

## CHUKCHANSI INDIANS

40575 Road 417 • Coarsegold, CA 93614 • (559) 683-6633 • FAX (559) 683-0598

March 31, 2008

Mr. John Rydzik, Chief of the Division of  
Environmental, Cultural Resource Management and Safety  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Re: DEIS Comments, North Fork Rancheria's Hotel/Casino Project (DEIS)

Dear Mr. Rydzik:

Please accept these comments on the Draft Environmental Impact Statement ("DEIS") produced with regard to the above-referenced project, on behalf of myself as an individual, and as the Chairman of the Picayune Rancheria of the Chukchansi Indians.

The Picayune Rancheria of the Chukchansi Indians supports the development of a gaming facility by the North Fork Rancheria. However, we strongly believe that the proposed location for the North Fork Rancheria gaming facility is the wrong site, and we oppose Alternatives A and B of the DEIS.

When the voters of the State of California were given an opportunity to approve or deny Indian gaming, in Proposition 1A, opponents of Indian gaming put forth the argument that approval of Proposition 1A would not limit casinos to remote locations, and they argued that even as the Proposition was being debated Indian tribes were buying up prime property for casinos near towns and cities.

The Tribal proponents of Proposition 1A, including the North Fork Rancheria, responded to these charges by stating that Proposition 1A and federal law strictly limits Indian gaming to tribal lands, and the claim that casinos could be built anywhere is totally false.

The average voter in the State of California is not educated on the particulars of Section 20 of IGRA, 25 U.S.C. § 2719, and the exceptions for initial reservations, restored lands, and two-part determinations. But the proposed location of the gaming facility of the North Fork gaming facility should be considered against the language used by the proponents of Proposition

G-36.1


1A. They were responding to charges that casinos could be built "anywhere," meaning near cities and towns, and they stated in response that casinos could not be built "anywhere."

The voters of California approved Proposition 1A with the understanding that casinos could not be located "anywhere." The proposed location of the gaming facility which is the subject of this DBIS is over 40 miles from the North Fork Rancheria, outside the Tribe's aboriginal territory, adjacent to a metropolitan area, and on one of the major transportation corridors of the State of California. A good faith application of the representations made by the proponents of Proposition 1A requires the Bureau of Indian Affairs to inform the North Fork Rancheria that they may only pursue a fee to trust application leading to a two-part determination if they are within their aboriginal territory.

cont.  
G-36.1

I appreciate your consideration of these comments.

Sincerely,



Morris Reid  
Chairman  
Picayune Rancheria of the Chukchansi Indians



Picayune Rancheria  
of the

## CHUKCHANSI INDIANS

48575 Road 417 • Coarsegold, CA 93614 • (559) 883-6633 • FAX (559) 883-0509

G-37

March 31, 2008

Mr. John Rydzik, Chief of the Division of  
Environmental, Cultural Resource Management and Safety  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Re: DEIS Comments, North Fork Rancheria's Hotel/Casino Project (DEIS)

Dear Mr. Rydzik:

Please accept these comments on the Draft Environmental Impact Statement ("DEIS") produced with regard to the above-referenced project, on behalf of myself as an individual, and as the Tribal Council Treasurer of the Picayune Rancheria of the Chukchansi Indians.

I support the North Fork Rancheria developing a gaming facility. I am close with the North Fork Rancheria, and I have many close relatives from their Tribe. However, I believe that the fee to trust application which is the subject of this DEIS sets a dangerous precedent in our region.

There is one tribe in our region that does not operate a gaming facility: the Cold Springs Rancheria. Their reservation is located in a remote location and it would probably not be profitable for them to open a gaming facility there. I know that the Cold Springs Rancheria is watching to see how the North Fork Rancheria fee to trust is handled. If North Fork is successful, then Cold Springs will follow in their tracks. Although the Big Sandy Rancheria operates a gaming facility, it is in a very rural location, and they have often expressed an intention to move closer to Fresno so they can open a larger gaming facility. Big Sandy is also watching how the North Fork fee to trust is handled so they can determine if they can move down to the city. This is not speculation. These tribes are serious about developing the largest gaming facilities they possibly can.

If the Bureau approves this fee to trust acquisition, it will open the floodgates for other tribes to try to relocate for the most profitable gaming facility location. If North Fork, Cold Springs, and Big Sandy all were permitted to open large gaming facilities in locations closer to the population centers and the major transportation corridors, it would likely close the

G-37.1

Chukchansi Gold Resort & Casino, the Table Mountain Casino, and the Palace Casino in their current locations. The Picayune Rancheria of the Chukchansi Indians, the Table Mountain Rancheria, and the Tachi Band of Yokuts would be forced to try to relocate our gaming operations closer to the population centers and the major transportation corridors just to compete.

cont.  
G-37.1

This is the danger I encourage you to consider as you exercise your discretionary authority over this fee to trust application. If you approve the North Fork gaming facility in its proposed location, all of the tribes in our region will eventually be trying to move in order to stay competitive.

To reach the proposed gaming facility location, the North Fork Rancheria Mono have to leap-frog over the territory of the Chukchansi people. The valley floor is not part of the Mono's territory.

Tribes are clustered at a number of locations around the State of California: including north of San Francisco, and outside of San Diego. If the Bureau approves this fee to trust acquisition, it will set the precedent for all of the tribes that the Bureau is willing to let them leap over other tribes to make more profits. Applications will start coming in from tribes with better locations in mind, and they will willy-nilly begin to leap-frog over each other. The perception of "tribe vs. tribe" fights will get worse and worse.

G-37.2

We've heard that one of the reasons North Fork justifies moving to the Highway 99 site is that there is substantial local opposition to developing a gaming facility in North Fork. Local opposition to the development of an Indian gaming facility is not only common, it is to be expected. We are not aware of any Indian gaming facility in California that opened without encountering some opposition or obstacles from its neighbors. If every tribe could relocate to a major population center or transportation corridor because there was opposition to developing a gaming facility on their reservation, there would be no Indian gaming facilities on reservations in California.

Fee to trust applications are considered under the discretionary authority of the Department of Interior delegated by 25 U.S.C. § 465 of the Indian Reorganization Act of 1934 (the "IRA"). The purpose of the IRA was to strengthen tribal communities after the devastation wrought by the allotment policy of the United States. The Bureau should still today consider the impact of fee to trust applications on tribal communities. The tribal community of the Picayune Rancheria of the Chukchansi Indians was recently decimated by the United States' policy of termination. Just now we are beginning to reestablish ourselves. The economic impacts of the proposed North Fork gaming facility will severely limit our ability to develop our tribal community, with the housing, health care, and other services of a solid government that we hope to provide our membership.

G-37.3

I also don't believe that the proposed North Fork gaming facility will strengthen the North Fork tribal community. By locating the gaming facility 40 miles away from their existing reservation, tribal government offices, community buildings, and housing project, they are separating themselves from what makes them a tribal community. Our gaming facility is located across the street from our tribal offices, Table Mountain's is next door, so is Tachi's, Tuolumne's

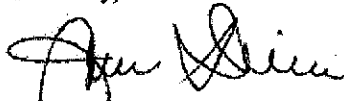
G-37.4

is across the street. Our tribes have all strengthened our tribal communities by locating our gaming facilities within our tribal communities. We offer a tribal daycare center next to our tribal offices, and language classes in the evening, both are convenient for members working at the gaming facility. The proposed North Fork gaming facility will discourage young tribal members of North Fork who are employed at the gaming facility from learning their language and learning their ways of gathering for traditional foods and crafts, it will encourage them to move closer to the gaming facility and separate them from their community.

cont.  
G-37.4

Please act within your discretion to strengthen tribal communities. North Fork's gaming facility must be located on or near their reservation.

Sincerely,



Janice Devine  
Treasurer

Picayune Rancheria of the Chukchansi Indians



Picayune Rancheria  
of the

G-38

## CHUKCHANSI INDIANS

48575 Road 417 • Coarsegold, CA 93814 • (559) 683-6633 • FAX (559) 683-0599

March 31, 2008

Mr. John Rydzik, Chief of the Division of  
Environmental, Cultural Resource Management and Safety  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Re: DEIS Comments, North Fork Rancheria's Hotel/Casino Project (DEIS)

Dear Mr. Rydzik:

Please accept these comments on the Draft Environmental Impact Statement ("DEIS") produced with regard to the above-referenced project, on behalf of myself as an individual, and as the a member of the Tribal Council of the Picayune Rancheria of the Chukchansi Indians.

A public opinion poll was conducted in January 2006 regarding the proposed North Fork gaming facility. Registered voters (Democrats, Republicans and Independents) from Fresno County and Madera County took part in the poll.

The poll showed overwhelming opposition to the location of the proposed gaming facility on Highway 99 just north of Madera, over 40 miles from the North Fork Rancheria. When asked the question, "Do you support or oppose this proposal?" 60% of the Madera County voters opposed the proposal, and 68% of the Fresno County voters opposed the proposal. When voters were given more information on the proposed project, opposition grew to 63% for Madera County voters, and 74% for Fresno County voters.

Registered voters were asked Environmental Impact questions dealing with traffic and air quality. 78% of Madera County voters agreed that traffic on Highway 99 would get worse, while 84% of the Fresno County voters agreed that Highway 99 traffic would get worse. 58% of the Madera County voters, as well as 59% of the Fresno County voters, agreed that the Valley air pollution will increase. When given the statement, "Building a huge Casino complex along the 99 Freeway means more traffic and more air pollution." 68% of the Madera County voters found the statement all persuasive, and 80% of the Fresno County voters found the statement all persuasive. These impacts can greatly affect all of us, therefore, Fresno, Merced as well as other surrounding communities should be considered in the Draft EIS.

G-38.1

When given the statement, "If Tribes want to build on land that is not on their reservation, the people affected should have a right to vote, not just the County or City officials." 83% of the Madera County voters, as well as 89% of the Fresno County voters found the statement all persuasive.

G-38.2

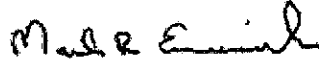
If the proposed North Fork gaming facility goes forward, the precedent will be set for any Indian tribe to move anywhere they want off their reservation, including downtown Fresno, or at any location along a freeway in the valley.

The support of the Madera County Board of Supervisors was obtained by the North Fork Rancheria by giving away a substantial portion of their gaming revenues to the County. The County Board of Supervisors, therefore, do not accurately reflect the opinions of the citizens of the area, as the poll results above demonstrate. Also, at this point the Bureau of Indian Affairs has not formally involved the Counties of Fresno and Merced, and, as indicated above, the citizens of those Counties can see that they will be greatly impacted by a gaming facility at the proposed location. The Bureau should invite the Counties of Fresno and Merced into the process, seek their comment on the DEIS, and hold public hearings regarding the DEIS in Fresno and Merced.

G-38.3

Thank you for your consideration of these comments.

Sincerely,



Mark Emerick  
Tribal Council

Picayune Rancheria of the Chukchansi Indians





Picayune Rancheria  
of the

G-39

## CHUKCHANSI INDIANS

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March 31, 2008

Mr. John Rydzik, Chief of the Division of  
Environmental, Cultural Resource Management and Safety  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Re: DEIS Comments, North Fork Rancheria's Hotel/Casino Project (DEIS)

Dear Mr. Rydzik:

Please accept these comments on the Draft Environmental Impact Statement ("DEIS") produced with regard to the above-referenced project, on behalf of myself as an individual, and as the Vice-Chairperson of the Picayune Rancheria of the Chukchansi Indians.

The Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq. ("IGRA"), provides that one of the primary purposes of IGRA is to promote "tribal economic development, self-sufficiency, and strong tribal governments." 25 U.S.C. § 2702(1). This is the promise of IGRA, an opportunity for tribal governments to overcome centuries of the violations of our rights as sovereign nations, and our rights as human beings. It is a promise made to all tribal governments, and it is the responsibility of the Department of the Interior and the National Indian Gaming Commission to make wise decisions that will further the broad, positive policy goals of IGRA.

G-39.1

The reality is that there is a strong backlash against Indian gaming, and it seems that every year another anti-Indian gaming group is lobbying Congress to amend IGRA and change the playing field so it does not benefit tribal governments, the intended beneficiaries of Indian gaming.

The proposed fee to trust acquisition for which this DEIS was prepared is a step in the wrong direction for Indian gaming. There are over 100 federally-recognized Indian tribes in the State of California. Some of them have reservations located near major population centers, most do not. Some of them have reservations located near major transportation corridors, most do not. It is an economic reality that a gaming facility located near a population center or a transportation corridor will make more money. So some tribes have become extraordinarily wealthy with Indian gaming, and some have merely operated gaming facilities because they

G-39.2

provide jobs for members, or some much needed extra funds for the tribal government. But there is not a single Indian gaming facility that opened on lands as far away from the tribe's reservation, and outside of the territory of the tribe, as this proposed North Fork Rancheria fee to trust.

The reason for North Fork to try to relocate onto Highway 99 just outside of Madera is simple: they will make more money there. But that logic is true of every other tribe in California that is not located near a population center or a major transportation corridor. If tribes begin to relocate so they can make more money, the backlash against Indian gaming will get stronger and stronger. As that backlash grows, the likelihood that tribes will lose the ground we have gained through IGRA grows. And the likelihood that the policy purposes of IGRA will be fulfilled diminishes. Please take this into account as you consider the DEIS. Tribes all over the State are watching closely to see what you will do with this application. Please act to preserve the worthy goals of IGRA for all tribes.

cont.  
G-39.2

As evidence of the concern the general population has with Indian gaming moving away from reservations for greater profits, consider the letters submitted to the Bureau of Indian Affairs by the numerous California State Senators and Assemblymen. Letters to the Bureau expressing concern over this project, and the precedent it will set, were submitted by:

Don Perata, Senate Pro Tem - Oakland  
Dave Cogdill, Senate Republican Leader - Modesto  
Dean Florez, Senate GO Committee Chair - Shafter  
Jeff Denham, Senate - Merced  
Mike Villines, Assembly Republican Leader - Clovis  
Alberto Torrico, Assembly GO Committee Chair - Fremont  
Tom Berryhill, Assembly - Modesto  
Nicole Parra, Assembly - Bakersfield  
Cathleen Galgiani, Assembly - Livingston  
Tony Mendoza, Assembly - Los Angeles  
Jared Huffman, Assembly - San Rafael  
Greg Aghazarian, Assembly - Stockton  
Kevin DeLeon, Assembly - Los Angeles  
Juan Arambula, Assembly - Fresno

G-39.3

One question to consider is why so many legislators from around the State of California would be so concerned about this proposed gaming facility, when the proposal is supported by the Madera County Board of Supervisors, and, perhaps, by Governor Schwarzenegger, judging by the silence of his staff. We believe the answer lies in the promise of money. The proceeds of the proposed gaming facility will first go to pay for a very handsome Memorandum of Understanding between the North Fork Rancheria and the County of Madera: an MOU that bears no resemblance to the actual impacts of the proposed gaming facility, but instead spreads enough money around the County to keep local political opposition to a minimum. We are not privy to the terms of the draft compact negotiated between the North Fork Rancheria and the Governor, but we are certain that the Governor will take as much revenue for the State of California as possible, in return for his lack of objection to the proposed gaming facility.

G-39.4

G-39.5

The county in which the tribe is located is not mentioned as an intended beneficiary of the benefits of Indian gaming in IGRA, at 25 U.S.C. § 2702, in the Declaration of Policy.

To operate Class III gaming, the tribe must negotiate a compact with the state in which it is located, pursuant to IGRA, 25 U.S.C. § 2710(d)(1)(C). However, IGRA provides:

Any Tribal-State compact negotiated under subparagraph (A) may include provisions relating to—

- (i) the application of the criminal and civil laws and regulations of the Indian tribe or the State that are directly related to, and necessary for, the licensing and regulation of such activity;
- (ii) the allocation of criminal and civil jurisdiction between the State and the Indian tribe necessary for the enforcement of such laws and regulations;
- (iii) the assessment by the State of such activities in such amounts as are necessary to defray the costs of regulating such activity;
- (iv) taxation by the Indian tribe of such activity in amounts comparable to amounts assessed by the State for comparable activities;
- (v) remedies for breach of contract;
- (vi) standards for the operation of such activity and maintenance of the gaming facility, including licensing; and
- (vii) any other subjects that are directly related to the operation of gaming activities.

G-39.6

25 U.S.C. § 2710(d)(3)(C). And IGRA goes on to state:

Except for any assessments that may be agreed to under paragraph (3)(C)(iii) of this subsection, nothing in this section shall be interpreted as conferring upon a State or any of its political subdivisions authority to impose any tax, fee, charge, or other assessment upon an Indian tribe or upon any other person or entity authorized by an Indian tribe to engage in a class III activity.

25 U.S.C. § 2710(d)(4). But we have no doubt that the draft compact negotiated by the North Fork Rancheria with the State of California will do far more than "defray the costs of regulating such activity," just as the MOU with Madera County does far more than mitigate the actual impacts of the proposed gaming facility. These deals put money in the right place to insure non-opposition by the County and the State at this stage, when the Bureau of Indian Affairs must decide whether this is an appropriate fee to trust application submitted by the North Fork Rancheria.

For this reason we encourage you to look closely at the letters of concern submitted by other elected leaders from around the State of California. They have not been influenced by the promise of a revenue stream from gaming. They are honestly reflecting the hesitation with which the citizens of California view Indian gaming spreading to urban areas and major transportation corridors. They don't want it to happen. They see that it is bad policy. They see that Californians in the long run will not be better off.

G-39.7

Please preserve the promise of IGRA for our Tribe, and countless others in California and across the country. Please do not approve a fee to trust acquisition for a gaming facility on Highway 99. Highway 99 has never been the home of an Indian reservation.

G-39.8

Sincerely,



Dora E. Jones

Vice-Chairperson

The Picayune Rancheria of the Chukchansi Indians



Picayune Rancheria  
of the

## CHUKCHANSI INDIANS

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March 31, 2008

Mr. John Rydzik, Chief of the Division of  
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Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Re: DEIS Comments, North Fork Rancheria's Hotel/Casino Project (DEIS)

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Please accept these comments on the Draft Environmental Impact Statement ("DEIS") produced with regard to the above-referenced project, on behalf of myself as an individual, and as the a member of the Tribal Council of the Picayune Rancheria of the Chukchansi Indians.

We support the North Fork Rancheria in their efforts to develop their own casino. We will do everything we can to support them. But, they must stay on their own lands. The Mono people came from the other side of the Sierra Mountains. They fought with our people, but now they have their territory over here. But they do not come down this way, or into the valley. That belongs to the Yokut people.

My grandmother told me the old stories when I was growing up. She lived at Picayune for many years, I stayed there with her and went to the Picayune Schoolhouse. She told me that we Chukchansi were all around here, north to Fresno River, to the high country all the way to down to Whiskey Creek on the San Joaquin River, and down into the valley, and all in between.

Please honor our traditional territories. The North Fork Rancheria should seek a fee to trust acquisition in their area.

Sincerely,

*Harold M. Hammond, Sr.*

Harold M. Hammond, Sr.  
Tribal Council

Picayune Rancheria of the Chukchansi Indians

G-40.1



Picayune Rancheria  
of the

G-41

## CHUKCHANSI INDIANS

46576 Road 417 • Coarsegold, CA 93614 • (559) 883-6633 • FAX (559) 883-0599

March 28, 2008

John Rydzik  
Chief of the Division of Environmental Cultural Resource Management & Safety  
Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA. 95825

Dear Mr. Rydzik:

I am Tribal Council Member at large to the Picayune Rancheria of the Chukchansi Indians. I am writing to provide comment on the environmental impact study for the North Fork Rancheria proposed casino project on highway 99 which will be under consideration by the BIA to place land into trust for the North Fork Rancheria. I will be outlining numerous issues which the BIA should take into account before approving the land into trust request by North Fork and Stations Casino but, first and foremost, it is important that BIA recognize that this is not an Indian gaming project but an investor driven project seeking to find the most profitable gaming site without regard to the impact on the surrounding tribes and communities.

G-41.1

I would like to address the following points which should be taken into account by the BIA before a final determination is made:

**1.) THE PROPOSED SITE IS NOT THE ABORIGINAL LAND OF THE MONO INDIANS**

G-41.2

The North Fork Rancheria is a Mono Tribe which, historically, was located west of the Sierra Nevada Mountains. The proposed off reservation gaming project would leap frog North Fork out of their traditional territory, over the traditional territory of the Chukchansi people and into the traditional territory of the Chowchillan people.

**2.) THE PROPOSAL WOULD HAVE A DEVASTATING IMPACT ON THE ECONOMIC INVESTMENT AND STABILITY OF THE CHUKCHANSI TRIBE.**

The Chukchansi people opened in June 2003 and will soon begin their fifth year of operation. The Chukchansi people have borrowed and invested over 310 million dollars in our casino, hotel and hotel expansion. The proposed North Fork off reservation project would severely jeopardize that investment and place the financial stability of the Chukchansi people at risk. A May 2006 study by the Innovation Group (appendix R) showed that the North Fork/Stations project would, in fact, cannibalize \$97,928,924.00 million dollars, or 53% of their revenues, from the surrounding tribal casinos. The Chukchansi tribe will be the most severely

G-41.3

affected. Projected revenue losses indicate that Chukchansi's loan could be in default.

In addition, although the North Fork/Stations EIS claims that the project would create 900 jobs, it would actually mean the loss of 500 jobs at Chukchansi alone. The impact of 500 jobs lost in Coarsegold would be devastating to the community, just as the closure of the North Fork Mill was for the community of North Fork in 1994.

cont.  
G-41.3

Moreover, the support that Chukchansi has provided to the local community will, of necessity, be severely diminished. Over the past years Chukchansi has provided \$750,000 to the Yosemite School District; \$1,000,000 to the Community Urgent Care Service in Oakhurst and \$250,000 to the Sierra Ambulance Service. These donations would no longer be possible if the revenues from casino are diminished.

### **3.) CALIFORNIA VOTERS APPROVED PROP 1A TO ALLOW TRIBAL GAMING ON TRIBAL LAND.**

Approval of the proposed North Fork/Stations Casino site would deviate from the promise that the Central Valley Tribes made to the voters of California when they passed Proposition 1A-the Indian Gaming and Self Reliance Initiative, which was approved by the voters with the stipulation that Indian gaming would be conducted on Indian land.

G-41.4

### **4.) ALTERNATIVE SITES SITUATED ON OR NEAR NORTH FORK'S EXISTING LAND ARE AVAILABLE AS FEASIBLE GAMING SITES.**

The North Fork environmental impact statement acknowledges that alternative sites on or near their existing reservation were available to the tribe but they were rejected because the Route 99 site would be significantly more profitable financially. North Fork also claims that their existing site is not a feasible building site even though there are existing structures on the site. In addition, the town of North Fork offered to sell an 135 acre site of a former mill to the North Fork tribe which is less than a mile from their existing reservation and is located in the North Fork community. The North Fork Community Development Council Inc recently received a \$900,000.00 dollar grant from EPA to clean up any potential toxic residue on the mill site so, in addition, the property will be more than environmentally acceptable. Further, a casino on the mill site would revitalize the economy of the North Fork community which was devastated with the loss of 400 jobs when the mill closed in 1994.

G-41.5

The Chukchansi tribe faced obstacles in building its casino on its reservation land. The landscape is rocky and environmentally challenging. However, Chukchansi was obligated to live up to the promise that it had made to the voters of California and found ways to overcome those obstacles so that it would be able to build on its traditional tribal trust land.

**5.) EXERCISE OF TRIBAL GOVERNMENTAL AUTHORITY OVER THE ROUTE 99 SITE WOULD BE DIFFICULT, IF NOT IMPOSSIBLE.**

The Indian Gaming Regulatory Act was passed to provide economic development opportunities to tribal governments and their tribal members. Implicit in IGRA is the understanding that tribal gaming operations would be conducted under the authority of the tribal government and that members of the tribal government would benefit through the jobs and job opportunities that would result from the tribal casino operation. The proposed North Fork/Stations casino would be almost 50 miles from the North Fork reservation. Day to day oversight by the North Fork tribe of the casino operation and regulation would be negligible, and most likely nonexistent. It would be, in reality, be a commercial gaming operation run by Stations Casino and not by the North Fork tribal government. Moreover, as pointed out by citizens of Madera in the March 12, 2008 BIA hearing, it would bring jobs to the citizens of Madera and not to the tribal members of the North Fork Rancheria.

G-41.6

**6.) LOCATING THE NORTH FORK CASINO OFF RESERVATION ON ROUTE 99 WOULD CREATE AN OFF RESERVATION GAMING PRECEDENT THAT WOULD OPEN THE FLOOD GATES FOR OFF RESERVATION GAMING AT MORE COMMERCIALLY MARKETABLE SITES NATIONWIDE.**

The inevitable result of an approval of the proposed acquisition by the North Fork Rancheria would be a great incentive for all seven local tribes to move their gaming establishments closer to the major population centers of the area in an attempt to increase their revenues. This precedent isn't just dangerous in the Central Valley of California. North of San Francisco there are over 15 tribes that could attempt to move closer to the Bay Area in search of higher gaming revenues, based on the fact that they can commute to a new site from an existing reservation. The same is true in Southern California, where over two dozen tribes could begin jumping over each other in order to get closer to the major population centers of Los Angeles and San Diego. Allowing tribes to move into metropolitan areas puts gaming at risk for all California tribes. Moreover, this precedent would not be limited to California but would have an impact on the future location of tribal gaming sites nationwide.

G-41.7

I appreciate your consideration of these very important issues and request that you deny the proposed gaming acquisition by the North Fork Rancheria. Approval of this site will have ramifications for tribal governments, tribal gaming and tribal policy for decades to come.

Sincerely,

  
Sam Lawhon  
Tribal Council



**Member at large  
Picayune Rancheria of the Chukchansi Indians**

**CC: Carl Artman, Assistant Secretary, Bureau of Indian Affairs  
Department of the Interior**

**CC: George Sklbine, Deputy Assistant Secretary-Gaming and Economic  
Development, Bureau of Indian Affairs, Department of the Interior**

**Amy Dutschke, Acting Regional Director, California Region, Bureau of  
Indian Affairs, Department of the Interior**



Picayune Rancheria  
of the

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March 31, 2008

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Re: DEIS Comments, North Fork Rancheria's Hotel/Casino Project (DEIS)

Dear Mr. Rydzik:

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The histories of the Picayune Rancheria of the Chukchansi Indians and the North Fork Rancheria are very similar in many respects. Our 80 acre reservation was set-aside for our use in 1912 by Executive Order, and the North Fork Rancheria was set-aside for the use of the Mono people in 1916 by Executive Order. Both of our Tribes were terminated pursuant to Department of the Interior actions under the Rancheria Act, and both Tribes were restored to federal recognition by Stipulation with the United States in the Tillie Hardwick litigation in 1983. Subsequently, the boundaries of both Tribes' Rancherias were restored by a joint Stipulation with the County of Madera in 1987.

When we sought to develop a gaming facility, less than half of our Rancheria was an allotment, and the remainder was owned by non-Indians in fee. We contracted with a Management Company, and they funded the purchase of lands in fee within and contiguous to our Rancheria for the development of a gaming facility.

North Fork has options for developing a gaming facility in North Fork. First, North Fork's Management Company could have funded the purchase of the allotment lands within the Rancheria from the allottees, which would have resulted in lands that already were considered Indian lands for purposes of the Indian Gaming Regulatory Act, and already in trust. Second, North Fork's Management Company could have purchased lands contiguous to the North Fork Rancheria boundaries. Third, North Fork's Management Company could have purchased lands

G-42.1

near their Rancheria, within their aboriginal territory, and sought either a restored lands opinion, or a two-part determination along the same model as the recent Fort Mohave acquisition.

cont.  
G-42.1

The Chukchansi Gold Resort & Casino is contained within about 50 acres of land, along with all of our Tribal offices, gaming commission offices, and a wastewater treatment plant. The North Fork Rancheria has applied to take over 300 acres of land into trust near Madera. The proposed footprint for the gaming facility on Highway 99 is just over 100 acres. There are alternative sites near the North Fork Rancheria which are large enough to accommodate a facility that size.

G-42.2


I believe that the old mill site in North Fork is the best location for their gaming facility. It is near the town of North Fork and their Rancheria, it is within their community and within their aboriginal territory. I used to haul logs to the mill there before it closed down. It is a beautiful, scenic location for a tourist destination. Other former lumber mill sites have been remediated and turned into successful business locations. This is true in nearby Oakhurst.

It is important for neighboring tribes to recognize their aboriginal territory boundaries. Both the Native American Graves Protection and Repatriation Act and the California SB18 provide roles for tribes in protecting their sacred sites, archaeological sites, and human remains. If the North Fork Rancheria obtains trust land outside of their aboriginal territory, we fear that it will confuse other governmental entities, who will assume that because North Fork's trust land is closest to a site, that they must be the correct tribe to contact. Since North Fork is proposing to leap-frog over our aboriginal territory to the Highway 99 site, this is a serious concern to our Tribe. This situation is created by the proposed fee to trust acquisition by the North Fork Rancheria, and must be analyzed in the Draft Environmental Impact Statement.

G-42.3

Thank you for your consideration of these comments.

Sincerely,



Joe Alberta  
Secretary

Picayune Rancheria of the Chukchansi Indians



Picayune Rancheria  
of the

# CHUKCHANSI INDIANS

48575 Road 417 • Coarsegold, CA 93614 • (559) 683-6833 • FAX (559) 683-0599

March 31, 2008

Randy T Atkins  
47804 Hopi Ave  
Coarsegold, CA. 93614  
March 31, 2008

John Ryzdik  
Chief of the Division of Environmental Cultural Resource Management & Safety  
Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA. 93614

Dear Mr. Ryzdik:

I am a General Council Member of the Picayune Rancheria of the Chukchansi Indians. I am most concerned about environmental impact study and the possibility of the North Fork Rancheria proposed casino project on highway 99, which is under consideration, by the Bureau of Indian Affairs to place the land into trust for the North Fork Rancheria.

G-43.1

Sir, first this land is not the Mono Tribes traditional land. Their land is in North Fork. The North Fork Rancheria does not own the land they are seeking to build a casino and place into trust. The land is own by a gaming investor whose soul interest is that of bondholders and investors not the culture and traditions of Native American people.

Second, the proposed site for gaming is located approximately 50 miles to the west of the North Fork Rancherias aboriginal lands. If approved tribes throughout California will line up to purchase and place into trust lands that are not their traditional lands which are located in markets that are more profitable. This is an appalling precedence that I am sure the State of California does not want to set.

G-43.2

Third, the people of the State of California approved Prop 1A to allow Tribal Gaming on Tribal Land. This is a promise that must be kept. The promise should not be at risk because a gaming investor waves money in the faces of the people.

G-43.3

Fourth, precedence has been set for the way to gain a gaming operation on tribal Land. The North Fork Rancheria has land that will support a casino and all the others amenities they want. Unfortunately, the North Fork Rancheria does not want to go through the hard work and the same processes that the Picayune Rancheria had to go through instead they want to take a short cut.

G-43.4

Last and most important to the people of the Picayune Rancheria is that we have worked hard to complete our casino and the amenities that we have. Our tribe has a large investment that would be

G-43.5

severely effected if the North Fork Rancheria were allowed to take a short cut and build on lands other than their aboriginal lands. The people of the State of California were promised this would not happen.

cont.  
G-43.5

Sincerely,



Randy T Atkins  
General Council Member of the Picayune Rancheria of the Chukchansi Indians

**Donald C. Horal****PROPERTIES**

P.O. BOX 233, MADERA, CA 93639-0233 (559) 673-5327

FAX (559) 673-5327

CEL (559) 706-0661

March 21, 2007

RE: EIS Scoping Comments, North Fork Rancheria of Mono Indians  
Casino and Hotel Project

Mr. John Rydzik, Chief  
Division of Environmental, Cultural Resource Management and Safety  
Bureau of Indian Affairs  
2800 Cottage Way, Room West 2820  
Sacramento, CA 95825

Dear Sir:

I am Chairman of the Madera City Airport Commission and am sending you a later map of "Off Airport Landuse" for the Madera City Airport. Please note the differences between this one and the one in the EIR.

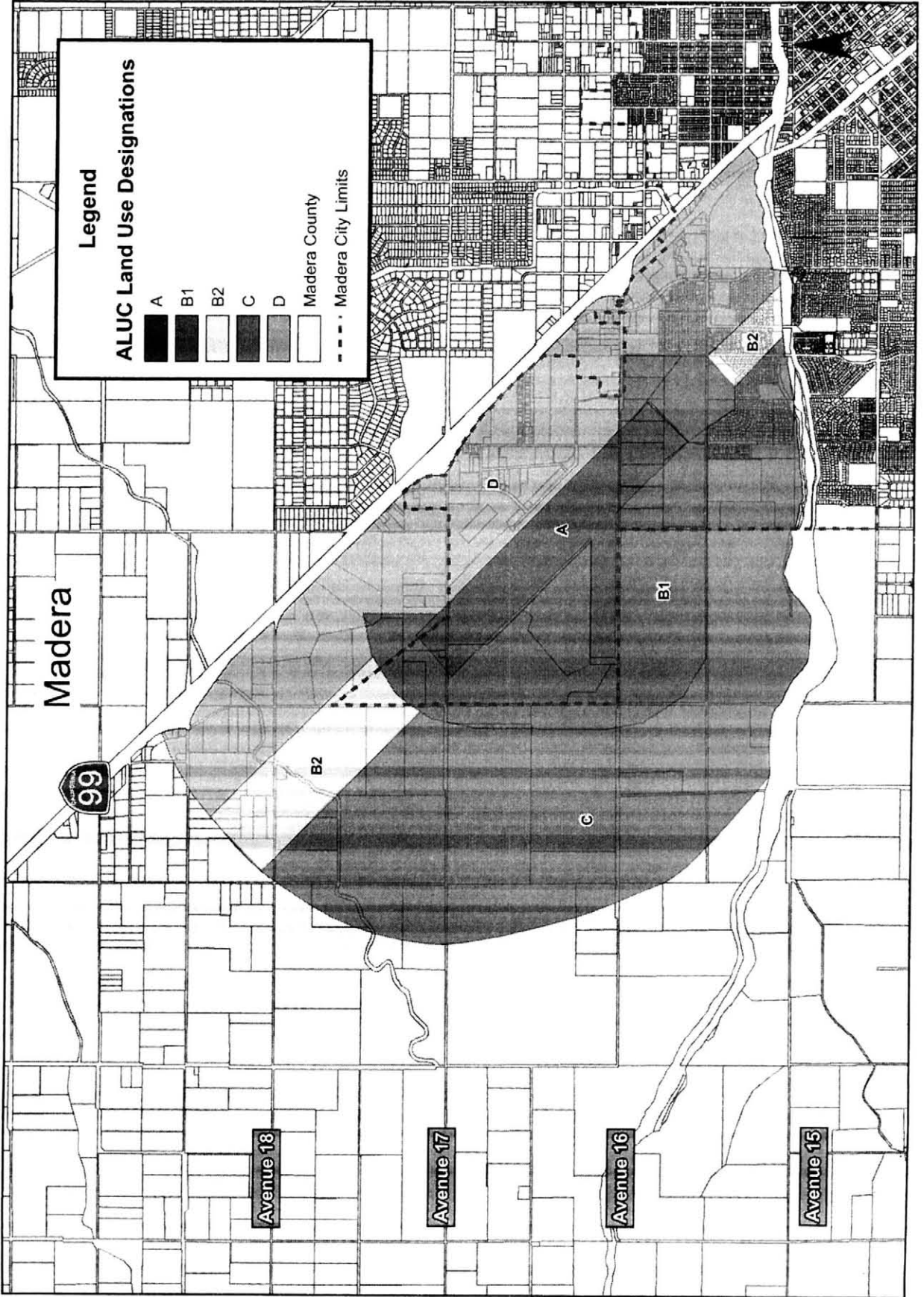
G-44.1

Yours truly,



Donald C. Horal, Chairman  
MADERA CITY AIRPORT ADVISORY COMMISSION

# Airport Land Use Commission Land Use Designations



Good evening - Distinguished Members of the panel conducting this public hearing. I am Leanne Walker-Grant, the Tribal Chairperson of Table Mountain Rancheria.

At the outset, I would like to state that Table Mountain Rancheria supports a Tribe's right to game on its restored Tribal Land in accordance with the Indian Gaming Regulatory Act.

G-45.1

Table Mountain Rancheria objects, however, to any attempts to acquire off-reservation land for the sole purpose of establishing a Casino. Tribes are the ones who lose when Non-Tribal Commercial Gaming Corporations try to persuade and encourage Sovereign Tribal Nations to move off their protected Tribal land so that the Non-Tribal Commercial Gaming Corporation can economically prosper at the expense of Tribes who may be lured into action by financial promises that may never materialize.

G-45.2

Such conduct does not only affect the Tribal Members and the surrounding communities, but also run the risk of negatively impacting all Gaming Tribes in California by turning the public opinion against Gaming Tribes that have kept their promises of keep gaming on their own tribally restored land as set forth in IGRA and our gaming compacts.

Finally, Table Mountain Rancheria respectfully requests that this panel and the BIA solicit input from Fresno County and other surrounding communities and Tribes whose air quality, public safety, and other resources may be affected or impacted by the proposed project.

G-45.3





**FREDERICKS PEEBLES & MORGAN LLP**  
ATTORNEYS AT LAW

Pacific A G-46  
1001 Second Street  
Sacramento, CA 95814  
T: (916) 441-2700  
F: (916) 441-2067  
E: jpeebles@ndnlaw.com  
www.ndnlaw.com

08252

January 24, 2008

**FREEDOM OF INFORMATION ACT REQUEST**

Sue Ellen Sloca  
FOIA Contact  
Office of the Secretary  
MS-116, SIB  
1951 Constitution Ave, NW  
Washington, DC 20240

Laura Cloud  
FOIA Contact  
Bureau of Indian Affairs  
MS-3071, MIB  
1849 C St., NW  
Washington, DC 20240

Office of the Secretary  
FOIA Officer  
MS-1413, MIB  
1849 C St., NW  
Washington, DC 20240

National Indian Gaming  
Commission  
FOIA Officer  
1441 L St., NW  
Washington, DC 20005

Bureau of Indian Affairs  
FOIA Officer  
MS-4140, MIB, Code 100F  
1849 C St., NW  
Washington, DC 20240

RE: FOIA REQUEST

Greetings:

This is a request made by the Picayune Rancheria of the Chukchansi Indians ("PRCI") under the Freedom of Information Act regarding the Fee-to-Trust Application ("Application") submitted by the North Fork Rancheria of Mono Indians of California ("North Fork"). North Fork submitted the Application in or around March of 2005, requesting the Department of the Interior ("DOI") to accept trust title to approximately 305 acres of land located in the unincorporated area of Madera County, California.

Under the "Introduction" section of North Fork's Application, North Fork stated it will "supplement portions of this application with additional information as it is developed, including information obtained during the environmental review process as that information becomes available" ("additional information").

G-46.1

14

PRCI requests any and all copies of all information including but not limited to correspondence and documents North Fork submitted to the DOI to supplement its Fee-to-Trust Application. Additionally, PRCI requests any and all information pertaining to the North Fork's Application not included in North Fork's original Application, including, but not limited to, all documents and correspondence between North Fork and the DOI, or by any interested person concerning North Fork's Application.

PRCI agreed to pay all fees associated with processing this request.

G-46.2

If you have any questions regarding the aforementioned request, please do not hesitate to contact me. A copy of the first page of the North Fork's Application, that includes the "Introduction" section, is attached for your convenience. Thank you for your attention to this request and we anticipate a reply within twenty (20) days.

Sincerely,

FREDERICKS PEEBLES & MORGAN LLP



John M. Peebles, Esq.

JMP:se  
Enclosures

Please reply to:  
John M. Peebles  
Fredericks Peebles & Morgan LLP  
1001 Second St.  
Sacramento, CA 95814

**NORTH FORK RANCHERIA OF MONO INDIANS OF  
CALIFORNIA**

**FEE-TO-TRUST APPLICATION**

**FOR 305± ACRES IN MADERA COUNTY, CALIFORNIA**

---

**INTRODUCTION**

The North Fork Rancheria of Mono Indians of California (the "Tribe") hereby requests that the Secretary accept trust title to approximately 305 acres of land located in an unincorporated area of Madera County, California (the "Madera Parcel") for the benefit of the Tribe. The Tribe intends to use the Madera Parcel for the development and operation of a gaming resort and hotel. The Tribe intends to make a separate request that the Secretary of the Interior determine that the Madera Parcel is eligible for gaming in accordance with Section 20(b) of the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. § 2719(b).

This fee-to-trust application is structured according to the most recent guidelines set by the Pacific Region Office. It also addresses each of the requirements of the fee-to-trust regulations published at 25 C.F.R. Part 151, most specifically 25 CFR 151.11 (off-reservation acquisitions), including all references to criteria listed in 25 CFR 151.10 (a) through (c) and (e) through (h).

The Tribe will supplement portions of this application with additional information as it is developed, including information obtained during the environmental review process as that information becomes available. The Tribe requests that the reviewing office inform the Tribe of any additional materials the Bureau of Indian Affairs ("BIA") may need to process its request.

**NEPA COMPLIANCE**

Tribal representatives met with BIA staff at the Pacific Region Office on June 8, 2004, to discuss the proposed trust acquisition and the environmental review required under the National Environmental Policy Act ("NEPA"). Subsequently, on October 27, 2004, BIA published in the Federal Register a "Notice of Intent to Prepare an Environmental Impact Statement for the Proposed North Fork Rancheria's Trust Acquisition and Hotel/Casino Project, Madera County, California." See 69 FR 62721. A public scoping meeting was then conducted by BIA on November 15, 2004, in accordance with the notice provided in the Notice of Intent and notice given in the local newspaper. The Tribe has provided and will continue to provide BIA with information to assist BIA in complying with NEPA. At present, the draft environmental impact statement (the "EIS") is being prepared and is expected to be available for public comment in the Summer of 2005.

STATE CAPITOL  
 P.O. BOX 942849  
 SACRAMENTO, CA 95834-0031  
 (916) 379-2031  
 FAX (916) 319-2131

DISTRICT OFFICE  
 HUGH BURNS STATE BUILDING  
 2550 MARIPOSA MALL, ROOM 8031  
 FRESNO, CA 93721  
 (559) 445-3632  
 FAX (559) 445-8008

Assembly  
 California Legislature



JUAN ARAMBULA  
 ASSEMBLYMEMBER, THIRTY-FIRST DISTRICT

COMMITTEES:

CHAIR  
 JOBS, ECONOMIC DEVELOPMENT  
 AND THE ECONOMY  
 BUDGET, SUB #4 - STATE ADMINISTRATION

MEMBER  
 BUDGET  
 HIGHER EDUCATION  
 REVENUE & TAXATION

Carl J. Artman  
 Assistant Secretary  
 Department of Indian Affairs  
 1849 C. St. NW, Rm. 4160  
 Washington, D.C. 20240

Dear Mr. Artman,

As the Assembly Member representing the 31<sup>st</sup> District in the Central Valley of California, I respectfully ask the U.S. Department of Interior consider my serious concerns regarding the proposed move of the North Fork Rancheria from their original Rancheria in the Sierra foothills to Highway 99 approximately 50 miles away.

As a legislator representing both the city and county of Fresno, I have serious concerns regarding the precedent this move would have for the communities in my district. The proposed location would not only set a bad precedent, but would have a huge negative impact on the already old, busy and over-used Highway 99. Allowing the North Fork Rancheria to move 50 miles from an existing rancheria would have negative effects on this crumbling transportation corridor. The proposed location is adjacent to an already old, overused, and extremely busy Highway 99. This proposal would only worsen a bad situation.

Another concern is that, according to the Bureau of Indian Affairs, the only "impacted area" for purpose of environmental mitigation for this project is the city and county of Madera and I strongly disagree with this false assumption. As a representative of California's Central Valley, I know first-hand the fragile balance that revolves around highway 99. Any large development on this congested and aging highway affects cities and counties both north and south of the proposed development. Therefore, I request the Department of Interior to expand the areas impacted by this proposed development to include the cities and counties of Fresno to the south and Merced to the north.

Additionally, I have concerns about what this unprecedented move 50 miles from an existing rancheria would have for California. When voters in our state approved Tribal gaming in 1999 they were very clear that it was to create self reliant Tribal governments on their existing reservations and rancherias. This proposal goes contrary to that vote by the electorate.

REGISTRATION

G-47.1

G-47.2

G-47.3

G-47.4




If North Fork is allowed to move off of their original rancheria to a more lucrative market, where will the next Tribes be allowed to move? The North Fork precedent would most certainly encourage dozens of Tribes from the Sierras and foothills to begin looking at other markets and areas along Highway 99. Again, this is not why our voters granted Tribes in California the right to operate Class III gaming on their reservation/rancheria lands.

G-47.5

For these reasons, I ask you to strongly consider my concerns regarding the proposal to move the North Fork Rancheria off of their existing land to Highway 99.

Sincerely,

  
JUAN ARAMBULA  
Assembly Member  
31<sup>st</sup> District

JA/sr

G-48

### WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT  
MADERA DISTRICT FAIRGROUNDS, HATHFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Dave Herb Eber Olson Organization/Tribe/Agency: Madera LAFCo  
Address: 2037 W Cleveland Ave Madera, CA 93637

Comment: This ~~area~~ proposed development is within the City of Madera's Sphere of Influence and as such should be proposed for annexation to the City. Folio to cover to the City will require approval by LAFCo for the City to provide any services outside of its jurisdictional boundary.

Phone: 474-3181 Email: dherb@madera-county.com  
Place me on the mailing list? Yes  No:

Please give to attendant, drop in Written Comment Box, or mail to: John Ryzak, Chief, Division of Environmental, Cultural Resource Management and Safety (DECAMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project"

G-48.1

STATE CAPITOL  
P.O. BOX 942848  
SACRAMENTO, CA 94249-0030  
(916) 919-2030  
FAX (916) 919-2130

DISTRICT OFFICES  
321 N. DOUTY STREET, SUITE B  
HANFORD, CA 93230  
(559) 585-7170  
FAX (559) 585-7175

601 24<sup>TH</sup> STREET, SUITE A  
BAKERSFIELD, CA 93301  
(805) 334-3745  
FAX (805) 334-3786

# Assembly California Legislature



**NICOLE M. PARRA**  
ASSEMBLYWOMAN, THIRTIETH DISTRICT

COMMITTEES  
AGRICULTURE, CHAIR  
WATER, PARKS AND WILDLIFE  
INSURANCE  
BANKING AND FINANCE

February 26, 2008

Mr. Carl Artman  
Assistant Secretary  
U.S. Department of Interior  
1849 C Street, N.W.  
Washington DC 20240

Re: Indian Gaming Regulatory Act

Dear Mr. Artman:

I write you on behalf of my Central Valley constituents to request that you not approve any tribal-state gaming compacts in our region outside of that Tribe's original rancheria or reservation.

G-49.1

In 2000, California voters overwhelmingly passed Proposition 1A. That measure, for the purpose of promoting tribal self-reliance, legalized gaming on Tribal government lands in California where that gaming conformed with the Indian Gaming Regulatory Act (IGRA). The North Fork gaming compact, which proposes moving a tribe from the Sierra foothills down to the city of Madera, undermines the intent of the voters of California by turning the concept of "tribal self-reliance" on its head. In fact, this move will have serious economic consequences for surrounding Tribes which followed the letter of the law and invested in gaming operations on their existing rancherias. What is most concerning about this move, is that this particular Tribe *does* have land eligible for gaming. However, because it is located on their rancheria in the Sierra foothills, it is deemed too inconvenient – not for the Tribe, but for Las Vegas casino operators.

G-49.2

As a representative of a significant portion of California's Central Valley, my constituents have dire traffic, housing, pollution, and water issues that only get worse as we seek relief from Sacramento and Washington D.C. Tribal gaming compacts such as the one contemplated for North Fork will only exacerbate these issues for the citizens of this great valley. Further, I believe that once the North Fork Tribe is allowed to move out of its aboriginal-historical lands and down to a more marketable location for gaming by California Highway 99, this will open the floodgates for other out-of-state casino operators to start lining-up dozens of other tribes in the Sierra foothills to follow suit. Our Central Valley, already in need of infrastructure relief, cannot support this.

G-49.3

G-49.4

The Bush Administration has a responsibility to adhere to the standards set forth in IGRA by disallowing tribal gaming outside of a Tribe's original rancheria. On behalf of my constituents in California -- many of whom supported Proposition 1A -- I respectfully ask that you not allow Tribes to move their gaming operations outside of that Tribe's existing original rancheria.

G-49.5

Thank you for your time. If you have any questions or concerns about our position, please do not hesitate to contact me.

Sincerely,



NICOLE M. PARRA

Member of the Assembly, 30<sup>th</sup> District



STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0025  
(916) 319-2025  
FAX (916) 319-2125

# Assembly California Legislature



**TOM BERRYHILL**  
ASSEMBLYMEMBER, TWENTY-FIFTH DISTRICT

January 22, 2007

Governor Schwarzenegger  
State Capitol  
Sacramento, CA 95814

Dear Governor Schwarzenegger:

On behalf of my Central Valley constituents, I am writing to request that your Administration not approve any tribal-state gaming compacts in my region unless the specific tribe has Indian Land over which they exercise jurisdiction, as required by the Indian Gaming Regulatory Act (IGRA).

G-50.1

As you are well aware, in 2000, California voters overwhelmingly passed 1A. That measure, for the purpose of promoting tribal economic development, self-sufficiency and strong tribal government, authorized gaming on Indian Lands in California, as long as that gaming conformed with the IGRA. Californians were promised that Indian gaming would remain on Indian Land. The voters did not then, nor have they since 2000 when they've had the chance, approve the wholesale expansion of gaming on land not within the Tribe's historical homeland.

G-50.2

The North Fork gaming compact, which proposes utilizing land more than 40 miles away from their federally-recognized land in the Sierra foothills to a sight directly on Highway 99 and in the city of Madera, undermines the intent of the voters of California.

G-50.3

In fact, it turns the concept of "tribal self-reliance" on its head, because rather than promote economic self-reliance on North Fork's Tribal Lands in the Sierra, as proposed by Proposition 1A, the North Fork compact moves the Tribe outside of its historical lands at the direction of - and for the profit of - out-of-state, for-profit casino operators.

G-50.4

Sadly, the issue of "self-reliance" for tribes that can take advantage of what gaming can provide their tribal members has, within one decade, more and more taken a back seat to the quest for quick profits for the out-of-state casino operators.

Even more importantly, IGRA clearly mandates that prior to engaging in tribal government gaming, the Tribe must have Indian Lands over which the Tribe exercises jurisdiction. Only when Tribal Land meets specific criteria will it be deemed eligible for gaming by the U.S. Department of Interior, and have its tribal-state gaming compact approved.

This process was made clear in May of 2005 when the Department of Interior issued a letter refusing to approve a gaming compact between the State of Washington and the Confederated Tribes of the Warm Springs. The Department of the Interior required the Tribe to possess Indian Lands prior to Secretarial approval of the Tribal State Compact. In this case, the land north of the city of Madera, where the out-of-state casino operator wants to move the North Fork Tribe, is not Indian Lands.

cont.  
G-50.4

As a legislator representing the California Central Valley, I know first hand the transportation, housing, pollution and water problems facing my constituents. Tribal gaming compacts such as the one contemplated for North Fork will only exacerbate these problems for the citizens of this great valley. Further, I believe that if the North Fork Tribe is allowed to move out of its historical lands, the floodgates will be open for other out-of-state casino operators to start lining up dozens of other tribes in the Sierra foothills – and throughout all California - to follow suit.

G-50.5,  
and  
G-50.6

Your Administration has a responsibility to adhere to the standards set forth in IGRA to acknowledge the will of the voters who did not vote for casinos up and down Highway 99. You must not allow tribal gaming outside out historical lands or land not held in trust for the purpose of gaming.

G-50.7

On behalf of my constituents in the Central Valley of California, I ask you to reject any tribal-state gaming compacts for a location in my region where the Tribe does not have Indian Lands over which they exercise jurisdiction.

Thank you for your time. If you have any questions or concerns about my position, please do not hesitate to contact us.

Sincerely,



Tom Berryhill,  
Assemblyman, 25<sup>th</sup> District

STANDING COMMITTEES  
AGRICULTURE  
BUSINESS, PROFESSIONS &  
ECONOMIC DEVELOPMENT  
EDUCATION  
GOVERNMENTAL ORGANIZATION  
VICE CHAIR  
VETERANS AFFAIRS

SENATOR DENHAM@SEN.CA.GOV  
WWW.SEN.CA.GOV/DENHAM

# California State Senate

SENATOR  
JEFF DENHAM  
TWELFTH SENATE DISTRICT



SELECT COMMITTEES  
ASIAN PACIFIC RIM ECONOMIC DEVELOPMENT  
BAY AREA SUSTAINABLE DEVELOPMENT &  
ECONOMIC PROGRESS  
CALIFORNIA'S HORSE RACING INDUSTRY  
CALIFORNIA'S WINE INDUSTRY  
HIGH SCHOOL GRADUATION  
INTERNATIONAL BUSINESS TRADE

SUBCOMMITTEE  
BUSINESS, PROFESSIONS & ECONOMIC  
DEVELOPMENT SUBCOMMITTEE ON  
ECONOMY, WORKFORCE PREPARATION &  
DEVELOPMENT

March 3, 2008

Carl Artman, Assistant Secretary for Indian Affairs  
U.S. Department of Interior  
1849 C Street, NW, Room 4160  
Washington, D.C. 20240

Dear Mr. Artman:

On behalf of my constituents in the Central Valley and on the Central Coast, I am requesting that you carefully review any proposed tribal-state gaming compacts in our region outside of a tribe's existing reservation or indigenous lands. I have met with many tribal leaders throughout the state and they too share these concerns about proposed off-reservation gaming.

G-51.1

As you know, California voters approved Proposition 1A in 2000 and Proposition 5 in 1998 which, with the goal of promoting tribal self-reliance, legalized gaming on tribal government lands in California where that gaming conformed with the Indian Gaming Regulatory Act (IGRA). Since then, some California Tribal Nations have been approached by out-of-state professional casino operators with the promise of more lucrative gaming ventures if the tribe were to move to an area better suited to the needs of the casino. This has led to some cases in which tribes are attempting to take land purchased by these out-of-state casino operators into trust for the purposes of gaming outside of their existing reservation or indigenous lands and this, in my opinion, would clearly violate the intent of the voters in approving Propositions 1A and 5.

G-51.2

Your agency is required to follow the standards set forth in IGRA by not allowing tribal gaming outside of a tribe's existing reservation or indigenous lands. Again, on behalf of my constituents in the Central Valley and on the Central Coast of California, many of whom voted for Propositions 1A and 5, I ask you to seriously review any proposals for tribes wishing to move their gaming operations outside of that tribe's existing reservation or indigenous lands.

G-51.3

Thank you for your consideration. If you wish to discuss my concerns directly with me, please contact me at (916) 651-4012.

Sincerely,

JEFF DENHAM  
Senator, District 12

STATE CAPITOL, ROOM 3076  
SACRAMENTO, CA 95814  
(916) 651-4012  
19161 445-0773 FAX

REPRESENTING MADERA, MERCED, MONTEREY, SAN BENITO AND STANISLAUS COUNTIES

1291 8TH STREET, #175  
MERCED, CA 95354  
(209) 877-6592  
(209) 577-4953 FAX

358 MAIN STREET, #208  
SALINAS, CA 95301  
(831) 769-2343  
(831) 769 8088 FAX

1040 N STREET, #210  
MERCED, CA 95340  
(209) 728-5495  
(209) 728-5498 FAX

**COPY**

G-52

STATE CAPITOL  
P.O. BOX 942819  
SACRAMENTO, CA 94249-0059  
(916) 319-2056  
FAX (916) 319-2169  
DISTRICT OFFICE  
5 IMPERIAL HIGHWAY  
SUITE 210  
NORWALK, CA 90650  
(562) 864-5800  
FAX (562) 863-7488  
WEBSITE  
www.assembly.ca.gov/mendoza

Assembly  
California Legislature



TONY MENDOZA  
ASSEMBLY MEMBER, FIFTY-SIXTH DISTRICT

COMMITTEES  
AGRICULTURE  
BANKING AND FINANCE  
ELECTIONS AND  
REDISTRICTING  
GOVERNMENTAL  
ORGANIZATION  
RULES

February 27, 2008

Mr. Carl J. Artman  
Assistant Secretary, Indian Affairs  
1849 C. St. NW, Rm. 4160  
Washington, D.C. 20240

Mr. Artman:

I am asking that the U.S. Department of Interior reject the proposed move of the North Fork Rancheria from their original Rancheria in the Sierra foothills approximately 50 miles away to Highway 99.

G-52.1

As a legislator representing Los Angeles, I have serious concerns regarding the precedent this move would have for the communities in my district. As a member of the Assembly Governmental Organization Committee, with jurisdiction over gaming in the state of California, I also have concerns regarding the precedent this move would have for the state.

G-52.2

Moving the North Fork Rancheria from their existing rancheria in the Sierra foothills to the busy Highway 99 corridor is an obvious move by an investor, in this case one based in Las Vegas, to get the greatest financial return possible. This was not the purpose of Tribal gaming in California. The purpose behind Tribal gaming was to create self-reliant Tribal governments on their reservations and rancherias.

If this precedent of allowing Tribes to move across our state based upon the best return for investors is allowed, the reason for restricting Class III gaming to Tribes is diminished if not destroyed. If this precedent is allowed, then why would the state not just open Class III gaming to all investors who can bankroll a gaming operation in a lucrative market? This is not what the voters of California had in mind when they passed Proposition 1A and we cannot allow it now.

G-52.3

If North Fork is allowed to move off of their original rancheria to a more lucrative market, where will the next Tribes be moved? As the representative of an urban area with a potentially lucrative market for Tribal gaming, I fear that it will only be a matter of time until the investors begin trying to move Tribes into the Los Angeles metropolitan area. As you well know, there are already a number of Tribes that are speaking with local governments in Los Angeles and Orange Counties seeking land.

For these reasons, I ask you to reject the proposal to move the North Fork Rancheria off of their existing land to Highway 99.

G-52.4

Sincerely,

TONY MENDOZA

G-53

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0029  
(916) 319-2029  
FAX (916) 319-2129

Assembly  
California Legislature



MICHAEL N. VILLINES  
ASSEMBLY REPUBLICAN LEADER  
ASSEMBLYMEMBER, TWENTY-NINTH DISTRICT

DISTRICT OFFICE  
3245 N FRESNO STREET  
SUITE 108  
FRESNO, CA 93710  
(559) 446-2029  
FAX (559) 446-2028

February 8, 2008

Governor Arnold Schwarzenegger  
State Capitol  
Sacramento, CA 95814

Dear Governor Schwarzenegger:

I am writing to express my concern over the potential direction tribal-state gaming is heading in California. At issue is the approval of gaming compacts for tribes that do not have Indian land over which they exercise jurisdiction, as required by the Indian Gaming Regulatory Act (IGRA), commonly referred to as "off-reservation" gaming.

When proposition 1a was passed in 2000 it authorized gaming on Indian Lands in California as long as the gaming conformed to IGRA. The public supported Indian gaming on Indian land. They did not support the unbridled expansion of gaming on land NOT included within a Tribe's historical homeland or held in trust for the purpose of gaming.

G-53.1

Tribal self-reliance is an important and worthy goal. However the move to expansion of gaming outside historical lands at the direction of out of state, for profit casino operators does not reflect the intent of the citizens of California. Self reliance for California's Tribes should not be trumped by the quest for enormous profits to out of state casinos.

I strongly urge your administration to act responsibly and continue to adhere to the standards set forth in IGRA and to support the will of the voters to only allow tribal gaming on historical lands and land held in trust for the purpose of gaming.

G-53.2

Thank you for your time and consideration of my concerns as you address the issue of Indian gaming expansion. Please do not hesitate to contact me if you have any questions.

Most Sincerely,

Michael N. Villines  
Assembly Republican Leader  
29<sup>th</sup> District

STATE CAPITOL  
P.O. BOX 842840  
SACRAMENTO, CA 94249-0026  
(916) 319-2028  
FAX (916) 319-2128  
DISTRICT OFFICES  
4557 QUAIL LAKES DR., SUITE C-3  
STOCKTON, CA 95207  
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Assembly  
California Legislature



GREG AGHAZARIAN  
ASSEMBLYMEMBER, TWENTY-SIXTH DISTRICT

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PORTS  
THE FUTURE OF FARMING IN  
CALIFORNIA  
HATE CRIMES  
SUBCOMMITTEE  
SEXUAL HARASSMENT PREVENTION  
AND RESPONSE

February 27, 2008

Carl Artman  
Assistant Secretary, Indian Affairs  
1849 C. St. NW, Rm 4160  
Washington, D.C. 20240

Dear Mr. Artman:

It has come to my attention that the North Fork gaming compact is seeking to utilize land more than 40 miles away from their federally-recognized land in the Sierra foothills to a sight on Highway 99 in the city of Madera.

In 2000, Californians overwhelmingly passed Proposition 1A authorizing gaming on Indian lands as long as gaming remained on existing tribal land. This request by the North Fork Tribe is contrary to 1A and also to the Indian Gaming Regulatory Act (IGRA) which mandates that prior to engaging in tribal government gaming, the Tribe must have Indian lands over which the Tribe exercises governmental jurisdiction.

G-54.1

Tribal self-reliance is an important and honorable goal. However, the move to expansion of gaming outside a tribe's existing gaming-qualified reservation is not what California voters intended.

I strongly urge your administration to act responsibly and continue to adhere to the standards set forth in IGRA and to support the will of the voters to only allow tribal gaming on existing reservations where that land is also held in trust for the purpose of gaming.

G-54.2

Thank you for your serious consideration of this issue. Please do not hesitate to contact me if you have any questions.

Best regards,

GREG AGHAZARIAN

Feb. 21. 2008 5:53PM



Picayune Rancheria  
of the

No. 4492

G-55

## CHUKCHANSI INDIANS

46575 Road 417 • Coarsegold, CA 93614 • (559) 683-6633 • FAX (559) 683-0599

Amy Dutschke,  
Acting Regional Director  
Pacific Region, Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

February 21, 2008

Dear Ms. Duschke:

This letter is to request an extension of the time for commenting on the Draft Environmental Impact Statement for the North Fork Rancheria's Proposed 305 Acre Trust Acquisition and Hotel/Casino Project in Madera County, California ("DEIS"). The notice published in the Federal Register on February 15, 2008 provides for a limited 45 day comment period with comments due on March 31, 2008. The Bureau of Indian Affairs ("BIA") will hold one public hearing on March 12, 2008 from 6-9 PM per the Federal Register notice referenced above.

G-55.1

The Picayune Rancheria of the Chukshansi Indians (the "Tribe"), an interested party that will be significantly impacted by this project, requests that the comment period be extended for an additional 120 days. The Tribe also requests the BIA schedule additional public hearings on the project between now and mid June. These requests are consistent with how the BIA is handling the environmental review process associated with similar projects (off reservation fee to trust acquisitions for gaming purposes).

This project is similar in size and description to the Cascade Locks Resort and Casino proposed by the Warm Springs Tribe in the City of Cascade Locks, Oregon. Both projects require section 20 approvals for off reservation acquisitions; both projects are large facilities that include resort and casino features with at least 200 hotel rooms. The Warm Springs project will include parking for 3,700 vehicles, the North Fork project with include parking for 4,500 vehicles (and is directly off an over congested freeway in one of the worst air quality areas of the nation). These projects have comparable impacts to surrounding communities and nearby Indian tribes and therefore should be treated similar as to the environmental review process. The BIA set a May 15, 2008 date for written comments and scheduled five hearings on the Warm Springs project. This is contrary to the fast track schedule set forth above for the North Fork project.

G-55.2

In order to allow for meaningful participation in the environmental review process for the North Fork DEIS the BIA must extend the comment period for an additional 120 days and hold additional hearings to provide an adequate opportunity to be heard. The BIA owes the Tribe a fiduciary duty to protect its interests in its trust land as to environmental and socioeconomic impacts. If an adequate opportunity to review and comment on the DEIS is denied it will be a breach of the BIA's trust obligation to California tribes.

G-55.3

The Picayune Rancheria respectfully requests that the BIA extend the comment period an additional 120 days and hold at least 3 additional hearings between now and mid-June 2008. Thank you for your consideration of this matter, we look forward to your response.

G-55.4

Sincerely,



Morris Reid  
Chairman

Cc: Carl Artman  
John Rydzik



Chris Rock  
George Lopez  
Bill Engvall

Back for more  
Chris West with  
John Stabily

# The Fresno Bee

fresnobee.com

LATE FINAL EDITION

TUESDAY, MARCH 4, 2008

## Proposed Indian casino does not belong on Highway 99

Public should make concerns heard at upcoming hearing.

A hearing on the draft environmental impact statement for a new Indian casino proposed for Madera County will let the public comment on whether this mega-gambling site should be built on Highway 99 just north of Madera. We continue to oppose this project for two main reasons: It's an off-reservation casino and its Highway 99 location would soon make it a congested urban area.

We have long supported Indian gaming on tribal land in rural areas. But the proposal by the North Fork Rancheria of the Mono Indians does not meet that basic standard.

If the casino and resort are built on the 305-acre site, they will create urban traffic, air quality problems and stretch an inadequate infrastructure.

Highway 99 is a major north-south artery in this state and it would bring faraway traffic to the casino. While that would be good for casino operators, it would create many unintended problems for residents living throughout the region.

When voters approved expanded Indian gaming, they envisioned the gambling operations in rural areas and on land the tribes already owned.

As we have said previously, we are sympathetic to the plight of the North Fork tribe.

The North Fork tribe lost its original rancheria decades ago after the federal government terminated recognition of 41 Cal-

ifornia rancherias. The government years later settled a lawsuit by restoring the status of the tribes.

But in the case of North Fork, the rancheria was transferred to individuals and the tribe itself was "landless." The tribe later purchased about 60 acres near North Fork for housing and a community center.

That land isn't suitable for a casino, so the tribe want reservation shopping. Instead of finding land in a rural area that would meet the objections of most, the North Fork Rancheria decided to push for a Highway 99 casino.

No matter how the proponents dress up this project, it's still in the wrong place.

We hope the public hearing on March 12 is not just a sham to get the environmental study completed.

The Bureau of Indian Affairs, which is on course to approve the project, should actually listen to opponents of this project. They are correct in their contention that this casino and resort shouldn't be built on Highway 99.

The North Fork Rancheria's proposal would be welcomed if it were in the proper location. It would generate much-needed jobs for the region and revenue for Madera County and the tribe.

But money and jobs don't magically make this a good location for a casino and 200-room hotel. This is a bad bet for the entire region.

► Tell us what you think. Comment on this editorial by going to <http://www.fresnobee.com/opinion>, then click on the editorial.



**PICAYUNE RANCHERIA  
OF THE  
CHUKCHANSI INDIANS**

G-56

46575 Road 417 • Coarsegold, CA 93614 • (559) 683-6633 • FAX (559) 683-0599

March 31, 2008

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

Re: Written Comments on the Scope and Implementation of the Draft Environmental Impact Statement for the North Fork Rancheria's Proposed 305 Acre Trust Acquisition and Hotel/Casino Project, Madera County, California.

Dear Ms. Dutschke:

This letter and the enclosed attachments provides the written comments of the Picayune Rancheria of the Chukchansi Indians ("PRCI") concerning the scope and implementation of the Draft Environmental Impact Statement for the North Fork Rancheria's proposed 305 acre trust acquisition and hotel/casino project, Madera County, California ("DEIS" or "the Project"), described in the Federal Register on February 15, 2008 (Volume 73, number 32, page 8898-8899. The Federal Register Notice is attached hereto as Exhibit 1.

## National Environmental Policy Act

As you are aware, the National Environmental Policy Act ("NEPA") (42 USC 4332, et seq.) and the regulations promulgated pursuant thereto (particularly 40 CFR § 1506.6) require the lead federal agency provide an opportunity for the public to comment on the DEIS. Federal law requires the lead federal agency to notify the public of the proposed action, allow an opportunity to comment meaningfully on the proposed action and then consider the comments.

The DEIS (with the exception of Appendix P to the DEIS) was made available for review by the public on February 15, 2008. Appendix P to the DEIS was located at the office of the BIA under a separate cover, and PRCI did not receive a copy until March 4, 2008, more than two full weeks from the date the DEIS was released. The DEIS consists of four volumes with over 1000 pages. The public comment hearing was held on March 12, 2008 in the Hatfield Hall, Madera District Fairgrounds, Madera, California. Given the serious environmental impacts of

G-56.1

the proposed project, the heightened public interest and the volume and complexity of the DEIS, the lead agency did not provide the public adequate time to review and comment on the DEIS.

PRCI submitted a letter to the Bureau of Indian Affairs ("BIA") on February 25, 2008 (attached hereto as Exhibit 2) requesting additional time for public comment on the DEIS. The BIA responded on March 7, 2008 (attached hereto as Exhibit 3) recognizing PRCI's concerns as to the project, and noted that PRCI raised the concern that the Project was being treated differently than a similar Project in the state of Oregon, the Cascade Locks project. The BIA replied stating that there are distinctions between the Cascade Locks Project and the Project proposed by North Fork. PRCI would like to note that 300 people attended the first public hearing for the Cascade Locks Project and over 800 people were either present or attempted, but were turned away, from attending the hearing on the North Fork project.

Although the Cascade Locks Project involves impacts on two states, the North Fork Project involves impacts to at least four tribes. The BIA has a trust responsibility to each of these tribes, and this Project proposes significant adverse economic impacts not only to tribal casinos in the area, but the tribal programs put in place through casino revenues.

Even though the Portland metropolitan area is significantly larger than Madera, there are large metropolitan areas all along SR 99 to the immediate south and north of the Project location. The highway is a major thruway connecting northern and southern California with some of the heaviest traffic, and the worst air quality in the nation.

Although the Cascade Locks Project may impact the Columbia River Gorge, the North Fork Project has a potential to impact Sequoia-Kings Canyon National Park. There is heightened public interest in this project, and the potential adverse impacts should be carefully examined, and the surrounding communities and nearby tribes given an adequate opportunity to provide meaningful comments.

## **THE MADERA COUNTY PUBLIC HEARING**

The public hearing held at Hatfield Hall, Madera County Fair Grounds failed to provide the public a meaningful opportunity to be heard to the satisfaction of NEPA. 40 C.F.R. § 1506.6, a regulation enacted by the Council on Environmental Quality ("CEQ") setting out NEPA's requirements, provides in relevant part:

Agencies shall:

(a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures;

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G-56.1

G-56.2

(b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected; ...

(c) Hold or sponsor public hearings or public meetings whenever appropriate.... Criteria shall include whether there is:

(1) Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing....

In addition, 40 C.F.R. § 1503.1 requires: "After preparing a draft environmental impact statement and before preparing a final environmental impact statement the agency shall ... request the comments of ... Indian tribes, when the effects may be on a reservation."

These regulations *mandate* public participation, and their importance has repeatedly been emphasized by the courts. The Ninth Circuit will "strictly interpret the procedural requirements in NEPA and the CEQ regulations to the fullest extent possible consistent with the policies embodied in NEPA.... Grudging, pro forma compliance will not do." *Churchill County v. Norton* (9th Cir. 2001) 276 F.3d 1060, 1072 (internal citations omitted). The lead agency must take a "hard look" at the environmental consequences of the proposed action "objectively and in good faith – not as an exercise in form over substance, and not a subterfuge designed to rationalize a decision already made." *Montana Wilderness Ass'n v. Fry* (D. Mont. 2004) 310 F.Supp.2d 1127, 1143 (quoting *Metcalf v. Daley* (9th Cir. 2000) 214 F.3d 1135, 1142). The twin keys to NEPA compliance are "informed decision-making and informed public participation." *California v. Block* (9th Cir. 1982) 690 F.2d 753, 767.

cont.  
G-56.2

An agency that inadequately considers public comments has violated NEPA. As an example, the 2001 case of *Idaho v. U.S. Forest Service* (D. Idaho) 142 F.Supp.2d 1248, concerned a new Forest Service program for road less areas. The court held that the Forest Service had not given the public an opportunity to comment meaningfully on its DEIS and Proposed Rule, thereby violating NEPA. *Id.* at p. 1261-62. The Forest Service had allowed 69 days for public comment after releasing its 700-page DEIS and Proposed Rule. *Id.* at p. 1252. Even though 1.6 million public comments were received and multiple public meetings were held, the court found that the public participation procedure was still inadequate for the scope of the proposed action. *Id.* at p. 1261. The Forest Service was unprepared at the public meetings to address the public's questions and concerns, and it denied or ignored numerous requests to extend the public comment period. *Id.* All public meetings were held within 12 business days of the end of the comment period, many comments were received during the final week allowed, and no responses were given. *Id.* The court noted that by all appearances, the Forest Service was using the process "to rationalize or justify decisions already made." *Id.* at p. 1261. The procedural violations of NEPA's public participation requirements satisfied the court that it

would be warranted in halting implementation of the Forest Service's Proposed Rule. *Id.* at 1262-63.

The BIA's procedures for public participation in the instant matter have been similarly inadequate. The public hearing was held on March 12, 2008 in the Hatfield Hall at the Madera County Fairgrounds in Madera, California. First, the supporters of the Project were provided "reserved seating" at the public hearing while the general public was provided general seating, left standing, or locked out of the hearing altogether. In effect, if an individual supported the Project they not only were given access to the hearing but also a reserved seat.

Second, proponents of the Project were allowed to complete their public comments while members of the public were not. At the beginning of the hearing, the hearing officers informed those in attendance (those that had been allowed into the hearing facility) that comments were to be limited to three minutes. This rule was not enforced with regard to the proponents of the Project. Proponents of the Project were allowed to complete their comments without regard to time. Thereafter, the general public was limited to the 3-minute comment period.

Third, the hearing began at 6:00 p.m. while a majority of the members of the general public waited for admission to the hearing outside Hatfield Hall.

Fourth, on the afternoon of the hearing, the North Fork Rancheria Chairwoman notified the listening public on a radio talk show broadcast in Madera County that the public should not attend the public hearing. (See Fresno Bee Blog and comments at Exhibit 4).

Fifth, the attorney for the North Fork Rancheria verbally accosted a representative of PRCI by screaming that it was North Fork's hearing, and questioning why PRCI representatives were at the public hearing. This was an attempt to prevent PRCI from bringing materials into the hearing to be used during the public comment period concerning the Project.

Sixth, approximately 800 people packed Hatfield Hall at the Madera District Fairgrounds (See Exhibit 4). However, hundreds of individuals who wanted to attend the public hearing were turned away and not allowed to participate in the hearing. These individuals were turned away as the location for the public hearing could not accommodate the tremendous turnout of public participants interested in the Project.

Seventh, due to the inadequate accommodations of Hatfield Hall, the number of persons in attendance, and the late hour to which the hearing extended, many (hundreds) members of the public left before they had an opportunity to be heard on the record at the public hearing.

Finally, a further serious matter concerning the public hearing held on March 12, 2008 at the Hatfield Hall at the Madera District Fairgrounds and the transcript of that public hearing has arisen. Representatives of PRCI have been informed that a portion of the transcript, which is

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G-56.2

G-56.3

unavailable to the public, has been prepared and made available to the North Fork Rancheria concerning the testimony given by Dora Jones, Vice Chairperson of the PRCI concerning the proposed project. The transcript was utilized by representatives of the North Fork Rancheria to lobby support for the proposed project and request public comment letters be submitted before March 31, 2008. The public was not provided access to the hearing transcripts prior to the March 31, 2008 date. As you are aware, the transcript is the property of the BIA, not of the North Fork Rancheria, and the written comment period with regard to the scope and implementation of the proposed project set forth in the Federal Register published February 15, 2008 (Volume 73, No. 32) ends on March 31, 2008. The transcript will not be available to the public until after that date. (A copy of the letter to Amy Dutschke dated March 28, 2008 concerning this matter is attached hereto as Exhibit 5).

cont.  
G-56.3

The facts outlined above demonstrate the inadequate nature of the BIA's public-comment process. The BIA has not done everything possible to ensure that the public's concerns are given due consideration. Rather, it has done the bare minimum, which has been clearly insufficient given the degree of public concern over the Project and the size and complexity of the DEIS. The preferential treatment to the project's proponents, several instances of actual *discouragement* of public participation, and the BIA's incapacity or unwillingness to address the concerns of countless citizens who cared enough about the Project to attend the public hearing – this pattern suggests that the BIA's process has been merely a “grudging, pro forma” exercise that will be used to justify decisions already made.

G-56.4

In light of the manner in which the hearing was conducted, the PRCI requested additional public hearings to receive comments on the DEIS, and requested that the time by which to submit written comments be extended by 120 days from March 31, 2008. These requests were denied. Accordingly, the Picayune Rancheria of the Chukchansi Indians again requests additional public hearings to receive comments on the DEIS, and requests that the time by which to submit written comments be extended by 120 days from March 31, 2008.

G-56.5

G-56.6

### **THE POTENTIAL IMPACTS OF THE CASINO CANNOT BE ASSESSED DUE TO THE INADEQUATE PROJECT DESCRIPTION**

The DEIS is required to assess all potential impacts of the proposed action on the quality of the human environment and to disclose that information to the public. The EIS is required to provide a detailed description of the proposed action and alternatives to the proposed action including the no action alternative. The proposed action includes the trust acquisition for gaming purposes and the approval by the National Indian Gaming Commission (NIGC) of a management contract. The foreseeable consequences of the proposed action will be the development of a hotel and casino complex with associated support facilities on the 305-acre parcel of land to be put into trust.

G-56.7

NEPA requires the lead federal agency, in this case the BIA, to review and analyze the potential environmental consequences associated with the proposed action and the alternatives. The proposed casino and hotel resort would include a main gambling hall, food and beverage facilities, including a buffet, six bars, three restaurants, and a five-tenant food court. The resort would include a multi-story hotel with 200 rooms, a pool area and a spa. Approximately 4,500 parking spaces would be provided for the casino/hotel resort with 2,000 of those spaces within a multi-level parking structure. The building program sets forth the square footage for each element of the proposed Project as follows:

#### Building Program

| <b>Element</b>       | <b>Square Footage</b> |
|----------------------|-----------------------|
| Casino               | 171,630               |
| Retail               | 1,185                 |
| Food and Beverage    | 67,365                |
| Entertainment        | 7,000                 |
| Hotel                | 207,680               |
| Spa                  | 16,850                |
| <b>Central Plant</b> | <b>21,300</b>         |
| <b>Total</b>         | <b>493,010</b>        |

cont.  
G-56.7

The proposed Project assumes the facility to be sized to MAXIMIZE the potential of its gaming, lodging and retail functions. The DEIS describes in great detail the use of the proposed development including the precise square footage of each element in the Building Program. However, the DEIS fails to provide a detailed description of the most critical elements of a casino, the number of slot machines and table games. Nowhere in the proposed action section of the DEIS is there a detailed description of the number of slot machines and/or table games to be installed in the casino. Without this information it is impossible to assess all of the potential impacts of the proposed action on the quality of the human environment. As the number of slot machines and table games increases so do the potential impacts of the proposed action.

The only disclosure contained in the description of the proposed action is the assumption that the facility is sized to maximize the potential of its gaming, lodging and retail functions. Accordingly KlasRobinson QED was requested to determine the number of slot machines and table games consistent with the assumption that the casino would be sized to MAXIMIZE its potential (see Exhibit 6). KlasRobinson's analysis determined that the proposed casino could accommodate 3,500 slot machines and 100 table games.

However, Section 6: Alternative D set forth in Appendix R of the DEIS contains the following statement: "Instead of the 2,000 slot machines and 60 table games analyzed at the Highway 99 site, this option would only have 225 slot machines and 6 tables". Further, The

Request for a Secretarial Two Part Determination Submitted by the North Fork Rancheria of Mono Indians states,

"The Tribe has prepared pro forma financial statements which are based on what the Tribe currently considers to be reasonable assumptions, including the assumptions that (i) the Facility will operate 2000 Class III gaming devices, (ii) the average win per unit will be per day, and (iii) the revenues will increase by 5% in year two and 3% thereafter. However, if any of those or other assumptions is altered, it could effect the projections.

This request was received by the BIA on March 29, 2006. Appendix R to the DEIS was prepared in October of 2005. (Attached hereto is a copy of the North Fork Rancheria of Mono Indians of California Fee-to-Trust Application as Exhibit 7, a copy of the Environmental Impact Scoping Report as Exhibit 8, a copy of the March 19, 2008 response to the FOIA request dated January 28, 2008 as Exhibit 9 and a copy of the March 24, 2008 partial response to the Freedom of Information Act (FOIA) requests as Exhibit 10).

cont.  
G-56.7

As such, the potential impacts on land resources: water resources; including surface water, drainage, flooding, ground water and water quality; air quality; biological resources; including vegetation and wild life; cultural and paleontological resources; socioeconomic conditions and environmental justice (see below); traffic; land use; agriculture; water supply, waste water, solid waste, electric, natural gas, telecommunications, public health and safety; schools; noise; and visual resources have not been properly analyzed, and in fact have been understated. It is clear that the assessment of the potential impacts of the proposed Project on the quality of the human environment is inadequate and incomplete. The BIA must revise and re-circulate the DEIS.

G-56.8

The operation of 3500 or more slot machines, as opposed to 2,000, is consistent with the recent actions of the State of California. Since August of 2004 the State, through the Tribal State Compact process, has agreed to an unlimited number of slot machines in tribal gaming facilities. (See Exhibit 11, the Amendment to the Tribal State Compact Between the State of California and the United Auburn Indian Community). Prior to August of 2004, the maximum number of slot machines authorized in a Tribal State Compact was 2,000.

Accordingly, the operation of a casino with 3,500 slot machines and 100 table games was not the basis upon which the potential impacts of the proposed Project were analyzed. However, it appears that the potential impact of the proposed Project was predicated on the operation of a casino with 2,000 slot machines and 60 table games. As such, the potential impacts on land resources: water resources; including surface water, drainage, flooding, ground water and water quality; air quality; biological resources; including vegetation and wild life; cultural and paleontological resources; socioeconomic conditions and environmental justice; traffic; land use; agriculture; water supply, waste water, solid waste, electric, natural gas, telecommunications, public health and safety; schools; noise; and visual resources have not been properly analyzed. It

G-56.9



is clear that the assessment of the potential impacts of the proposed Project on the quality of the human environment is inadequate and incomplete. The DEIS must be revised and re-circulated. Because Alternative A supports maximizing the revenues of the gaming facility, and the mitigations for Alternative A do not limit the size of the gaming floor or the number of slot machines and table games the gaming facility may offer, the impact analysis for Alternative A should assume that the gaming facility will put in as many slot machines and table games as the market will bear.

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G-56.9  
G-56.10

G-56.11

PRCI has been advised that the Governor of the State and the North Fork Rancheria have concluded the negotiation of a Tribal State Compact. Yet, North Fork does not and has not provided a copy of the negotiated compact to the public. The question to ask: "What is the basis of the analysis of the potential impacts in the DEIS"? Alternative A of the Proposed Project does not provide any information addressing this issue. Why not? Why is the number of slot machines in the casino being hidden? Please obtain a copy of this compact in order to accurately access the project description and hence the potential impacts of this proposed project. This information must be included in the DEIS in order to allow the public an opportunity to provide meaningful comments and for informed decision-making by the lead agency.

G-56.12

### ENVIRONMENTAL JUSTICE

The DEIS includes an analysis of the environmental justice impacts of Alternative A. The environmental justice impacts analyzed include an analysis of the impacts on competing Indian gaming facilities, including the facility operated by this commenter, the Picayune Rancheria of the Chukchansi Indians (the Chukchansi Gold Resort & Casino or CGRC), as well as the Table Mountain Rancheria (Table Mountain Casino), the Big Sandy Rancheria (Mono Winds Casino), the Tachi Band of Tokuts (The Palace), and the Tuolumne Band of Me-Wuk Indians (Black Oak Casino). The Innovations Group "gravity model" (See Appendix R of the DEIS) analysis finds, and the DEIS restates, that the impact on the competing Indian gaming facilities of Alternative A will include reductions in the gross revenues of CGRC of 20.4%, Table Mountain Casino 17.4%, The Palace 6.0%, and Black Oak 6.2%.

G-56.13

The DEIS is fatally flawed in this respect. The analysis set forth above cannot be done without knowing how many slot machines Alternative A would include. The failure of the Innovations Group analysis, and the DEIS, to clearly set forth this information renders the DEIS inadequate.

Nevertheless, working solely with the information provided in the DEIS, PRCI questions the conclusions reached. The EIS sets forth at 4.7.2, based on Appendix R, that despite the decline in revenues projected for the competing Indian gaming facilities, "the impact on the viability of operations is not one that jeopardizes the casino's ability to remain open." The DEIS goes on to frame the Innovations Group analysis as a "worst case scenario," (although the Innovations Group analysis itself clearly states that these are the anticipated impacts) for the

G-56.14

competing Indian gaming facilities (which is not borne out by the information set forth by PRCI herein), and concludes: “[A]ll of the facilities are expected to remain open and to continue to generate sustainable profits for their tribal owners. Therefore, disproportionately high and adverse effects to competing tribes would not occur and a less than significant environmental justice effect would result.”

There is no analysis included in the DEIS or Appendix R through which PRCI is able to determine how Innovations Group reached its conclusion that CGRC would be able to stay open despite losing over 20% of its gross revenues. Also, the Innovations Group analysis merely states that the CGRC will be able to remain open, it does not state that the CGRC will “continue to generate sustainable profits” for PRCI under Alternative A, this language was apparently added by the preparers of the DEIS, and there is no information which suggests how this conclusion was reached.

The DEIS does not set forth the standards by which these factors are being analyzed. It concludes that disproportionately high and adverse effects to competing tribes have not occurred based on an analysis that simply states that the competing gaming facilities will be able to remain open, and based on a conclusion that the competing gaming facilities will be able to generate sustainable profits for their tribal owners (that is without any basis in the analysis). If a competing gaming facility is able to stay open, does that necessarily lead to the conclusion that there is no disproportionately high and adverse effect? If a competing gaming facility is able to generate a profit, any profit at all, even \$1, is that sufficient to lead to the conclusion that there is no disproportionately high and adverse effect? The DEIS does not answer these questions. The environmental justice analysis is filled with conclusions, but no suggestion of an analysis or the standards against which the impacts are being measured that leads to the conclusions.

As set forth above, however, there is an oblique reference in the Innovations Group analysis that strongly suggests that the Alternative A analysis conducted by Innovations Group presumed 2000 slot machines and 60 table games. This is supported by information obtained by PRCI through a Freedom of Information Act request and referenced above.

Assuming, therefore, that the projected decline in revenues of the competing Indian gaming facilities is based on 2000 slot machines in Alternative A, the next question is what happens to the competing Indian gaming facilities if Alternative A results in a gaming facility at the Alternative A site of 3500 or more slot machines? There is no limit in the mitigations identified in the DEIS for Alternative A on the number of slot machines or table games the North Fork Rancheria may place in the casino. Therefore, for purposes of the analysis of the environmental justice impacts, an analysis based on 2000 slot machines and 60 table games is fundamentally and fatally flawed, because the impact on the competing Indian gaming facilities will be much greater on the neighboring tribes if Alternative A includes more than 2000 slot machines.

cont.  
G-56.14

G-56.15

PRCI requested KlasRobinson to review the impacts on gross revenues of the CGRC of the proposed gaming facility at various sizes. KlasRobinson concluded as follows:

**Percentage Reduction in Gross Revenues of CGRC if  
North Fork Rancheria Opens a Gaming Facility at the Highway 99 Site**

|                                    |        |
|------------------------------------|--------|
| 2,000 slot machines and 60 tables  | -22.2% |
| 2,500 slot machines and 75 tables  | -25.1% |
| 3,000 slot machines and 90 tables  | -27.7% |
| 3,500 slot machines and 100 tables | -30.0% |
| 4,000 slot machines and 125 tables | -32.4% |

G-56.16

This chart demonstrates that the DEIS' representation of the 20.4% reduction in gross revenues of CGRC as a "worst case scenario" is hardly accurate. KlasRobinson, a recognized expert in this field, found that the size of the gaming floor proposed under Alternative A could accommodate 3,500 slot machines, and that does not even take into account that the DEIS does not limit the size of the gaming floor, so it could be expanded after the land is taken into trust and before construction even begins, nor does it take into account that the footprint of the proposed gaming facility under Alternative A uses just over 100 acres of a proposed fee to trust acquisition of 305 acres.

**RESULTS OF THE ECONOMIC IMPACTS ON  
THE CHUKCHANSI GOLD RESORT & CASINO**

The Innovations Group analysis included in the DEIS as Appendix R states, "It should be noted that even in the scenario where revenues at gaming facilities fall by 20%, the impact on the viability of operations is not one that jeopardizes its ability to remain open." PRCI has conducted its own analysis of the impact on CGRC of Alternative A, assuming the accuracy of the Innovations Group analysis (which is questioned above) (A copy of the North Fork Rancheria of Mono Indians Gaming Development Feasibility Analysis of March 2008 prepared by KasRobinson Q.E.D. is attached as Exhibit 6). A 20.4% decline in gross revenues is a very significant percentage, and almost any business would require significant restructuring if it suffered a permanent reduction of one-fifth of their gross revenues. CGRC is no exception. CGRC currently employs approximately 1300 employees, or full time equivalents ("FTEs"), and approximately 100 of them are members of the Picayune Rancheria of the Chukchansi Indians. We find that Alternative A would force CGRC to lay off approximately 570 FTEs in order to appropriately restructure its business model. We estimate that 155 of the FTEs laid off would be residents of the Coarsegold area. We would hope to not lay off any PRCI tribal members, but we could not assure that it could be avoided.

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Even with the restructuring described above, we believe that CGRC would be very close to violating the loan covenants with our investors. And, although CGRC might avoid going into

default, the fact that we would be so close to violating our loan covenants would significantly restrict our ability to raise future investment capital, which would further decrease our ability to compete in the new market established by Alternative A. It would also restrict our ability to distribute revenue to the Picayune Rancheria of the Chukchansi Indians Tribal government, the impact of which is further described below.

Appendix R of the DEIS states that 53% of the revenues of Alternative A will come from reductions to existing Indian gaming facilities operating in the market, this is appropriately referred to in the report as "cannibalization." All of the existing Indian gaming facilities in the region are built within the boundaries of their tribe's reservation, at the heart of their tribal community. Over half of the revenues and job creation provided by Alternative A would therefore be transferred from a tribal community to the non-Indian area of Madera County. Alternative A represents a transfer of \$92 million of economic activity, and a total loss of an estimated 1190 FTE's from tribal communities (\$32,000,000 payroll). This goes directly against the policy objectives of the 25 U.S.C. § 465 of the Indian Reorganization Act and the trust obligations of the Department of the Interior to the Indian tribes.

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The DEIS does not adequately analyze the socioeconomic impacts of Alternative A in another respect. A 20.4% reduction of gross revenues for CGRC, and a 17.4% reduction of gross revenues for Table Mountain Casino will result in significant reductions in employment at these Indian gaming facilities, and in their purchases of goods and services, and funds available for charitable and civic purposes. The DEIS is significantly flawed in that it fails to account for such losses, caused directly by Alternative A, in any way. This is an important aspect of the NEPA process, when the Innovations Group analysis clearly sets forth that it anticipates 53% of the revenues of the proposed gaming facility will be cannibalized from other Indian gaming facilities, it is extremely misleading to include numbers which show the job creation under Alternative A, and not to analyze the corresponding job losses. It is extremely misleading to show the benefits to the City of Madera, without analyzing the negative impacts on the Coarsegold area of the losses to CGRC, and the negative impacts on the Fresno/Friant area of the losses to the Table Mountain Casino.

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The analysis above presumes the veracity of the estimates set forth at Appendix R of the DEIS. As described elsewhere in our comments, Appendix R was apparently based on the assumption that Alternative A would consist of 2000 Class III slot machines and 60 table games, but we note that there is nothing in the DEIS which limits North Fork to 2000 slot machines. Indeed, the proposed gaming floor of Alternative A is capable of sustaining up to 3500 slot machines, and Alternative A does not actually limit North Fork from expanding the size of its gaming floor should it desire to do so. With 305 acres to work with, and currently designed a 105 acre footprint, there is plenty of room to grow. Given recent media reports there is also no reason to believe that Governor Schwarzenegger has any intention of limiting the number of slot machines in any compact which may be negotiated with the North Fork Rancheria for the operation and licensing of Class III slot machines.

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Therefore, we must also consider the possibility that North Fork will be operating 3000, 3500, or perhaps as many slot machines as its market can bear at the proposed Highway 99 site. Our analysis concludes that because of its location, if the North Fork Rancheria operates only 3500 slot machines CGRC will go into default on its loan covenants, and our investors could force the Chukchansi Gold Resort & Casino to close. If CGRC closes, it will mean the loss of all 1300 FTEs, including those held by Tribal members, and no revenues would be distributed to the Picayune Rancheria of the Chukchansi Indians to sustain the Tribal government. Even if the investors elected not to close CGRC, it would be operated with many fewer FTEs, and there would be no distributions to the Picayune Rancheria of the Chukchansi Indians Tribal Government.

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#### **RESULTS OF THE ECONOMIC IMPACTS ON THE PICAYUNE RANCHERIA OF THE CHUKCHANSI INDIANS TRIBAL GOVERNMENT**

If Alternative A is approved by the Bureau of Indian Affairs and North Fork operates 2000 Class III slot machines, it is our conclusion that distributions from CGRC to the Picayune Rancheria of the Chukchansi Indians would be limited to the bare minimum. The impact on the Tribal government would mean that most of the Tribe's future goals would be aborted. The goal of providing decent medical, dental and life insurance coverage for all of the Tribal members would never come to fruition. The goal of constructing a medical facility for Tribal members that might also serve the non-Indian community could not become a reality. Plans to move out of our collection of modulars into an administrative building would be canceled, as well as our goals to construct a senior center, youth center, Tribal school, Tribal library, and cultural museum. The Tribe's plan to build a fully functional housing community on Tribal lands would also not be possible. The current program to improve the nutrition of our Tribal elders would have to either be terminated or scaled back.

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If the BIA approves Alternative A, and North Fork operates approximately 3500 slot machines or more, it would mean all of the same as the above, and in addition the Tribe would be forced to terminate its Tribal member scholarship program through which Tribal members were able to receive assistance towards obtaining a post-high-school education. The current program providing utility assistance to Tribal elders would be terminated. The Tribal pre-school program would be closed. All other Tribal programs, including CCDF childcare, protection of the environment and natural and cultural resources, and representation of the Tribe under the Indian Child Welfare Act would be cut back to only the levels funded by other government agencies.

**THE POTENTIAL IMPACTS OF THE CASINO PROJECT AS SET FORTH IN THE DEIS ARE INADEQUATE AND THE DEIS MUST PROVIDE A MORE IN-DEPTH ANALYSIS AND BE RE-RELEASED FOR COMMENT**

Even assuming the Project were to maximize its gaming potential at 2000 machines and 60 table games, the environmental analysis set forth in the existing DEIS is wholly inadequate in its assessment of the potential significant impacts to the human environment. The DEIS fails to fully assess the public health, safety, air quality, water resources, biology, traffic, and land use implications of Alternative A, the proposed project. (See Analysis prepared by Risk Science Associates enclosed as Attachment 12).

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The DEIS does not fully assess the impacts of the Madera County 99 site as an existing agriculture site. Such agricultural sites typically contain carcinogenic chemicals in the soils that must be remediated. The DEIS states that a Phase I Environmental Site Assessment was completed, but a Phase II Environmental Site Assessment was not conducted. This does not follow standard practices for development of such sites. Additionally public health and hazardous material matters were not adequately considered. Appropriate mitigation cannot be determined without full information as to the potential contamination on site.

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Additional public health threats at the SR-99 site include its location close to a grain silo. This silo presents a risk of explosion. The explosion lethality radius could be as great as 600 feet, damage and injury could result in a radius as great as 7000 feet (1.3 miles), and the minimum evacuation distance could be as great as 7000 feet (1.3 miles) (See U.S Bureau of ATF January 2004 attached as Exhibit 13). The site also is in the landing and take off pattern of the Madera Municipal Airport. Therefore, a Safety Compatibility Zone assessment must be performed as per the California Airport Land Use Planning Handbook (CalTran 2002).

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The DEIS does not adequately describe potable water resources, nor does it provide sufficient information as to the treatment of wastewater. Water is California's most valuable resource and it is critical to have adequate information in front of decision makers as to source of both potable water and how wastewater will be treated. (See attached as Exhibit 14, Volume 3, Chapter 7, San Joaquin River Hydrologic Region California Water Update Plan).

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The traffic study prepared for the DEIS failed to address key issues, and not all of the findings in the report were included in the DEIS analysis. Some of the more critical issues concern no analysis developed for the time of the Casino's maximum operation hours; no on-site parking analysis; no analysis of construction traffic impacts; no clear impact significance criteria are listed in the DEIS, nor in the traffic study; no special adjustments were made to project volumes reflecting the operational impacts due to trucks that may be attracted from the S.R. 99 freeway into the project site; and there is no traffic monitoring mitigation program included in the DEIS. Issues included in the traffic study, but not discussed in the DEIS include 95<sup>th</sup>

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percentile queuing evaluation; signal warrant analysis; ramp widening/auxiliary lane threshold analysis; and turn lane storage analysis.

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Additionally the project could create significant growth inducing impacts that have not been properly examined in the DEIS. A large facility of this nature will require hundreds of employees, there will be hundreds of temporary construction employees, this will contribute to the increase in traffic, services, housing needs, and criminal activity. Despite referencing sufficient housing based on existing and proposed units the DEIS does not take the current economy into account to assess what will actually exist for the need of the potential growth caused by the project. Also the income of employees at the facility may limit housing options to multi-family units.

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The above concerns set forth some of the inadequacies in the DEIS. A more detailed analysis of the inadequacies and outstanding issues must be examined. (See Exhibit 12). The DEIS has many deficiencies. Exhibit 12 sets forth a detailed list of their deficiencies.

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#### **THE HISTORICAL HOMELAND OF THE NORTH FORK RANCHERIA OF THE MONO INDIANS**

The Indian Reorganization Act (the "IRA"), the Indian Gaming Regulatory Act "IGRA"), as well as Proposition 1A mandate that a gaming establishment be within the historical homelands of the North Fork Rancheria of the Mono Indians (North Fork). The IRA authorizes the Secretary of the Interior (the "Secretary") "in his discretion" to acquire land for Indians (25 USC § 465). The IRA was adopted in part to repudiate the allotment policy of the late nineteenth century, which resulted in the large-scale transfer of land out of Indian ownership. While the IRA authorizes the Secretary to acquire land for Indians, it did not authorize the Secretary to acquire land outside of a tribe's historic homeland in order to operate an off-reservation casino.

The legislative history of the IRA clearly demonstrates that Congress granted the Secretary the discretion to restore tribal lands that were lost through the allotment period when a tribe's existing land base was inadequate to support a tribal community in which tribal members can live and work. The acquisition of land outside of the tribe's historic homelands solely to allow for a tribe to own a casino is inconsistent with the congressional intent behind the IRA.

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The legislative history of the IRA demonstrates that 25 USC § 465 authorizes the Secretary to acquire lands to address the loss of tribal lands, resulting in poverty, and the disintegration of tribal communities. The legislative history of the IRA makes it clear that Congress intended the Secretary to acquire lands located within areas occupied by the tribe; i.e., near or contiguous to tribal reservation. The acquisition of land was authorized to restore tribal lands lost when necessary for rebuilding or revitalizing Indian communities where tribal

members could live and work. Acquisitions outside of the tribe's historic homeland were neither contemplated nor authorized.

The legislative history of the IRA clearly establishes Congress's intent to authorize the Secretary to acquire land near or contiguous to a tribe's reservation when a tribe lacks an adequate land base to support the Indian community. There is simply no support in the legislative history for the Secretary to acquire land outside of a tribe's historic homeland. In fact since the IRA was enacted in 1934 the Secretary has not acquired land outside of a tribe's historic homeland solely for a commercial business venture, let alone a casino. This is clearly set forth in the January 3, 2008 Guidance on Taking Off-Reservation Land into Trust for Gaming Purposes. (the "Guidance") (Attached hereto as Exhibit 15 is the January 3, 2008 Guidance). The Guidance discussion of "Core Principles" provides in part:

The policy of the IRA, which was just the opposite of allotment, is to provide a tribal land base on which tribal communities, governed by tribal governments, could exist and flourish. Consistent with the policy, the Secretary has typically exercised discretion regarding trust land acquisition authority to take lands into trust that are within, or close proximity to existing reservations.

Additionally, on March 7, 2000, the voters of the State of California authorized federally recognized Indian tribes to operate slot machines, lottery games, and banking and percentage games on the tribe's reservation. The purpose of Proposition 1A was to provide education, housing, healthcare, and jobs on tribal reservations. Nowhere was it authorized or contemplated that casinos would be established outside of the historic homelands of an Indian tribe. In fact the voters of California were told, "Proposition 1A and federal law strictly limit Indian gaming to tribal land. The claim that casinos could be built anywhere is totally false." (Attached hereto as Exhibit 16 is the March 7, 2000 Voter Information Guide concerning propositions 1A; attached hereto as Exhibit 17 is the December 8, 2004 letter from PRCI to Governor Schwarzenegger; attached as Exhibit 18 is the September 1, 2005 letter from Monteau & Peebles LLP to David A. Prentice, Madera County Counsel and attached, as Exhibit 19 is the January 25, 2005 letter from PRCI to David Kolkey.)

Finally, IGRA does not expand the authority of the Secretary to authorize off-reservation casinos beyond what the IRA authorized in 1934. IGRA mandates, when acquiring land into trust for gaming purposes, the Secretary must consider the effect of the gaming operation on other nearby Indian tribes. Specifically, the Secretary must determine that the gaming establishment on newly acquired lands would not be detrimental to the surrounding community, or nearby Indian tribes. This mandate of IGRA and the trust responsibility owed to the tribes requires the BIA reject this fee to trust application. The analysis in the DEIS at Appendix R provides that the Highway 99 location will reduce the revenue of the CGRC by 20.4%. Further, the proposed Highway 99 casino project will severely impact gaming facilities operated by the Table Mountain Rancheria, the Tuolumne Band of Me-Wuk Indians, the Big Sandy Rancheria of

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Mono Indians of California, and the Santa Rosa Indian Community. In fact 53% of the projected revenues of the Highway 99 gaming facility will be taken from other Indian gaming facilities resulting in a market share to these casinos. Accordingly the impact on other tribal gaming facilities is devastating.

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The Highway 99 location is outside the historical homeland of the North Fork Rancheria of Mono Indians. The Highway 99 location is the historical homeland of the Yokut, not the Mono. The historical homelands of the Mono are located approximately 40 miles east of the proposed casino site. The Yokut territory was not shared with the Mono nor did the Mono's have an annual cycle of migration to the San Joaquin Valley. Finally, the North Fork Mono's were not included in the 1851 Treaties. See the comments of Dr. Robert F. Manlove, attached as Exhibit 20.

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#### **THE DEIS DOES NOT INCLUDE ANY FEASIBLE ALTERNATIVES**

The alternatives section has long been considered the heart of an EIS. The range of alternatives evaluated must meet the proposed actions purpose and need. The Council on Environmental Quality (CEQ) Regulations (40 C.F.R. § 1502.14 (c)) requires review of a broad range of alternatives. The DEIS must describe the potential environmental impacts of the proposed action and alternatives in a comparative form, defining the issues and providing a basis for the decision makers choice. (See 40 C.F.R. § 1502.14; Forty Questions No. 1).

The CEQ NEPA Regulations at 40 C.F.R. § 1502.14 require agencies to:

- (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives, which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
- (c) Include reasonable alternatives not within the jurisdiction of the lead agency.
- (d) Include the alternative of no action
- (e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- (f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

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All reasonable alternatives must be "rigorously explored and objectively evaluated". An alternative may be feasible whether the applicant likes the option or not, and therefore must be considered if reasonable. If an alternative has been eliminated from detailed study on the basis of not being a reasonable alternative, than the EIS must explain the reasons for the elimination.

See 40 C.F.R. 1502.14(a); Forty Questions No. 2(a) and No. 1(a). "The action alternatives are the "heart" of an EIS. 40 C.F.R. § 1502.14. "The existence of a viable but unexamined alternative renders an environmental impact statement inadequate. An agency must look at every reasonable alternative, with the range dictated by the nature and scope of the proposed action, and sufficient to permit a reasoned choice." *Alaska Wilderness Recreation & Tourism Ass'n v. Morrison*, 67 F.3d 723, 729 (9th Cir.1995) (internal citations and quotation marks omitted). Applying the "rule of reason" standard, we find that the range of action." *Friends of Yosemite Valley v. Kempthorne*, -- F.3d --, 2008 WL 795334 (9th Cir 2008) (finding that the agency's range of alternatives was "unreasonably narrow because the alternatives were virtually indistinguishable from each other").

"An EIS must discuss "reasonable alternatives" to the proposed action. See 42 U.S.C. § 4332(2)(C)(iii); *City of Carmel*, 123 F.3d at 1155. Agencies must "[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." 40 C.F.R. § 1502.14(a). The "rule of reason" guides the choice of alternatives and the extent to which the EIS must discuss each alternative. *City of Carmel*, 123 F.3d at 1155 (citing *Citizens Against Burlington v. Busey*, 938 F.2d 190, 195 (D.C.Cir.1991)). "The [EIS] need not consider an infinite range of alternatives, only reasonable and feasible ones." *City of Carmel*, 123 F.3d at 1155; see also *Laguna Greenbelt, Inc. v. U.S. Dep't of Transportation*, 42 F.3d 517, 524 (9th Cir.1994); *Seattle Audubon Society v. Moseley*, 80 F.3d 1401, 1404 (9th Cir.1996); 40 C.F.R. § 1502.14(a)-(c). The range of alternatives that is deemed reasonable depends upon "the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." 40 C.F.R. § 1502.13; see also *City of Carmel*, 123 F.3d at 1155 ("The stated goal of a project necessarily dictates the range of reasonable alternatives and an agency cannot define its objectives in unreasonably narrow terms")." *Natural Resources Defense Council Inc. v. Gutierrez*, 2008 WL 360852 (N.D.Cal. 2008) (limiting Navy's use of low frequency sonar because of "serious question on the merits" whether Navy had considered all reasonable alternatives in its EIS).

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An agency's obligation to consider alternatives is greater when preparing an EIS than when only an EA is needed. See *Bering Strait Citizens for Responsible Resource Development v. U.S. Army Corps of Engineers*, 511 F.3d 1011, 1028, fn. 9 (9th Cir. 2008).

The lead agency should develop a list of feasibility factors. This list should be a broad list that the agency narrows on the basis of the proposed actions purpose and need. Alternatives that do not meet the proposed actions purpose and need, or are not feasible need not be considered. In essence the range of alternatives should be 1) governed by the "rule of reason"; 2) must achieve the proposed actions objections as set forth in the statement of purpose and need; 3) foster rather than constrain the options available to the decision maker; 4) must be feasible; 5) remote and speculative alternatives need not be considered; and 6) alternatives with more significant effects than the proposed action need not be evaluated in an EIS.

The lead agency need only analyze a reasonable range of alternatives. The number of alternatives is directly related to the purpose and need of the proposed action. In this case the proposed action is a fee to trust acquisition pursuant to provisions of the IRA. Therefore the range of alternatives must include options that meet the BIA's obligation under the IRA as set forth above. The statement of purpose and need should be utilized to determine the number and type of alternatives considered. Since the proposed action set forth in the DEIS "includes the trust acquisition for gaming purposes and the approval by the NIGC of a gaming management contract between SC Madera Management LLC and the Tribe" the lead agency must consider the intent and purpose of the IRA and IGRA in considering the range of alternatives.

The DEIS states that "the proposed action would assist the Tribe in meeting the following objectives:

- Improve the socioeconomic status of the Tribe by providing an augmented revenue source that could be used to strengthen the Tribal Government, fund a variety of social, housing, governmental, administrative, educational, health and welfare services to improve the quality of life of Tribal members, and provide capital for other economic development and investment opportunities.
- Provide employment opportunities to the Tribal and non-Tribal community.
- Make donations to charitable organizations and governmental operations, including local educational institutions.
- Fund local governmental agencies, programs, and services.
- Allow Tribe to establish economic self-sufficiency.

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(See DEIS at page 1-10). Congress found in enacting IGRA that "a principle goal of Federal Indian policy is to promote tribal economic development, tribal self sufficiency, and strong tribal government..." (See 25 U.S.C. § 2701). Therefore the document claims that the purpose and need of the proposed action is to assist the tribe in achieving economic self-sufficiency and improving the tribal community. In addition to the information in this section of the DEIS the Assistant Secretary of the BIA (the decision maker) issued "Guidance on taking off-reservation land into trust for gaming purposes" on January 3, 2008 (more than a month prior to the Federal Register Notice of Availability for the DEIS which was issued on February 15, 2008). Therefore, this Guidance is fully applicable to the proposed action. The Guidance states:

The IRA was primarily intended to redress the effects of the discredited policy of allotment, which had sought to divide up the tribal land base among individual Indians and non-Indians, and to destroy tribal governments and tribal identity. To assist in restoring the tribal land base, the IRA gives the Secretary the authority to: 1) return "to tribal ownership the remaining surplus lands of any Indian reservation" that had been opened to sale or disposal under the public land laws; 2) consolidate Indian ownership of land holdings within reservations by acquiring and exchanging interests of both Indians and non-Indians; and 3) acquire, in his discretion, interests in lands "within or without existing reservations". The IRA contains also provisions

strengthening tribal governments and facilitating their operation. The policy of the IRA, which was just the opposite of allotment, is to provide a tribal land base on which tribal communities, governed by tribal governments, could exist and flourish. Consistent with the policy, the Secretary has typically exercised discretion regarding trust land acquisition authority to take lands into trust that are within, or in close proximity to, existing reservations.

Therefore in order to meet the purposes and needs of the project and the objects of the underlying laws that allow the Secretary to take this land into trust for gaming purposes, the DEIS must consider feasible alternatives that are within close proximity to the Tribe's existing homelands/trust lands. The DEIS must also consider feasible alternatives that will minimize detriment to nearby Indian communities, as this is a two-part determination under IGRA. IGRA requires the Secretary to consider detriment to local communities and nearby Indian communities. (See 25 U.S.C. § 2719(b)(A)).

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No feasible alternatives that meet these objectives were considered in the DEIS, as none of the alternatives discussed fully meet the purpose and need set forth in the DEIS. In fact Alternative A, the preferred alternative, does not meet the project objectives if the BIA objectives in taking land into trust under the IRA must also be included when determining feasibility factors. The intent and purpose of the IRA is to enhance and bring together Indian communities. The portion of the IRA that allows the Assistant Secretary to take land into trust was enacted to rectify the destruction to Indian communities caused by the allotment era; to restore lands lost to tribes during this era.

The DEIS eliminates all sites except Alternative A from further consideration for gaming, including the one other alternative site analyzed in the DEIS, the North Fork Rancheria, Alternative D. (See Section 2.7 of the DEIS beginning on page 2-60). This section states, "the Tribe sought a location for its proposed development with the following characteristics:

- Within the Tribe's historic area in Madera County
- Away from existing tribal gaming operations so as to minimize competitive effects on neighboring tribes;
- Where it would provide a significant economic and other benefits to County residents;
- Consistent with existing or proposed land uses;
- Away from the environmentally sensitive foothills;
- Capable of generating enough revenues to significantly advance the health, education, and welfare of the Tribe's nearby 1,400 tribal citizens (i.e. economically viable);
- A reasonable distance away from neighborhoods, schools, and churches;
- Offering excellent traffic access and circulation;
- Large enough to provide water and on-site treatment of waste water;
- Raising as few environmental concerns as possible; and
- Large enough to mitigate any environmental concerns that might arise on-site.

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The DEIS also states given these characteristics the Tribe focused its efforts on examining sites along the SR-99. (See Section 2.7 of the DEIS at page 2-65). The DEIS then lists a number of properties along both SR-41 and SR-99 that the Tribe considered and eliminated. This section of the DEIS references at least 3 times that one of the primary basis for site consideration was to minimize competitive effects on neighboring tribes. However, despite these repetitive statements the DEIS realistically only considers Alternative A as feasible. Alternative A will have a devastating effect on the gaming operations of neighboring tribes. (Attached, as Exhibit 21 is the March 13, 2008 letter from KlasRobinson Q.E.D. to Morris Reid). Economic analysis conducted by these tribes, as well as the analysis set forth in Appendix R of the DEIS demonstrate that locating a casino on SR-99 could put at least 2 of the 3 neighboring casinos out of business. Additionally Alternative A is not within the Tribe's historic homelands, and feasible alternatives within the North Fork area were systematically eliminated before they were even realistically considered. (Attached is the letter from PRCI to NIGC dated April 30, 2004 as Exhibit 22). Despite this directive the DEIS does little to remedy this flaw as it states in Section 2.7 that the one other alternative location examined in the document was eliminated for consideration as infeasible. Other properties that the Tribe considered, but eliminated are listed beginning at page 2-64. However, nowhere in this list does the DEIS even reference the Old Mill Site located in North Fork. The Old Mill Site (discussed in more depth below and in comments regarding socioeconomic impacts) meets each of the criteria set forth above, yet does not warrant any examination by preparers of the DEIS. Again an alternative is not infeasible merely because the project proponent does not like it. (See Forty Questions No. 2(a)). Attached is the letter from PRCI to Clay Gregory dated November 14, 2004 as Exhibit 23. Attached is the December 1, 2004 letter from PRCI to the Regional Director or the Pacific Regional Office of the BIA as Exhibit 24 attached is the December 15, 2004 letter from PRCI to the Regional Director of the Pacific Region of the BIA as Exhibit 25 attached is the letter from PRCI to the Deputy Assistant Secretary of the Interior dated January 3, 2005 as Exhibit 26 attached is the letter from Monteau & Peebles LLP to the Deputy Assistant Secretary of the Interior dated January 24, 2005 as Exhibit 27 and the July 25, 2006 letter from Monteau & Peebles LLP to the Regional Director of the Pacific Region of the BIA as Exhibit 28).

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There are feasible alternatives within close proximity to the existing trust lands of the North Fork Mono Indians that must be considered in the DEIS. In order to meet the requirements of NEPA and the CEQ Regulations the DEIS must examine all feasible alternatives. (See 42 USC § 4332; 43 CFR § 1502.14). The Old Mill Site in North Fork clearly meets the criteria as a feasible alternative, and must be examined in order to comply with the environmental review process set forth in NEPA.

**THE OLD MILL SITE IS AN ENVIRONMENTALLY  
FEASIBLE ALTERNATIVE**

The Old Mill Site in North Fork is a feasible alternative to the proposed project and must be considered in the DEIS. In fact this location should be deemed the preferred alternative by

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the BIA. This is the only alternative that meets all project objectives, and the intent and purpose of the action to be undertaken by the lead agency.

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This alternative site was not eliminated from consideration, nor was it even referenced in the DEIS. The Old Mill Site represents a feasible alternative location for the project, meets project objectives, and minimizes detrimental impacts to the surrounding communities, including neighboring Indian tribes. The 135-acre site, was formerly used as a lumber mill. It currently is undergoing cleanup with over-site by US EPA, Cal/EPA Department of Toxic Substances Control through a voluntary cleanup program. (Attached, as Exhibit 29 is the Voluntary Cleanup Agreement for the North Fork Site). There are numerous reports and studies which demonstrate that the site will be remediated to a level that would allow development of the casino resort in North Fork. In fact the North Fork Redevelopment Corporation (current owner of the site) has listed the site for sale with the intent that some entertainment/recreation facility be located there. The four primary documents concerning the site are the Remedial Investigation Report (attached as Exhibit 30), the Focused Feasibility Study, and the Focused Health Risk Evaluation Report (attached as Exhibit 31) and the Environmental records search attached as Exhibit 32). All of these reports demonstrate that the North Fork Mill Site is not severely contaminated, has minimal levels of contaminants that are easily remediated, and that the site will soon be available for unrestricted use, including residences or the building of a hotel/casino resort.

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This site is within the aboriginal homelands of the North Fork Mono Indians, and located in close proximity to the North Fork Rancheria. This site will minimize competitive harm to surrounding casinos as a location in close proximity to the other casinos will enhance all casino operations rather than provide a dramatically uneven advantage to one gaming facility located on SR-99 that would cut off a significant market share of the other tribes business.

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The Old Mill Site is currently available with a sale price of \$6 million (this purchase price includes the cost for full remediation). The location of the site would provide a beautiful landscape for a destination casino resort and help to not only revitalize the North Fork tribal economy, but also that of the town of North Fork (which has been devastated since the Mill closed in 1994). (See Exhibit 33 the North Fork Community Development material concerning the Old Mill Site).

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The Old Mill Site consists of 135 acres, which would adequately house the 105-acre footprint of the proposed SR-99 project. The site is considered a brownfield, which has been extensively disturbed, therefore minimizing any potential environmental impacts on site. The North Fork Community Development Council ("NFCDC") has indicated there is ample water on site with a source of 3,000 gpm. There is plenty of room on site to develop a wastewater treatment plant, and the community of North Fork is currently in the process of upgrading and designing new systems that would include development at the Old Mill Site. Road upgrades will be needed, but these upgrades are feasible and likely not as costly as the upgrades needed to address congestion on SR-99.

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This site is large enough to accommodate the entire footprint of the Alternative A facility described in the DEIS, and offers many advantages to the North Fork tribe if considered. The site offers better air quality, therefore the impacts to air quality would be less than significant at this site, but likely to be significant at the SR-99 site due to the cumulative impacts from the congested freeway. The SR-99 site is an agricultural site that may have utilized extensive pesticides, requiring additional studies to be completed in order to assess true impacts. The Old Mill Site however, has already been extensively examined and the remediation should be complete within 24 months.

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### **THE OLD MILL SITE IS AN ECONOMICALLY FEASIBLE ALTERNATIVE**

Attached, as Exhibits 7 and 21 are a Feasibility Analysis prepared by KlasRobinson QED of the feasibility of a casino developed by the North Fork Rancheria within its Rancheria or on the Old Mill site near North Fork.

KlasRobinson is a firm utilized by tribes nationwide to assist them in ascertaining the feasibility of various economic developments, including gaming. An analysis by KlasRobinson which demonstrates the financial feasibility of a proposed gaming development could be utilized to interest management companies, and to obtain financing for the development and construction of a gaming facility.

KlasRobinson takes into account both existing and proposed Indian gaming facilities in the vicinity of the North Fork sites. The Big Sandy Rancheria proposed some years ago to develop a gaming facility on a public domain allotment near the Table Mountain Rancheria. While we make no specific comment as to the eventual likelihood for success of that proposed development, we note that Big Sandy does not appear to have made any significant strides towards that goal recently.

G-56.54

If Big Sandy is not successful in locating a casino in the proposed location, KlasRobinson anticipates that the North Fork Rancheria could develop a gaming facility on the North Fork Rancheria or the Old Mill Site with 1200 slot machines, 20 tables, and 150 hotel rooms. The projected gross revenue for the facility would be over \$80 million per year. The anticipated debt coverage ratio, a key indicator for prospective investors, would be 2.4%, which is quite high.

If Big Sandy is successful in locating a casino in the proposed location, KlasRobinson anticipates that the North Fork Rancheria could develop a gaming facility on the North Fork Rancheria or the Old Mill Site with 650 slot machines, 13 tables, and 90 hotel rooms. The projected gross revenue for the facility would be over \$30 million per year. The anticipated debt coverage ratio would be 2.0%, which is certainly high enough to warrant financing.

The North Fork Rancheria has negotiated an MOU with the County of Madera that provides Madera County with direct economic benefits far in excess of the actual impacts of the gaming facility. While this insures the political support of the Madera County Board of Supervisors, it severely impacts the North Fork Rancheria's argument that the proposed location for Alternative A is most beneficial to the Tribe. Additionally, as indicated elsewhere, PRCI understands that the North Fork Rancheria has agreed to terms in a draft Compact with the State of California, but the terms have not been released. PRCI assumes that North Fork has agreed to pay the State top dollar in return for assurances that the Governor would agree to a two-part determination for the Highway 99 site.

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The DEIS does not include the projected gaming revenues of Alternative A, so we are unable to include a true comparison. However, we anticipate that if the proposed gaming facility were located near the town of North Fork, the North Fork Rancheria would be able to negotiate an MOU with the County of Madera which only mitigates actual impacts, and the North Fork Rancheria would be able to make the argument before the State of California, as other tribes are, that they are entitled to the terms of a 1999 Compact. The reductions in payments being made by the North Fork Rancheria to other governments resulting from locating the gaming facility near the town of North Fork would likely completely offset any impact on the revenues from relocating the facility. Simply put, PRCI believes it is likely that when the costs of buying the support of the County and the State are factored into the mitigation costs, the Highway 99 site is not as profitable as the Old Mill Site. We are unable to demonstrate this with hard data because the DEIS does not include the basis of projected revenues for Alternative A.

G-56.56

Together with the environmental mitigation issues identified in this comment letter, this economic feasibility analysis demonstrates that there is no justifiable reason for the North Fork Rancheria to pursue a gaming development opportunity further away from its Rancheria.

G-56.57

The DEIS argues that neighbors in North Fork would oppose a casino, however neighbors will complain when any project of this size is proposed. No Indian gaming facility we are aware of has been constructed without some opposition from neighbors. The objective, environmental and economic impacts to the local community and surrounding Indian tribes must be considered. In order to allow the lead agency to make informed decisions all feasible alternatives must be considered. The Old Mill Site is clearly feasible and therefore must be considered in the DEIS.

G-56.58

## Conclusion

NEPA requires the assessment of all potential impacts of the proposed action on the quality of the human environment and this assessment be disclosed to the public for meaningful comment. Neither the assessments of all potential impacts or meaningful comment occurred in the North Fork Rancheria proposed 305-Acre trust acquisition and hotel/casino development on Highway 99 in Madera County, California.

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The serious environmental impacts of the proposed Project, the heightened public interest and the volume and complexity of the DEIS mandate addition time and public hearings in order to properly comment on the DEIS. Further, the Madera County public hearing was fatedly flawed as the general public was not given an opportunity to provide meaningful comments on the DEIS.

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The DEIS did not provide an adequate project description. Accordingly, the potential impact of the proposed 305-acre trust acquisition and hotel/casino project impacts could not be properly assessed. The economic impacts on CGCC as well as other tribally operated casinos are devastating. The development of the proposed Project results in the immediate and substantial loss of Tribal programs for the affected Indian Tribes.

G-56.61

IRA, IGRA and Proposition 1A mandate that a tribal gaming facility be established within the historical homeland of the North Fork Rancheria of Mono Indians. While the Secretary is authorized to acquire land for Indians the law does not authorize the Secretary to acquire land outside of North Fork's historic homeland to operate an off-reservation casino. The Highway 99 location is the historic homeland of the Yokut. As the historic homeland of the North Fork Rancheria of Mono Indians is located 40 miles east of the proposed hotel/casino site.

G-56.62

Additionally, the DEIS does not include any feasible alternatives. This is the essence of the DEIS. The DEIS must describe the potential environmental impacts of the proposed action and alternatives in a comparative for defining the issues and providing a basis for the decision makers choice. The DEIS did not vigorously explore all reasonable alternatives.

G-56.63

Finally, the Old Mill Site is an economically and environmentally feasible alternative. Ironically the Old Mill Site was not considered in the DEIS. The studies and reports conclude that the Old Mill Site is an economically viable alternative, is currently available for purchase, is within the historic homelands of the North Fork Mono Indians and is environmentally feasible.

G-56.64

Accordingly, the DEIS must be revised and reissued pursuant to the provisions of NEPA.

G-56.65

PICAYUNE RANCHERIA OF THE CHUKCHANSI INDIANS

BY: Morris Reid  
MORRIS REID, CHAIRMAN

BY: Dora Jones  
DORA JONES, VICE-CHAIR

BY: Janice Devine  
JANICE DEVINE, TREASURER

BY: Joe Alberta  
JOE ALBERTA, SECRETARY

BY: Mark Emerick  
MARK EMERICK, MEMBER-AT-LARGE

BY: Harold M. Hammond, Sr.  
HAROLD HAMMOND, MEMBER-AT-LARGE

BY: Sam Lawhón  
SAM LAWHÓN, MEMBER-AT-LARGE

**Of the exhibits to Comment Letter 56, only Exhibits 12 and 20 contain substantive comments on the Draft Environmental Impact Statement. Therefore, only these exhibits have been bracketed and reproduced in this Final Environmental Impact Statement in order to reduce unnecessary duplication and paperwork pursuant to the Council on Environmental Quality's NEPA Regulations (40 CFR 1500.4; 40 CFR 1503.4). The other exhibits are available for review in full at the offices of the Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, CA 95825.**



**Risk Science Associates**

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**North Fork Rancheria Casino Site  
Comments on the DEIS**

Prepared by:

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Prepared on behalf of the  
Picayune Rancheria of Chukchansi Indians

March 31, 2008

Risk Science Associates of San Rafael, Ca., LAK Associates, LLC of Sausalito, Ca., Crane Transportation Group of San Francisco, Ca., and LSA Associates, Inc. of Berkeley, Ca., on behalf of the Picayune Rancheria of Chukchansi Indians, has conducted a qualitative review of the Draft Environmental Impact Statement for the North Fork Rancheria's Proposed 305 Acre Trust Acquisition and Hotel / Casino Project in Madera County, Ca. The following comments document our review of the Draft EIS in the limited time permitted during the 45-day review period. This 45 day comment period is entirely inadequate for review of such an extensive document.

G-56.66

We conclude that the Draft EIS for the North Fork Rancheria's Proposed 305 Acre Trust Acquisition and Hotel / Casino Project is inadequate and incomplete. We recommend that the Draft EIS be revised and re-circulated to incorporate the significant omissions throughout. The Draft EIS is inadequate based on the following:

## **I. GENERAL COMMENTS and LAND USE**

### **Project Description is incomplete:**

- The "whole" project includes the development of a resort and associated hotel and spa in addition to the fee to trust acquisition of the Madera site. Nowhere in Section 1.3: Summary of the Proposed Action and Alternatives or Section 1.4: Purpose and Need of the Draft EIS is the land acquisition process described. In order for decision makers to understand the environmental and social impacts of the proposed project all information pertaining to the land acquisition must be included in the document. Therefore the fee to trust application should have been included as an Appendix to the Draft EIS. Most importantly, The Statement of Purpose and Need does not explain why the federal agency and project proponent are undertaking the proposed action. The Purpose and Need statement is not comprehensive and specific. It does not describe the tribe, its needs and current conditions, including population and economic and social characteristics. It simply states that two actions are proposed; moving non-trust land into a trust condition, and creating a contract. There is no explanation of why the purchase of the 305 acre Madera site is necessary. The economic status of the tribe should be included including a self-sufficiency target, and how it was determined. Furthermore, a detailed description of the land evaluation for site selection should be included in Section 1 or Section 2.2: Alternative A – Proposed Project.

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The project description also fails to include specific aspects of the proposed development. The Draft EIS does not include specific description of floor plans, evacuation routes, emergency access and other safety considerations. It also does not include the number of gaming devices nor the number of table games that would maximize the gaming potential of the facility. This information is critical to accessing the potential impacts of the Proposed Project. There is also no recognition of the Americans with Disabilities Act. There is no discussion of

how handicapped access will be treated nor is there a discussion of handicapped parking spaces.

**Page 1-10, Section 1.4:** The Draft EIS includes the statement "The proposed action would allow the Tribe to take advantage of the financial opportunities provided by Congress through IGRA, providing the Tribe with a long-term, viable, and sustainable revenue base." The Draft EIS should include, at a minimum, an analysis of the revenue base projections prepared to support the primary foundation for the purpose of the proposed casino. In addition, an analysis of the anticipated finances available to fund programs and services and support a hiring program should also be included.

cont.  
G-56.67

**Section 2: Alternatives: Range of Alternatives is incomplete and inadequate:**

- **Page 2.1: Section 2.1, Introduction:** The statement "A reasonable range of alternatives has been selected based on consideration of the purpose and need, recommendations of commenters during the scoping process, and opportunities for potentially reducing environmental impacts" is contrary to the claim that Alternative D was eliminated from further consideration on Page 2-63. The Alternatives description clearly states that the North Fork site (Alternative D) is undesirable due to the many physical constraints as well as political and emotional barriers to development and was thus eliminated from consideration. This alternative is also considered to be impractical due to construction and operating costs. Alternative D was studied nonetheless to offer a site held in trust by the Tribe yet the constraints associated with this site far outweigh the benefits of the proposed development. No realistically viable alternative site was chosen to compare the environmental impacts associated with Alternative A on the Madera site. In order for the Draft EIS to truly evaluate the associated impacts for a viable casino on or near the North Fork trust property a viable property must be evaluated. The 135-acre Old Mill site in North Fork is a suitable alternative to Alternative A but was not chosen. The Council on Environmental Quality (CEQ) Regulations (40 C.F.R. § 1502.14 (c)) states, "Include reasonable alternatives not within the jurisdiction of the lead agency." Furthermore, the DEIS negated several possible locations due to the fact that they were not available for sale at the time the DEIS was authored. The DEIS is inadequate due to the fact that the DEIS chose to simultaneously review and disregard Alternative D yet did not include a reasonable alternative within the County of Madera that could have achieved the Tribe's intended purpose and need.

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- **Pages 2-64 and 2-65:** The discussion of the non-trust lands on these pages is speculative in nature regarding the impacts of specific locations within Madera County that were not chosen for an alternative site. The section states that many sites were not considered because the "Tribe felt" locating a casino development would contribute adverse environmental impacts and would also not contribute significant local financial benefits. Considering the Tribe ruled out several sites based on emotions and not factual evidence, we suggest that the alternatives section needs to be rewritten and updated to prove that the proposed

G-56.69

development could not be located closer to the North Fork Rancheria. The subjective nature of these determinations does not allow for proper siting of the Madera development.

cont.  
G-56.69

**Visual Resource Analysis and photo-simulations are omitted:**

- The proposed Alternative A calls for a 70' hotel tower and a rather large footprint for the casino, hotel and parking facilities. The only mitigation with regards to visual resources is the requirement for down-lighting in the parking lot. A development of this nature and size will undoubtedly have a significant signage and lighting scheme to showcase the facility. Night lighting would also impact the nearby airport function. There is no qualitative analysis of casino activities and the airport included in the document. A nighttime glare analysis is required. Decision makers will not be able to accurately gauge the project's impact on the visual landscape without a visual resource analysis.
- Alternative D proposes to introduce an urban use into an idyllic mountain setting. This alternative also only requires visual mitigation in the form of down lighting parking areas. The DEIS claims that Alternative D would have no visual impacts. Without the visual resource analysis containing accurate simulations it cannot be determined whether or not the project could be seen from the Town of North Fork or other scenic vistas in the surrounding area. The DEIS includes simple illustrations of each proposed alternative but provides no elevations, floor plans or site context for comparisons. A nighttime glare analysis is also required for this alternative. The impacts of nighttime lighting on wildlife must also be analyzed.
- Similarly, the Draft EIS indicates that Alternative A would have irrigated vegetation surrounding the developed areas. The Draft EIS does not include discussions of the landscape design nor does it include suitable plant palettes for any of the alternatives.

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**Cumulative Impacts are understated:**

- The Draft EIS fails to accurately evaluate the cumulative impacts for loss of agriculture land in the Madera area. The development of Alternative A will have far reaching impacts in terms of jobs and housing in the Madera area. A casino development of this size may have growth inducing impacts. The potential for agriculture lands lost to increasing development in the area has been inadequately addressed. Loss of agriculture lands due to housing and other developments will force seasonal workers and others to find new jobs or move away. The Draft EIS does not contain an analysis of existing and future agriculture production for the Madera area nor does it include the potential impacts a casino development may have on this industry.

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**The Draft EIS relies on out dated studies for supporting background information:**



- The Draft EIS references several studies from 2005 or older. The Draft EIS could be considered inadequate if baseline conditions have significantly changed and these studies have not been updated. The following studies are over three years old and may not adequately address the existing conditions:
  - California Dept. Fish & Game – all studies are from 2004; USFWS – 2004 endangered and threatened plants
  - Socioeconomic Appendix R – Innovation Group 2005 (the housing market has changed significantly in the past three years; and this study was based on facility with 2000 gaming devices and 60 table games, not the maximum gaming potential of the facility)
  - Agricultural Information – 2003 Madera County
  - Water assessment-2005
  - Phase I Site Assessment-2005 – additionally a Phase II Site Assessment is needed to fully assess potential impacts

G-56.74

In addition to these studies, the Draft EIS uses analysis that do not support the conclusions stated in the document or makes conclusions with no supporting information at all. For example, the impacts to surrounding land values are supported by a Michigan State University study for State Equalized (land) Value in the state of Michigan. This analysis is not applicable to the state of California and should not be used to support claims for the Madera area. Furthermore, several of the conclusions regarding soils, hazardous materials and visual impacts are speculative and have no background information at all.

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## **II. SPECIFIC COMMENTS on LAND USE and other topics:**

1. **Page i, Section ES.2:** The Statement of Purpose and Need does not explain why the federal agency and project proponent are undertaking the proposed action. The P & N statement is not comprehensive and specific. It does not describe the Tribe, its needs and current conditions, including population and economic and social characteristics. It simply states that two actions are proposed; moving non-trust land into a trust condition, and creating a contract for a new casino near Madera. There is no clear explanation of why this is necessary at this time.
2. **Page i, Section ES.2:** The EIS includes the statement " The acquisition of the Madera site into Tribal Trust status would allow the Tribe to take advantage of the financial opportunities provided by Congress through IGRA, providing the Tribe with a long-term, viable, and sustainable revenue base." What analysis of the revenue base projections was prepared to support the primary foundation of this EIS?
3. **Pages i-ii, Section ES.2:** The statement of objectives is incomplete. None of the objectives provide a method of measuring achievement. For example, for the

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- last bullet, what is the measurement threshold for “self-sufficiency”? What is the “self-sufficiency” target, and how was it determined? cont.  
G-56.79
4. **Pages 1-2 and 1-9, Section 1.3:** The selection of alternatives does not pass the reasonableness test. The North Fork Alternative should consider the “Old Mill” site, which meets more of the stated objectives of the Proposed Project than other proposed alternatives including Alternative A. G-56.80
  5. **Page 1-13, Section 1.6, Table 1-2:** The list of potential permits or approvals fails to include the Regional Water Quality Control Board and the San Joaquin Valley Air Quality District. G-56.81
  6. **Page 1-8, Section 1.4, Summary of Proposed Action, first sentence top of page:** “be the development of one of three development alternatives” – misstates that there are actually four development alternatives. G-56.82
  7. **Page 2-1, Section 2.2: Alternative A – Proposed Project:** The first sentence in the opening paragraph states, “The proposed action analyzed in the Draft EIS is the fee-to-trust acquisition and subsequent approval of a gaming management contract by the National Indian Gaming Commission (NIGC).” However, nowhere in the Draft EIS is there a discussion of the analysis of these two actions. The proposed development is analyzed, but the actual fee-to-trust acquisition and the gaming management contract analysis is absent. G-56.83
  8. **Page 2-3, Figure 2-2:** The architectural rendering has no scale and is misleading. The figures in the parking lot appear to be larger than the automobiles, and the hotel tower behind the casino façade appears smaller due to the perspective utilized in the drawing. This rendering has the effect of making the development appear smaller than is likely. It is suggested that the Draft EIS incorporates accurate architectural elevations, sections and perspective renderings, and computer simulations. G-56.84
  9. **Pages 2-1, 2-31, 2-46:** The construction completion date for Alternatives, A, B and D is stated as 2008. The Draft EIS should correct the date to reflect an accurate start date. Alternative C does not include a completion date at all. G-56.85
  10. **Page 2-5, Section 2.2.1:** The Draft EIS does not include a Landscape Plan. The description of Alternative A states that “Vegetation in and around the developed areas would be irrigated and landscaped for aesthetic and fire protection values”, but there is no landscape plan to indicate how and where the aesthetic and fire protection values would be realized. There is no plant palette nor is there landscape guidelines or standards. G-56.86
  11. **Page 2-7, Section 2.2.4:** The Project Description and the Site Plan are inadequate with regards to the Americans with Disabilities Act. How will the parking program comply with the Americans with Disabilities Act? How many handicapped spaces would be provided and in what locations? How will ramps connect from the parking areas to the casino? G-56.87

12. **Pages 2-7 through 2-17, Section 2.2.7**, The Draft EIS is inadequate because it does not specify the project's wastewater treatment plan, instead reviewing a range of options. The Draft EIS should specify the preferred wastewater treatment program. Discussing an array of optional programs indicates that further studies may be required. The Draft EIS text does not clearly explain why the range of options is included. What further studies will be needed to allow a final system selection? Is it possible that none of the options would be included? G-56.88
13. **Page 2-13, Section 2.2.7, Wastewater Treatment and Disposal – Alternative A – second to last sentence in the first paragraph**: The statement "A new lift station would probably be needed as part of this option" indicates that the necessary analysis and design for the wastewater disposal system is incomplete. The Draft EIS cannot review and incorporate adequate mitigation for an impact that is unknown. The use of "would probably" is too speculative for this determination. G-56.89
14. **Page 2-19, Section 2.2.8**: The description of the water supply is inadequate. Based on the development program provided for each of the alternatives, the Fire Department should know the fire flow requirements. Instead of relying on requirements for similar facilities, the analysis should be specific to the requirements of the proposed project, regardless of which alternative is being considered. G-56.90
15. **Page 2-47, Section 2-5, Alternative D**: The statement "The design of the casino would differ from that of Alternative A in that it would be much smaller and it would be expected to be constructed as economically as possible" is vague and incomplete. This statement implies that the construction of Alternative D may not comply with standards and could possibly cut corners to save finances. This statement is unnecessary and should be replaced by the actual cost of Alternative D. (similar to Section 2.2.5, Construction and Grading, page 2-7). There is no corresponding site study for the North Fork site (as discussed in Appendix K). G-56.91
16. **Page 2-64, Section 2.7.1 Alternative Site for Gaming – North Fork Rancheria**: The entire first paragraph on this page is rife with speculation and assumptions regarding possible revenues, local attitudes, and high construction costs. The last point, high construction costs, is directly opposite to the claim made on page 2-47 regarding the construction of Alternative D. Which is it? Will the casino at North Fork be constructed economically or will the costs be too high to warrant construction. This paragraph further adds to the fact that no economic feasibility studies have been done for the North Fork site and no factual evidence exists supporting or rejecting the possibility of a casino at this location. This is another example of confusing information that makes it difficult for decision makers to make an informed decision on the EIS. G-56.92

**17. Page 2-51, Section 2.5.4:** "It is estimated that 600,000 cubic yards of earthwork would be required for Alternative D." Would this be balanced on-site, or hauled off, or brought in?

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**18. Page 2-59, Section 2.5.6:** The description of sub-surface waste disposal is inadequate. The use of on-site sewage disposal not tested. It is not possible to make an accurate evaluation of Alternative D when information is missing and future testing is required. If the site is not conducive to leach fields, then Figure 2-25 is grossly misleading.

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**19. Page 3.2-11, Section 3.2.3: North Fork Site:** The Draft EIS includes assumptions that cannot be supported. For example, in the discussion of the existing soils conditions on the North Fork site, the Draft EIS includes a statement that the exact nature of the soils on the site is unknown, but that it can be assumed that the soils found in the region are similar to the North Fork soils and, therefore, the impacts of the proposed project can be determined. The soils at the North Fork site may be of a mosaic completely different from the adjacent areas, and therefore have different development constraints that must be analyzed before a reasonable decision can be made.

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**20. Pages 3.2-6 & 3.2-7, Section 3.2.2, Table 3.2-2, and page 3.2-10, Figure 3.2-3:** The Draft EIS contains information that is misleading. Figure 3.2-3, which seems to indicate the mosaic of soil types located on the Madera site, does not include the Alamo series or the Pachappa series. Either the description of the soil in the text, or the characteristics of the soil, as presented by Table 3.2-2, are included unnecessarily, or Figure 3.2-3 is in error, or merely overzealous in presenting more information than necessary for decision making purposes. Having such soils somewhere in the general vicinity of the Madera site should be discussed if there might be any potential impact related to the proposed action, otherwise such information should be eliminated from the document.

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**21. Page 3.3-8; 3.3-9, Section 3.2.2:** The Draft EIS is inadequate in its description of the water supply potential for the Madera site. Based on the text included in Section 3.2.2, the decision makers may not be able to reach a reasonable conclusion. The Draft EIS includes a reference to documents that are dated sixteen years ago, and which rely on data even older to explain the extent of the resource. The statement that "the groundwater has been dropping in the region; ... "is troublesome. More recent data is necessary for a reasonable assessment of the potential impacts of the proposed project to the regional groundwater resources. Is the water supply plentiful at the Madera site? The Draft EIS text reads as if the City is not sure, but assumes so.

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1. The EIS fails to describe the base condition of the affected environment. The data used are too old.
2. Because of the outdated data, the EIS fails to accurately establish the environmental context against which the proposed project is being evaluated. (40 CFR 1502.15)
3. New data on ground water draw down may produce significant new

- information that would require a supplemental environmental document.
4. The EIS fails to review the cumulative impacts on endangered species, plants and animals, resulting from increased draw down. cont.  
G-56.97
  5. The mitigation measure, payments to well owners, fails to compensate for possible impacts on wetlands and endangered species in the region.
- 22. Page 3.3-15, Section 3.3.3:** The Draft EIS text repeatedly includes incomplete, outdated or unsubstantiated information. The text states "that two new wells were planned, with the first to be completed in May 2004." Was the well cited on page 3.3-15 actually drilled in 2004, and what were the results? Was the second well drilled? If so, what were the results? What are the implications of this activity on the Madera site and to regional groundwater resources? G-56.98
- 23. Page 3.3-16, Section 3.3.3:** The Draft EIS is inadequate. The data used are too old, ranging from 1996-2005. More recent data is required to allow for informed decisions. G-56.99
- 24. Page 3.3-16, Section 3.3.3:** The Draft EIS includes inconclusive text. For example, "Expansion to a 10 mgd capacity (of the wastewater treatment plant) is planned to accommodate anticipated growth." Was the wastewater treatment plant capacity extended? When, and by what additional capacity? Is there excess capacity to meet the demand that would result if a casino and cumulative development projects were built? G-56.100
- 17. Page 3.3-18, Section 3.3.3:** The Phase I Site Assessment is too old (2005), and should be updated. A Phase II Site Assessment must be completed to fully assess potential risks and mitigation needed to protect public health. G-56.101
- 18. Page 3.3-19, Section 3.3.3:** Plans for expansion of the existing wastewater treatment plant are "underway". What does this mean? Who is doing the planning? Date expected? What are the implications for the proposed casino project? G-56.102
- 19. Page 3.4-12, Section 3.4.2:** Does the California Air Resources Board or the San Joaquin Valley Air Pollution Control District have permitting or approval responsibility? G-56.103
- 20. Page 3.9-7, Section 3.9.4, second paragraph:** SBC no longer exists, replaced by AT&T. (this comment also applies to: page 4.9-6, page 4.9-15, and page 4.9-22) G-56.104
- 21. Page 4.2.1: Section 4.2.1:** The potential for subsidence is admitted. The Draft EIS includes a statement that the county is fast-growing; therefore water use will increase, resulting in a lower water table, resulting in subsidence. The statement "No subsidence affected area is known or expected to exist in the vicinity of the Madera site" is not supported by the Draft EIS. G-56.105

22. **Page 4.2-5, Section 4.2.4:** "The soils on the North Fork Rancheria are of the Tollhouse association...." The discussion of the existing conditions states that the North Fork soils are unknown and the Draft EIS speculates that regionally known soils are present. This may not be true, and therefore the assessment is inadequate. G-56.106
23. **Page 4.3-2, Section 4.3.1:** The Draft EIS does not indicate how long storm water will be retained. Would there be a mosquito issue if the water is detained longer than 72 hours? G-56.107
24. **Page 4.3-10, Section 4.3.2:** "Reductions in the life of the wells would not exceed 3 years among smaller wells within two miles of the site..... How will this be mitigated? G-56.108
25. **Page 4.3-6, Section 4.3.1:** The Draft EIS is speculative with regards to wastewater treatment. The document includes a description of alternative options, indicating that further studies will be necessary. G-56.109
26. **Page 4.4- 12 & 4.4-16, Section 4.4.2 & 4.4.3, Asbestos:** The discussion of environmental impacts indicates that demolishing existing buildings may require clean-up of asbestos. The Draft EIS does not indicate if asbestos is present in the existing buildings; a hazardous materials analysis of these buildings should have been conducted prior to the completion of this document. G-56.110
27. **Page 4.6-3, Section 4.6.4:** The cultural resource investigation should consider, not only the bedrock mortars themselves, but also the area around the cup sites. Native women would have gathered at the mortar sites and may have contributed materials in the area surrounding the mortars. G-56.111
28. **Section 4.7:** The analysis of the socioeconomic conditions, including Appendix R, is inadequate. There analysis includes several statements that claim that the available housing stock is sufficient to provide housing opportunities for the projected influx of new workers that will fill the direct, indirect and induced jobs generated as a result of implementing the four action alternatives. Nowhere in the discussion is an analysis of the wage scales for each of the created job categories. While there is a brief review of available residential stock in 2004-2005, there is no connection between what the new workforce members will be able to pay for housing, and/or the amount and type of housing available to those workers. The availability of affordable housing for the new workforce members will also have an impact on commute miles traveled and, therefore the air quality and noise analysis. In addition, the material is dated, and does not reflect the current market conditions, including projections for market changes. G-56.112
29. **Page 4.7-28, Section 4.7.1 – Socioeconomic Conditions, Alternative A: Surrounding Property Values - top of page –** The claim that "Alternative A, it is not expected that the operation of the casino would have a negative impact on surrounding or regional property values" is highly speculative and misguided. The document references a study done in the state of Michigan in 2002 G-56.113

regarding surrounding property values but has no discussion of local conditions or studies that could support this claim. Furthermore, the proposed development would greatly alter the existing land use pattern from agriculture to urban and the cumulative and growth-inducing impacts to this region are grossly underestimated. Speculative judgment about the land values in this region could have a significant adverse impact to land values, especially agriculture.

cont.  
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**30. Page 4.7-53, Section 4.7.1 – Socioeconomic Conditions, Alternative D: *Effects to Surrounding Property Values*** – As with the statements made for Alternative A, the Draft EIS has no factual or analysis based evidence to make claims about the surrounding property values. Subjective analysis is irresponsible and could have potentially significant impacts for future uses in the area if not accurately forecasted. Furthermore, the analysis for Alternative D does not include any Visual Resource Analysis and therefore cannot support the determination that the development would not be seen from the surrounding areas. A significant visual impact in the area could adversely affect property values for this region.

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**31. Page 4.9-33, Section 4.9.5, Alternative E – No Action Alternative** – The No Action Alternative will not produce environmental impacts upon the Madera (or North Fork) site but the effects to public resources are understated here. The No Action Alternative could have negative impacts to police and fire prevention services because there would be no financial contribution to these departments.

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**32. Page 4.10-9 , 4.10-10, 4.10-11 and 4.10-16, Section 4.10.1 – Other Values – *Visual Resources* - Alternative A, B, C, D** – The Draft EIS maintains the speculative judgment that the proposed development would have no visual impact on the existing landscape when there is no analysis to reinforce this statement. Not only would the 70 foot hotel tower become the dominating feature in the Madera area, but there is no inclusion of a materials palette or presentation of signage and other identifying features for Alternative A. The agricultural character of the landscape would be completely altered, replacing the existing with a dominant urban form, texture and color. The statement that the Alternative D project would not be viewed from public vantage points has no visual evidence to support this claim. Without an accurate photo simulation of the proposed facility at either the Madera site or the North Fork site, the environmental assessment in the Draft EIS is incomplete.

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**33. Page 4.10-16, Section 4.10, Alternative D – *Visual Resources***: The Draft EIS states that the development would not be visible from any public vantage points. Public views are not the only criterion for visual impacts. The Draft EIS needs to address the NEPA Guidelines for accurate visual impacts.

G-56.117

**34. Section 4.11.1:** While the Draft EIS text and tables identify known development projects in the City of Madera and Madera County, there is no consideration for the build-out of the General Plan for either. The impacts of build-out should be included in the cumulative impact analysis. Similarly, the impacts associated

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with redevelopment or reuse of existing developments is not considered in the cumulative impacts analysis.

cont.  
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35. **Page 4.11-47, Section 4.11.2, Alternative A – Visual Resources:** The statement, “The proposed project would be attractively designed as a resort facility and would not constitute a significant cumulative visual effect to a semi-developed environment”, is flawed. There is nothing in the Draft EIS text or array of graphics that indicates or guarantees that the project would not be a visual blight. The statement assumes the subjective result is universally acceptable. The proposed project would represent the tallest element in the otherwise level landscape, and would be visible from great distances in several directions. The buildings, tall landscape elements, and signage would introduce tall vertical elements that are inconsistent with the region condition.

G-56.119

36. **Page 4.12-1, Section 4.12.1 – Potential Residential Growth – last paragraph this page:** “Given the flurry of residential development currently occurring and planned for the future and vacant housing units present in the County, the proposed development would not have a significant impact or create demand for new housing developments.” This statement may be misleading or incorrect if current (2008) housing market conditions are not taken into account. The actual number of constructed units is considerably less than the total amount permitted. The Draft EIS must review the proposed, permitted, and initiated residential development projects to identify the projects put on hold, or canceled, and/or stopped during construction. The Draft EIS should include a more detailed analysis of the affect on the region market caused by the subprime lending practices and the builder/developer bankruptcies, and reassess the cumulative impact sections of the document.

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37. **Page 4.12-4, Section 4.12.1, Retail Development – third paragraph this page, second sentence:** “Therefore, with extensive residential housing in the process of being developed in Madera County, the demand for new retail space will continue to increase independent of any proposed EIS alternatives.” This Draft EIS text is only valid if the projected and/or permitted residential developments are actually constructed and occupied. If not, this statement is flawed. The Draft EIS alternatives A, B and D can be developed independent of, and prior to any local or regional residential development. Alternatives A and B are not dependent on the housing stock being available. Alternative C would probably not be constructed if there are not enough rooftops in the region to support a commercial center as described in the Draft EIS. Alternatives A and B could be considered growth inducing if residential development projects were planned, permitted and constructed after the casino related projects were realized.

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38. **Page 4.12-15, Section 4.12.3, Improvements:** The Draft EIS discussion of the growth inducement related to indirect effects of pipeline construction is inadequate. The EIS text should include a discussion of the growth inducing impacts related to the extension and/or improvements to the regional infrastructure. Instead, the discussion is limited to the localized impacts of

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construction the utility segments and the disturbance to the land along the roadways.

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### **III. MITIGATION MEASURES**

#### **Global Comments:**

1. The mitigation measures included in Section 5.2.3 are inconsistent with regards to assignment of responsibility for implementation. The responsibilities are assigned in some instances to the Tribe, when the construction contractors should be identified. In other places in the text, the responsibilities shift from "developer" to "Tribe" with no apparent rationale. The assignment of responsibility should be clarified.
2. The Draft EIS repeatedly uses terms "If", "where feasible" and "recommend" when proposing specific mitigation measures. These terms do not mandate or enforce the intended mitigation measure with any authority. Furthermore, these terms are not backed by an enforcing agency or ruling body who can enforce and oversee the mitigation. The Draft EIS states throughout the Mitigation Section that it is up to the Tribe to determine if the proposed mitigation measure should be enforced. We suggest that the Draft EIS be rewritten to eliminate these non-specific terms.

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#### **Example:**

##### **Page 5-68, Section 5.2-9: Other Values, Noise: Mitigation Measure A -**

"The following measure is recommended Alternatives A, B, C and D:

- A. Where feasible, construction activities shall be restricted to weekdays and normal business hours (7:00 am to 7:00pm)"

#### **Changed to:**

*The following mitigation measures shall be required for Alternatives A, B, C and D to reduce impacts to a less than significant level:*

- A. *The project applicant shall ensure that all construction activities associated with development of the Proposed Project shall comply with the Madera County and City of Madera Municipal Codes, which limits construction to the hours of 7 AM to 7 PM on weekdays.*
- B. *Residences within 500 feet of construction areas will be notified of the construction schedule in writing prior to construction. The project applicant and the construction contractor will designate a noise disturbance coordinator who will be responsible for responding to complaints regarding construction noise. A contact telephone number for the noise disturbance coordinator will be conspicuously posted on construction site fences and will be included in written notification of construction schedule sent to nearby residents.*

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## Specific Comments

1. **Page 5-1, Section 5.1: Introduction, third sentence** – “these principles have been applied to guide design and siting criteria” - The use of the word “guide” suggests that the mitigation measures in the Draft EIS are not enforceable or final in nature and that project impacts may or may not occur. We suggest that instead of “guide” the authors change the sentence to the following:  
*“These principles have been applied to establish the final design and siting criteria required for a less than significant environmental impact.”* G-56.125
2. **Page 5-1, Section 5.2-1: Land Resources, first sentence before seismicity (global comment)** – “The following measures are recommended for Alternatives A, B, and C”. The use of “recommended” implies that the mitigation measures suggested for seismicity and topography are not enforceable and therefore up to the discretion of the developer or builder of the project. We suggest the following:  
“The following measures shall be required for Alternatives A, B, and C to reduce impacts to a less than significant level” G-56.126
3. **Page 5-10, Section 5.2.3, Air Quality – Construction Impacts:** None of the management practices includes a methodology to implement, enforce or monitor the applied conditions. There is no mention of how the contractors will be apprised of the extensive list of mitigation measure. Several of the mitigation measures are assigned as the responsibility of the Tribe when it is clearly the responsibility of the contractor. For example, measures F, G, H, I, J, K, and L indicate that the Tribe will be responsible for engine operation, maintenance, and location when these activities should be assigned to the contractor. The Draft EIS needs to be revised to assign the appropriate responsibilities to contractors and include measures that can be enforced and monitored. G-56.127
4. **Page 5-16, Section 5.2-3: Air Quality, Climate Change: Mitigation Measure CCC** - the statement “a less than significant cumulative impact to global climate change would result for all Alternatives after the implementation of Mitigation Measure CCC” is misleading and incorrect. The assumption, that adopting Air-Quality standards for buses and other commercial vehicles, those environmental impacts for Air Quality would be reduced does not take into account the private vehicles that may occupy the 4,500 parking spaces throughout the operating hours. G-56.128
5. **Page 5-64 – 5-65, Section 5.2-7: Land Use, Mitigation Measure A** - The requirement for down-lighting parking areas does not address the nature of the proposed hotel and casino operations. A 70 ft-hotel tower will have a significant footprint and most likely will have signage above the tower and on the roof of the casino. No discussion of what these lighting affects will look like has appeared in the Draft EIS. Without a reasonable understanding of the visual impact for the proposed development G-56.129

6. **Page 5-66, Section 5.2-7: Agriculture, Mitigation Measure E** - The statements "that is at least as large" and "at least a portion" are vague and imprecise. The mitigation should require specific acreage for conservation and prime farmland designation. Furthermore, this mitigation measure does not determine who will manage and maintain the specific conservation easement and where the purchased property will exist. This mitigation measure should be rewritten to call out specific easement holders and what land service areas are appropriate for purchase.

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7. **Pages 5-67 & 5-68, Section 5.2.8, Public Services – Mitigation Measure J (top of page 5-68)** – The financial requirements for the Alternatives B, C, and D to mitigate fire protection services do not mitigate the risk for fire prevention at these actual sites. Given that all three of the proposed developments are outside the acceptable response time a fire on site would still present a significant impact. Mitigation for fire response times need to include sprinklers or other fire retardant on-site measures to offset the lengthy fire response times that will continue to exist regardless of contributions to the County.

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8. **Page 5-71, Section 5.2-9: Other Values, Hazardous Materials: Mitigation Measure Q** – The entire mitigation measure is based on speculation of future work to be done. No site analysis for hazardous materials has been conducted for the North Fork site; the Draft EIS cannot require mitigations for impacts that have not been identified. Furthermore, the recommended mitigation for this impact is "appropriate steps shall be taken". This statement is vague and cannot be enforced. This mitigation measure needs to describe the necessary monitoring procedures to test the soils and water quality in addition to the actual remediation measures if volatile compounds are found on site.

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#### IV. Air Quality

##### General:

1. The location of Alternative A is in an air basin that experiences severe air pollution and is designated non-attainment for several pollutants (ozone, PM10, and PM2.5) by the U.S. EPA. [note: In early March 2008 the U.S. EPA re-designated the San Joaquin Valley as attainment for the federal PM10 standards. However, environmental groups have filed a lawsuit against the EPA over this designation change so the "official" designation status is unclear.] As such, any incremental additions of pollutants will cause serious environmental and public health impacts unless fully mitigated with meaningful and enforceable off-sets and other mitigation. Furthermore, while it is recognized that if the site is transferred to Tribal ownership State of California Air Resources Board and San Joaquin Valley Air Pollution Control District (SJVAPCD) rules would not apply, it is strongly recommended that the project adhere to these rules and regulations so as to better protect public health. For example, under the Affected Environment section (Section 3.4) Setting section, Table 3.4-1 states that the California state 1-hour NO2 standard is 0.25 ppm. However, as of February 22,

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2007, the ARB amended the state 1-hour NO<sub>2</sub> standard to 0.18 ppm and adopted a new annual average standard of 0.030 ppm. Table 3.4-1 should be revised to reflect these new standards.

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2. The Project describes that there will be fuel storage for four emergency generators (p. 2-19). There is a description of the purpose of these engines; a fire water pump for the hotel, and emergency generators for the hotel, wastewater treatment plant facility and for the human resources building at the wastewater treatment plant facility. Also there is a brief mention of these engines on pp. 4.4-12, 4.4-16, and 4.4-22 under the discussion of the Environmental Consequences of Alternatives A, B, and D. The discussion of the use and impacts of these engines would be "infrequent, random or programmed local or regional power outages would result in limited and temporary emissions." However, there is no description of these engines in any detail. Information that should be included are the following:

- A description of the number, manufacturer, model number and horsepower size of each engine.
- It is presumed that these engines would be fired on diesel fuel, so a description of the type of fuel to be used including sulfur content of the selected fuel.
- The number of hours of anticipated operation of each engine. Included in this description would be the manufacturer's recommended periodic testing schedule for these engines.
- A description of the anticipated number of hours per year that the engines would actually have to fire during an emergency. Considering that Indian Gaming operations have been going on for a number of years, and that similar casino/hotel operations would likely have back-up emergency generators, a review of those facilities actual use would provide an anticipated expectation of actual use of the proposed project.
- Emissions of criteria air pollutants (NO<sub>x</sub>, SO<sub>x</sub>, CO, VOC, PM<sub>10</sub> and PM<sub>2.5</sub>) should be provided on an hourly, daily and annual basis. This information should be provided by the diesel engine manufacturer and calculated based on the expected testing requirements from the manufacturer.
- Air pollutant impacts from the criteria pollutant emissions associated with the testing operations of these engines should be assessed. Air dispersion models approved by US EPA such as CTSCREEN (found on <http://www.epa.gov/scram001/dispersionindex.htm>) should be used to quantify the impacts of these engines on the short term (1-hour, 8-hour and 24-hour federal and state ambient air quality standards (NAAQS and CAAQS)). The impacts including background should be compared to the ambient air quality standards.

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- A discussion that if impacts are above the NAAQS and CAAQS, what mitigation measures will be employed to reduce those impacts to levels below significant.
- It is also suggested, although not legally required, that a discussion of how these diesel engines will comply with the provisions of the San Joaquin Valley Air Pollution Control District (SJVAPCD) Rules 4701 (Internal Combustion Engines – Phase 1) and 4702 (Internal Combustion Engines – Phase 2). These rules serve to protect public health, a stated goal of the Tribe.

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3. Although there are a number of construction mitigation measures being proposed by the Applicant, it not clear as to how enforcement and compliance with these mitigation measures will be adhered to. The U.S. EPA Region 9 will enforce these requirements by occasional inspections, however, the applicant could be more pro-active in this regard by designating an individual or individuals during the construction phase of the projects whose duties would include that the construction air quality mitigation measures are being enforced. Records of compliance could be kept on site by inspection by the lead agency or EPA Region 9, or could be sent directly to the lead agency if the lead agency so requests. It is recommended that the project should retain an on-site Air Quality Control Mitigation Monitor (AQCMM) responsible for directing and documenting compliance for the entire project site and linear facility construction. The AQCMM should have the authority to stop any or all construction activities as warranted by applicable construction mitigation conditions.

It is also recommended that the project should prepare and follow an Air Quality Construction Mitigation Plan (AQCMP) which would detail the steps that will be taken and the reporting requirements necessary to ensure compliance with all mitigation efforts. The project should also couple this plan with a Construction Fugitive Dust Control Plan that prevents all fugitive dust plumes from leaving the project site. This plan should include the following mitigation:

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- All unpaved roads and disturbed areas in the project and linear construction sites shall be watered as frequently as necessary to comply with the dust mitigation objectives of the AQCMP.
- No vehicle shall exceed 10 miles per hour within the construction site.
- The construction site entrances shall be posted with visible speed limit signs.
- All construction equipment vehicle tires shall be inspected and washed as necessary to be cleaned free of dirt prior to entering paved roadways.

- Gravel ramps of at least 20 feet in length must be provided at the tire washing/cleaning station.
- All unpaved exits from the construction site shall be graveled or treated to prevent track-out to public roadways.
- All construction vehicles shall enter the construction site through the treated entrance roadways.
- Construction areas adjacent to any paved roadway shall be provided with sandbags or other measures as specified in the Storm Water Pollution Prevention Plan (SWPPP) to prevent run-off to roadways.
- All paved roads within the construction site shall be swept at least twice daily (or less during periods of precipitation) on days when construction activity occurs to prevent the accumulation of dirt and debris.
- At least the first 500 feet of any public roadway exiting from the construction site shall be swept at least twice daily (or less during periods of precipitation) on days when construction activity occurs or on any other day when dirt or runoff from the construction site is visible on the public roadways.
- All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.
- All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.
- Wind erosion control techniques (such as windbreaks, water, chemical dust suppressants, and/or vegetation) shall be used on all construction areas that may be disturbed. Any windbreaks installed to comply with this condition shall remain in place until the soil is stabilized or permanently covered with vegetation.

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and with a casino in North Fork on ozone formation. The increased vehicular use to access any of the project sites would exacerbate the formation of ozone, with the impact of ozone formation greater at Alternative A than the other alternatives. The predominant contributing sources of ozone precursors (NOx and VOC) in the San Joaquin Valley are from motor vehicles. Unlike for modeling individual stationary sources (see discussion above about modeling the emergency diesel generators), there are no EPA approved air dispersion modeling tools for calculating the individual impacts of a project's increased vehicular traffic on the state and federal ozone ambient air quality standards. A logical assumption would be that increased vehicular traffic will result in the likelihood of increased ozone formation. And, since ozone formation from the emissions of ozone precursors is concentration-dependant, whichever Alternative generates the higher vehicle emissions airborne concentrations will increase the formation of ozone to a higher degree than the other Alternative sites. The following two tables taken from the ARB website on air quality data (<http://www.arb.ca.gov/adam/welcome.html>) shows an interesting phenomenon in the formation of ozone. The data from these two tables show that there are less number of ozone violations at the Madera site than downwind at a relative remote rural site like the Sequoia and Kings Canyon National Parks (SKCNP). The monitoring stations at the SKCNP is the only monitoring station located in the rural portion of the San Joaquin Valley that is located predominately downwind of the major urban areas in the San Joaquin Valley. It is a known fact that ozone is generated by a combination of ozone precursor emissions (NOx and VOC) reacting in the presense of sunlight. Thus the actual formation of ozone can take place many miles downwind of the sources of emissions of the ozone precursors. Not surprising then, elevated ozone levels can and do occur in rural areas along the eastern San Joaquin Valley, in the Foothills and even in the higher reaches of the Sierra Nevada Mountains. The second table below shows that there are many more violations of the ozone standards and the peak concentrations are higher at SKCNP than at the Madera site. Although there is no monitoring data collected in the foothills near the Alternative D site at North Fork, it is likely that North Fork would experience less violations of the ozone standards than at the Alternative A site in Madera simply due to lower airborne concentrations of precursor emissions at that site.

Comparing emissions from a casino at Alternative A to one of equal size at Alternative D would show that the emissions from Alternative A would be larger than at a site in North Fork (near Alternative D) simply because it would generate more drive-by business (resulting in a greater number of idling cars), would cause more commuter miles to be driven by employees of the casino/hotel coming from tribal lands in North Fork, and because the Madera-Fresno area is already severely impacted by vehicle emissions that the addition of any increment will result in the formation of ozone down-wind due to the concentration effect on ozone formation. Simply put, an equal amount of ozone precursors into the air at two locations, one that already contains a very high concentration of precursors and another that contains a very low level of precursors, it is a matter of simple chemical reaction kinetics that more ozone will be formed in the former case than in the latter case. Keep in mind that although

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and with a casino in North Fork on ozone formation. The increased vehicular use to access any of the project sites would exacerbate the formation of ozone, with the impact of ozone formation greater at Alternative A than the other alternatives. The predominant contributing sources of ozone precursors (NO<sub>x</sub> and VOC) in the San Joaquin Valley are from motor vehicles. Unlike for modeling individual stationary sources (see discussion above about modeling the emergency diesel generators), there are no EPA approved air dispersion modeling tools for calculating the individual impacts of a project's increased vehicular traffic on the state and federal ozone ambient air quality standards. A logical assumption would be that increased vehicular traffic will result in the likelihood of increased ozone formation. And, since ozone formation from the emissions of ozone precursors is concentration-dependant, whichever Alternative generates the higher vehicle emissions airborne concentrations will increase the formation of ozone to a higher degree than the other Alternative sites. The following two tables taken from the ARB website on air quality data (<http://www.arb.ca.gov/adam/welcome.html>) shows an interesting phenomenon in the formation of ozone. The data from these two tables show that there are less number of ozone violations at the Madera site than downwind at a relative remote rural site like the Sequoia and Kings Canyon National Parks (SKCNP). The monitoring stations at the SKCNP is the only monitoring station located in the rural portion of the San Joaquin Valley that is located predominately downwind of the major urban areas in the San Joaquin Valley. It is a known fact that ozone is generated by a combination of ozone precursor emissions (NO<sub>x</sub> and VOC) reacting in the presense of sunlight. Thus the actual formation of ozone can take place many miles downwind of the sources of emissions of the ozone precursors. Not surprising then, elevated ozone levels can and do occur in rural areas along the eastern San Joaquin Valley, in the Foothills and even in the higher reaches of the Sierra Nevada Mountains. The second table below shows that there are many more violations of the ozone standards and the peak concentrations are higher at SKCNP than at the Madera site. Although there is no monitoring data collected in the foothills near the Alternative D site at North Fork, it is likely that North Fork would experience less violations of the ozone standards than at the Alternative A site in Madera simply due to lower airborne concentrations of precursor emissions at that site.

Comparing emissions from a casino at Alternative A to one of equal size at Alternative D would show that the emissions from Alternative A would be larger than at a site in North Fork (near Alternative D) simply because it would generate more drive-by business (resulting in a greater number of idling cars), would cause more commuter miles to be driven by employees of the casino/hotel coming from tribal lands in North Fork, and because the Madera-Fresno area is already severely impacted by vehicle emissions that the addition of any increment will result in the formation of ozone down-wind due to the concentration effect on ozone formation. Simply put, an equal amount of ozone precursors into the air at two locations, one that already contains a very high concentration of precursors and another that contains a very low level of precursors, it is a matter of simple chemical reaction kinetics that more ozone will be formed in the former case than in the latter case. Keep in mind that although

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the actual percentage of precursor emissions would be very small compared to the entire inventory, the ozone problem in the San Joaquin Valley is caused by literally millions of sources with the great majority being vehicular sources. Both Alternative A and a casino in North Fork will contribute in further ozone violations, which is unavoidable since they both rely on vehicles to transport customers and for worker commuting to their casinos but the impacts would be greater with a casino in Madera, or at best, equal to one in North Fork.

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## V. Public Health

1. The DEIS fails to assess that increased emissions of PM10 and PM2.5 from stationary and mobile sources into the area around Alternative A - an already highly polluted air basin - will result in increased risks to human health. The increased impacts to casino/resort visitors from mobile emissions from Highway 99 vehicles would also exist, thus posing the scenario of local traffic impacting the health of casino visitors/workers while the traffic from casino visitors/workers will impact on the health of the local public.

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## VI. Hazardous Materials/Public Safety

1. The widespread past and current use of pesticides, herbicides, rodenticides, and fungicides on the site were not discussed or assessed in the 2005 Phase I Environmental Site Assessment (ESA) and thus the conclusion that "no further investigation is warranted" is erroneous and not in keeping with standard practice. ESA after ESA over the past 20 years has shown that soil at just about every agricultural site in California is contaminated with pesticides and herbicides such as DDT, DDD, DDE, endosulfan, toxaphene, 2,4-D, etc, and the soils along fencelines are often contaminated with significant levels of inorganic arsenic. Furthermore, the finding that older transformers could have been used on-site warrants the analysis of PCBs in soil on the site as experience over the years shows that when older transformers existed on a site and the soils were analyzed for contaminants, PCBs are invariably found. Therefore, a Phase II ESA is absolutely necessary to determine if remedial actions is required to protect workers and the public during remediation and/or site grading and construction activities (ASTM E1527-05 Standard Practice for Environmental Site Assessments: **PHASE I** Environmental Site Assessment Process; and ASTM E1903-97 Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process).
2. Farming to the immediate south and east of the property could be prohibited from using pesticides as application drift would impact the casino site. If no curtailment is required, pesticide drift will adversely impact visitors and workers.
3. The transport and storage of hazardous materials including swimming pool chemicals, on-site fuels (if appropriate), and landscaping chemicals should also be evaluated.

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4. Alternative A location also is close to a grain silo across Highway 99. This silo presents a risk of explosion. The explosion lethality radius could be as great as 600 feet, damage and injury could result in a radius as great as 7000 feet (1.3 miles), and the minimum evacuation distance could be as great as 7000 feet (1.3 miles) (U.S. Bureau of ATF January 2004). Numerous explosions have occurred across the United states and OSDHA has promulgated a specific regulation to prevent these explosions. A recent (February 2008) explosion in a sugar refinery was due to the build-up of sugar dust and underscores the fact hat this is not a trivial matter. The Draft EIS should at least examine this threat to the project at Alternative A, evaluated the history of this particular grain-handling operation and their safety record, assess the risk, discuss the potential impacts, and propose any necessary mitigation. This threat should not be ignored.

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5. The Alternative A site is in the landing and take-off pattern of the Madera Municipal Airport. Therefore, an airport impact risk assessment must be performed as per the California Airport Land Use Planning Handbook (CalTrans 2002). The DEIS has failed to conduct such an assessment.

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6. The Draft EIS fails to assess alternative sites in North Fork such as Old Mill site. This site is already undergoing site characterization and remediation due to the presence of contamination associated with wood treatment chemicals and it is expected to be remediated and available for occupancy with minimal if any site restrictions by fall 2009.

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## VII. Traffic

The DEIS traffic analysis as well as the accompanying Traffic Impact Study for the North Fork Casino Project by TPG Consulting, Inc. of Visalia, California (Second Draft October 2006) was reviewed. Overall, the 400+ page traffic study failed to address some key issues. In addition, not all of the findings (and impacts) presented in the traffic study were brought forward into the EIS document.

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1. The traffic study was not prepared by a registered California traffic engineer.

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2. No traffic analysis was developed for the time of Casino maximum operation, on the weekend. Only weekday AM commute (7:00-9:00) and PM commute (4:00-6:00) time periods were evaluated. While it is likely that background traffic conditions will be lower on a weekend, total background + project volumes may be higher during this period (at least on the roads in the immediate vicinity of the project site). The time of expected maximum Casino traffic should be evaluated.

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3. No on-site parking evaluation was provided.

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4. Several items analyzed in the traffic study were not included in the EIS evaluation. They are:

- 95th percentile queuing evaluation
- signal warrant analysis
- ramp widening/auxiliary lane threshold analysis
- turn lane storage analysis

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5. Construction traffic impacts were not evaluated; in particular, construction truck impacts on the structural section of the rural roads providing access to the Madera and North Fork sites. This is a potentially significant impact which could require roadway reconstruction if structural damage is caused by project traffic.

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6. No clear impact significance criteria are listed in either the EIS traffic section or the traffic study. In particular, no criteria are listed to determine whether project traffic produces a significant impact at locations with unacceptable Base Case (without project) operation.

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7. The EIS project impact chapter shows six freeway segments and 14 intersections operating unacceptably by 2008 with project development. However, mitigation measures are provided for roughly a third of these locations. Without any significance criteria, it is difficult to tell why only certain locations were selected as receiving significant impacts and needing mitigation.

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8. Projected Casino trip generation is strictly a best guess, and is based on a widely scattered set of survey data from other casinos across the U.S. that may have no relevance in relation to local area population levels or adjacent freeway traffic found at the Madera site.

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A traffic mitigation monitoring program should be included as part of the EIS mitigations in order to ensure that if project volumes are higher than projected, a new independent traffic analysis will need to be conducted in order to determine new mitigation requirements.

9. Distribution of project traffic to/from the Madera and North Fork sites is based upon use of the County traffic model. It would be very difficult to check the accuracy of this projection. This is another reason for a mitigation monitoring program.

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10. No evaluation has been conducted of the shoulder width adequacy along local roads that may be impacted by project traffic.

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11. No special adjustment was made to project volumes reflecting the operational impacts due to trucks that may be attracted from the S.R.99 freeway into the project site.

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12. The number of intersections and freeway/road segments analyzed for operating conditions seems adequate. They were developed with Caltrans, County and City staffs.

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13. Truck percentages used for background traffic conditions on local roads (at 2 percent of total traffic) may be low, based upon our field observations near the S.R.99 site.

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14. All Casino traffic accessing the Madera site is projected to be newly added to the S.R.99 freeway, which is a conservative assumption.

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15. The Draft EIS recommends as mitigation a fairly significant Transportation Demand Management (TDM) plan to encourage transit/bike/carpooling use by employees. It is unknown how successful this plan will be or the extent of commitment by the applicant for this plan on a long term basis.

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16. Page 5-25 in the Draft EIS mitigation section states that "where road segments and intersections are shown as having an unacceptable level of service with the addition of traffic from the project alternatives (and caused at least in part from project traffic), the Tribe shall pay for a proportionate share of costs for the recommended mitigation.

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Acceptance of this phasing allows the Tribe not to provide any needed mitigation, just contributions towards a series of mitigations that may not be in place for years after opening of the Casino. The mitigation section needs to be revised to require the Tribe to fully mitigate all significant impacts up front that will be present with project opening.

17. The Draft EIS recommends a formula for determining the Tribe's proportionate share percentage for mitigations. The proportionate share = project trips/(2030 project volumes – existing volumes). The information in the Draft EIS is so vague and unclear that one cannot tell when or where the mitigation will occur. For all shared mitigations required by 2008, the denominator of the above formula should be (2008 project volumes – existing volumes). In addition, there will be a series of mitigations requiring 100 percent up-front Tribal contributions in order that these measures be fully in place before project opening.

G-56.163

## VIII. Biology

The DEIS considers two sites, the Madera site and the North Fork site, with various levels or options for development on the Madera site in the biological resource sections. In general, the biological sections of DEIS are reasonably complete for the type and resources present or expected to be present on the limited number of alternatives considered. In this analysis, the Madera site is clearly a less environmentally damaging alternative for biological resource given the long history of agriculture use and disturbance on the site compared to the less developed conditions and generally higher quality habitats present at the North Fork site. An alternative at a more developed site, such as the Old Mill site in North Fork, would significantly lessen the project's potential impacts in this area.

G-56.164

**Section 3.5.3 Wildlife North Fork Site.** The area around North Fork is an important wintering and migration area for deer and loss or alteration of winter range can have a significant effect on the deer population. This issue is totally overlooked in the DEIS.

G-56.165

**Page 4.5.2 State Special Status Species.** The Madera site provides suitable foraging habitat for the State listed Swainson's hawk. The baseline studies were only described as reconnaissance-level and habitat conditions were only evaluated within 5 miles of the site. The California Department of Fish and Game (CDFG) Statewide Guidelines for assessing impacts to the Swainson's hawk extend to a 10 mile radius from a site (e.g., the CDFG recommends mitigation for lost foraging habitat within 10 miles of an active nest site). While the DEIS notes that the only CNDDDB record for Swainson's hawk is 15 miles from the site, the CNDDDB data may be obsolete and not reflect current knowledge as the CDFG has undertaken more intensive state wide assessments of the hawk's distribution within the last few years.

G-56.166

This section also does not mention the potential impact to burrowing owl although in Section 3.5.4 the DEIS mentions that the burrowing owl has been recorded within 5 miles of the Madera site.

These comments would also apply to the discussions of impacts under Alternative B, page 4.4-4 and Alternative C 4.5-6.

**Section 4.5.4 North Fork Site.** This section does not address potentially significant impacts to resident and migratory deer herds.

G-56.167

**Section 5.2.4 Mitigation Measures.** In general, many of the listed measures are vague and unenforceable. The measures should be re-written to provide specific requirements for avoidance and minimization of impacts.

G-56.168

**Page 5-17 Migratory and Nesting Birds.** The Draft EIS should establish specific buffer requirements for various species or groups of species.

G-56.169

**Page 5-18 Waters of US.** The Draft EIS should set minimum distance standards for measure C.

G-56.170

**Page 5-18 Aquatic Habitat.** The recommendations do not provide any information as to the practicability or effectiveness of the recommended measures.

G-56.171

**Page 5-19 Mariposa Pussypaws.** The Draft EIS recommends surveys for this species and notes that if not found, no mitigation is required. If the plant is found, required mitigation is left up to the U.S. Fish and Wildlife Service to determine. The DEIS should set some minimum standards for mitigation. As stated, the public does not have the ability to independently assess the likelihood of successfully mitigating impacts to this species.

G-56.172

# **Former North Fork Mill Site North Fork, Madera County, California**

## **Summary of Environmental Investigations and a Focused Health Risk Evaluation**

The 135-acre Old Mill site, formerly used as a lumber mill, is presently undergoing cleanup under the over-site of the Cal/EPA Department of Toxic Substances Control voluntary cleanup program. The site has been extensively investigated and the following reports document the findings:

1. November 1986, the California Dept. of Health Services, in collaboration with the Central Valley Regional Water Quality Control Board (CVRWQCB), collected soil and sediment samples on a portion of the site (dip tank area) suspected of being contaminated with heavy metal and pentachlorophenol (PCP). While metals were found at higher than background levels and a low level of PCP was found, the agencies did not require further investigation.
2. A 1998 investigation conducted prior to sale of the property also found PCP at an elevated level in soil around the dip tank area.
3. After operations at the mill ceased in 1994, the Madera County Environmental Health Department (MCEHD) conducted a site reconnaissance and found several contaminants on the site.
4. In 1996, the MCEHD sampled soil from the bottoms of the six fire ponds and found no significant environmental concern warranting further evaluation.
5. A Phase I Environmental Site Assessment was prepared in 1997.
6. A Phase II Targeted Site Assessment was conducted in 1998 and found that soils near the dip tank contained PCP at levels of concern. All other areas, including runoff from the ponds, creek sediment, water from the on-site domestic well, and ash/soil stockpiles showed some trace levels of some contaminants at levels that were deemed not of concern.
7. A Phase III Environmental Site Assessment was conducted in 1998 and focused on the dip tank area. It found PCP at levels of concern.
8. Since 2002, the CVRWQCB has conducted periodic monitoring of surface water and well water and has not found contaminants at levels of concern.

G-56.173

Therefore, the site had already been characterized to determine the extent of contamination associated with wood treatment chemicals prior to 2006 when a Remedial Investigation (RI) Report was prepared in February and a Focused Feasibility Study and Focused Health Risk Evaluation in March. These two major reports, which will direct cleanup activities, are discussed below.

The RI Report of Feb. 2006 conducted a more thorough and complete site characterization and made definitive conclusions and recommendations regarding site cleanup. Surface soil, near-surface soil, stockpile, sediment, and surface water sampling at or near the site was conducted. Fourteen soil borings were drilled and six groundwater sampling wells were dug. All sampling and analysis was conducted under the supervision of and with the approval of the MCEHD, CVRWQCB, and DTSC. Samples were analyzed for volatile organic chemicals (VOCs), semi-volatile organic chemicals (SVOCs), petroleum hydrocarbons (TPH), pentachlorophenol and other phenols, dioxins (which are associated with the use of PCP), and metals.

The results showed the following:

- Detected concentrations of metals in all soil samples were at natural background levels.
- Neither volatile nor semi-volatile chemicals were found in any sediment sample, with the exception of a few chemicals found at trace levels.
- No detectable levels of petroleum hydrocarbons were found in pond run-off water.
- Dioxins were found in a few samples of stockpiled soils at trace levels but below regulatory thresholds that would have triggered designation as a hazardous waste and were below the individual chemical EPA Region 9 Preliminary Remediation Goals (PRGs) for residential land use. Cumulatively, the sum of all dioxin isomer present was slightly above the residential PRG but below the industrial PRG.
- PCBs were found in three samples of stockpiled soils at trace levels but below regulatory thresholds that would have triggered designation as a hazardous waste and were below the EPA Region 9 Preliminary Remediation Goal (PRG) for residential land use.
- Soil samples obtained in the west and center lumber yard area showed no phenolic compounds (including PCP).
- Three soil samples obtained from the site of the former mill building showed no phenolic compounds but did contain petroleum hydrocarbons.
- Four soil samples obtained from the area around the dip tank showed PCP levels of concern.
- Of 75 total soil samples obtained on the site and analyzed for phenolic compounds, only 13 showed detectable levels of PCP ranging from 0.26 to 14 ppm. All levels are below regulatory levels for hazardous wastes and only three exceeded the PRG for residential use.
- No PAHs were detected in any sample except one where naphthalene was found at a level well below the Cal-modified residential PRG.

cont.  
G-56.173

- With the exception of acetone, all VOCs detected were well below the residential PRG.
- Analysis of groundwater samples for metals, TPH, phenolic compounds, and VOCs failed to find any compound above a regulatory threshold.

The RI Report concluded that detectable concentrations of petroleum hydrocarbons, metals, dioxins, phenolic compounds, and VOCs were found in surface and near surface soils on the site but that with the exception of a few TPH and pentachlorophenol levels, all levels were at or below regulatory significance. However, to assess any risk to public health, the report recommended that a focused health risk evaluation be conducted to address petroleum hydrocarbons, the small soil/ash stockpile, and PCP/dioxin in soils around the dip tank.

The March 29, 2006 Focused Health Risk Evaluation (FHRE) examined the impacts to human health posed by leaving soils in-place after site remediation. It was conducted under the direction of the MCEHD, CVRWQCB, and DTSC and was included as Appendix A to the Focused Feasibility Study that identified remedial alternatives for site cleanup.

The FHRE consisted of a traditional 4-part human health risk assessment and followed both U.S. EPA and DTSC guidelines. It relied upon the information found in the RI report and assessed risk and hazard to humans posed by soil stock piles and soils in the area of the dip tank.

The report made the following conclusions and recommendations:

1. Soils from stock piles 1, 3, and 4 can be re-used on the site without restrictions, including use as soils for residential development. Soils from the very small amount of soil in stock pile 2 should be removed to a proper off-site disposal off site as recommended by the Focused Feasibility Study even though contaminant levels were significantly below hazardous waste limits. The FHRE did not assess the health risks since the volume of soils was so small.
2. Soils from the dip tank area do not contain levels of PCP or dioxins that pose a significant risk to future residents of the site.

The report concludes that unrestricted use of the site is assumed when the site is remediated as per the recommendations of the Focused Feasibility Study.

All three reports, the RI Report, the Focused Feasibility Study, and the Focused Health Risk Evaluation demonstrate that the North Fork Mill Site is not severely contaminated, has minimal levels of contaminants that are easily remediated, and will be available by the fall of 2009 for unrestricted use including residences or the building of a casino and hotel.

cont.  
G-56173



Dr. Robert F. Manlove  
1064 Viela Court  
Lafayette, CA 94549

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

**DEIS Comments, North Fork Rancheria's Hotel/Casino Project**

Dear Ms. Dutschke,

On the following pages, I enclose in written form the testimony that I gave at the Environmental Impact Hearing on March 12, 2008, in Madera, California.

Thank you for your kind attention to this important matter.

Sincerely,

Dr. Robert F. Manlove

**Testimony given the Environmental Impact Hearing  
March 12, 2008, in Madera, CA**

I am Dr. Robert Manlove. I hold five collegiate degrees including the doctorate in Anthropology and I am currently a visiting scholar at the University of California in Berkeley in the Department of Anthropology.

I would like to give testimony regarding four issues that pertain to the Northfork Mono request for BIA approval of the construction of a casino near Madera, California.

(1) The Kroeber's boundary between the Mono Indian homeland and the Yokuts homeland was located approximately 40 miles from the site proposed for a casino. *Was this boundary accurately located?*

In the case of hunting and gathering groups such as the Yokuts, Miwoks and Monos, homelands are defined as the territory occupied and utilized at the time of the Gold Rush. It is reasonable to assume that this means the land on which villages stood and the land around the villages that were habitually exploited for plant and animal species. The territory covered by transhumance in the higher altitudes (summer versus winter villages) would also be included. It is *not* reasonable to assume this means any land visited by small groups of Indians on trips away from the villages. (If that were the case, visitors from Japan could claim parts of the United States as their homelands.)

The question of the Northfork Mono homelands then becomes that of the location of Northfork Mono, Miwok and Yokuts villages at the time of the Gold Rush. These villages were located by Alfred Kroeber and other anthropologists by interviewing the Indians at the beginning of the twentieth century and thereby ascertaining the names of the villages and languages spoken in the villages. This was a particularly effective way of establishing the tribal boundaries of the Mono because, *first*, the Mono language was part of the Uto-Aztecan family of languages while the Miwok and Yokuts languages were part of the Penutian family of languages, which means they differed as much as Sanskrit and English, and, *second*, the names of the villages reflected the language of the occupants so discovering the name of a settlement told you who was living there.

On the basis of the village locations, Kroeber established that the boundary between the Yokuts and the Miwok extended up the Fresno River with Miwok villages located on the north side near the river and Yokuts villages found on the south side near the river. From a point near the present town of Oakhurst, the Yokuts-Mono boundary extends southeast from the Fresno River, making Oakhurst the point at which the three groups met. The Yokuts-Mono boundary drawn by Kroeber went through Crane Valley (Bass Lake), down the North Fork of Willow Creek to the San Joaquin River and then further southeast on the same line. In contradiction to Kroeber's conclusions, Gifford locates Northfork Mono villages along Fine Gold Creek and along the stream for which they are named, the North Fork of Willow Creek. However, Bunnell (1911:103) states that the Mariposa Battalion, which was pursuing a scorched-earth military campaign against the Indians in the spring of 1851, found no villages in the Fine Gold or Willow Creek areas. Consequently, it appears that Kroeber's boundary is correct and the Northfork Monos

G-56.174

moved into those areas after the conflicts of the Gold Rush had led to the decimation and removal of the Yokuts.

Kroeber's boundary is therefore the best estimate of the western boundary of the Northfork Mono. The closest that this boundary comes to the proposed casino location is at least 40 miles. There is no reasonable way that the Northfork Monos can claim that casino location is part of the Mono homelands. (We may also note that Gaylen Lee, a Mono Indian, proclaims in his book that Madera was Yokuts territory, not Mono territory.)

cont.  
G-56.174

2. *Did the Monos share the Yokuts territory?* The Monos have claimed that they shared Yokuts territory and therefore have rights to the Yokuts territory near Madera. However, nothing could be further from the truth. Warfare was endemic between the Yokuts and the Mono for two reasons: First, the Monos were expanding toward the west and were usurping Yokuts land. This meant that the two groups were perennial enemies and fought battles such as the one that occurred at Crane Valley. Second, the Mono raided the Yokuts villages for women and horses.

G-56.175

3. *Did the Monos have an annual cycle of migration from the North Fork area to the San Joaquin valley at Madera and back through Yokuts territory?* The Mono have also claimed that they traveled on an annual basis to the San Joaquin Valley floor to hunt the large game animals and to take salmon when they were running. Again, nothing could be further from the truth. First, large game animals and salmon were as plentiful or more plentiful in the foothills than on the valley floor. Reports by early non-Indian explorers clearly describe the San Joaquin Valley as an open, arid plain with game animals (elk and antelope) that were very difficult to hunt because they could see the hunters a long distance away. At the same time, the foothills above 1500 feet are described as possessing abundant game of all types. The biannual salmon migrations also extended well into Mono territory. There was no reason for the Mono to try to gain access to the San Joaquin Valley floor. Second, in the early 19<sup>th</sup> century before the Gold Rush, the valley was occupied by White settlers who frequently shot Indians on sight as the result of the Yokuts Indians treating the livestock as easily hunted wildlife.

G-56.176

4. *Did the Mono have rights to the Madera land by virtue of the 1851 treaties?* The Mono claim that they were included in the treaties negotiated between federal representatives and several Indian tribes in the spring of 1851 and, consequently, have rights to the land mentioned in the treaties which includes the land around Madera. However, this is not the case. First, the treaties were never ratified by the federal government and, consequently, cannot be said to have established a post-Gold-Rush "homeland" for any of the Indians. Second, the Monos were not included in these treaties. They would have been included if they had participated in the treaty signing or if they had relocated to the short-lived Fresno reservation after the treaty signing. However, neither of these things happened. None of the signers of the treaties were Mono and records show that only Yokuts and Miwok Indians occupied the Fresno reservation. The Mono Indians retreated into the higher foothills to avoid contact with the White invaders. When soldiers of the Mariposa Battalion invaded the foothills, the Mono abandoned their villages and fled into the mountains. Even when the Yokuts and Miwoks retreated into Mono territory and built a defensive enclosure on a mountain, the Mono did not join but retreated further into

G-56.177

the mountains. This retreat was probably a wise thing to do, under the circumstances, but their failure to interact and adjust to the presence of the Whites means that they have no justification for suggesting that they were party to any negotiations or that they have rights to the land mentioned in the 1851 treaties.

cont.  
G-56.177

We may therefore conclude that the claims of the Northfork Mono discussed above do not justify a claim upon the land near Madera on which they wish to establish a tax-exempt casino operation. They, consequently, can not, under federal law and state agreements, be allowed to build a casino there regardless of the fact that they may own land there as a corporation.

G-56.178

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March 28, 2008

Reg Dir. *del* ✓  
Dep Reg Dir *del* ✓  
Reg Asst Off *del* ✓  
Route *RTM* *DELANIS*  
Response Received *del* ✓  
Date *4/7/08* ✓  
Name *del* ✓  
Title *del* ✓

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

Re: Draft Environmental Impact Statement for the North Fork Rancheria's Proposed  
305 Acre Trust Acquisition and Hotel/Casino Project, Madera County, California.

Dear Ms. Dutschke:

The purpose of this letter is to bring to your attention on behalf of the Picayune Rancheria of the Chukchansi Indians ("PRCI") a serious matter concerning the public hearing held on March 12, 2008 at the Hatfield Hall at the Madera District Fairgrounds and the transcript of that public hearing. Representatives of PRCI have been informed that a portion of the transcript, which is unavailable to the public, has been prepared and made available to the North Fork Rancheria concerning the testimony given by Dora Jones, Vice Chairperson of the PRCI concerning the proposed project. (A copy of that portion of the transcript was provided upon request and is attached hereto as Exhibit A). The transcript was utilized by representatives of the North Fork Rancheria to lobby support for the proposed project and request public comment letters be submitted before March 31, 2008. The public was not provided access to the hearing transcripts prior to the March 31, 2008 comment period date described below.

G-57.1

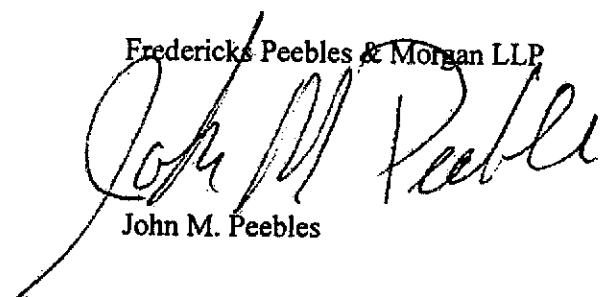
As you are aware, the transcript is the property of the BIA, not that of the North Fork Rancheria, the written comment period with regard to the scope and implementation of the proposed project set forth in the Federal Register published February 15, 2008 (Volume 73, No. 32, a copy of which is attached hereto as Exhibit B) ends on March 31, 2008. However, representatives of PRCI have been advised that the transcript will not be available to the public until after that date.

Accordingly, the Picayune Rancheria of the Chukchansi Indians request that additional hearings be held and that the public comment period be extended for 120 days beyond the March 31, 2008 date to provide the entire general public fair opportunity to review and comment upon the above captioned matter. ✓

G-57.2

Sincerely,

Fredericks Peebles & Morgan LLP



John M. Peebles

JMP:se

Cc:

Carl J. Artman, Assistant Secretary – Indian Affairs  
United States Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Mr. John Ryzik, Chief of the Division of  
Environmental, Cultural Resource Management and Safety  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Morris Reid, Chairman  
Picayune Rancheria of the Chukchansi Indians  
40575 Road 14  
Coarsegold, CA 93614

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PARTIAL REPORTER'S TRANSCRIPT OF  
NORTH FORK RANCHERIA OF MONO INDIANS FEE-TO-TRUST  
AND CASINO/HOTEL PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
PUBLIC HEARING

---oOo---

DATE: Wednesday, March 12, 2008  
TIME: 6:00 p.m.  
LOCATION: Madera District Fairgrounds  
Hatfield Hall  
1850 West Cleveland Avenue  
Madera, CA 93637  
REPORTED BY: Peter D. Torreano, CSR, CRR  
Certified Shorthand Reporter  
License Number C-7623

**EXHIBIT**

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A P P E A R A N C E S:

Bureau of Indian Affairs Panel:

Bureau of Indian Affairs, Pacific Regional  
Office  
By: JOHN RYDZIK, Chief of the Division of  
Environmental, Cultural Resource Management  
And Safety  
2800 Cottage Way  
Sacramento, CA 95825

Bureau of Indian Affairs, Pacific Regional  
Office  
By: VALERIE THOMAS  
2800 Cottage Way  
Sacramento, CA 95825

Bureau of Indian Affairs, Pacific Regional  
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By: PATRICK O'MALLAN, Environmental  
Protection Specialist  
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Analytical Environmental Services, Inc.  
By: CHAD BROUSSARD, Associate  
1807 Seventh Street  
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| PUBLIC COMMENT OF DORA E. JONES | 4                  |

1 Madera, California

March 12, 2008

2 P R O C E E D I N G S

3 MS. THOMAS: Thank you very much, sir.

4 Also representing the Picayune Rancheria is  
5 Dora Jones.

6 Dora, if you could come up, please.

7 MS. JONES: Thank you. My name is Dora  
8 Jones. I appreciate the opportunity to speak before  
9 you. I'm the vice chair of Picayune Rancheria of the  
10 Chukchansi Indians.

11 My testimony tonight is to inform you that a  
12 number of elected officials from throughout the State  
13 of California have expressed their opposition to this  
14 project at its proposed location, Madera.

15 The following is a list of officials that have  
16 submitted letters of opposition to the Bureau of Indian  
17 Affairs regarding this project.

18 Senate Pro Tem, Don Perata, Democrat-Oakland.

19 Senate Republican Leader Dave Cogdill,  
20 Republican-Modesto.

21 Senate GO Chairman, Dean Florez,  
22 Democrat-Shafter.

23 Senator Jeff Denham, Republican-Merced.

24 Assemblyman -- Assembly Republican leader mike  
25 Villines, Republican-Clovis.

1                    Assemblymember Tom Berryhill,  
2 Republican-Modesto.

3                    Assemblymember Nicole Parra,  
4 Democrat-Bakersfield.

5                    Assemblymember Cathleen Galgiani,  
6 Democrat-Livingston.

7                    Assemblymember Tony Mendoza, Democrat-Los  
8 Angeles.

9                    Assemblymember Jared Huffman, Democrat-San  
10 Rafael.

11                   Assemblymember Greg Aghazarian,  
12 Republican-Stockton.

13                   Assemblymember GO Chairman Alberto Torrico,  
14 Democrat-Fremont.

15                   And Assemblymember Kevin DeLeon, Democrat-Los  
16 Angeles.

17                   I'd like to quote the following from  
18 Assemblymember DeLeon's letter.

19                   He states: "I write to express my objections  
20 to a proposed move by the North Fork Rancheria from  
21 their current and historical rancheria in the Sierra  
22 Foothills nearly 50 miles away from the Highway 99  
23 corridor. This proposed move will create a significant  
24 precedent for tribal gaming statewide. Specifically, I  
25 am concerned that catapulting this rancheria from the

1 foothills down to Highway 99 would trigger a statewide  
2 land rush to our urban corridors that will play out for  
3 years to come and have massive consequences for their  
4 entire state."

5 As you can see, representatives from all over  
6 California have united in their opposition to this  
7 off-reservation site in Madera.

8 It is clear that there should be additional  
9 consultation before the Bureau of Indian Affairs makes  
10 decisions on this project. Certainly, meetings with  
11 our neighboring Valley governments are imperative to  
12 this process: Fresno County, the City of Fresno, City  
13 of Clovis, Merced County, the City of Merced.

14 A true government-to-government tribal  
15 consultation should also be conducted with all  
16 neighboring tribes including Picayune Rancheria of  
17 Chukchansi Indians, Table Mountain Rancheria, Cold  
18 Springs Rancheria, Big Sandy Rancheria, Santa Rosa  
19 Rancheria, Tuolumne Band of Mi-Wuk Indians and Tule  
20 River.

21 Don't misunderstand us. We do support North  
22 Fork Rancheria building a casino in their community of  
23 North Fork.

24 Thank you.

25

[Federal Register: February 15, 2008 (Volume 73, Number 32)]  
[Notices]  
[Page 8898-8899]  
From the Federal Register Online via GPO Access [wais.access.gpo.gov]  
[DOCID:fr15fe08-94]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Draft Environmental Impact Statement for the North Fork  
Rancheria's Proposed 305 Acre Trust Acquisition and Hotel/Casino  
Project, Madera County, CA

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

---

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency, with the North Fork Rancheria of Mono Indians (Tribe), California Department of Transportation, Madera Irrigation District, City of Madera, National Indian Gaming Commission and U. S. Environmental Protection Agency (EPA) as cooperating agencies, intends to file a Draft Environmental Impact Statement (DEIS) with the EPA for the proposed 305 acre trust acquisition and the construction of a hotel/casino project to be located in unincorporated Madera County, just north of the City of Madera, California, and that the DEIS is now available for public review. Public review of the DEIS is part of an administrative process designed to evaluate tribal applications that seek to have the United States to take land into Federal trust pursuant to 25 CFR part 151. Reviewers are advised that we will consider public comments carefully

[[Page 8899]]

prior to deciding whether to approve or disapprove this application. This notice also announces a public hearing to receive comments on the DEIS.

**DATES:** Written comments on the scope and implementation of this proposal must arrive by March 31, 2008. The public hearing will be held March 12, 2008, from 6 p.m. to 9 p.m., or until the last public comment is received.

**ADDRESSES:** You may mail or hand carry written comments to Amy Dutschke, Acting Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and the caption, "DEIS Comments, North Fork Rancheria's Hotel/Casino Project," on the first page of your written comments.

The public hearing will be at the Hatfield Hall, Madera District Fairgrounds, 1850 West Cleveland Avenue, Madera, California.

The DEIS is available for review at the Madera County Public Library, 121 N. G. Street, Madera, California 93637, and at the Madera County Public Library, Chowchilla Branch, 300 Kings Ave., Chowchilla,

California 93610. General information for the Madera County Public Library may be obtained by calling (559) 675-7871, and for the Madera County Public Library, Chowchilla Branch, by calling (559) 665-2630.

If you would like to obtain a copy of the DEIS, please write or call John Rydzik, Chief of the Division of Environmental, Cultural Resource Management and Safety, at the BIA address above or the telephone number provided below. An electronic version of the DEIS may be viewed at <http://www.NorthForkEIS.com>.

FOR FURTHER INFORMATION CONTACT: John Rydzik, (916) 978-6042.

**SUPPLEMENTARY INFORMATION:** The Tribe has requested that the BIA take into Federal trust 305 acres of land currently held in fee by the Tribe, on which the Tribe proposes to construct a hotel, casino, parking areas and other facilities. The proposed project is located in unincorporated Madera County, California, just north of the City of Madera and adjacent to State Route 99 (SR-99). The project site is bounded on the north by Avenue 18, rural residential land, light industrial land, and vacant land; on the east by Golden State Boulevard and SR-99; on the south by agricultural land and residential land; and on the west by Road 23 and agricultural land.

The proposed action includes the development of an approximately 472,000 square foot hotel and casino resort and associated facilities, which would include a main gaming hall, food and beverage services, retail space, banquet/meeting space, and administration space. Food and beverage facilities would include three full service restaurants, a five-tenant food court, a buffet, four bars and a lounge. The hotel would include 200 rooms, a resort style pool area and a spa. Approximately 4,500 parking spaces would be provided. Regional access to the project site is via SR-99, Road 23, Avenue 18, and Golden State Boulevard would provide direct access to the hotel/casino resort.

A range of project alternatives is considered in the DEIS, including: (1) Preferred hotel/casino; (2) reduced casino; (3) commercial development; (4) North Fork Rancheria alternate site; and (5) no action. Environmental issues addressed in the DEIS include land resources, water resources, air quality, biological resources, cultural resources, socioeconomic conditions, environmental justice, transportation, land use, agriculture, public services, noise, hazardous materials, visual resources, cumulative effects, indirect effects, growth inducing effects and mitigation measures. Input from the public, including that from a public scoping meeting the BIA held on November 15, 2004, in Madera, California, was included in the development of these alternatives and issues.

#### Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the ADDRESSES section, during business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### Authority

This notice is published in accordance with section 1503.1 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Department of the Interior Manual (516 DM.1-6), and is in the exercise of authority delegated to the Assistant Secretary--Indian Affairs by 209 DM 8.1.

Dated: January 28, 2008.  
Carl J. Artman,  
Assistant Secretary--Indian Affairs.  
[FR Doc. E8-2828 Filed 2-14-08; 8:45 am]

BILLING CODE 4310-W7-P





FARM BUREAU

G-58  
RPN/ogms  
No

March 28, 2008

**Board of Directors**

Dennis Meisner  
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Denis Prosperi

Tom Rogers

Kole Upton

Julia Berry  
Executive Director

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

**RE: DEIS COMMENTS, NORTH FORK RANCHERIA'S HOTEL/CASINO PROJECT**

We understand that the North Fork Rancheria of Mono Indians in conjunction with Station Casinos of Las Vegas is seeking federal and state approval to build a 472,000 square foot hotel and casino resort along Highway 99 in Madera County – far away from their original tribal homeland.

G-58.1

The Madera County Board of Supervisors has approved an initial MOU with the Tribe that promises roughly 4 million dollars per year to mitigate negative impacts on county services should the casino be built. Despite this agreement, the proposed casino along Highway 99 raises several critical concerns for the farming community:

G-58.2

**Traffic Congestion**

- Safety issue with farm implements, tractors moving down the same roads
- Highway 99 is already over congested and is a major thoroughfare for transportation of goods
- Major distributors (ie, Walmart, Target) are investigating the possibility of locating distribution centers in the Madera County because they cannot move there commodities from LA to Northern CA in one day anymore. Madera has been identified as a mid-point for commodity sourcing and Highway 99 will soon become more important for transportation of the food and products that we use every day. Increased traffic hinders our ability to be competitive in attracting these distribution centers, which create jobs in the area.

G-58.3

G-58.4

**Madera County Farm Bureau**

1102 S. Pine Street • Madera, CA 93637 • T-559.674.8871 • F-559.674.0529 • www.maderafb.com

**Increased Water Demand**

The impacts of this project on existing water supply and current water users in Madera County have the potential to be tremendous. In the Central Valley, a region heavily dependent on agriculture, the availability and affordability of water is essential. Currently, local water supplies are over committed and Central Valley irrigation districts must often purchase water to meet annual demand.

G-58.5

In addition, the region's future water concerns are exacerbated by the recent judicial ruling concerning the Friant Dam and the San Joaquin River. The impact of a 472,000 square foot development on water resources should not be overlooked.

G-58.6

- The DEIS mentions in Section 3.0 that water is available on a regional basis. Information cited in the DEIS is outdated, depending on 1992 water supply data and on Madera Irrigation District to deliver water supplies to the project.

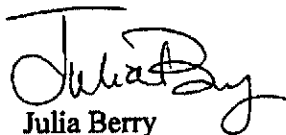
G-58.7

- MID has not received its complete allocation of water behind from Friant Dam in years, and now we will suffer a 200,000 acre ft loss per year to restore salmon to the San Joaquin River. Water supplies are not guaranteed in the near or distant future for Madera County developments, as the situation stands today.

G-58.8

On behalf of the Madera Farm Bureau Board of Directors, thank you for taking the time to review our concerns.

Sincerely,



Julia Berry  
Executive Director



# SHERIFF'S DEPARTMENT

G-59

## Madera County

John P. Anderson, Sheriff-Coroner

14143 Road 28  
Madera, CA 93638  
Phone: (559) 675-7770  
Fax: (559) 675-8413  
E-Mail: sheriff@madera-county.com

March 31, 2008

Reg Dir. \_\_\_\_\_ *T. Anderson*  
 Dep Reg Dir. \_\_\_\_\_  
 Reg Adm Officer \_\_\_\_\_  
 Route \_\_\_\_\_ *DELRMS*  
 Response Required \_\_\_\_\_ *NO*  
 Due Date \_\_\_\_\_  
 Memo \_\_\_\_\_ *lit*  
 Title \_\_\_\_\_

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

**Re: "DEIS Comments, North Fork Rancheria's Hotel/Casino Project"**

Dear Ms. Dutschke,

Below are comments similar to those I shared at the DEIS Public Hearing held in Madera, CA on March 12, 2008.

As chief law enforcement officer of the County of Madera, my position is neither to support nor oppose this or any specific tribal gaming project. Instead, I am providing these comments to share my firsthand experience around the issue of casinos and criminality, an issue of some concern to individuals.

It has been my experience working in this County where another tribal gaming enterprise opened several years ago that we have experienced no significant increase in criminal activity associated with the casino. Of the 43,800 calls for service we received last year fewer than 300 were casino related, and the majority of those were minor in nature. Indeed, I have mentioned publicly before that my department had more calls to the local hospitals and high schools than to the casino.

G-59.1

SERVING SINCE 1893



March 31, 2008

Furthermore, the North Fork Rancheria and all local jurisdictions have collaborated specifically to address public safety issues surrounding the proposed construction of the Tribe's hotel and casino resort. In light of the City and County of Madera's and City of Chowchilla's support for the project, the Tribe's proposed public safety funding and own internal security plans, and my Department's experience with other local Indian gaming operations, I am confident that the positive benefits of this project will greatly outweigh any negative impacts, especially in the area of law enforcement. G-59.2

Good paying jobs, business opportunities, and charitable and public funding provided by the project should also help to keep people off the streets and drugs and out of gangs and jails. G-59.3

Sincerely,

  
John P. Anderson  
Sheriff

2008  
MAR 31 10:00 AM  
MADERA



**FREDERICKS PEEBLES & MORGAN LLP**  
ATTORNEYS AT LAW

**G-60**  
1001 SECOND STREET  
Sacramento, CA 95814  
T: (916) 441-2700  
F: (916) 441-2067  
E: dhouck@ndnlaw.com  
www.ndnlaw.com

March 31, 2008

Amy Dutschke, Acting Regional Director  
John Rydzik, Environmental Officer  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Dear Ms. Dutschke & Mr. Rydzik:

Pursuant to the Federal Register Notice issued February 15, 2008 for the Draft Environmental Impact Statement for the North Fork Rancheria's Proposed 305 Acre Trust Acquisition and Hotel/Casino Project, Madera County, California ("DEIS" or "the Project"), (Volume 73, number 32 page 8898-8899) written comments on the scope and implementation of the proposal must arrive by March 31, 2008. The Picayune Rancheria of the Chukchansi Indians ("PRCI") has submitted initial written comments on the DEIS in order to have its concerns considered by the BIA, despite the inadequate timeframes provided for public comment on the DEIS.

G-60.1

The Bureau of Indian Affairs (BIA) has not provided adequate time to review the complex lengthy document, nor has it provided adequate opportunity for public comment. The one hearing on the DEIS failed to allow the public an opportunity to meaningfully comment, validated the heightened public interest over the project and favored project proponents over those concerned about potential impacts to the environment. These facts demonstrate the inadequate nature of the BIA's public-comment process. The BIA has not done everything possible to ensure that the public's concerns are given due consideration. Rather, it has done the bare minimum, which has been clearly insufficient given the degree of public concern over the Project and the size and complexity of the DEIS.

G-60.2

G-60.3

In light of the manner in which the hearing was conducted, the PRCI requested additional public hearings to receive comments on the DEIS and requested that the time by which to submit written comments be extended by 120 days from March 31, 2008. These requests were denied. Accordingly, the PRCI again requests additional public hearings to receive comments on the DEIS and requests that the time by which to submit written comments be extended by 120 days from March 31, 2008. However, in order to ensure that comments by PRCI are considered by the BIA, PRCI has submitted its initial comments on the DEIS today, March 31, 2008. PRCI

G-60.4

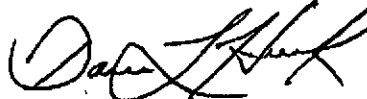
Ms. Dutschke & Mr. Rydzik  
March 31, 2008  
Page 2 of 2

requests to reserve the ability to file additional more in-depth comments on the DEIS as we continue to the review the document and related information that was not but should have been included in the DEIS. cont.  
G-60.4

If you have any questions concerning our comments on the DEIS please contact John M. Peebles or Darcie L. Houck at (916) 441-2700. Thank you for your time and consideration of the critical matter.

Very truly yours,

Fredericks Peebles & Morgan LLP



Darcie L. Houck, Esq.

DLH:se



United States Department of the Interior

U. S. GEOLOGICAL SURVEY

Reston, VA 20192

Key: av ✓  
 Route: Johns  
 Response Required: No  
 Date: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

In Reply Refer To:  
Mail Stop 423

MAR 28 2008

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

Subject: Draft Environmental Impact Statement for the North Fork Rancheria's Proposed 305 Acre Trust Acquisition and Hotel/Casino Project, Madera County, California

Dear Ms. Dutschke:

As requested by your correspondence of February 1, 2008, the U.S. Geological Survey (USGS) has reviewed the subject draft environmental impact statement (DEIS) and offers the following comments

**SPECIFIC COMMENTS**

**Section 3.2.1 General Issues - Geological Setting, Figure 3.1-1, page 3.2-2**

The source of the figure is cited as the Department of Interior, U.S. Geological Survey, 1966. The correct citation for the references section is:

U.S. Geological Survey and California Division of Mines and Geology, 1966, Geologic Map of California: U.S. Geological Survey, Miscellaneous Geologic Investigations Map I-512, scale 1:2500000.

G-61.1

**Section 3.2.2 Seismicity, Figure 3.2-4, page 3.2-12**

The source of the figure is cited as USGS National Seismic Hazard Map, 1996. The correct citation for the references section is:

U.S. Geological Survey, 1996, National Seismic Hazard Maps: U.S. Geological Survey Open-file Report 96-532.

G-61.2

A more recent map is available on the Internet at:

[http://earthquake.usgs.gov/research/hazmaps/products\\_data/2002/2002April03/CNU/CNUppga2500v4.gif](http://earthquake.usgs.gov/research/hazmaps/products_data/2002/2002April03/CNU/CNUppga2500v4.gif)

**Section 4.3.1 Alternative A - Proposed Project, page 4.3-2, first full paragraph, second sentence**

The reader would benefit if the stated runoff volume from new impervious surfaces (102.4 acre-feet) were put in context: Does the stated value refer to runoff per year, for a 100-year storm event, or some other timeframe or event? Information about how the value was calculated, or a reference, would be helpful.

G-61.3

**Section 4.3.1 Alternative A - Proposed Project, page 4.3-3, third full paragraph, last sentence**

Justification for the estimate of "Reductions in the life of wells would not exceed 3 years", a discussion of how this was calculated, and a discussion of increased energy costs due to higher lift due to the lowered water table are provided in Appendix L. However, finding this information is not an easy task for the non-technical reader. Providing a summary of this information in this section would be beneficial.

G-61.4

Thank you for the opportunity to review and comment on the DEIS. If you have any questions concerning our comments, please contact Lloyd Woosley, Chief of the USGS Environmental Affairs Program, at (703) 648-5028 or at [lwoosley@usgs.gov](mailto:lwoosley@usgs.gov).

Sincerely,



James F. Devine

Senior Advisor for Science Applications



## CENTRAL CALIFORNIA LEADERSHIP ALLIANCE



February 29, 2008

Carl J Artman  
Assistant Secretary, Indian Affairs  
1849 C. St. NW, rm. 4160  
Washington D.C., 20240

Mr. Carl Artman,

The Central California Leadership Alliance is a voluntary alliance of tribes from California's Central Valley which formed this organization in order to protect the tribal gaming industry and further the interests of our tribal governments. We believe that the greatest threat to our tribal interests in the Central Valley of California is the deviation from the promise that the Central Valley Tribes made to the voters of California when the Tribes asked for the Central Valley voters' support of Proposition 1A – the Indian Gaming and Self-Reliance Initiative.

The Central California Leadership Alliance requests that you reject the proposed acquisition of a 305 acre parcel into trust for the North Fork Rancheria. The proposed gaming acquisition would be utilized to construct a Stations Casino of undisclosed size far from their aboriginal territory and their restored Rancheria. Of greatest concern is that the proposed site is adjacent to Highway 99, one of the two main North-South thoroughfares in the State of California.

This is an unprecedented attempt in the Central Valley of California. All of the gaming tribes in the region thus far have constructed casinos on their reservation lands, in rural areas, a significant distance from the major population centers. The North Fork Rancheria has viable gaming sites on its existing reservation. The only reason for this move is to increase gaming revenues by locating the casino near more people. This sets a dangerous precedent for Indian gaming in California and would have serious negative consequences for neighboring tribal gaming operations which played by the rules and built on their existing reservations.

The non-Indian speculators behind these off-reservation schemes have no concern for the long-term consequences for California's tribes. The North Fork Rancheria, a Mono tribe, has by this gaming acquisition attempted to leap-frog over the traditional territory of the Chukchansi people, into the traditional territory of the Chowchillan people. The inevitable result of an approval of the proposed acquisition by the North Fork Rancheria would be a great incentive for all seven local tribes to move their gaming establishments closer to the major population centers of the area, leap-frogging over each other willy-nilly in an attempt to increase their revenues.

G-62.1

**This precedent isn't just dangerous in the Central Valley of California. North of San Francisco there are over 15 tribes that could attempt to move closer to the Bay Area in search of higher gaming revenues, based on the fact that they can commute to a new site from an existing reservation. The same is true in Southern California, where over two dozen tribes could begin jumping over each other in order to get closer to the major population centers of Los Angeles and San Diego.**

**The practice of non-Indian investors encouraging tribes in California to look outside their historical lands for placement of casinos is one of the biggest potential threats to the public's long-term goodwill towards tribal gaming. This goodwill was exemplified by the strong votes in favor of Propositions 5 and 1A, which granted exclusive rights for casino gaming to California tribes, and more recently, against Proposition 68. The continuation of this franchise ultimately depends on retaining support from the voting public of California. Tribes moving from their existing reservations and their ancestral territories to a busy freeway site for the sole purpose of increasing their revenues and further enriching a Las Vegas investor destroys the goodwill of the Californians.**

**For these reasons, the Central California Leadership Alliance requests that you reject this proposed gaming acquisition by the North Fork Rancheria.**

**Sincerely,**

  
**Sam Lawhon  
Chairman  
Central California Leadership Alliance**

cont.  
G-62.1

## Comment Letters from Businesses and Non-Government Agencies

B-1

### WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.  
(Please write legibly)

Name: Roger Leach Organization/Tribe/Agency: Valley West (The Summit Group)

Address: 16740 Ave 17

Comment: As a pastor, I had this morning a counselling session with a person with a gambling addiction - Their finances are ruined - they lose everything. I have seen enough of broken families due to casinos - One on 99 will just enlarge the problem in our valley

B-1.1

Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Place me on the mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project"

### WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.  
(Please write legibly)

Name: Beatrice Alvarado Organization/Tribe/Agency: Building For Christ

Address: 29453 Ave. 16<sup>1</sup>/<sub>4</sub> Madera B-2.1

Comment: I am against the Casino here in Madera

Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Place me on the mailing list? Yes \_\_\_\_\_ No:

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

B-3

### WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.  
(Please write legibly)

Name: RONALD SHAW Organization/Tribe/Agency: MADERA FIRST SO. BAND  
Address: 13175 Rd 35 Madera, CA 93636

Comment: I oppose the plans on ~~the~~ grounds it will cause a 'Economic Hardship on the already stressed mental health and cause economic depression to those families that have gambling problems, also create problems in the cards already started

B-3.1

B-3.2

Phone: 559-645-0199 Email: RSS@SACGlobal.com  
Place me on the mailing list? Yes  No:

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.  
(Please write legibly)

Name: Tiffany Martinez Organization/Tribe/Agency: MIL for MCS

Address: 646 Santa Bernite Street

Comment: I don't agree with the ~~idea~~ idea of bringing a casino so close to Madera County. I have a couple of reasons why.  
1) Madera County is not big ~~and~~ the pop. is already growing!!!  
2) ~~If we do get the casino, crime rate will go up~~ more accidents on 99, Hwy 12  
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Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Place me on the mailing list? Yes \_\_\_\_\_ No: X  
Please give to attendant, drop in Written Comment Box, or mail to: John Ryzak, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: "EIS Scoping Comments, North Fork Rancharria of Mono Indians - Casino and Hotel Project."

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NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.  
(Please write legibly)

Name: MaryEllen Koop Organization/Tribe/Agency: Latinas Unidas

Address: 2620 Riberview Dr. Madera CA 93637

Comment: The casino project will be the single largest contributor to Madera's economy ever. As a native Maderan I see this as a positive economic boost for the community and the future of our residents. Revenue to fund public improvements, safety, and community projects and agencies. Good for every one!

Phone: 661-4227 Email: Maryellen\_kp@yahoo.com

Place me on the mailing list? Yes  No:

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".



W RITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
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(Please write legibly)

Name: Rosal Salazar - Sr. Organization/Tribe/Agency: Station Unidos

Address: 821 W. Yosemite Ave

Comment: I am a business broker owner. I have lived in Madera 55 years. I am 110% in favor of Northfork Mono Rancheria because they have been involved with our friends in the past as cultural events that bring many people together. They also are very involved in the community events. Members of the Mono tribe. Phone: also belong to Station Unidos

Phone: 559-672-6478 Email: \_\_\_\_\_  
Place me on the mailing list? Yes  No: \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

B-7

### WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.  
(Please write legibly)

Name: Juan R Ramirez Organization/Tribe/Agency: Madera Madera Youth leader

Address: ~~1850 West Cleveland Avenue~~

Comment: I am against the casino because it's going to create population and killed older and create more problems to the earth and so after said things all said the indianis of mono for got their culture that to protect <sup>Earth</sup> ~~Madera~~ and me ~~and~~ people build this building I am against of this build.

B-7.1

Phone: 673-6597  
Place me on the mailing list? Yes  No:  Email: \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "BIS Scoping Comments, North Fork

March 12, 2008

**To:** The U. S. Department of Interior, Bureau of Indian Affairs  
**From:** Randall L. Brannon, Citizen of Madera, Calif. (26171 Valerie Ave., Madera, CA. 93638)  
 President of the Madera Ministerial Association, Doctor of Pharmacy  
**Re:** A presentation at a hearing for the proposed Gambling Casino on HWY 99 before  
 California State Senator, Dean Florez, May 19, 2005 on behalf of the Madera Ministerial  
 Association.

Senator Florez, members of the Madera County Board of Supervisors, and citizens of Madera,

In September I addressed this issue before the Board of Supervisors on behalf of the Madera Ministerial Association. I presented a variety of reasons why the proposed Gambling Casino on Hwy 99 should not be constructed, this being an unconscionable invasion of the sanctity of our community. The promise of economic prosperity is set forth, but it rings hollow as documented facts related to gambling are unveiled.

Once again I speak on behalf of the pastors and people of the churches of the MMA – over 30 in all -as well as for a large segment of the citizens of Madera who have not been heard, or have been ignored concerning this issue. We stand together to say that “Madera is not for sale” to the gambling industry that has reeked havoc in the lives of thousands of people across our land while promising the pot of gold at the end of the proverbial rainbow, ultimately delivering the pot only to those who would be seduced by their allurements of riches. *Madera is not for sale* to an evil industry that would work under the guise of assisting a small group of our population and bringing a financial boom to our area, but which has proved itself to be utterly destructive to so many in a variety of ways. And with unmitigated resolve, we will not flinch in the face of adversity or temptation, nor capitulate to irrational and illogical persuasions that have captured the mind of many counties and cities.

B-8.1

As I drove into Madera on Monday from the north on HWY 99, passing the Pilot complex, and then Dry Creek, I looked to the right, envisioning a casino in the likeness of ancient Babylon with its towering Gold statue of Nebuchadnezzar in place of farming or other legitimate industry that is truly productive instead of destructive. In my mind's eye I saw a huge sign which welcomed people to the gambling center of California, where Gold is god and where one could risk their fortunes, lives and sacred honor for that which is truly perishing. Entrances to a city are to represent protection for the people and the wise leaders that rule, but I pictured this entrance as one depicting our vulnerability and the folly of its leaders. Yet, at the same time, with a bright hope for the future for our wonderful community, I could see the people and leaders of Madera with a clear conscience rising up in unison to say “Madera Is Not For Sale” as a most honorable approach for developing our county and city became the alternative of choice.

Madera is not for sale to an industry that sees @ 31% of its patrons become problem or pathological gamblers, who lose control of their inhibitions, and see their lives go into a tailspin. Madera is not for sale to an industry that employs many workers, only to see 15% of them develop gambling problems and addictions which cripple them in other areas of their lives. Madera is not for sale to an industry that leads people into bankruptcy at an unprecedented rate, that disrupts the finances of people and their families, causes loss of employment, and preys upon the ignorant and poor of society. Madera is not for sale to an industry that increases the welfare roles and the tax burden upon the rest of the people, while supposedly elevating the economic status of the region. Madera is not for sale to an industry that is associated with increased crime, often propagated by economic loss, stress, and ruin that it has stimulated and perpetuated while promising to provide an enlarged peace officer contingent for the general safety of the public. Madera is not for sale to an industry that has a marked increase of prostitution associated with it, or proliferation of prostitution, adultery and fornication as an outcome of gambling losses. Madera is not for sale to an industry that has a history of being associated with organized crime. Madera is not for sale to an industry which fosters significant burdens upon churches, charities, domestic violence shelters, rescue missions, and homeless shelters. Madera is not for sale to an industry that has abnormally high suicidal rates associated with it wherever it is established. Madera is not for sale to an industry that bankrupts the moral and spiritual fiber of a community by alluring people to pursue instant gratification and unearned wealth. Madera is not for sale to an industry that creates compulsive gamblers whose children are more likely to engage in delinquent

B-8.2

B-8.3

B-8.4

B-8.5

behaviors such as school absenteeism, smoking, drinking, use of drugs, while also having an increased risk of developing problem or pathological gambling addictions themselves. Madera is not for sale to an industry that creates problems for employers of other businesses who experience losses in the form of lowered productivity, employee theft, tardiness, and time missed from work. And, Madera is not for sale to an industry that affects marriages in a most destructive manner, thus eroding the very God ordained institution which is the foundation of our society.

B-8.5  
cont.

Whether it is understood or not, gambling violates or causes many of the teachings of holy Scripture to be desecrated including: "You shall have no other gods before Me; You shall not be slothful, but labor for all your food or not eat; You shall not murder, this including suicide; You shall not steal; You shall not covet; You shall not love money, for it is the root of all sorts of evil; You shall not hinder any children from coming to Me, the Lord Jesus; You shall be good stewards of that which God has given you; You shall consider other people more important than yourself." Every time Scripture is violated, there are harmful consequences to individuals who deny the truth, and sometimes to many that are associated with that person. In addition, those who govern others are objects of God's wrath and discipline when they allow for or bring about violation of the Word of God. Le Matt. 18:6 "Whoever causes one of these little ones who believe in Me to stumble, it is better for him that a heavy millstone be hung around his neck, and that he be drowned in the depth of the sea." I would suggest that this includes government officials or any other leaders and people of society that allow for or bring a destructive effect upon the children of our area. The Scripture says, "God will not be mocked. What a person sows, he will reap." And by the way, casting of lots in the Bible was only for determining the will of God in a matter, and never to make personal financial gain. I say this for those who would erroneously make the charge that the Holy Scriptures approved gambling.

B-8.6

Officials may ring their hands of wrong action, just as Pilot did so in reference to the death of the Lord Jesus Christ, but when all is said and done, they will stand with the verdict "guilty" set upon them just as Pilot was guilty for the violent crucifixion of the Master. When the Scripture says, "You cannot serve God and mammon, for you will either love the one or hate the other", can any of us think that we can pursue the ways and blessings of God while bestowing approval on an industry that is as corrupting as they come? Twice, Jesus Christ came into the Temple and thrashed those who were taking financial advantage of the less fortunate, stating that they were making His Father's House a den of thieves. Should we expect a less severe reaction for our involvement and approval of a business that breeds and depends on such activity? I dare say not. Let the listener beware, especially those who hold great persuasion over others in determining the outcome of this issue before us.


If this casino is approved by our federal and state officials because of the support of our own governing bodies in Madera, and then built, coins and character will be lost, money and morals will go down the drain, philanthropy will be undermined, work ethics will be compromised, the weak and the vulnerable will be exploited, irresponsible use of needed income for families will be common, the undisciplined will be pushed into a deeper hole in life, suicides will increase along with crime in an area that is already fraught with gang warfare and other criminal activity. In addition, the selling out of the lives of those who will work in this casino will occur fostering financial difficulties, alcoholism and drug addiction, along with marriage and family problems.

B-8.7

*Madera is not for sale!* Do not prostitute our city, county and its people for the gold and glitz that quickly fades away. Do not be sucker punched by a bully that truly cares nothing for the integrity, sanctity, and survival of our community, but only has money on it mind, and lets forth a stench that smells like sulfur as it rises in a plume of smoke from the depths of hell itself. We the clergy of the Madera Ministerial Association, along with the people of our congregations of the Church of Madera, and the majority of the people of Madera urge that all endorsements for this gaming casino be withdrawn, and that we move together sacrificially and with honor to make our city and county everything that God Almighty intended.

B-8.8

Respectfully submitted,

  
Pastor Randy Brannon  
President of the Madera Ministerial Association

March 12, 2008

**To: The U. S. Department of Interior, Bureau of Indian Affairs**  
**From: Randall L. Brannon, Citizen of Madera, Calif. (26171 Valerie Ave., Madera, CA. 93638)**  
**President of the Madera Ministerial Association, Doctor of Pharmacy**  
**Re: Written Testimony Opposing North Fork Rancheria's Hwy 99-Ave. 17 Casino Proposal**

I must ask, "Why was this particular urban site determined as best for this project when there were many other truly rural sites in the County of Madera. When tribal leaders were asked this in the spring of 2005, there was no reference to the volume of traffic (some 65,000 vehicles at that time) on HWY 99, where congestion is growing annually. Nor was it stated that the project would be adjacent to the city limits of Madera and just 4 miles from downtown Madera, a city of at least 52,000 residents according to the 2006 census.... this defining it as an urban area according to the United States Department of Agriculture and the U.S. Bureau of Census. Instead we were told that this site, when compared to others, would cause the least amount of disturbance to the people of our County.

B-9.1

In the Madera Tribune this past Monday, the representative for the Tribe and Station Casinos stated, "*Clearly the foothills would not be a great choice environmentally,*" noting that the footprint would be too heavy because of the habitats involved. First, he admitted, as others well know, that the Carbon Footprint will be huge in a region that is already suffering from air quality problems, especially in more congested areas such as Madera and the Highway 99 corridor. Secondly, the habitat of the valley is not less important than that of the foothills. Thirdly, human beings are the greatest resource of any environmental habitat, and the Carbon Footprint would be much greater in our urban area, affecting many more people than in a rural location.

We know from government, university, and private studies on gambling that close to 13% of patrons will become problem or pathological gamblers with another 18% being at risk for such. In addition, an estimated 15% of gambling industry employees will develop gambling problems. Local crime and law enforcement costs will increase. According to the 1999 National Gambling Impact Study Commission's final report, 21.4 % of pathological gamblers will be incarcerated at one time or another, this being 3 times the national rate. Families of pathological gamblers increasingly suffer from financial, physical, and emotional problems including divorce, domestic violence, child abuse and child neglect. Children of such individuals, show an increase in use of drugs and alcohol, and school truancy. An increase in loss of employment and bankruptcy will occur. Suicides will increase. Employers will experience losses through lowered productivity, time missed from work, as well as employee theft. No dollar amount can represent what a lost or impaired parent, spouse, child or friend means to families and a community. Statistically, the EIS underestimates these issues and costs. History shows that casinos don't make people rich, they make poor people poorer, and they prey upon the impoverished and the aged who can ill afford to gamble away their lives.

B-9.2

It should be noted that the EIS is significantly deficient in that it does not address the regional environmental or economic impact on Fresno, Mariposa or Merced counties. Each county will have added water burdens, air quality problems, and traffic needs as they become a pathway to this proposed casino. Yet, not a word in this document discusses the problems that will occur. It is as if those who performed the EIS either forgot about the surrounding areas or were concerned that the results would complicate matters about the casino. Thus an EIS needs to be performed on Fresno, Mariposa, and Merced counties. A unified EIS should be expected as Madera is not the only county that is significantly impacted by this project. Let the complete story be told in a complete document.

B-9.3

We are not willing to sacrifice our people on the altar of the Gaming Casino industry, regardless of promised economic benefits. If proponents of the casino would experience first-hand the destruction of a family member, relative, friend, or employee, we might hear another tune coming from their mouths. Charging ahead for economic reasons in the face of the havoc that will be reaped in our city and county is insanity and needs to be stopped right now. If an advisory vote of the people of Madera was taken, I suggest that this opinion would be loudly voiced.

B-9.4

I urge the Dept. of Interior to turn down this application by the North Fork Mono Rancheria. And I urge the people of Madera to rise up against this foreign invader. Let your voices be heard. Do not despise your heritage, your children, and your community to your regret and shame.

B-9.5

Sincerely yours,



Randall L. Brannon

March 12, 2008

To: The U. S. Department of Interior, Bureau of Indian Affairs  
 From: The Madera Ministerial Association  
 Re: A Presentation to the Madera County Board of Supervisors on September 28, 2004 concerning  
 the purported Gambling Casino and Resort on Hwy 99 and Ave. 17 in Madera County, CA

Madera County Board of Supervisors  
 209 W. Yosemite Ave.  
 Madera CA 93638

Dear Madera County Board of Supervisors:

We the undersigned of the Madera Ministerial Association urge and request that you revoke your endorsement of the gaming casino on Avenue 17 and Highway 99 in Madera County. Even though more Americans are indulging in gambling today than ever before, and it is seemingly most profitable for the local area through tax and associated revenues, we believe that it is most detrimental to the overall welfare of our community. Some will argue that: 1. People will gamble somewhere, so it might as well be here where we can profit financially from their activity; 2. By legalizing gambling, this will remove the criminal element associated with it; 3. It's just another form of entertainment that people have the right in which to indulge; 4. It will employ many people from our area, thus reducing the unemployment rates; 5. Life is a gamble, so what is the difference between this action and other actions of life including playing the stock market?; and 6. It is strictly voluntary, so let's give people the option for themselves. In addition, a recent editorial in the Madera Tribune would lead people to believe that gambling enhances the health and mental outlook on life, all based on one study from Yale University. Each of these statements sounds good on the surface, but the fact remains that gambling is a scourge on our society and most detrimental to individuals, families, communities, and our nation. It is a Trojan horse of our times.

Thomas Dewey, former governor of New York, declared that legalized gambling brought the state nothing but, crime, corruption, and misery. Dr. Norm Geisler, PhD in philosophy, and author of over 60 books, stated in his book *Gambling, A Bad Bet* (p. 33), "Gamblers always lose. Even the small number who win big often gamble or squander their profits away. The biggest loss most gamblers experience is not in their finances, but in their family lives." Virgil Peterson, of the Chicago Crime Commission wrote: "Where gambling flourishes, the racketeers gather like flies around syrup." William E. Webster, Director of the FBI from 1978 to 1987, stated, "He knew of no situation in which legalized gambling was in place where we did not eventually have organized crime." (And yes, little Madera County is a target for crime, just like all other places.) Is it possible to reduce the crime rate in Madera County while developing an industry that enhances such activity?

Excerpts from the National Gambling Impact Study Commission (NGISC) Final Report, June 18, 1999 include the following statements:

"NORC (The National Opinion Research Center) found that the presence of a gambling facility within 50 miles roughly doubles the prevalence of problem and pathological gamblers. For millions of Americans, problem and pathological gambling is a serious consequence of legal and illegal gambling. In NORC'S survey of 530 patrons at gambling facilities, more than 13 percent met the lifetime criteria for pathological or problem gambling, while another 18 percent were classified as 'at risk' for developing severe gambling problems. Dr. Robert Hunter, a specialist in pathological gambling treatment, has estimated that 15 percent of gambling industry employees have a gambling problem. NRC concluded that pathological gambling is found proportionately more often among the young, less educated, and poor."

"According to the National Research Council, pathological gamblers 'engage in destructive behaviors: they commit crimes, they run up large debts, they damage relationships with family and friends, and they kill themselves. Many families of pathological gamblers suffer from a variety of financial, physical, and emotional problems, including divorce, domestic violence, child abuse and neglect. Children of compulsive gamblers are more likely to engage in delinquent behaviors such as smoking, drinking, and using drugs, and have an increased risk of developing problem or pathological gambling themselves. The NRC also noted the existence of a number of costly financial problems related to problem or pathological gambling, including crime, loss of employment, and bankruptcy. 'As access to money becomes more limited, gamblers often resort to crime in order to pay debts, appease bookies, maintain appearances, and garner more money to gamble. Roughly one-fourth to one-third of gamblers in treatment in Gamblers Anonymous report the loss of their jobs due to gambling.'"

"Employers may experience losses in the form of lowered productivity and time missed from work. Churches, charities, domestic violence shelters, and homeless shelters are often significantly burdened by the problems created by problem and pathological gamblers. While recent studies have attempted to 'quantify' these costs to society, (reference to: bankruptcy, crime, suicide, or abuse) no dollar amount can represent what a lost or impaired parent, spouse or child means to the rest of the family."

B-10.1

Specific Impacts include the following: (These being direct quotes from the Commission Study)

1. Approximately one in five pathological gamblers attempts suicide. A survey of nearly 400 Gamblers Anonymous members revealed that two-thirds had contemplated suicide, 47 percent had a definite plan to kill themselves, and 77 percent stated that they have wanted to die.
2. Compulsive gambling introduces a greatly heightened level of stress and tension into marriages and families, often culminating in divorce and other manifestations of family disharmony.
3. Individuals with gambling problems seem to constitute a higher percentage of the homeless population. In a survey of 1,100 clients at dozens of Rescue Missions across the United States, 18 percent cited gambling as a cause of their homelessness.
4. Family strife created by gambling problems also appears in the form of abuse, domestic violence or neglect. One domestic violence counselor testified that a shelter reported a 300 percent increase in the number of requests for domestic abuse intervention after the arrival of casinos. Children of compulsive gamblers are often prone to suffer abuse, as well as neglect as a result of parental problems or pathological gambling."

One might belittle these statistics and view the results of this study as a worse case scenario. Be it the case, would a person serve a dinner to a 1000 guests if he knew that just 1 or 2 % would end up with salmonella poisoning? Would one load a gun and play Russian roulette with their family, friends, and neighbors? Absolutely not! Yet, when supporting the gambling industry, such a "throw away of life" mentality is exhibited and fostered.

From the Journal of the American Medical Association, July 11, 2001 come these findings: The consequences of gambling include: Financial problems that increase with time; Problems with marriage, long-term relationships, and friendships; Loss of job or job opportunities; Legal problems; High suicide rate; and, a tendency to drink alcohol and abuse drugs more than other people.

From a Mayo Clinic report, (MayoClinic.com -- Compulsive gambling) the following criteria was set to determine if a person had a gambling problem. Please notice that these are common elements among the gambling population and things that most people or communities would seek to avoid or prevent. They include: Gambling until the last dollar is gone; Loss of sleep due to gambling; Income or savings used to pay bills being used to gamble; Repeated and unsuccessful attempts to stop gambling; The law is broken or consideration of such activity is given to finance gambling; Money is borrowed to finance gambling; Depression or suicidal tendency increases because of gambling losses; Gambling to get money to meet financial obligations is most evident; Missing school or work because of gambling is enhanced; Unhappy home life because of gambling is fostered.

If this casino is approved by our representatives, and then constructed, devastation on our community will be promoted by those who are elected to protect the citizens, all in the name of stabilizing and improving our economy. The number one responsibility of every governing body is to protect its constituents. If our elected officials allow this casino to be built, coins and character will be lost through gambling, and money and morals will go down the proverbial drain. If gambling is promoted by County or City officials, it can only be surmised that philanthropy will be undermined, work ethics will be tarnished, the weak and the vulnerable will be exploited, the irresponsible use of needed income to provide for families will be evidenced, the undisciplined will be pushed into a deeper hole in life, greed will be fostered, and discontent will reign supreme. In many instances, as it is well documented, compulsive gamblers will turn to embezzlement, theft, credit card indebtedness, and even tax evasion to support their addiction. In addition, the selling out of the lives of those who will work in this casino will be promoted as it is well documented that alcoholism, drug addiction, and marriage and family problems are enhanced during their employment as people are subjected to an environment that's chock full of short-term pleasures that employees buy into and which eat them alive.

If this community changes coins for character it will short-changing itself. If we gamble our righteousness for riches, we will soon have neither. We the clergy of the Madera Ministerial Association ask you, our elected officials, to withdraw your consideration or endorsement of this gaming casino on Avenue 17. We trust that you will make the right decision for those whom have entrusted their well-being to each one of you.

Respectfully yours, Members of the Madera Ministerial Association,

Chaplain Jim Adair, Madera County Corrections  
Mr. Sam Wall, Chairman of Madera County Men of Integrity  
Pastor Fred Thurman, Madera Christian Fellowship  
Pastor William Harper, New Covenant Baptist Church  
Pastor Michael Ayers, First Baptist Church of Madera  
Chaplain Ron Gionavetti, Youth For Christ  
Pastor Roger Leach, Valley West Christian Center

Pastor David Crawford, Harvest Community Church  
Pastor Dennis Sylvester, First Assembly of God Church  
Pastor John Pursell, Believers Church of Madera  
Pastor Greg Perkins, Grace Community Church  
Staff of the Fourth Street Church of Go  
Pastor Tim McGraw, Yosemite Christian Center  
Pastor Randy Brannon, Grace Community Church

B-10.1  
cont.

Thank you for giving me this opportunity to address this committee/counsel on this very important issue.

My name is Patrick Handley and I pastor the North Lake Church Of God here in the wonderful city of Madera.

I am deeply concerned as a pastor and as a member of this community's spiritual leadership concerning the devastating impact that any new casino would willfully impart to us.

I know first hand the devastation these parlors of glitter have to offer, as it almost cost me my marriage and an unwanted financial crisis. The promises of financial stability and economic growth for the city of Madera and its surrounding vicinities comes at too high a price. We can not afford to squander our most precious resources, (our citizens), in the fictional hope of costless prosperity. We can not afford to give away or sell off parts of our city we have labored so hard to build for a little bit of glitter. We can not afford to make rich the pockets of an organization that thrives on the devastation, loss, and heartache of the very people it says it is trying to help. Let us not as a city cast away our most precious resource, (its people), to balance a budget, or bolster our own coffers. If we seek to better our economy let us invest in our own people and bring in honest commerce that does not thrive on greed and ignorance, and steal food from our children. Bring in companies and investors that will not leave a bigger social and economical debt due to increased welfare,

B-11.1



rehabilitative, and medical costs just to name a few. that we must carry. And let's not destroy the hope of our future (our young people) by feeding them this lie that the casinos are the answer to our fiscal problems, when we should be teaching them that hard work with responsible money management and accountability make for solid fiscal growth.

Yes I oppose the casino because they offer so much in words but give out so little in reality. They exact from our people much more with glittery words and promises than they ever plan to or are able to deliver, or pay back . It is always a loose, loose proposition for all involved except the casino owners.

Madera we can not afford this casino, its price will forever be too high.

B-11.1  
cont.

3/11/2008

# **Stand Up For California!**

**"Citizens making a difference"**

standupca.org

P.O. Box 356  
Penryn, CA 95663

March 12, 2008

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

**RE: "DEIS Comments, North Fork Rancheria's Hotel/Casino Project"**

Dear Ms. Dutschke:

*Stand Up For California!* appreciates this opportunity to make comment on the DEIS regarding the issue of North Fork of Mono Indians (Tribe) proposed casino in Madera County. Our organization has concerns about this project establishing a federal precedent on off reservation gaming in California. The Tribes application for fee land into trust is clearly identified as a two part determination accompanied with several inter-governmental agreements which have been negotiated in a commendable manner. The Tribe has adhered to the federal statute, the Indian Gaming Regulatory Act (IGRA) and proceeded in a transparent and collaborative manner.

Nevertheless, several federal policy questions remain particularly in light of Assistant Secretary Carl Artman's Memo of January 3, 2008, "*Guidance on taking off reservation land into trust for gaming purposes*".

California has unique federal law and unique tribal gaming issues. Tribes in California have 21 pending federal applications for the acquisition of new land for tribal gaming. Twelve (57%) of these applications seek to by-pass the two-part determination before opening new casinos.<sup>1</sup> In addition there are 85 pending applications for 8,361.36 acres of contiguous and adjacent parcels expanding established tribal lands. The described use of the contiguous and adjacent lands is sometimes vague; ambiguously stated or more importantly its use is changed once in trust, often for gaming. Contiguous and adjacent lands meet the exception for gaming on after-acquired lands and should be considered a gaming acquisition.

National and statewide media, local government, state and federal lawmakers are closely watching the decision-makers at the Bureau of Indian Affairs (BIA). As you know, California

<sup>1</sup> Pending Land Applications, July 2007, Office of Indian Gaming Management  
[http://www.standupca.org/Reports/SCAN0237\\_000.pdf](http://www.standupca.org/Reports/SCAN0237_000.pdf)

B-12.1

leads the off-reservation tribal gaming debate because issues of restored landless tribes and reservation shopping by gaming investors are paramount in California. Decision-makers must concern themselves with establishing coherent and consistent policy for after acquired lands constant with the intent of section 20 of the Indian Gaming Regulatory Act (IGRA).

### **FEDERAL AND STATE POLICY CONCERNS**

As part of this IGRA-mandated process, *Stand Up For California!* has a clear interest in the proceedings and therefore submits comments on these policy issues and will supplement these comments in the future.

- Significant policy concerns over the "Sole Proprietary Interest Requirement".
- Violates the Secretary's Trust Responsibility to other federally recognized tribes
  - On Reservation job opportunities and benefits
  - Growth of reservations governed by tribal governments
- State and local concerns that need to be given greater weight:
  - Jurisdictional problems and potential conflicts of land use; and
  - the removal of the land from the tax rolls.
- The Secretary of the Interior has no authority to take this land into trust
- Non-Compliance of State Constitutional Law and Policy

B-12.2

### **DISCUSSION**

#### **I. Significant NIGC policy concerns over the "Sole Proprietary Interest Requirement"**

The proposed site on Highway 99, "Subject Land" is not located "within the exterior boundaries of the tribe's reservation or adjacent thereto." The "Tribe" while a federally recognized tribe, has a small land base of 61.5 acres located in the town of Northfork. It appears that the Tribe asserts governmental powers over the land. F. Cohen, Handbook of Federal Indian law at 34-35 (1982 Ed.).

There is nothing in the administrative record to suggest that the Subject Land is located with a tribal consolidation area or that the Tribe already owns an interest in the property. Indeed, as evidence by Madera County Tax Assessor Records the Subject Land is currently owned by Fresno Land Acquisitions LLC C/O Station Casinos, Inc. Att. Accounts Payable 1505 S. Pavilion Center Drive, Las Vegas, Nevada.

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The Subject Land is encumbered by the ownership of developer/investor/ proposed management company. Herein lays a potential violation of IGRA's sole proprietary interest requirement. IGRA requires, as one of the necessary conditions for a tribe to open and operate a casino, a gaming ordinance approved by the National Indian Gaming Commission (NIGC). 25

USC Section 2710(b)(B); 2710(d)(1)(A). For approval of a gaming ordinance, IGRA requires, among other things, that "the Indian tribe will have the sole proprietary interest and responsibility for the conduct of any gaming activity." 25 USC 2710(b)(2)(A).

As such, should a tribe and a contractor execute an agreement that gives to the contractor some proprietary interest in the gaming operation, the agreement violates both the tribal gaming ordinance and IGRA, which empowers the NIGC to correct those and all other violations through enforcement actions. Therefore, any agreement that violates IGRA's sole proprietary interest requirement places the tribe at risk of fines and closure of its casino.

The evidence of the County records of the Subject Land make clear it is illogical to even consider the Subject Land at this time for a casino development.

## **II. Violates the Secretary's Trust Responsibility to other Tribes.**

Acquiring the Subject Land for casino gaming purposes would grant the "Tribe" the right to operate a casino in a location that is immediately adjacent to the City of Madera, about 20 miles to the metropolitan area of Fresno and 166 miles to the densely populated bay area. These represent larger metropolitan population centers. Such an urbanized location is easily accessible via Highway 99 and connecting interstate and state highway transportation systems.

Casino gaming on the Subject Land would certainly divert gaming that would otherwise occur at already operating tribal casinos in more remote locations. These tribes did not have the opportunity to select their casino site; rather their casino location was mandated by the location of their historic lands. Moving tribes from their homelands undermines public support for the gaming franchise voters awarded tribes through Proposition 1A in 2000 and violates the pledge made by tribes that gaming would take place only on tribal lands.

The Tribe and Station Casinos are willing to pay the County and State millions upon millions of dollars for this opportunity. Station Casinos has promoted the casino at the Subject Land as the only economic project critical to improving the lives of the Tribe's more than 1340 members.

In 1999, the BIA Tribal Information and Directory indicated there were only 310 members. In 2000 the total increased to 430. The process of enrolling additional members began in December of 1998 the same year that Proposition 5, the first proposition that attempted to legalize Indian gaming in California passed.

If the established Rancheria at North Fork was only allotted to individuals residing on the land in 1983, then who are these new tribal members? It appears *individuals* are heirs or successors in interest whose families relocated many years ago. Have these individuals ever lived on a reservation or experienced tribal life or governance? Where do they live and work now? The purpose of the IRA is to encourage growth of reservations governed by tribal governments. Will these new members return to the reservation? There is no doubt that the Tribe will benefit from gaming revenue. But is this Subject Land acquisition consistent with the intended use of the IRA?

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cont.

B-12.4

B-12.5

The Rancheria at North Fork is small, isolated in a rural area and basically used for a limited number of homes. It does not appear that revenue would be used to create a significant number of on-reservation job opportunities. Indeed most tribal casinos in California employ 97% non Indians. Gaming revenue is used by California's small tribal populations to diversify tribal holdings into auto dealerships, government buildings for lease, hotels, banks, gas stations, TV/Radio stations, country clubs and golf courses, etc. Clearly the benefit of the casino will be in the form of stipends and other benefits to individual tribal members, not necessarily an enhancement of a reservation governed by tribal government.

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cont.

**III. State and local concerns that need to be given greater weight:**

**A. Jurisdictional problems and potential conflicts of land use**

The County of Fresno was one of the first 27 Counties to be established by the California State Legislature on September 9, 1850. Madera County later annexed from Fresno County in 1893 establishing their own authority and jurisdiction over the Subject Lands. Clearly, the State of California exercised authority and governance over Subject Lands for 114 years before Congress even appropriated money for the purchase of federal fee lands for homeless Indians of no specific tribal affiliation at the North Fork Rancheria.

In other words, in 1958, the unorganized tribal group of the North Fork Rancheria voluntarily relinquished any claim to governance over their lands in Madera County over 50 years ago. Waiting 50 years to restore lands from 1958 to 2008 does not represent one *continuous transaction*.

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Clearly, the non tribal population of Madera County in 2000 was 130,000+ persons have justifiable expectations that the Subject Land remains similar in character. If changes regarding zoning, County General Plan, jurisdiction and critical health and safety issues created by a change in the governing authority are to occur—it cannot be made behind closed doors as an overreaching federal decision.

In 1850 California became a State and exercised governance over the Subject Land. Without dispute for 158 years no Indian lands have existed in this regional area at the site of the proposed casino (i.e. all land has been subject to State law and local law). Common sense dictates that it is unreasonable to place a new political entity for the purpose of establishing a casino which enjoys immunity to civil liability and tax exemption that for 158 years has been subject to California and local law and in the private ownership of generations of private citizens.

Moreover, the Subject Land is zoned as ARE 40 – Exclusive 40 ac. rural agriculture. The Madera County General Plan identifies the land as exclusively agriculture. California County General plans seek smart development for all future plans extending commonly 10 years and sometimes more. Counties give significant consideration to shared natural resources such as transportation systems, night sky, air quality and taxpayer provided services inclusive of law enforcement, fire, emergency services, district attorney, municipal jail and many more.

B-12.7

- **A General Plan requires extensive research and a vote by the Board of Supervisors which can be challenged by citizens and businesses of the County.**

It seems self-evident that a massive complex devoted entirely too around-the-clock commercial gambling and complementary diversions for a host of transient visitors is a unique species of development bearing little resemblance to farming, ranching, shopping malls, auto dealerships, office buildings, etc. There must be a discussion of the type and quantity of development that would occur naturally on land zoned ARE 40 not impacted by the *growth accelerating affect of a casino*.

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By comparison, in Placer County on June of 2003, the United Auburn Indian Community opened a casino on 58 ac. Five years later, the Tribe is proposing an expansion of 650 rooms, 20 level hotel, a pool and spa, a 3000 seat performing arts center and a convention center complete with a nine story parking garage. However, the land when acquired by the United Auburn Indian Community in 2003 was part of the County General Plan which included an 11,000 ac. Industrial and Commercial development park. *Accelerated growth* was anticipated and well planned for.

**B. Removal of land from the tax roles.**

The lost tax revenue must also be evaluated in light of the Tribe's plan to undertake considerable commercial development on the Subject Land. While the lands current tax value has increased significantly even though it remains largely undeveloped, logically the tax value will increase exponentially if the Tribe develops the property on the scale proposed by the application. Additionally, the development and increased usage of all the lands within or near the proposed acquisition, without any incoming property taxes to prevent, mitigate or offset damages to the land, will potentially negatively impact the State and County. While the Tribes Memorandum of Understanding with the County seeks to off set the impacts, it is important to note the included renegotiation provisions that will allow the Tribe to decrease the amount of funding to the county in the event gaming devices are made available to non Indians in the State. The State Legislature currently has legislation to authorize the use of Bingo like slot machines.

B-12.9

As the Tribe and Station Casinos builds and operates its casino, hotel and retail complex in this rural area of the State the development will require a substantial increase in State and County services but the costs of those services will not be paid from property, income or sales taxes generated by or on the Subject Land because it will be exempt.

The Bureau of Indian Affairs must take into consideration the County General Plan, the zoning, and the *accelerated growth* of an around-the-clock development of the proposed site. Moreover, the limit of 2000 machines which was previously offered in tribal state compacts in the year 2000 has increased to 7500 machines in 2008. The DEIS must consider *accelerated growth* to occur projecting an increase to 7500 machines? The DEIS must consider the development of a mega-casino complex and the associated impacts comparable to Foxwoods in Connecticut?

B-12.10

**IV. The Secretary of the Interior has no authority to take this land into trust.**

California has unique federal Indian Law. In 1864, Congress passed "an Act to provide for the better organization of Indian Affairs in California," (the Four Reservations Act) (Act of Apr. 8, 1864, 13 Stat. 39), which provided among other things that:

"There shall be set apart by the President, and at his discretion, not exceeding four tracts of land, within the limits of (California), to be retained by the United States for the purposes of Indian reservations, which shall be of suitable extent for the accommodation of the Indians of California, and shall be located as remote from white settlements as may be found practicable, having due regard for the purposes for which they are intended."

Thus the Four Reservations Act specially limited the number of Indian reservations the Executive Branch was authorized to create in California. Subsequently, in 1891, Congress provided for the creation of a limited number of additional California reservations in the Mission Indians Relief Act. The Mission Indians Relief Act created an exception to the limit previously set. Therefore the only statutory exceptions to the reservation limit established by the Four Reservations Act are the Mission Indians Relief Act and congressional acts specifically establishing reservations for particular California Indian tribes, none of which are applicable in this instance.

The Indian Reorganization Act does not currently authorize the Secretary to proclaim a new reservation in California. While the IRA authorizes the Secretary "to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by "certain enumerated IRA sections, including title 25 United States Code section 465, we believe Congresses specific restriction on the number of California Indian reservations as set forth in the Four Reservations Act, controls the general reservation proclamation authority given the Secretary under the IRA.

The unambiguous purpose of the Four Reservations Act is to "provide for better organization of Indian Affairs in California." There is no indication in the IRA's plain language or legislative history that by giving the Secretary general authority to proclaim Indian reservations to help rebuild Indian land bases, Congress intended to repeal the limit on the number of Indian reservations in California.

Therefore, the Secretary of the Interior does not have the authority to take land into trust for the creation of a new reservation in California. The North Fork Mono Indians and their gaming investors Station Casinos will need to seek out a Representative of Congress to carry a Congressional Act specifically to take land along highway 99 in Madera County for gaming.

**A. A brief history of the Tribe and unique federal law in California**

The "Tribe" has its historical, archeological, geographical and cultural roots at the North Fork Rancheria, located in North Fork Center, Madera County, South of Bass Lake, and North of O'Neal's in California. Indeed, the federal land at North Fork Rancheria is the basis of the "Tribes" restoration of a terminated Rancheria. The original Rancheria was purchased under the authority of the Act of June 30, 1913 (938 Stat 77, 86) title was in fee for the United States.

B-12.11

B-12.12

Several Appropriations Acts were made between 1906 and 1917 to purchased land for "homeless Indians" in California. The distributes, heirs or successors in interest of the North Fork Rancheria may demonstrate historical, archeological, geographical and cultural roots to 80 acres of land at North Fork.<sup>2</sup>

The Subject Land is not located within or contiguous to the boundaries of the Rancheria of the Tribe in existence on October 17, 1988. On that date the "Tribe" while federally recognized did not have a land base, did not reside on land set aside under the federal protection against other jurisdictions, and did not assert governmental powers over any land. Indeed, the "Tribe" did not become organized until May 12, 1997 when the groups Constitution was approved.

The Tribe never had a recognized "reservation" in, or anywhere near the vicinity of, the Subject Land. Indeed the Tribe's historical lands are located in North Fork Center, nearly 40 miles from the Subject Land.

The 85<sup>th</sup> Congress 2d Session July 22, 1958 Report to accompany H. R. 2824 provided for the distribution of the land and assets of certain Indian Rancherias and Reservation in California. North Fork is a named Rancheria. The report was agreed to be favorable and recommend that the bill be passed. The legislation provided options to, (1) transfer assets of Rancheria properties to individual Indians, (2) or sell the asset and distribute the proceeds to the individual Indians, or (3) convey such assets to the corporation<sup>3</sup> or legal entity organized or designated by the group or 4) convey such assets to the group as tenants in common.

The termination of the North Fork Rancheria became federal statute. The Report identifies the land and its owners:

The 80 acres making up this rancheria were purchased in 1914 for \$550.00. At that time there were an estimated 200 Mono Indians living in this acres. By 1933, however, the number had dropped to a mere 7, and today only a mother and her 2 sons occupy the land as a rural homesite.

The land has a very limited grazing value. It is not used for that purpose. The domestic water is obtained from a spring. The land does not have alien against it because of any improvement. The homesite is about 2 miles from an improved road. The Susan Johnson family has an assignment to the entire 80 acres. There is no approved membership roll for this group.

<sup>2</sup> The North Fork Rancheria, 80 acres, is located about two miles from the town of North Fork, Madera County, California. SE1/4NE1/4 Section 20, and SW1/4 Section 21, T. 8 S., R. 23 E., Mount Diablo Meridian. *Tillie Hardwick v. United States of America* C-79-1710 SW Stipulation for entry of judgment (Madera County) Exhibit A page 3 - see North Fork

<sup>3</sup> The Regional Office of the Bureau of Indian Affairs used California State Corporation Law to organize tribes as Homeowner Associations in order to distribute federal funds thus providing services or maintenance to the trust lands.

B-12.12  
cont.



On December 13, 1955, the family asked that they be given fee patent to this acreage with the request that a domestic water system be installed.

The local BIA officials estimated that the following sums would be necessary to effect transfer of title:

|                          |                   |
|--------------------------|-------------------|
| Land survey              | \$1,000.00        |
| Water system             | 2,000.00          |
| Legal assistance         | 500.00            |
| Property appraisal       | 300.00            |
| Programming and Planning | 1,000.00          |
| <u>Total</u>             | <u>\$4,800.00</u> |

In 1923, the Reno Indian Agency ("Agency") had jurisdiction over Indian reservations, colonies, villages and scattered bands of homeless Indians in Nevada and Northern California not under the superintendence of any other jurisdiction. The Agency and its entire personnel gave considerable time surveying and compiling data on populations, locations and needs of the various Indian reservations, colonies, villages and scattered bands of homeless California Indians as presented in its annual report of 1923.

The 1923 records of the Agency indicate approximately 519 Indians; comprising 8 groups were actually residing in Madera County, California. North Fork is listed as the largest Indian community in Madera County. Their holdings are very scattered and few have taken advantage of the land purchased near North Fork for a home site. Only four families reside on the 80 areas. The Agency has determined that no additional land is needed for these Indians.

The Tribe had its federal recognition status re-established in 1983 as the result of a stipulated judgment under class action suit *Tillie Hardwick v. United States*, C-79-1910SW. Judgment filed December 22, 1983. The Tribe's Rancheria termination occurred in 1958, 50 years ago on land nearly 40 miles from the Subject Land.

The North Fork Mono Indians restoration to federal recognition in 1983, the individually owned lands restored to trust and now the casino market land acquisition efforts are independent of each other and not part of one *continuous transaction*. There is not a sufficient "temporal relationship" between any restoration and the proposed lands acquisition to meet an exception for restored lands for a mandatory acquisition of land for gaming.

- **Thus, the application to take land into trust must be and is being processed as a two-part determination.**

#### **B. Misapplication of Federal Statute**

As previously detailed the Tribal lands were terminated in 1958 by a Congressional Act, the Tribe was only restored to federal recognition by a court stipulated judgment in 1983, 49 years after the enactment of the Indian Reorganization Act (IRA).

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The court entered without making its own finding a stipulated judgment strictly restoring Rancheria lands to their status prior to the termination. Rancherias are land bases and were not tribal governments. The parties to the Stipulation were individuals residing on Rancheria land. No tribal government was ever a party involved in any litigation or any of the stipulations. **If there is a stipulation, the court does not render a decision.**

Nonetheless, the Pacific Regional Office of the BIA misapplied and later treated these stipulated judgments as restoration of federal status of tribal governance. We have neither a court nor administrative finding based on evidence to support restoration of tribal governance. Therefore, the misapplication of the stipulation lacks any basis and does not satisfy Congressional statutes. (See PL No. 103-454, Section 103(3) requiring recognition by act of Congress, requiring CFR 25 Part 83 review or decision by a court)

B-12.12  
cont.

This single action by the Pacific Regional Office in moving land base groups to federal recognition has and continues to cause havoc in California for both the tribal and non tribal populations. This action has initiated the proliferation of off-reservation gaming and stirred the flames of public backlash.

**V. Non-Compliance of State Constitutional Law and Policy**

As you may be aware, the State has successfully defended a challenge to the constitutionality of Proposition 1A<sup>4</sup>, which challenge alleged that California violated the Equal Protection Clause of the United States constitution when it permitted Indian tribes to conduct class III gaming on Indian lands, to the exclusion of all others. *Artichoke Joe's*, supra, 353 F. 3d at 731. In upholding Proposition 1A, the Ninth Circuit Court of Appeals relied upon the State's restriction of tribal gaming "to carefully limited locations" as a reasonable means of serving the State's interest in protecting the public health, safety, welfare and good order.

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**A. Does the proposed site of the Tribes casino/hotel complex meet the State's Constitutional restriction of tribal gaming "to carefully limited locations"?**

It would not appear so, as the State Constitutional exception provided for limited gaming *only* on "California Indian lands". Article 4 Section 19 (f) authorized by a vote of the public on March 7, 2000, clearly limits tribal gaming operations to "*Indian lands in California*" or "*tribal lands subject to those compacts*". California had 52 negotiated and ratified tribal state compacts that were subject to this language when authorized by the voters in 2000. North Fork was not one of the 52 compacts nor was the Subject Land Indian Lands or subject to those compacts.

**B. Does the proposed casino location meet the criteria of the Gubernatorial Proclamation dated May 18, 2005?**

B-12.14

<sup>4</sup> Proposition 1A provided for a limited exception for federally recognized Indian Tribes on California Indian Lands in the States prohibition on Casino style gaming. This statewide ballot measure was supported by 64% of California voters on March 7, 2000.

In May of 2005 Governor Schwarzenegger introduced a Proclamation setting forth a general policy on specified matters related to tribal gaming. It is important to note here, that the Tribe had negotiated with the County prior to the Governor's Proclamation. It is clear that the Subject Land proposed for a casino by the Tribe is non-compliant with this Proclamation. The Governor will:

1. **I shall oppose proposals for the federal acquisition of lands within any urbanized area where the lands sought to be acquired in trust are to be used to conduct or facilitate gaming activities.**
2. **I shall decline to engage in negotiations for tribal-state gaming compacts where the Indian tribe does not have Indian lands eligible for class III gaming.**
3. **I shall consider requests for a gubernatorial concurrence under section 20(b)(1)(A) of IGRA, that would allow a tribe to conduct class III gaming on newly acquired land, only in cases where each of the following criteria is satisfied:**
  - a) **The land that is sought for class III gaming is not within any urbanized area.**
  - b) **The local jurisdiction in which the tribe's proposed gaming project is located supports the project.**
  - c) **The tribe and the local jurisdiction demonstrate that the affected local community supports the project, such as by a local advisory vote.**
  - d) **The project substantially serves a clear, independent public policy, separate and apart from any increased economic benefit or financial contribution to the State, community, or the Indian tribe that may arise from gaming.**

The governor makes clear his opposition to urban casinos but also details criteria under which he will give serious consideration for the authorization of off reservation casinos.

The proposed Subject Land if approved through a two part determination process must meet the detailed criteria of the proclamation for gaming or it will undermine the State Constitutionality of California's Indian gaming regime and 2005 Gubernatorial Proclamation.

The Governor has stated very clearly in his Proclamation that:

**"I shall oppose proposals for the federal acquisition of lands within any urbanized area where the lands sought to be acquired in trust are to be used to conduct or facilitate gaming activities."**

Yet the Subject Land is just outside but in the sphere of influence of Madera, a city of about 50,000 residents. Attached to the Governors Proclamation is a definition of *urbanized areas* which consists of any City over 20,000 in population:

B-12.14  
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**"For purpose of this Proclamation, "urbanized area" means the definition of that term as defined in Public Resources Code section 21071, subdivision (a). A list of the cities meeting this definition as of the date of this Proclamation is attached hereto."**

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cont.

On March 29, 2005 Supervisor Gary Gilbert, Chairman of the Madera County Board of Supervisors advised State Senator Dean Florez, Chairman of the Governmental Organization Committee of the County's support of the North Fork project for the following reason:

**"The Board supports the North Fork Memorandum of Understanding because of the tremendous economic boost it can provide our community. We represent an area with an unemployment rate which is consistently more than double the state average and with agriculture based economy in need of diversification. The North Fork project is expected directly to generate an estimated 1500 permanent good paying jobs and 700 construction jobs, and indirectly another 2100 jobs. These are significant numbers for any county, but particularly for the 130,000 residents of our rural county."**<sup>5</sup>

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As stated, the only reason for supporting the Tribes casino proposal at the Highway 99 location is jobs and financial contributions to the State and County which is contrary to the Governor's Proclamation of May 18, 2005. Clearly there is no **"independent public policy separate and apart from any increased economic benefit or financial contribution to the State or County"**.

**d) The project substantially serves a clear, independent public policy, separate and apart from any increased economic benefit or financial contribution to the State, community, or the Indian tribe that may arise from gaming.**

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While the County has conducted a fully transparent public process with two well publicized and attended meetings concerning a proposed Memorandum of Understanding (MOU) and voted as a Board to support the MOU it does not appear that California's long standing public policy of permitting a public vote was utilized. Thus, again the proposed project at the Highway 99 site appears contrary to the Governor's Proclamation of May 2005.

**c) The tribe and the local jurisdiction demonstrate that the affected local community supports the project, such as by a local advisory vote.**

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Citizens in California enjoy a very direct form of democracy permitting voters to assert their right to referendum local and state laws. This process has been recently used in California on a statewide effort regarding four 2006 tribal state compacts. However, it is more commonly put to use at the local level of government to referendum local actions, particularly gambling expansion. The most recent and successful referendum was conducted in the City of Dixon in 2007, which defeated the introduction of a new Horse Racing Track.

<sup>5</sup> Please note the date of Supervisor Gilbert's letter is almost two months prior to the Governor's Proclamation setting the criteria on whether or not he would give consideration to an off reservation gaming facility.

The State has long recognized the opposition of citizens to the expansion of gambling and has included in California Business and Professions Code Section 19961. (a)<sup>6</sup> The following language related to gambling expansion.

**“On or after the effective date of this chapter any amendment to any ordinance that would result in an expansion of gambling in the city, county or city and county shall not be valid unless the amendment is submitted for the approval of voters of the city, county or city and county, and is approved by a majority of the electors voting thereon.”**

Because of the potential for backlash in the local community, the need for citizen input has been recognized as important for Indian gaming, even though there is no process in IGRA that contemplates it. Consequently, in some states, like California, a mechanism for a non binding advisory vote by the local community on proposed tribal gaming activities was developed as part of the compacting process. In 1998 California governor Pete Wilson included a non binding advisory vote in the “Pala Compact”. The advisory vote feature was not included in the 1999 compacts signed by Governor Gray Davis, but was restored as stated in Governor Schwarzenegger’s May 18, 2005 Proclamation and as negotiated in his new compacts with Indian tribes.

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cont.

Advisory votes have the potential to assist Counties and Cities in the development of local intergovernmental agreements with tribes that are seeking off reservation casinos or the expansion of existing casinos on established and historic Indian reservations. A no vote by the local community, while non binding may trigger the need to renegotiate a tribal county agreement, force a search for means to mitigate local adverse impact, defuse local opposition or to build public support for a project.

***Stand Up For California!* urges a vote of the public consistent with long standing public policy on gambling, before the BIA makes a controversial determination for transferring land into trust for a two part gaming acquisition.**

## CONCLUSION

### **A. It is about the MONEY!**

California is the fastest growing and will soon be the largest gambling state, but we lack both a coherent gambling policy and adequate regulation. With \$60 billion worth of casino gambling expansion just approved and billions more recently promised by the Governor on the

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<sup>6</sup> This language was developed in 1998 in the California Gambling Control Act. The Preamble of the Act succinctly states the States position on the gambling industry. 19801. The Legislature hereby finds and declares all of the following: (a) The longstanding public policy of this state disfavors the business of **gambling**. State law prohibits commercially operated lotteries, banked or percentage games, and **gambling machines**, and strictly regulates pari-mutuel wagering on horse racing. To the extent that state law categorically prohibits certain forms of **gambling** and prohibits **gambling devices**, nothing herein shall be construed, in any manner, to reflect a legislative intent to relax those prohibitions. ....This continues through (m). The State voters, did provide a *limited exception* for tribal gaming in 2000.

campaign trail, there is serious speculation that the Station Casinos/North Fork project is included in the promised billions of dollars. Our States desperate budget deficit and cash strapped cities and counties are in need of revenues. Gambling dollars provide significant opportunities to many others than just the economic self reliance of tribal governments.

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cont.

- **The Indian Gaming Regulatory Act did not guarantee or mandate all tribes the economic opportunity for the development of a gaming facility.**

Our organization does not view this Subject Land acquisition for gaming as an appropriate use of the Indian Reorganization Act. Nor do we view it as consistent with the Governor's Proclamation or the intent of State Constitutional language, Article 4 Section 19 (f). Approval of land at this site for Station Casinos<sup>7</sup> and the Tribe sets an unwanted precedent creating a questionable federal policy on two part determinations. **Secretary of the Interior Dirk Kempthorne stated while in Las Vegas, "...the 1988 Indian Gaming Regulatory Act was never intended to create casinos, and therefore jobs for tribal members, so far from the reservation."**<sup>8</sup> I will take that one step further:

B-12.19

"Clearly, IGRA was not enacted to create casinos, jobs and revenues for non tribal governments. Nor was the intent of IGRA to make wealthier already rich gaming investors who seek to establish new and emerging jurisdictions for gaming expansion." Cheryl Schmit.

- **A standard to strive for, both a state and federal model for two-part determination exists in California with the Fort Mojave Tribe in the City of Needles.**

Clearly the non-tribal populations of the City of Madera, County of Madera, County of Fresno and surrounding regional areas have justifiable expectations that the land remains similar in character. *Stand Up For California!* has no objection to the purchase of these lands by the Tribe for economic development if they remain fee land. However, transferring fee land into trust grants the tribe governmental control over these lands now and into perpetuity. This creates a disruptive and practical consequence to the surrounding areas which are populated by non Indians. (130,000+). Transferring the Subject Lands into trust creates a mix of state and tribal jurisdictions which burden the administration of state and local government and aversely affect landowners neighboring the tribal lands.

B-12.20

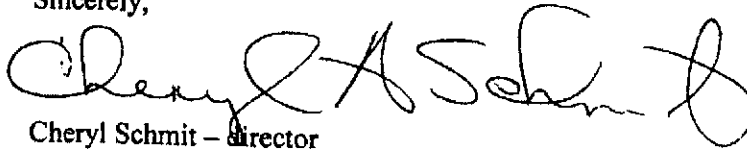
*Stand Up For California!* appreciates the opportunity to submit the foregoing comments and trusts that the Secretary will give noteworthy consideration to our organizations concerns over the development of federal policy and the setting of precedents that may have unintended consequences in California. As noted above, these comments may be supplemented in due course. If you have any questions regarding these comments, please let me know.

<sup>7</sup> Station Casinos has agreed to a management led takeover to be acquired by a private-equity group, Fertitta Colony Partners LLC. Stations Casinos is promoting two additional controversial projects, Graton Rancheria near the City of Rohnert Park and Mechoopda Maidu in Butte County. Litigation over land acquisitions has been promised in both areas.

<sup>8</sup> WITI - TV Las Vegas (AP) March 9, 2008, *Tribes Challenge Federal Ruling Over Off Reservation Casinos* <http://www.myfoxmilwaukee.com/myfox/pages/News/Detail?contentId=5983019&version=1&locale=EN-US&layoutCode=TSTY&pageId=3,3.1>

3/11/2008

Sincerely,



Cheryl Schmit – Director  
*Stand Up For California!*  
916-663-3207  
[schmit@hughes.net](mailto:schmit@hughes.net)  
[www.standupca.org](http://www.standupca.org)

CC: Honorable Dirk Kempthorne-Secretary of the Interior  
Fax: 202-208-6956  
David Bernhardt – Solicitor of the Interior  
Fax: 202-208-5584  
James E. Cason –Associate Deputy Secretary of the Interior  
Fax: 202-208-1873  
Carl Artman – Assistant Secretary of Indian Affairs  
Fax: 202-208-5320  
George T. Skibine – Acting Deputy Principal Assistant Secretary for Indian Affairs  
Fax: 202-273-3153  
Phil Hogen – Chairman, National Indian Gaming Commission  
Fax: 202-632-7003

**Date: 3/12/08**

**To Whom It May Concern:**

**From: Rick Farinelli GM/VP of Production Berry Construction.**

**Subject: Gaming Resort**

**I have been a resident of Madera County over 57 years, started off my life as a Farm Boy, went into the Service at 18, then went to worked for Georgia-Pacific, Madera, Ca, for over 30 years. I took early retirement and retired as a Director of twelve Produce Container Plants with a budget of over \$980,000 million dollars. I now work for Berry Construction. I have worked for Berry Construction for over four years now. One of my responsibilities is to bring new business into the City and County of Madera.**

**Over 30 years ago the Georgia-Pacific Corp. asked a question to the City and County of Madera; what can our employees do for entertainment in Madera. The answer is the same today as it was over 35 years ago!!! We are the Gateway to Yosemite and we are only 2-1/2 hours from the Coast, plus Fresno is only 20 minute away and we are still know as the bedroom community of Fresno.**

**Today we have a chance to add a wonderful Gaming Resort to our Community. Not only does this Gaming Resort bring;**

**Over 4,000 jobs, including permanent, temporary construction, and spin-off jobs to Madera.**

**The resort and casino jobs will pay up to three times the current average wages which will help our demographic problem and bring more business to Madera.**

B-13.1

B-13.2



**There will also be career opportunities for diverse, permanent, and well-paying positions. Annual payroll and benefits are projected to be \$50-60 million a year.**

B-13.2  
cont.

**Construction employment, while temporary, can still have substantial impacts on the Madera economy where the construction spending is projected to be almost \$350 million dollars.**

**This Resort will boost the City and County's revenue ten fold as soon as the first shovel of dirt is dug. Our County and City officials have already voted in favor for the Resort and have approved the MOU with the tribe. As a voter this should be enough to approve the EIS.**

**By adding this large Gaming Resort to Madera we will be able add more affordable living and bring the needed Retail Stores, Restaurants and actually be able to tell large Corporations that want to move into Madera, County that we do have social entertainment at our New Madera County Gaming Resort.**

B-13.3

**I am in favor of North Fork Rancheria Gaming Resort.**

**Rick Farinelli**

**GM/VP of Production**

**Berry Construction, Inc.**

**413 West Yosemite Ste. 106**

**Madera, Ca. 93637**

**Date: 3/26/08**

**To: "DEIS Comments, North Fork Rancheria's Hotel/Casino Project"**

**From: Rick Farinelli GM/VP of Production Berry Construction.**

**Subject: Gaming Resort**

**I have been a resident of Madera County over 57 years, started off my life as a Farm Boy, went into the Service at 18, then went to worked for Georgia-Pacific, Madera, Ca, for over 30 years. I took early retirement and retired as a Director of twelve Produce Container Plants with a budget of over \$980,000 million dollars. I now work for Berry Construction. I have worked for Berry Construction for over four years now. One of my responsibilities is to bring new business into the City and County of Madera.**

B-14.1

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B-14.2

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B-14.2  
cont.

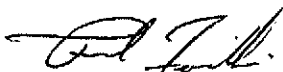
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B-14.3

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**Rick Farinelli**

**GM/VP of Production**

**Berry Construction, Inc.**

**413 West Yosemite Ste. 106**

**Madera, Ca. 93637**

**And**

**Madera Business Coalition Co-Chair**

**LANAHAN & REILLEY LLP**  
1130 L Street, Suite B  
Modesto, California 95354  
Telephone: (209) 526-3429  
Facsimile: (209) 578-4000  
Email: harrimanlaw1@sbcglobal.net

March 31, 2008

**VIA FACSIMILE TRANSMISSION AND U.S. MAIL**  
**[Fax No. (916) 978-6055]**

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

Re: DEIS Comments, North Fork Rancheria's Hotel/Casino Project  
Valley Advocates

Dear Ms. Dutschke:

This office has been retained to represent Valley Advocates, a California non-profit public benefit corporation, having its principal place of business located in Fresno, California, in connection with the above referenced matter.

**INTRODUCTION**

Pursuant to the direction of my client, I have reviewed the Draft North Fork Environmental Impact Statement ("EIS"), dated February 2008, which addresses the potential environmental effects of a proposed 305-acre fee-to-trust land acquisition in unincorporated Madera County, California for the North Fork Rancheria of Mono Indians (the "Tribe"). The proposed action includes the trust acquisition for the purposes of developing a 493,010 square foot casino and hotel resort along Highway 99 (the "Highway 99 Resort/Casino"). It also requires approval by the National Indian Gaming Commission (NIGC) of a gaming management contract between SC Madera Management LLC and the Tribe. The Draft North Fork EIS is inadequate in that it fails to sufficiently examine several reasonable alternatives; it unfairly and inadequately examines Alternative D (the "Tribal Homeland Alternative"); and fails to sufficiently consider the impact on groundwater, air quality, transportation, school services, and the long-term impact on agriculture.

B-15.1

B-15.2 -  
B-15.7

In addition, it fails adequately to disclose and consider the potentially significant environmental impacts to the health of the forest resources held in trust by the U.S. Forest Service, the California Public Trust resources, and the Environmental Justice issues related to lower income Hispanic residents of the City and County of Madera.

B-15.8

Finally, in view of the fact that the development of the proposed Hotel/Casino Project is within the proposed Sphere of Influence being considered in the City of Madera General Plan Update and will require review by other state and local agencies prior to the final approval of the proposed project, the Draft EIS is legally inadequate, due to the fact that it should have been prepared as a Joint Draft EIS/EIR, in order to disclose and consider all potentially significant environmental effects of the project, pursuant to the California Environmental Quality Act ("CEQA") [Public Resources Code section 21000 et seq.], section 21083.5, and the CEQA Guidelines [California Code of Regulations (Cal. Code Regs.), Title 14, section 15000 et seq.], section 15221-15222; 40 C.F.R. § 1506.2

B-15.9

### ALTERNATIVES

#### A. The Draft North Fork EIS Fails to Sufficiently Examine Reasonable Alternatives.

The existence of a reasonable alternative to a proposed project that is unexamined in the Draft North Fork EIS for that project renders the Draft North Fork EIS inadequate. Ilio'ulankalani Coalition v. Rumsfeld, 464 F.3d 1083, 1094 (D. Haw. 2006). A Draft EIS that fails to fairly analyze viable alternatives consistent with the objectives of the proposed action is inadequate. Muckleshoot Indian Tribe v. U.S. Forest Services, 177 F.3d 800, 814 (9th Cir. 1999).

The following are the objectives of the Highway 99 Resort/Casino listed in the Draft North Fork EIS:

- Improve the socioeconomic status of the Tribe by providing an augmented revenue source that could be used to strengthen the Tribal Government; fund a variety of social, housing, governmental, administrative, educational, health and welfare services to improve the quality of life of Tribal members; and provide capital for other economic development and investment opportunities.
- Provide employment opportunities to the Tribal and non-Tribal community.
- Make donations to charitable organizations and governmental operations, including local educational institutions.
- Fund local governmental agencies, programs, and services.
- Allow the Tribe to establish economic self-sufficiency. (i-ii)

B-15.10

The Draft North Fork EIS fails to analyze completely three reasonable and viable alternatives that would meet all of the stated objectives and arguably, would achieve some objectives more fully than the preferred alternative. As a result of the mere cursory review of certain promising alternatives, the reviewing public and the appropriate decision makers are unable to make an informed judgment about the relative merits of the different alternatives. Pursuant to the above-cited authorities, the Draft North Fork EIS is therefore inadequate and must be revised and recirculated.

1. ***The Draft North Fork EIS Fails to Provide Sufficient Analysis of a Medium or Large-Scale Project on the Tribal Homeland Site.***

Tribal Homeland Alternative briefly analyses a casino without a hotel or other amenities on the North Fork Rancheria (the "Tribal Homeland Site"). The casino described is significantly smaller than the 247,180 square foot casino included in the Highway 99 Resort/Casino. The Tribal Homeland Alternative proposes only a 26,000 square-foot casino on the Tribal Homeland Site, even though the approximately 80 acre site (which equates to almost 3,500,000 square feet) could potentially accommodate a much larger development. The Draft North Fork EIS notes that a large gaming and hotel resort on the Tribal Homeland site was eliminated from further consideration.

The decision to eliminate a large project from consideration on the Tribal Homeland Site was based in part on a civil engineer's analysis of the topography of the land (2-73.) The Draft North Fork EIS explains that the civil engineer recommended that "the property to the west of the access road" provided the best terrain for development. It also points out that developing the western portion of the property would "also ensure that existing residences north of the access road would not need to be relocated." However, the Draft North Fork EIS fails to adequately explain why these findings precluded the option for adding a hotel to the project on the Tribal Homeland Site. It also fails to account for why the Tribal Homeland Site could not support additional smaller-scale non-gaming facilities such as a health spa or retail development. The Draft North Fork EIS does not sufficiently analyze whether, for instance, the benefit to relocating the residences might outweigh the cost if it could free up room to make the project into a large-scale gaming and hotel resort. It also does not sufficiently explore the potential for reducing construction costs.

The Draft North Fork EIS also relied on the socioeconomic analysis provided by the Innovation Group in 2005. The Draft North Fork EIS explains that the Innovation Group's analysis established that adding more slot machines would provide for diminishing marginal returns and that the size of the facility in the Tribal Homeland Alternative was the most economical based on the construction costs and need to secure financing for the facility. However, the Draft North Fork EIS fails to explain sufficiently whether adding a hotel could increase the profitability of a larger facility on the Tribal Homeland Site. Again, the Draft North Fork EIS also fails to explore the potential for reducing construction costs.

The Draft North Fork EIS emphasizes that the proposed management company, SC Madera Management, LLC, believes large development would be difficult to finance and operate profitably. However, the Draft North Fork EIS provides no independent analysis of whether the Tribe can seek other investors or what the financing options might be. It also provides no analysis of the net financial or other benefits to the Tribe or the County of one alternative versus another. The Draft North Fork EIS does not describe how SC Madera Management, LLC's income might vary from Alternative to Alternative but the reader can reasonably infer that SC Madera LLC's analysis is based more on its own financial consideration and its own preferences rather than its objective analysis of what is best for the Tribe or the County.

B-15.11

B-15.12

B-15.13

A large-scale gaming and hotel facility with significant amenities or a smaller scale project that still includes the hotel and other amenities may not be viable in North Fork but the EIS does not take a hard look necessary to support an informed conclusion on the viability of a project in North Fork. The requirement is not that an EIS should analyze only the best alternatives. The alternative only has to be viable and meet the objectives. The Draft North Fork EIS did not adequately show why such a facility is not viable or that it could not meet the Tribe's proposed objectives. Rather than dismissing the alternative in a few short paragraphs, the Draft North Fork EIS must fully analyze the alternative by including it as a separate alternative in Section 2.0 and throughout the Draft North Fork EIS's analysis.

B-15.13  
cont.

**2. *The Draft North Fork EIS Provides Insufficient Analysis of the Potential Viability of a Project Placed on the HUD Tract in North Fork.***

The Housing and Urban Development (HUD) tract in North Fork is also under-examined as a viable alternative. The site is large. It is 61.5 acres in size. It was purchased with HUD funds "with the understanding that the Tribe would use the tract for low income Indian housing, an endangered species conservation reserve, and related uses." (2-61.) As it stands, however, there are currently only 9 residences on the HUD tract. (2-61.) The Draft North Fork EIS states that the "steep topography has made development of the parcel far more difficult and expensive than anticipated and it is unclear how many additional homes can be built on the HUD." (2-61.) The fact the Tribe may not be able to develop additional homes on the HUD tract seems to weigh in favor of arguing that it would benefit the Tribe to use that land for development of a casino or a hotel. Funding for a casino project may be the only way for the Tribe to develop the parcel. Furthermore, the members of the Tribe living on or near the HUD tract could benefit from the proximity of the casino facility as a source of employment. The fact that the HUD tract serves low-income housing needs may suggest that the residents could benefit from closely situated job opportunities created by the gaming facility. The Tribe could incorporate a conservation reserve and more low-income housing into any project developed on the HUD tract. The HUD tract provides the Tribe with a unique opportunity to develop a well-integrated project that could meet the Tribe's housing, employment, and overall socio-economic needs as well as its commitments to the HUD. Such a project on the HUD site could also attract more Tribal members to live on the Tribe's homesite.

B-15.14

The Draft North Fork EIS notes that the HUD tract could become eligible for gaming by meeting an exception in Section 20 of the Indian Gaming Regulatory Act. (2-61.) The Tribe could request an eligibility determination and seek the Secretary's determination pursuant to Section 20(b)(1)(A) of IGRA that gaming on the site would be in the best interest of the Tribe and not detrimental to the community. (2-61.) This does not seem too difficult a hurdle to overcome. The Tribe admits that it is uncertain as to how many additional homes it can build on the HUD. It is very likely that the greatest benefit for the Tribe will come from using the remaining acreage for a gaming facility. The Tribe would benefit from having a homesite facility that can provide employment opportunities for the Tribal members currently living on the HUD tract. The Draft North Fork EIS does not sufficiently explore this option.

Again, the HUD alternative is certainly a viable option that could meet the Tribe's proposed objectives. Whether it is a better or worse alternative than the Highway 99 Resort/Casino should be more thoroughly explored as a separate alternative in Section 2.0 and throughout the Draft North Fork EIS's analysis.

B-15.14  
cont.

**3. The Draft North Fork EIS Provides Insufficient Analysis of Other Tribal Homeland Sites Closer to North Fork.**

The Draft North Fork EIS does not sufficiently explain why the Tribe did not consider other sites closer to North Fork beyond the HUD tract and the Tribal Homeland Site. It notes that the Tribe ruled out sites on SR-41 because the corridor "lies within the environmentally sensitive foothills;" development is problematic due to the "steep terrain, loss of habitat for native plants and animals, water scarcity, and other concerns;" development would conflict with the "scenic nature of the corridor;" it would impose traffic concerns on the "already overburdened two-lane system;" it "would have a very detrimental competitive effect on the gaming operations" at Chukchansi Gold and Table Mountain Rancheria; and that development along the southern portion of SR 41 would have primarily benefited Fresno County residents. (2-65.)

The problem with these justifications for not searching for a site along SR-41 is that many equally apply to sites along SR-99. Loss of habitat, water scarcity, conflicting with the scenic nature of the existing terrain, traffic on an already overburdened road, and very detrimental competitive effects on gaming operations at Chukchansi Gold and Table Mountain Rancheria are all concerns that plague the Madera site as well. More thorough exploration could have undoubtedly uncovered land where "steep terrain" would not be a major concern. Arguing that the foothills are more "environmentally sensitive" than sites along SR-99 simply states an unsupported conclusion that must be examined closely. This is especially true given that the Tribe can take steps to mitigate environmental impact for any location. The Draft North Fork EIS also does not support or better explain its contention that developing along the southern portion of SR-41 would "primarily" benefit Fresno County residents.

B-15.15

The Draft North Fork EIS admits that "the SR-41 corridor is clearly within the Tribe's historic area and a facility there would be economically viable." (2-65.) Given these factors, the Draft North Fork EIS should not have so quickly adopted the Tribe's dismissal of other sites along SR-41 as viable alternatives. Rather, it should have included an additional alternative that would have explored another site closer to the town of North Fork and within the Tribe's historic area.

Furthermore, the Draft North Fork EIS fails to adequately explain why the Tribe did not consider a site along Road 200, which connects the town of North Fork to SR-41. Development along Road 200 may also be a viable alternative that remains completely unexamined.

**B. The Draft North Fork EIS does not Fairly and Adequately Analyze the Tribal Homeland Alternative.**

B-15.16



Section 2.0 of the Draft North Fork EIS, Alternatives, purportedly contains "a detailed discussion and comparison of the alternatives analyzed in [the] EIS." (2-1.) This is not the case. The Draft North Fork EIS fails to provide a detailed discussion and comparison of the alternatives because it fails to analyze the Tribal Homeland Alternative fairly and objectively. The Draft North Fork EIS admits a reluctance to include the Tribal Homeland Alternative as a viable alternative. It points out that "the Tribe did not consider development of a casino on the North Fork Rancheria." (2-64.) In the face of the Tribe's lack of support for building on the Tribal Homeland Site, the Draft North Fork EIS notes that the Tribal Homeland Alternative is only addressed "because commenters during the scoping period recommended that it be included as an alternative site, the site is eligible for gaming, it might be possible to lower construction costs to improve the viability of a casino development on the site, and the disruption of existing development would be limited." (2-64.) Devoting two pages to explaining why the Tribe did not consider development on the Tribal Homeland Site and only briefly mentioning the benefits of developing on the site indicates a lack of objectivity and, as a result, a lack of credibility for the Draft North Fork EIS. The reader is left with the sense that the Tribal Homeland Alternative was included merely as a grudging and minimal attempt to satisfy procedural due diligence, rather than as a fair assessment of a reasonable and viable alternative to the Highway 99 Resort/Casino. The Draft North Fork EIS should present an objective and a balanced analysis, rather than sharing the Tribe's biases or those of their financial or operational partners in the proposed development. The following examples further reveal this significant deficiency in the Draft North Fork EIS:

B-15.16  
cont.

1. ***The Draft North Fork EIS does not Analyze or even Discuss the Intrinsic Value of Locating the Project on the Tribal Homesite***

Gaming on tribal lands is statutorily preferred. (see 25 USC § 2719.) The Tribal Homeland Alternative would place the project on the Tribe's homesite. The Draft North Fork EIS observes that the Western Mono historically occupied the North Fork area. (3.6-2.) The Tribal Homeland Site is currently part of the tribal homesite. The site on Highway 99 adjacent to the City of Madera does not share the same historical connection with the Tribe. Aside from noting the history and the geography, the Draft North Fork EIS provides no further exploration of the potential intrinsic value to the Tribe and its neighbors in locating the proposed project on the Tribe's homesite.

B-15.17

In fact, locating the proposed project on the Tribe's homesite would have intrinsic value to the Tribe and local community. It creates an increased level of legitimacy to the project. The project is intended to benefit the North Fork Mono Tribe. The Draft North Fork EIS does not fairly explain why North Fork is not a suitable or even a preferable location for achieving the key objectives of strengthening Tribal Government, allowing the Tribe to achieve Tribal self sufficiency and providing jobs and services to Tribal members. The Draft North Fork EIS points out repeatedly that the Highway 99 Resort/Casino will yield the greatest financial returns to the Tribe but it never balances the amount of cash against the other objectives. In addition, the conclusion that the site on 99 would generate more money is based primarily on the proposed larger size and additional revenue generating features. As noted, a larger facility on the Tribal Homeland Site could be a very viable alternative despite the Draft North Fork EIS's cursory

dismissal of the proposition. Furthermore, the Draft North Fork EIS never adequately explains why locating a casino many miles from the North Fork Mono's homesite will better benefit the Tribe than locating the casino on or near the Tribe's homesite.

The Tribal Homeland Alternative would also encourage Tribal members who do not live on the homesite to return and take a more active role in the Tribal community. The Draft North Fork EIS estimates that of the approximately 1,350 Tribal members, only 325 currently reside in Madera County. (3.7-4) Of those 325, approximately 220 members currently live in the North Fork community. 412 Members reside in Fresno County. (3.7-4.) A homesite location for the facility, such as the Tribal Homeland Alternative, would provide a great incentive for Tribal members to return to the Tribal homesite. This would further strengthen the Tribe's ties among its own members and continue to maintain a strong presence within the North Fork community.

B-15.17  
cont.

2. *The Draft North Fork EIS under-Emphasizes the Financial Viability of the Tribal Homeland Alternative.*

The Draft North Fork EIS claims that the Tribal Homeland Alternative would be difficult to finance and it would be difficult to maintain profitability. It notes that the facility "has marginal potential for profitability ... possibly aided by an effective advertising campaign and a possible reduction in construction costs if financing could be obtained." (2-73-2.74.) Furthermore, the Draft North Fork EIS seems to presume success for the Highway 99 Resort/Casino as much as it presumes the lack of success for the Tribal Homeland Alternative. It fails to clearly support why the Tribal Homeland Alternative only has a marginal potential for profitability other than that the Draft North Fork EIS proposes a small casino with no amenities or a hotel and then concludes that type of facility will not be sufficiently attractive to customers. This is clearly a self fulfilling prophecy. The Draft North Fork EIS fails to examine whether the Tribal Homeland Alternative could attract visitors who otherwise would not consider visiting the proposed project near Madera because they are attracted to North Fork's rural setting. (compare 4.7-63 with 4.7-66). It also does not examine whether a hotel/resort focused on mountain recreation as well as the casino might be a more viable formula for the North Fork area

B-15.18

The Draft North Fork EIS points out that the Tribal Homeland Alternative would require a considerable amount of earthwork activity in order to obtain a level site (2-51). While true, grading is only one component of construction costs. The Draft North Fork EIS notes, "Construction spending for [the Tribal Homeland Alternative] would be approximately \$41 million." (2-51.) Actually, the proportionate cost of construction is less for the Tribal Homeland Alternative than it is for the Highway 99 Resort/Casino. The cost of construction per square-foot of the facility in the Tribal Homeland Alternative is roughly \$1,577 (\$41 million for 26,000 square-feet). This is less than the cost of construction per-square-foot of the facilities in the Highway 99 Resort/Casino, which is roughly \$1,842 (\$350 million for 198,990 square-feet). The Draft North Fork EIS has unfairly stressed the high cost of construction for the Tribal Homeland Alternative while not simultaneously stressing the even higher proportional cost of construction for the Highway 99 Resort/Casino.

The Draft North Fork EIS even admits that "it might be possible to lower construction costs to improve the viability of a casino development on the site." (2-62.) However, the Draft North Fork EIS points to the high cost of construction throughout the Draft North Fork EIS but never qualifies those discussions by mentioning the possibility of lowering construction costs.

B-15.18  
cont.

3. ***The Draft North Fork EIS under-Estimates the Tribal Homeland Alternative's Economic Benefit to the Tribe.***

The Draft North Fork EIS lacks perspective on how significant an economic impact the Tribal Homeland Alternative would have on a Tribe of fewer than 1,400 members. Even at its proposed size, the Tribal Homeland Alternative would create a casino gaming floor of 8,888 square feet, 2,963 square-feet of circulation area, and 1,000 square-feet of cage space. Such a facility would provide significant revenue to the Tribe. Alcohol and food sales will provide additional revenue to the Tribe.

B-15.19

The Draft North Fork EIS notes that a "number of local tribes have been able to improve the socioeconomic conditions of their members through gaming." (3.7-10.) Section 3.7 gives summaries of the scope and size of neighboring gaming facilities. However, these summaries do not explain why such a large casino is needed to similarly benefit the Tribe.

The Draft North Fork EIS also states that "most of the mature, larger properties in the market either have, or will soon have, ample attractive non-gaming amenities to attract gamers from longer distances as well." (3.7-10.) Again, while this may be true, it does not in of itself adequately explain why the Tribal Homeland Alternative is insufficient to improve the socioeconomic positions of the Tribal members—especially if the benefits of having the jobs and services in the economically depressed Tribal homeland are taken into account.

4. ***The Draft North Fork EIS does not Adequately Analyze and Fairly Explore the Tribal Homeland Alternative's Impact on the Local Economy.***

The Draft fails to support the contention that the Tribal Homeland Alternative would have little economic impact on the local community. Nowhere in the analysis of the alternative site locations does the Draft North Fork EIS address the current economic situation in North Fork. The town's economy historically relied on timber. The saw mill closed in 1996 and North Fork has had little economic development to replace that lost industry. Building and operating a casino in North Fork would inject new life into an otherwise diminished economy. It is much more difficult to create employment opportunities in a rural town such as North Fork than it is for a location in close proximity to the City of Madera, which has a far more diversified economy than the town of North Fork. The Tribal Homeland Alternative presents a unique opportunity to fill this need. It would allow the Tribe to provide immediate and proximate employment opportunities to the Tribe and the local, non-Tribal community of the North Fork area. Proportionately, a gaming facility near the City of Madera (with an estimated 2005 population of over 50,000) would have a lesser impact on the local unemployment rate than would a gaming facility near the much smaller town of North Fork.

B-15.20

The Draft North Fork EIS briefly notes that under the Tribal Homeland Alternative, local hotels would benefit from overnight guests attracted to the casino. (4.7-59.) The Draft North Fork EIS then dismisses the impact of overnight guests on the local North Fork economy by arguing that overnight visitors are less likely because the Tribal Homeland Alternative will have "fewer amenities and be less attractive for visitors desiring to stay overnight." (4.7-60.) The Draft North Fork EIS does not present any reason why the Tribal Homeland Alternative will have fewer amenities or analyze whether adding amenities to the stripped down project discussed in the Tribal Homeland Alternative would increase the benefit to the local economy. This statement further presumes that visitors would not be attracted to North Fork's rural and scenic location that many people consider an amenity in itself. Of course, that amenity can never be duplicated adjacent to Highway 99. Again, the Draft North Fork EIS should provide more support before making such conclusory statements.

B-15.20  
cont.

The Draft North Fork EIS fails to explore how the Tribal Homeland Alternative will provide immediate employment opportunities to the Tribe as well as its non-tribal community. The Draft North Fork EIS reports a 13% unemployment rate for the Tribe as of 2001. (3.7-4.) It provides little insight into the current unemployment rates for Tribal members. The Draft North Fork EIS needs to explore more extensively where the need for employment among Tribal members is greatest. The Draft North Fork EIS estimates that 220 Tribal members live in or near the town of North Fork. (3.7-4) It is unclear from the Draft North Fork EIS how many of the 13% unemployed Tribal members live in the North Fork community. The Tribal Homeland Alternative will provide the most immediate impact on the Tribal members in terms of creating new, local jobs. The North Fork Rancheria is located near both the Tribe and the town of North Fork. It is close to the HUD tract, which the Tribe asserts is a "critical component of its strategy" to address the housing needs of its tribal citizens. (2-63.) It is also approximately two miles east of the town of North Fork. (2-63.) Those Tribal members who live on or near the Tribal homesite will benefit from new job opportunities within close proximity of their homes.

Conversely, the Draft North Fork EIS fails to support how locating the project further from the tribal homesite will provide more employment opportunities than a local casino. Naturally, a larger facility will create more jobs. However, if the bulk of these jobs are located away from the Tribal homesite, the Draft North Fork EIS should provide other reasons why creating more jobs far from the homesite will better benefit the Tribe than by creating fewer jobs closer to the homesite, and it should address the issue of long-distance commuting from the North Fork Rancheria, which is disfavored by both federal and state criteria for gaming facilities.

##### **5. County MOU Over-Emphasized.**

At times, the Draft North Fork EIS relies on the Memorandum of Understanding ("MOU") negotiated between the Tribe and the County to argue in favor of the Highway 99 Resort/Casino as opposed to the Tribal Homeland Alternative. As an example, the Draft North Fork EIS notes that, under the Tribal Homeland Alternative, unlike the Highway 99 Resort/Casino, "the County MOU would not apply and annual funds would not be provided for problem gambling services." (4.7-53.) The Draft North Fork EIS argues that "MOU revenues are not expected under Alternate D unless the County and the Tribe were to renegotiate the

B-15.21

existing MOU." (4.7-58.) This approach is misleading. There is no indication that the County and the Tribe could not renegotiate the existing MOU or negotiate a new MOU for a gaming facility at the Tribal Homeland Site. When discussing the MOU issue, the Draft North Fork EIS also fails to reference the mitigation measures for the Tribal Homeland Alternative. The proposed mitigation measures would require the Tribe to reimburse Madera County a one-time amount of \$1,539,065 and annual amounts of \$871,256 for fiscal impacts. While the gross amounts are less than the Tribe agreed to for the 99 Casino resort, there is no analysis to compare the amount of the payments to the amount of the impacts to be mitigated by the payments.

The reliance on the current form of the MOU is another example of the Draft North Fork EIS utilizing the choices the Tribe and its gaming partners have made to justify those choices. That is, the Draft North Fork EIS states that the Highway 99 Resort/Casino site is superior to the Tribal Homeland Alternative because the Tribe has agreed to pay more money to the County for the Highway 99 site. Once again there is no independent analysis given or relied upon by the EIS.

Merely referring to the gross amount of money that has been pledged is particularly misleading because that money is intended to mitigate impacts of the casino/resort on the community. Without an analysis of the costs of those impacts it is meaningless to recite the gross payment to the County under the County MOU and the payments to the City of Madera under a similar MOU.

In addition, neither the MOU with the County or the City complied with the requirements of the California Environmental Quality Act ("CEQA"). While the decisions that rely upon the Draft North Fork EIS are pursuant to Federal law and, therefore, are not subject to CEQA, the Draft North Fork EIS does rely upon the existence of the MOUs and both the City and the County agreements to provide significant assistance and support to the Highway 99 Resort/Casino. Those services and support cannot be relied upon in making the Federal decisions because the City and County failed to comply with CEQA in entering into the MOUs.

CEQA is a comprehensive scheme designed to provide long-term protection to the environment. (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 112.) Under CEQA, public agencies must prepare an environmental impact report whenever the approval of a project may cause significant adverse effects on the environment. As obligated in the MOUs, both the City and County will be approving projects that will undoubtedly impact the environment. To accommodate the Highway 99 Resort/Casino roads must be created or modified, existing water and sewage systems will be upgraded and a variety of other physical changes to the environment will occur. Thus, the MOUs each constitute an approval of the Highway 99 Resort/Casino and are therefore subject to CEQA.

Moreover, passing a resolution in support of the Highway 99 Resort/Casino, conditioned on the payment of money as a mitigation measure, requires CEQA analysis. In an effort to mitigate the environmental impact of the Highway 99 Resort/Casino, the Tribe has thrust a considerable amount of money towards both the City and County. The City of Madera will receive 30 million dollars over a ten-year period, while the County of Madera will receive

B-15.21  
cont.

90 million dollars over the same period. The City of Madera has an annual budget of approximately 40 million dollars. The Tribe's contribution to the City will amount to approximately 8% of its annual budget. It is inconceivable that this money, paid as a mitigation measure, will not be used in a manner by the City or County that will not impact the environment. These funds will directly support developing the infrastructure necessary to support a mega-hotel and casino, changes which will significantly impact the environment. In addition, the expansion of the roads, sewer and water system and the City and County services agencies will all have growth inducing impacts that have not been examined.

To the extent that the MOUs do not clarify what efforts will be undertaken by the City and County to support the Tribe's Highway 99 Resort/Casino, the MOUs approach this proposed project in a piecemeal fashion, strictly prohibited by CEQA. A lead agency is required to analyze each project in single environmental review. This requires the City and County to review all of the environmental impacts anticipated by their actions, in this case, entering into the MOUs and actively supporting the creation of the Highway 99 Resort/Casino, at their inception. It is a violation of the prohibition against piecemealing under CEQA to look at individual aspects of a project at different times to determine if there will be an environmental impact. That approach impermissibly understates the total environmental impact and misleads the reviewing public about the potential impacts and costs of the Highway 99 Resort/Casino. The MOUs' failure to consider all environmental impacts at their creation render them void so that they cannot be relied upon for any purposes in the Draft North Fork EIS.

B-15.21  
cont.

The MOUs entered into between the Tribe and the City and County of Madera are more than just a financial arrangement. These agreements contemplate significant changes to the surrounding community which will invariably impact the environment. Merely entering into an agreement that is cast as a financial agreement does not abrogate the City's and County's obligations to comply with CEQA.

As stated in *County of Amador v. City of Plymouth* (2007) 149 Cal.App.4th 1089, 1095, "[t]he city cannot evade [conducting environmental review] by a contract that commits the City to a course of action that would involve the very activities that require an environmental analysis before approval." This is exactly what has been done in this instance. The MOUs contemplate, amongst other things, the development of new roadways along with improving existing water and sewage systems. Notwithstanding the MOUs, the Highway 99 Resort/Casino clearly requires environmental review under CEQA. As stated in *County of Amador*, there is no tolerance for attempting to circumvent CEQA by entering into a contractual relationship. These failures render the MOUs void.

Furthermore, given the potentially significant impacts to the physical environment that will be caused by the creation of the Highway 99 Resort/Casino subject to CEQA, the Draft Northfork EIS should have been prepared as part of a Joint DEIS/DEIR, pursuant to state and federal law. [See, PRC section 21083.5; CEQA Guidelines sections 15221-15222; 40 C.F.R. § 1506.2]

B-15.22

Finally, what is most striking by its absence is the disclosure and consideration of the alternative site on the remediated "brownfield site" of the former North Fork mill, which is

B-15.23

already under County control and is located in close proximity to the existing North Fork Rancheria. The North Fork mill site could be deeded by the County to the Applicant and a revised or amended Joint Draft EIS/EIR prepared for this more reasonable alternative in less time than would be necessary for any other alternative site, with the exception of the HUD property site. As noted hereinabove, not only would the redevelopment of the remediated mill site bring new economic development to the North Fork area, but, also, the use of the remediated site would have far fewer environmental impacts than those generated by the proposed "greenfield site" on Highway 99 and would substantially reduce the long-distance commutes from the North Fork Rancheria and the probable loss of more tribal members from the Rancheria due to relocation to the Highway 99 site for employment opportunities.

B-15.23  
cont.

B-15.24

### GROUNDWATER

The Draft North Fork EIS does not adequately review the impact the Highway 99 Resort/Casino will have on groundwater. The Highway 99 Resort/Casino proposes a 493,000 square-foot facility, which includes a 200-room hotel. The recommended water supply for the Highway 99 Resort/Casino is 400,000 gallons per day. (4.9-1.) The Draft North Fork EIS notes that the Madera Irrigation District ("MID") manages surface water supply "for agricultural irrigation." (3.3-9.) Because the proposed project is non-agricultural in nature, untreated surface water is not an option to meet the Highway 99 Resort/Casino's high water demand. Groundwater, therefore, is a key issue.

B-15.25

The Draft North Fork EIS makes the following statement regarding the Highway 99 Resort/Casino's long-term impact on groundwater: "Comparison of local well hydrographs, precipitation records and reservoir storage data shows short-term correlations between rainfall amount/storage and groundwater levels, but also a long-term decline in groundwater levels that is independent of climate factors." (3.3-8.) This statement raises a concern about the long-term decline in groundwater levels. This is especially alarming in light of the Highway 99 Resort/Casino's potential for spin-off development on neighboring land.

The Draft North Fork EIS notes that "no municipal water supply [currently] exists at the Madera site." (3.3-8.) Municipal Well Number 25 and Municipal Well Number 26 are located near the Madera site. The Draft North Fork EIS does not make clear whether the Madera site will eventually need to draw from the municipal water supply. It only notes that the Highway 99 Resort/Casino will be supplied almost entirely by on-site wells. (4.9-3) It does observe that unincorporated areas "generally rely on individual wells, but some are linked to the City's water system." (3.3-8.) The Draft North Fork EIS cites the *City of Madera Comprehensive General Plan and Environmental Impact Report* to assert that the City of Madera has not experienced any significant problems with municipal water supply or quality despite the fact that the groundwater level has been dropping in the region. The citation, however, dates from 1992. Such a statistic is inadequate to alleviate concerns regarding the long-term impact the Highway 99 Resort/Casino would have on the municipal water supply in the event on-site wells prove inadequate and the Highway 99 Resort/Casino would require drawing from the municipal water supply.

B-15.26

**CHOWCHILLA INDUSTRIAL DEVELOPMENT CORPORATION**

cc ✓  
✓  
DECLMS  
No

March 31, 2008

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

Re: "DEIS Comments, North Fork Rancheria's Hotel/Casino Project"

Dear Ms. Dutschke,

Please find this letter as my expression of support for the North Fork Rancheria Resort Project.

As President of the Chowchilla Industrial Development Commission, the advantages of this endeavor are obvious to me and all others in the Madera County area such as the City of Chowchilla and Chowchilla Chamber of Commerce who support the project as well.

For 25 years I successfully owned and operated DuBose/Kopshever Chevrolet in Chowchilla. More recently I have been involved in bringing several commercial and residential developments to Chowchilla. Such projects are meant to bring much needed retail services and housing opportunities to our town so that more of the dollars earned here can be spent here. The proposed North Fork project will reinforce and expand this goal but on a regional and massive scale.

B-16.1

We live and work in the third fastest growing county in California. What better way could there be to realize the economic benefits of securing jobs for this area, maintaining and promoting constant growth and development for the entire Hwy 99 Corridor and providing yet another attractive avenue for tourism to continue to expand here?

A world-class destination resort for Madera County would continue to define our locale as the model for rational, realistic and top-rated development. Making the North Fork Rancheria Resort Project a reality would not only be another substantial step forward for the communities in this area, but also a definite boon towards truly building a better Madera, together.

Sincerely,

Tommy DuBose  
President,  
Chowchilla Industrial Development Corporation,



all ✓  
Reg. with Other  
Route *RAMB/CAMS*  
Response Required *No*  
City Name  
State  
Zip

March 31, 2008

Dear Ms. Amy Dutschke,  
Latina Unidas whom I represent as president and Nora & Associate Realty of which I am the Owner and broker of would be forever grateful if you considered the many requests from the thousands of Madera residents that I have personally come in contact with, who would very much like and need the approval of the North Fork Rancheria Hotel and Casino Project. We urge you to please do what ever you can within your power to make this dream a reality. It is not just the prospect of a casino for entertainment but the much needed financial boost this community needs to thrive, prosper, and be self sufficient in recovering from the real estate slump we are experiencing. I know that there are a lot of negative individuals who cannot call themselves residents or participants of our town, on any level and to those individuals I say "Madera is a strong tight knit community with a rich multicultural background of people who are not afraid of hard work and who are very capable of making decisions about our own well being and our town." Thank you for your anticipated cooperation

B-17.1

Sincerely,

*Nora Salazar*  
Nora Salazar

1915 Howard Rd Ste A  
Madera, CA 93637

March 31, 2008

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

Re: "DEIS Comments, North Fork Rancheria's Hotel/Casino Project"

Dear Ms. Dutschke,

As a member of this community , past President of the Madera Association of Realtors, past director of the Arts Council, former director of the Chamber of Commerce, member of the Madera Vision 2025 Implementation Committee, and a life long resident of Madera. I am a Real Estate Broker of a small family business.

I want to express my support for this project. With respect to the Housing Market, the past few years have been a huge struggle for many citizens who are losing their homes because of the declining housing market. Citizens who want to buy can't afford housing because their jobs don't pay enough to qualify in today's market. Many of our citizens commute one to two hours just to have a better paying jobs elsewhere.

With the Casino offering Jobs to thousands of citizens with higher pay, people won't have to make the daily commute. By working here, it will stimulate our local economy in addition to our housing market. Parents that commute to work in other communities are missing their children's baseball games, soccer games, and other extra curricular activities just to keep up their house payments. And to live Americas dream.. Its not just having a Casino, Hotel Resort, its about stimulating Madera's economy, and the Casino supporting Madera and its retailers. We have lost out in many community projects. I hope this is one that will pass.

It was interesting to me to have elected officials from other counties have such concern for our community. At the local hearing. I wonder if our elected officials have ever been asked about their local projects such as UC Merced or Fresno's redevelopment of downtown. As for the huge turn out at the EIS hearing, I think it was evident that our citizens representing farming, housing, economic development, Chamber of Commerce CEO who spoke out for the project.

I can't believe what the North Fork Rancheria Tribe is having to go through, to get this off project the ground, as far as the environment, and pollution in our area, I would love to see the environmental tests that the other casinos had to pass before they were able to get off the ground.

Sincerely,

*Rosanne Bonilla*

Rosanne Bonilla  
Nora & Associates, Realty, Madera

*Amy D*  
*RPM*  
*NO*

RECEIVED  
MRES 4/9/08

FRWD DECRMS 4/9/08

B-18.1

AS-IA 03 APR 08 13:08



Commerce Casino

LOS ANGELES

March 28, 2008

Mr. Carl J. Artman, Assistant Secretary  
Indian Affairs  
1849 C Street N.W., Room 4160  
Washington, D.C. 20240

Dear Mr. Artman:

I am writing to express my objection to a proposed move by the North Fork Rancheria from their existing and historical Rancheria in the Sierra foothills to a location approximately fifty miles away on the Highway 99 corridor. This proposed change could have a very profound and detrimental impact on the state of California. We know that there are currently as many as ten other tribal governments looking to site their tribal casinos in more advantageous locations. The approval of this off-reservation casino will create a precedent which will be seized upon by many other tribes seeking to acquire a more lucrative location for their tribal casino.

B-19.1

The Commerce Casino is a California card club which currently employs approximately 2,800 people. We provide more than \$20 million to our small municipality which depends upon our funding for vitally needed police, human services, and fire protection. The citizens in our community are economically disadvantaged and the money provided by our business provides excellent programs for senior citizens, youth, and our disadvantaged citizens. There is no question in our minds, but that we cannot continue our business operation if we had to compete with a tribal casino which is able to offer class three gaming. Our casino offers only class two card games, with no type of electro mechanical machines at all.

B-19.2

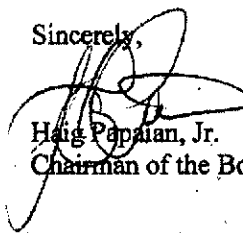
There are six other card clubs in Los Angeles County which together provide approximately \$100 million dollars in funding to various cities which have very large Latino populations. The residence of these cities mainly come from the lower levels of the economic ladder.

It is for the above reasons, that we respectfully request that you disapprove the move by the North Fork Rancheria from their historical and traditional site to a more advantageous site, which is nearly fifty miles away.

B-19.3

Should you need any additional information, do not hesitate to contact me.

Sincerely,

  
Haig Papayan, Jr.  
Chairman of the Board

  
George Turnanian  
President

**THE BICYCLE CASINO** RECEIVED

234734 March 31, 2008 2008 APR -8 AM 11:16

OFFICE OF THE  
EXECUTIVE SECRETARIAT

Mr. Carl J. Artman  
Assistant Secretary, Indian Affairs  
1849 C Street, NW, Room 4160  
Washington DC 20240

Dear Mr. Artman,

On behalf of The Bicycle Casino, Crystal Park Casino and Ocean's Eleven Casino, we would respectfully ask for your rejection of the application from North Fork Rancheria to relocate to a more urban setting.

Card clubs in California already operate at a disadvantage relative to tribal gaming. The exclusivity the tribal casinos enjoy in Class III gaming is a lucrative provision that tax-paying businesses like ours do not enjoy. To allow tribes to relocate their casinos to more advantageous markets, at will, would further threaten the viability of our industry.

For these reasons, I am hopeful that you and your colleagues at the BIA will reject this dangerous precedence.

Sincerely,



Haig Kelegian

B-20.1

4948 N. Arthur  
Fresno, CA 93705  
p: 559.222.4800  
f: 559.221.2081

Call 1.800.LUNGUSA  
(800.586.4872)  
to reach your next nearest  
American Lung Association  
or to speak with a health  
professional at our free HelpLine.

[www.californialung.org](http://www.californialung.org)

STATE HEADQUARTERS  
424 Pendleton Way  
Oakland, CA 94621  
P: 510.638.5884  
F: 510.638.8884  
Contact@californialung.org  
Federal Tax ID#: 94-0382850

The American Lung Association's  
mission is to prevent lung disease  
and promote lung health.

*Improving Life,  
One Breath at a Time*



March 28, 2008

Mr. Ronn Dominici  
Madera County Board of Supervisors, District 3  
200 West 4<sup>th</sup> Street  
Madera CA, 93637

Mr. Dominici:

The American Lung Association of California office in Fresno provides service to Madera County. We are writing to submit comments about the planned 305 acre, casino-hotel development at Highway 99 and Avenue 17<sup>1/2</sup> in Madera County. We have concerns regarding the size and impact of this development.

B-21.1

The Central Valley is one of the most polluted areas in the country according to the American Lung Association State of the Air: 2007 report. Madera County scored an "F" for number of unhealthy days, when the level of ozone in the air is unhealthy to breathe.

Hundreds of studies highlight that ground-level ozone (smog) is a powerful irritant that can damage the respiratory tract, causing inflammation and irritation, and induces symptoms such as coughing, chest tightness, shortness of breath, worsening of asthma symptoms and even premature death. Children, the elderly, and people with chronic bronchitis and emphysema suffer the most, as do outdoor workers. Recent evidence has linked the onset of asthma to elevated ozone levels in exercising children.

B-21.2

Recent studies also connect diabetes and heart disease with air pollution. In Madera County, according to American Lung Association estimates, almost 11,000 adults and children suffer from asthma and almost 6,000 have bronchitis and emphysema. In addition, almost 30,000 people have heart disease and over 7,000 have diabetes. With the population of the county at 142,000, this means that over one third of the population of Madera County suffers from diseases that are exacerbated by air pollution.

B-21.3

Vehicle emissions are the largest contributor to air pollution in California. Building a development with a 2,000-car garage and a lot for 2,500 more cars will produce an increased amount of pollution within a defined area. The increased pollution will only make the burden on residents' worse - in a county whose population already suffers from disease aggravated by air pollution.

Mr. Ronn Dominici  
March 28, 2008

We urge you to consider the health care costs for the County; there is great potential for increased hospitalization and emergency room visits with their associated costs, and tobacco related impacts due to the nature of the proposed project.

B-21.4

We urge you to advocate for at least two air-quality monitoring stations to start collection of PM10 and PM2.5 air pollution data. Currently there are no air-monitoring stations in Madera County collecting particulate matter pollution data, on which to base sound decisions on air quality and health impacts. With no particulate air-pollution baseline data, we are concerned that appropriate mitigation measures will be identified and implemented for this development.

B-21.5

For these reasons, the American Lung Association of California strongly urges policymakers to consider carefully the air pollution and health impacts of this project of this, in a county already burdened by multiple sources of air pollution and no current capacity to monitor some pollutants that have been shown to increase mortality rates.

B-21.6

Respectfully,



Barbara Beedon, Regional Vice President  
American Lung Association of California  
4948 N. Arthur  
Fresno CA 93705

Cc:

San Joaquin Valley APCD  
Pacific Regional Office,  
Bureau of Indian Affairs

## Comment Letters from Individuals

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WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.  
(Please write legibly)

Name: JERRY MAGNUSON Organization/Tribe/Agency: \_\_\_\_\_

Address: 19107 DIABLO RD, MADERA CA 93638

Comment: THE MONO INDIANS HAVE NO HISTORICAL TRAIL OR TERRITORIAL RIGHT TO THE AREA THEIRS. SEEKING ADJACENT TO THE CITY OF MADERA. THE MONO INDIANS CAME OVER THE SIERRA NEVADA MOUNTAINS FROM THE EAST AND WERE ESTABLISHED IN THE HIGHER MOUNTAINS AND ~~UPPER~~ Foothills. THE UNSET AREAS WERE ~~MARKED~~ BY YOKUTS NOT THE MONO - SEE ATTACHED MAP  
Phone: (559) 673-7436 Email: jc-magnuson@comcast.net

Place me on the mailing list? Yes  No: \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".



NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

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(Please write legibly)

Name: Myra Burtwell Organization/Tribe/Agency: \_\_\_\_\_

Address: 25485 Sunclair Dr Chowchilla Ca

Comment: In for the money to horse the  
land

Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Place me on the mailing list? Yes 665 4905 No: \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzak, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

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(Please write legibly)

Name: Talia Preis Organization/Tribe/Agency: \_\_\_\_\_

Address: 419 Esplanon

Comment: I oppose this casino

I-3.1

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Place me on the mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

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(Please write legibly)

Name: John T. Sahn Organization/Tribe/Agency: \_\_\_\_\_

Address: 18675 ave 18th Madera

Comment: I am opposed to the casino!

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: 559 661-6161 Email: \_\_\_\_\_  
Place me on the mailing list? Yes \_\_\_\_\_ No:

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATHFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

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(Please write legibly)

Name: Tavis Taylor Organization/Tribe/Agency: \_\_\_\_\_

Address: 513 Heathwood Dr Madera

Comment: this casino is not good for many reasons water, economics, and criminal.

I-5.1

Phone: \_\_\_\_\_ Email: taylor@comcast.net  
Place me on the mailing list? Yes \_\_\_\_\_ No: X

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(Please write legibly)

Name: Rachel A. H. Gray Organization/Tribe/Agency: \_\_\_\_\_

Address: 17925 W. 9th St. \_\_\_\_\_

Comment: \_\_\_\_\_

I do not want a casino in Madera, people lose homes, wife, families because of gambling. And these will be to much phone: 675-9406

Phone: 675-9406 Email: \_\_\_\_\_

Place me on the mailing list? Yes \_\_\_\_\_ No:

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(Please write legibly)

Name: DONNA PRIDE Organization/Tribe/Agency: \_\_\_\_\_

Address: 55606 OLD TOWN RD-226 NORTH FORK CA 93643

Comment: My husband Jimmy and I are for the new Casino. The revenue is needed for Madera Co. There will bring additional income for the Co. Dept. School, Tourism, employment and all in Madera Co. 1 Ca. State will benefit.

Phone: \_\_\_\_\_ Email: dpride@st1.net  
Place me on the mailing list? Yes  No: \_\_\_\_\_

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(Please write legibly)

Name: CONNIE J. OFFER Organization/Tribe/Agency: \_\_\_\_\_

Address: 18624 Smithwood DR MADERA, CA 93638

Comment: Madera "NEEDS" this! We moved here 30 yrs ago - we have been supporting you. We need jobs! Please - get more funding grants & start! Please let Madera grow & prosper.

Phone: 559 674-7429 No: \_\_\_\_\_  
Place me on the mailing list? Yes  No: \_\_\_\_\_  
Email: caajj@adl.com

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

**WRITTEN COMMENT CARD**

I-9

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

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(Please write legibly)

Name: Charlotte Wynn Organization/Tribe/Agency: \_\_\_\_\_

Address: 22851 Maplest

Comment: I say no cause of traffic but's  
are children living school to gambal,  
prostitution bring in people like criminal  
college students getting in trouble,  
As for job who will get the jobs Indians  
can't you bring in job like police, hotels,  
hotels, the parks

Phone: 605-4207 Email: \_\_\_\_\_  
Place me on the mailing list? Yes  No: \_\_\_\_\_

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I-10

**WRITTEN COMMENT CARD**

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(Please write legibly)

Name: Elizabeth Wiseman Organization/Tribe/Agency: \_\_\_\_\_

Address: 22082 Shaw Lane Modesto, Ca. 95138

Comment: \_\_\_\_\_

We do not want a casino in our city! We are not opposed to having the North Fork Rancheria of Mono Indians use the land to bring respectful businesses into our area. Casinos would bring people into our community that would bring nothing but trouble.

Phone: 559-1661-7323 Email: wiseman@netcape.com

Place me on the mailing list? Yes  No: \_\_\_\_\_

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I-10.1

I-11

### WRITTEN COMMENT CARD

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(Please write legibly)

Name: Sary Conner Organization/Tribe/Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Comment: getting 100s of millions of dollars from where? Don't do it

Phone: 709-383-4044 Email: \_\_\_\_\_  
Place me on the mailing list? Yes \_\_\_\_\_ No: \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Ryzzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

I-11.1

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(Please write legibly)

Name: Don Rasmussen Organization/Tribe/Agency: Tax Payer

Address: 25771 Pickford Dr

Comment: I want to thank the County & City Board members for being the best that gambling money can buy. Ave 17 cannot handle the traffic the casino will cause

I-12.1

Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Place me on the mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_

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(Please write legibly)

Name: Ryan Gulle Organization/Tribe/Agency: \_\_\_\_\_

Address: ~~7887~~

Comment: This property was proposed for a Motorsports park and not allowed because of environmental reasons. These same reasons would exist with a casino project. The Motorsports park would have brought a lot more economic growth and supported local existing businesses. A casino WOULD NOT. The sale Benches probably would be lessening. I also believe this would result in more Devils on 99 Highway.

Phone: 559-706-5507 Email: Please call if any questions  
Place me on the mailing list? Yes  No:

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WARRANTY COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

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(Please write legibly)

Name: Desi Comer Organization/Tribe/Agency: \_\_\_\_\_

Address: Merced, CA

Comment: This is a travesty for the citizens of Madera and the deal makers should be assured you will further impoverish this poor community! Shame on you!

Phone: \_\_\_\_\_

Place me on the mailing list? Yes \_\_\_\_\_ No:

Email: \_\_\_\_\_  
Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

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(Please write legibly)

Name: Linda Lewis Wright Organization/Tribe/Agency: \_\_\_\_\_

Address: P.O. Box 783 Madera CA 93639

Comment: Concerned Questions Re: Madera Location

I-15.1

• Water

I-15.2

• Air Quality

I-15.3

• Land use

I-15.4

• Impact on tribal culture

I-15.5

• Potential for increase crime

I-15.6

• Available medical care

I-15.7

Phone: \_\_\_\_\_

I-15.8

Place me on the mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_

I-15.9

Email: ONE W2DWARD OF GOD@yahoo.com

Please give to attendant, drop in Written Comment Box, or mail to: John Ryzak, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

• what people group is targeted?  
• what assurance would Madera residents have  
or guarantee of jobs?  
• what do you think Madera needs a casino?  
Maybe concerns for the low income person  
who will wish to stay near the casino in a  
fast paced quick start leading to increase in  
already high poverty and  
domestic violence.

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

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(Please write legibly)

Name: Donna Red Sky Organization/Tribe/Agency: \_\_\_\_\_

Address: 1143 Elm Ct, Hanford, CA

Comment: I support this casino, It will bring jobs & money to the community of Madera. The 99 highway location is perfect. That is what all commerde does to attract business And that is what this casino is taking advantage I support this casino

Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Place me on the mailing list? Yes  No

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I-17

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(Please write legibly)

Name: MARGO SMITH Organization/Tribe/Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Comment: MY HUSBAND TRAVELS 99 EVERYDAY TO WORK - I WORRY ABOUT THE DRINKING + DRIVING WITH THE ADDITION OF SIX NEW ALCOHOL BARS SO CLOSE TO 99. PLEASE VOTE NO

I-17.1

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Place me on the mailing list? Yes  No

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(Please write legibly)

Name: Savada McLee Organization/Tribe/Agency: Local resident

Address: 11302 Ave 18 1/2 Chowchilla Ca 93610

Comment: I oppose the Casino and disagree with the statement of responsible gaming. It would make main access for youth and general public to Alcohol and gambling. Addiction. All these top priorities of good and care. Making it so accessible. How and also taking lead that was not designated. The water, air and community impact is too much. We are farmers and are already short and penalized for these things. Our youth is the most important commodity we have - Lets protect them.

Phone: [redacted] Email: [redacted]  
Place me on the mailing list? Yes  No  ballot?

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I-18.1

I-18.2

I-18.3

I-19

**WRITTEN COMMENT CARD**

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(Please write legibly)

Name: Jean Urena Organization/Tribe/Agency: \_\_\_\_\_

Address: 17654 Rd 27 MADERA CA

Comment: \_\_\_\_\_

Good job

Phone: 957-975 5071

Email: \_\_\_\_\_

Place me on the mailing list? Yes  No: \_\_\_\_\_

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I-19.1

I-20

WIKI LEIN COMMIENI CAKU

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

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(Please write legibly)

Name: Michelle Lewis Organization/Tribe/Agency: \_\_\_\_\_

Address: 5231 E Kaviiland

Comment: I support the Madera Casino project. This project will benefit the County & City of Madera. This would be a great thing for Madera. This will bring a lot of jobs for Madera Madera needs this. A better of better Madera. It is sad that Indians are going to speak against Madera.

Phone: 531-477-9037 Phone: \_\_\_\_\_ Email: laxchelle@yahoo.com

Place me on the mailing list? Yes  No: \_\_\_\_\_

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I-20.1

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(Please write legibly)

Name: VERNON STURTS Organization/Tribe/Agency: \_\_\_\_\_

Address: 19686 AVE 18 1/2 MADERA, CA 93637

Comment: OPPOSE CASINO IN MADERA COUNTY / CITY AREA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: 559-673-2214 Email: \_\_\_\_\_  
Place me on the mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_

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(Please write legibly)

Name: Lezlie Gittings Organization/Tribe/Agency: Madera Citizen

Address: 16810 Walden Dr. Madera CA 93638

I-22.1

Comment: Can we get another meeting only for the "regular" people here. No officials/tribal council just the people this will affect. My water table will drop & I will have to dig a deeper well - will they be paying for it? No, we need to be able to speak regular people!

I-22.2

Phone: 559-664-8003 Email: gittingsh@prodigy.net  
Place me on the mailing list? Yes No: X

I-22.3

Please give to attendant, drop in Written Comment Box, or mail to: John Ryzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

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(Please write legibly)

Name: Abbie Pacheco Organization/Tribe/Agency: \_\_\_\_\_

Address: 2218 Desert Ranch Way, Madera 93637

Comment: I am against the Casino on Ave 17 because whenever you get these Casinos in you bring in a higher crime rate prostitution, drunk driving, and an addiction to gambling this addiction causes people to lose their homes, cars, & families.

Phone: 559 661-8595 Email: \_\_\_\_\_  
Place me on the mailing list? Yes \_\_\_\_\_ No: X

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(Please write legibly)

Name: Dolores Holley Organization/Tribe/Agency: \_\_\_\_\_

Address: 338 W Sherman #301, MADERA, CA 93638

Comment: QUESTIONS: WHY WOULD YOU WANT CASINO IN A SMALL TOWN. ALL THAT HAVING A CASINO IN OUR TOWN WOULD BRING PEOPLE HURTING MORE DRINKING AND DRIVING KEEP THE CASINO PAR OUT.

Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Place me on the mailing list? Yes \_\_\_\_\_ No:

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

I-25

WRITTEN COMMENT I CAKU

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

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Name: SOLEY ARSLAN (Please write legibly)

Organization/Tribe/Agency:

Address: 18463 RD 23 Madera Ca 93637

Comment: Good Luck

we support you CASINO

Phone: 559-706-3772

Email: \_\_\_\_\_

Place me on the mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_

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I-25.1



WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

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(Please write legibly)

Name: Feleena Berry Organization/Tribe/Agency: Madera County Resident

Address: 17702 Sealeright Dr. Madera, CA 93638

Comment: Allowing this casino at this location will open the door to eventually having non-tribal casinos peppered over the valley and other parts of CA.

Due to heavy population increase, the water table in the proposed area is rapidly dropping. Tapping in to this water supply by a large resort such as this will only further take our ground water, eventually forcing rural county residents to be connected to the city water supply. WE DON'T WANT

Phone: 559-673-2382 Email: forestberry@aol.com THAT

Place me on the mailing list? Yes  No

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I-26.1

I-26.2

WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

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(Please write legibly)

Name: KATHRYN HOPE Organization/Tribe/Agency: A Citizen

Address: 132 Deborah Way Chowchilla, Calif

Comment: Was this for Fresno County?

This town for the Public started

at 8pm Not bpm - So Why -

Phone: 223-0102 Email: please respond

Place me on the mailing list? Yes  No:

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Name: Robert Lyday Organization/Tribe/Agency: None

Address: 601 Sunrise Ave #A2

Comment: This land is NOT Mono land. Mono land is from Neals / Firego & Creek to North Fork. Five Indians who lived on this land are extinct. They were wiped out in an epidemic in 1833 due to an epidemic of malaria that was brought by fur trappers

Phone: 676-2437 Email: lhdalay.robert@gmail.com

Place me on the mailing list? Yes  No:

Please give to attendant, drop in Written Comment Box, or mail to: John Ryzak, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project"

WRITTEN COMMENT CARD

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(Please write legibly)

Name: Joshua Kirk Organization/Tribe/Agency: Opposition

Address: 4766 Rd. 20

Comment: This casino is being built adjacent to the Madera City limits. The intent was for the tribal casinos to be on rural land. This casino wasn't isn't even being built on tribal land. All of the other local tribal casinos have led to corruption and greed and not with the tribes. On top of this the local infrastructure is not designed for the burdens that this phone out place on it.

Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Place me on the mailing list? Yes \_\_\_\_\_ No: X

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(Please write legibly)

Name: DANIEL BORILLA Organization/Tribe/Agency: CITIZEN

Address: 821 W. YOSEMITE MADERA, CA 93637

Comment: AS A RECENT GRADUATE OF FRESNO STATE AND A LIKELAND RESIDENT OF MADERA, I AM IN FAVOR OF THE NORTH FORK RANCHERIA CASINO PROJECT. IT BRINGS ME OF THE LIMITED NUMBER OF PROFESSIONAL JOBS IN MY COMMUNITY, WITH A COMMUNITY COLLEGE GRADUATE WHO NEED TO KEEP OUR CITIZENS WORKING IN MADERA, WHO IS GOING TO BE ABLE TO BUY AT THESE NEW SHOPPING DEVELOPMENTS WITHOUT MY STATE ECONOMY?

Phone: 554-232-4909 Email: daniel@nfrasreality.com  
Place me on the mailing list? Yes  No:

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

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NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL

1850 WEST CLEVELAND AVENUE

6:00 pm to 9:00 pm, March 12, 2008

I vote no.

YO BUENO  
QUE NO

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(Please write legibly)

Name: Doroteo Hernandez Organization/Tribe/Agency: \_\_\_\_\_

Address: 825 Sovereign St

Comment: YO SOY UNA PERSONA QUE ME DUELE LO EN LA  
BUENA LOS CASINOS LO QUE ASESINA  
ROBAR Y ESTAFAR A LAS PERSONAS  
Y ENGO NUEVE AÑOS JUGANDO Y NUNCA JONO  
Y EN LOS ENCAJONES DE LANO Y PLOPIECARDES  
SIDN OPORTUNIDADES DE TRABAJO Y OTRAS  
ANIMOS

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Place me on the mailing list? Yes  No   
Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2500 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption. Please include your name, return address, and caption. "EIS Scoping Comments, North Fork Rancheria of Mono Indians, Casino and Hotel Project"

I am a person that the casinos have ruined. What they do is they rob and defraud people. I have been playing for nine years and I never win. (meanwhile they have brands new cars and properties. Yes, they give work opportunities and other help.

### WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT  
 MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
 1850 WEST CLEVELAND AVENUE  
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(Please write legibly)

Name: Richard Livasy Organization/Tribe/Agency: Local Pastor

Address: 1929 Jennings St Madera CA 93637

Comment: I am Native American my mother was raised on reservation at San Juan Bautista very poor not enough to live some times. But always raised the question how does your way of living today affect your living tomorrow?

Phone: 559-661-7558 Email: \_\_\_\_\_  
 Place me on the mailing list? Yes  No: \_\_\_\_\_

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(Please write legibly)

Name: KARAMJIT S NILLAR Organization/Tribe/Agency: \_\_\_\_\_

Address: 7755 N. GILROY AVE FRESNO CA 93722

Comment: I ~~wants~~ voted to Casino yes. Brings  
Business and more job,

I-33.1

Phone: 554-352-5518 Email: KSTRANSFORC@a.yahoo.com  
Place me on the mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".



**WRITTEN COMMENT CARD**

**NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT**

MADERA DISTRICT FAIRGROUNDS, HAITFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

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(Please write legibly)

Name:

EVVIN DAVIS

Organization/Tribe/Agency:

Address:

21444 ave 5 1/2 mader

Comment:

Have Mary Conced in  
Madera

Phone:

6747568

Email:

Place me on the mailing list? Yes  No

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(Please write legibly)

Name: Cathy Macnason Organization/Tribe/Agency: concerned resident

Address: 19107 Diablo Rd Madera CA 93638

Comment: I live in the Madera Contra Club area and I use the Ave. 17 exit off 99 daily. I can't help but think that the impact the traffic will have will be huge. Why bring in a business that will provide many jobs that will be at the expense of many families. With the many bars, drunk drivers will be a problem and gambling will deplete

I-35.1

I-35.2

I-35.3

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Place me on the mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_

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I-35.3  
cont.

not just most gamblers but their families as well.  
I would be in full support of the tribe starting a  
business like a Cabell's or a Bass Pro Shop that could  
contain local history as well as sales of environmentally  
friendly equipment for recreation.

I-35.4

Why make huge profits as a tribe on gambling,  
alcohol sales and other activities that appeal to our  
sin nature?

I-35.5

Employees at casinos do tend to gamble - how  
much of their income will be lost?  
Let us vote whether we want a casino to  
make or not.

I-35.6

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

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(Please write legibly)

Name: Bonnie Day Organization/Tribe/Agency: \_\_\_\_\_

Address: 2119 W. Park Dr. Madera, CA 93637

Comment: The draft EIS is deficient in the Environmental Consequences re: social effects, specifically crime + problem gambling. Six to nine million Americans will have a gambling problem in any given year. The effects of adult problem gambling on children from the Natl. Research Council reported on two studies indicating between 10 + 17% of children of compulsive gamblers have been abused and that 25-60% of spouses have been abused. Research consistently shows higher rates of pathological (over)

I-36.1

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Place me on the mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_

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gambling in teens whose parents gamble too much. Children of problem gamblers have been shown to have higher levels of use for tobacco, alcohol, and drug use. Child endangerment and neglect was exemplified in Oregon with the Sept. 2001 report of an Oregon licensed daycare provider who left 3 children (1, 2 + 3 yrs. old) in a van for over 11 hours while she gambled in a casino. Case studies of 10 casino communities revealed that the majority of those communities witnessed increases in domestic violence related to the opening of casinos. Several studies suggest that crime rates rise with increased availability of gambling to communities. 48% of clients enrolled in Oregon's gambling treatment system reported committing crimes to finance their gambling. Studies of Gamblers Anonymous members report that approximately half of the participants had stolen to gamble and over 1/3 had been arrested. Common gambling-related crimes are embezzlement, check forgery, stealing credit cards, fencing stolen goods, tax evasion, insurance fraud, and employee theft and fraud. When we look at how deadly problem gambling can be, we see 10% of clients enrolled in Oregon's gambling treatment system considered and formulated plans to commit suicide within 6 mos. of enrollment to treatment. Also a major depressive disorder is likely to occur in 76% of pathological gamblers.

Why do we want to bring anything into our community that destroys like this? I moved here after living in Las Vegas for almost 7 years. I love our families here and I want to protect them and I hope you do too. Please say "No" to this casino.

### WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

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(Please write legibly)

Name: Marricela Ceja Organization/Tribe/Agency: Ng Casano

Address: 124 High St. Madera CA 93638

I-37.1

Comment: City is going to get congested with traffic.

I-37.2

Crime will rise with more people. You don't just

I-37.3

want to control it but have it very minimal fortunately.

The air quality will be affected because of pollution

of ~~the~~ excess transportation between the valley

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Place me on the mailing list? Yes  No

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The usino will be only a temporary solution  
for some of the debt in California.  
Our chosen leaders need to start getting  
more control of California budget to  
sustain what is needed

WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

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(Please write legibly)

Name:

*Denise Debe Guey*

Address:

*14361 E. San Gabriel Ave Fresno 93726*

Organization/Tribe/Agency:

*I waited until 8:15 pm to speak and I had to leave. We need another meeting to continue*

Phone:

*408 912-0355*

Email:

*denise2008@gmail.com*

Place me on the mailing list? Yes  No:

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Very upset & was  
unable to give my opinion

I-38.2

WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

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(Please write legibly)

Name: Linda Azevedo Organization/Tribe/Agency: \_\_\_\_\_

Address: 16800 Road 15 Madera, CA 93637

Comment: too The traffic on Hwy 99 would increase and it is already too busy. Drunk driving would increase and highway deaths would increase. Pollution would increase because of the increase in cars.

Phone: 559-675-3670 Email: linda.azevedo4@aol.com  
Place me on the mailing list? Yes X No: \_\_\_\_\_

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I-39.1

I-39.2

I-39.3

I-40

Dr. Robert F. Manlove  
1064 Viela Court  
Lafayette, CA 94549

**DEIS Comments, North Fork Rancheria's Hotel/Casino Project  
Testimony given the Environmental Impact Hearing  
March 12, 2008, in Madera, CA**

I am Dr. Robert Manlove. I hold five collegiate degrees including the doctorate in Anthropology and I am currently a visiting scholar at the University of California in Berkeley in the Department of Anthropology.

I would like to give testimony regarding four issues that pertain to the Northfork Mono request for BIA approval of the construction of a casino near Madera, California.

(1) The Kroeber's boundary between the Mono Indian homeland and the Yokuts homeland was located approximately 40 miles from the site proposed for a casino. Was this boundary accurately located?

I-40.1

In the case of hunting and gathering groups such as the Yokuts, Miwoks and Monos, homelands are defined as the territory occupied and utilized at the time of the Gold Rush. It is reasonable to assume that this means the land on which villages stood and the land around the villages that were habitually exploited for plant and animal species. The territory covered by transhumance in the higher altitudes (summer versus winter villages) would also be included. It is *not* reasonable to assume this means any land visited by small groups of Indians on trips away from the villages. (If that were the case, visitors from Japan could claim parts of the United States as their homelands.)

The question of the Northfork Mono homelands then becomes that of the location of Northfork Mono, Miwok and Yokuts villages at the time of the Gold Rush. These villages were located by Alfred Kroeber and other anthropologists by interviewing the Indians at the beginning of the twentieth century and thereby ascertaining the names of the villages and languages spoken in the villages. This was a particularly effective way of establishing the tribal boundaries of the Mono because, *first*, the Mono language was part of the Uto-Aztecan family of languages while the Miwok and Yokuts languages were part of the Penutian family of languages, which means they differed as much as Sanskrit and English, and, *second*, the names of the villages reflected the language of the occupants so discovering the name of a settlement told you who was living there.

I-40.2

On the basis of the village locations, Kroeber established that the boundary between the Yokuts and the Miwok extended up the Fresno River with Miwok villages located on the north side near the river and Yokuts villages found on the south side near the river. From a point near the present town of Oakhurst, the Yokuts-Mono boundary extends southeast from the Fresno River, making Oakhurst the point at which the three groups met. The Yokuts-Mono boundary drawn by Kroeber went through Crane Valley (Bass Lake), down the North Fork of Willow Creek to the San Joaquin River and then further southeast on the same line. In contradiction to Kroeber's conclusions, Gifford locates Northfork Mono villages along Fine Gold Creek and along the stream for which they are

named, the North Fork of Willow Creek. However, Bunnell (1911:103) states that the Mariposa Battalion, which was pursuing a scorched-earth military campaign against the Indians in the spring of 1851, found no villages in the Fine Gold or Willow Creek areas. Consequently, it appears that Kroeber's boundary is correct and the Northfork Monos moved into those areas after the conflicts of the Gold Rush had led to the decimation and removal of the Yokuts.

I-40.2  
cont.

Kroeber's boundary is therefore the best estimate of the western boundary of the Northfork Mono. The closest that this boundary comes to the proposed casino location is at least 40 miles. There is no reasonable way that the Northfork Monos can claim that casino location is part of the Mono homelands. (We may also note that Gaylen Lee, a Mono Indian, proclaims in his book that Madera was Yokuts territory, not Mono territory.)

*2. Did the Monos share the Yokuts territory?* The Monos have claimed that they shared Yokuts territory and therefore have rights to the Yokuts territory near Madera. However, nothing could be further from the truth. Warfare was endemic between the Yokuts and the Mono for two reasons: First, the Monos were expanding toward the west and were usurping Yokuts land. This meant that the two groups were perennial enemies and fought battles such as the one that occurred at Crane Valley. Second, the Mono raided the Yokuts villages for women and horses.

I-40.3

*3. Did the Monos have an annual cycle of migration from the North Fork area to the San Joaquin valley at Madera and back through Yokuts territory?* The Mono have also claimed that they traveled on an annual basis to the San Joaquin Valley floor to hunt the large game animals and to take salmon when they were running. Again, nothing could be further from the truth. First, large game animals and salmon were as plentiful or more plentiful in the foothills than on the valley floor. Reports by early non-Indian explorers clearly describe the San Joaquin Valley as an open, arid plain with game animals (elk and antelope) that were very difficult to hunt because they could see the hunters a long distance away. At the same time, the foothills above 1500 feet are described as possessing abundant game of all types. The biannual salmon migrations also extended well into Mono territory. There was no reason for the Mono to try to gain access to the San Joaquin Valley floor. Second, in the early 19<sup>th</sup> century before the Gold Rush, the valley was occupied by White settlers who frequently shot Indians on sight as the result of the Yokuts Indians treating the livestock as easily hunted wildlife.

I-40.4

*4. Did the Mono have rights to the Madera land by virtue of the 1851 treaties?* The Mono claim that they were included in the treaties negotiated between federal representatives and several Indian tribes in the spring of 1851 and, consequently, have rights to the land mentioned in the treaties which includes the land around Madera. However, this is not the case. First, the treaties were never ratified by the federal government and, consequently, cannot be said to have established a post-Gold-Rush "homeland" for any of the Indians. Second, the Monos were not included in these treaties. They would have been included if they had participated in the treaty signing or if they had relocated to the short-lived Fresno reservation after the treaty signing. However, neither of these things happened. None of the signers of the treaties were

I-40.5

Mono and records show that only Yokuts and Miwok Indians occupied the Fresno reservation. The Mono Indians retreated into the higher foothills to avoid contact with the White invaders. When soldiers of the Mariposa Battalion invaded the foothills, the Mono abandoned their villages and fled into the mountains. Even when the Yokuts and Miwoks retreated into Mono territory and built a defensive enclosure on a mountain, the Mono did not join but retreated further into the mountains. This retreat was probably a wise thing to do, under the circumstances, but their failure to interact and adjust to the presence of the Whites means that they have no justification for suggesting that they were party to any negotiations or that they have rights to the land mentioned in the 1851 treaties.

We may therefore conclude that the claims of the Northfork Mono discussed above do not justify a claim upon the land near Madera on which they wish to establish a tax-exempt casino operation. They, consequently, can not, under federal law and state agreements, be allowed to build a casino there regardless of the fact that they may own land there as a corporation.

I-40.5  
cont.

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March 25, 2008

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

DEIS Comments – North Fork Rancheria Hotel/Casino Project

I am writing to ask you to please do not approve the proposed Indian gambling casino in Madera. My home in Madera is approximately two miles from the proposed site.



I-41.1

I was born in Nevada and lived there so I am very familiar with gambling and the problems it causes. I would not want to go back.

My three sisters in Las Vegas had their homes robbed more than once until they finally moved to more expensive areas. My brother's home in Mesquite was robbed twice. Doors cannot be left unlocked. I know of the sorrow that gambling addiction brings in ruined lives and destroyed families. The jobs created by the casino are not worth that.



I-41.2

Easy access to a casino off Highway 99 will turn our peaceful, little farming community into a congested urban area.



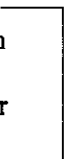
I-41.3

Our air quality is terrible, second only to Los Angeles. Added congestion will make it intolerable.



I-41.4

We have a water problem – we can only water our yards three days a week during certain hours. We are subject to fines if we water any other time. We have been told that recent wells have had to be drilled hundreds of feet deeper. Where will the water come from for this proposed development?



I-41.5

Gambling was approved by the state of California to be operated on Indian reservations and that is where it belongs. I have no problem with that.



I-41.6

Please do not approve the Madera casino.

Sincerely,

Lola M. Whipple  
17334 Barstow Drive  
Madera, CA 93638  
(559) 674-3595

Dan Casas  
P.O. Box 2672  
Clovis, CA 93613  
(559) 647-3007

I-42

Amy Dutschke,  
Acting Regional Director, Pacific Region,  
Bureau of Indian Affairs  
2800 Cottage Way  
Room W-2820  
Sacramento, CA 95825

Re: **Comments to North Fork's Draft EIS**

Good evening, my name is Dan Casas.

I am here to tell this panel that I agree with the message that I believe former Madera County Supervisor Gary Gilbert and the Representative of North Rancheria conveyed to Fresno County Board of Supervisors on March 4, 2008 --- That the current version of North Fork's Draft EIS may be incomplete and in need of revision.

At the March 4<sup>th</sup> meeting, Former Supervisor Gilbert told Fresno's Supervisors that he remembered the time when North Fork was a thriving community, with Doctors, Dentists, Pharmacies and Businesses --- until the Saw Mill closed.

The old Saw Mill site is an alternate site that Draft EIS did not consider or properly address -- even though this alternate site is located virtually adjacent to the federally restored boundaries of the North Fork's Rancheria.

Building the proposed casino at the old mill site will help revitalize the North Fork Community and North Fork Rancheria. It will provide access, jobs and services to the members of the North Fork Rancheria, and will bring back the Doctors, Dentists, Pharmacies and Businesses to the North Fork Community.

I-42.1

I also commend North Rancheria for admitting to Fresno's Supervisor that North Fork had not considered the impact or strain that the proposed Madera project would have on Fresno County or its infrastructures – even though the majority of traffic to the new Madera Project would traverse Fresno County.

**Mr. Charles Banks-Altekruse** who spoke on behalf of North Fork Rancheria thanked Fresno's Superiors for their concerns and told them that North Fork Rancheria would welcome a meeting with Fresno's Board of Superior so that the tribe could ensure that Fresno County's environmental concerns are properly identified and included in the environmental process.

I-42.2

Therefore it is clear that the current Draft EIS is incomplete and must be revised to address the alternatives and concerns that were identified by North Fork Rancheria and Gary Gilbert on March 4<sup>th</sup>.



Rae Mohr  
526 Grenache Avenue  
Madera, California 93637  
March 12, 2008

*Dear Bureau of Indian Affairs,*

Attention: City Council of Madera  
Attention: County of Madera

Subject: Casino in Madera

This is my views on the casino north of the small airport in Madera County.

[Redacted]

I-43.1

The land used to belong to the Indians before we made them move to the hills and reservation to live in squalid conditions, which cut out of some hunting rights.

We just had illegal cock fight in the county. People were betting on their birds.

[Redacted]

I-43.2

We have had gambling for centuries in all cultures. If we let this project drop, someone else will benefit. Bringing in new business will bring in many new jobs into Madera.

[Redacted]

I-43.3

There are a lot of towns that aren't there anymore. People have moved out to find better opportunities. Many small towns are not doing well. Tomb Stone is Dead!

The project will certainly improve our way of life. The new business will come to our county with Madera resonance's positive outlook.

[Redacted]

I-43.4

People spend money in big towns, such as San Francisco, Gilroy, San Jose, etc.

These comments are from an interested citizen.

Sincerely yours,

*Rae Mohr*

Rae Mohr

WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
MADERA, CA 95361  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: PAE MAHA Organization/Tribe/Agency: \_\_\_\_\_

Address: 526 GRENACHE AVE MADERA, CA 953637

Comment: The people on stage had lots of questions for all  
number of people getting talks at the podium. Some said  
they were rude.

Phone: 569-666-4183 Email: \_\_\_\_\_  
Place me on the mailing list? Yes  No: \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECAMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

**Rae Mohr  
526 Grenache Avenue  
Madera, California 93637  
March 12, 2008**

**I-45**

**Attention: City Council of Madera  
Attention: County of Madera**

**Subject: Casino in Madera**

**This is my views on the casino north of the small airport in Madera County.**

I-45.1

**The land used to belong to the Indians before we made them move to the hills and reservation to live in squalid conditions, which cut out of some hunting rights.**

**We just had illegal cock fight in the county. People were betting on their birds.**

I-45.2

**We have had gambling for centuries in all cultures. If we let this project drop, someone else will benefit. Bringing in new business will bring in many new jobs into Madera.**

I-45.3

**There are a lot of towns that aren't there anymore. People have moved out to find better opportunities. Many small towns are not doing well. Tomb Stone is Dead!**

**The project will certainly improve our way of life. The new business will come to our county with Madera resonance's positive outlook.**

**People spend money in big towns, such as San Francisco, Gilroy, San Jose, etc.**

I-45.4

**These comments are from an interested citizen.**

**Sincerely yours,**



**Rae Mohr**

March 24, 2008

10  
 T  
 OR REALT  
 I-46

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

Re: Proposed Mono casino in Madera

2. Draper  
 FRWD DECRMS 4/4/08

Dear Ms. Dutschke,

As residents of Madera County we highly object to the proposed development of a casino near highway 99 in Madera. Our major disagreement is with the irregularity of the "land exchange" that will have to happen if this casino is built. We strongly believe that this will set a detrimental legal precedent that can and will be used throughout the state. This part of the valley is not historic Mono territory; it is simply wrong to allow this tribe to purchase the property and then claim it as such.

I-46.1

We travel frequently to the mountains for hiking and recreation and have experienced firsthand the congestion and increased traffic on the roads to both the Table Mountain and Chukchansi casinos; it will only be worse on a major route. Highway 99 has enough congestion as it is; we certainly do not need more on this stretch of two-lane highway, particularly in the months of dangerous fog. Two local, very large casinos are enough! We do not need another.

I-46.2

Finally, we are certainly aware that our county is a poor one and that the MOA with the Board of Supervisors promises many financial benefits shared to the county. However, much of this county's population is in poverty. It has been observed that a disproportionate number of the people who go to game at the casinos are those who can least afford the losses; they, themselves have limited income. The proximity and ease of access to another casino, this one right on the valley floor will be a real and definite liability to those very people who cannot resist the temptation.

I-46.3

Sincerely,

*Mr. and Mrs. (Stely) Chris Bonner*

Mr. and Mrs. Chris Bonner  
 19223 Deane Drive  
 Madera, CA 93638

**received**  
 RES 3/21/08

March 24, 2008

Rodney A. Reindl  
19295 Panoramic Drive  
Madera, CA 93638

I-47

Amy Dutschke, Acting Regional Director  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

RE: "DEIS Comments, North Fork Rancheria's Hotel/Casino Project"

Dear Ms.Dutschke,

I did attend the March 12 hearing on this project but was unable to remain long enough to voice my comments in opposition to the project. In 2005, I attended a meeting at the Christian Church in North Madera County called by Vern Moss, our supervisor. At that time, approximately 100 plus citizens turned out to protest the proposed project. During the course of the meeting, Gary Gilbert, then a county supervisor, commented to me that the Casino was a "done deal" and that the BIA would merely rubber stamp the project because of the proposed financial impact to the city and county. This was the first meeting called of which I and my neighbors in the county were aware, despite claims at the March 12 hearing that a total of 7 public hearings were called between 2004 and 2008. We receive the local paper and cannot recall notices for any of the other meetings. I and others were particularly irritated and shocked that Gilbert would make such a flat prediction of successful approval by the BIA.

I-47.1

As a long term resident of Madera County, I am seriously concerned about the impact of the Casino/Hotel on the environment and the traffic and other problems engendered by placement of this casino at the proposed location. Highway 99 is a 2 lane state highway that carries the sole burden of heavy traffic from Sacramento down the east of the San Joaquin Valley. Currently, traffic is heavily impeded by the constant flow of heavy semi truck/trailers. Adding 12,000 to 20,000 cars daily (proponents' figures ) to SR 99 will create a serious safety hazard for those of us who must use the 99 corridor both north and south. For us there is no other alternative. Furthermore, the Air pollution Control district has already designated the Central San Joaquin Valley to be in violation of Federal Clean Air Standards and an additional 12,000 to 20,000 cars and buses daily will worsen the situation and make clean air standards impossible to achieve in the foreseeable future.

I-47.2

The proposed ingress and egress to the casino (Avenue 18 1/2) is at the same location as a major semi-truck stop, which, with current traffic, presents challenges to the motoring public accessing the fuel and restaurant services at that location. The next potential access point is at the Avenue 17, one mile south which is a major SR99 access point for the population residing in the area north of the city limits (both east and west of Road 26. At this location (17 and SR99) there is already a hotel almost completed and a proposed

I-47.3

I-47.4

multi-store shopping center (northeast corner of 99 and 17. This will serve to create a traffic and safety nightmare. Furthermore, Cal Trans has no plans in place to improve or widen SR99 in the foreseeable future (2020) and the county has no plans to provide any further improvement at either the 17/99 or the 18 1/2/SR99 intersections to ease and further regulate traffic flow. None of the Casino funds are proposed to be funneled into SR 99 or the California Highway Patrol for freeway enforcement. Any time, traffic accidents occur in county or state highways, the local responding law enforcement routinely turns over the investigation and processing of the accident scene to the Highway Patrol. This then represents an increase in Patrol responsibilities without any commensurate increase in personnel. That will have a very negative impact upon patrol law enforcement in the county areas in the immediate area.

I-47.4  
cont.

I-47.5

I am additionally concerned about the precedent that approval of this parcel into a trust for the North Fork tribe will set for any other similar proposals in the State of California. There are currently four such proposals either in the works or being prepared in California. If the BIA approves this one, how can it logically disapprove any or all of the others. I firmly believe that the North Fork Indian Tribe, with financial backing by Station Casinos, Inc. of Las Vegas, is seeking to take advantage of promises of great financial rewards to come to local government in order to gain the support of our local officials. The same promises were made by the Chukchansi Tribe and while a certain amount of fiscal benefit accrued, the County of Madera found itself locked in a legal snarl concerning the previously agreed to payment of property taxes on casino improvement which, subsequently, the tribe maintained it does not owe since it is a sovereign nation not beholden to local government and that the improvement, being on Indian land, were exempted from local county property taxes.

I-47.6

The North Fork tribe currently has 80 acres of land in North Fork Rancheria. That property is located adjacent to the old closed down North Fork sawmill which the township of North Fork could well deed over to the tribe for development. However the tribe and Station Casinos have rejected that idea since any casino there would be smaller than the grandiose plans being proposed. With one casino (Chukchansi on SR 41 ) in Madera County, I find it a stretch to justify the placement of another Casino in a county such as Madera. What other county in California has 2 or more casinos within its borders, much less any rural county with a population like Madera's ( 125,000 ).

I-47.7

While I realize that there is great financial incentive by city and county officials to see the casino become a reality (much of such incentive is on paper only and not an absolute guarantee), I am further concerned about the impact on the health and well being of the citizens of this community (increases in alcohol use by casino patrons leaving the premises, growth in gambling addiction by as much as 3000 to 5000 new cases (this to be assuaged by a "promised" \$50,000 for counseling). Hardly a serious "solution" to a problem which is borne frequently by those least able to bear it.

I-47.8

According to statements made at the March 12 meeting, the Casino should be within a "reasonable" commuting distance from the tribe's locus or rancheria. No definition of

I-47.9

18035, Schmidt Pl,  
Madera,  
ca. 93638.  
3/25/08

I-48

TO: Amy DUTSCHKE,  
ACTING REGIONAL DIRECTOR,  
PACIFIC REGIONAL OFFICE,  
BUREAU OF INDIAN AFFAIRS,  
2800, COTTAGE WAY,  
SACRAMENTO, CA. 95825.

FROM: (Mrs) BEVERLEY AIBERDA,  
18035, SCHMIDT PLACE,  
MADERA, CA. 93638.

RE: DEIS Comments,  
Rancheria Hotel/CASINO PROJECT.  
NORTH FORK.

Dear Madam,

This letter is in regards  
to the proposed casino in Madera,  
of which I am 100% against, I will  
explain why. When I came to the  
Central Valley 6 years ago I had no  
problem with my lungs, now I  
have asthma, an inhaler etc, I really  
am quite sick.

I-48.1

The increase in the  
traffic, pollution, crime etc if this  
is approved will be staggering, we

I-48.2

do need more jobs in Madera,  
I agree with that, but look at  
the cost? It is not worth it. I  
was under the impression that it  
has to be Indian Land, the last  
time I looked, this is not INDIAN  
LAND, who do they think they are  
kidding?, not me.

I-48.2  
cont.

I-48.3

My older sister and her  
husband live in Las Vegas, he is  
a gambler, he received \$300,000.00  
buy out from his job, in 6 months  
it was all gone, now they live  
on welfare and food stamps, which  
is what will happen here, if the  
State of California wants that,  
that is fine.

I-48.4

Please do what you  
can, the air is so bad, but the  
increase in tow buses, cars etc, will  
be awful, we clont want it.

I-48.5

Thank you,  
yours truly  
(MRS) Beverly Atterda



March 12, 2008

My name is Jon Barsotti. I live in Madera Acres; directly east about one mile . We have been in that home for 26 ears now.

I have lived in Madera all my life except for the years I was away at college.

My father was born in Madera and our family has been here for 100 years.

Please clearly understand me-  
I, with my wife of 42 Years, my family, and most of my friends are against Convenient Gambling and what it will do to Families and children.

We are not an ally with any Tribe  
and are certainly not against the Indians from North Fork.

Again- Let me state- We are against Convenient Gambling and the problems it causes.

We see Convenient Gambling and the creation of more Problem Gamblers as the biggest problem issue of the proposed Casino. This Casino will be less than 10- 15 minutes from anywhere in our town and most of the surrounding area.

I-49.1

In the Draft Report – Which has 14 pages of just index, and my guess is, 12 to 14 hundred total pages, less than 1 ¼ page is dedicated to Problem Gamblers. How could Problem Gamblers be so un-important, that it doesn't deserve a complete chapter?

And in the Summary, which has 99 pages, less than ½ of a page is dedicated to Problem Gamblers. That is less than ½ of 1% of the Summery- dedicated to Problem Gamblers.

The Report says there are 1,400 existing Problem Gamblers in the County and that the new Casino will probably create 700 new Problem Gamblers for a total of 2,100 Problem Gamblers. What the Report does not tell us is how these Gamblers are going to affect our community as they get more out of control because of Convenient Gambling.

Let me state here that I have much empathy for the Problem Gambler. They truly have a sickness. And the sickness is, for many of them, life shattering.

To continue- The Report also, does not address the problems that will be caused within the family by the existing 1,400 and new 700 Problem Gamblers, who, would now have Convenient Gambling. If these persons cause no problems, then why are they called Problem Gamblers? Maybe a clear definition is needed for the community??

Families have enough problems as it is. Do you want to bring us more????

Let's just assume, like many claims in the Report, that 75% of these Problem Gamblers have spouses or a significant other in their life. For the sake of not over exaggerating, let's say only 60% of these 2,100 Problem Gamblers are part of a household.

Let's do the math-  $2,100 \times .60 \times 2$  (spouse)  $\times 2$  (throw in a couple of children) = **5,040 Persons-** Affected by these Problem Gamblers and your Convenient Gambling. And not even a single complete Chapter in the Report.

That's 5,000 persons negatively affected by your Casino.

This Casino for some families and children will be a plague that will never leave them.

Certainly most important are the children that will be affected when mom or dad or maybe both becomes even more of a Problem Gambler because of the new Convenient Gambling. The lack of stability in a household, sooner than later, has the most damaging effect on the children. They will pay the highest price! How long before the family splits up? How many families will have to go on Welfare? None?

I-49.1  
cont.

Maybe I just missed the part in the Report that talks about how many families will be affected and may be forced to go on Welfare. And how much that will cost???

Why are these human and financial costs not considered and evaluated in the Report???

None of these real life problems are even addressed, let alone Mitigated in the Report.

In Table ES-1 in the Summary, on Page 41, Problem Gamblers does not even receive a "Less Than Significant" (LTS) rating--- "Before Mitigation". Is this a type-o?

How could this Report so blatantly miss this huge Problem?

These are Professionals doing these studies and the extensive compilations.

They have Reported on everything except the real issues. Why???

Obviously this Report is a Product of Convenience. Ordered-up and paid for, with predictable results, by the promoters of the Project. How can it even be considered complete with such a blatant disregard for the Problem Gambler, his or her spouse and their children?

Let me close by saying, It's the families, that make communities. And the main mission of the family is to do the best things for their children; their present and future. I'm not talking about materialism here. I mean something much deeper.

Should we not be concerned about the effect your Casino will have on our families and our children???

We as a community, and as individuals, will be held accountable for what happens on this property and in our community.

To all of us- Don't think for a moment, that you, as an individual, or part of an organization, can take a position on this Casino in a vacuum. This will affect families and children. And we will have to answer to the Creator of the Universe some day.

I-49.2

Jesus said it not me!

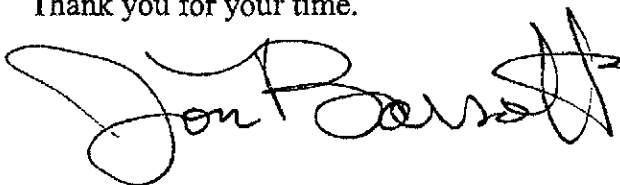
What ever you do unto the least of these, my little ones, you have done it unto me.

And-

Better that a millstone be tied around your neck and you be tossed into the sea, than to have to answer for what you have done to these little ones.

Don't be fooled! God is watching!

Thank you for your time.

A handwritten signature in black ink that reads "Jon Barsotti". The signature is stylized with a large, sweeping initial "J" and a long, horizontal stroke extending to the right.

Jon Barsotti

Dear Sir:

3/20/08

I oppose alternatives AB + C  
for the following reasons:

- 1) SR 99 is unsafe + over crowded  
at the present time.
- 2) I am opposed to the arbitrary  
creation of Indian land  
for commercial purposes
- 3) ~~The~~ Madras County's  
air is now better than  
both Fresno + Merced  
Counties' air. Increased  
vehicular traffic will  
certainly create air pollution  
which will travel from the  
SR 99 corridor into the  
foothills.

I do support alternative

D.  
Respectfully,  
~~Respectfully~~ Ken Collins

I-50.1

I-50.2

I-50.3

I-50.4

**United States Department of the Interior  
Bureau of Indian Affairs  
Pacific Region  
2800 Cottage Way, Room W 2820  
Sacramento, California 95825-1846**

Hello,

The people spoke loud and clear in support of the Casino at the meeting. The Casino will NOT create more pollution, since to say so is to make a false assumption: That if the Casino were not built, everyone would stay home. They would not stay home, but would only drive farther—creating even more pollution. There are back roads right near the Casino, that go long distances, so many would not even take hwy 99 anyway.

[Redacted]

I-51.1

Most important, we need jobs, and even more, some place that is lighted, safe, and secured as this Casino will be. There is NOTHING for young adults to do.

[Redacted]

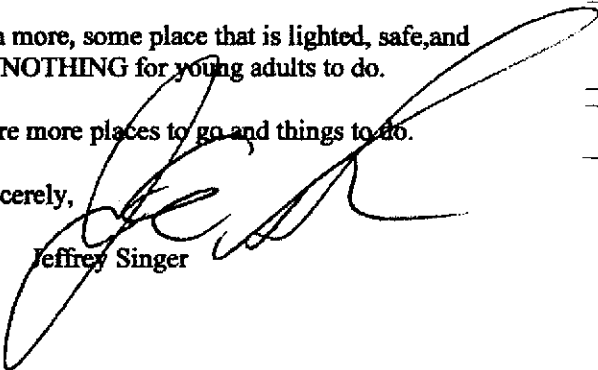
I-51.2

The crime rate goes down when there are more places to go and things to do.

[Redacted]

I-51.3

Sincerely,



Jeffrey Singer

3/8/08

RMP

I-52

Deis Comments North Fork  
Panchera Casino:

North Fork should not  
be allowed to build the  
Casino on Highway 99 in  
Madera, as it is not Indian  
land, and we voted against  
it and we won. We do  
not need any more pollution  
and traffic. Enough is enough  
lets put a stop to this  
now.

I-52.1

I-52.2

Thank You

Lorraine L. Kincaid

1001 Sylmar Ave Sp249

Clarks, Cal. 93612



352

Frwd to Deisems  
3/11/08

J. Kincaid

Amy Butcher  
Lorraine L. Kincaid

poweroftheletter.com  
John Adams, 1765  
THINK, SPEAK AND  
LET US DRINK

08 MAR 2008 PM 1 T

FRESNO CA 937

Lorraine L. Kincaid  
1001 Sylmar Ave Sp249  
Clarks, CA 93612



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

*Amy ad*

*RPM DEGRMS  
NO*

March 31, 2008

Julie Tynn  
10233 N. Sterling Lane  
Fresno, CA 93730

RE: DEIS Comments, North Fork Rancheria's Hotel/Casino Project

Dear Amy Dutschke:

This letter is to voice my strong opposition to a proposal by North Fork Rancheria of Mono Indians to build a \$250 million casino and resort on Highway 99, just north of Madera – more than 40 miles away from its recognized reservation.

I-53.1

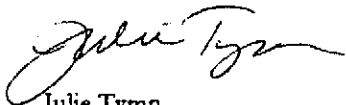
Allowing North Fork Rancheria to build the Highway 99 casino, off of its reservation, violates the spirit of what California voters approved. Worse yet, it sets a precedent for the proliferation of "off-reservation" gaming. As a resident of Fresno County and a severe asthmatic, I also very concerned about the devastating effects that the proposed casino will have on our Valley's air quality. According to the Environmental Impact Statement, it will add more than 10 tons of pollutants annually into the already smoggy San Joaquin Valley air. Madera residents are not the only ones who will be forced to breathe this polluted air. Though I am a resident of Fresno County, I live less than 20 miles away from the proposed casino, and will certainly suffer from its harmful effects. Therefore, I feel strongly that Fresno County should be included in the EIS for the proposed casino along Highway 99.

I-53.2

Therefore, I urge you to please include neighboring counties, like Fresno, in the EIS before making your final determination. Since I and my two young children will be impacted by the casino, it is only fair and appropriate that we be considered.

I-53.3

Sincerely,



Julie Tynn  
Fresno County Resident

March 6, 2008

Carl J. Artman  
Assistant Secretary, Indian Affairs  
1849 C. Street, NW, Room #4160  
Washington, DC 20240

Dear Mr. Artman,

My name is Michael E. P. Harts and I am a resident of Raymond, California. I am writing this letter to request that the U.S. Department of Interior reject the proposed gaming acquisition of the North Fork Rancheria on Highway 99 approximately 50 miles away from its reservation.

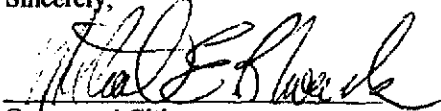
This off-reservation gaming proposal is an effort by Las Vegas-based Stations Casinos to move a tribe away from its ancestral homelands to whatever location may prove to be the most profitable investor.

The Las Vegas speculators behind these off-reservation schemes have no concern for the long-term consequences for California's tribes nor our state. Our Central Valley of California is a delicate and endangered land. Locating mega-casinos next to our already dilapidated freeways so the pockets of out-of-state investors can be filled undermines the quality of life of every citizen in the Central Valley.

Today the investors want to move this tribe 50 miles away to a more marketable position, tomorrow what tribe will it be? There are many potential markets along the lifeline of our valley, Highway 99 – and there are just as many tribes with lands on the western slope of the Sierras waiting for the North Fork precedent so they can make their move into the valley. Californians supported Propositions 5 and 1A to support tribal gaming on original tribal lands. We did not support this.

The North Fork Rancheria has viable alternative sites on and near its reservation, within its ancestral territory, and that is where they should build their casino. For these reasons I ask you to reject the proposal of the North Fork Rancheria for the Highway 99 gaming site.

Sincerely,



Concerned Citizen

I-54.1



3/12/08

Leslie Kittling, local  
citizen

559-664-8003

Re: Norfolk Public Hearing

wants to make sure  
that opponents of the  
federal action are  
given ample  
opportunity to speak  
tonight - wants to  
speak before supporters

I-55.1

8/17/08  
AJS

WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT  
MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.  
(Please write legibly)

Name: Carole Graham Organization/Tribe/Agency: teacher

Address: 3167 Hillcrest Court, Madera, Ca. 93637

Comment: I am a mother - born Maderan, and I strongly oppose the casino/hotel project!! 1) The Mono Indians are not a tribe from this area - but found in North Fork - As a tribe, they have no "rights" to the proposed land in Madera. 2) I also oppose this project because the casino will "harm" those people who are involved with crime - i.e. - prostitution,

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Place me on the mailing list? Yes \_\_\_\_\_ No: \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

I-56.1  
I-56.2  
I-56.3

more gang activity, illegal drugs increased manufacturing and selling - I oppose this environment for the youth of Madera - because I care about young people who already have too many social issues affecting their lives - I believe that this casino will cause more broken homes, or parents who will gamble away their salaries before meeting the needs of their families -

The proposal of providing money for 5 extra law officers will not prevent the growth of crime - this proposal is like putting a bandage over the Grand Canyon - it will be ineffective to prevent or keep the use of vicious crimes within Madera from happening -

I sincerely plead with the Bureau to vote No - Please do not allow this proposed easens from ruining our community

Sincerely ~  
Cade Graham

I-56.3  
cont.

I-56.4

I-56.5

I-56.6

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

I-57

MADERA DISTRICT FAIRGROUNDS, HATHFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Jim and Doris Blair Organization/Tribe/Agency: \_\_\_\_\_

Address: 24837 Ave. 11 1/4 Madera, Ca 93637

Comment: We do not need a casino in this area. Bring more traffic, crime and more divorce

Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Place me on the mailing list? Yes  No:

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

Mr. & Ms. James & Doris Blair  
24837 Avenue 11 1/4  
Madera, CA 93637-9604

FRESNO CA 937

MAR 2008 PM 2 T

LET US DARE TO  
THINK, SPEAK AND  
John Adams, 1765  
41 USA  
power of the letter

RECEIVED

2008 MAR 19 PM 1:10

PACIFIC REGIONAL OFFICE

John Rydzik, Chief  
Division of Environmental,  
Cultural Resource (Decrms)  
Bureau of Indian Affairs,  
2800 Cottage Way, Room W 2820  
Sacramento, CA 95825

POSTNET barcode

I-57.1

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

I-58

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: L.H. & Roycie Cope Organization/Tribe/Agency: \_\_\_\_\_

Address: 25326 AVE - 18 MADERA, CA 93638

Comment: We are opposed to the Highway 99 mega CASINO in MADERA

We do not need another Casino. Chudavie, I abhor it & others in Fresno. The Traffic, air quality & water problems related MAS & Mrs L.H. Cope & Roycie Cope

Phone: 559.673.1767 Email: \_\_\_\_\_  
Place me on the mailing list? Yes \_\_\_\_\_ No:

I-58.1

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

*John Rydzik  
Bureau of Indian Affairs  
Cultural Resource*

PACIFIC REGIONAL OFFICE

2008 MAR 19 10 10 AM



*L.H. Cope  
25326 Ave 18  
Madera, CA, 93638*

BIA  
3/18/08

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

I-59

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Fern Pallesi Organization/Tribe/Agency: \_\_\_\_\_

Address: 26847 Ave 18 1/2 Madera, Ca.

Comment: It will cause Devorce, Crime, traffic congestion, Addiction,

I-59.1

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Place me on the mailing list? Yes  No:

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

**Fern I. Pallesi**  
26847 Avenue 18 1/2  
Madera, CA 93638-2738

FRESNO CA 937  
17 MAR 2008 PM 2 T  
"LET US D  
THINK, S  
John Ada  
UNIVERSIT

*Bureau of Indian Affairs  
2800 Cottage way Room we  
Sacramento, Ca, 95825*

33223+1246



I-60

*March 10, 2008*

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

*RE: DEIS Comments, North Fork Rancheria's Hotel/Casino Project,*

Dear Ms. Dutschke,

I am writing in support of the proposed hotel/casino project in Madera. As long as the impacts of this project have been fully mitigated, as determined by the County and City of Madera, there should be no problem with this project.

Opponents cite increased traffic on Highway 99 as a reason to block this project. These individuals need to wake up—Highway 99 has been crowded for some time. One additional project such as this will not make a significant adverse impact.

I encourage you to allow this project to move forward.

Sincerely,



Michael Rench  
642 Berkeley Ct.  
Merced, CA 95340

I-60.1

I-61

DENNIS BRUNO  
18285 PICKFAIR WAY  
MADERA, CA. 93638-0118  
(559) 678-3208  
FAX (559) 673-3288

*any D-1*  
*RM No*

03/13/08  
RE: MADERA, CALIFORNIA  
NORTH FORK RANCHERIA RESORT PROJECT

RECEIVED  
RES 319108

From to DECEMS 3/19/08

DEAR CALIFORNIA BIA,

*As stated above my name is Dennis Bruno and I live in Madera California. I have resided at my current address since 1991. I have lived in the Fresno/Madera area basically all my life.*

*I also live about 1 mile from the proposed project site.*

*I am in total support for this project to completed and look forward to calling the North Fork Tribe's Resort and Casino my neighbors.*

*I am a Husband, Father, and a self employed small business owner.*

*I enjoy Madera, but I also have reservations about it's economic future. As with the majority of the country, Madera is coming upon some hard financial times. I have great expectations that this will benefit not only the Tribe, but business owners and Madera residents. We need this project and the Tribe needs to have your support in proceeding to use the Madera/HWY 99 Site.*

*Not only is my home located nearby the site, but our place of business as well. We operate a Electrical Construction Company. We have tried for many years to have the State correct and modify the area streets and highway overpasses to no avail. The North Fork Tribe has given us the greatest opportunity to complete our goals.*

*I am not a Tribal member nor do I have any business agreements with them. I do recall from school that this area has always been part of the Mono Indian historical lands. I see no problem with a simple agreement to let them purchase back a small part of it.*

*I think the tribe should be commended to have the intelligence and thoughtfulness to eliminate possible environmental changes to their current reservation location for this project. The area where they would like to build is slated for commercial use and as such, would not be impacted as much as the site in the foothills. They are also trying to eliminate conflict with other area tribes to have Casinos built next to each other.*

*I have attended local meetings and have discovered with much horror the greed and complete lack of understanding from the other Tribes in the area. They have even brought and paid for people from out of the area to fight this measure. As a local resident, I find that appalling.*

*The other local Chukchanel Tribe has continued to be in conflict with the County's building codes, Permit structure, and has even had the problem of not paying their sub contractors. The North Fork Tribe has jumped through every legal hoop thrown at them with flying colors. We need more people like them here.*

*The current project has the support of almost all Local Elected Officials, Law Enforcement, and Planning Departments. Currently from my own experience I have encountered very little local opposition from fellow residents. On the contrary there has been overwhelming support.*

*I see no reason that this project has taken this much time to complete it's approval process.*

*Please consider my open letter of support for North Fork Rancheria Resort and if there is anything I can do to speed up the process, please don't hesitate to contact me.*

*Dennis Bruno*

I-61.1  
I-61.2  
I-61.3  
I-61.4  
I-61.5  
I-61.6



March 12, 2008

To the Board:

I was outraged to hear Madera County Board of Supervisors voted in support of another Indian Casino in our valley. First of all, this is not tribal land how is this possible for a tribe to buy land where ever they want and call it an Indian Reservation. Come on, this is 40 miles from the tribe's homeland.

I-62.1

What you don't hear about is the rising criminal activity such as domestic violence, credit card fraud, theft, forgery issuing worthless checks and failure to pay child support and the list goes on. All these crimes are contributing to the over crowding of our jails and costing the taxpayers more money. The percentage of these crime are due to the gambling addictions which you have not heard much about until lately since the Indian Gaming has become prominent in our area. No one has considered the families that this has affected. Families have lost their homes, cars, jobs, some have had to file bankruptcy, and some have gone to prison leaving their loved ones behind to pick up the pieces. Families have had to go on welfare just to stay afloat. Some cases divorce or separation occurred. How can the Board of Supervisors say this is improving the quality of life for the community? I THINK NOT!

I-62.2

Just take a look at the rising numbers of attending members of Gamblers Anonymous (GA), Gam-Anon and Alcoholic Anonymous (AA) in areas where casinos are present.

The gambling addiction not only affects the family but also the community in which they live. The casinos call the gamblers and entice them into coming to their casino and playing by using Reward Cards or something similar. They will offer them a spot at their card tables in hopes of winning 10 to 20,000 dollars or perhaps more. The gambler will be offered free rooms, food and shows. In many cases the gambler justifies the gambling by taking the family to dinner or a show and tells the family how this is all complimentary from the casino but what they don't say is how much they had to loose. Those affected have had more than money lost; the loss is there entire life as they knew it!

I-62.3

This is just a few reasons why I have voted no for the casino's.

Sincerely,  
Sharon Nichols – Madera Co. Resident

March 16, 2008

181 N Park Dr  
Madera CA 93637

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

RE: DEIS Comments, North Fork Rancheria's Hotel/Casino Project

\*\* I request that my personal information be withheld if at all possible

Dear Ms. Dutschke,

\* KEEP FOR ADMINISTRATIVE RECORDS BUT EXCLUDE FROM MAILING LIST

I have recently been made aware of the casino proposed to be built in Madera County. While I have not had time to review all the information, I feel that I must respond by the March 31, 2008 deadline. I have reviewed the information on the webpage NorthForkEIS.com. and will try to contain my comments to what I have learned so far.



I-63.1

It is my understanding that this is not reservation property. It is my understanding that other tribes feel this is an inequity because it is not reservation property and this particular Mono Tribe was not included in the Camp Barber Treaty.



I-63.2

As to the Environmental Impact Report, I have not had the opportunity to review it, but having lived here all my life I can attest to the fact that a project of such magnitude will have a detrimental effect. We already struggle with water issues. Water is not the renewable resource many think. We have not found a way to make it rain, we are dependent upon what the Good Lord deems to send us.



I-63.3



I-63.4

In the last 5 years alone, I have watched our air quality deteriorate. The added 30,000 to 40,000 vehicles traveling to and from the casino will only add to that deterioration. Highway 99 will have to be widened to accommodate such a load. Who will pay for that? What of the homes that stand in the way? Will those, many of whom have lived in them all their lives and have a connection to their land as well as the Native Americans, be forced off? I find it reprehensible what was done to the Native Americans, but how far back to go in making reparations? And at what cost to future generations? The lack of water, the smog, the detrimental effects on families from those who are addicted to gambling, all of these will have an impact for generations to come.

I-63.5

I-63.6

I-63.7

In short, Ms. Dutschke, I oppose the North Fork Rancheria Hotel/Casino project.

I-63.8

Respectfully,

T. Dodson

*[Faint, illegible handwritten text]*

Good evening, my name is Jeff Karst

When I voted for proposition 1A, I was told that Casinos would not be built off reservations or along our highways.

The San Joaquin Valley has the worst air in the United States. And we now want to build a Las Vegas funded casino along highway 99.

Just yesterday, the Tule River Tribe announced that it wants to build an off reservation Casino along highway 65 in Porterville.

Now we have property owners who are promoting the sale of their lands to Las Vegas investors to build Casinos on non-tribal land.

I was promised that this would not happen, but it is. This is not what I and a lot of other people voted for when they voted yes for Prop 1A. Give the residence of the San Joaquin Valley a voice in this matter and require a vote of the people before the project proceeds. Don't be influenced by outside investors or politicians. Let the People decide.

In an era when we are concerned with our environment, we should be protecting our environment for our future generations, not making it worst in the most air polluted area of the United States.

I-64.1

I-64.2

I-64.3

# EAGLE MOUNTAIN CASINO

## PROPOSED MOVE

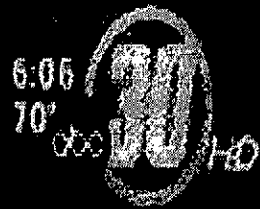
● Visalia



**New  
Location**

**Current  
Location**

● Porterville



● Terra Bella

## Eagle Mountain Casino's Plans to Relocate

A San Joaquin Valley casino is taking a major step towards moving closer to the state line.

WATCH VIDEO

1 of 1

# Eagle Mountain Casino's Plans to Relocate

Tuesday, March 11, 2008 | 8:58 PM

By Jessica Peres

Porterville (KFSN) -- A South Valley casino is taking a major step towards moving closer to the Valley floor.

Right now Eagle Mountain Casino is on Reservation Road 13 miles off of Highway 190 in Porterville. Tribe and city officials want to relocate it closer to Highway 65 near the Porterville Municipal Airport.

The City of Porterville has just signed a memorandum of understanding with the Tule River Indian Tribe to move the Eagle Mountain Casino, along with a 135 room hotel and possibly a golf course right here to the Valley floor. Both parties say the development will improve the local economy and make it more convenient for visitors.

This 40-acres property near the Porterville airport is owned by the Tule River Economic Development Corporation, an organization created by the Tule Indian Reservation Tribe. Tribal leaders want to move Eagle Mountain Casino to this location closer to Downtown Porterville.

Cameron Hamilton, Mayor Of Porterville: "There'd be a lot more people being able to access the casino or any other recreation venues that they would be able to bring to that area. It's not a great road that takes them up there now.

The tribe has already drawn up temporary renderings of what the casino would look like. Both the tribe and the city envision a resort-type tourist attraction that would bring up to two-thousand jobs to Porterville.

Rodney Martin, Tule River Indian Tribe: This is actually an historic venture between a Tribal Government and the City Government coming together to address long term economic development.

Right now the property is not considered sovereign land. The Bureau of Indian Affairs must change how the property can be used.

Hamilton: "We would be part of the process as far as going to the Bureau of Indian Affairs and say we do not oppose this project."

Several years ago, the Tule River Indian Tribe tried to move the casino to Springville but the county denied it due to traffic and pollution concerns. These new plans are in Porterville and where the city is already trying to increase development. The city may face opposition from farmers who own land to the west of the property.

If the bureau of Indian affairs approves this area as sovereign land, developers could break ground on the new casino in two years.



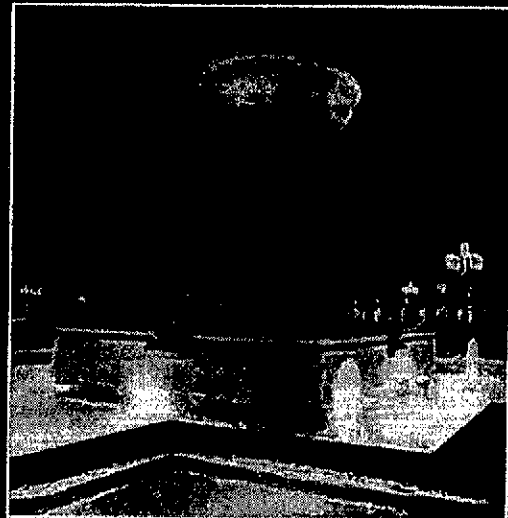
900 feet above the San Joaquin valley floor is . . .



*Montaña  
de Oro*  
*Mountain of Gold*  
[www.montanadeoro.net](http://www.montanadeoro.net)

*Luxurious  
Accommodations:*

- Joint venture CASINO
- 1000 Seat Banquet Facility & Conference Center
- 150 Foot Lighted Water Feature
- Day Spa & Beauty Boutique
- Eight Themed Restaurants
- Hill Top Wedding Chapel
- Boutique Shops
- Helicopter Pad
- Art Galleria



*My name is Rosane Boubie  
Local I-65  
Family Real Estate  
Realtors*

*Local Realtor of of Family Business  
member of coalition of Madera Realtors  
of Madera Vision 2025*

**NORTH FORK RANCHERIA PROJECT.**

As a life long member of this community, I would like to express my support for this project. I appreciate the Tribe's demonstrated commitment to mitigate project impacts and provide benefits to the community and our environment. With respect to the housing market, the past few years have been a huge struggle for many citizens who are losing their homes. Citizens of Madera want to buy in Madera, but can't afford housing, because of their job's current

I-65.1

Income ceiling and hardships to travel outside the community. Many of our citizens commute one to two hours just to have a better paying job elsewhere. Now that travel can have a negative impact on our environment.

I-65.2

With the Casino offering thousands of jobs to deserving citizens with higher pay, people won't have to make the daily commute, or resort to a second or third job to fill up their tanks and put food on the table. By working here, it will stimulate our local economy, in addition to our housing market. Parents that commute, are missing their children's baseball games, soccer games, and other extra curricular activities just to keep up with their house payments and to live the American dream. The issue at hand is not just having a Casino or a Hotel Resort, its about stimulating Maderas economy and uplifting our community as a whole. I know with the passage of the Casino, local Madera businesses and its citizen's whom it serves will greatly benefit. We have lost out in many community projects. As a member of the Madera Vision 2025 I know the Casino is in alignment with the Future

I-65.3

I hope this is doesn't become another statistic, but a reality that will lead Madera into the 21<sup>st</sup> century.



**North Fork Rancheria EIS Hearing  
March 12, 2008**

Oral remarks from Dan Carter  
Madera County Resident  
Tourism Consultant and Advisor

March 12, 2008

Good evening.

My name is Dan Carter. I live at 40478 Road 425A in Oakhurst. I am former Executive Director of the Yosemite Sierra Visitors Bureau, a position I held for 5 1/2 years. Prior to that, I served for 7 years as a volunteer member of the Bureau Board of Directors including the offices of Treasurer, Vice President and Chief Volunteer Officer. I now do limited consulting for businesses, organizations and communities who want to improve their economic position using tourism as an economic stimulus.

I want to thank the North Fork Rancheria for inviting me to speak tonight. I feel truly honored to participate with any of the Tribal groups in our area when asked.

When the North Fork Rancheria project was announced, I was starting my third year as Executive Director of the Visitors Bureau. I was contacted by three of the Valley TV stations, three Valley newspapers and two mountain area papers. The basic question from all of them was this: "What do you think will happen if the North Fork Rancheria Hotel Resort and Casino is built?"

My answer was that I expected one of two things to happen:

The tourism market for Casino Resorts in California would level itself out and innovative management groups would find a comparable level of operating so they would be successful.

I-66.1

-or-

The addition of another Casino Resort in Madera County would create a "critical mass" situation drawing more of the California tourism market to the area than other areas in the State, generating even more revenues for Madera County.

My opinion on this has not changed. Creating a "critical mass" destination through collaboration and cooperation works. If it did not work, there would be far fewer Outlet Centers, Mega Malls and Auto Malls popping up all over California, especially in the Central Valley along Highway 99.

I hope those who are here tonight will submit their comments on the Draft EIS in light of the economic opportunity it presents for this area. The impacts would most likely be the same or even more intense if an Outlet Center, Mega Mall, Auto Mall or Theme Park were being considered, with fewer dollars returned to Madera County and its residents.

Collaborative Competition trumps Combative Competition every time.

Thank you.

I-66.1  
cont.

Ted Atkins

- **Introduce self**
- **Johnathan Morris just described how the proposed North Fork casino could be 2 or 3 times the size of any other casino in the area**
- **But this draft Environmental Impact Statement doesn't consider the impacts on the region of a casino that large**
- **Is the County of Madera ready for those impacts?**
- **Sheriff Anderson, are the law enforcement personnel prepared for a casino 3 times the size of Chukchansi Gold, Table Mountain, or the Palace?**
- **Are the roads ready?**
- **The public utilities?**
- **The schools?**
- **Are people ready for a change of this magnitude**
- **The traffic impacts could be much greater than the draft Environmental Impact Statement identifies. People around here, locals, they are going to see a lot more traffic on the backroads that you use every day.**
- **The Madera County Board of Supervisors, <sup>are</sup> here, and most of them support this proposed project, but will they support it if instead of 1800 slot machines like Chukchansi Gold, or 2000 slot machines like the Palace, North Fork puts in 7,500 slot machines like the Governor approved down south?**
- **Nothing in the Draft Environmental Impact Statement limits North Fork from making this casino much, much bigger.**
- **What if instead of 4500 parking spaces, North Fork puts in 8000?**

I-67.1

- **As Johnathan Morris said, look at what Chukchansi has on 50 acres, and imagine what they can put on 305 acres**
- **305 acres is a lot of room to grow with no say about what is being developed**
- **You are being told this is a minivan, but maybe you're going to get an 18 wheeler**

I-67.1  
cont.

Johnathan Morris

- Introduce self
- Under the National Environmental Policy Act process for accepting land into trust, as you know, if a limitation is not included in the mitigations of the EIS, the Tribe is not held to what it represents as the proposed use during the NEPA process.
- As the Director of Facilities of Chukchansi Gold, I advise the BIA and the public of Madera to consider this carefully:
  - At Chukchansi Gold, we have an 1800 slot machine casino with a 58,000 sq foot gaming floor, 2000 parking spaces, a 25,000 sq foot metal storage building, a wastewater treatment plant, numerous modulars, ~~housing~~ the tribal government and tribal gaming commission offices, and soon we will have approximately 400 hotel rooms.
  - We built all of this 50 acres, a total of 1 million sq feet of facilities
  - The North Fork fee to trust application is for 305 acres.
  - The mitigations identified in the draft EIS do not place any limits on how big this casino can become.
  - The mitigations in the draft EIS do not limit how many slot machines North Fork can have
  - The draft EIS for North Fork at Appendix R states their casino is going to be 171,000 sq. feet, but the mitigations in the draft EIS do not place any limits on how big the gaming floor can be. ~~171,000 sq feet is capable of housing at least 3,500 slot machines, the size of the MGM Grand in Las Vegas.~~ *North Fork's floor is 2.8 times the size of Chukchansi*
  - The mitigations in the draft EIS do not limit how many parking spaces they can have
  - ~~The proposed North Fork casino as described in the draft EIS already has twice as much parking as any other casino in the area~~
  - It is up to the BIA to consider the impacts of this casino, and without some limitations being added to the EIS, the proposed North Fork casino may not be at all what is described in this document
  - The proposed North Fork casino could be 2 or 3 times the size of any casino in the area
  - You are being told this is a minivan, but maybe you're going to get an 18 wheeler

I-68.1

My name is Kirk Atamian and I reside at 300 West Olive Ave. Madera Ca. ~~93637~~

I am a life-long resident of Madera County where my family has been in the agriculture business for generations.

I am also a small business man in the community and currently serve as Chairman of the Madera District Chamber of Commerce that has endorsed this project along with the Madera Co. EDC, every chamber of commerce in Madera County, the Madera Hispanic Chamber, San Joaquin Valley Black Chamber, Central California Hispanic Chamber, Fresno Area Hispanic Chamber of Commerce and nearly 5,000 other local business, citizens, and community leaders.

There are many reasons why we have supported this project just as we support Chukchansi, their developments, and other economic development projects that bring jobs, private investment, vendor opportunities, community funding, and tourism and entertainment to our region. Despite being blessed with abundant agricultural resources, our community has historically lagged behind much of the rest of the State and nation in a number of economic measures. Now more than ever, our community needs this project and this project needs the support of our community. Madera and the Central Valley are in the midst of one of the worst economic, fiscal, and housing slumps in decades. This is no time to be rejecting a \$300 million investment in our community. An investment that will generate nearly \$100 million in economic activity and benefits each year and nearly \$100 million in community and public funding over 20 years. Each day of delay for this projects costs our community nearly \$277,000 in lost economic benefits. Now more than ever, we cannot afford to lose this project and these benefits.

In summary, local Tribes have contributed greatly to the well-being of this community and others like it around the state. We believe the North Fork Rancheria should have the same opportunity. We have found their constructive, collaborative, and transparent approach in dealing with local governments and non-profits such as ours refreshing and helpful. We look forward to continuing to work with all Tribes to build a better Madera and San Joaquin Valley.

Kirk Atamian

I-69.1

GARY Gilbert  
34950 wintergreen loop  
North Fork, Calif

North Fork Rancheria Public Hearing - 93643 -  
March 12, 2008

I was a two term Madera County Supervisor, 1999-2007. I was also a member of the California State Association of Counties Native American Indian Gaming Committee and I was a member of the National Association of Counties Public Lands Committee that addressed Native American issues.

I was the lead County Supervisor who negotiated ~~the~~ memorandums of understandings with ~~local tribes - The Chukchansi Tribe in the Placer Rancheria in 1992 and the North Fork Mono's of the North Fork Rancheria~~

1-70.1

~~in 2005. During the negotiation process both Madera County and the North Fork Rancheria developed true government to government relations and used a voluntary, cooperative, constructive, collaborative approach for entering into a legally enforceable agreement for this project. That supports the taking of 305 acres of restored land into trust for gaming purposes as permitted under the Indian Reorganization Act of 1954 (IRA).~~

This project has strong community and locally elected officials support. I believe this is true for a number of reasons:

1-70.2

- 1) The process used was the approach recommended by the CA State Assoc. of Counties (CSAC).

2) It followed the NACo policy regarding acquisition of trust lands by the U.S. Department of Interior.

3) The project addresses and mitigates all the environmental consequences of the 305 acres of fee to trust transfer.

I-70.3

That is why the County of Madera, the City of Madera and the Madera Irrigation District have entered into legally binding and enforceable MOU's with the North Fork Rancheria.

I-70.4

In recent testimony before the Senate Indian Affairs Committee, Assistant Secretary Artman acknowledged the need to consider local government in the process... "Taking land into trust is an important decision not only for the tribe, but for the local community where the land is located."

On January 3, 2008 Assistant Secretary Artman issued a policy directive giving guidance to taking off reservation land into trust for gaming purposes. Section 151.11 of 25CFR sets forth the factors the department will consider when exercising there discretionary authority with tribal requests for the

I-70.5



acquisition of lands in trust status ~~when the land is located outside of and~~  
~~not contiguous to the tribes reservation.~~

In short, the Secretary shall give:

- 1) Greater scrutiny to the tribe's justification of the anticipated  
benefits from the acquisition
- 2) Greater weight to concerns raised by the State and local  
governments, ~~as to the acquisition's potential on regulatory jurisdictions and~~  
~~property taxes and special assessments.~~

~~I believe~~ this project, as proposed by the North Fork Rancheria, is the  
model that the Department of Interior should use on guidance and  
clarification in Part 151 by taking this land into trust as requested.

In closing, the authority given to the Secretary by the Indian  
Reorganization Act of 1934 (IRA) 25 U.S.C. and 465 to re-address the  
discredited policy of allotment of the historical tribal land base, ~~that~~ *a policy that*  
destroyed tribal governments and tribal identities. Now is the time for the  
Secretary to use this discretion and to acquire this land into trust which will:

I-70.5  
cont.

I-70.6

~~Have self survey~~

- 1) Allow for a stronger tribal government
- 2) Stronger tribal communities
- 3) Give the citizens of the North Fork Rancheria the economic benefit to exist now and into the future by funding tribal services, infrastructure, and provide housing, education, job training and employment of tribal members.

I-70.6  
cont.

~~elder program  
child care~~

THIS COMMENT IS NON-ADVERSARIAL, PROPOSED FEE-10  
Trust Casino/Hotel Project.  
Name: Sandy Schelter, 18759 Plaza, MADERA, CA 93637, (559) 674-4061.

My name is Sandy Schelter, I have been to Supervisors meetings, I have personally talked to the Supervisors, I have signed petitions, I have tried to make my voice heard. But I feel that you have not heard me or people like me, I am OPPOSING THE PROPOSED CASINO BY THE MONO INDIANS TO BE BUILT ON HIGHWAY 99 IN MADERA COUNTY!!!

A concern of mine is the integrity of Stations Casino. The following is published information by the San Francisco Chronicle.

-Since 1997 they have paid at least \$42 million in unfair business dealings, fraud and allowing minors to gamble.

-They have paid more than \$4 million to state gambling officials in Nevada and Missouri and also paid \$38 million to settle a civil lawsuit.

-The company has faced an employment discrimination and sexual harassment lawsuit in Placer County.

I-71.1

-They have operated a casino in Thunder Valley since 2003 even though California gambling regulators had not yet made an official finding of its suitability to do business in this state. The company was, or is being reviewed by the Attorney Generals office for the states Gambling Control Commission to grant or deny permission for them to operate in California.

-In the past they have paid out approximately another \$42 million dollars in fines for failing to report to the government cash transactions for improper and backroom dealings, for misappropriating a list of top casino customers, for a smear campaign against an elected official, for one of its lawyers improperly influencing the Missouri gambling board chairman and for dumping fill in the Missouri river.

This information is a couple of years old, so I ask you, what other indiscretions have been added to this list within the past 2 years?

I would hope that the site for the casino has been visited by all of you. You need to see just how close to housing developments, due east this site is. I also think that you need to visit some of the farms around this site, and remember when you do, these are the people that feed you, and to continue doing that, they need water!!!

I-71.2

It has been mentioned that there is no need to worry about crime as the Sheriffs department is within a mile of the proposed site. But it has not been mentioned that Pilot Truck Stop, located at the proposed exit from highway 99 to Rd. 23, has numerous problems. Only one of the problems is traffic control. And I don't believe that making this a major exit for the casino will help. I have asked to have signals installed and was told "NO WAY", that will never happen." I am very concerned about more crime in our area, and I feel that this will only add to our problems.

I-71.3

Another point and the most important, is the water issue. This valley has water problems. I live and have lived at the same location for 38 years, approximately a mile from the proposed site, but probably just outside of that mile perimeter that has been proposed to drill wells for the people that lose their water, and at only a fraction of the cost of the well. In the past 10 years I have had to extend the last 20 foot of pipe to the very bottom of the well, which is now 350 feet. The last 20 feet was added when Pilot Truck Stop started up their operation. The next time I run out of water it means that I will have to drill a new well and that will cost me thousands of dollars.

I-71.5

Another concern of mine is the air quality. Do we need more traffic in this corridor? We already have a traffic problem, why bring more problems.

I-71.5  
and I-71.6

I have heard the comment, but we need the jobs, yes we do, but not jobs that in the long run will hurt the community because of the overuse of our precious water supply, which is mentioned in the EIR and by more traffic. This will just add to our pollution problem.

I-71.7

The Mono Indian tribe has 60 acres in North Fork. They say 60 acres is not enough then go hi-rise. They say it is inaccessible, then, build roads. This is all an excuse to acquire the highway 99 access. Yes, it is all about the dollar. We all know that, or we all should know that!!!

I-71.8

I am not in favor of this Casino being located on the Highway 99 corridor. I am not in favor of giving this tribe special consideration. All that this is going to create is dissention between the tribes. I don't even want to think about the problems it will cause Madera. I am asking that your decision be a fair one, a decision that is fair for all concerned. Please DO NOT put this Casino on the proposed location. Let the Mono Indians have their casino, but in North Fork where it belongs. Because, you realize, if you let this casino go in, then there will be no stopping any other casino that wants to go in on the 99 corridor. I DO NOT WANT to live in Las Vegas and I want to be able to have a drink of water whenever I want.

I-71.9

**I do not want anyone to think that I am against the Mono Indians. My grandparents on my fathers' side of the family were from Italy and my Grandmother on my Mothers side was a MONO INDIAN!!!**

I would like to add in closing that most people in Madera think that this is already a "DONE DEAL" because of the way it has been handled. This should tell you how inappropriately it has been handled.

I-71.10

PLEASE listen to me and people like me. I (we) do not want this Casino at this location.

Thank you for your time.

Reg # D  
T  
Kurt Williams

March 23, 2008

To:  
Amy Dutschke  
Acting Regional Director  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA  
95825

Form:  
Jonathan Barsotti  
17759 Rodeo Drive  
Madera, CA  
93638  
(559) 661-3247 work

Topic:  
DEIS Comments  
North Fork Rancheria's Hotel/Casino Project

Dear Amy,

Thank you for having the Public Hearing in Madera on the 12<sup>th</sup>.  
It was very informative and I'm sure you will have a lot of comment letters to review. Please consider the comments below.

I along with my wife, our family and many friends feel the scope of the Socioeconomic Section, concerning Problem Gambling (4.7-8) is incomplete. Less than 1-1/2 pages is given to this issue. We just don't know how the issue of Problem Gamblers could be so unimportant that it wasn't comprehensively explored. A lot of work went into the Report with many drawing for traffic and financial evaluation, and so forth. Why so little, on how Problem Gambling would affect our community?

Below are Problem Gamblers issues that are not covered in the EIS and must be examined and the information disseminated to our community before the Scope of the EIS can possibly be considered complete.

I-72.1

The Report states that the community can expect 700+ new, for a total of 2,100 Problem Gamblers. How will this look in 5, 10, 20 years?

A meaningful definition of Problem Gambler should be stated including work place habits, potential for Alcoholism, and theft.

The number of Problem Gamblers that might be living in households and the effect they will have on spouses and children should be researched and included in the EIS. To not research the effects on children verges on complicity to financial child abuse.

I-72.1  
cont.

The number of families that will be added into the Welfare System because of gambled away household monies. The added cost to tax payer that the Welfare System will incur must be included.

Because the proposed Casino is within 10 minutes of most our community, a Section on how the negative effects of Convenient Gambling will impact families and especially children. Convenient Gambling must be included for the EIS to be complete.

We also feel that having a Casino in our Urban Area must be a decision decided by the voters of the County of Madera who have the most to lose or gain and not elected officials or outside entities. There needs to be a County wide Vote on this.

I-72.2

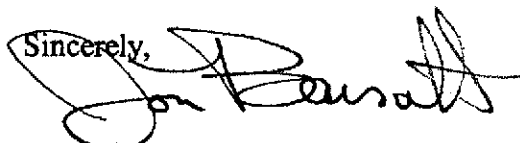
We want to believe that nothing is being hidden from us and that we are being fully informed. The Socioeconomic Section of the EIS can only be complete when these above addressed issues are researched, included and mitigated.

In closing, we are in no way connected with any other tribe, and have no ill will for the North Fork Tribe that is hoping to build this Project.

I-72.3

Thank you for your time and consideration of these concerns.

Sincerely,



Jonathan Barsotti

P.S. We are including a Letter to the Editor that was in our local paper.

United States Department of the Interior  
Amy Dutschke  
Acting Regional Director, Pacific Region  
Bureau of Indian Affairs  
2800 Cottage Way, room W-2820  
Sacramento, CA 95825

Dear Amy Dutschke,

Including, as per instructions: "DEIS Comments, North Fork Rancheria, proposed FEE-To-Trust Casino/Hotel Project".

Name: Denise Marmolejo, 16892 Walden Drive, Madera, CA 93638, 559-673-4394.

As a local resident of this area I am opposed to a mega casino at this location. I like most of the folks in this room like the quite neighborhood where I live. Yes, even the folks in favor of this project probably like their quite neighborhood. I like the open view from my yard, I like to see the sunset from my home and I like to look at the stars at night. If you approve this site you all will still go home to your quite neighborhoods and your life will continue as is, myself and my family, will have our lifestyle impacted and changed forever. I like my home and my neighborhood and do not want to move.

I-73.1

This site IS 'reservation shopping'. Station House Casinos and the Tribe have found a loop hole in the law for 'landless' tribes, allowing them to cherry pick a prime location based purely on economics. Much has been in the media about this tribe being 'landless' thus why they can go some 40 miles from their Rancheria along the Hwy. 99 corridor. The EIR gives Alternatives to this original mega site plan. One of which states an Alternative D as a viable alternative to the Hwy. 99 site. This alternative calls for a 'smaller' casino on the Tribes already federally trusted land in North Fork. Sure, this land is smaller and sure the casino would be downsized and who knows maybe Station House Casinos would walk away from that project because it's not as economically viable but the land is able to be developed and the community of North Fork support the project. So, from your report the tribe is a land holder and not a landless tribe.

I-73.2

The intent of the law and what California voters voted for was Indian gaming on Indian lands. This isn't the first time Indian Tribes backed by Commercial Gaming Companies have tried this and been turned down. We, the local residents that live in and around this proposed site beg you to not place this land in Federal Trust and uphold not only the letter of the law but the intent of the law, there is a reason our Governor has yet to sign the compact with this Tribe.

The Tribe and their PR campaign call out the economic benefits to the area, if the tribe selected another site near their North Fork land the community would still benefit economically. The EIR calls out that water wells in the area will go dry. The homes to the east of this site all have individual water wells, none of our homes are on a water system. How about the line of sight, the pretty pictures do not show a parking structure but this report calls out a 'multi level parking structure for 4,500 cars on the south end'. How tall, will this be in the line of sight from my home, probably so? Additionally, the City annexed more land a couple month ago for more mega retail complexes however, I do not see all these developments listed in this EIR. How would this impact our existing neighborhood, how about night sky? Traffic, water, air pollution, crime, alcohol and accidents are issues that will affect my family and my neighborhood. Sometimes the economic benefits do not outweigh the quality of our lives.

Please do the right thing, if you allow this Tribe to deviate from the law then the door is open for other Tribes & big business to select sites based on economics. Thank you

I-73.2 cont.

I-73.3,  
I-73.4

I-73.5,  
I-73.6

I-73.7

I-73.8

Sincerely,

Denise Marmolejo



**As immediate past president, (Golden Valley Chamber of Commerce)**

**I want to express my support for this Project.  
I appreciate the Tribe's demonstrated commitment to mitigate project impacts and provide substantial benefits to the community.**

**For instance,  
the Tribe's proposed resort will have a tremendous, positive impact on this community by creating a significant increase in jobs in Madera City and County, and in the process, reduce unemployment and we in Madera have one of the highest unemployment rates. They will provide opportunities for many jobs. The Tribe has committed to a goal of 50% of new hires from Madera County and 33% from the city of Madera.**

I-74.1

**There will be thousands of well paying jobs created.**

**Madera County and city will gain direct financial benefits from this project.**

I-74.2

**In addition, the Tribe has agreed to establish and annually make contributions, also help fund several new charitable foundations created for the purpose of investing in local causes, including Education, If you heard the news today. Madera Schools will be cutting, 60 jobs because of budget gets.**

I-74.3

- 30- Teachers**
- 20- Custodians**
- 8 - PE**
- 2 - Music**

**That will add to the unemployed rate. I can not stress enough the need of this project for our economic development.**

**Ollia Ridge  
March 12, 2008**

U.S. Department of the Interior  
Bureau of Indian Affairs  
Pacific Region  
2800 Cottage Way, Room W-2820  
Sacramento, Ca. 95825-1846

March 25, 2008

Re: Comments on the DEIS for North Fork Rancheria Casino Project

After many hours of reading, scanning, comparing, and reviewing photos, these comments are surely limited. In my opinion, I must say first that from my standpoint this is a complete and very thorough document. The report is clear and understandable to the average reader with help from Webster's Dictionary.

I-75.1

Alternative A seems to be the most appropriate and obvious choice to approve the North Fork Rancheria Casino Project. No additional impacts are the results of these studies and therefore it makes perfect sense to approve the DEIS, which is my personal recommendation. As stated at the Public Hearing held in Madera on March 12, 2008, the North Fork Rancheria land is in the ownership of a few heirs of Susan Johnson and is simply a land base for the Tribe. As a reminder, this renders the Tribe as "Landless". Is it not the right of the Tribe to acquire land within 50 miles of this land base? The North Fork property is an unreasonable location. Just take a look at the aerial photo in this report – Figures: Section 3, 3.5-9. The location has terrible terrain and dangerous roads to travel. It seems the desire by the majority of Madera residence to welcome the North Fork Rancheria Casino in their County.

I-75.2

The Tribe has an inherent right to economic development of their choice, in this case a Casino. On behalf of all those who see this Casino project as a blessing, I respectfully request an approval of the DEIS.

I-75.3

Respectfully Submitted

Leora Beihn

Madera County Resident

WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

**IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.**

(Please write legibly)

Name: Christopher Mully Organization/Tribe/Agency: \_\_\_\_\_

Address: 75531 Ave 17, Madera, Ca, 93638

Comment: Bay Area smog blows into the San Joaquin valley. traffic smog will be minimal. people will continue going to Sacramento & Jackson more entertainment & gaming. 99 has heavy traffic there a lot B.S. from the opposition

I-76.1  
 I-76.2  
 I-76.3

Phone: 559-477-6357 Email: cmully@att.net

Place me on the mailing list? Yes  No:

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

March 27, 2008

Mr. John Rydzik, Chief  
Division of DECRMS  
Bureau of Indian Affairs  
2800 Cottage Way, Room West 2820  
Sacramento, CA 95825

RE: "DEIS Comments, North Fork Rancheria's Hotel/Casino Project"

Dear Mr. Rydzik:

I was a two term Madera County Supervisor, 1999-2007. I was also a member of the California State Association of Counties Native American Indian Gaming Committee and I was a member of the National Association of Counties Public Lands Committee that addressed Native American issues. I was the lead County Supervisor who negotiated two memorandums of understandings with local tribes. The Chukchansi Tribe of the Picayune Rancheria in 2002 and the North Fork Mono's of the North Fork Rancheria in 2006.. During the negotiation process both Madera County and the North Fork Rancheria developed true government to government relations and used a voluntary, cooperative, constructive, collaborative approach for entering into a legally enforceable agreement for this project. That supports the taking of 305 acres of restored land into trust for gaming purposes as permitted under the Indian Reorganization Act of 1934 (IRA).

This project has strong community and locally elected officials support. I believe this is true for a number of reasons:

- 1) The process used was the approach recommended by the CA State Assoc. of Counties (CSAC).
- 2) It followed the NACo policy regarding acquisition of trust lands by the U.S. Department of Interior.
- 3) The project addresses and mitigates all the environmental consequences of the 305 acres of fee to trust transfer.

That is why the County of Madera, the City of Madera and the Madera Irrigation District have entered into legally binding and enforceable MOU's with the North Fork Rancheria.

In recent testimony before the Senate Indian Affairs Committee, Assistant Secretary Artman acknowledged the need to consider local government in the process..."Taking land into trust is an important decision not only for the tribe, but for the local community where the land is located."

On January 3, 2008 Assistant Secretary Artman issued a policy directly giving guidance to taking off reservation land into trust for gaming purposes. Section 151.11 of 25CFR sets forth the factors the department will consider when exercising there discretionary authority with tribal requests for the

1-77.1

1-77.2

acquisition of lands in trust status when the land is located outside of and non contiguous to the tribes reservation.

In short, the Secretary shall give:

- 1) Greater scrutiny to the tribe's justification of the anticipated benefits from the acquisition
- 2) Greater weight to concerns raised by the State and local governments as to the acquisitions potential on regulatory jurisdictions and property taxes and special assessments.

I believe this project, as proposed by the North Fork Rancheria, is the model that the Department of Interior should use on guidance and clarification in Part 151 by taking this land into trust as requested.

In closing, the authority given to the Secretary by the Indian Reorganization Act of 1934 (IRA) 25 U.S.C. and 465 to re-address the discredited policy of allotment of the historical tribal land base, that destroyed tribal governments and tribal identities. Now is the time for the Secretary to use this discretion and to acquire this land into trust which will:

- 1) Allow for a stronger tribal government
- 2) Stronger tribal communities
- 3) Give the citizens of the North Fork Rancheria the economic benefit to exist now and into the future by funding tribal services, infrastructure and provide housing, education, job training and employment of tribal members.

Sincerely,



Gary Gilbert  
34950 Wintergreen Loop  
North Fork, CA 93643  
(559) 877-6500  
[gggilbert@netptc.net](mailto:gggilbert@netptc.net)

I-77.2  
cont.

## EIS Scoping Comments, North Fork Rancheria of Mono Indians – Hotel and Casino Project

John Rydzik, DECRMS Chief  
 Bureau of Indian Affairs  
 2800 Cottage Way  
 Room West 2820  
 Sacramento, CA 95825

March 29, 2008

Mr. Rydzik:

As a resident of Madera County and a healthcare provider to hundreds of people with lung and heart disease, I am compelled to voice a strong objection to the proposed North Fork Rancheria casino project near Highway 99 on several points of outdoor and indoor air quality.

Casino operations on Native Indian Lands promote tobacco use at the health expense of non-smoking employees and patrons. Second hand smoke does not obey boundaries inside buildings, spreading dangerous health effects everywhere. The level of casino environmental tobacco smoke is 2 – 6 times greater than inside a smoker's home, presenting a real danger from indirect smoking. The State of California, Department of Public Health regards second hand smoke as a major health issue for asthmatics, children and people with heart problems. Over 4000 toxins from tobacco smoke are absorbed into the lungs of non-smoking people who enter casinos to work, enjoy a meal or attend concert and gambling entertainment. The direct placement of this venue on Highway 99 will dramatically increase the smoking exposure to residents, both as employees and visitors. More importantly, any children of Madera County residents who work at this casino will be exposed to this avoidable health trigger in their own homes and automobiles, through their parents. As a sovereign nation, North Fork Rancheria may act as they choose to promote or tolerate tobacco use. However, there are no mitigations to offset the collateral damage to Public Health in Madera County for the impact of having a second casino to contend for increased tobacco cessation needs, coverage of tobacco treatment, education on the dangers of tobacco use and uncovered hospitalization costs.

I-78.1

Outdoor air quality will also receive significant impact. The EIR is incomplete and erroneous for outdated Ozone and PM10 or 2.5 assessments, using information from 2005. Both noxious elements are a direct result of vehicle exhaust, ongoing combustion from business operations and our relentless summer heat or Tule fog. In the three years since the stated calculations, our local air pollution control district has declared that they cannot even achieve cleaner air *under the current developed status* of Madera County. We will be forced to wait another 20 years before achieving improvement to the established air quality standards for ozone and particulate matter. This casino plan will produce even more pollution with a proposed - but ridiculously underestimated - 10 tons per year in a 24 hour/day traffic pattern, with 24 hour/day byproducts of the hotel/entertainment/casino business dumped into our air. This report ignores the San Joaquin Valley Air Pollution Control District's reclassification from "sovere air quality" to "extreme air quality."

I-78.2

EIS Scoping Comments, North Fork Rancheria of Mono Indians – Hotel and Casino Project  
Page 2

Any reparations listed in this EIR are, therefore, outdated and insufficient when compared to the State Implementation Plan for extreme air quality non-attainment, as filed with the EPA in 2006.

Another significant hole in the air quality assessment comes from the impact of increased airport traffic. Combustion from airplane fuel contributes to particulate matter pollution. FAA information for 2007 reveals that 139 aircraft per day both depart and land at the airport immediately south to the proposed casino. Current data shows that 24% of that daily air traffic is transient, out of town, aviation (12 month period ending October, 2007). The positioning of a regional casino and entertainment center within one mile of the Madera Municipal Airport will certainly increase transient traffic. The tribe obviously anticipates patrons to arrive by air, since they address vehicle transportation to and from the airport. But the EIR makes no mention of the impact for this important pollutant source; no monitoring data, no impact or proposed mitigations.

I-78.3

Increased vehicle and airplane traffic creates increased PM 2.5, the pollution that gets deep down into the blood vessels of our heart, brain and lungs. PM 2.5 worsens asthma, chronic bronchitis, emphysema, congestive heart failure and coronary artery disease. Over 56% of the residents in Madera County currently suffer from these problems. It is distressing to note that this EIR reports PM 2.5 data that is collected from monitors in Merced County, over 20 miles from the proposed site! There are no monitors for PM 2.5 in Madera County, despite San Joaquin Valley Air Pollution Control District plans to place this critical tool. A project of this magnitude deserves a complete assessment for air pollution impact, especially since the perpetual contribution will come from vehicles that pass by Avenue 17, east of Highway 99. Over 75,000 cars and trucks drive by this site everyday (2007 Traffic Volumes Report, Madera County Traffic Commission). How much more fine particle pollution will come from a casino that proposes 4000 parking spaces to capture an unknown, but invited and certain, increase in volume? The truth is that even North Fork Rancheria cannot determine this, much less mitigate the effects.

I-78.4

On behalf of the 80,000 citizens of Madera County who suffer from chronic lung or heart conditions worsened by the poor air quality we already have, I am asking the BIA to reject the proposed casino project as it currently stands on Highway 99. Admittedly, the EIR states that any of the proposed mitigations from the North Fork Rancheria will still leave the air as dirty as they found it. The truth is undeniable that building this 305 acre casino project will make it even dirtier and unhealthier, both inside and outside the site. No amount of money will reduce this impact or repair the damage.


I-78.5

EIS Scoping Comments, North Fork Rancheria of Mono Indians – Hotel and Casino Project  
Page 3

The EIR should be repeated for up to date and complete attention to the impact of placing a casino in the North Fork area, at sites not proposed by the tribe or their out-of-state business partner, Stations Casino. Proposed reparations for any future projects should be redesigned to reflect current development rules, information and standards. Further, the issue of tobacco control must be addressed for the thousands of employees, their families and the non-smoking citizens affected by any casino proposal.

I-78.6

Thank you,

  
Jodi McEdward,  
RRT-NPS, RPFT, AE-C  
1879 Fillmore Avenue  
Madera, CA 93637



February 28, 2008

Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Dear Sirs:

I am sending this letter to express my concern and opposition to the proposed casino in Madera County. I thought that Indian casinos had to be on Indian tribal land, I have read in the local newspaper that the proposed site does not meet the qualifications. I also feel that there are enough Indian casinos in California already. When I voted to create the Indian casinos I believed there were restrictions on the number of casinos that could be built.

[ ]  
[ ]

I-79.1

I-79.2

Sincerely,



Richard Crawford  
17407 Camden Dr  
Madera, CA 93638

*North Oak?*

RECEIVED  
RES  
3/3/08

314108 Frwd to DECRMS

(a)



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
 Pacific Regional Office  
 2800 Cottage Way  
 Sacramento, California 95825

Dear Interested Party:

Thank you for your interest in the proposed fee to trust acquisition of 29.87 acres of land by the United States for the Scotts Valley Rancheria (Tribe). Enclosed is a copy of the Final Environmental Impact Statement (EIS) made available for public review commencing on March 28, 2008 through April 28, 2008. All written comments regarding the Final EIS must arrive by April 28, 2008.

The Tribe has asked the BIA to take the 29.87 acres of land into trust on behalf of the Tribe, on which the Tribe proposes to develop a casino, parking structure and supportive facilities on the project site. The project site is located in unincorporated Contra Costa County, contiguous with the City of Richmond. Regional access to the project site would be from Richmond Parkway via Interstate 80.

The Final EIS is also available for public review at the Richmond Public Library, Main Library, 325 Civic Center Plaza, Richmond, California 94804, and at the Contra Costa County Library, San Pablo Branch, 2300 El Portal Drive, Suite D, San Pablo, California 94806. General information for the Richmond Public Library can be obtained by calling (510) 620-6555 and for the Contra Costa County Library by calling (510) 374-3998. The Final EIS is also available at the following website: <http://www.scottsvilleeis.com>.

You may mail or hand carry written comments to Amy Dutschke, Acting Regional Director, Pacific Region, Bureau of Indian Affairs, 2800 Cottage Way, Room W-2820, Sacramento, CA 95825. Please include your name, return address, and the caption: "Final EIS Comments, Scotts Valley Rancheria, proposed Fee-To-Trust Casino Project", on the first page of your written comments. Anonymous comments will not, however, be considered.

If you have questions or need additional information, please contact Patrick O'Mallan, Environmental Protection Specialist at (916) 978-6044 or John Rydzik, Chief, Division of Environmental, Cultural Resources Management and Safety (DECRMS) at (916) 978-6042.

Sincerely,

Acting   
 Acting Regional Director,  
 Bureau of Indian Affairs

2008 MAR 31 AM 8:29  
 RECEIVED BIA  
 PACIFIC REGIONAL  
 OFFICE

Enclosure

Cc: Chairperson, Scotts Valley Rancheria

In no way am I "interested"  
in the acquisition of land  
for a casino project.

Please do not send me  
any more leaflets, info  
or records.

I am totally opposed  
to land use by any  
group for casinos.

I-80.1

Judy B Reaves  
March 28, 08

JUDY B REAVES  
1850 Alvie St., #1016  
Oakland, CA 94612

The mailing address

Judy Reaves  
1850 Alvie Shorb  
Oakland, CA 94612

form of  
pkg to  
let you  
see the  
ridiculous  
print.

RECEIVED: BJA  
2008 MAR 31 AM 8:29  
PACIFIC REGIONAL  
OFFICE

As a resident  
following  
development

**John Rydzik**  
Chief, Division of Environmental, Cultural Resource Management and Safety  
Bureau of Indian Affairs  
2800 Cottage Way  
Room West 2820  
Sacramento, CA 95825

Will have  
EIS: Sleeping Comments, North Fork Rancheria of Mono Indians-Casino & Hotel Project

Office for  
March 29, 2008

County of  
Madera

As a resident of Madera County and a retired California Highway Patrol Officer I would like to offer the following comments concerning the Environmental Impact Study as it relates to the proposed development in the County of Madera.

Various governmental entities in Madera County will receive approximately \$118 million over 20 years. The City of Madera will immediately receive enough money to hire 5 additional police officers and a supervisor. Madera County will also immediately receive funds to hire 5 additional sheriff deputies and a sergeant.

I-81.1

That's all fine and good, but where is the money to offset the increased cost in services that the State will have to provide? The local Madera CHP office is dangerously understaffed for the area; with no increase in assigned officers as the valley traffic has grown. I was assigned to the Madera CHP Office for almost 20 years. In that time I watched the traffic, calls to help disabled motorists, collisions, drunk drivers and calls to back-up allied agencies grow with that increase. Our Madera County CHP Officers- both in the Madera Office and the Oakhurst Office - are doing much more with much less. Demand for traffic services are ever-increasing and staffing levels remain the same. With the current state fiscal crisis, there is no hope for improvement.

Volume

While working in the Madera Area, from 1986 to 2006, I saw the increased traffic on all the roadways due to both the Table Mountain and Chukchansi Casinos. I am now retired but spent the last few years of my career working in the Oakhurst Area which included the Chukchansi Casino. When a collision, a stolen car or a drunk driver occurs on "sovereign Indian land", the CHP is called and handles the investigation. It will be the same no matter where this casino is placed. The County Sheriff's Office might be called, but they in turn will call the CHP to handle the problem. The Madera City Police Department is not going to respond or handle an incident that does not occur in their City limit, yet they are receiving additional funding for increased law enforcement cost, for a project that is not within the city limits. While the Highway Patrol, which has jurisdiction on the freeways and county roads leading to the proposed casino site(s) receives nothing.

I-81.2

What about the increased traffic and demand that will be placed on the freeway, the overpasses and the off/on ramps? Is Cal-Trans going to receive money to rebuild/upgrade the State roadways? Yes, there is money in this compact for county road improvement, but Cal-Trans is not a county government entity. According to the Madera County Transportation Commission's 2007 Traffic Volume study, the average daily traffic volume on Avenue 17, east of SR-99 is 11,512 vehicles per

I-81.3

I've read  
the  
gambling  
including  
vehicle reg

**EIS Scoping Comments, North Fork Rancheria of Mono Indians-Casino & Hotel Project- pg 2**  
County.

While SR-99 at the Avenue 17 interchange has an average daily traffic volume of 84,000 vehicles. This volume is certain to increase with development as will the daily traffic volume on the other roads and freeways in the area, placing a dangerously increased demand on the Highway Patrol Officers. CHP statistics have historically shown that 75% of Officers that sustain injury or are killed while on-duty are injured and/or killed by traffic. The increased traffic volume, over and above any anticipated increase due to population change, will expose the Officers to an increased chance of injury and death.

Thank you

I've read the Environmental Impact Report and cannot locate (amongst it's thousands of pages) any mitigation for these increased costs to the State. The compact, if signed by the Governor, will bring gambling profits to the State's general fund. But traffic services on the highways of the State, including Madera County are not paid from that fund. The entire CHP budget comes from your vehicle registration fees. The general fund will not pay for the increased, and immediate, impact that this burden of traffic, etc. will have on the California Highway Patrol and the citizens of Madera County.

Whether the property is developed into a casino, at the Avenue 18 site, the North Fork site, or even the less discussed option of a multi-acre retail space, there will be an increased demand placed on all the governmental services: state, county and city. There must be a fair payment provided for these increased services by any tribe who desires to build a casino. Although we are talking about a casino in Madera County, the same situation exists throughout our state and in every county with Native Indian Nation neighbors.

Thank you,

**R.L. McEdward**  
1879 Fillmore Ave.  
Madera, CA 93637

Phone  
Secretary

Et cetera

7/7

7/7

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7/7

I-81.3  
cont.

I-81.4

I-81.5

Ms. Amy Dutschke  
Acting Regional Director, Pacific Regional Office, B.I.A.  
2800 Cottage Way  
Sacramento, California 95825

DEIS COMMENTS, NORTH FORK RANCHERIA'S HOTEL/ CASINO PROJECT

To Whom It May Concern:

As a fifteen year resident of Madera, I would like the economic growth for the immediate area. I am a school principal and witness daily the 95% poverty in my schools and know jobs are desperately needed.



I-82.1

As an educator, I am pleased to see an education Foundation will be established. The generosity of the Tribe will be greatly appreciated by the MUSD's schools which serve over 18,000 students.



I-82.2

Sincerely,  
Michele Pecina  
Principal-Millview School  
March 31, 2008

Reg Dir \_\_\_\_\_ ✓  
Asst Reg Dir \_\_\_\_\_ ✓  
Reg Adm Offr \_\_\_\_\_  
Route \_\_\_\_\_ DECMUS  
Transp. Method \_\_\_\_\_ NO  
Date \_\_\_\_\_  
Time \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_  
Zip \_\_\_\_\_

To Amy Dutschke...

3-28-08

I will keep this letter very short and to the point.

Having another gaming casino in the central valley is Very unnecessary for all the right reasons. We don't need another way for hard earned money to be siphoned off for games of chance.

I-83.1

The other reason is that Indian casino's are to be on Indian property, putting one down here in the valley on nonIndian land gives other casinos a so called foot in the door.

I-83.2

I urge you to see what this can lead to and disallow the casino.

Dennis Holschlag  
26213 Haley Way  
Madera, Ca 93638  
559-674-4764  
E.mail hold26@hotmail.com

*T. ad ✓*  
RFA DEC 15  
N6

**Robert E. Marden**  
3674 Riverview Drive  
Madera, CA 93637  
559 664-8608

**March 31, 2008**

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

**Subject: DEIS Comments, North Fork Rancherias, Hotel/Casino Project**

**Dear Ms Dutschke:**

**I am writing in support of the above named project. As an active member of the Madera Community, I believe the development of the Casino/Hotel will benefit all of the Madera Community.**

**I volunteer for the local police department and am the President of the local health center. My wife and I believe that the addition of jobs, entertainment and the tribes commitment to law enforcement, will greatly improve the City of Madera.**

**As a concerned citizen, I hope your agency will support this project.**

**Yours truly,**

  
**Robert E. Marden**

I-84.1



RPM

**Deis Comments, North Fork Rancheria's Hotel/Casino Project**

**As immediate past president, (Golden Valley Chamber of Commerce)**

**I want to express my support for this Project.**

**I appreciate the Tribe's demonstrated commitment to mitigate project impacts and provide substantial benefits to the community.**

**For instance,**

**the Tribe's proposed resort will have a tremendous, positive impact on this community by creating a significant increase in jobs in Madera City and County, and in the process, reduce unemployment and we in Madera have one of the highest unemployment rates. They will provide opportunities for many jobs. The Tribe has committed to a goal of 50% of new hires from Madera County and 33% from the city of Madera.**

I-85.1

**There will be thousands of well paying jobs created.**

**Madera County and city will gain direct financial benefits from this project.**

I-85.2

**In addition, the Tribe has agreed to establish and annually make contributions. Also help fund several new charitable foundations created for the purpose of investing in local causes, including Education, If you heard the news today. Madera Schools will be cutting, 60 jobs because of budget gets.**

- 30- Teachers**
- 20- Custodians**
- 8 - PE**
- 2 - Music**

I-85.3

**That will add to the unemployed rate. I can not stress enough the need of this project for our economic development.**

**Ollia Ridge**  
*Ollia Ridge*  
**March 12, 2008**

Note that this is 1 of 108 form letters that are identical to this letter but individually signed. Only one of the identical form letters has been reproduced in this Final Environmental Impact Statement in order to reduce unnecessary duplication and paperwork pursuant to the Council on Environmental Quality's NEPA Regulations (40 CFR 1500.4; 40 CFR 1503.4). These letters are available for review in full at the offices of the Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, CA 95825.

# Support Form

## The North Fork Mono Rancheria Project



**A Development That Works.**

I support the proposed North Fork Mono Rancheria resort and casino project. I urge the Tribe, the County of Madera, the City of Madera and all parties involved to continue their collaborative approach to address the economic needs of the region in a manner that reflects the values and concerns of its communities.

I-86.1

**You may add my name to your supporters' list and use it publicly.**

Name: Annette Kephart Signature: Annette Kephart Date: 6/14/07

Organization

Street Address: 5 Creststone

City: Madera State: CA Zip Code: 93637

Phone Fax

E-mail Address: @Skittles777@Comcast.net

**Helping to Develop the Community is What We're All About.**

Please Mail or Fax to:  
Fax: 559.877.2467 Mail: North Fork Mono Rancheria • P.O. Box 1307 • Madera, CA 93639  
[www.northforkmonorancheria.com](http://www.northforkmonorancheria.com)

# A DEVELOPMENT THAT WORKS



## The North Fork Mono Rancheria Project Support Form

I support the proposed North Fork Mono Rancheria resort and casino project. I urge the Tribe, the County of Madera, the City of Madera and all parties involved to continue their collaborative approach to address the economic needs of the region in a manner that reflects the values and concerns of its communities.

I-87.1

You may add my name to your supporters' list and use it publicly.

*Steven Killion*

*Steven Killion*

*8-2-06*

Name (please print)

Signature

Date

Organization

*2847 Hillcrest St*

Street Address

*Selma*

*CA*

*93662*

City

State

Zip Code

*(559) 891-8718*

Phone

Fax

*Iron-Man5627@MBA.com*

E-mail Address

HELPING TO DEVELOP THE COMMUNITY IS WHAT WE'RE ALL ABOUT.

Please fax or mail to:

**BY FAX:**

559-877-2467

**BY MAIL:**

North Fork Mono Rancheria

P.O. Box 1307

Madera, CA 93639

# Formulario de Apoyo

## Proyecto North Fork Mono Ranchería

*Empleos, Oportunidad, Comunidad.*

Yo apoyo la propuesta obra de la North Fork Mono Ranchería para construir un casino y centro turístico. Yo pido a la Tribu, al Condado de Madera, a la Ciudad de Madera, y a todas las entidades involucradas que sigan con su enfoque colaborativo de dirigirse a la necesidad económica de la región, de manera que refleje los valores y intereses de las comunidades.

I-88.1

*Se puede agregar mi nombre a su lista de apoyo, y doy permiso de usarlo públicamente.*

ALBERTO SOLANO

Nombre (letra de molde)

10/8/06

Firma

Fecha

Organización (si es aplicable)

BOE E Yosemite

Domicilio

MADERA

CA.

93637

Ciudad

Estado

Código Postal

(559) 395 2900

Número de teléfono

Número de Fax

Correo electrónico

Tema de Mayor Interés:

Oportunidades de empleo  Oportunidades de Vendedor  Obras caritativas  Otro: \_\_\_\_\_

*Trabajando unidos por bien del Condado de Madera.*

Por favor, envíe por correo o por fax a:  
 Fax: 559.877.2467 Correo: North Fork Mono Ranchería • P.O. Box 1307 • Madera, CA 93639  
[www.northforkrancheria.com](http://www.northforkrancheria.com)

# Endorsement Form

I-89

## The North Fork Mono Rancheria Project



*Jobs, Opportunity, Community.*

I endorse the proposed North Fork Mono Rancheria entertainment and destination resort in Madera County. I urge the Tribe, the County of Madera, the City of Madera and all parties involved to continue their collaborative approach to address the social, economic and entertainment needs of the region in a manner that reflects the values and concerns of its communities.

I-89.1

*You may add my name to your supporters' list and use it publicly.*

R. Canananza      R. Canananza      6/14/17  
Name (Please Print)      Signature      Date

Organization (If Applicable)

928 Paintbrush  
Street Address

Madera      CA      936037  
City      State      Zip Code

551 6612134  
Phone      Fax

E-mail Address

Area of Interest:

Job Opportunities     Vendor Opportunities     Charitable Giving     Other: \_\_\_\_\_

*Building a Better Madera County, Together.*

Please Mail or Fax to:  
Fax: 559.877.2467    Mail: North Fork Mono Rancheria • P.O. Box 1307 • Madera, CA 93639  
[www.northforkrancheria.com](http://www.northforkrancheria.com)

06-10 13 MAR'08 16:21

233671

March 6, 2008

Carl J. Artman  
Assistant Secretary, Indian Affairs  
1849 C. Street, NW, Room #4160  
Washington, DC 20240

RECEIVED  
2008 MAR 17 PM 3:20  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

I-90

Dear Mr. Artman,

My name is Francis Morris, and I am a resident of Coarsegold, California. I am writing this letter to request that the U.S. Department of Interior reject the proposed gaming acquisition of the North Fork Rancheria on Highway 99 approximately 50 miles away from its reservation.

This off-reservation gaming proposal is an effort by Las Vegas-based Stations Casinos to move a tribe away from its ancestral homelands to whatever location may prove to be the most profitable investor.

The Las Vegas speculators behind these off-reservation schemes have no concern for the long-term consequences for California's tribes nor our state. Our Central Valley of California is a delicate and endangered land. Locating mega-casinos next to our already dilapidated freeways so the pockets of out-of-state investors can be filled undermines the quality of life of every citizen in the Central Valley.

Today the investors want to move this tribe 50 miles away to a more marketable position, tomorrow what tribe will it be? There are many potential markets along the lifeline of our valley, Highway 99 -- and there are just as many tribes with lands on the western slope of the Sierras waiting for the North Fork precedent so they can make their move into the valley. Californians supported Propositions 5 and 1A to support tribal gaming on original tribal lands. We did not support this.

The North Fork Rancheria has viable alternative sites on and near its reservation, within its ancestral territory, and that is where they should build their casino. For these reasons I ask you to reject the proposal of the North Fork Rancheria for the Highway 99 gaming site.

Sincerely,

Francis Morris  
Concerned Citizen

I-90.1  
I-90.2

gaming

DEIS Scoping Comments, North Fork Rancheria of Mono Indians—Casino and Hotel Project.

Corrinne Buttram  
20153 Oak Hill Road  
Madera, CA. 93638  
Ph: (559) 675-1858  
Monday, March 17, 2008

Mr. John Rydzik, Chief  
Division of Environmental Cultural  
Resource Management and Safety  
Bureau of Indian Affairs  
2800 Cottage Way,  
Sacramento, CA. 95825

Mr. John Rydzik,

I am a Proud citizen of the North Fork Rancheria. My ancestors have lived here for thousands of years. I am FOR the North Fork Rancheria of Mono Indians-Casino and Hotel Project for the following reasons:

- 1. We DO NOT plan to build a noisy, dusty, Auto racing track like the one currently located at the Madera District Fairgrounds in the city of Madera.
- 2. We DO NOT plan to build a huge mega dairy, which breeds flies, generates dust and pollutes the water.
- 3. We DO NOT plan to be farmers who disc the fields to powdery dust, over irrigate to the point of runoff, and pollute the air through constant ground and aero spraying.

I-91.1

Nothing, short of birth control, is going to stop over population growth and the traffic problems it brings. However, the concerns of air pollution from automobiles, should be diminished in the future because more and more auto makers are making cars that are friendlier to our environment.

I-91.2

Once the North Fork Rancheria of Mono Indians—Casino and Hotel Project is built, it will be a clean, environmentally friendly, facility for employees and patrons alike. It will be a Win! Win! development for everyone who lives in Madera County.

I-91.3

Yours truly,



Corrinne Buttram  
A Proud Mono Indian

WRITTEN COMMENT CARD

I-92

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL
1850 WEST CLEVELAND AVENUE
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: MARCEL MUTHLY Organization/Tribe/Agency: Tribe - Mono

Address: 624 Spruce Avenue Pacific Grove, CA 93950

Comment: It was wonderful to see how much support. The North Fork Rancheria of Mono Indians Casino/Hotel project has. The people see just how much good the casino/hotel project will do for the area. There was a lot of people there that didn't know what they were talking about or what the meeting was for.

I-92.1

Phone: 1-931-373-4908 Email: None
Place me on the mailing list? Yes [X] No: [ ]

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

Postage stamp area with return address: Marcel Muthly, 624 Spruce Ave, Pacific Grove, CA 93950. Postmark: SAN JOSE CA 951, 20 MAR 2008 PM 6 L. Recipient address: John Rydzik, Chief, Division of Environmental Cultural Resource Management and Safety, Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA. Includes a barcode and the number 95825+1848.



WRITTEN COMMENT CARD

I-93

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: DARTLAND MUTLY Organization/Tribe/Agency: N.F.M. RANCHERIA

Address: 25531 AVE 17 MADERA CA 93638

Comment: I LIVE ON AVE 17, 1 MILE EAST OF PROPOSED SITE. I USE AVE 17 EXPT. + ROAD EVERYDAY. MY BELIEF IS THAT TRAFFIC WILL NOT BE A PROBLEM BECAUSE TRAFFIC WILL ARRIVE + DEPART AT VARIOUS TIMES JUST LIKE HOME DEPOT, PILOT + THE NEW LOWE'S HOME CENTER, WHICH HAVE NO TRAFFIC

I-93.1

Phone: 559-706-0691 Email: \_\_\_\_\_  
Place me on the mailing list? Yes  No: \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

THIS PROJECT WILL NOT BRING CARS OUT OF THIN AIR, THESE ARE PEOPLE WHO ARE HERE ALREADY + WILL BE DRIVING SOMEWHERE, BE IT ENTERTAINMENT (MOVIES, RESTAURANTS, SPORTING EVENTS, MUSIC PROGRAMS) FROM OR TO FRESNO, BAY AREA, CA. SAME AMOUNT OF VEHICLE WILL BE OUT ON ROADWAYS TO SOMEWHERE, SO THERE WILL BE NO ADDED POLLUTION TO OUR ENVIRONMENT. ONLY SOLUTION TO POLLUTION IS BETTER EMISSIONS FROM CARS, BY BETTER FUEL MILEAGE, HYBRID CARS, DIFFERENT FUELS FOR COMBUSTION.

I-93.2

THIS PROJECT IS EXTREMELY VALUABLE TO MADERA AREA, BIG JOB OPPORTUNITIES, CLOSE RESTAURANTS, ENTERTAINMENT.  
I SUPPORT PROJECT.

WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

I-94

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.  
(Please write legibly)

Name: Patricia A. Jones Organization/Tribe/Agency North Fork Mono Rancheria

Address: P.O. Box # 812 North Fork, Cal. 93643

Comment: Our town is practically dead since the mill closed. We cannot use the mill site as the ground and the water are contaminated. The 99 highway will be an ideal place for our casino. It isn't far from an over-pass so people will be able to fly in & visit our casino as the Madera Airport is close by. There will be black-top asphalt to help keep the dust down.

I-94.1

Phone: 559-877-4480 Email: NONE  
Place me on the mailing list? Yes  No:

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

WRITTEN COMMENT CARD

I-95

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Victor Muehly Organization/Tribe/Agency: N.F.M. Rancheria

Address: 25531 One 17 Madera, Ca 93838

Comment: When thru change went into operation it was called on highway 99 wouldnt handle the traffic. There have 2 car accidents one fatal. Highway-proway 99 much better 4 lanes 99 2 lanes.

I-95.1

Phone: 927-3189 Email: [unclear]  
Place me on the mailing list? Yes  No:

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

WRITTEN COMMENT CARD

I-96

NORTH FORK RANCHERIA OF MONO INDIANS – CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

Name: Craig J. Muhly Organization/Tribe/Agency: North Fork Rancheria

Address: P.O. Box 722252, San Diego, CA 92172-2252

RE: EIS Scoping Comments, North Fork Rancheria of Mono Indians – Casino/Hotel Project

Comments:

The North Fork Rancheria Casino/Hotel Project will have a much needed positive economic impact for the City of Madera, the County of Madera, the City of Chowchilla, the State of California (more taxes to lower the deficit), the surrounding areas and communities, as well as the North Fork Tribe of Mono Native Americans (Indians), of whom many live below the poverty level. It is even more significant and important to note, that this Economic influx into the community and area will be taking place at a time when the Nations and States economy is showing recession type numbers in the key economic indicators. The Housing Market, after it's huge run-up that spurred the economy on, has now fallen into a depressed market, that has trickled down to all the subsidiary business that survive on a strong housing market. Thus, businesses are closing and jobs are being lost, and foreclosures are at all time highs.

I-96.1

In this time of economic recession and depressed housing market, the North Fork Rancheria Project will bring much needed jobs and capital into the area during the construction of the project and after for the operation of the project. The development of the area of land out along Highway 99, will spur further adjacent development that will bring more construction and operation jobs and income into the local, state, and federal governments.

The huge positive economic impact on our economy the project will have is certainly hard to deny. However, there is concerns about environmental impact and added pollution and understandably so, in our world of global warming.

The truth of the matter regarding the environment and added pollution concerns, is that pollution will probably be reduced and the environment will benefit from the location of the resort project. Auto emission environment pollutants will be reduced because the consumers who attend the Rancheria resort will be driving less time from their local areas to get there. Whereas others who live further away, will find their entertainment at venues closer to where they live, which reduces auto emission pollutants.

I-96.2

Furthermore, there is industrial business being conducted along Highway 99, since the locations along the remote areas of Highway 99 are more suited for Factory emission types of business that the public does not want located near residential development. Thus, likely eventual development along the Highway 99 corridor will be Industrial, with probable Factory type emissions that pollute our environment much more than businesses that are conducted to bring people together at their site, like the Rancheria Resort project. The North Fork Rancheria

I-96.3

Casino/Hotel Resort will bring a more environmentally safe environment to the Highway 99 corridor.

I-96.3  
cont.

For those who are in opposition and raise the issues regarding gambling and alcohol addictions: there are bars and liquor stores on every corner that do not provide the amount of jobs or economic impact that this project will. In addition, research has found that the people addicted to gambling will travel any distance to get there (even while intoxicated), and will move closer to the location as soon as they can (see Las Vegas and other towns/cities in Nevada). Thus, a single Casino/Hotel Project will not prevent those who are addicted to gambling to find there place to gamble, and the large amount of people who attend are not addicts. The economic gain to the community far outweighs this opposition.

I-96.4

For those who are in opposition to this project because of competition to their Casino businesses, it should again be noted the location of the North Fork Rancheria project. It is along Highway 99, and although Hwy 99 provides ample car traffic and access, it is not a beautiful vacation or one-time visit destination that can be provided by competitors who are located in more scenic and beautiful environments that people travel to or pass all the time as they go to the mountain lakes, ski resorts, and camping grounds.

I-96.5

In conclusion, the positive economic impact the North Fork Rancheria Resort will have on the local and state economies far outweigh any and all the objections that are being presented.

I-96.6

Thank you for reading our comments.

Craig J. Muhly

Cc: file

Reg. No. \_\_\_\_\_  
Dep. Rep. Div. \_\_\_\_\_  
Reg. Adm. Div. \_\_\_\_\_  
Route \_\_\_\_\_  
Response No. \_\_\_\_\_  
Date \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

I-97

March 24, 2008

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

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

Dear Ms. Dutschkie:

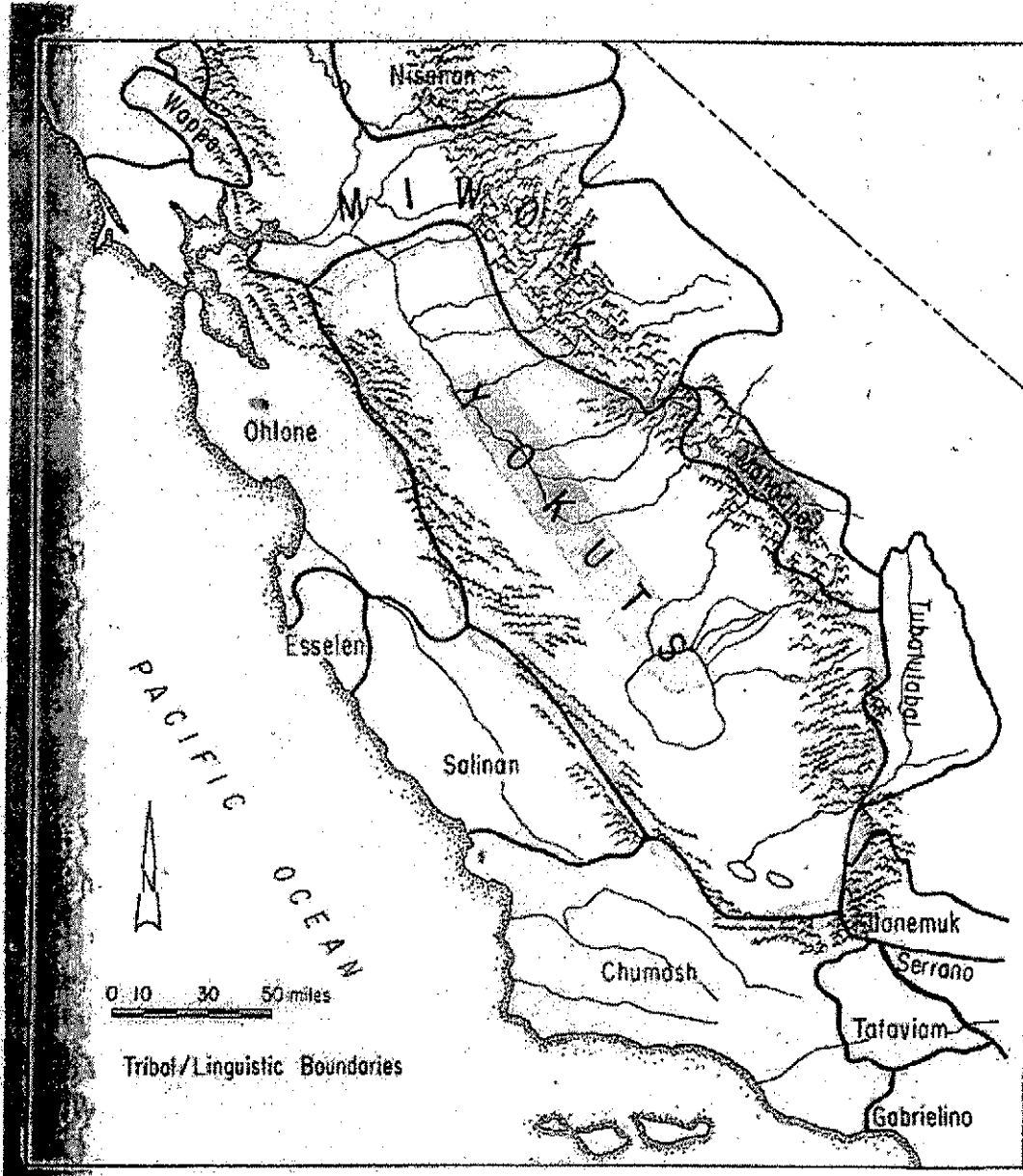
The Yokuts occupied the entire Central California Valley floor and foothills. The California Indians entered the valley about 10,000 B.C. They are part of the Penutian language group. The Western Mono are part of the Uto-Aztecan family, related to the Paiutes of Nevada.

At or slightly before A.D. 1500, Owens Valley Paiute came west over the Sierra and inhabited land that previously had been used by the Yokut speaking people. In general they occupied sites in the upper foothills on the drainages of the San Joaquin, Kings, and Kaweah Rivers. We now call these people Monache, or Western Mono.

The land the Mono Indians of North Fork are requesting to put in trust in Madera, California is the aboriginal land of the Yokut Indians. We have never heard of the North Fork Mono's claiming ties to the Madera area until this casino subject came up. I am a descendant of the Yokut Indians and strongly object to the approval of the Mono Indians of North Fork intruding on land of our ancestors.

I-97.1

Joyce Burel  
Name  
49514 Rd 420  
Address  
Coarsegold CA 93614  
Joyce Burel



The Mono's have been in California for a few centuries whereas the Yokuts were in California for thousands of years. Just because the Mono's picked grapes near Madera in 1877 does not make it their aboriginal land. The farms were started by non-Indians.

The issues of the land should have been determined before the MOU or anything else was negotiated. The politicians only care about monetary gain and the non-Indians could care less about what Indians occupied the territory.

PS: the closest tribe to Madera is the Yokut tribe of Chowchilla Indians, not federally recognized.

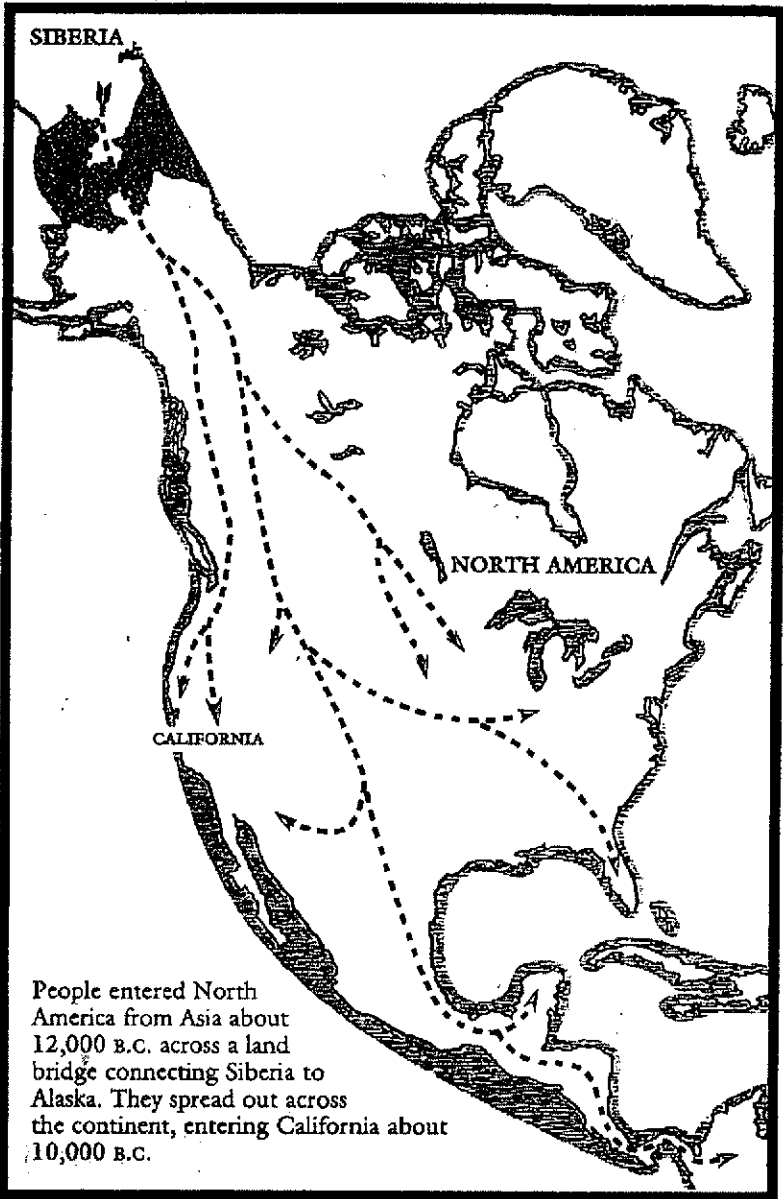


**THE CITY OF MADERA IS IN THE  
ABORIGINAL LANDS OF THE  
YOKUTS. THE YOKUTS CONSIST OF  
MANY SUB-TRIBES.**

**MONO'S ARE INTRUDING ON THE  
ABORIGINAL LANDS OF THE  
YOKUTS.**

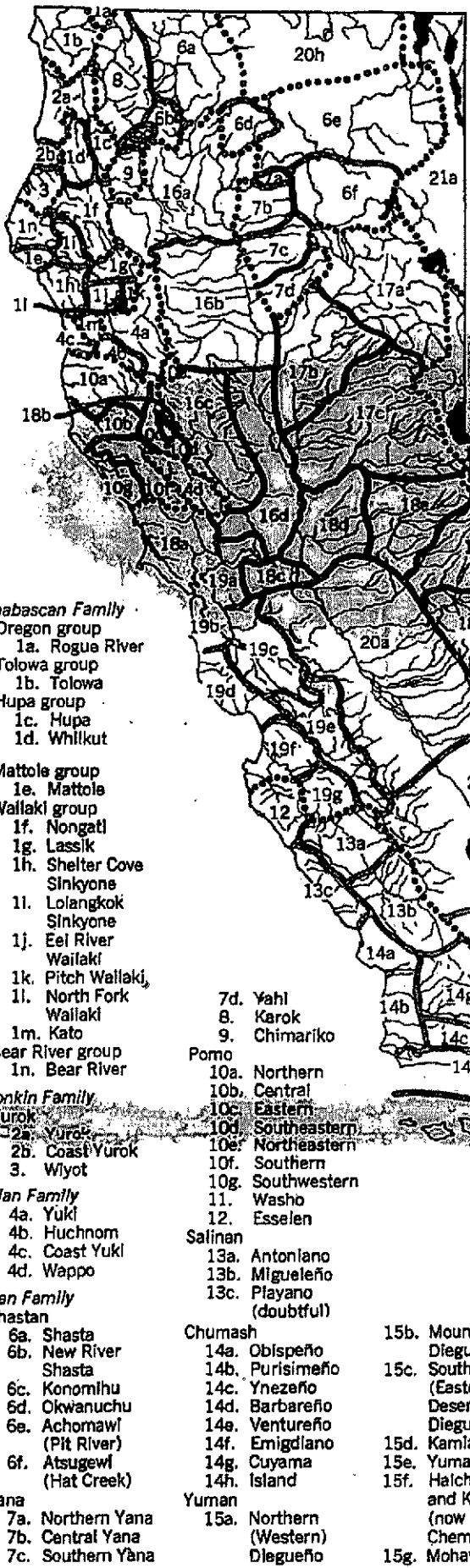
**MONO'S ARE NOT NATIVE TO THE  
CENTRAL VALLEY.**

*"Besides Monachi, the Yokuts call the western Mono Nuta's, which, however, is only a directional term meaning "uplanders," and therefore generally Easterners." (Kroeber, Handbook of Indians of California)*



People entered North America from Asia about 12,000 B.C. across a land bridge connecting Siberia to Alaska. They spread out across the continent, entering California about 10,000 B.C.

DIGGER/Serry Stanley



**KEY TO MAP**  
 ... Language family boundaries  
 — Tribal or dialect boundaries

**Costanoan**  
 19a. San Pablo (Karkin)  
 19b. San Francisco  
 19c. Santa Clara  
 19d. Santa Cruz  
 19e. San Juan Bautista (Mutsun)  
 19f. Rumsen (Monterey)  
 19g. Soledad

**Yokuts**  
 Dialect groups  
 20a. Northern Valley (Chulamni, Chauchilla, etc.)

**20d. Southern Valley** (Tachi, Yauelmani, etc.)  
**20c. Northern Hill** (Chukchansi, etc.)  
**20d. Kings River** (Choinimni, etc.)  
**20e. Tule-Kaweah** (Yaudanchi, etc.)  
**20f. Poso Creek** (Paleuyami)  
**20g. Buena Vista** (Tulamni, etc.)

**Modoc**  
 20h. Modoc

**Uto-Aztecan (Shoshonean) Family**  
**Plateau Branch**  
**Mono-Bannock group:**  
 21a. Northern Paiute (Paviotso)  
 21b. Owens Valley Paiute  
 21c. Mono Lake Paiute  
 21d. Monache (Western Mono)

**Shoshonean Plateau Branch**  
**21e. Panamint Shoshone (Koso)**  
**Ute-Chemehuevi group:**  
 21f. Chemehuevi (Southern Paiute)  
 21g. Kawaiisu (Tehachapi)

**Kern River Branch**  
 21h. Tübatulabal (and Bankalachi)

**Southern California Branch**  
**Serrano group:**  
 21i. Kitanemuk (Tejon)  
 21j. Alliklik  
 21k. Mähineyam (Vanyume)  
**Serrano Gabriellino group:**  
 21l. Fernandez  
 21m. Gabriellino  
 21n. Nicoleño  
**Luisefio-Cahuilla group:**  
 21o. Juaneño  
 21p. Luisefio  
 21q. Cupeño  
 21r. Pass Cahuilla  
 21s. Mountain Cahuilla  
 21t. Desert Cahuilla



**Athabaskan Family**  
**Oregon group**  
 1a. Rogue River  
**Tolowa group**  
 1b. Tolowa  
**Hupa group**  
 1c. Hupa  
 1d. Whilkut

**Mattole group**  
 1e. Mattole

**Wailaki group**  
 1f. Nongati  
 1g. Lassik  
 1h. Shelter Cove Sinkiyone  
 1i. Lolangkok Sinkiyone  
 1j. Eel River Wailaki  
 1k. Pitch Wailaki  
 1l. North Fork Wailaki  
 1m. Kato  
**Bear River group**  
 1n. Bear River

**Algonkin Family**  
**Yurok**  
 2a. Yurok  
 2b. Coast Yurok  
 3. Wiyot

**Yuklan Family**  
 4a. Yuki  
 4b. Huchnom  
 4c. Coast Yuki  
 4d. Wappo

**Hokan Family**  
**Shastan**  
 6a. Shasta  
 6b. New River Shasta  
 6c. Konomihu  
 6d. Okwanuchu  
 6e. Achomawi (Pit River)  
 6f. Atsugewi (Hat Creek)

**Yana**  
 7a. Northern Yana  
 7b. Central Yana  
 7c. Southern Yana

7d. Yahi  
 8. Karok  
 9. Chimariko

**Pomo**  
 10a. Northern  
 10b. Central  
 10c. Eastern  
 10d. Southeastern  
 10e. Northeastern  
 10f. Southern  
 10g. Southwestern  
 11. Washo  
 12. Esselen

**Salinan**  
 13a. Antoniano  
 13b. Migueleño  
 13c. Playano (doubtful)

**Chumash**  
 14a. Obispoño  
 14b. Purisimeño  
 14c. Ynezefio  
 14d. Barbareño  
 14e. Ventureño  
 14f. Emigdiano  
 14g. Cuyama  
 14h. Island

**Yuman**  
 15a. Northern (Western) Diegueño

15b. Mountain Diegueño  
 15c. Southern (Eastern or Desert) Diegueño  
 15d. Kamia  
 15e. Yuma  
 15f. Halchidhoma and Kohuana (now Chemehuevi)  
 15g. Mohave

**Penutian Family**  
**Wintun**  
 Dialect groups  
 16a. Northern (Wintu)  
 16b. Central (Nomlaki)  
 16c. Hill (Patwin)  
 16d. River (Patwin)

**Maldu**  
 Dialect groups  
 17a. Northeastern  
 17b. Northwestern  
 17c. Southern (Nisenan)

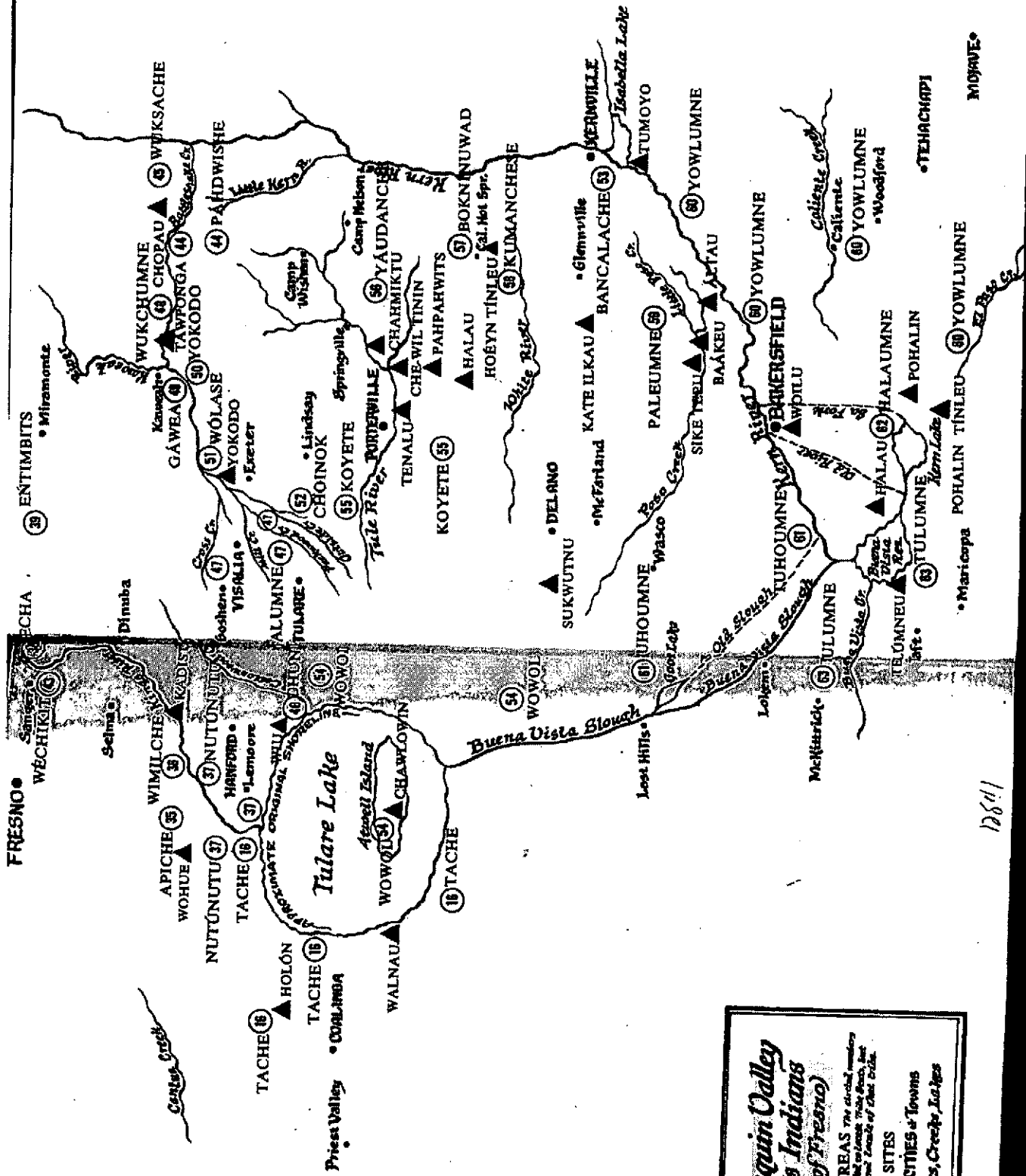
**Miwok**  
 18a. Coast  
 18b. Lake

18c. Bay (Sacian)  
 18d. Plains  
 18e. Northern Sierra  
 18f. Central Sierra  
 18g. Southern Sierra



California Indian Library Collections



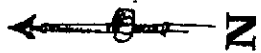


12841

**San Joaquin Valley  
Yohuts Indians  
(Bowl of Fresno)**

- 16 TRIBE AREAS The circles number are not intended to indicate tribe areas, but only the general locale of their tribe.
- ▲ VILLAGE SITES
- PRESENT CITIES & TOWNS

*Rivers, Creeks, Lakes*

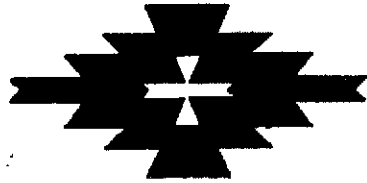


FRESNO

MOHAVE

# HANDBOOK OF YOKUTS INDIANS

BY FRANK F. LATTA

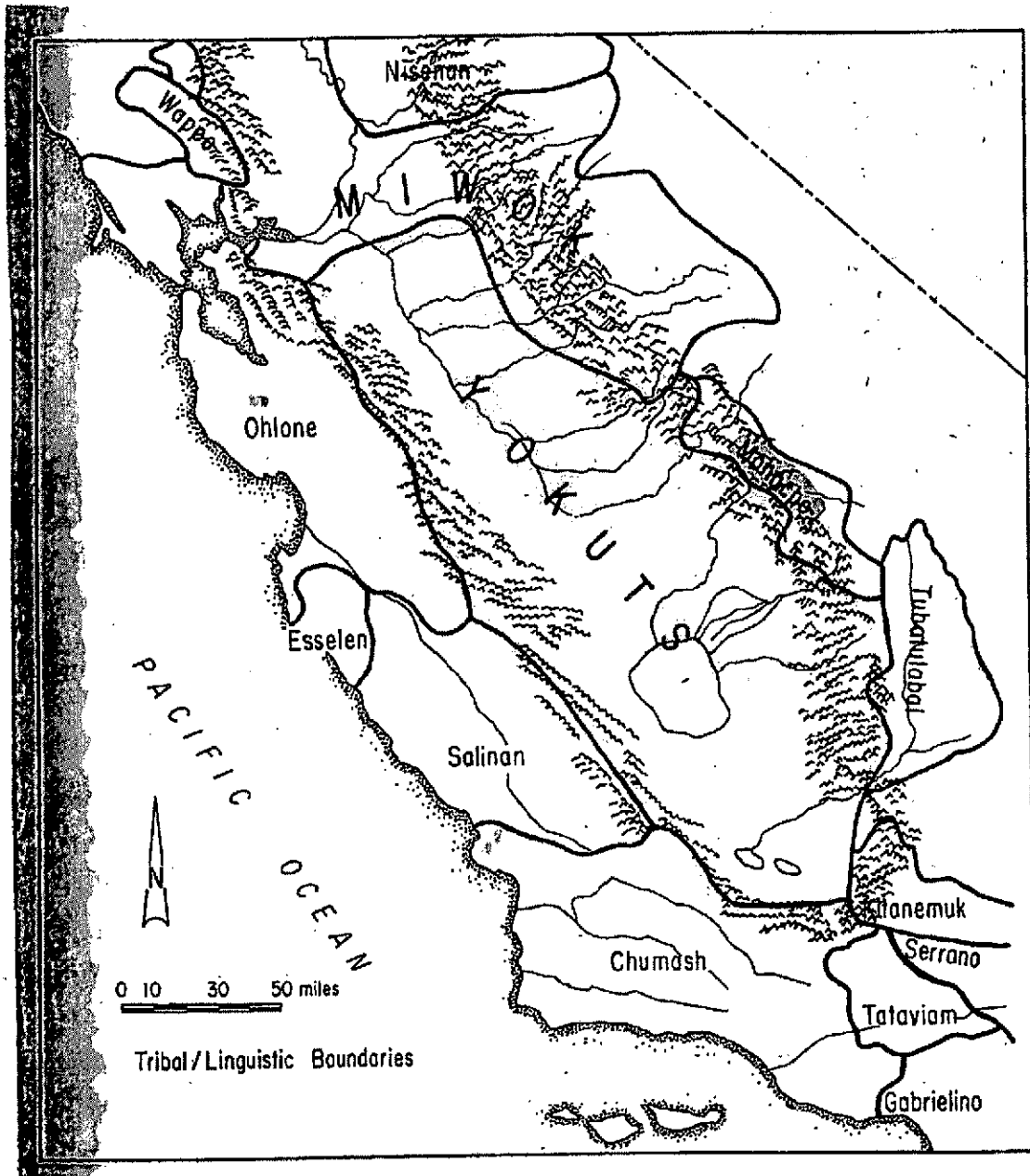


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**Digger: The Tragic Fate of the California Indians from the Missions to the Goldrush**

by Jerry Stanley  
(Hardcover)

[Write a Review](#)

Publisher: Random House Children's Books  
Pub. Date: May 1997  
ISBN-13: 9780517709528  
Age Range: Young Adult  
Edition Number: 1

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**Synopsis**

From the award-winning author of *Children of the Dustbowl* comes a sobering look at two of the most frequently romanticized events in American history. For the native peoples of California, the period from 1769, when the first Spanish Mission was founded, to the 1850s, when the Gold Rush was at its height, was one of terrible violence and destruction. First, Spanish priests and soldiers sought to convert the Indians to Christianity and a "civilized" way of life. Yet for the Indians the story of the missions was one of hunger, disease, rebellion, and death. Then, during the Gold Rush, Indians were frequently kidnapped, murdered, and sold into slavery by white settlers. By the end of the nineteenth century, the surviving California Indians had been forced onto reservations and their way of life had been largely destroyed. With maps, a timeline, and glossaries on California's Indian tribes and mission history, Jerry Stanley tells the story of modern California from the poignant perspective of the Native American.

**Children's Literature**

The title sums up this book, which is divided into three sections. The California natives were first exploited by Spanish priests and soldiers for whom they were often no more than slave labor. When gold was discovered, the Indians suffered even more and by the end of the 19th century, those who survived were relocated to reservations. Not a pretty picture.

**More Reviews and Recommendations**

**Biography**

- \* Jerry Stanley was born in Highland Park, Michigan in 1941. When he was seventeen years old, he joined the air force and was stationed in California, where he has lived ever since.
- \* Once out of the air force, Jerry went to college, during which time he supported himself as a rock-'n'-roll drummer on the weekends. He received both his master's and Ph.D. degrees from the University of Arizona.
- \* Jerry is now is a professor of history at California State University in Bakersfield, where he teaches courses on the American West, the American Indian, and California history. In addition to his children's books, Jerry is the author of numerous articles for both scholarly journals and popular magazines.
- \* Among Jerry's hobbies are bowling, racquetball, fishing, drumming, and writing humor. He and his wife, Dorothy, have four children and live in Bakersfield, CA.

MAP From this book

Mill Creek and Kings River. Such groups, save for their distinctive speech, would be indistinguishable from the village communities of their neighbors if the purely local designations of the latter were replaced by appellations for the people themselves. Still fainter is the line of demarcation when the Choinimni, for instance, are called, as occasionally happens, Tishchuchchi after their town Tishchuch; but such terms are rare among the Yokuts.

For other tribes a principal and several subsidiary abodes are specified; thus the Paleuyami are identified with Altau and sometimes called Alcinin, but lived also at Beku, Shikidpau, Holmiu, and other places. The Hometwoli lived at three principal sites, and the Chukchausi, Tachi, Yaelmani, and others dwelt from time to time, and perhaps simultaneously, at a number of places scattered over a considerable tract. These instances confirm the Yokuts divisions as true tribes.

Fully half the Yokuts tribal names end either in -amni, found also as -imni, -mini, -mani; or in -chi. The former suffix recurs added to place names among the Plains Miwok to designate the inhabitants of such and such spots, and among the Maidn as an ending of village names; the latter among the southern Miwok with the significance "people of." But the subtraction of either of these endings from the names of Yokuts tribes usually leaves only meaningless syllables; and in general the people themselves are well content to employ their little national designations without inquiring what they may denote. The few etymologies which they have ventured in response to inquiries are obviously naive and unhistorical.

#### HABITAT.

The home of the Yokuts was the San Joaquin Valley, the entire floor of which they held, from the mouth of the river to the foot of Tehachapi Pass. In addition, they occupied the adjacent lower slopes or foothills of the Sierra Nevada, up to an altitude of a few thousand feet, from Fresno River south, but nowhere to the north of that stream. The San Joaquin River proper flows down only the lower half of the length of the valley. Above it, Kings and then Kern River also break westward from the high mountains and the latter turns north into the treeless plains. Kern River drained into Tulare Lake, formerly a large, shallow basin of water surrounded by an even more extensive tract of swamp of tules, as two or three species of rush are locally known. The swamps are now reclaimed and much of the lake is normally dry and its area under cultivation. For most of the year, formerly, the evaporation over this immense sheet sufficed to equal the intake from Kern River and other streams; in time of flood the lake might drain north through Fish Slough into Kings River. This latter stream itself, though of considerable

#### CHAPTER 32.

### THE YOKUTS: GEOGRAPHY.

Tribal organization, 474; habitat, 475; classification, 477; tribes of the Buena Vista group of the foothill division, 478; of the Paso Creek group, 479; of the Tule-Kaweah group, 479; of the Kings River group, 480; of the northern foothill group, 481; of the southern group of the valley division, 482; of the northern valley group, 484; speech and topography, 486; designations of the stock, 488; Yokuts and other California population, 488.

#### TRIBAL ORGANIZATION.

The Yokuts are unique among the California natives in one respect. They are divided into true tribes. Each has a name, a dialect, and a territory. The first of these traits, the group name, is wanting in other Californians, who normally are able to designate themselves only by the appellation of the place they inhabit. The second feature, dialectic separateness, of course is an old story for California, but elsewhere in the State each idiom is usually common to a considerable number of tribelets or "village communities." Only in the third trait, their political independence and their ownership of a tract of land, are the ordinary Californian village communities and the Yokuts tribes similar.

Forty of these tribes are sufficiently known to be locatable. In the northern part of the Yokuts areas the map is, however, blank except for a few names of groups of uncertain situation and doubtful affinities. The total number of tribes may therefore have reached 60. Such an array of dialects is unparalleled, and gives to the Yokuts alone nearly one-third of all the different forms of speech talked in the State. The differences of language from tribe to tribe were often rather limited; but they are marked enough to be readily perceptible to the interested Caucasian observer. Since the total length of the Yokuts area does not much exceed 280 miles and the breadth nowhere attains to 100, the individual geographical range of these little languages was exceedingly narrow. Their territory averaged perhaps 300 square miles—say a half day's foot journey in each direction from the center.

Some of the tribes occupied a single spot with sufficient permanence to become identified with it: thus the Wowol on Atwells Island in Tulare Lake, the Gawis and Yokod on opposite sides of Kaweah River where this leaves the hills, the Choinimni at the junction of

volume, was nearly lost in a lengthy area of swamp, whence its waters seem normally to have flowed backward into Tulare Lake. It seems that Kings River and Tulare Lake drained into the San Joaquin at no remote time, since the lake is fresh. The San Joaquin, from the point where it reached the central axis of the valley and perhaps once took in the excess discharge of Kings and Kern Rivers, was also bordered pretty continuously by tule swamps, though of less width than to the south. Hence the Spanish name "Los Tulares" for the low-lying portion of the valley and "Rio de los Tulares" for the stream, though by the latter term they understood the main line of the entire drainage system rather than its lower, more northerly portion alone, to which we, with greater precision but more arbitrary logic, restrict the name San Joaquin. Hence also the appellation Tularados, under which they consistently and appropriately knew the Yokuts. (Pl. 47.)

The eastern side of the level valley is traversed by streams from the Sierra Nevada. A dozen or so of these merit the name "river." The west side of the valley, however, on the lee of the rather low and barren Mount Diablo Coast Range, is arid; and not even one permanent stream of any size whatsoever reaches the central river system from this left hand. The overwhelming bulk of the American population is on the east side. The dispersion of the Yokuts was, if anything, even more unilateral. In the whole upper valley, in which the distribution of the Yokuts groups is pretty accurately known, there were only two tribes, the Tulamni and Tachi, in the large tract west of Tulare Lake and Kings River; and even of these two the Tachi preferred to cross to the east side when summer and autumn dried the overflowed lands and rendered their winter habitat a virtual desert.

Along the west of the San Joaquin we have less certain knowledge. This territory seems to have belonged to the Yokuts, though in default of precise information it has sometimes been attributed to the Costanoan people or to the Miwok. This very doubt indicates an unimportant occupation; and while the area was almost certainly visited by the Yokuts, and probably claimed by one or more of their northerly tribes, the number of residents must also have been very few.

The flow of Sierra rivers of approximately equal length is ever less toward the south, so that Yokuts streams are smaller than those in Miwok territory and much smaller than those occupied by the Maidu. The run-off in millions of acre-feet is approximately as follows. Yokuts: Kern, 4; Kaweah, 4; Kings, 2; San Joaquin, 2. Miwok: Merced, 14; Tuolumne, 2; Stanislaus, 14; Mokelumne, 1. Maidu: American, 54; Yuba, 54; Feather, at Oroville, 6; the Sacramento at Red Bluff, above the Feather, 104; most of it from the Pit. Even a short affluent of the Pit, Fall River, the habitat of one Achomawi division, carries about a million acre-feet, or more than the lengthy Kern or Kaweah.

## CLASSIFICATION.

The classification of the Yokuts tribes must be made, like that of other Indians, and those of California in particular, on the basis of language. In spite of the number of the tribes, this is not difficult; for the dialects fall clearly into two great divisions, which coincide with the two topographic regions held by the stock: the valley proper and the foothills of the southern Sierra Nevada. Only in the extreme south were there three tribes speaking idioms of the foothill type but dwelling in the plains between Tulare Lake and the Tehachapi region. These three dialects, closely similar to one another, are easily the most divergent of all Yokuts forms of speech, and thus argue an unusual and peculiar history for the little remote group of people whose idiom was derived from that of the mountains while their habitat was in the valley.

The valley dialects are the most uniform, in fact remarkably similar to one another. A Yokuts from Stockton must have been able to understand considerable of the talk of one from Bakersfield—a condition utterly unparalleled for any like distance elsewhere in California; for although the Northern Paiute and Mono afford a technical exception, they are mostly east of the Sierra Nevada and hence in the Great Basin, outside the natural limits of California. The Yokuts Valley dialects seem to be classifiable into two groups, a northern along the San Joaquin and a southern from Kings River south; but the former is very little known, and it is possible that fuller information regarding it might shift the line of demarcation.

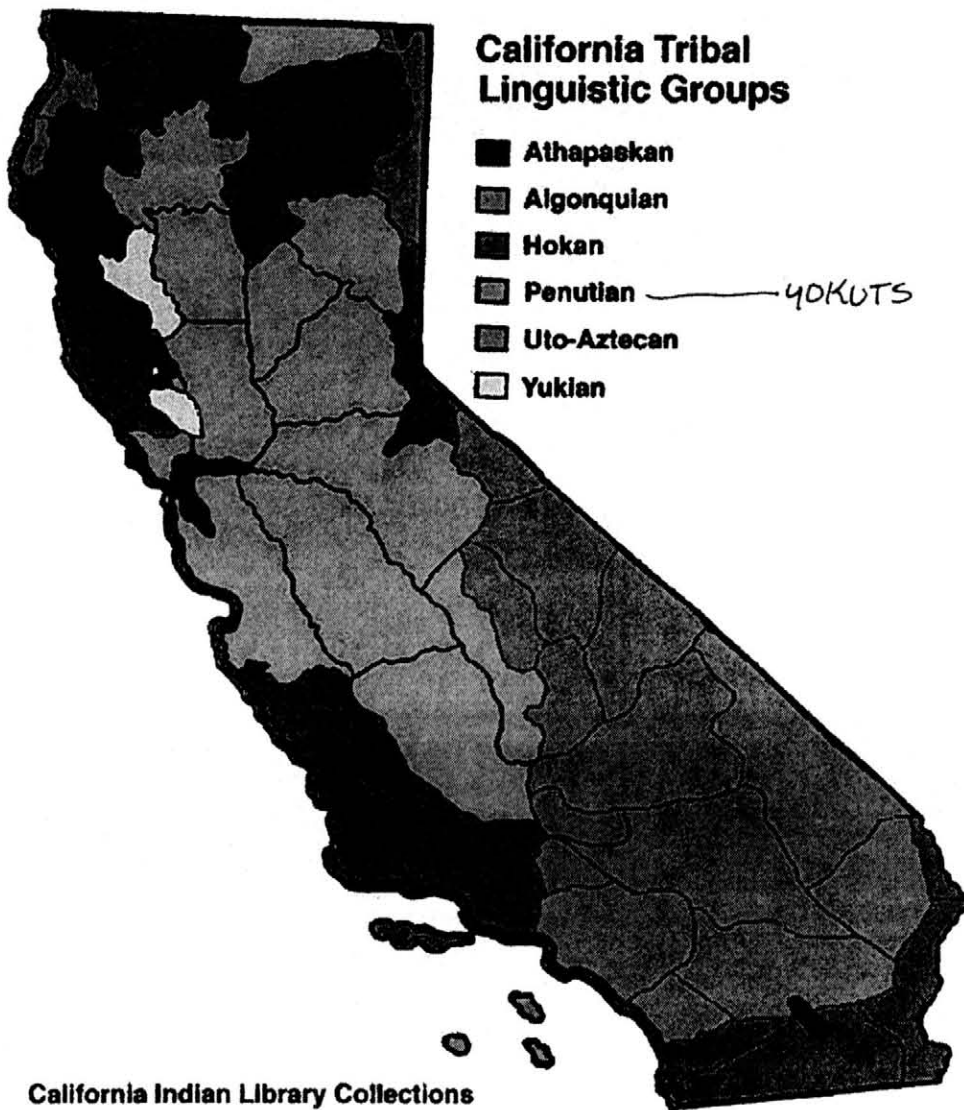
The foothill dialects, though hardly more numerous and spoken over a very much smaller area, are far more diversified. This might be anticipated from the topography of their territory. Their variety may, however, also be due to the historical fortunes of the foothill tribes. The farther south one progresses along the lower Sierra, the more deviations does one encounter from the type of Yokuts speech which is numerically preponderant and therefore justly to be considered the normal and presumably original form. Now the Yokuts as a whole constitute the southernmost branch of the great Penutian family, which, so to speak, radiates in five directions from the region of the entrance of the Sacramento and San Joaquin into the head of San Francisco Bay; in other words from the lowest and central point of the Great Valley of California. That the foothill dialects of Yokuts become more and more specialized the farther they are situated from this center of influence and possibly of origin is certainly significant; though whether it is significant of successive migrations from the north, of longer contact with Shoshonean and Chumash aliens, or merely of ever reduced intercourse with kinmen, must as yet be left to conjecture.

- HUPA:** northwestern corner of the state, and their language belongs in the Athabascan language family.
- KARUK:** along the Klamath River in far northwestern California; one of the Hokan language families.
- KAWAIIISU:** foothills between Mohave Desert & San Joaquin Valley; Southern Numic branch, Uto-Aztecan language.
- KITANEMUK:** southern California and their language belongs to the Uto-Aztecan family.
- KUMEYAAY (DIEGUENO):** near Mexican border on coast near Colorado River; Hokan language of Yuman branch.
- LUISENO-JUANENO:** southern California coastline; Takic branch of the Uto-Aztecan language family.
- MAIDU:** lived in northcentral part of the state, and their languages are of the Penutian family.
- MATTOLE:** northwestern corner of the state near the Oregon border, and speak an Athabascan language.
- MIWOK:** Coast Miwok, the Lake Miwok, and the Sierra Mewuk; north central California, and spoke Hokan languages.
- MOJAVE (MOHAVE):** along the Colorado River; a language belonging to the Yuman branch of the Hokan family.
- MONO, WESTERN (MOHACHE):** south-central Sierra Nevada foothills; Uto-Aztecan family, related to Palute.
- PAIUTE:** two main groups in California, the Northern Palute and the Owens Valley Paiute; Uto-Aztecan language.
- PIT RIVER (ACHIUMAWI, ATSUGEWI):** eleven bands of Pit River Nation, along the Pit River in far northeastern part of the state and speak the languages of Achumawi and Atsugewi, closely related to the Hokan languages.
- POMO:** northwestern California; seven related but mutually unintelligible languages belonging to the Hokan family.
- SERRANO:** southern California in Mojave Desert & San Bernardino Mountains; Takic branch, Uto-Aztecan family.
- SHASTA:** northernmost part of California and southern Oregon; language belongs to the Hokan family.
- SHOSHONE:** east-central area to east of Sierra Nevada, including Owens Valley; language closely related to Paiute and belonging to the Uto-Aztecan family.
- TOLOWA:** coastal redwood forest area of northwestern corner of state; belongs to Athabascan language family.
- TUBATULABAL:** Kern River Valley in southern Sierra Nevada; Uto-Aztecan language family but appears to be very different from similar languages of this type.
- WAILAKI:** northwestern corner, mainly in foothills of the Coast Range; belongs to the Athabascan language family.
- WAPPO:** mountainous area of northern California, including Russian River valleys; language together with Yuki, which forms a branch of the Penutian family.
- WASHOE:** over 4,000 square miles area centered on Lake Tahoe near California-Nevada border; Hokan language.
- WHILKUT:** northwestern corner of state near other Athabascan peoples; closely related to other California Athabascan languages.
- WINTUN:** three divisions are Wintun, Nomiaki, & Patwin; greater Sacramento Valley, languages of Penutian family.
- WIYOT:** far northwest coast of California, along shores of Humboldt Bay; belongs to Algonquian language family.
- YANA:** northern part of the state near Mt. Lassen, and their language belongs to the Hokan language family.
- YOKUTS:** San Joaquin Valley and foothills in central part of the state; language belongs to the Penutian family.
- YUKI:** northwestern California; language, together with Wappo, forms one branch of the Penutian language family.
- YUROK:** along the Klamath River & on the Pacific Coast in far northwestern corner; belongs to Algonquian family.

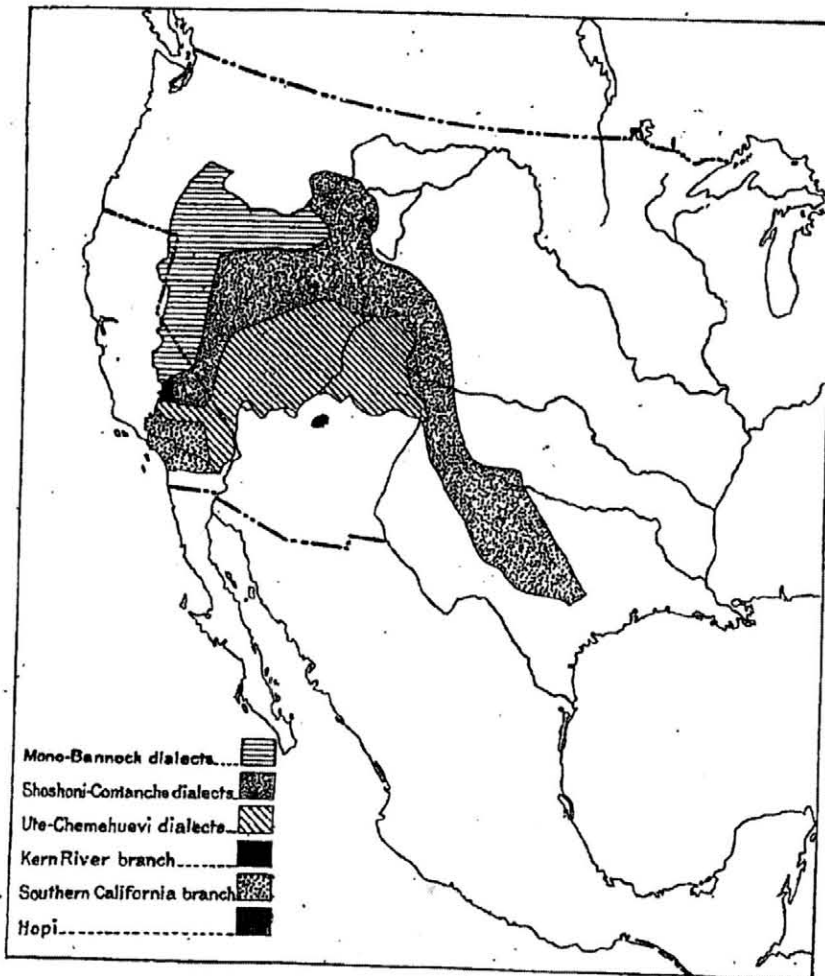
**TOP**

**CHRONOLOGY AND BRIEF DESCRIPTIONS OF THE SPANISH/MEXICAN PERIOD**

The Spanish/Mexican historical period lasted about 300 years from 1542-1848. Juan Rodriguez Cabrillo, an explorer, claimed the coast of Alta California as early as 1542. First



California Indian Library Collections



## SHOSHONIAN MOVEMENTS IN CALIFORNIA.

The languages of the southern California branch are sufficiently specialized to make it necessary to assume a considerable period for their development. This specialization could hardly have taken place without either isolation or alien contacts in a marginal loca-

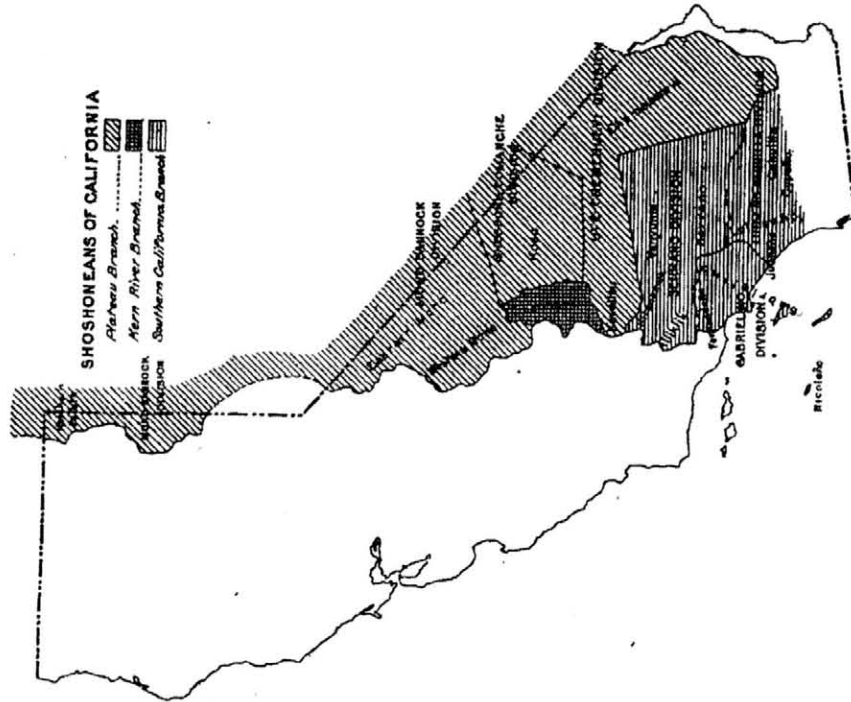


FIG. 51.—Shoshonian branches, divisions, and dialect groups in California.

tion, such as the branch is subject to now. Then, the ramifications of this branch imply a residence of some duration: there are three fully differentiated languages and a dozen dialects in southern California. How long it would take these to spring up it is impossible to say; but 1,000 years of location on the spot does not seem an excessive figure, and perhaps it would be conservative to allow 1,500

years since the Shoshoneans first began to reach the coast. The languages of the Yuman and Chumash peoples, whom the Shoshoneans have apparently split apart in their ancient shoreward drift, are so extremely different from each other now that this period is certainly the minimum that can be assumed for their separation.

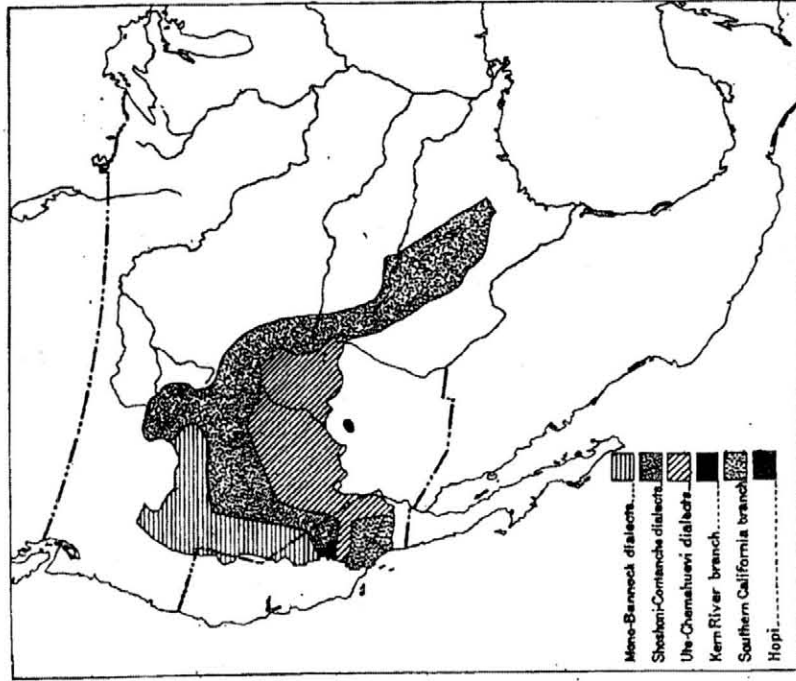


FIG. 52.—Clustering of Shoshonian divisions in California.

The little Kern River branch, being equally distinctive, would seem to demand a nearly equal antiquity in the vicinity of its present seats. This would involve a drift separate from the last, but a substantially simultaneous one. It is possible that the Kern River group, being a much smaller one, and therefore much more susceptible to foreign influences, reached its high degree of specialization in a somewhat shorter time.

#### IV. The Western Mono

##### Migration

One of the major language stocks in California has been labeled the Uto-Aztecan Stock. A movement of people of this language family into western California may have come after the movement of the Yokuts south into the San Joaquin Valley. Figure III.1 shows the distribution of this large stock in California. As can be seen, this stock, or language family, occupied an area from the northeast corner of the state to the southwest portion and even on to the islands off southern California. Outside of California, some of the tribes belonging to this stock in present North America are Comanche, Shoshone, Paiute, Bannock, Ute, and Hopi tribes. This language family stretched all the way to Panama and included the Aztecs of Mexico. It has been estimated that people from this language family reached the Los Angeles Basin about 1000 B.C. The Tubatulabal people of the upper Kern River area separated out from the other members of this language family about the same time. Some scholars have proposed that the center from which this linguistic group dispersed was in southeastern California. The warming of the climate prior to A.D. 1000 may have made southeastern California inhospitable to humans. There was a warming period between about A.D. 940 to about 1160 and also A.D. 1260 to 1350. People began to move north and east from this center into the Great Basin area about A.D. 1000. They also occupied the Owens Valley by about this same date.

At or slightly before A.D. 1500, Owens Valley Paiute came west over the Sierra and inhabited land that previously had been used by the Yokuts speaking people. In general they occupied sites in the upper foothills on the drainages of the San Joaquin, Kings, and Kaweah Rivers. We now call these people Monache, or Western Mono, and the Owens Valley Paiute are called Eastern Mono at times. Interestingly, an archaeological site on Big Dry Creek reveals minimum occupation until A.D.1300, when extensive midden deposits show very high use. Michael Moratto (1999, p.100) believes that this site may have been occupied by the Gashowu Yokuts. As was mentioned earlier, Moratto believes that the Yokuts tribes moved to higher elevations where there would be more water during long drought periods and then moved back towards the valley after the drought periods had ended, where there would be a greater abundance of food once again. This vacating of the upper foothills and mountains by the Yokuts Tribes opened them to habitation by the Western Mono. Once the Mono people were in place, they could not be dislodged by the Yokuts. The migration of the Mono over the crest of the Sierra may not have occurred all at once but, instead, various bands may have come over at different times and settled from the Kaweah River in the south to the drainage of the San Joaquin River in the north. Eventually the Western Mono would occupy territory on both sides of the drainages of the San Joaquin, Kings, and Kaweah Rivers. Because this migration happened just a few centuries ago, the Western Mono and the Eastern Mono speak the same language although there are dialect differences.

An interesting series of articles appeared in the "Sierra Star", in February of 1970, concerning a hostile interaction between some Paiute from the east side of the Sierra and some Chowchilla Indians. At one time Yokuts tribes that were north of the San Joaquin River were called Chowchillas (or Chawchilas), by the white settlers, whether or not they were of the Chukchansi or Chowchilla tribes. The description of the incident indicates





that the episode occurred in the Sierra foothills or mountains. The editor of the article states that the story comes from, "Facts handed down from generation to generation from Indians living in the country where this stirring event took place."

Apparently some Paiute men had come as far west as a certain village of the "Chawchila Tribe," but had not been met with kindness. The Chawchilas had chased off the Paiute who they looked on as trespassers and, in fact, killed some of the Paiute. The Paiutes were forced to retreat and went back to the east side of the Sierra, but they did not forget how they had been treated by the Chawchila Tribe. The following summer a large number of Paiute men made the trip west over the Sierra. One day (probably in the early morning) the Paiute, staying out of sight, completely surrounded the village. Two of the Paiute approached the village, yelled insults, and dared the men to come and fight. The village men, of course, grabbed their weapons and rushed towards the two Paiute. The surrounding Paiute then closed the circle and killed everyone in the village except for one woman, who hid in some rocks and escaped to a neighboring village once the Paiute had left. The story goes on to say that the country was now safe for the Paiute (now called Western Mono) to live there.

It is impossible to tell if this reported event actually took place, but the story does seem to have a plausible ring to it. It seems reasonable to expect that Paiute hunters, in the summer, would come west over the Sierra crest and explore the territory in the upper foothills. They could have come upon a village of Yokuts Indians who did not welcome this venturing into their territory and hostilities could have begun. Such activity would partially explain the animosity between the Paiute and the Yokuts tribes.

One time Thane and Margaret Baty (Western Mono) of Auberry went to Bishop to an Indian activity where Margaret heard two old Indian ladies (who lived near Bishop) talking to each other in the Owens Valley Paiute language. Margaret got close to them and realized that she could understand them, so she joined in on the conversation. The women asked Margaret where she was from and she told them Auberry. When Thane went over to the group, one of the women told Thane that his wife had found her people. A little later, Thane and Margaret visited the Bishop Indian Cultural Center where Thane asked one of the women if she knew the connection between Margaret's Western Mono Tribe and the Eastern Mono. The woman spoke up right away and said, "I know all about the Western Mono. You see my tribe chased them off a long time ago. They went to the west side of the Sierra and stayed there." Actually relations between the Western and Eastern Mono were quite amicable and much better than relations between the Mono and the Yokuts tribes before 1850. Margaret went on to say, "Indians here (Jose Basin) used to go over the mountain with their acorn flour and trade for pinyon, obsidian, and whatever they had."

#### **Jose Basin**

Margaret said that before 1850 the local Mono tribe lived back in Jose Basin. They were the tribe that some anthropologists and some members of the Yokuts tribes to the west called *Posgisa*. However, both they and the North Fork Mono called themselves *Nim*, which means people. The word Mono may possibly be a contraction of an earlier Yokuts or Southern Sierra Miwok word *Monache*.

Even though the area where the Mono lived was at an elevation of about 3000 feet, Jose Basin is back in the mountains quite a distance and is isolated. Imagine walking back to Jose Basin from Auberry without the roads that are available today. Because of this isolation, the Mono were left alone by the Spanish, the trappers, and even by most of the anthropologists until about 1850. At that date, as we have seen, the U.S. Government started making contact with all of the Yokuts tribes and with the Indians to the east of these tribes.

Jose Basin provided ample resources for these people. There was incense-cedar for their cedar bark houses, and black oak and blue oak (as well as interior live oak and valley oak if needed) for acorns. Like the Indians to the west, the Mono had a strong preference for black oak acorns. There was ample water in the many springs and Jose Basin Creek usually ran year round. Various basket materials were present, as well as many shrubs with edible berries. There was also an abundance of quail, rabbits, squirrels, and deer. In the fall the men could walk down to the river and spear salmon, while in the spring part of the tribe would migrate to the higher mountains to follow the deer and to gather food in the developing meadows.

### Trade

In the summer months the Western Mono would trade with the Paiute. Usually the Paiute would come west to trade and meet the Mono on the west side, but at times the Mono would take trade goods to the east of the Sierra crest. At first, of course, the Mono, walked, but later they used horses. Margaret Baty said, "Sally Joaquin (who lived just east of Jose Basin) used to go on horseback, with some others, and would take acorns and whatever they didn't have on the other side and would trade for pinyons and whatever. She had relatives over there and she went in the summer time. They (the Western Mono and Paiute) had a meeting place up there on the other side of Shaver where Indians from this side would trade with those from the other side."

In California most of the trading occurred in an east-west and not in a north-south direction. This is due to the fact that the natural environment changes a great deal in the east-west direction but changes only gradually in the north-south direction. The Chumash and Salinan Tribes, who lived in the coastal zone, traded with the Valley Yokuts in the valley environment. The Valley Yokuts would then trade with the Foothill Yokuts in the foothill zone, who would then trade with the Western Mono in the Ponderosa Zone, who would in turn trade with the Paiute of the Great Basin area. This east-west direction of trade was very useful, as it allowed a tribe to obtain materials which were not found in its own environment.

A study done by James Davis (1961:11) placed the trade items in seven categories. Shown below are these seven categories; the first category lists the items that were most frequently traded, with this frequency decreasing to the last category. A few specific items have been included in each category which are known to have been traded by the Paiute, Mono, and Yokuts.

Food and Tobacco - acorns, fish, pine nuts, salt

Beads and Shell Products - glass beads, steatite beads, clamshell disk beads, and tubular shell beads

Manufactured Goods - baskets, bows, stone arrowheads

Raw Materials - obsidian, red paint

Clothing and Textiles - rabbit skin blankets, buckskin, moccasins

Feathers and Birds - woodpecker scalps

Miscellaneous - human slaves

Anna Gayton (1948:56) gives the following description of trade between the Paiute and the *Wukchumni* Foothill Yokuts:

"In the late summer, when the mountain passes were open, they (Paiute) came over bringing sinew-backed bows, moccasins, rock salt, pine nuts, jerked deer meat, and pine wood 'hot-rock lifters,' to sell. They wanted money and fine Yokuts baskets in exchange. There was an undercurrent of hostility between the Monachi (Paiute) and the Yokuts and these traders were often accompanied by Waksachi or Patwisha (Western Mono) as an assurance of a cordial reception. They never went further west than to the Gawia and Yokud (Foothill Yokuts Tribes), and four days to a week would be the extent of their stay. Women as well as men came on these trading trips, and occasionally one would stay the winter, acquire a man if she could, but return to the eastern side of the mountains the following year. The *Wukchumni* and other foothill Yokuts did not go across the Sierra Nevada to trade. After the intrusion of white settlers the eastern side of the mountains was used as a refuge by Yokuts in flight from white persecution."

Anna Gayton further mentions that when the Paiute traded with the *Wobonuch* Western Mono, who lived along Mill Flat Creek near the Kings River, about ten Paiute would come in July. Because of snow and cold, the Sierra is not hospitable from about October through June. She claims that the Paiute and the Western Mono moved quite freely within each others territory. Gayton (1948:160) also states:

"In spite of the somewhat inimical relations with the Eastern Mono, a lively trade was carried on between Yokuts (Kechayi, Gashowu, ?) and Mono to exchange the products, natural or manufactured, of the valley and mountain regions. In this trade the Western Mono, Posgisa, etc. were the middlemen. The Eastern Mono came over as far as Auberry, bringing rabbit skin blankets, moccasins, rock salt, red and blue paint, and pine nuts. In exchange they received acorns, willow bark baskets, and bead money. The middlemen had received the bead money in payment from the foothill Yokuts, who, in turn, got it from the valley Yokuts in exchange for deer meat, oak wood, and stone mortar and pestles, all of which were lacking in the lower lake and barren northern valley region."

The above quote was slightly modified for clearness. It is interesting that the Western Mono were used to insure peace. Gaylen Lee of the North Fork Western Mono (Nim) has said that his tribe on occasion would kidnap young Yokuts girls and trade them to the Paiute. One can understand why there was tension between the Yokuts and the Western Mono and Paiute tribes.

## CHAPTER 40.

### THE PAIUTE, MONO, AND KOSO.

THE NORTHERN PAIUTE: Nomenclature, 581; the Great Basin culture, 582; the two ghost dance waves, 583; tribal data, 584. THE MONO: Designations, 584; eastern and western Mono, 585; western Mono divisions, 585; eastern Mono territory, 586; numbers, 588; culture, 587; totemic grouping, 587; other notes, 588. THE KOSO OR PANAMINT: Connections, 589; habitat and population, 589; manufactures, 590; subsistence, 591.

#### THE NORTHERN PAIUTE.

##### NOMENCLATURE.

The northeasternmost corner of California is held by a Shoshonean people who popularly are known by the blanket term "Paiute." People of the same speech and very similar customs occupy the adjacent parts of Nevada, in fact the whole northwestern third of that State; the majority of the eastern half of Oregon; roughly the southern half of Idaho; and they extend southward along the eastern border of California, except for the local interruption of the Washo, for 800 or 400 miles. In Nevada and Oregon they are called Paiutes; in central California sometimes by this term and sometimes Mono; in Idaho they are the Bannock. The form of speech over this vast stretch is, however, virtually identical: minor dialects may be numerous, but intelligibility prevails throughout. Mono-Bannock is perhaps the generic designation least open to confusion. Paviotso is the term of the Shoshoni proper for the Nevada members of the group, but, like Mono and Monachi, is too limited in its application to serve for the entire Mono-Bannock body without producing opportunity for error.

The unqualified term "Paiute" is unfortunate because it refers to two quite different peoples, both indeed Shoshonean, and Plateau Shoshonean at that, but of quite distinct divisions. The other Paiute are in southern Utah, southern Nevada, and southern California. Their affiliations are with the Ute and Chemehuevi, and their speech is divergent enough from that of their northern namesakes to be at first contact mainly unintelligible, at least as connected discourse.

As a matter of fact, the Mono-Bannock and Ute-Chemehuevi divisions seem nowhere to be even in contact, Shoshoni-Comanche

tribes intervening from California to Colorado. The distinction between Southern Paiutes and Northern Paiutes will therefore be rigidly adhered to hereafter whenever the term is used at all. For the former term, Chemahuevi is a customary and convenient synonym in southern California. For the latter, "Mono" occupies a similar position in central California. Only the Northern Paiute in northern California have no alternative epithet. Paviotso originated in eastern Nevada, and is locally unknown in California. The northwestern Maidu call the Northern Paiute near them Monozi or Mona, which are evidently forms of Monachi and Mono. This very fact of its being a related name for a related people would make Monozi a desirable designation were it not that Mono has become so definitely identified with the central Californian Shoshoneans of the same division that its extension, even in slightly altered form, to a people several hundred miles distant would be certain to cause confusion. For our northeasterly Californians, then, the unwieldy designation "Northern Paiute" seems to remain as the only safe one.

The only other native ethnic name known for the Northern Paiute is Toloma, applied by the northeastern Maidu.

#### THE GREAT BASIN CULTURE.

These people should be described in connection with those of Nevada and Oregon, of whom they constitute a minute peripheral fraction. They can, in fact, not be described here because nothing of any significance is known of them, and little of moment of their main body to the east. Their country was un-Californian. What has been said before of Great Basin tribes that belong to California unnaturally and only through the courtesy of arbitrary political lines is particularly applicable here. The land is one of sagebrush and cedar, as what appears to be really a juniper is currently called. The acorn of California has vanished. The true pine nut takes its place only in a measure. The soil is desert, the mountains rocky, with timber in spots. Lakes are numerous, but they are evaporation pools, swampy sinks, or salt basins. Streams run only in the mountains, and flow nowhere. The outlook is wide of necessity, the population scant, travel and movement almost enforced. The Californian self-chaining to a short compass, with a dim gloom everywhere beyond, is impossible. But, to compensate, subsistence is slender and a constant makeshift. There may be leisure indeed, but it is an intermittent idleness, not the occupied and productive luxury of well-fed times. The imagination has little occasion for flight; or when the opportunity arises, there is but scant stimulus

the concrete basis of life. Customs, therefore, remain rude. They are too flexible to bear any ramifying elaboration. Ritual, symbolism, and art, attain little intensity, and monotonous simplicity takes the place of a rich growth. Where an activity specializes, it develops in isolation, and fails to merge or expand into a broad scheme: eagle hunting, shamans' singing, mourning customs fix the attention, not an assemblage of the gods or a coordinated series of rites. The very poverty of Nevadan native civilization endows it with an interest. Its numberless little but crudely effective devices to struggle along under this burden, its occasional short plunges here or there, contain a wealth of significance. But we can only glimpse the cultural story from bits of stray knowledge. Its import and force can scarcely be mistaken; but the episodes that make the real life have never been assembled.

We must leave the Northern Paiute of our northeasterly angle of California to some future historian of the bordering States. That they had much in common with their Maidu and Achomawi neighbors in the detail of their existence can not be doubted. But it is equally certain that in other respects they were true Basin people, members of a substantially homogeneous mass that extended eastward to the crest of the Rockies, and that in some measure, whether to a considerable or a subsidiary extent, was infiltrated with thoughts and practices whose hearth was in the Plains beyond. Several traces of this remote influence have already been detected among the Achomawi.

#### THE TWO GHOST-DANCE WAVES.

It was a Northern Paiute, though one of Nevada, Jack Wilson or Yavuka, who in 1889 in his obscurity gave birth to the great ghost-dance movement; and before him his father, or another relative, about 1870, originated a similar wave, whose weaker antecedent stimulus carried it less far and scarcely impressed the American public. In both cases the fringe of Northern Paiute whom we hold under consideration were involved with the main body of their kinsmen to the southeast, and passed the doctrine westward, the first time to the Maidu, the second to the Achomawi. The later and greater agitation jumped there: the California Indian inside the Sierra had long since given up all hope and wish of the old life and adapted himself to the new, civilization that engulfed him. But in the early seventies less than 25 years had passed since the pre-American days of undisturbed and undiluted native existence. The middle-aged Indian of northern California had spent his early years under such conditions; the idea of its renewal seemed not impossible; and its appeal to his imagination was stirring. From Klamath Lake the doctrine was carried to the Shasta; from them they spread to Karok,

Yurok, and Athabascan tribes. The doctrine, taking new forms, but keeping something of its kernel, worked its uneasy way about and somewhere was carried across and up the Sacramento Valley, until, among the Pomo and southern Wintun, it merged with the old religion, crystallized, and remains to-day a recognizable element in ceremonial.

#### TRIBAL DATA.

The band of Northern Paiute of Surprise Valley and on Upper, Middle, and Lower Alkali Lakes, south of Fort Bidwell, were the Kaivanungavidukw. To the north, around Warner Lake in Oregon, but ranging southward toward to Fort Bidwell, were the Tuziyammo, also known as Ochoho's band. The Honey Lake group were the Waratika or Wadatika, the "*wada*-seed eaters." East of these, over the State line, the Smoke Creek region seems to have belonged to the Kuyul-dika or "sucker-eaters," the Pyramid Lake people or Winnemucca's band. (Pl. 87.)

The California limits of the Northern Paiute are not quite certain. The doubts that exist have been aired in the foregoing discussions of Achomawi, Atsugwi, and Maidu. The present population appears to be in the vicinity of 800. It probably never exceeded double this figure.

#### THE MONO.

##### DESIGNATIONS.

After the alien Washo have been passed in a southward journey along the eastern base of the Sierra Nevada, Mono-Bannock people are again encountered. They can now be named Monos with little fear of misunderstanding.

The word Mono means "monkey" in Spanish, but this signification, some guesses notwithstanding, can be eliminated from consideration of the origin of the term. So can a Yokuts folk etymology, which derives it from *monai*, *monoyi*, "flies," on the ground that the Mono scaled the cliffs of their high mountains as the insect walks up the wall of a house. *Monachi* is the Yokuts term for the people, corresponding to Miwok Mono-k, and to Maidu Monezi for the Northern Paiute. It is a meaningless name. The subtraction of the tribal suffix *chi* leaves a stem of which a Spaniard could hardly have made anything but Mono. Whether the Yokuts originated the word, or whether it comes from some Shoshonean or other source, is not known. The Mono call themselves only *Nimti*, which means no more than "persons."

Besides *Monachi*, the Yokuts call the western Mono Nuta'a (plural Nuchawayi), which, however, is only a directional term meaning "uplandera," and therefore generally easternera. That it is not a true ethnic term is clear from the fact that Garcés, in 1778, used the same name, in the form *Noche*, for the southern foothill Yokuts themselves. *Malda* is a specific southern Yokuts term for the Kern River Shoshoneans, and perhaps for all members of the family.

The eastern Mono of Owens Valley are called by themselves or their kinsmen Pitanakwat, which probably means "pine-nut-eaters," after a system of tribal or band nomenclature that prevails over much of Nevada and the surrounding Shoshonean regions. The Kern River Tübatulabal call the eastern Mono, Yiwinanghal; the western Mono, Winanghatal.

#### EASTERN AND WESTERN MONO.

The bulk of Mono territory and population is still in the Great Basin; but a branch is established in the high Sierra, at least in its marginal, permanently habitable portion, from which they look down on the foothill and valley Yokuts. The upper San Joaquin, Kings, and Kaweah comprise this domain, in which all the pine forest, and some stretches below it, are Mono. The dialect east and west of the huge crest is not identical, but appears to be remarkably similar considering that the two parts of the people have only their backs in contact—if contact it be with one of the earth's greatest walls between—and that their outlooks are opposite. The western, cis-Sierra, truly Californian Mono can hardly, therefore, have come into their present seats very long ago, as the historian reckons; and they are certainly newer than their neighbors, the Tübatulabal of Kern River, or the southern Californians of the same family. Both the western and the eastern halves answer to the name Mono, and the Yokuts call them both Monachi.

#### WESTERN MONO DIVISIONS.

The western Mono have several distinctive names applied to them by the Yokuts. It is not clear whether the Mono themselves employ these, or equivalents; nor whether, as the names might indicate, the Mono have borrowed the tribal organization of the Yokuts, or the latter merely attribute their own political unity to each Mono group to which its habitat gives a topographic unity.

On the North Fork of the San Joaquin, close to the Chukchansi, Dalinchi, and half-mythical Toltichi, as well as the uppermost of the southern Miwok on Fresno River, was a Mono band that survives in some strength to-day, but for which no "tribal" name is known.

South of the San Joaquin, on Big Sandy Creek, and toward if not on the heads of Little and Big Dry Creeks, were the Pogsisa or Poshgisha. Their Yokuts neighbors were the Gashowa.

On a series of confluent streams—of which Big, Burr, and Sycamore Creeks are the most important—entering Kings River above Mill Creek, were the Holkoma. Towlncheba has been given as a synonym and Kokoheba as the name of a coordinate neighboring tribe, but both appear to be designations of Holkoma villages.

At the head of Mill Creek, a southern affluent of Kings River, and in the pine ridges to the north, were the Wobonuch. Their Yokuts associates were the Michahal, Chukaimina, and Entimbich. In regard to the latter there is some confusion whether they are Yokuts or Mono.



WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Sophia Albarca Organization/Tribe/Agency: Enterprise Rancheria

Address: 23733 Ave 91 Madera, CA

|  |        |
|--|--------|
| Comment: <u>I am a tribal member of Enterprise Rancheria, off-reserve support North Fork Rancheria. I am also a born resident of Madera. I believe that with the project mader area will be able to prosper + provide hundred of jobs to the area, bringing are unemployment ratios down. I would also bring money to our education. Madera, CA just →</u> | I-98.1 |
| Phone: <u>709-2013</u> Email: <u>dapyscaj@yahoo.com</u>  | I-98.2 |
| Place me on the mailing list? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  | I-98.3 |

Please give to attendant, drop in Written Comment Box, or mail to: John Ryzdzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2830 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

I-98.3  
cont.

cut \$9 million dollars to our schools. We  
are losing teachers & with out our teachers how  
do we expect our children to ~~prosper~~, prosper &  
succeed. I also work as an employment & training  
worker for Madera County & see first-hand the  
lack of employment the Madera has.

I-98.4

### WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Earlene Keller Organization/Tribe/Agency: NE Mono Rancheria

Address: P.O. Box 473 Bass Lake Ca 93604

Comment: Madera County needs the Revenue! We need to have our chance supporting our people providing income for our County & State. My daughter & grandchildren would have a better future.

I-99.1

Phone: 559-658-8256

Email: ekc@aol.com

Place me on the mailing list? Yes  No:

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project"

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(Please write legibly)

Name: Victor Williams Organization/Tribe/Agency: Mono North Fork

Address: 1105 Dav's St. Madera, Ca

Comment:

I support the Casino

Phone: 416-3388

Place me on the mailing list? Yes  No: \_\_\_\_\_

Email: \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

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(Please write legibly)

Name: PO Jones Organization/Tribe/Agency: North Fork

Address: PO Bx 892 Los Banos Ca 93635

Comment: Our Tribe lost our Reservation ground in the 50s if a tribe lost there probably more should be allowed to be built casinos well be a great asset to our tribe for

Phone: 209 587-1689 Email: \_\_\_\_\_  
Place me on the mailing list? Yes \_\_\_\_\_ No: 6

Please give to attendant, drop in Written Comment Box, or mail to: John Ryzak, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

STATE OF CALIFORNIA

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

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(Please write legibly)

Name: ~~Mari~~ Crockett Organization: ~~Tribe~~ Agency: North Fork

Address: P.O. Box 892 Las Ranos CA 93635

Comment: I feel that this location will better the air quality because it is closer to the Central Valley. Also less distance to drive

I-102.1

Phone: ~~(209) 509-9770~~ (209) 509-9770  
Place me on the mailing list? Yes  No:   
Email: ~~lilmari@yaho.com~~ lilmari-jones@yahoo.com

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

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(Please write legibly)

Name: Robert MAHLS Organization/Tribe/Agency: North Fork

Address: 209 N STREET MADISA, CA 93637

Comment: O. the than the power point presentation also working meetings was very informative than a year

I-103.1

Phone: 674-2012 Email: tunanner@yahoo.com  
Place me on the mailing list? Yes K No:     

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

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(Please write legibly)

Name: ALFRED ROMERO Organization/Tribe/Agency: NORTH FORK TRUC.

Address: 4130 E. ALTA FRES CA 95709

Comment: NORTH FORK RANCHERIA RESERVE THE SAME OPPORTUNITY AS THE OTHER TRIBES IN MADERA & FRESNO/CONTRIE TO DEVELOPE & PROSPER THEIR HERITAGE I FULLY SUPPORT THIS PROJECT 100%

Phone: (559) 251 8090 Email: \_\_\_\_\_  
Place me on the mailing list? Yes  No: \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Ryzdzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".



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(Please write legibly)

Name: Tricia Barnes Organization/Tribe/Agency: North Fork

Address: 933 Gary Ave Sanger ca 93657

Comment: I support the casino project yes because my grand father was part in a reservation at west fence of river received money for it so did my dad. I would also be a great opportunity for many people who are looking for employment.

Phone: 803 2674

Place me on the mailing list? Yes  No

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(Please write legibly)

Name: Matthew Johnson Organization/Tribe/Agency: Meeco

Address: 1143 Elm Ct Hanford CA 93230

Comment: PS I grew up where all family from the city in hills an then some so lets not forget that and stand by one another in these times just like we did back then. And I support this casino. And other ones that come.

Phone: 559 582-6015 Email: \_\_\_\_\_  
Place me on the mailing list? Yes  No: \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Ryzak, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

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(Please write legibly)

Name: Kathy Hove Organization/Tribe/Agency: Cherokee Lipcard

Address: 132 Deborah Way, Chowchilla, Calif 93660

Comment:

I am a registered Cherokee tribal member. I highly support this project. I also have a group of two 9 holders who were Cherokee to hold this project.

Phone: 559-665-1958 Email: phove@allme  
Place me on the mailing list? Yes  No

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".

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(Please write legibly)

Name: Patricia Bernard Organization/Tribe/Agency: North Fork Mono Rancheria

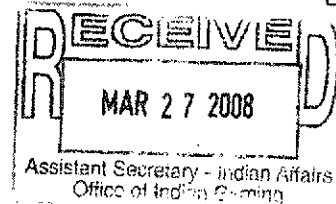
Address: 22182 Madera Ct Madera Ca 93638

Comment: This Casino Project will benefit Madera Co with:

- 1. Jobs
- 2. Schools
- 3. Law Enforcement & Fire Dept.
- 4. North Fork Mono Rancheria Citizens

Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Place me on the mailing list? Yes \_\_\_\_\_ No: X

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".



March 6, 2008

Carl J. Artman,  
 Assistant Secretary, Indian Affairs  
 1849 C. Street, NW, Room #4160  
 Washington, DC 20240

Dear Mr. Artman,

The **Picayune Rancheria of the Chukchansi Indians** requests your support in requesting the U.S. Department of Interior to reject the proposed acquisition of a 305 acre parcel into trust for the North Fork Rancheria. The proposed gaming acquisition would be utilized to construct a Stations Casino of undisclosed size far from their aboriginal territory and their restored Rancheria. Of greatest concern is that the proposed site is adjacent to Highway 99, one of the two main North-South thoroughfares in the State of California.

This is an unprecedented attempt in the Central Valley of California. All of the gaming tribes in the region thus far have constructed casinos on their reservation lands, in rural areas, a significant distance from the major population centers. The North Fork Rancheria has viable gaming sites on or near its reservation, within its ancestral homelands. The only reason for this move is to increase gaming revenues by locating the casino near more people. This sets a dangerous precedent for Indian gaming in California.

The non-Indian speculators behind these off-reservation schemes have no concern for the long-term consequences for California's tribes. The North Fork Rancheria, a Mono tribe, has by this gaming acquisition attempted to leap-frog over the traditional territory of the Chukchansi people, into the traditional territory of the Chowchillan people. The guidance set forth by the Department of the Interior on January 3, 2008 does little to assist our region. There are seven tribes all located within what could be considered "commutable" distance from each other. The inevitable result of an approval of the proposed acquisition by the North Fork Rancheria would be a great incentive for all seven local tribes to move their gaming establishments closer to the major population centers of the area, leap-frogging over each other willy-nilly in an attempt to increase their revenues.

This precedent isn't just dangerous in the Central Valley of California. North of San Francisco there are over 15 tribes that could attempt to move closer to the Bay Area in search of higher gaming revenues, based on the fact that they can commute to a new site from an existing reservation. The same is true in Southern California, where over two dozen tribes could begin jumping over each other in order to get closer to the major population centers of Los Angeles and San Diego.

The practice of non-Indian investors encouraging tribes in California to look outside their historical lands for placement of casinos is one of the biggest potential threats to the public's long-term goodwill towards tribal gaming. This goodwill was exemplified by the strong votes in favor of Propositions 5 and 1A, which granted exclusive rights for casino gaming to California tribes, and more recently, against Proposition 68. The continuation of this franchise ultimately depends on retaining support from the voting public of California. Tribes moving from their

I-109.1

I-109.2

existing reservations and their ancestral territories to a busy freeway site for the sole purpose of increasing their revenues and further enriching a Las Vegas investor destroys the goodwill of the Californians.

I-109.2  
cont.

For these reasons, the **Picayune Rancheria of the Chukchansi Indians** requests your support. Please convey your objections to this proposed gaming acquisition by the North Fork Rancheria to **Cari Artman, the Assistant Secretary for Indian Affairs, the United States Department of the Interior**. Please join us in insisting that the North Fork Rancheria locate their proposed gaming facility on or near their reservation, within their ancestral territory.

I-109.3

Sincerely,



Tribal Member

Picayune Rancheria of the Chukchansi Indians

Draft EIS Hearing Transcript

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REPORTER'S TRANSCRIPT OF  
NORTH FORK RANCHERIA OF MONO INDIANS FEE-TO-TRUST  
AND CASINO/HOTEL PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
PUBLIC HEARING

---oOo---

DATE: Wednesday, March 12, 2008  
TIME: 6:00 p.m.  
LOCATION: Madera District Fairgrounds  
Hatfield Hall  
1850 West Cleveland Avenue  
Madera, CA 93637  
REPORTED BY: Peter D. Torreano, CSR, CRR  
Certified Shorthand Reporter  
License Number C-7623



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A P P E A R A N C E S:

Bureau of Indian Affairs Panel:

Bureau of Indian Affairs, Pacific Regional  
Office  
By: JOHN RYDZIK, Chief of the Division of  
Environmental, Cultural Resource Management  
And Safety  
2800 Cottage Way  
Sacramento, CA 95825

Bureau of Indian Affairs, Pacific Regional  
Office  
By: VALERIE THOMAS  
2800 Cottage Way  
Sacramento, CA 95825

Bureau of Indian Affairs, Pacific Regional  
Office  
By: PATRICK O'MALLAN, Environmental  
Protection Specialist  
2800 Cottage Way  
Sacramento, CA 95825

Analytical Environmental Services, Inc.  
By: CHAD BROUSSARD, Associate  
1807 Seventh Street  
Sacramento, CA 95811

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1 Madera, California

March 12, 2008

2 P R O C E E D I N G S

3 MS. THOMAS: Okay. Welcome to the Bureau of  
4 Indians Affairs on the North Fork Rancheria of Mono  
5 Indians public hearing for the proposed fee to trust  
6 and proposed casino project draft environmental impact  
7 statement.

8 My name is Valerie Thomas and I'm an  
9 environmental protection specialist with the Pacific  
10 regional office of the Bureau of Indian Affairs. The  
11 BIA is a bureau within the Department of the Interior  
12 which is a

13 Department of our Federal Government. I'll be  
14 your facilitator this evening at this public hearing.

15 I'd also like to introduce my supervisor at  
16 this time, John Rydzik. He is our regional  
17 environmental scientist in charge of the Division of  
18 Environmental, Cultural Resource Management and  
19 Safety. And also Patrick O'Mallan to my right who is  
20 our fee to trust and NEPA coordinator also based out of  
21 our Sacramento office.

22 We also have some cooperating agencies I'd  
23 like to recognize at this time as well. Please  
24 don't -- I don't know if anybody from the EPA is here  
25 yet, but they are a cooperating agency.

1           We also have the City of Madera, the Madera  
2 Irrigation District and the National Indian Gaming  
3 Commission. And I know that Brad Mehaffy, the NEPA  
4 coordinator, is here to my right.

5           Thank you, Brad.

6           Okay. Thanks. We're also pleased to know  
7 that we have in attendance tonight many governmental  
8 leaders and we are pleased to know that. Because there  
9 are so many I'm going introduce them individually at  
10 the beginning of the formal testimony period. Normal  
11 protocol would say that I would introduce them first,  
12 but we can't do that tonight.

13           Okay. Just some quick logistics before we get  
14 started. The bathrooms are at the back of the hall.  
15 Females to my right in the back here and males to the  
16 left. The emergency exits -- and I'm going to sound  
17 like a stewardess. All right?

18           There's four emergency exits, two on the left  
19 and two on the right -- okay? -- and one in the back.  
20 So if we need to exit quickly because of an earthquake  
21 or something, please exit quickly but calmly out to  
22 those exits. Thanks.

23           Okay. Let's talk a little bit about the  
24 purpose of why we're here tonight. We're here to  
25 conduct a public hearing on the draft environmental



1 impact statement for the proposed fee-to-trust land  
2 acquisition of approximately 305 acres and subsequent  
3 development of a casino and hotel for the North Fork  
4 Rancheria of Mono Indians, a federally recognized  
5 tribe, located near the City of Madera in Madera  
6 County, California.

7 If you're unfamiliar with the site location,  
8 we have them posted in the back and also in your  
9 handouts there is a picture that you should be able to  
10 get a feel for.

11 I'm going to commence with a few procedural  
12 matters. We'll then present a short informational --  
13 well, it might not be a PowerPoint anymore, but  
14 Chad Broussard from Analytical Environmental Services,  
15 our contractor for the EIS, will give a short  
16 informational program and then it will be followed by  
17 public testimony. That public testimony will be led by  
18 our governmental officials, governmental leaders.

19 Again, the purpose of our hearing tonight is  
20 to receive input as to what you, the public, believe  
21 are the substantive issues that you feel have or have  
22 not been addressed in the draft environmental  
23 document.

24 With that in mind, please understand that once  
25 we enter into the formal hearing portion -- all

1 right? -- there will be no question-and-answer period,  
2 nor will this be a forum for debate. You will have the  
3 opportunity to tell us what environmental issues are  
4 important to you and what you feel needs to be  
5 addressed and analyzed more completely.

6 After this meeting we're going to review  
7 comments, prepare responses and revise the documents  
8 where necessary to produce the final environmental  
9 impact statement. You can receive a -- you will be  
10 able to receive a copy by being here tonight and  
11 signing up or sending a letter requesting to be on the  
12 mailing list or giving public testimony and giving us  
13 your name and address tonight when you come up to the  
14 podium.

15 Any substantive comments that we receive  
16 during the comment period, which includes this meeting  
17 here tonight, will be addressed in the final document.  
18 And I want to reiterate that the comment period ends 31  
19 March of this year.

20 Okay. So what's the next step? The next step  
21 is going to be that we'll publish the final  
22 environmental impact statement. Right now we don't  
23 know when that will be available for public review as  
24 the timing is dependent on the quantity and the nature  
25 of the comments received during this comment period.

1           A record of decision, which we call a ROD,  
2 will be issued after the 30-day final environmental  
3 impact statement review period.

4           Okay. At this point I need to explain that  
5 we're going to take speakers in order which they were  
6 submitted with the exception of our governmental  
7 leaders and their representatives who we will  
8 acknowledge by name.

9           I respectfully ask everyone including the  
10 governmental speakers to confine their remarks to three  
11 minutes so that all may have an opportunity to speak.

12           Time permitting after all the speakers have  
13 had that opportunity we will then ask anyone who feels  
14 that they've been cut short or have new information to  
15 add to come up for an additional three minutes.

16           We'll also require you to come up to the  
17 podium and speak clearly into the mic to us so that it  
18 will help our court reporter and so that we will be  
19 able to hear you and understand what your issues are.

20           If you have written comments, we will accept  
21 them here tonight at your convenience or you can mail  
22 them into us before the end of the comment period which  
23 is 31 March.

24           All right. To best participate in this formal  
25 hearing process we're going to offer the following

1 recommendations which I like to call the ground rules.  
2 If you can summarize your main points within the  
3 three-minute public speaking period, that would be  
4 great. You'll be able to gauge your time with our  
5 stoplight timer which Pat is going to have for you.  
6 Your details are best provided in written format and  
7 we'll be happy again to collect them at any time within  
8 the comment period.

9           Please avoid personal attacks. We realize and  
10 understand the strong feelings of pro and con on this  
11 proposed project and the best opportunity to state your  
12 views convincingly is through a brief factual  
13 presentation. And we know human nature being as it is  
14 there may be periods where you want to clap or not, but  
15 remember that the court reporter has to listen to what  
16 you're saying. And so if we call up another person  
17 while you're still clapping it will be hard for him to  
18 understand. So, please, please honor that and  
19 recognize that that's why we're saying that.

20           Okay. Finally, you know, it's okay to  
21 disagree. The key to do it is in the manner of mutual  
22 respect to let everyone who comes up to speak tonight  
23 to be able to do so in an atmosphere free of  
24 animosity.

25           And then one final matter prior to our

1 speakers. When you're called to speak please restate  
2 your name for the reporter. We'll be preparing a  
3 transcript of this hearing. So they need to know  
4 that. And if you don't, I may have to interrupt you  
5 and ask you to speak your name. So please don't take  
6 that as criticism.

7           Okay. So because we have a few speakers  
8 tonight who have to go to other meetings -- in fact,  
9 they are starting -- one already started at 6:00 --  
10 we're going to ask that our first speaker be Steve  
11 Mindt who is our city councilman.

12           Steve, could you come up to the podium,  
13 please.

14       **S-1** MR. MINDT: Good evening. My name is Steve  
15 Mindt and I'm a member of the community, a local  
16 businessman, a Madera City Councilmember and the past  
17 mayor. I'm here tonight to express my support for the  
18 North Fork Rancheria Casino and Resort project.

19           In 2006 I was a member of the City's  
20 negotiating team that resulted in a memorandum of  
21 understanding with the North Fork Rancheria Indians of  
22 California. During numerous negotiation sessions, I  
23 found that the tribe's negotiating members conducted  
24 themselves with the utmost in professionalism and  
25 unwavering concern for the local community. The

S-1.1

1 negotiations resulted in a proposed agreement including  
2 \$9.4 million in a one-time contribution and annual  
3 contributions over a million dollars.

4           The million dollar annual contributions will  
5 cover additional law enforcement personnel,  
6 improvements to the local transit system, funding for  
7 our downtown, and additional funding of the city's  
8 general fund.

9           The \$9.4 million in one-time contributions  
10 will cover the capital costs associated with the  
11 addition of the law enforcement personnel, the costs of  
12 a specific plan update for the area in close proximity  
13 to this project, traffic mitigation costs, two and a  
14 half million dollars towards much-needed improvements  
15 to our local municipal golf course and \$2 million to  
16 benefit the Madera East Side Youth recreational  
17 improvements.

cont.  
S-1.1

18           It should be pointed out that this MOU has a  
19 total value in excess of \$30 million to the City alone  
20 and does not include the value of the MOU for the  
21 County of Madera or other agreements. It also does not  
22 include the economic impact of nearly 4,000 jobs that  
23 will be created of which sixteen to eighteen hundred  
24 will become permanent jobs. The projected payroll and  
25 benefits of these jobs are estimated at fifty to sixty

1 million dollars.

2 With a current unemployment rate of 9 to 13  
3 percent, this project will yield improvements to the  
4 economic vitality of our community.

cont.  
S-1.1

5 The City Council of Madera voted unanimously  
6 on October 18th, 2006 with a vote of 5-0 to affirm this  
7 MOU with the North Fork Rancheria Indians of  
8 California.

S-1.2

9 With that, I thank you very much for taking my  
10 testimony.

11 MS. THOMAS: Thank you, sir. I appreciate it.

12 Our next speaker then is Gary Svanda, also  
13 with the City of Madera.

14 **S-2** MR. SVANDA: Members of the committee, my name  
15 is Gary Svanda and I reside at 173 North Park Drive  
16 here in the City of Madera. I'm a business owner,  
17 former mayor, and currently a city councilmember for  
18 the City of Madera.

19 I have personally been involved with the tribe  
20 and this project from the inception, and the overall  
21 process has been a model for development projects. I  
22 would describe it as constructive, collaborative and  
23 transparent.

S-2.1

24 The proposed North Fork Rancheria has  
25 successfully, as Steve has stated, completed MOUs with

1 both the County and the City of Madera. They have the  
2 support of the home business chambers of commerce all  
3 throughout the county as well as more than 5,000 local  
4 citizens, businesses and civic groups.

cont.  
S-2.1

5 Most of the citizens of our region already  
6 know a lot about this project because this tribe has  
7 spent about five years reaching out to the community to  
8 discuss how it could make this project the best  
9 possible for Madera and the San Joaquin Valley. The  
10 tribe met with nearly 80 different groups over the past  
11 several years. The project gathered community input  
12 and support.

13 I know of no other commercial, industrial or  
14 housing development that has come even close to meeting  
15 these standards. This project represents an  
16 opportunity that we have never had in the past nor may  
17 not have in the future. Our city, our county and our  
18 entire area needs the change that this development  
19 represents.

S-2.2

20 Thank you so much for taking our time and your  
21 time to listen to our testimony.

22 MS. THOMAS: You're welcome, sir. Thank you.

23 I'd like to ask Sheriff John Anderson, if you  
24 could step up to the podium, please, sir.

25 **S-3** SHERIFF ANDERSON: Good evening, members of

S-3.1



1 the Bureau of Indian Affairs, and welcome to Madera  
2 County. Thank you very much for allowing me to come up  
3 here and speak tonight and moving me up in the agenda  
4 to avoid my commitment.

5 I'd like to start off by saying I'm neither a  
6 proponent or opponent of the casino, but what I will  
7 say is that for the past 20 years I've dealt with  
8 Indian gaming in the Central Valley here in  
9 California.

10 The last 14 years I was on the California  
11 Highway Patrol. In the nine counties that I worked in  
12 as a chief we had the Eagle Mountain down by  
13 Porterville, we had the Palace out in Lemoore, we had  
14 the Chicken Ranch up in Jamestown, and most recently  
15 the Table Mountain down in Friant. Out of all those  
16 casinos the only real problem that we had in law  
17 enforcement from my perspective on the Highway Patrol  
18 was the Table Mountain when they built it on the end of  
19 a two-lane road eight miles from a huge metropolis.

20 Since that time the traffic problems have been  
21 mitigated and I understand from the Patrol it's no  
22 longer a problem.

23 These last four or five years I've dealt  
24 exclusively as the Sheriff with the Chukchansi group up  
25 in Coarsegold and I've got to say that it has not been

cont.  
S-3.1

1 a crime problem. Sure, we've had more people come into  
2 the county, but last year in '07 out of 46,813 calls  
3 for service there were fewer than 300 at Chukchansi.  
4 That means we did not go out there even daily. Out of  
5 those only 88 resulted in us taking a crime report or  
6 doing an investigation.

7 So what I've got to say is the MOU that our  
8 supervisors have negotiated entitling us to five deputy  
9 sheriffs should more than offset any crime problem that  
10 occurs at this casino. And, as I understand it, I've  
11 not read the MOU, but there will be an additional five  
12 Madera Police Department officers, also, because the  
13 casino will be built right on the border of the city  
14 and the county.

15 So I'm here to say if crime is a concern of  
16 anyone that might be in opposition to this casino, it  
17 may be an issue, but it should not be a concern.

18 Thank you very much for your time.

19 MS. THOMAS: Thank you, sir.

20 Next I'd like to ask Ronn Dominici of the  
21 Madera County Board of Supervisors.

22 Please, sir.

23 **S-4** MR. DOMINICI: Thank you, committee members,  
24 for allowing me to speak tonight. Thank you for being  
25 in Madera County.

cont.  
S-3.1

S-4.1

1 I would like to say that I'm a lifetime member  
2 of Madera County and I'm currently the chairman of the  
3 Madera County Board of Supervisors. I am also one who  
4 has been on the Tribal Relations Committee for not only  
5 the Mono Rancheria of North Fork, but also Chukchansi.

6 I'd like to point out that in dealing with  
7 both tribes and especially the Monos in the most recent  
8 time they have been so cooperative and very  
9 understanding about government, the government  
10 relations.

11 Our Board endorses and supports the Mono  
12 Rancheria's application for a casino. We have a  
13 memorandum of understanding and that is what our goal  
14 was was to have a memorandum of understanding between  
15 the County of Madera and the Mono Rancheria and we did  
16 that. And it is going to help the County of Madera,  
17 the City of Madera, as also you were told has benefited  
18 from making a memorandum of understanding with the  
19 rancheria, also.

20 The thing that is very important to me is that  
21 these memorandums of understanding contribute to the  
22 local community \$100 million over 20 years. There will  
23 be an annual total economic benefit to the local  
24 community of 100 million or that's about \$277,000 each  
25 day.

cont.  
S-4.1

1           The rancheria has given us our -- their  
2     promise, and I believe they will fulfill that promise,  
3     that this will only not only be a casino, as people  
4     call it, it will be a destination point. There are  
5     many other activities in this county that can start  
6     right from this area.

S-4.2

7           And having been -- as Sheriff Anderson just  
8     spoke and said that he had minimal problem with crime  
9     in any of the casinos he's ever been around, I was on  
10    the Highway Patrol for 33 and a half years prior to  
11    being on the Board of Supervisors. I certainly would  
12    not endorse something if it were bad for the  
13    constituents of Madera County.

S-4.3

14           I've lived here all my life. I plan to die in  
15    Madera County. And I tell you that this is an event  
16    that I believe should go forward.

17           Thank you very much.

18           MS. THOMAS: Thank you, sir.

19           Now we'd like to ask Mr. Frank Bigelow to come  
20    up and speak.

21           **S-5** MR. BIGELOW: Members of the Bureau, thank you  
22    so much for taking the time to come out to California  
23    and afford this community the opportunity to due  
24    process. For several years it's been a challenge to  
25    get that due process, but we're so thankful that you've

S-5.1

1 been able to make it possible to be here.

2 As a member of the community, I want to  
3 express my support for this project. I appreciate the  
4 tribe has demonstrated commitment to mitigate the  
5 project impacts and provide substantial benefits to the  
6 community and our environment.

7 You know, several years ago we started to  
8 embark on a new era in Madera County. That embarking  
9 led us to the beginnings of what is now a model of  
10 memorandum of understandings that are used not just in  
11 the State of California but across this great nation.  
12 And it started right here in this small community known  
13 as Madera County. I'm so proud of that fact.

cont.  
S-5.1

14 I'm proud of the fact that what we have  
15 with -- before you today is an economic package and an  
16 MOU that is sustainable. It is supportable. It is  
17 defendable and affordable. We are very proud of that  
18 fact. We're very proud that we've been able to detail  
19 and chronicle each impact that will be occurring in  
20 Madera County and that the tribe has stepped up to the  
21 plate and said they will mitigate their impact.

22 To that extent, the North Fork Rancheria  
23 project will serve as an economic stimulus package for  
24 Madera and the San Joaquin Valley. Not only will there  
25 be thousands of well-paying jobs created, local

1 governments including Madera County, City of Madera,  
2 and City of Chowchilla and the cities they serve will  
3 gain direct financial benefits from this project.

4 The tribe has voluntarily entered into those  
5 separate and enforceable agreements and I am so proud  
6 that we were able to do this on a  
7 government-to-government relationship on equal terms.

8 And, in conclusion, I'll submit my specific  
9 talking points to you to save time, but in conclusion I  
10 want to thank the BIA and the Department of Interior  
11 for the time they've taken for coming to Madera County  
12 and our community and giving us a fair and open hearing  
13 and hearing these comments from the folks that are here  
14 tonight.

15 And if you have any questions, feel free to  
16 contact me and I'll be happy to address those  
17 comments.

18 And in final conclusion I do want to mention  
19 to the folks that are listening in the back, a number  
20 of them are folks who are residing in District 2 and  
21 their supervisor, Supervisor Vern Moss, is unable to be  
22 here tonight.

23 I don't know which way he would speak, but I  
24 will say to the people who are out there he's very ill,  
25 barely made it through yesterday's Board meeting. Our

cont.  
S-5.1

1 prayers are with him. We hope that he will get well  
2 real soon. I wanted you to know he had committed to  
3 being here and he wasn't able to be here because of  
4 that illness.

cont.  
S-5.1

5 So thank you very much.

6 MS. THOMAS: Thank you, sir. I hope he gets  
7 well.

8 As we understand it, the last elected official  
9 who has to run for another meeting is Mr. Michael Kime,  
10 the Madera police chief. Is that correct?

11 **S-6** CHIEF KIME: Good evening, everyone.

12 Similar to Sheriff Anderson, I, too, am  
13 neither an opponent or a proponent of Indian gaming.  
14 My remarks are focused on the conditions identified in  
15 the negotiated memorandum of understanding between the  
16 North Fork Rancheria and the City of Madera,  
17 specifically the guaranteed augmentation of additional  
18 law enforcement personnel necessary to mitigate the  
19 drain on the current personnel resources of the Madera  
20 Police Department that would be associated with a  
21 gaming rancheria operation.

S-6.1

22 That's the end of my remarks in totality.

23 Thank you.

24 MS. THOMAS: Thank you, sir.

25 Are there any other elected officials who need

1 to go to these meetings that I've missed?

2 Okay. Great. Oh. Sir?

3 **S-7** MR. PEREA: Hi. My name is Henry Perea. I'm  
4 the chairman of the Fresno County Board of Supervisors,  
5 the neighborhood south.

6 We're not here -- and, actually, Bob Waterston  
7 from our county is here in the back. We're not here to  
8 oppose or to support this project. This is an issue, a  
9 Madera County issue. The only issue that we as a board  
10 that has official action on this today is that we want  
11 to be a part of the EIS.

S-7.1

12 Certainly there are issues with respect to  
13 mitigation that we're concerned about, whether it's air  
14 quality, transportation issues that are going to have  
15 impact on Fresno County. So it's an issue of us being  
16 at the table to help out those issues and how they  
17 affect our county.

18 MS. THOMAS: Thank you, sir.

19 And, sir, our court reporter, did you get the  
20 gentleman's name?

21 Okay. Thank you very much, sir. We  
22 appreciate it.

23 Okay. Again, we appreciate your understanding  
24 of us breaking with protocol to allow our elected  
25 officials to go out and do good things for us.



1           So at this time what we would have normally  
2 done is gone into the presentation by our -- our  
3 contractor on the actual project.

4           And, Chad, if you are here, now is your time  
5 to speak.

6           There he is. Come on up.

7           Folks, what we're going to do is Chad is going  
8 to give you a brief presentation of the project, the  
9 alternatives, the differences in those alternatives and  
10 what the next steps are and then we'll go into our  
11 other congressmen and tribal leaders and go from  
12 there. So thank you.

13           MR. BROUSSARD: Thank you, Valerie.

14           I'm Chad Broussard. I'm with Analytical  
15 Environmental Services. I'm sorry. We had a  
16 PowerPoint presentation. We had some technical  
17 difficulties. If you grab a handout in the back,  
18 though, you'll have all the slides so you can follow  
19 along with the presentation.

20           I'm just going to give a brief presentation  
21 outlining the National Environmental Policy Act process  
22 and the draft EIS.

23           NEPA is the National Environmental Policy Act  
24 and is a procedural statute that requires the analysis  
25 of environmental impacts of major federal actions. In

1 this case the major federal action is the BIA's  
2 decision regarding the approval of the North Fork  
3 Tribe's fee-to-trust application. If the fee-to-trust  
4 application is approved, it would create Indian lands  
5 and allow for gaming on the proposed site.

6 Other agencies are involved and are  
7 participating as cooperating agencies. Those are the  
8 National Indian Gaming Commission, which is also -- has  
9 a major federal action and that is the approval of a  
10 management contract between the tribe and the proposed  
11 manager of the casino; the United States Environmental  
12 Protection Agency; the City of Madera; Caltrans; and  
13 the Madera Irrigation District.

14 So the BIA has prepared an EIS that analyzes  
15 potential environmental impacts subject to NEPA. The  
16 EIS process begins when the lead agency, in this case  
17 the BIA, issues a notice of intent notifying the public  
18 that they intend to prepare an EIS.

19 That happened in October 2004 and that began  
20 the scoping process. And the scoping process is a  
21 process by which the lead agency determines the scope  
22 of the alternatives and the environmental analysis that  
23 will be contained in the EIS. A scoping report was  
24 prepared which summarized all the comments that were  
25 received during the scoping comment period, and that

1 report was used in the preparation of the EIS.

2 A preliminary draft of the EIS was prepared  
3 and it was distributed to all the cooperating agencies  
4 for review and comment. After several rounds of  
5 internal and cooperating agency review, a draft EIS was  
6 made available to the public in February of this year  
7 and a notice of availability of that EIS was published  
8 in the local newspapers and the Federal Register and we  
9 have a copy of that attached to the back of the  
10 handout.

11 A 45-day comment period has been provided.  
12 Thus, comments must be postmarked no later than March  
13 31st, 2008. Once the BIA has received all the comments  
14 including comments stated at this hearing they will be  
15 reviewed and considered in the preparation of a final  
16 EIS. The final EIS will include responses to all  
17 substantive comments on the draft and, should a change  
18 to the EIS be required, it will be made in the final  
19 EIS.

20 When the final EIS is completed it will be  
21 also made available to the public for at least 30 days  
22 at which time a record of decision will be issued, and  
23 that's the last step in the NEPA process and it  
24 outlines the agency's decision.

25 Next I'd like to give a brief overview of some

1 of the key components of the EIS. The federal agency  
2 must outline the purpose and need for their proposed  
3 action in the EIS. In this case the purpose and need  
4 is to provide a sustained revenue stream to promote  
5 tribal self-sufficiency, and it's outlined in detail in  
6 section 1 of the EIS.

7 The next section of the EIS, section 2, is key  
8 because it describes the alternatives that are analyzed  
9 in the EIS. NEPA requires the analysis of a reasonable  
10 range of alternatives, including a no action  
11 alternative.

12 There are a total of two alternative sites  
13 that are considered in the EIS, the Madera site, which  
14 is located just north of the City of Madera, and the  
15 North Fork site, which is located just east of the  
16 community of North Fork. There are a total of five  
17 alternatives in the EIS including the no action  
18 alternative.

19 The no action alternative assumes no action is  
20 taken by the BIA or any other federal agency. Under  
21 that alternative the site could remain in agriculture  
22 or it could be developed consistent with local zoning.

23 Alternative A is the tribe's proposed  
24 project. You'll see in the handout we have an outline  
25 of the various -- some of the main components of

1 Alternative A, but these are provided in detail in  
2 section 2 of the EIS. So Alternative A involves a  
3 fee-to-trust transfer of the 300-acre Madera site,  
4 development of a hotel casino, about a 250,000 square  
5 foot casino and a 200-room hotel, 4,500 parking spaces  
6 including 2,000 in a parking garage, a storm water  
7 detention system.

8 Water would be provided either by onsite wells  
9 or the City of Madera. Waste water treatment would be  
10 provided either by an onsite waste water treatment  
11 plant or by the City of Madera waste water treatment  
12 plant. If an onsite plant was used it would use a  
13 tertiary level of treatment that would treat the water  
14 to state Title 22 standards, and that's a very high  
15 level of treatment allowing for reuse of the water for  
16 irrigation, for instance.

17 There would be almost 1,500 employees needed  
18 under Alternative A. And before they could game on the  
19 site the tribe would be required to enter into a tribal  
20 state compact which would have a number of requirements  
21 including at a minimum some that we outline, state  
22 public health standards for food and beverage handling,  
23 federal air quality, water quality, safe drinking water  
24 quality, workplace and occupational standards.

25 And the tribe has also negotiated agreements

1 with the Madera Irrigation District, Madera County and  
2 the City of Madera. Those would all apply and be  
3 enforceable under Alternative A.

4 And, finally, the approximate area of use  
5 we've noted here is between 127 and 171 acres out of  
6 the 300 or so acres of the site. And that includes  
7 developed areas and also areas that are used for  
8 landscape, irrigation and water, waste water  
9 facilities.

10 Alternative B is a reduced intensity version  
11 of Alternative A. So it's basically the same as  
12 Alternative A except it has a smaller casino and no  
13 hotel. Thus, the area of use would be slightly reduced  
14 and the employees would be reduced to just under a  
15 thousand.

16 The compact provisions would apply. The  
17 agreements negotiated with the County, and the City and  
18 MID would not apply, and they would be subject to  
19 renegotiation actually in that they would be  
20 renegotiated for lower amounts given the reduced level  
21 of revenue coming in from the project.

22 Alternative C is a non-gaming use and it's a  
23 development of two large retail stores and three small  
24 restaurants on the Madera site. It would have about  
25 half the parking spaces as the proposed project, but

1 they would all be surface spaces because the revenues  
2 would not be enough to allow for the construction of an  
3 expensive parking garage.

4 Employees would be just under 800 and the  
5 tribal agreements with the city the county and MID  
6 would not apply.

7 Alternative D is a smaller casino alternative  
8 located on the North Fork site. It's a 26,000 square  
9 foot casino, which was the largest casino that would be  
10 feasible at that remote location. About 250 surface  
11 parking spaces and a reduced number of employees. The  
12 agreements with Madera County, the city and MID would  
13 also not apply to Alternative D. And the area of use  
14 would be about between 27 and 29 acres.

15 So the next step I think Valerie has outlined,  
16 but just in brief the BIA will review and analyze the  
17 comments that are presented within the comment period.  
18 They will prepare some responses to substantive  
19 comments and prepare the final EIS, select a preferred  
20 alternative before the final EIS is issued and then  
21 will issue a record of decision which ends the NEPA  
22 process.

23 And the contact information for the Bureau of  
24 Indian Affairs, Pacific Region, is located in your  
25 handouts. John Rydzik is the chief of the

1 environmental department for the Pacific region. You  
2 can contact him with your comments as long as they are  
3 prior to the comment period deadline, March 31st,  
4 2008.

5 Thank you very much.

6 MS. THOMAS: Thank you, Chad. I appreciate  
7 it.

8 All right. So now we will go into what our  
9 normal protocol would be and that would be with asking  
10 our former Congressman Richard Lehman to address the  
11 podium.

12 Thank you, sir.

13 S-8 MR. LEHMAN: Thank you very much, members of  
14 the committee, and welcome to Madera.

15 My name is Richard Lehman. For twelve years  
16 from 1983 to 1995 it was my privilege to represent the  
17 people of Madera in the United States Congress. I  
18 actually sat on the Interior Committee. At that time  
19 we wrote the NEPA law, but don't hold that against me.  
20 So I'm quite familiar with it.

S-8.1

21 I'm also quite familiar with the North Fork  
22 Tribe. I live at North Fork, California and I'm  
23 familiar with them both professionally when I was in  
24 Congress and engaged in the past three years in pursuit  
25 of this project.



1 I would, first of all, second what the elected  
2 local officials said. This tribe at every step of the  
3 way has tried to work with local government and local  
4 citizens to solve whatever difficulties there were in a  
5 fashion that was mutually agreeable. And I think the  
6 unanimity of support you see from those people in this  
7 community is evidence of the success of that effort,  
8 whether it was the city, the county, the water  
9 district, the chamber of commerce or others. They  
10 always were open to make changes or to negotiate  
11 something that was reasonable to all.

cont.  
S-8.1

12 The result of that effort is I think well  
13 documented in the draft EIS you have before you. I  
14 kind of view that as a statement of a partnership from  
15 the tribe and other members of this community. I think  
16 it is an example of what ought to be done probably  
17 everywhere in pursuing an effort like this.

18 To move directly to a couple of the  
19 contentious points. One of the things they tried to do  
20 was do an exhaustive ethnohistory of the area to  
21 determine that they had an historical tie to the land,  
22 which has been extremely well documented.

S-8.2

23 And if you look back, you'll see -- it's kind  
24 of interesting to me that we call Indian land today the  
25 land that the US Cavalry rounded them up and put them

1 on in the 1800s. But these tribes historically lived  
2 in the mountains and the Valley and have the free range  
3 of all the land.

4 And when the Gold Rush came the US Government  
5 ran them out of the mountains so that people could come  
6 in and get the gold. Those were very arrogant times.  
7 They gave them a reservation right here near this  
8 vicinity called Fresno Rancheria. The US Government  
9 never ratified that treaty. Settlers moved in and the  
10 farmers decided they wanted to bring this land into  
11 production. Problems arose and the Indians went back  
12 up to the foothills where many of them have lived for  
13 the past 100 or so years. There is a connection to the  
14 land here and that's quite important.

15 Two other issues of contention quickly. One  
16 is the area chosen for this facility here and what  
17 problems or advantages that might entail.

18 This land is going to be developed no matter  
19 what. Okay? The issue is whether or not it's going to  
20 stay like it is. It's near the City of Madera. It's  
21 on Highway 99, a corridor. It's going to be  
22 developed.

23 But only this agreement and only this type of  
24 development will guarantee local people the kind of  
25 assurances that they have here. No one else is going

cont.  
S-8.2

S-8.3

1 to give them new cops. No one else is going to give  
2 them money for new streets. No one else is going to  
3 provide all that money. Only this development provides  
4 that.

5 And no one is going to have to do or go  
6 through what they have had to do to mitigate other  
7 environmental concerns here dealing with water, dealing  
8 with air quality, et cetera.

cont.  
S-8.3

9 So it's not a question of whether or not  
10 there's going to be development here. It's what the  
11 City and County are going to get from that development,  
12 how many jobs, and what kind of a future we're going to  
13 have.

14 Some who have opposed this have said build a  
15 casino at North Fork. Well, let me tell you. If you  
16 tried to do that at North Fork this room would be  
17 filled with environmentalists from here all the way to  
18 Merced. The land is adjacent to a national scenic  
19 highway. There's two creeks running through it. On  
20 the adjacent old mill site we have toxic problems  
21 galore.

S-8.4

22 And just to finish, the sheriff told you that  
23 the only problems they had at Table Mountain were the  
24 two-lane road going up there. Understand there is a  
25 two-lane road for 20 miles going to North Fork off of

S-8.5

1 the road in which the Chukchansi casino is at the  
2 present time.

cont.  
S-8.5

3 This is the right place. This is the right  
4 time. I urge you to adopt the EIS.

5 Thank you.

6 MS. THOMAS: Thank you, sir.

7 Now, I'd like to ask Jacquie Davis-Van Huss,  
8 the -- the chairperson for the tribe, to come and  
9 speak. Thank you very much.

S-9

10 MS. DAVIS-VAN HUSS: Good evening. My name is  
11 Jacquie Davis-Van Huss and I am the chairperson of the  
12 North Fork Rancheria of Mono Indians.

13 I'd like to begin by recognizing and thanking  
14 Mr. John Rydzik of the Bureau of Indian Affairs Pacific  
15 Region Office, his staff, Valerie and Patrick, and  
16 their contractor, Analytical Environmental Services,  
17 for conducting such a thorough environmental review of  
18 our proposed project.

S-9.1

19 I also would like to take a moment to  
20 introduce you to the other members of our Tribal  
21 Council here tonight with me, including our vice-chair,  
22 Elaine Fink, our treasurer, Maryann McGovran, and our  
23 secretary, Katrina Lewis.

24 Also, to each of the local elected officials  
25 in attendance tonight and to all of you who took the

1 time to be here this evening.

2 Mun a hoo e bosso.

3 Mun a hoo e num.

4 I've just said hello to my friends and hello  
5 to my Mono people.

6 As Valerie stated earlier, the purpose of  
7 tonight's meeting is to provide the public an  
8 opportunity to provide oral comments on the draft  
9 environmental impact statement, the EIS, which the BIA  
10 has prepared for our proposed destination resort,  
11 casino and hotel. I sincerely hope that all of us, no  
12 matter our backgrounds, affiliations or viewpoints,  
13 will show respect and courtesy to each other as we  
14 speak and try to learn from one other.

cont.  
S-9.1

15 This will be the seventh, and I repeat the  
16 seventh public hearing on our project over the past  
17 four years. The public first had an opportunity to  
18 learn about and comment on our proposal when the Board  
19 of Supervisors conducted two well-attended public  
20 hearings devoted exclusively to the project in August  
21 of 2004.

22 At the end of those hearings the Board of  
23 Supervisors voted unanimously to approve the memorandum  
24 of understanding between Madera County and the tribe.  
25 The public was then provided additional opportunities

1 to provide public comment at the BIA scoping meeting in  
2 November 2004, a State Senate GO committee hearing in  
3 Madera in May of 2005, another Board of Supervisors  
4 meeting in August 2005 where the County resolved to  
5 support the project location, a Madera City Council  
6 meeting in October 2006 where the City Council  
7 unanimously approved our memorandum of understanding  
8 with the City, and now tonight's public hearing on the  
9 draft EIS.

10 I think everyone will agree that the public  
11 has received more than adequate notice of this and the  
12 other hearings thanks in part to the efforts of our two  
13 neighboring tribes.

14 We know that most of the citizens of our  
15 region already know a lot about this project because of  
16 these numerous public meetings and our sustained  
17 efforts over the past four years to reach out to the  
18 community to discuss how we could make this the best  
19 possible project for Madera and the San Joaquin  
20 Valley.

21 We have always been open, truthful and  
22 accurate in our communication and dialogue with the  
23 community. Early on we adopted a constructive,  
24 collaborative and transparent approach for partnership  
25 with our community. Because we have no tribally held

cont.  
S-9.1

1 land of our own which is eligible for gaming, and  
2 because that land is too environmentally sensitive to  
3 build on even if we managed to obtain the rights to  
4 build there, we met with our local representatives to  
5 identify an appropriate location to build a gaming  
6 facility that would benefit both the tribe and the  
7 community.

8 We eventually identified a site on which  
9 development would be consistent with the proposed land  
10 use for the site and the surrounding area. We then  
11 chose to work proactively with local agencies and  
12 jurisdictions to identify and address the impacts of  
13 our developments as an alternative to lawsuits and  
14 conflicts. These details and many more are spelled out  
15 in the draft EIS document and are available on our web  
16 site as well.

17 We have worked diligently with local  
18 government to ensure that impacts of our proposed  
19 development are mitigated so that the region, which is  
20 in the midst of a serious economic, fiscal and housing  
21 crisis, realizes the full economic benefits of our  
22 project. Even before the current economic recession,  
23 state and local communities have grown to rely on  
24 tribal gaming as a major source of revenues.

25 Nobody denies the significant impacts that

cont.  
S-9.1

1 benefit Chukchansi and Table Mountain that they have  
2 provided to the region.

3 I firmly believe that our tribe should have  
4 the same opportunity as those tribes to help our 1,680  
5 tribal citizens, which is more than twice the number of  
6 the members of those two tribes combined.

7 Excuse me. Just as importantly, our project  
8 will help not only our tribal citizens but also the  
9 larger community by generating much-needed jobs,  
10 business opportunity, community investment and  
11 tourism. And as we tap in our markets with our  
12 destination resort, we are confident that our project  
13 and the competition it brings will resort in expanded  
14 opportunities for everyone, including the two tribes  
15 who unfortunately have decided to work against us and  
16 the community rather than with us.

17 It is a shame that those tribes continue to  
18 ignore the fact that the introduction of a new Indian  
19 casino in the area almost always results in an increase  
20 in revenues for surrounding casinos once the novelty of  
21 the facility wears off after the first several months.

22 Some people are afraid of change, afraid of  
23 competition. Some are even afraid of themselves.  
24 However, we know that our casino will be good for the  
25 residents of the City and County of Madera, for the

cont.  
S-9.1



1 residents throughout the region, for our tribal  
2 citizens, and for our neighboring tribes in which some  
3 of them are our closest relatives. No tribal casino  
4 project has been more transparent, worked more  
5 cooperatively with city and county government and local  
6 organizations, and conducted a more thorough and open  
7 environmental process than we have.

cont.  
S-9.1

8 "Working Together to Build a Better Madera" is  
9 more than a slogan. We Monos have worked side by side  
10 with this community for centuries to establish and grow  
11 some of the defining and enduring industries for our  
12 regions. This project simply represents a new chapter  
13 in this historic and productive partnership.

14 Thank you very much.

15 MS. THOMAS: Thank you.

16 At this time I'd like to have Ms. Elaine  
17 Bethel Fink, the vice chair for the North Fork  
18 Rancheria, to please come up.

19 Thank you, ma'am.

20 MS. BETHEL FINK: Whoops. Okay. Thank you.

S-10

21 My name is Linda Bethel Fink. I'm the vice  
22 chair for Tribal Council of the North Fork Rancheria  
23 for the Mono Indians of California. I'm a lifelong  
24 resident of North Fork which constitutes almost being  
25 an elder, almost, and I reside at 32033 Poy Ah Now in

S-10.1

1 North Fork.

2 I'd like to speak on the ES point 1  
3 introduction of the executive summary of the draft EIS  
4 relating to taking land into trust.

5 I've been on the Tribal Council since 2002,  
6 twice elected as a tribal chairperson, and in that time  
7 we've accomplished many things as a sovereign nation  
8 and tribal government to enhance the quality of life  
9 for our nearly 1,700 citizens as well as our neighbors  
10 in our communities.

11 But it isn't easy because we are a large tribe  
12 with so many needy citizens and because we have no  
13 suitable land and we don't have any land base for  
14 economic development. We, the North Fork Rancheria,  
15 have applied to acquire new gaming eligible trust lands  
16 under a rigorous federal process.

17 This two-part process requires approval by the  
18 Secretary of the Interior and the concurrence of the  
19 Governor. Only three tribes have successfully  
20 navigated this two-part process since the federal law  
21 regulating Indian gaming was enacted in 1988. We are  
22 pursuing this process based on its unique historical  
23 circumstances and the relationship with the local  
24 community.

25 There is absolutely no evidence to support the

cont.  
S-10.1

1 claim that federal approval of the North Fork project  
2 would result in a significant increase in the current  
3 approval rate for requests under the two-part process  
4 for tribes with existing facilities or otherwise.

5           Actually, the Federal Government has recently  
6 added several additional hurdles to the two-part  
7 process. This has resulted in the rejection of several  
8 dozen proposals nationwide. As a result, the North  
9 Fork project is one of just a handful of two-part  
10 proposals in the whole country that have been permitted  
11 to continue to move forward through the process.

cont.  
S-10.1

12           Our tribe is judiciously following the rules  
13 governing Indian gaming as established by Congress  
14 under the Indian Gaming Regulatory Act. The tribe is  
15 also adhering to the principles established by the  
16 California State Association of Counties with respect  
17 to Indian gaming that emphasizes transparency,  
18 mitigation of potential impacts and collaboration with  
19 local, state and federal governments toward a common  
20 purpose. There are no shortcuts or loopholes to this  
21 rigorous and lengthy federal process.

22           I'd like to address two additional issues that  
23 should be raised this evening. One is "reservation  
24 shopping," which is a term that was made popular by the  
25 disgraced lobbyist Jack Abramoff in an attempt to smear

S-10.2

1 legitimate projects and pit tribe against tribe. It's  
2 still being used today to imply the acquisition of new  
3 trust lands for gaming outside of existing reservations  
4 and is purely for economic reasons.

5 As with most smear tactics, the label is more  
6 myth than reality. The term does not apply to the  
7 North Fork Rancheria. Because our tribe cannot viably  
8 build on its environmentally sensitive land in the  
9 Sierra foothills we've asked that the Federal  
10 Government take other lands within our historical area  
11 under the process that Congress established to allow  
12 tribes such as ours to bring land into trust for the  
13 purposes of Indian gaming.

14 The proposed site for our destination hotel  
15 and casino resort is in an unincorporated area between  
16 the cities of Madera and Chowchilla. The site is in a  
17 rural area of the county within the tribe's historic  
18 land and was specifically chosen because it was not  
19 near schools, homes or churches.

20 And according to the Governor's 2005 Indian  
21 gaming proclamation, the proposed site is not within an  
22 urban area. In fact, Propositions 1A and 99 stipulated  
23 only for Indian gaming on Indian land. It mentioned  
24 nothing about rural versus urban.

25 For the reasons stated above, we believe this

cont.  
S-10.2

S-10.3

1 draft EIS prepared on behalf of this project is  
2 responsible, comprehensive and sufficient in addressing  
3 the concerns and impacts and proving sufficient  
4 mitigation relating to the land in question.

cont.  
S-10.3

5 In closing, I want to thank everybody that  
6 came out tonight. This shows how important our project  
7 is one way or another.

8 Thank you.

9 MS. THOMAS: Thank you very much.

10 We also -- we need to reiterate that please  
11 try to stay within the three-minute buzzer here that we  
12 have because we have many, many speakers and we'd like  
13 to give them all an opportunity to speak.

14 Thank you very much for your comments and  
15 your -- and it's been great so far. Thank you very  
16 much. And your patience is very much appreciated.

17 All right. Our next speaker is Gary Gilbert,  
18 former district supervisor, who will be speaking on  
19 behalf of the tribe.

20 MR. GILBERT: Thank you very much.

21 **S-11** I'm Gary Gilbert. I live in North Fork,  
22 California.

S-11.1

23 MS. THOMAS: Sir, if you could put the mic  
24 up. Thank you.

25 MR. GILBERT: Gary Gilbert, North Fork,

1 California, former supervisor two terms. I was also a  
2 member of the California State Association of Counties  
3 on their Indian Gaming Committee. I was also the vice  
4 chair of the National Association of Counties Public  
5 Lands Committee as it related to Native American  
6 lands. I was also the lead County negotiator that  
7 negotiated the agreement with the North Fork  
8 Ranheria.

9 This project has very strong community  
10 support. It has local government support. And I  
11 believe that is true for a number of reasons.

12 First, the process used was the approach  
13 recommended by the California Association of Counties.  
14 It followed the National Association of Counties as it  
15 related to lands taken into trust by the Department of  
16 Interior. And this project addresses and mitigates all  
17 the environmental consequences of the 305 acres of fee  
18 to trust.

19 That is why the County of Madera, City of  
20 Madera, and Madera Irrigation District entered into  
21 legally enforceable agreements.

22 In recent testimony before the Senate Indian  
23 Affairs Committee Assistant Secretary Artman  
24 acknowledged the need to consider local government in  
25 this process. "Taking lands into trust is an important

cont.  
S-11.1

1 decision not only for the tribe, but for the local  
2 government where the land is located."

3 On January 3rd, 2008 Secretary -- Assistant  
4 Secretary Artman issued a policy directive giving  
5 guidance to taking off-reservation land into trust for  
6 gaming purposes. Section 151.11 of 25 CFR sets forth  
7 those factors that the Department will consider when  
8 exercising discretionary authority with tribal requests  
9 for fee to trust.

cont.  
S-11.1

10 In short, the Secretary shall give greater  
11 scrutiny to the tribe's justification for anticipated  
12 benefits from the acquisition and greater weight to the  
13 concerns raised by state and local government.

14 This project, as proposed by the North Fork  
15 Rancheria, is the model that the Department of Interior  
16 should use on guidance and clarification in part 151.

17 In closing, the authority given to the  
18 Secretary by the Indian Reorganization Act of 1934  
19 directed -- discredits past policy of allotment of  
20 historical Indian land, a policy that destroyed tribal  
21 governments and tribal identities. Now is the time for  
22 the Secretary to use this discretion and acquire this  
23 land into trust that will allow for a stronger tribal  
24 government, stronger tribal committees [sic], give the  
25 citizens of the North Fork Rancheria the economic

S-11.2

1 benefit to exist now and into the future by funding  
2 tribal services, infrastructure, and provide housing,  
3 education, job training and employment of tribal  
4 members.

cont.  
S-11.2

5 Thank you.

6 MS. THOMAS: Thank you very much, sir.

7 Our final speaker for the North Fork Rancheria  
8 will be John Hutson of the Building and Trades  
9 Association.

10 **S-12** MR. HUTSON: Hello. My name is James Hutson.  
11 I'm a financial secretary for the Building and  
12 Construction Trades for Fresno, Madera, Tulare and  
13 Kings County, AFL-CIO.

14 But when I think about this project and the  
15 economic needs of Madera County and the generosity of  
16 the tribe, I might also tell you that I am a board of  
17 governor for the Marjorie Mason Center in Fresno, the  
18 Center for Domestic Violence.

S-12.1

19 Domestic violence statistics in our state went  
20 down by 10 percent over the last ten years while in our  
21 Valley they're up 60 percent. When you ask why we have  
22 so much domestic violence in the Valley our studies  
23 have shown it's because of the lack of opportunities.

24 People that lose their self-worth because they  
25 don't have jobs do things they probably shouldn't to



1 the ones they are supposed to love.

cont.  
S-12.1

2 The generosity and the economic conditions  
3 that this casino will create in Madera County can't be  
4 debated. What it will do for the community with jobs  
5 and employment, it can't be debated.

6 Seven of the nine metropolitan areas in this  
7 nation with chronic double-digit unemployment are  
8 located in this Valley. We have the highest pockets of  
9 poverty in the nation. The Brookings Institute out of  
10 Washington DC has labeled us Appalachia West.

S-12.2

11 This land will be developed anyway. What's  
12 the best way for us to get out of those conditions? I  
13 personally don't think it's too much to say that the  
14 economic improvement for Madera County will in lots of  
15 ways save lives.

16 The pollution issue which I read in the  
17 newspaper that The Bee has so aptly tried to put down  
18 that this casino will cause more pollution. Well, upon  
19 checking for that the largest polluter in our Valley is  
20 diesel trucks. And the Air Board has said if you  
21 remove every diesel truck from this Valley and don't  
22 allow another one in, it won't have an impact on our  
23 air quality.

S-12.3

24 So I submit the small amount of traffic as  
25 compared to the statistics that may be cured from

S-12.4

1 domestic violence to unemployment doesn't even seem  
2 like a big trade to me.

cont.  
S-12.4

3 As I see it, our Valley is facing a choice  
4 here. Two paths are available to us to choose. Down  
5 one path we have opportunities, jobs and a  
6 self-sustaining proud community where people want to  
7 live a safe, healthy life. The path for lagging  
8 opportunities and unemployment lies down the second  
9 path, a place where families are forced to drift apart  
10 to find jobs.

S-12.5

11 Board Members, I have children and they all  
12 have friends and I want them to grow up in that first  
13 world.

14 Thank you.

15 MS. THOMAS: Thank you, sir.

16 Our next speaker will be Dennis Hendricks from  
17 the Tuolumne Band of the Mewuk Indians.

18 Sir?

19 MR. HENDRICKS: Thank you and good evening.

S-13

20 My name is Dennis Hendricks. I'm a tribal  
21 councilmember for the Tuolumne Band of Mewuk Indians in  
22 Tuolumne County.

S-13.1

23 I'm here tonight to offer support for the  
24 North Fork Rancheria in their effort to obtain economic  
25 viability for their tribe. In observing the actions of

1 the tribe they appear to work very well with the local  
2 communities, after hearing a number of public meetings  
3 that they've held.

4 In their exercise of sovereignty we hope they  
5 are able to achieve self-sufficiency for their tribal  
6 members in a fashion that the Tuolumne Band of Mewuk  
7 Indians also enjoyed. As one of the largest employers  
8 in our County of Tuolumne, our casino employs 800 team  
9 members from within our community. We are now able to  
10 offer services to our tribal members that we never  
11 could before such as education, housing, social  
12 services, and an elders program.

cont.  
S-13.1

13 In closing, I remind you of the long and  
14 troubled history of the tribes in California and we  
15 support North Fork Rancheria in their attempt to  
16 provide a better life for their tribal members through  
17 their exercise of sovereignty and  
18 government-to-government negotiations.

19 On behalf of the Tuolumne Band of Mewuk  
20 Indians, I thank you for this opportunity to speak here  
21 tonight.

22 Thank you and good night.

23 MS. THOMAS: Thank you, sir.

24 Next we have Mr. Tilford Denver and -- forgive  
25 me, sir, but are you the tribal chairman? Yes, sir.

1 Thank you. From the Bishop Paiute Tribe.

2 **S-14** MR. DENVER: Good evening. And I thank the  
3 committee for letting me present this small thing.

4 I drove seven hours here and, for people that  
5 don't know, Bishop Paiute Reservation is east of here.  
6 It's actually like 50 miles, but I have to drive all  
7 the way to Bakersfield because of the snow.

8 But just to let you know that Bishop Paiute  
9 and the Mono people are all relatives. As Nuumu  
10 Yadoha, we speak the same language. And I would like  
11 to say mun a hoo to our brothers and sister of the  
12 North Fork Mono. And thank you.

S-14.1

13 I just would like to say we are, too, in  
14 support of this project because ten years ago our tribe  
15 was given the effort and given a small casino, 340  
16 machines, and to let you know that this has really  
17 impacted our people. We one time had an unemployment  
18 rate of 60 percent. We now have an unemployment rate  
19 of about 20. We have an education program because of  
20 our revenues that allows our kids to get college  
21 educations now. We have 14 tribal members this past  
22 year graduate with college degrees.

23 You know, it's so hard to believe that --  
24 where we've come from. Our people were one of the last  
25 people at war with the United States and we because of

1 our gaming revenues are able to try to reacquire some  
2 of our lands. And we're looking at 100,000 acres that  
3 we hopefully will reacquire and bring back our sacred  
4 rocks, our petroglyphs, our pine nuts, all our  
5 ancestral burial grounds.

6 But the main thing that I would like to say is  
7 that North Fork as a tribal government should have the  
8 same opportunity as our tribal government which has  
9 become very sovereign. We look at having our own  
10 tribal courts, our police department that we're looking  
11 at down the road.

12 We're also doing a lot of new homes, a lot of  
13 new programs for our tribal elders who really never had  
14 nothing. We're revitalizing our languages, that our  
15 little kids now speak our Nuumu Yadoha. So it makes us  
16 proud that what little we have is a lot to all of us.

17 But from my heart I just hope the Bureau of  
18 Indian Affairs, if they want the tribes to receive true  
19 self-sufficiency, allow them to move forward and to  
20 have this project assured.

21 Thank you.

22 MS. THOMAS: Thank you very much, sir.

23 Tribal chairs, I'd like to ask your  
24 forbearance. We have Senator Dean Florez from the  
25 California Senate who is also on a very tight time

cont.  
S-14.1

1 frame and we would ask if he could come up.

2 Sir? Thank you.

3 **S-15** MR. FLOREZ: Thank you. It's not that type of  
4 tight time frame of listening.

5 I'd like to say, number one, committee  
6 members, thank you. I'm Senator Dean Florez, as you  
7 mentioned. I represent the 16th Senate District which  
8 covers a wide area of the Central Valley from  
9 Bakersfield to Fresno. I'm also chairman of the Senate  
10 Committee on Governmental Organization which is the  
11 Senate policy committee with jurisdiction on issues of  
12 Indian gaming. This includes Indian gaming compacts.

13 Let me start by saying that I have great  
14 concerns about any tribe's effort to take land in the  
15 trust that is not reasonably situated to their existing  
16 tribal lands. We understand that there are some  
17 situations which merit special consideration, and I  
18 think the heart of the matter today is whether North  
19 Fork Rancheria merits such special consideration.

20 We look at the tribal compacts and these  
21 issues after the fact. So once you give someone land  
22 in trust we at the Senate then look at the Governor's  
23 negotiations. There is a two-part process, but really  
24 it's a three-part process. The Governor then enters  
25 into a class III gaming agreement and those agreements

S-15.1

1 go through our committee, my committee, in the State  
2 Senate and it is either ratified or not.

3 If it isn't ratified, as you know, it goes  
4 back to the drawing board and we start the process over  
5 again.

6 I would like to say that our committee has  
7 been very careful in looking at all of these types of  
8 issues, not just in this area but throughout  
9 California. Taking land into trust from our  
10 committee's perspective miles away from  
11 already-existing tribal lands for the sole purpose of  
12 conducting class III gaming sets a very objectionable  
13 precedent for those in the California State Senate.

14 The reason for that is we would not like to  
15 start land races to other major casinos along Highway  
16 99. We want to make sure that the precedence is set  
17 and that we ultimately look at these types of contacts  
18 on a very clear basis, and that is did we keep the  
19 promise to the voters as passed in 1A back in the late  
20 '90s.

21 I can tell you that I'm personally not in  
22 favor of a gaming corridor along Highway 99. I would  
23 prefer that tribes find closer solutions to existing  
24 lands, adjacent lands, if possible. And we in the  
25 California Senate have had these very long debates and

cont.  
S-15.1

1 very long hearings, not just in this area, but in  
2 environmentally sensitive areas to the north where we  
3 have moved or the Governor has attempted to move tribes  
4 700 miles to Barstow.

5 We had issues where land in trust had been  
6 granted in urban centers such as Lytton where our  
7 committee has not granted compacts or allowed type III  
8 gaming, if you will, in these. The Senate needs even  
9 those to be granted.

10 And I can say that this proposal may not come  
11 close to some of those plans given your EIR process,  
12 but I do want to make you aware that the members of the  
13 legislature are opposed to off-reservation gaming. I  
14 can say that we haven't shown an interest in supporting  
15 off-reservation gaming in general.

16 We haven't had any hearings or passed any  
17 compacts that entail off-reservation gaming and we  
18 would probably look very closely given your decision on  
19 any proposed casino that will affect the existing  
20 facilities and more importantly that will allow us to  
21 look at the analysis that you now will provide from  
22 these hearings.

23 But I do want you to know that at the  
24 beginning of this, the second part of this and the  
25 third part of this, is still a very tough uphill battle

cont.  
S-15.1



1 from the California legislature's point of view on any  
2 types of facilities that attempt to, in essence, break  
3 the promise with the voters as enacted back in Prop  
4 1A.

5 I do thank you for having me. I can tell you  
6 that the issues, as you will hear tonight -- and good  
7 luck. You better get some more water up there as  
8 well. And thanks for having me. I really appreciate  
9 it.

cont.  
S-15.1

10 And, as members of the Senate who wanted to be  
11 here as well, I'm their representative tonight as the  
12 chair of the committee. Good luck.

13 MS. THOMAS: Thank you very much, Senator.

14 Our next speaker then is Mr. Morris Reid from  
15 the Picayune Rancheria of the Chukchansi Indians.

16 Please, sir.

17 **S-16** MR. REID: How are you doing? I'd just like  
18 to thank you. My name is Morris Reid. I am the tribal  
19 chair for the Picayune Rancheria of Chukchansi  
20 Indians. And we thank you for holding this meeting  
21 here.

S-16.1

22 And by the looks of the turnout I think we  
23 surely need another meeting to follow, and by looking  
24 at the doors being shut with participation on the  
25 outside I think that also warrants it.

1           And, you know, one other thing I do want to  
2 bring up is that we have heard on the Ray Appleton Show  
3 the chairman of North Fork make a statement that  
4 tonight was not a public hearing and the BIA needs to  
5 schedule a public hearing just to correct that  
6 misconception to some that were listening on that  
7 radio. So I just thought I'd bring that up.

8           And one of the things that we'd like to do is  
9 talk about North Fork, about our stand. We are in  
10 opposition to this offsite gaming. And it's not  
11 because we don't want North Fork to have gaming. We'd  
12 congratulate them if they would put gaming on their  
13 rancheria, on their Indian lands or in the communities  
14 that surround them benefiting not only them but the  
15 residents of that area.

16           You know, when you look at the compacts and  
17 you're looking like I do you see these comments that  
18 were put in there for gaming on Indian lands. And you  
19 look at California. Of all the tribes, and usually  
20 these tribes are in clusters, and when they go for  
21 gaming, you know, it's a good thing. It's a really  
22 good thing for everybody, with all of them, especially  
23 existing ones that were over gaming.

24           Then you have one that's in that cluster and  
25 it makes the decision to be picked out by an outside

cont.  
S-16.1

S-16.2

1 investor to locate outside of their aboriginal  
2 historical land for a lucrative site. Then it makes it  
3 unfair and it makes it unjust.

4 And I think that BIA has an obligation to keep  
5 that -- that fair, to keep that disadvantage from  
6 happening or advantage. And we look to you because of  
7 the fact that, sure, it's not for those tribes that are  
8 doing this, but, on the other hand, the disadvantage to  
9 the tribes that it's affecting that have -- have made  
10 that promise and kept that promise to the voters of  
11 California to contain gaming on Indian lands. That's  
12 exactly what Picayune has done.

cont.  
S-16.2

13 And as we go through Prop 1A, we looked at  
14 that, and in it -- it was assured by the tribal leaders  
15 that gaming would -- would be on Indian lands. And the  
16 voters when they passed that, that was what they  
17 thought they were going to get.

S-16.3

18 You look down the road. There's a lot of  
19 negativity. We've had a lot of negativity not only in  
20 gaming but in gaming regulations trying to change  
21 different things because of different negativities that  
22 came up. We have to follow the rules and, if we don't,  
23 rules are going to be made for us and they are going to  
24 be rules that we're not going to like.

S-16.4

25 And if we continue to go down the road and

1 this becomes a snowball effect of tribes going off our  
2 rancherias, there's likely going to be that California  
3 people are going to say, "Hey, you know, those Indians  
4 go where they want with this gaming. They do what they  
5 want with this gaming. Let's either take it away or  
6 open it up." It's exactly what these outside investors  
7 would like to happen.

8 And this always seems to take place on our  
9 Indian people that have made good investments. So we  
10 don't want that to happen in the end. We're against  
11 this and we think that North Fork would do well in that  
12 area where they are at.

13 And we're behind them 100 percent. We  
14 politically stand behind them and financially. These  
15 are things that we see that we can all work together  
16 and come out with a fairness for all of us.

17 And we'd just like to say that 70 and 1A, they  
18 both added that gaming was to be on Indian lands.  
19 Swartzenegger himself made the comment that gaming  
20 would not go into the urban areas.

21 And this is the thing that I think people are  
22 fooling themselves saying gaming into urban areas would  
23 not create crimes. That's why we were put on our  
24 reservations, to keep this away from residential  
25 areas.

cont.  
S-16.4

S-16.5

1 And with that I thank you very much.

2 MS. THOMAS: Thank you very much, sir.

3 Also representing the Picayune Rancheria is  
4 Dora Jones.

5 Dora, if you could come up, please.

6 **S-17** MS. JONES: Thank you. My name is Dora  
7 Jones. I appreciate the opportunity to speak before  
8 you. I'm the vice chair of Picayune Rancheria of the  
9 Chukchansi Indians.

10 My testimony tonight is to inform you that a  
11 number of elected officials from throughout the State  
12 of California have expressed their opposition to this  
13 project at its proposed location, Madera.

14 The following is a list of officials that have  
15 submitted letters of opposition to the Bureau of Indian  
16 Affairs regarding this project.

S-17.1

17 Senate Pro Tem, Don Perata, Democrat-Oakland.

18 Senate Republican Leader Dave Cogdill,  
19 Republican-Modesto.

20 Senate GO Chairman, Dean Florez,  
21 Democrat-Shafter.

22 Senator Jeff Denham, Republican-Merced.

23 Assemblyman -- Assembly Republican leader Mike  
24 Villines, Republican-Clovis.

25 Assemblymember Tom Berryhill,

1 Republican-Modesto.

2 Assemblymember Nicole Parra,

3 Democrat-Bakersfield.

4 Assemblymember Cathleen Galgiani,

5 Democrat-Livingston.

6 Assemblymember Tony Mendoza, Democrat-Los

7 Angeles.

8 Assemblymember Jared Huffman, Democrat-San

9 Rafael.

10 Assemblymember Greg Aghazarian,

11 Republican-Stockton.

12 Assemblymember GO Chairman Alberto Torrico,

13 Democrat-Fremont.

14 And Assemblymember Kevin DeLeon, Democrat-Los

15 Angeles.

16 I'd like to quote the following from

17 Assemblymember DeLeon's letter.

18 He states: "I write to express my objections  
19 to a proposed move by the North Fork Rancheria from  
20 their current and historical rancheria in the Sierra  
21 Foothills nearly 50 miles away from the Highway 99  
22 corridor. This proposed move will create a significant  
23 precedent for tribal gaming statewide. Specifically, I  
24 am concerned that catapulting this rancheria from the  
25 foothills down to Highway 99 would trigger a statewide

cont.  
S-17.1

1 land rush to our urban corridors that will play out for  
2 years to come and have massive consequences for the  
3 entire state."

4 As you can see, representatives from all over  
5 California have united in their opposition to this  
6 off-reservation site in Madera.

7 It is clear that there should be additional  
8 consultation before the Bureau of Indian Affairs makes  
9 decisions on this project. Certainly, meetings with  
10 our neighboring Valley governments are imperative to  
11 this process: Fresno County, the City of Fresno, City  
12 of Clovis, Merced County, the City of Merced.

13 A true government-to-government tribal  
14 consultation should also be conducted with all  
15 neighboring tribes including Picayune Rancheria of  
16 Chukchansi Indians, Table Mountain Rancheria, Cold  
17 Springs Rancheria, Big Sandy Rancheria, Santa Rosa  
18 Rancheria, Tuolumne Band of Mi-Wuk Indians and Tule  
19 River.

20 Don't misunderstand us. We do support North  
21 Fork Rancheria building a casino in their community of  
22 North Fork.

23 Thank you.

24 MS. THOMAS: Thank you very much, ma'am.

25 MS. JONES: And here are the assemblymembers.

cont.  
S-17.1

S-17.2

1 MS. THOMAS: Thank you.

2 The next speaker we have is Janice Devine also  
3 from the Picayune Rancheria.

4 **S-18** MS. DEVINE: Good afternoon. My name is  
5 Janice Devine. I'm a Tribal Council treasurer for the  
6 Picayune Rancheria of Chukchansi Indians.

7 It's very hard for me to speak to all of these  
8 problems that these two tribes have because I -- both  
9 my mother and father -- my mother is Chukchansi. My  
10 father was Mono. So it's very, very deep-hearted for  
11 me for this split.

12 But if BIA approves the proposed casino for  
13 North Fork Rancheria on Highway 99, it will establish a  
14 dangerous precedent for our region and for all of **S-18.1**  
15 California. It will open the floodgates. Other tribes  
16 in the area who have publicly supported the proposed  
17 North Fork project, such as Big Sandy and Cold Springs  
18 to mention a few, see this as a model to locate their  
19 gaming facilities as close to metropolitan areas as  
20 possible, and one would understand that.

21 The gaming tribes in the area, including  
22 ourselves, will be forced to attempt to relocate our  
23 casinos closer to the major population centers and  
24 transportation corridors. Can we build a casino on  
25 99? Can any tribe in the state get permission to do



1 this? This is simple. If you approve it for one, you  
2 must now approve it for others, also.

3 This attempt is unprecedented in Indian  
4 California. Tribes in Northern California and Southern  
5 California are located close together, just as -- just  
6 like we are. This will encourage them to jump over  
7 each other and get closer to major metropolitan areas.

8 We fully support North Fork developing a  
9 gaming facility on their own tribal lands. In fact, I  
10 have a vision of a beautiful resort and hotel in North  
11 Fork, and I think there could -- it could be  
12 beautiful. It could be just as big as ours. They  
13 could make just as much money, and I truly support -- I  
14 would support them if this would happen.

15 Picayune Rancheria kept our promise with  
16 Proposition A and 1A. We built our casino on our  
17 reservation, buying the lands back, and it was very  
18 hard to obtain all the approvals to do so, but we did.  
19 We're asking North Fork to keep that promise, also.

20 MS. THOMAS: Thank you very much, friend. I  
21 appreciate it.

22 Our last speaker for the Picayune Rancheria  
23 Tribal Council is Mark Emerick.

24 Mark?

25 S-19 MR. EMERICK: Thank you, committee members,

cont.  
S-18.1

S-19.1

1 for this hearing tonight.

2 A public opinion poll was conducted in January  
3 2006 regarding the proposed North Fork casino project.  
4 Registered voters, Democrats, Republicans and  
5 Independents from Fresno County and Madera County took  
6 part in the poll. The poll showed overwhelming  
7 opposition to the location of the proposed facility,  
8 Highway 99 just north of Madera, over 40 miles from the  
9 current North Fork Rancheria.

10 When asked the question "do you support or  
11 oppose this proposal," 60 percent of Madera County  
12 voters opposed the proposal, while 68 percent of the  
13 Fresno County voters opposed the proposal.

14 When voters were given more information on the  
15 proposed project, opposition grew to 63 percent for  
16 Madera County and 74 percent for Fresno County.

17 Registered voters were asked environmental  
18 impact questions dealing with traffic and air quality.  
19 78 percent of Madera County voters agreed that traffic  
20 on Highway 99 would get worse, while 84 percent of the  
21 Fresno County voters agreed that traffic would get  
22 worse.

23 58 percent of Madera County voters, as well as  
24 59 percent of Fresno County voters, agreed that the  
25 Valley air pollution will increase.

cont.  
S-19.1

1           When given the statement "building a huge  
2 casino complex along the 99 freeway means more traffic  
3 and more air pollution," 68 percent of the Madera  
4 County voters found the statement all persuasive, while  
5 80 percent of the Fresno County voters found the  
6 statement all persuasive.

7           These impacts can greatly affect all of us.  
8 Therefore, Fresno, Merced, as well as other surrounding  
9 communities should be considered in the draft EIS.

cont.  
S-19.1

10           When given the statement "if tribes want to  
11 build on land that is not on their reservation, the  
12 people affected should have the right to vote, not just  
13 the county or city officials," 83 percent of Madera  
14 County voters as well as 89 percent of the Fresno  
15 County voters found the statement all persuasive.

16           If this casino goes forward, nothing could  
17 stop any Indian tribe from purchasing land for a casino  
18 anywhere they want off their reservation, including  
19 downtown Fresno or any small community throughout the  
20 Valley.

S-19.2

21           I pose the question: Should the Madera County  
22 Board of Supervisors or the City of Madera decide this  
23 issue? I say emphatically no.

24           MS. THOMAS: Please continue, sir. Your time  
25 is running.

1 MR. EMERICK: The citizens of Madera, Fresno  
2 and Merced Counties should decide this issue by giving  
3 them the opportunity to vote on this proposed casino  
4 through a ballot measure. Let the voters decide if  
5 this is what they want in their own backyards.

S-19.3

6 MS. THOMAS: Thank you very much, sir.

7 Thank you. Thank you. You've been a really  
8 great audience so far. We really appreciate your  
9 participation and your patience. I want to thank you  
10 for that.

11 Please keep in mind, speakers, that we have  
12 three-minute deadlines so we can get to everybody who's  
13 put up cards tonight, and there's a big stack of them.

14 Okay. Our next speaker is Leanne  
15 Walker-Grant, the tribal chair from Table Mountain  
16 Rancheria.

17 **S-20** MS. WALKER-GRANT: Good evening. I am Leanne  
18 Walker-Grant, the tribal chairperson of Table Mountain  
19 Rancheria.

20 In the year 2000 California tribes, including  
21 North Fork Rancheria, asked the voters of California to  
22 support Proposition 1A that would allow tribes to  
23 conduct class III gaming on their restored rancherias.

S-20.1

24 Critics of Proposition 1A, including the  
25 California Assemblymember Bruce Thompson, expressly

1 argued in the state's voters guide: "That if  
2 Proposition 1A passes, casinos won't be limited to  
3 remote locations. Indian tribes are already buying up  
4 prime property for casinos in our towns and cities and  
5 they are bringing Nevada gambling interests to build  
6 and run their casinos."

7 North Fork Rancheria and other supporters of  
8 Proposition 1A promised the voters of California that  
9 this would not happen.

10 However, we are here this evening to discuss a  
11 draft environmental income -- impact statement on a  
12 piece of prime property that North Fork Rancheria would  
13 like to take into trust so that a Nevada gambling  
14 interest, Station Casinos, could build and run a large  
15 gambling resort for them approximately 40 miles from  
16 their restored rancheria.

17 Table Mountain Rancheria supports North Fork's  
18 right to game on its restored tribal land. That is why  
19 Table Mountain Rancheria supports Alternative D of the  
20 EIS that will permit the construction of a North Fork  
21 casino on North Fork's restored rancheria.

22 Table Mountain Rancheria cannot, however,  
23 support Alternative A of the EIS which would be a  
24 breach of the promise that Table Mountain and North  
25 Fork made to people of the State of California.

cont.  
S-20.1

1 Table Mountain Rancheria would also support  
2 and help North Fork in its efforts to take the proposed  
3 305 acres of land into trust for the non-gaming purpose  
4 set forth in Alternative C in its EIS. Alternative C  
5 would promote and assist the economic development goals  
6 that Madera County, Madera City and the Madera Chamber  
7 of Commerce desire and want.

S-20.2

8 Finally, Table Mountain Rancheria firmly  
9 believes that the draft EIS is deficient and incomplete  
10 in its current form since it does not take into  
11 consideration the potential environmental impacts that  
12 the proposed Highway 99 project will have on roads,  
13 infrastructure, water, air and quality of life of its  
14 neighbors to the south, which is Fresno County, that  
15 the draft EIS acknowledges will be traversed and  
16 impacted by a majority of the customers visiting the  
17 proposed casino resort described in Alternative A.

S-20.3  
- S-20.7

18 If North Fork is serious about mitigating all  
19 significant environmental impacts, then North Fork must  
20 include Fresno County and other impacted cities in its  
21 EIS.

S-20.8

22 Thank you.

23 MS. THOMAS: Thank you very much, ma'am.

24 Our next speaker is Brenda Lavell, the tribal  
25 vice-chair of Table Mountain Rancheria.

1           **S-21** MS. LAVELL: Good evening. My name is Brenda  
 2 D. Lavell. I'm the tribal vice-chair for Table  
 3 Mountain Rancheria. I am also a descendant of North  
 4 Fork area, the tribal Mono Indians there, and I'm a  
 5 descendant of Table Mountain Rancheria.

6           The only shame that I see here that was drawn  
 7 toward two tribes that have supposedly advertised for  
 8 this public hearing is the shame that we have not been  
 9 recognized for the hardship, the battles, the political  
 10 battles, the county battles with having to go through  
 11 all the hoops that were placed before us to have gaming  
 12 on our land that we were forced to relocate to.

S-21.1

13           So why does it make it any different for  
 14 somebody else, some other tribe, whether it's North  
 15 Fork or any other tribe throughout this state from the  
 16 southern tribes to the northern tribes, to bypass the  
 17 battles that we had fought and laid down the foundation  
 18 for Indian gaming to move forward?

19           I'd also like to say and reiterate with  
 20 Picayune Rancheria and with Table Mountain, the tribal  
 21 chairperson, Leanne Walker-Grant, is that I, too, am in  
 22 support of gaming for North Fork. It is in full  
 23 support for North Fork to have gaming on their  
 24 designated lands as we have all fought to bring gaming  
 25 to our lands.

S-21.2

1           In lieu of that I'd also like for people to  
2 recognize that, as you all see and hear on radios, this  
3 is just one of many turning points for what Native  
4 American gaming has fought so hard for is to bring  
5 self-sufficiency, protect our sovereignty of our tribal  
6 people.

S-21.3

7           Once we open this floodgate do you not think  
8 that non-tribal businesses other Las Vegas casinos and  
9 investors are going to come forward and put big chunks  
10 of change? Let's be realistic, Madera County. Do you  
11 think the money you have been promised is going to come  
12 into your pocket within 30 days of the building going  
13 up?

S-21.4

14           You have multiple investors that are going to  
15 want their money up front and all the interest that  
16 goes along with it. So rather than add more anguish to  
17 the Native Americans who have fought so hard for  
18 sovereignty and self-sufficiency, let's work together.

19           We are more than happy, we have more than  
20 pride in ourselves as Indian people to step forward and  
21 support, join hands, join efforts with ideas with North  
22 Fork, with Picayune, any other tribe, to support Indian  
23 gaming on their reservations, on their rancherias.

S-21.5

24           And that's what I'd like to go on the record.

25           Thank you.



1 MS. THOMAS: Thank you very much, ma'am.

2 Audience, if you would all please remember  
3 that they are recording this -- these proceedings and  
4 it would help our court reporter if you could keep your  
5 noise down to a minimum. That would be really  
6 appreciated. Thanks.

7 Our next speaker is Dan, and I hope I  
8 pronounce this correctly, Casas, from the Table  
9 Mountain Rancheria.

10 **S-22** MR. CASAS: Thank you very much, distinguished  
11 panel. And I'd like to just for the record let you  
12 know that the fourth speaker for Table Mountain  
13 Rancheria is Bob Waterston.

14 MS. THOMAS: We only have -- we only have the  
15 lists up here, sir. So if you could speak, we'd  
16 appreciate that and then we'll go on to the next  
17 speaker. Thank you.

S-22.1

18 MR. CASAS: All right. And I'm here tonight  
19 for two reasons. One is the quality of air of Fresno.  
20 I grew up in Fresno and when I left to go to UCLA I  
21 thought LA was bad. I came back and found out that  
22 Fresno County probably is worse.

23 I'm a heart patient. I have respiratory  
24 problems. But I'm also here to tell you that I agree  
25 with the best interests that I believe the former

S-22.2

1 Madera County Supervisor Gary Gilbert and the  
2 representative of North Fork Rancheria conveyed to  
3 Fresno County's Board the Supervisors on March 4th,  
4 2008 that the current North Fork draft EIS may be  
5 incomplete and in need of revision.

6 At the March 4th meeting former Supervisor  
7 Gilbert told the Fresno supervisors that he remembered  
8 the time when North Fork was a thriving community with  
9 doctors, dentists, pharmacists, businesses until the  
10 saw mill closed.

cont.  
S-22.2

11 The old saw mill site is an alternative site  
12 that the draft EIS did not consider or properly  
13 address, even though the alternative site is located  
14 virtually adjacent to the federally restored boundaries  
15 of the North Fork Rancheria.

16 Building a proposed casino at the old mill  
17 site will help revitalize the North Fork community and  
18 North Fork Rancheria. It will provide access, jobs,  
19 services to the members of North Fork Rancheria and  
20 will bring back the doctors, dentists, pharmacists and  
21 business to the North Fork community.

22 I also commend North Fork Rancheria for  
23 admitting to Fresno County's supervisors that North  
24 Fork cannot consider the impact or strain that the  
25 proposed Madera project would have on Fresno County or

S-22.3

1 Fresno County infrastructure even though the majority  
2 of the traffic to the new Madera project would traverse  
3 Fresno County.

4 Mr. Charles Altekkruse who spoke on behalf of  
5 North Fork Rancheria at the Board of Supervisors  
6 meeting thanked Fresno's supervisors for their concerns  
7 and told or promised the North Fork -- promised the  
8 supervisors that North Fork Rancheria would welcome a  
9 meeting with the Board of Supervisors so that the tribe  
10 could ensure that Fresno -- Fresno County's  
11 environmental concerns are properly identified and  
12 included in the environmental process.

cont.  
S-22.3

13 Therefore, it is clear that the current draft  
14 EIS is incomplete and must be revised to address the  
15 alternatives and concerns that were identified by North  
16 Fork Rancheria and Gary Gilbert on March 4th, 2008.

S-22.4

17 Thank you.

18 MS. THOMAS: Thank you, sir. I appreciate  
19 it.

20 Our next speaker is Mr. Matthew Franklin from  
21 the Ione Band of Miwok Indians.

22 I believe you're the chairman, sir?

23 MR. FRANKLIN: Yeah.

24 MS. THOMAS: Thank you.

25 MR. FRANKLIN: Okay. Matthew Franklin, tribal

S-23

1 chairman of Ione Band of Miwok Indians.

2 I know this is a hearing for -- to go over the  
3 EIS, but we wanted to state for the record that Ione  
4 Band tribe fully supports North Fork in its efforts to  
5 seek land to trust.

S-23.1

6 We know how hard it is to navigate the federal  
7 trust system, but knowing so that, you know, it's sad  
8 for me to see other tribes come in opposition when they  
9 were afforded the same rights and understand the  
10 process that they've layed out before the tribe.

11 Doing my own research with the propositions,  
12 to see state legislature opposed when California voters  
13 overwhelming passed Prop 1A, Prop 5 and recently passed  
14 94 through 97, that they still oppose tribes seeking to  
15 give their people economic land base and economic  
16 self-sufficiencies.

S-23.2

17 It is because of the Federal Government trust  
18 responsibility not only to look out for the welfare of  
19 the Indian people but to educate and produce an  
20 economic stimulus for our people that we are in this  
21 state we are now that tribes have to go into gaming.  
22 This is the vehicle that we use to address our needs to  
23 give to our people not only the resources that we seek  
24 but to provide the good stories that you hear about in  
25 the newspaper that we are producing Indian doctors,

1 Indian lawyers, Indian teachers.

2 And I look together for these tribes -- I  
3 don't oppose that the tribes, you know, come in here to  
4 support or oppose, but what I do challenge them to do  
5 is recently with the propositions that were passed, two  
6 tribes spent \$40 million to oppose the expansion of  
7 gaming in the state. Well, it went to the ballot and  
8 the voters went ahead and decided the future of Indian  
9 expansion in the state. Well, if there's \$40 million  
10 that that tribe doesn't need to educate their people,  
11 why aren't they supporting tribes that have non-gaming  
12 opportunities?

cont.  
S-23.2

13 MS. THOMAS: Thank you, sir.

14 MR. FRANKLIN: And again it's not enough for  
15 our tribal leaders to navigate this. It's been an  
16 economic hardship for tribes that don't have resources  
17 as ours. And I look forward to the future where tribal  
18 leaders can sit down together, as in the past as my  
19 grandmother has, when we have issues, that we don't air  
20 them in the public, that we take them to our tribal  
21 councils and we sit down and discuss them in private  
22 and come back and go to the public to discuss, you  
23 know, the resolve.

S-23.3

24 But it is unfortunate that tribes now know how  
25 to navigate the waters of politics in the State of

1 California and we're left to go ahead and do that on  
2 our own.

3 So again for the record Ione does support  
4 North Fork's opportunity to seek an economic land base  
5 and we will do everything possible to submit our letter  
6 of resolution to you in support.

cont.  
S-23.3

7 Thank you.

8 MS. THOMAS: Okay. Thank you very much.

9 Folks, folks, thank you. We fully understand  
10 your opinions pro and con, but remember this is a  
11 hearing that we need to get the information as fast as  
12 we can because there are many of you who wish to  
13 speak. So please respect that. Thanks.

14 All right. Our next speaker is Supervisor  
15 Tom Wheeler from District 5.

16 Sir?

17 **S-24** MR. WHEELER: Thank you and welcome to our  
18 beautiful county, Indian Madera County. They used to  
19 be all over the place.

20 I'd like to start. I'm Tom Wheeler. I've  
21 lived in North Fork most of my life since 1958.

S-24.1

22 I've got to put my glasses on so I can read  
23 this.

24 First of all, I want to start off, you know,  
25 there's so much been said already about the MOUs and

1 everything that's been done. I just appreciate the  
2 Board. Before I got on there they had that all in  
3 place and I came down to testify for it. I was always  
4 agreed because I wanted the casino in North Fork, but  
5 knowing -- living all my life, knowing how it would  
6 take to drive up Route 200 to a thing like that, they  
7 are talking about pollution, they are talking about  
8 traffic.

9 They should realize that if they actually can  
10 build it in North Fork there would be a lot more  
11 pollution. It's a lot harder for the trucks to go up  
12 that little narrow road, steep. So you're going to  
13 have a lot more pollution from the trucks and cars.

14 The traffic, everybody is complaining about  
15 the Friant Road to Table Mountain. They had to finally  
16 put in four lanes. And if they put that in North Fork,  
17 to put -- they only had to go about 12 miles. We'd  
18 have to go over 20 miles and it is crooked. It's by a  
19 creek. It is very, very hard to do and will be for  
20 years to come. So to talk about pollution and all that  
21 is just crazy.

22 I grew up with Mono Indians. I went to school  
23 with them. I worked with them. When I was going to  
24 school with them in the olden days I would bet that at  
25 least 80 percent of them graduated. I was on the

cont.  
S-24.1

S-24.2

1 school boards up there for over 18 years. And in the  
2 later '70s and early '80s they weren't even giving 20,  
3 maybe 30 percent graduation rate.

cont.  
S-24.2

4 Then the environmentalists shut down our saw  
5 mill. You talk about environmentalists putting the  
6 thing up there in North Fork. And they don't own the  
7 mill sites. So they can't put it there, the mill  
8 site. The City of North Fork owns it or the Town of  
9 North Fork. So they just can't go and say they can put  
10 it there.

S-24.3

11 The environmentalists, they shut our saw mill  
12 down. What do you think they would do with something  
13 like that? It would be such a hard thing to get an  
14 environmental impact done on that up there compared to  
15 here.

16 I used to ditch school with a couple of Indian  
17 kids and white kids, too, and we used to go hunting for  
18 arrowheads and beads and stuff. That's what we ditched  
19 school for. And I found -- I've got hundreds of beads  
20 and hundreds of arrowheads and I've got hundreds of  
21 shell beads. We didn't have an ocean out there. So  
22 these shell beads came from the ocean this way to the  
23 west.

S-24.4

24 They traveled all that way. They traveled  
25 over the Sierras. Those Indians, that's not their --



1 that might be part of their home, but their home was  
2 all of Madera County all over the Valley.

cont.  
S-24.4

3 For Madera County being a supervisor now this  
4 is so important to us for jobs and things. We did have  
5 doctors and all that stuff in North Fork. We will have  
6 them back if they get this casino. They are -- they  
7 need -- these people need to go up and see how some of  
8 our people live up there. They have dirt floors  
9 still. I've been in houses just recently. I've seen  
10 it. I know what they do. I know what the other tribes  
11 have done for their people. They will do it for these  
12 people, too.

S-24.5

13 The main thing is that having it down here,  
14 we, as supervisors, are putting a hotel right now on  
15 either side of that casino site. All we can do mainly  
16 is say you've got to get a building permit from us,  
17 from the county. Look what they have to do to get this  
18 permit to be able to build a casino. It's ten times  
19 more, twenty times more.

S-24.6

20 And my time has run out. I've got a lot more  
21 to say, but thank you very much. Thank you for coming  
22 out.

23 MS. THOMAS: Thank you very much, sir.

24 Okay. Our next speaker then would be Gayle  
25 Holman from the Assembly -- Assemblyman -- no. Gayle

1 Holman and then it says Assemblyman Mike Villines. I'm  
2 not really sure. Villines? Okay. I'm sorry if that  
3 got all screwed up. You'll fix me up here.

4 **S-25** MS. HOLMAN: Good evening. My name is Gayle  
5 Holman and I'm the district director for Assemblyman  
6 Mike Villines in his Fresno office.

7 I'm here tonight on behalf of Assemblyman  
8 Villines to encourage you to respectfully consider  
9 adding Fresno and Merced Counties to the environmental  
10 impact statement. The magnitude of the project being  
11 considered and its location on the largest artery for  
12 traffic through our Valley is certainly worthy of  
13 considering the broad impacts this project will have,  
14 not only on the county in which it is located, but also  
15 the neighboring counties of Fresno and Merced.

S-25.1

16 In an effort to fully vet the impacts of this  
17 project, neighboring counties should be fully examined  
18 to include all impacts the proposed casino-resort  
19 complex would have before any decisions are made on  
20 proceeding with this project.

21 On behalf of Assemblyman Mike Villines, he  
22 appreciates your consideration of this request.

23 Thank you.

24 MS. THOMAS: Thank you, ma'am.

25 I believe our next speaker is Donald Holley

1 from the Planning Commission.

2 **S-26** MR. HOLLEY: I got injured by you all.

3 Thank you. My name is Donald Holley. I'm a  
4 past chairman for the Madera County Planning  
5 Commission.

6 And as a planning commissioner we are in favor  
7 of this because of the fact that I've been here all my  
8 life, and I'm almost 60 years old, and I watched the  
9 Madera economy go down. I've watched a lot of our  
10 companies go out of business.

11 And as we look at houses, how people had went  
12 into their pockets to buy houses and now there all -- a  
13 lot of them are foreclosing. I feel that this here  
14 rancheria is going to support our county. And what  
15 bothers me the most is that how someone could come in  
16 after they've got what they want to tell somebody else  
17 that they can't get what they need.

S-26.1

18 You always say that we don't want things in  
19 our backyard, but as we look around we look at that  
20 land out there. There's nothing out there and there  
21 probably will never be anything out there, but I see  
22 the future. And as you look at Madera County, there's  
23 a lot of things that's happening in our county that's  
24 trying to help us get out of poverty.

25 So if we support this and this goes forward, I

1 think that Madera County will become a city [sic] that  
2 it's supposed to be.

cont.  
S-26.1

3 Thank you.

4 MS. THOMAS: Thank you, sir.

5 We have two more public officials and then  
6 what I'd like to do is I'd like to now call the names  
7 of the first three public speakers to come up and be  
8 ready to speak because that way we will speed it up a  
9 little bit. And that would be Eddie Chapa, Valerie  
10 Keller and Demetrio Quintero.

11 If you three could come up to the side and be  
12 ready to speak, we'll process you as soon as we can.

13 In the meantime would Mr. Bob Waterston from  
14 the Fresno County Supervisors come and speak, please.

15 **S-27** MR. WATERSTON: Thank you for taking the time  
16 to be here. I've been on the other side of that table  
17 and I appreciate you being here.

18 MS. THOMAS: Thank you, sir.

19 MR. WATERSTON: Fresno County Supervisor.

20 In 1999 we passed two resolutions, one to  
21 oppose any expansion of gaming in Fresno County, we  
22 did, the Board of Supervisors. And the second was to  
23 oppose any new casinos in Fresno County.

S-27.1

24 Fresno County is the tenth largest county in  
25 California. We've got a population of almost a million

1 people, getting close, 6,000 square miles. We also  
2 have a Fresno city inside of there, which is about the  
3 seventh largest city in California. So we are very  
4 big. Just to give you some geographics of where we  
5 are, 99 freeway runs through our area.

6 I'm in no way here representing Fresno County  
7 to speak for or and against this. That's not what this  
8 is about. All this is is that we would be considered  
9 and included in the studies that you've already heard  
10 people ask for.

11 According to the environmental impact, the EIS  
12 for the project, the proposed casino anticipates  
13 drawing 63 percent of its customers from or through the  
14 Fresno area. The EIS estimates that 12,000 to 20,000  
15 additional vehicles will be placed on the freeway, 99,  
16 on the highway. And all we're saying is that, again,  
17 the people of Madera County are good friends of mine  
18 and they always will be. The supervisors, these are  
19 people I will not speak against this at all and I'm  
20 speaking for just the fact that Fresno County is  
21 included in the study.

22 And that's all I'm here for. Thank you very  
23 much.

24 MS. THOMAS: Thank you, sir. I appreciate  
25 it.

cont.  
S-27.1

1           The last -- please hold those comments down.  
2 Please be respectful of all our speakers. Thank you  
3 very much.

4           Our last public official then would be Henry  
5 Perea from the Fresno County Board of Supervisors.

6           Mr. Perea, are you here?

7           Oh, he already spoke. Okay. All right.  
8 Sorry about that.

9           Okay, then. We will begin then with Eddie  
10 Chapa.

11           Sir?

12           Thank you.

13           **S-28** MR. CHAPA: Board Members, my name is Eddie  
14 Chapa. I worked for Madera Unified District from 1975  
15 to 1995.

16           This coming May, May the 31st, 1947 I landed  
17 here in Madera. It's been 61 -- 61 years ago. And  
18 throughout this 61 years there's a lot of good things  
19 that happened to Madera right here in Madera, and this  
20 is one of the best things that I have seen that is  
21 going to happen in my 61 years that I've been here in  
22 Madera.

S-28.1

23           MS. THOMAS: Thank you, sir. Please  
24 continue. Your time is running.

25           MR. CHAPA: Also, I've been involved in

S-28.2

1 baseball for 60 years in Madera. They named the high  
2 school of the south campus in my name, Eddie Chapa  
3 Field, and I know at the high school down there we  
4 don't have no -- we don't have no swimming pool. We  
5 don't have no lights for my baseball diamond.

cont.  
S-28.2

6 And reading right here in this card right here  
7 where they are going to have a hundred million to the  
8 community funding over 20 years, and that sure will  
9 help us at the Madera Unified School District.

10 MS. THOMAS: Thank you, sir. I appreciate  
11 it.

12 Our next speaker is Valerie Keller.

13 Valerie Keller? Please. Thank you.

14 **S-29** MS. KELLER: Good evening. Thank you.

15 Good evening. My name is Valerie Keller. I'm  
16 a tribal citizen for the North Fork Mono Rancheria.

17 I'm just here to support -- I'm here to  
18 support the casino. I'm also here on behalf of my  
19 father, Joseph Keller, who is ill and not able to  
20 come. His picture. He also wants his support known as  
21 an elder of our tribe.

S-29.1

22 Thank you.

23 MS. THOMAS: Thank you, ma'am.

24 Our next speaker is Demetrio Quintero.

25 Sir?

1           **S-30** MR. QUINTERO: Thank you for giving me the  
2 opportunity to be here. My name is Demetrio Quintero.  
3 I'm a member of the Pasqua Yaqui Tribe of Tuscon,  
4 Arizona.

S-30.1

5           I'm here in full support for my Native  
6 Americans, brothers and sisters, to break the seal in  
7 Madera County.

8           MS. THOMAS: Please continue, sir. Your time  
9 is running.

10           MR. QUINTERO: Just to give a quick  
11 flashback. Mr. Florez says that he's a representative  
12 of Bakersfield and Fresno. If I'm not mistaken, we are  
13 in Madera County, not Fresno.

14           I'll tell you another flashback. We have all  
15 these Senate councils who voted to stop this casino  
16 project. Where they are now? They are not here  
17 speaking. That also indicates that we need to move on  
18 and move forward.

S-30.2

19           With this said and done and all, I personally  
20 would like to see the casino come here. Why? Because  
21 it gives the opportunity for education, law  
22 enforcement, protection. Since I started listening  
23 I've heard, "What about crime?" Crime is everywhere.  
24 You cannot stop crime. You can prevent it. With the  
25 casino coming in, that would put a dent in it, but we



1 will never stop crime. Crime is going on as we speak,  
2 as we sit in this building.

3           Pollution is going to happen no matter where  
4 you go. That's why we need to take care of us,  
5 Madera. We also need to realize that we cannot be a  
6 problem for the state. Okay? Let us take the hands  
7 that we created to build something for Madera. Let  
8 Madera take care of Madera and not let the state  
9 bankrupt us.

cont.  
S-30.2

10           MS. THOMAS: Please continue, sir.

11           MR. QUINTERO: Once again we sit here and we  
12 talk, you know. Growing up, one of the reservations,  
13 just like every tribal brothers and sisters, my family  
14 turns God's dirt to work, to survive, to make food.  
15 Maybe there will come a day where we can stand  
16 together, sit down, bond, unite and stop bickering  
17 about what's going where.

S-30.3

18           This is a Madera problem. Keep it in Madera.  
19 If anybody has got something to say, you know what?  
20 Give your opinion, but the bottom line is it starts  
21 here.

22           Thank you.

23           MS. THOMAS: Thank you, sir.

24           Okay. Our next speakers, if they can come up,  
25 please, and be ready to speak are Rae Mohr, Ivana

1 Krajcinovic, Art Ramos, Bobby Kahn, Robert M-P-A-H-S --  
2 I'm not sure -- and Gary Gilbert. If you could be  
3 ready to speak, please.

4 And I see that Rae is ready to speak.

5 **S-31** MS. MOHR: Rae Mohr. 526 Grenache Avenue here  
6 in Madera.

7 I'm a fairly new member of the community, but  
8 I've come to a lot of the different things. But my  
9 thing is I -- let me get this down to where I can  
10 read.

11 Attention: City Council of Madera. And  
12 attention: County of Madera. Subject: Casino in  
13 Madera.

S-31.1

14 This is my view on the casino north of the  
15 small airport in Madera County. The land used to  
16 belong to the Indians before we made them move to the  
17 hills and the reservation to live in squalid conditions  
18 which cut out some of the hunting rights.

19 We have illegal cockfights in the county.  
20 People were betting on these with their birds. We have  
21 had gambling for centuries in all cultures. If we let  
22 the project drop, someone else will benefit. Bringing  
23 in new businesses brings -- will bring many jobs into  
24 Madera.

25 There are a lot of towns that aren't there

1 anymore. People have moved out to find better  
2 opportunities. Many small towns are not doing well.  
3 Tombstone is dead.

4 The project will certainly improve our way of  
5 life and the new businesses will come to our county  
6 with Madera resonating positive outlook. People spend  
7 money in big towns such as San Francisco, Gilroy, San  
8 Jose, et cetera.

cont.  
S-31.1

9 These comments are from me.

10 MS. THOMAS: Thank you, ma'am.

11 Ivana?

12 **S-32** MS. KRAJCINOVIC: My name is Ivana  
13 Krajcinovic. I'm here representing Unite Here  
14 International Union. We represent 450,000 hotel,  
15 restaurant, casino and commercial laundry workers  
16 across the United States. 100,000 of those are in  
17 casinos.

18 I'm here to support and urge the adoption of  
19 the EIS.

S-32.1

20 I actually read parts of this very complete  
21 document, and in the document you'll find that the  
22 average household income in Madera County is lower than  
23 that of the State of California and of the nation for  
24 two reasons: Because there's lots of unemployment and  
25 the work here is very seasonal.

1           Alternative A offers full-time employment  
2 year-round and will provide a significant number of  
3 jobs. A lot of people have made reference to the  
4 number of jobs, but I think it's equally important to  
5 talk about the quality of the jobs. You want to make  
6 sure that there is a whole range of jobs, which casinos  
7 can provide, and to make sure that entry-level  
8 positions can lead to middle class employment.

9           The way to make sure that we have good stable  
10 middle class jobs and casinos is to allow the workers  
11 to join a union. And over a dozen tribes in the state,  
12 including North Fork, are setting a new standard for  
13 fairness in this industry. They are allowing their  
14 workers to organize without fear of intimidation or  
15 losing their jobs. And this is a really critical piece  
16 in a responsible expansion of this industry.

17           I also want to say, as other people have  
18 mentioned, that North Fork has worked proactively with  
19 us throughout this process, including us from the  
20 beginning, showing their commitment to having not just  
21 a large number of jobs, but to make sure they are good  
22 jobs.

23           Just to give you an example of another tribe,  
24 the Rumsey Band of Wintun Indians, with which we have a  
25 similar agreement, that went through an expansion

S-32.2

1 earlier this decade, I want to given an example of an  
2 actual person, Sandra Leon.

3 She's a widow with three children and she went  
4 to work at the casino to support her family. From 2002  
5 to 2008, thanks to her union contracts and the  
6 partnership we have with the tribe, she's experienced a  
7 68 percent increase in her wages partly through  
8 regularly scheduled wage increases in her union  
9 contract and the ability to move ahead through  
10 promotions.

11 This means that she can take care of her  
12 family. She's home when her kids get home from school  
13 and she knows that they're safe and not in the  
14 streets.

15 Another example is here more locally, the  
16 Picayune Rancheria, who also respected the workers'  
17 right to organize. They've provide free health care  
18 for their employees. This means there's less of a  
19 drain on county services and on taxpayer-funded  
20 programs like Healthy Families.

21 Lastly, I want to say that I watched the Cache  
22 Creek Casino grow, and currently the Chukchansi casino  
23 also expanding. And there's lots of fears that often  
24 turn out to be unfounded when you go through these  
25 processes. In both places I think we've preserved the

S-32.3

1 beauty of the natural surroundings.

2 The tribes worked hard to mitigate traffic  
3 issues and provided hundreds of jobs to local residents  
4 who would otherwise be working seasonal ag jobs.

cont.  
S-32.3

5 I think that North Fork can do the same.  
6 We're excited about this project. Together we can make  
7 this a great project. We urge you to adopt the EIS.

8 Thank you.

9 MS. THOMAS: Thank you.

10 Art Ramos.

11 **S-33** MR. RAMOS: Thank you for being allowed to  
12 speak. I'm Art Ramos. I'm from Fresno. I'm currently  
13 a retired steel worker for 34 years.

14 And somewhere along the line I got bored with  
15 retirement. I ended up working at another casino and  
16 it's -- and then again I retired from there. But I'm  
17 here to speak that most casino jobs can be very  
18 good-paying jobs. They can bring prosperity not only  
19 to the tribe but also to people of Madera.

S-33.1

20 And I'm very concerned about the high  
21 unemployment rate in the county here from what I've  
22 been hearing and reading and this casino here can be a  
23 win-win situation, not only for Madera and the tribe  
24 and Chukchansi, but for the workers who are able to  
25 work there at those casinos. Those are good-paying

1 jobs to give the opportunity for anybody to raise their  
2 standard of living.

cont.  
S-33.1

3 Thank you.

4 MS. THOMAS: Thank you, sir.

5 Bobby Kahn.

6 **S-34** MR. KAHN: Good evening and welcome to Madera  
7 County.

8 MS. THOMAS: Thank you.

9 MR. KAHN: My name is Bobby Kahn. I'm a  
10 lifelong resident of Madera and I had the honor of  
11 serving as the executive director of the Madera County  
12 Economic Development Commission.

13 I'd like to officially go on record that the  
14 Madera County Economic Development Board of  
15 Commissioners, which is comprised of representatives  
16 from all parts of the county, endorses the North Fork  
17 Mono Tribe project, specifically in Alternative A.

S-34.1

18 Madera County and the Central California  
19 region consistently has some of the highest  
20 unemployment numbers in the state. With the overall  
21 county unemployment rate currently at 9.4 percent, and  
22 the City of Madera and the City of Chowchilla over 13  
23 percent and 10 percent respectively, this can -- and  
24 currently on the rise, this is a critical project to  
25 this region.

1           The last several years our local economy had  
2 appeared to be significantly -- significantly  
3 improving. However, much of that improvement was  
4 coming from a housing industry which, as we have come  
5 to find out, was artificially inflated.

6           Madera County needs employment opportunities  
7 that are permanent and pay our -- pay our citizens of  
8 our communities a living wage allowing them to  
9 adequately support their families.

cont.  
S-34.1

10           In closing, the North Fork Mono Tribe has  
11 demonstrated they will be an asset to our communities,  
12 investing not only their financial resources by -- but  
13 also of giving of themselves and their time and making  
14 them a great partner for our local communities.

15           Thank you.

16           MS. THOMAS: Thank you, sir.

17           Could I have the next three speakers be  
18 prepared to speak. And that would be John Hutson,  
19 Maryann McGovran and Katrina Lewis.

20           And we will ask that Robert -- M-P-A-H  
21 perhaps?

22           MR. HUTSON: No. John Hutson already spoke  
23 once.

24           MS. THOMAS: Oh, all right. Okay. Thank  
25 you.



1 Oh. Robert, are you here? Robert M-P-H-P?

2 No? Okay. Maryann?

3 MS. LEWIS: Katrina.

4 MS. THOMAS: Katrina. Okay.

5 **S-35** MS. LEWIS: Good evening. My name is Katrina  
6 Lewis and I am the secretary for the Tribal Council of  
7 the North Fork Rancheria of Mono Indians.

8 I'm going to speak on behalf of the problem of  
9 gambling, and that's Table ES-1 of the executive  
10 summary of the draft EIS.

11 Problem gambling is a hot button issue that is  
12 often discussed without providing appropriate context  
13 or facts. Overall gambling participation rates in  
14 California fell between 1999 and 2006, while problem  
15 gambling actually decreased from 1994 to 2004 despite  
16 increases in the number of tribal gaming venues.

S-35.1

17 The worst cases of problem gambling are more  
18 likely to occur in activities such as lottery, card  
19 rooms and the Internet where unlike private casinos  
20 problems are more difficult to detect, monitor and  
21 address. Still, problem gambling is a very serious  
22 issue for those afflicted, and California tribes are  
23 engaged and one of the few groups working to reduce the  
24 problem.

25 Over 96 percent of Californians gamble

1 responsibly, exclusively for recreation and leisure.  
2 Our EIS estimates that the project will increase  
3 problem gambling by 0.5 percent. That means that 99.5  
4 percent of the population will be unaffected.

5           The current rate of problem gamblers between  
6 .9 and 1.5 percent of the US adult population is far  
7 lower than drug and alcohol abuse, but those affected  
8 California tribes take the personal fights of those who  
9 don't gamble responsibly seriously and have committed  
10 millions of dollars in assistance.

11           In fact, tribes are the only gaming  
12 enterprises in California funding public problem  
13 gambling programs, not the lottery, card rooms, bingo  
14 halls, private games, racetrack or Internet sites.

15           The North Fork Rancheria has indicated our  
16 strong support for responsible gaming and is committed  
17 to put into place extensive problem gambling programs  
18 whose programs are too many to list all at once. But  
19 to name a few, the tribe will provide extensive  
20 training through a gambling treatment professional for  
21 the supervisors in gaming for employees on responsible  
22 gaming and identifying and managing problem gambling so  
23 that casino employees will have the proper tools to  
24 recognize problem gambling, warning signs and provide  
25 information on treatment and resources that are

cont.  
S-35.1

1 available to guests.

2 The tribe has committed to provide \$50,000  
3 annually under the county MOU for the purpose of  
4 funding alcohol and problem gambling prevention and  
5 treatment programs.

6 Finally, the tribe will also contract with a  
7 gambling treatment professional to train its  
8 employees.

cont.  
S-35.1

9 As with any substance or human activity, some  
10 people will abuse this one, too. Yet problem gambling  
11 is an extremely complex issue that tribes have a  
12 self-interest in mitigating.

13 For the reasons stated above, we believe this  
14 draft EIS is responsible, comprehensive and sufficient  
15 in addressing the concerns and impacts and proven  
16 sufficient mitigation relating to problems with  
17 gambling.

18 Thank you.

19 MS. THOMAS: Thank you.

20 While Gary Gilbert comes up -- or is it  
21 Maryann?

22 Maryann, come on up.

23 Could David Rogers, Phyllis Lewis and Charles  
24 Altekruse come up, please. Stand by.

25 Maryann.

1 **S-36** MS. MCGOVAN: Good evening. My name is  
2 Maryann McGovran. I am the treasurer for the Tribal  
3 Council of the North Fork Rancheria of Mono Indians of  
4 California. I would like to speak on Table ES of the  
5 environmental -- of the executive summary of draft IES  
6 related to traffic.

7           Throughout the project's development the tribe  
8 has been in consultation with the County and City of  
9 Madera, City of Chowchilla, and Caltrans, including  
10 scoping meetings, to study traffic concerns and develop  
11 a traffic pattern study and mitigation plan for the  
12 project for traffic-related impacts.

13           The tribe has entered into separate agreements  
14 with the County and City of Madera to mitigate project  
15 impacts on traffic. In many instances, the  
16 improvements will result in improved local traffic  
17 flow. The draft EIS lays out a range of detailed  
18 traffic mitigation measures that the tribe will  
19 undertake during the construction phase of the project  
20 and into the operational phase spanning from the year  
21 2008 to 2030.

22           The DEIS provides for transportation  
23 improvements and significant steps to mitigate impacts  
24 on traffic such as roadway and intersection  
25 improvements to portions of Avenue 17, State Route 99,

S-36.1

1 Avenue 18 and Cleveland Avenue/Avenue 15 1/2.

2 The tribe has made significant financial  
3 commitments for road infrastructure improvements:  
4 \$600,000 for general road maintenance through the  
5 county MOU; 400,000 to 150,000 [sic] for transportation  
6 improvements to county roads based on final traffic  
7 study through the County MOU; up to 400,000 [sic] for  
8 improvements to roads in the city based on the city  
9 MOU.

10 The tribe will also pay for a proponent share  
11 of costs for any further mitigation to improve roads  
12 and intersections in the future where needed.

13 The tribe has also met with Region 6 Caltrans  
14 and will be entering into an MOU with Caltrans in order  
15 to negotiate a fair share contribution to Caltrans for  
16 interchange and possible signal improvements on Avenue  
17 17.

18 Some people have suggested that it doesn't  
19 make sense to put the casino along Highway 99 in an  
20 unincorporated area of Madera County. Unlike most  
21 Indian gaming projects, the North Fork project is  
22 consistent with the land use plans of the City and  
23 County of Madera. The site was selected in part to  
24 avoid overburdening the existing infrastructure.

25 At a time when many counties are calling for a

cont.  
S-36.1

S-36.2

1 moratorium on large-scale development in the  
2 ecologically fragile foothills, it makes perfect sense  
3 to build this project on a major transportation artery  
4 in the Valley capable of handling the increased loads.

cont.  
S-36.2

5 We hope that the people using 99 will stop by  
6 our casino. That's part of the beauty of putting it  
7 there is to draw people traveling through the region to  
8 stop and spend their dollars locally. This is much  
9 preferable, both financially and trafficwise, than  
10 having them drive on by -- or worse use windy,  
11 congested secondary roads like 41 and 145.

S-36.3

12 One final point worth noting. The peak hours  
13 for the resort casino, from 7:00 to 10:00 p.m., will  
14 occur after evening rush hours.

15 For the reasons I have just stated I believe  
16 this draft EIS is responsible, comprehensive and  
17 sufficient in addressing the concerns and impacts and  
18 providing significant mitigation related to traffic.

19 Thank you.

20 MS. THOMAS: Thank you, ma'am.

21 Gary Gilbert, are you here?

22 Okay. Great.

23 All right then. Let's see. Our next speaker  
24 is David Rogers, past mayor of Chowchilla.

25 S-37 MR. ROGERS: My name is David Rogers. I'm a S-37.1

1 business owner, former councilmember, past mayor of the  
2 City of Chowchilla. I was also on the Economic  
3 Development Commission for a number of years.

4 I live 11 miles from the proposed project,  
5 which is also a mile and a half from my family church  
6 and church school.

7 I am upset at the prospects of a lecherous  
8 industry being exported from North Fork to my front  
9 yard. Like the lottery we will fall far short of  
10 realizing all of its golden promises. Its product will  
11 be gambling addicts, alcoholics, drug addicts, broken  
12 homes, disenfranchised children.

13 MS. THOMAS: Please respect our speaker.

14 Ladies and gentlemen, please respect our  
15 speaker. Thank you.

16 MR. ROGERS: We will not adequately or even  
17 minutely mitigate these products ever.

18 In regards to other areas of mitigation which  
19 need to be addressed, the artery -- the artery of our  
20 Valley -- my family drives on it daily and I drive on  
21 it at least twice a day back and forth past the very  
22 site in question -- Highway 99, is already crowded to  
23 the point of near gridlock on a regular basis. Adding  
24 5,000 plus cars per day into this situation will  
25 stretch the corridor and will destroy a safe free flow

cont.  
S-37.1

S-37.2

1 of traffic. It is like a badly clogged artery which  
2 needs a bypass and a heart attack is imminent.

3 If traffic impact were mitigated  
4 proportionally to use, it would cost approximately \$200  
5 million. Who will pay that bill? And if you want to  
6 know how I came up with that figure, it's based on  
7 today's cost for highway construction between Fresno  
8 and Merced.

cont.  
S-37.2

9 I'm concerned about the worsening air quality,  
10 as has been mentioned by several other people, but I'm  
11 concerned about the falling water table. I've seen my  
12 neighbors drilling deeper wells. To that problem we  
13 wish to add a complex the size of which is equal in  
14 population to the City of Chowchilla on a daily basis.  
15 Chowchilla's web site states that the city population  
16 is 17,827 minus 8,482 inmates in the Valley prison  
17 system, 9,345 being the population of Chowchilla.

S-37.3

S-37.4

18 Madera has a population of 45,850. The water  
19 use in this vicinity will increase to double  
20 Chowchilla's current use on a daily basis and one  
21 quarter of the use of Madera's water use. Where is the  
22 extra ground water going to come from?

23 We are already having problems supporting the  
24 agricultural industry on which this area has been built  
25 and which I wish to continue to see happen.

S-37.5



1 I'm concerned about the adequate waste water  
2 treatment.

S-37.6

3 I'm also concerned about the -- the  
4 statistics. According to the ABC, Alcohol Control  
5 Board, licensed -- the population as stated in Madera  
6 currently has 65 licensed facilities to distribute  
7 alcohol, one for every 705 people. Chowchilla has 16,  
8 one for every 583 people. This indicates a saturation  
9 of this type of business and we cannot allow one bar  
10 much less four as proposed by this project.

S-37.7

11 The direct access to Highway 99, I'm persuaded  
12 it will be a tragic result.

13 MS. THOMAS: Thank you, sir. Your three  
14 minutes are up. Thank you.

15 MR. ROGERS: I also want to say that I wish we  
16 would have been given the opportunity to -- the  
17 opportunity to continue as others were previously five  
18 and ten minutes.

19 I'm the only representative of the City of  
20 Chowchilla here tonight and I want to say that I don't  
21 believe this project can be mitigated in this -- in  
22 this way and I believe it needs to be rejected out of  
23 hand or the people be given an opportunity to vote on  
24 it.

S-37.8

25 MS. THOMAS: Thank you, sir.

1           Okay. Our next speaker -- excuse me, ladies  
2 and gentlemen.

3           Our next speaker is Charles Altekruise and we  
4 will be -- it's about 8:15 right now. In 15 minutes  
5 we'll take a short break because I know you've been  
6 very patient and you probably need to get up and  
7 stretch your legs. So at 8:30 we'll take a break.

8           But right now Mr. Charles Altekruise.

9           Thank you, sir.

10         **S-38** MR. ALTEKRUSE: Good evening. My name is  
11 Charles Banks Altekruise, and I am the community  
12 relations director of the North Fork Rancheria of Mono  
13 Indians.

14           From that position I have had the privilege  
15 and honor of spending the last three years of getting  
16 to know this community, participating in hundreds of  
17 community events and getting to know thousands of local  
18 citizens. So I believe I am in one of the unique  
19 positions to state unequivocally that this project has  
20 enormous community support.

S-38.1

21           But don't believe me. In front of you I have  
22 piled nearly 4,000 individual support forms. In  
23 combination with submissions to our web site, we are  
24 now approaching narrowing on 5,000, and I will provide  
25 the BIA hard copy backups of these forms with contact

1 information.

2 In addition, we have support forms from every  
3 Chamber of Commerce in Madera County as well as many  
4 from neighboring counties from diverse ethnic groups  
5 such as the PanAmerican Club, Latinas Unidas, the NAACP  
6 chapter of Madera, and the premier tourist agency of  
7 the county, Yosemite Sierra Visitors Bureau. We will  
8 submit hard copies of these letters as well.

9 How did the North Fork Rancheria garner such  
10 an unprecedented level of support for a tribal gaming  
11 project? We did it the old-fashioned way. We earned  
12 it. We engaged the community in constructive,  
13 collaborative and transparent dialogue. We listened to  
14 their concerns and issues and we tried to address them,  
15 the most significant ones possible.

16 We took out ads but only to keep people  
17 informed and up to date on the project, not to attack.

18 As a result, our Tribal Council, our tribe,  
19 our tribal programs in this development project are  
20 very well known, understood and appreciated throughout  
21 the county.

22 Our opponents have taken a different  
23 approach. After being invisible, not asking to be at  
24 the table for the past three years, they suddenly  
25 appear with their out-of-town representatives two weeks

cont.  
S-38.1

1 before this hearing. They pour hundreds of thousands  
2 of dollars into attack ads that do nothing to clarify  
3 the issues or address specifics of the EIS. They spend  
4 more time apparently prowling the offices of distant  
5 politicians than in talking to Madera.

cont.  
S-38.1

6 MS. THOMAS: Please continue, sir.

7 MR. ALTEKRUSE: My question is: Where have  
8 these people been for the last three years? Did they  
9 just start thinking about traffic, about air quality,  
10 about water two weeks ago?

S-38.2

11 Take a look at Madera. Take a look, Madera.  
12 Not one Madera official has spoken against this project  
13 this evening.

14 MS. THOMAS: Please continue, sir.

15 MR. ALTEKRUSE: And take a look, Madera. Not  
16 one outside official has spoken about a specific issue  
17 identified in the EIS. It has simply ignored it.  
18 After three years of ignoring Madera, three years of  
19 ignoring the tribe, three years of ignoring the BIA and  
20 the EIS process. You know, I've talked to people, and  
21 this just sickens so many people in this community. As  
22 one concerned citizen stated, they, the opponents,  
23 cannot buy Madera with two weeks of media bias.

S-38.3

24 I want to just in conclusion -- I am the  
25 representative that Mr. Casas from Table Mountain

1 said -- inferred that I suggested that our EIS was  
2 incomplete. I made no such statement, but he is  
3 correct. I did invite Fresno County Board of  
4 Supervisors to sit down with the tribe. That is our  
5 constructive, transparent, collaborative approach. We  
6 will sit down with anybody who calls on our doors and  
7 asks to talk to us.

S-38.4

8 MS. THOMAS: Thank you, sir.

9 Is there a Phyllis Lewis?

10 Phyllis, you're next. And then we have Natori  
11 Hatfield, Bill Jones and Pat Handley. If they could  
12 stand by, please.

13 S-39 MS. LEWIS: Good evening. My name is Phyllis  
14 Lewis. I'm from Big Sandy Rancheria. I am the Tribal  
15 Council representative there.

16 I myself stand before you and before the  
17 people that are in this room to support North Fork  
18 Rancheria.

19 I, too, want to talk about this ad. This ad  
20 says Highway 99 casino is a losing bet. No, it isn't.  
21 Because this is a false ad. It shows all of these  
22 casinos making the public trying to -- make the public  
23 believe there are 20 or 30 tribes in this area. Excuse  
24 me. There is Table Mountain, Picayune, Big Sandy  
25 Rancheria, Cold Springs and North Fork. There's five

S-39.1

1 of us.

2 This falsely tells the public a different --  
3 it shows you a different view. It shows you a  
4 different view of the -- for the taxpayers to attack  
5 North Fork Rancheria.

6 I stand before you as a tribal leader. I  
7 stand before you representing our tribe and also I  
8 stand before this group today. I stand before the  
9 tribes to challenge the tribes to work together, work  
10 together helping one another, not fighting against each  
11 other. Fight for that unity so that we all can be  
12 successful like our other two neighbors are. We want  
13 what you have. We're entitled to what you have and we  
14 deserve to have what you have.

15 So please be thankful for the Grandfather, be  
16 thankful for the Creator, but be thankful for one  
17 another, brothers, sisters, cousins, uncles. We're all  
18 family. We're all Monos. We're all Chukchansis.

19 Don't forget where you came from.

20 MS. THOMAS: Natori Hatfield, please.

21 **S-40** MS. HATFIELD: Hi. My name is Natori  
22 Hatfield. I am a member of the North Fork Mono  
23 Rancheria.

24 Our casino project is the bright light at the  
25 end of the tunnel for all of us. And when I say "all"

cont.  
S-39.1

S-40.1

1 I mean each and every one of us, tribal people and  
2 non-tribal. The casino will bring many jobs needed to  
3 boost the economy.

4 The City and County of Madera will be  
5 supported financially in many ways. Quality services,  
6 better health care for our elders and college careers  
7 will no longer be dreams of my fellow tribal citizens  
8 but reality.

cont.  
S-40.1

9 Don't let this opportunity pass by. Instead  
10 please support our casino project for the future of us  
11 all.

12 Thank you.

13 MS. THOMAS: Thank you.

14 Bill Jones.

15 **S-41** MR. JONES: Good evening. My name is Bill  
16 Jones. Thank you for allowing me to speak.

17 I, too, am a member of the Yaqui tribe,  
18 Tuscon, Arizona. And my people has not one casino but  
19 two casinos. We don't get penny 1 from those casinos.  
20 Instead our money goes into housing, into a hospital.  
21 And you don't have to be just a member of the Yaqui  
22 tribe to use that tribal hospital. Any Native American  
23 can use the hospital for free.

S-41.1

24 We've also built a school. So we are  
25 educating our young and they are speaking the native

1 language. I still know how to swear in the native  
2 language. A lot of the rest I have forgotten.

3 We invented smoke signals and smoke screens,  
4 and there has been a lot of smoke screen tonight. We  
5 had one individual talk about 32 of our senators that  
6 were opposed to this. Out of 400 in the legislature 32  
7 is minuscule. This is a representative government  
8 where the majority rules and the State of California  
9 has spoken on many propositions that says let Indian  
10 gambling continue.

cont.  
S-41.1

11 So I'm here in support of the Mono Tribe  
12 coming in and building their casino. It will be an  
13 excellent economic opportunity for Madera, the city and  
14 the county.

S-41.2

15 My last comment. When Fresno city and Fresno  
16 County decided to expand from 30,000 to a million  
17 people, they didn't ask Madera to sit down and find out  
18 what the air impact quality would be, what the cars on  
19 the road were going to be. When Merced decided to have  
20 the University of California Merced move into Merced  
21 they didn't ask Madera to come down and look at what  
22 impact the additional cars would have on 99 and the air  
23 quality there. Those are smoke screens.

S-41.3

24 The Monos were thoughtful enough to address  
25 this problem ahead of time. And I would ask you to



1 look through the smoke screen, past the smoke screen,  
2 and go back with a recommendation to let them build  
3 this casino.

cont.  
S-41.3

4 Thank you.

5 MS. THOMAS: Thank you.

6 Will Pat Handley please come up.

7 **S-42** REV. HANDLEY: My name is Patrick Handley.

8 I'm the pastor of the North Lake Church of God here in  
9 Madera and I want to thank you for this opportunity.

10 Somebody has mentioned that we should thank  
11 the Creator. To that I would say yeah, we should. But  
12 we should remember the Creator's words. "Blessed is  
13 the nation's whose God is the Lord." And as such, when  
14 we want financial, fiscal and economic stability within  
15 Madera and Madera County we need to remember that he is  
16 the one that prospers us.

S-42.1

17 As such I am deeply concerned about any impact  
18 that any casino would willfully deliver to us as a  
19 people. I know firsthand the devastation that these  
20 parlors of glitter have to offer as they almost cost me  
21 my marriage and an unwanted financial crisis.

22 The promise of financial stability and  
23 economic growth for the City of Madera and surrounding  
24 vicinities comes at too high a price. We can't afford  
25 to squander the most precious resources, our citizens,

1 and no one has mentioned anything about that. How will  
2 this really affect our citizens?

3 We look at the financial figures, but money  
4 will burn and will pass away, but you will have to deal  
5 with the outfall of the rest of the citizens for as  
6 long as this City is in effect.

7 We can't afford to make rich the pockets of  
8 organizations that thrive upon devastation, loss and  
9 heartache at the very cost of its people. Let us not  
10 try -- or, excuse me, let us not as a city cast away  
11 our most precious resources to balance a budget, to  
12 bolster our coffers.

13 If we seek to better our economy, let us  
14 invest in our own people and bring in honest commerce  
15 that does not thrive on greed and ignorance and steal  
16 food from our children. Bringing in companies and  
17 investors --

18 MS. THOMAS: Please continue, sir.

19 MR. HANDLEY: This will leave a bigger social  
20 and economical debt due to increased welfare,  
21 rehabilitative and medical costs just to name a few  
22 that we must carry.

23 And let's not destroy the hope of our future,  
24 our young people, by feeding them this lie that the  
25 casinos are the answer to our fiscal problems, when we

cont.  
S-42.1

S-42.2

S-42.3

1 should be teaching them that hard work, responsibility  
2 and responsible money management along with  
3 accountability makes for fiscal growth.

4 Yes, I oppose the casinos because they offer  
5 so much in words but deliver so little in reality.

6 They exact from our people much more with their  
7 glittery words and promises than they ever plan or are  
8 able to deliver or pay back. It is always a lose-lose  
9 proposition for all involved except the casinos.  
10 Madera, you cannot afford to put this thing into  
11 action.

12 Enough is enough. When will we say no?

13 MS. THOMAS: Thank you, sir.

14 Thank you, folks. Before we go to the  
15 break -- excuse me. Excuse me, folks. Let's stay with  
16 us here.

17 Okay. Before we go to break the next speakers  
18 are going to be Randall Brannon, Dustin Graham, Avis  
19 Punkin, Joe Alberta, Joyce Burel -- I think she might  
20 have already spoken -- and then Dr. Manlove.

21 And now we're going to take a ten-minute  
22 break. Please be back in your seats in ten minutes.  
23 It's 8:30. So in ten minutes please be back to your  
24 seats.

25 And thank you very much.

cont.  
S-42.3

1 (Recess taken.)

2 MS. THOMAS: Okay. Ladies and gentlemen, as  
3 you're getting seated, our court reporter, Peter  
4 Torreano, asked me to share with you that if you have  
5 written comments, if you already spoke this evening and  
6 you're still here and you have your written comments,  
7 if you would like to give them to him, he will take  
8 them and make sure that they are transcribed accurately  
9 for the record.

10 And if any of you who are going to speak would  
11 be prepared to do that, he's sitting right to my  
12 right. And after you speak you can feel free to drop  
13 your papers off to him and he'll be able to get your  
14 message on the record.

15 Thank you.

16 All right. So without further ado, I see our  
17 next speaker is up and I hope I have -- are you  
18 Randall?

19 Okay. Mr. Randall Brannon, go ahead, please,  
20 sir.

21 And if everybody could please quiet it down  
22 out of respect for our next speaker, that would be  
23 great. Thanks.

24 S-43 REV. BRANNON: I'm Pastor Randy Brannon of  
25 Grace Community Church. I'm president of the Madera

S-43.1

1 Ministerial Association, some 40 congregations  
2 represented.

3 Thank you.

4 First off, I'm enjoying this engagement  
5 tonight. A lot of good interaction.

6 In the Madera Tribune this past Monday the  
7 community relations director for the tribe and Station  
8 Casinos stated: "Clearly the foothills would not be a  
9 great choice environmentally," noting that the  
10 footprint would be too heavy because of the habitats  
11 involved.

cont.  
S-43.1

12 First, he admitted, as others well know, that  
13 the carbon footprint will be significant in a region  
14 that is already suffering from air quality problems  
15 especially in more congested areas such as Madera and  
16 the Highway 99 corridor.

17 Secondly, the habitat of the Valley is no less  
18 important than that of the foothills. We have a  
19 habitat here. We have a variety of animals,  
20 vegetation, just like the foothills. It's very  
21 important to us.

S-43.2

22 Thirdly, human beings are the greatest  
23 resource of any environmental habitat. The carbon  
24 footprint would be much greater in our urban area, and  
25 it is urban because it's described -- 50,000 people by

S-43.3

1 the US Census Bureau, the United States Department of  
2 Agriculture, Madera had a census in 2000 and 2006 of  
3 52,000. We are urban. We are not a rural area. It  
4 would be much greater for this urban area.

5 We know from nationwide government, university  
6 and private studies on gambling that close to 13  
7 percent of patrons will become problem and pathological  
8 gamblers with another 18 percent being at risk for  
9 such. In addition, an estimated 15 percent of gambling  
10 industry employees will develop gambling problems.

11 Families of pathological gamblers increasingly  
12 suffer from financial, physical and emotional problems  
13 including divorce, domestic violence, child abuse,  
14 child neglect. Children of such individuals show an  
15 increase in use of drugs and alcohol and school  
16 truancy. An increase in loss of employment and  
17 bankruptcy will occur. Employers will experience  
18 losses through lowered productivity, time missed from  
19 work, as well as employee theft.

20 No dollar amount can represent what a lost or  
21 impaired parent, spouse, child or friend means to  
22 families and the community.

23 Statistically the EIS underestimates these  
24 issues and costs. History shows that casinos don't  
25 make people rich. They make poor people poorer. And

S-43.4

1 they prey upon the impoverished and the aged who can  
2 ill afford to gamble their lives.

cont.  
S-43.4

3 As stated, the EIS is significantly deficient  
4 and that it does not address the regional environmental  
5 or economic impact on Fresno, Mariposa or Merced  
6 Counties. Each county will have added water burdens,  
7 air quality problems and traffic needs as they become a  
8 pathway to this proposed casino. Yet not a word in  
9 this document discusses the problems that will occur.

S-43.5

S-43.6

10 Thus an EIS needs to be performed on Fresno,  
11 Mariposa and Merced Counties. A unified EIS should be  
12 expected as Madera is not the only county that is  
13 significantly impacted by this project.

S-43.7

14 Let the complete story be told in a complete  
15 document. If proponents of the casino would experience  
16 firsthand the destruction of a family member, relative,  
17 friend or employee, we might hear another tune coming  
18 from their mouths. Charging ahead for economic reasons  
19 in the face of personal havoc that will be wreaked on  
20 our city and county is not wise and needs to be stopped  
21 right now.

S-43.8

22 MS. THOMAS: Thank you very much. Your three  
23 minutes up.

24 REV. BRANNON: And we would appreciate an  
25 advisory vote of the people that would really give you

S-43.9

1 a picture of what's happening in our town.

cont.  
S-43.9

2 Thank you so much.

3 MS. THOMAS: Thank you. You bet.

4 Our next speaker is Dustin Graham.

5 Is Dustin Graham here?

6 MR. GRAHAM: I'm on the sidelines.

S-44

7 Hello. My name is Dustin Graham and I'm going  
8 to speak in to oppose the deed-to-trust application and  
9 the process.

10 You know, it's very hard for us, especially me  
11 as a Native American person, to come up here and talk  
12 against a tribe of people, Mono Tribe, that I know as  
13 friends. It's very difficult. Because we live in the  
14 same community. I know who they are. I know just  
15 about everything about them like I know our own tribal  
16 members.

S-44.1

17 But what we will do here is if this project  
18 moves forward, you're going to open up a path for other  
19 tribes to actually have a second site casino if they  
20 choose. That's what you will do. And then there goes  
21 Indian gaming. It will open up throughout the State of  
22 California for gaming in general for everybody. That's  
23 what will happen, an epidemic. That is true.

S-44.2

24 As Tony Lewis said, remember where you come  
25 from. We as Indian people know that within ourselves

S-44.3



1 we have a territory and a boundary, that every tribe  
2 acknowledges a certain specific area that is your own.  
3 I just don't see how a tribe from North Fork can come  
4 down to Madera and to take a hold of land that is not  
5 of their own but of the Chowchillian tribe. That's  
6 what hurts me the most is that who -- who is taking  
7 care of that tribe? It might not be federally  
8 recognized, but that tribe exists here. What happens  
9 to them?

cont.  
S-44.3

10 You look at real issues here today. Can North  
11 Fork build up there? They can. Can it be a successful  
12 large tribe? Probably not on the scale that they want  
13 and probably not on the scale that their investor wants  
14 to invest into. That's a fact. I hate to say that,  
15 but that is the truth.

16 And the truth is you have a fiduciary  
17 responsibility to oversee us as native people.  
18 Remember there's another tribe down in this area that  
19 occupies it. North Fork has its area given to them by  
20 an executive order set aside just like Picayune  
21 Rancheria. I live on the reservation myself. I live  
22 right on Picayune reservation. It was up until last  
23 year the last part of the 28.76 that was in -- that was  
24 the only land in trust until last year.

S-44.4

25 These tribal people can go back to their 80

1 acres, ask those of the lot of them that lived on there  
2 if they would enter into a business lease in order to  
3 do business on that land. Can it happen? Of course,  
4 it can happen. It's in your federal regulations.

cont.  
S-44.4

5 So I'm looking at you guys as individuals that  
6 are here today to take special consideration and look  
7 at these tribes that actually belong in this area,  
8 belong here.

S-44.5

9 Thank you.

10 MS. THOMAS: Thank you, sir.

11 Next speaker Avis Punkin.

12 And while Avis is coming up to the microphone  
13 I believe we have a Dr. Manlove who would be next and  
14 then Leora Beihn, B-E-I-H-N, Joanne Rhoads, and Harold  
15 Hammond. If you guys could be on standby to come up,  
16 that would be great.

17 Thank you, Avis.

18 **S-45** MS. PUNKIN: Good evening. I'm Avis Punkin of  
19 North Fork. I'm a proud North Fork Mono Indian. I  
20 have been born and raised up in North Folk. And I  
21 support this casino with all I've got.

S-45.1

22 I can remember when my mother, my grandmother,  
23 my ancestors used to always come around down here where  
24 this casino is going to be and remember them saying  
25 that they used to work in the grapes down here. They

1 could dig roots down here for their basketry. They  
2 gathered many materials that they could survive with  
3 until someone decided that they shouldn't be around. I  
4 do have a lot of relatives that live here in Madera  
5 County.

6 So this land is not white man's land. It's  
7 not anybody's but ours. We're only coming back to our  
8 land that we once walked on. Our ancestors walked on  
9 it and we can prove this. So people cannot say we're  
10 moving off of our land to come down to somebody else's  
11 land because this is our land.

12 Thank you.

13 MS. THOMAS: Thank you.

14 Dr. Manlove. Is there a Dr. Manlove here?

15 DR. MANLOVE: I'm Dr. Robert Manlove. I'm --

16 **S-46** MS. THOMAS: Sir, could you speak into the  
17 mic. Thank you.

18 DR. MANLOVE: I'm Dr. Robert Manlove. I have  
19 five collegiate degrees and have co-written a doctorate  
20 in anthropology. I'm a research anthropologist at the  
21 University of California. I've been asked to look at  
22 four particular aspects of the Mono claim to the land  
23 here and near Madera.

24 First of all, was the boundary of the Mono  
25 homelands adequately or accurately established? This

cont.  
S-45.1

S-46.1

1 seems to be verified by historical records at the  
2 university. The boundary was established by careful  
3 interviewing at the end of the Nineteenth Century as  
4 well as the beginning of the Twentieth Century of the  
5 Yokuts, Miwok and Mono Indians.

cont.  
S-46.1

6 And, secondly, there has been a claim that the  
7 Mono Indians have a relationship with the land here in  
8 Madera by virtue of the fact that they shared the land  
9 with the Yokuts Indians. This appears not to be true.

10 The Yokuts and the Mono Indians were engaged  
11 in endemic warfare. This was caused by the Mono  
12 Indians' gradually usurpation of the land as they moved  
13 down from the higher levels. They would move into an  
14 area during the winter when the -- when the Yokuts  
15 retreated to the Valley and then when the Yokuts came  
16 back in the spring they would find themselves blocked  
17 by the Monos. This led to battles and a great deal of  
18 animosity between tribes. In addition to that, the  
19 Mono Indians were raiding the Yokuts Indians for women  
20 and for horses.

S-46.2

21 The second claim is that the Mono had an  
22 annual cycle of migration that was the result of their  
23 need for the game animals and the fish that were  
24 available on the Valley floor. And this also appears  
25 not to be the case.

S-46.3

1           The game animals on the Valley floor were  
2 primarily the elk and the antelope. They were very  
3 difficult to hunt and were only taken in the tules. So  
4 that they were not -- it was not an attractive source  
5 of material for the Monos.

6           Similarly the salmon runs went all the way up  
7 into the Mono area. They even had to come back -- come  
8 down to the Valley for the salmon runs. The game  
9 animals in their area above 1,500 feet were  
10 categorically abundant. All of the earliest reports  
11 say this.

12           The third claim is that the Madera land is  
13 associated with the Mono by virtue of the 1851  
14 treaties. The 1851 treaties have been quoted in -- at  
15 many times. It appears that the North Fork Mono have  
16 no particular rights associated with the 1851  
17 treaties.

18           For one thing they were not -- they did not  
19 join in the negotiations nor did they sign the  
20 treaties. They also did not participate in the -- in  
21 the post-treaty reservations. So they appear to have  
22 no particular right to say that they have access to  
23 this land by virtue of the 1851 treaties.

24           Most particularly, the land down here is part  
25 of the homeland of the Yokuts, particularly the

S-46.4

S-46.5

1 Chowchilla Yokuts. If anyone has a right to establish  
2 a casino here, it's them.

cont.  
S-46.5

3 MS. THOMAS: Thank you, sir.

4 Our next speaker is Leora Beihn.

5 And as Leora comes up, I would remind the  
6 audience to please avoid any personal attacks. You  
7 know, we realize and understand these strong feelings.  
8 So the best opportunity is to state your views  
9 convincingly short and sweet, and then let everybody  
10 give a chance to do their -- to give their opinion.

11 Thank you.

12 MS. BEIHN: Thank you.

S-47

13 I have attended all the public hearings on  
14 this casino project and I, like others, want to know  
15 where all the people have been. This is the most I've  
16 ever seen at any meeting. So it's really surprising to  
17 see how many now are opposing.

S-47.1

18 But also I would like to examine the EIS and  
19 submit my in-depth comments by March 31st and I would  
20 like to have that mailed to me, if possible.

S-47.2

21 Many friends and relatives have spoken tonight  
22 and from the other tribes, also, very close friends,  
23 and I see the pain on their faces when they have to  
24 oppose our tribe. And it's sad to hear that relatives  
25 and friends would begrudge our tribe of having some

S-47.3

1 economic development like they have.

cont.  
S-47.3

2 And as far as building in North Fork, the  
3 North Fork Rancheria, as you probably already know, is  
4 owned by individual family members and heirs of Susan  
5 Johnson. That is why we are indeed called a landless  
6 tribe. Otherwise, we would have land. That land does  
7 not belong to us.

S-47.4

8 So we have occupied Madera for many, many  
9 years. You know, many of us have shopped here in the  
10 past, had children here. Our great grandmothers were  
11 buried here. It can go on and on and I'm sure it's in  
12 the records. And I just want to share with you that  
13 I'm sure that the EIS will prove that the Monos have a  
14 right to be here as well as the Yokuts and Chowchillian  
15 and the Chukchansi. So we just really need to share.

S-47.5

16 MS. THOMAS: Thank you, ma'am.

17 Our next speaker is Joanne Rhoads.

18 And then as Joanne makes her way up I'd like  
19 Sean Kennings, Dr. Alvin Greenberg, and Bruce King to  
20 be on standby. Thanks.

21 Joanne?

22 **S-48** MS. RHOADS: Good evening. I'm Joanne  
23 Rhoads. I'm a family nurse practitioner and a  
24 commissioner of the Natural and Cultural Resource  
25 Commission of the Picayune Rancheria of the Chukchansi

S-48.1

1 Indians.

2 In regards to the site, it is our opinion that  
3 an alternative site within the North Fork Mono  
4 territory would be the best option. The rancheria site  
5 would be one of those options. Like the Chukchansi's,  
6 the North Fork Rancheria is recognized as a reservation  
7 by the United States.

8 Like the Chukchansi Tribe, the North Fork Mono  
9 Tribe has contracted with a management company to  
10 assist them in developing the gaming facility and to  
11 purchase land for that purpose.

S-48.2

12 The North Fork Mono Tribe could purchase back  
13 lands within the Rancheria to develop a casino.  
14 Instead of buying from non-Indians, they would be  
15 buying from tribal members which would be an easier  
16 transition.

17 The American Forest Products mill site is  
18 another prospective site. The North Fork Mono Tribe  
19 could purchase lands within their territory to develop  
20 a casino. The old mill site is a location near the  
21 rancheria that would be a good spot for casino  
22 development. As the former economic engine for the  
23 area, it is a fitting location for the economic rebirth  
24 of the North Fork community.

S-48.3

25 As far as travel and transportation goes, if



1 the North Fork Mono put a casino within their territory  
2 their tribal members would not have so far to travel to  
3 be able to work thus improving the local economy in  
4 their original land base in North Fork and decreasing  
5 fuel emissions and vehicle traffic on already crowded  
6 Valley roads and highways.

cont.  
S-48.3

7 In regards to territory, staying within our  
8 territories is very important for the Indian tribes in  
9 this region. The North Fork Mono Tribe is attempting  
10 to step outside of their boundaries and in doing so are  
11 infringing on other tribes' traditional homelands.

S-48.4

12 In the Central Valley and mountain areas there  
13 are seven tribes that have kept their promise under  
14 Proposition 1A. As a commissioner of the Natural and  
15 Cultural Resource Commission of the Picayune Rancheria  
16 of the Chukchansi Indians we are responsible for  
17 monitoring and consultation under the Native American  
18 Graves Protection and Repatriation Act and SB 18.

S-48.5

19 A proposal for a gaming resort site in Madera  
20 which is out of the tribe's territory confuses the  
21 issues of appropriate consultation regarding human  
22 remains and archaeological findings that are found in  
23 those areas by confusing federal and state officials  
24 regarding which tribe is where and who to contact  
25 regarding these very important issues.

1 Thank you very much for your time and  
2 attention.

3 MS. THOMAS: Thank you, ma'am.

4 If you could speak to us, sir, it would make  
5 it easier for our court reporter.

6 **S-49** MR. HAMMOND: I don't like to talk to  
7 somebody's back.

8 MS. THOMAS: Sir, if you recall, you're  
9 speaking to -- you're actually speaking to us. This is  
10 a public hearing for us.

11 MR. HAMMOND: I'm talking to these people out  
12 here.

13 MS. THOMAS: Okay. We will tell you, because  
14 your back is turned to us we will tell you when your  
15 three minutes is up.

16 MR. HAMMOND: [Speaks in Native American  
17 dialect.]

18 I've heard a lot of talk here today. We're  
19 talking about people from Chowchilla. I asked my mom.  
20 She's 93. I talk with her. She knows everything. I  
21 said, "What are the name of them people up there in  
22 Chowchilla?"

S-49.1

23 She said, "Chowchillow." And she said they  
24 couldn't say "Chowchillow." So they wrote down  
25 "Chowchilla."

1 I said, "Well, that's fitting, Mom."

2 We don't even know if we're Chukchansis. Who  
3 made us Chukchansis?

cont.  
S-49.1

4 Also, these little towns around here, where  
5 are the natives? And if they are gone, where are the  
6 burial grounds that the Natural Cultural Resource  
7 Commission can go check out?

S-49.2

8 And also I hear there's a footprint  
9 somewhere. Where is this footprint and how? Nobody is  
10 going to present that?

S-49.3

11 So I ask all of you talk to your elders. Or  
12 have you talked with them? Are they telling you you're  
13 from here or where? I know we're from somewhere. We  
14 got removed from our lands to where we are there in the  
15 hills. Where were we before that?

16 I talked to one of my elders called Mary  
17 Martin. She told me Chukchansis were all over. She  
18 said before the Spaniards came we were in Mariposa. We  
19 were in North Fork and the neighboring place there were  
20 Yokuts people from the Valley, Yokuts people,  
21 Chukchansis, whatever they call themselves. We were  
22 from here.

S-49.4

23 I used to come down here to Madera with my  
24 folks. We used to visit natives from here. Guess what  
25 language they talk? Chukchansi. Because I could

1 understand it. If they talked another language, Miwok  
2 and all that stuff, I couldn't understand it. It  
3 wasn't in my blood.

cont.  
S-49.4

4 I'd like to know where all the people were  
5 from La Grange out here passed us. Where were those  
6 people?

7 MS. THOMAS: Sir, I respectfully state that  
8 your three minutes is up and, if you could give  
9 everybody else a chance to speak, that would be great.  
10 We'd appreciate that.

11 Thank you, sir.

12 Our next speaker is Sean Kennings.

13 Sean. And if you could speak to us, please,  
14 sir, we would appreciate that. Thank you.

15 **S-50** MR. KENNINGS: Good evening. My name is Sean  
16 Kennings. I'm a planning consultant with LAK  
17 Associates. I've been asked by the Picayune Rancheria  
18 to give a review of the DEIS for completeness and  
19 adequateness.

S-50.1

20 First off, I'd like to say that three minutes  
21 is clearly not enough time to give substantial comments  
22 on a document this size, nor is a 45-day review period  
23 enough time to review this document and all of its  
24 appendixes and which we request an extension to the  
25 45-day review period up to at least 90 days and that we

S-50.2

S-50.3

1 be given another public comment hearing like this so  
2 that we can submit all our comments, giving enough time  
3 for everyone to comment on the document.

cont.  
S-50.3

4 I'd like to present my comments tonight about  
5 the EIS in that -- its inadequateness and  
6 incompleteness and we would ask that it be revised and  
7 recirculated, a new draft environmental impact  
8 statement.

S-50.4

9 The points I'd like to make are these: First  
10 off, the project description is inadequate. The  
11 project and the proposed action purpose and need calls  
12 for not only the building of the casino and the hotel,  
13 but also for the land acquisition for a fee to trust.

S-50.5

14 Nowhere in the document does it describe this  
15 fee-to-trust land acquisition. | Nowhere in the document  
16 does it describe the process for which this particular  
17 site is chosen. | Nowhere in the document does it

S-50.6

S-50.7

18 describe the socioeconomic standing of the North Fork  
19 Mono Indians and why they chose this particular site  
20 and the process for which the Bureau of Indian Affairs  
21 will decide and determine upon this particular action.  
22 Therefore, the project description is inadequate for  
23 those reasons.

S-50.8

24 Similarly, the project description fails to  
25 include the long-term viable and sustainable revenue

S-50.9

1 base for the tribe and what this actual -- actual  
2 building of the casino will do for the Mono Indians at  
3 this particular location.

cont.  
S-50.9

4 Also, the project description fails to include  
5 any recognition of the Americans with Disabilities Act,  
6 handicap access and handicap parking facility.

S-50.10

7 The DEIS is also inaccurate due to the range  
8 of alternatives. Alternative D is discussed in the  
9 project description as being undesirable due to many  
10 physical constraints that were put on emotional  
11 barriers. Yet it is fully reviewed within the  
12 document. That confuses myself and I'm sure others.  
13 There should have been offered a reasonable alternative  
14 such as the old mill site that would have significantly  
15 benefited to review this document.

S-50.11

16 Also, there is no visual resource analysis in  
17 the document or accurate photo simulations. This is a  
18 70-foot hotel tower in a previously undeveloped site  
19 with all the parking and the parking facilities.  
20 There's no visual simulations for this facility or any  
21 of the alternatives and it's therefore -- thank you for  
22 your time.

S-50.12

23 I'd also like to say that the cumulative  
24 impacts are understated. There is not enough  
25 information on the loss of agricultural land nor the

S-50.13

1 significant impacts on the economy that would come from  
2 this proposed bill.

cont.  
S-50.13

3 MS. THOMAS: Thank you, sir. Please be sure  
4 to give us your written comments. Thanks.

5 Our next speaker is Dr. Alvin Greenberg.

6 **S-51** DR. GREENBERG: Good evening. I'm Alvin  
7 Greenberg. I'm a toxicologist with expertise in air  
8 quality, public health, hazardous materials management  
9 and environmental site assessments. I've been asked by  
10 the Picayune Rancheria to provide technical and  
11 scientific comments on the draft EIS.

12 I would like to echo and agree with the  
13 previous speaker. In my experience, which includes  
14 usually sitting on your side of the table as opposed to  
15 being on this side -- I do consult for a California  
16 state agency. I prepare over 100 sections of the EIRs  
17 and consulting for the Federal Government and other  
18 states' EISs.

S-51.1

19 So I really appreciate when there is an  
20 opportunity given for meaningful public comment. Three  
21 minutes is not adequate for that.

22 I also feel that, as the previous speaker  
23 mentioned, an additional hearing as well as additional  
24 time to prepare written comments, which I will submit  
25 within the time frame. And I'm certainly hoping that

S-51.2

1 you will extend that time frame because just since the  
2 release of the draft environmental impact statement  
3 I've identified 39 deficiencies and I've just started.

cont.  
S-51.2

4 So I hope you will take my comments in the  
5 technical and scientific nature in which they are  
6 intended.

7 This is a multi-faceted issue. It really does  
8 deserve to have proper scientific and technical  
9 scrutiny. I do find at this time that the DEIS is  
10 inadequate and incomplete.

S-51.3

11 First of all, in two major areas the DEIS  
12 fails to identify air quality and public health impacts  
13 from both particulate matter PM10 and PM2.5. And I  
14 apologize to the members of the community. Normally  
15 I'd like to take the time to explain what PM10 and  
16 PM2.5 are and how it impacts public health. But I  
17 can't do that in three minutes. So just accept the  
18 fact that they are really bad for you.

S-51.4

19 It does not address the issue of impacts to  
20 other problems. In fact, it doesn't address the issues  
21 of PM10 and PM2.5 to Madera let alone Fresno County and  
22 the other surrounding counties.

S-51.5

23 There is no analysis of ozone impacts in  
24 Madera, in Fresno County. There will be emissions of  
25 what we call ozone precursors, that ozone itself is not

S-51.6



1 emitted from a project, but rather the precursors are.  
2 There is no discussion even though it is mentioned in  
3 the DEIS of impacts on Sequoia and Kings Canyon  
4 National Park. I'm hoping somebody from the National  
5 Park Service is here and, if they are not, you will  
6 certainly play this section of the tape for them.

cont.  
S-51.6

7 But if you do the analysis, you will find that  
8 if you place a casino of this size with the traffic  
9 impacts, et cetera, in Madera and the exact same size  
10 in North Fork, say, at the old mill site, which I would  
11 really like to comment about on that, that the impacts  
12 on Sequoia Kings Canyon National Park will be far  
13 greater from the site here, Alternative A, than if  
14 placed at the North Fork site.

S-51.7

15 MS. THOMAS: Sir, we respectfully note that  
16 you -- we know that you need more time, but I think you  
17 probably prepared some very detailed notes which we'd  
18 appreciate to have.

19 DR. GREENBERG: Let me just explain why.

20 MS. THOMAS: Can you please respect the next  
21 speaker, sir. I'd appreciate that. I understand.

22 Thank you.

23 DR. GREENBERG: Thank you.

24 MS. THOMAS: Thank you, sir.

25 Our next speaker is Bruce King.

1           And while Bruce is coming up we have Jonathan  
2 Morris, Ted Atkins and Jeffrey Singer. If you're still  
3 here, please stand by.

4           Mr. King?

5           S-52 MR. KING: Yes. My name is Bruce King. I'm a  
6 member of the United Tribes of Indians of Wisconsin.  
7 I'm here representing the Chukchansi Gold Resort Casino  
8 as its interim general manager.

9           What I want to speak today about is a  
10 statement within the EIS that spoke to the 20.4 percent  
11 reduction in gross revenues. While I'm not here to  
12 debate that particular issue, I want to discuss that  
13 potential number's impact on the operations.

14           First of all, I'd like to say that it would  
15 have significant reductions in our number of employees  
16 and the dollars spent in the economy. What we will  
17 have to do is to make substantial adjustments to our  
18 marketing plan and our operations.

S-52.1

19           As we all know, the changes that will be  
20 resulted, we estimate that there will be a reduction of  
21 570 full-time employees within the Chukchansi Gold  
22 Resort and Casino. Many of those employees will be  
23 union members.

24           Second, there would be a substantial reduction  
25 in our direct spend in the economy. We estimate it

S-52.2

1 would be \$5.2 million. That estimate -- we would  
2 estimate that dollar spent in the economy would reduce  
3 an additional 155 jobs lost in the economy.

4 We currently make substantial donations to the  
5 community for non-profits and for charitable operations  
6 in 2007 at a little over four and a half million  
7 dollars. As a result of the reduction in the revenue  
8 that are projected in the EIS as it stands today, those  
9 contributions will be significantly impacted and would  
10 have to be decreased.

cont.  
S-52.2

11 I believe it is only fair that the EIS include  
12 in addition to both potential benefits to Madera and  
13 the City of Madera that it also considers the losses  
14 that could be expected in eastern Madera County.

15 Thank you.

16 MS. THOMAS: Thank you, sir.

17 Jonathan Morris.

18 While Jonathan is coming up to the podium  
19 could Bobby -- I think maybe Bobby Hahn, Nora Salazar  
20 and Dan Carter stand by.

21 Sir?

22 **S-53** MR. MORRIS: Good evening. My name is  
23 Jonathan Morris. I'm the director of facilities for  
24 Chukchansi Gold Resort and Casino. I have a few issues  
25 that I'd like to have looked into on the EIS.

S-53.1

1 Under the National Environmental Policy Act  
2 process for accepting land into trust, as you know, if  
3 a limitation is not included in the mitigation of the  
4 EIS, the tribe is not held to what it represents as the  
5 proposed use during the NEPA process.

6 As the director of facilities for Chukchansi  
7 Gold, I advise the BIA and the public of Madera could  
8 consider this carefully.

9 At Chukchansi Gold we currently have 1,800  
10 slot machines on a 58,000 square foot casino floor, 200  
11 [sic] parking spaces, a 25,000 square foot storage  
12 building, a 350,000 gallon per day waste water  
13 treatment plant and modular buildings, housing and  
14 tribal government and tribal gaming commission offices  
15 and soon to have approximately 400 motel rooms.

16 We built all of this on 50 acres, a total of 1  
17 million square feet of facilities that I oversee. The  
18 North Fork fee-to-trust application is for 305 acres.  
19 The mitigating -- the mitigations identified in the  
20 draft EIS do not place any limitations on how big this  
21 casino can become. The mitigations in the draft EIS do  
22 not limit how many slot machines North Fork can have.

23 The draft EIS for North Fork at Appendix R  
24 states that their casino is going -- their gaming floor  
25 is going to be about 170,000 square feet which is two

cont.  
S-53.1

1 and a half times the size of Chukchansi's.

cont.  
S-53.1

2 In the mitigation in the draft EIS the draft

S-53.2

3 EIS do not limit how many parking spaces they can

4 have. It is up to the BIA to consider the impacts of

5 the casino and without some limitations being added to

6 the EIS the proposed North Fork casino may not be at

S-53.3

7 all what it's described in the documents.

8 The proposed North Fork casino could be two to

9 three times the size of any casino in the area.

10 Thank you.

11 MS. THOMAS: Thank you, sir.

12 Ted Atkins.

13 **S-54** MR. ATKINS: Good evening. I'm Ted Atkins.

14 I'm the director of security for Chukchansi Gold Resort

15 Casino. I'm also a tribal member as was Jonathan

16 Morris.

17 Jonathan Morris just described how the

18 proposed North Fork casino can be two or three times

19 the size of any other casino in the area, but the draft

S-54.1

20 environmental impact statement doesn't consider the

21 impacts on the regions of the casino -- for a casino

22 that large.

23 Is the County of Madera ready for those

24 impacts?

25 Does the sheriff and the chief of police as

1 the chief law enforcement officials, are they  
2 personally ready for a casino three times the size of  
3 Chukchansi Gold, Table Mountain, and Palace?

4 Are the roads ready? The public utilities?  
5 The schools? Are people ready for a change of this  
6 magnitude?

7 Traffic impacts can be much greater than the  
8 draft environmental impact statement identifies.

9 People around here who drive the back roads are going  
10 to see a lot more traffic on the back roads every day  
11 going back and forth to work. It will be like five  
12 o'clock rush hour every day.

13 Nothing in the draft environmental impact  
14 statement limits North Fork from making this casino  
15 much much bigger. What if instead of 4,500 parking  
16 spaces North Fork puts 8,000? There's no limitation.

17 As a previous speaker said, look at what  
18 Chukchansi has on 50 acres and imagine what they can  
19 put on 305 acres. 305 acres is lot of room to grow  
20 with no say about what is being developed.

21 You are being told this is a minivan, but what  
22 you're going to get is an 18 wheeler.

23 Thank you.

24 MS. THOMAS: Thank you, sir.

25 Our next speaker is Jeffrey Singer.

cont.  
S-54.1

1 MR. SINGER: Yes. Jeffrey Singer is still  
2 here.

3 MS. THOMAS: Okay.

4 **S-55** MR. SINGER: I don't know whether I'm glad  
5 they built the White House when they did or whether I  
6 think they should have waited until 2008, but I can be  
7 sure of one thing. If they were building the White  
8 House today, it would not have to go through half the  
9 scrutiny that this poor Indian casino has had to prove  
10 itself with environmental studies and everything else.

S-55.1

11 Following up on that, I want to say nothing is  
12 ever going to be perfect. You can criticize anything  
13 any which way, but a couple of things.

14 As far as traffic goes, to say that the  
15 pollution or the traffic is going to go crazy is to  
16 assume that if we didn't build the casino all those  
17 people would stay home. Because we tell them to stay  
18 home or suggest that they stay home, they are not going  
19 to. They are going to roam the streets as they do.

S-55.2

20 I've heard the thing criticized because they  
21 are going to tear up farm land. Then I've heard the  
22 opposite criticism that it should not be built because  
23 it's too close to the city, to urban areas.

S-55.3

24 In Phoenix I was on the volunteer probation  
25 department for Maricopa County and one thing I noticed

S-55.4

1 is you take hobbies away, you take places from people  
2 to go away and that's when you'll have your crime. A  
3 place like the Indian casino that's being built or  
4 being proposed is well lit, is secured and is much  
5 safer. The bars and things of that nature, we all  
6 know. I mean, I don't have to go into that.

cont.  
S-55.4

7 As far as jobs go, we're talking about adding  
8 a ton of new jobs. I asked the question what happens  
9 to the crime rate when we increase jobs. I mean,  
10 just -- you know, I just hope that they would give  
11 these people a break. They have a wonderful idea, a  
12 beautiful thing that they are trying to do for us. And  
13 the one problem we have in this area is we don't have  
14 enough places for young adults to go to let alone safe  
15 ones and regulated ones and nice ones like are being  
16 proposed.

S-55.5

17 Thank you.

18 MS. THOMAS: Thank you, sir.

19 Our in next speaker is Bobby Hale.

20 And while Bobby is coming up to the podium  
21 could Rosanne Bonilla, Jerry Brown and Jeff Karst be on  
22 standby.

23 Thank you.

24 **S-56** MR. HALE: Hello. My name is Bobby Hale and  
25 I'd like to thank you guys for having this opportunity

S-56.1



1 to speak.

2 We would like to have the opportunity to  
3 advance our children and ourselves educationally and  
4 this opportunity is great for us and for Madera  
5 County.

6 And there's a lot more that would help the  
7 state, you know, get out of some of its deficit and put  
8 some of these kids where they can have a job and  
9 educate our young ones so they have an opportunity to  
10 be productive citizens, you know, as right now it's  
11 hard for us to get our kids to school because we can't  
12 afford these -- you know, these tuitions.

13 So this way it gives us an opportunity to get  
14 our children to advance and be productive, you know,  
15 and hopefully we can get it put together where we can  
16 get our own schools, get our own hospitalization, and  
17 help our own community and Madera County itself.

18 Thank you.

19 MS. THOMAS: Thank you, sir.

20 Norma Salazar.

21 MS. SALAZAR: Correction. That's Nora  
22 Salazar.

23 MS. THOMAS: Nora. Okay. Sorry, ma'am.

24 S-57 MS. SALAZAR: That's okay.

25 My name is Nora Salazar. I am owner/broker of

cont.  
S-56.1

1 a real estate business and I'm also president of the  
2 Latinas Unidas and we totally completely support the  
3 North Fork Rancheria Casino.

4 One of the main reasons is that I have been in  
5 direct contact with a lot of my Hispanic members in our  
6 community and they all approve of this great project.

7 I wanted Mr. Altekruise to see firsthand what  
8 the people of my community were saying about this great  
9 project coming in Madera. We went to their businesses  
10 and a lot of them. We made contact in all of the  
11 events that we have been having in our community.

12 We have been sponsoring a great event which is  
13 called the Fiesta in the Park which brings a lot of  
14 community people to our culture and they share their  
15 cultures with us. We have this in the park. And one  
16 of our great sponsors of all our charities that we have  
17 in Madera is the Fiesta in the Park, Trees For Charity,  
18 Christmas Baskets, North Fork Rancheria has been our  
19 main sponsor for five years.

S-57.1

20 All we need to do is ask them. They are very  
21 supportive for all our charity causes. Especially La  
22 Latinas provides five 1,000 scholarships every year for  
23 Latina members to continue their education. If it  
24 wasn't for the North Fork Rancheria, we would not be  
25 able to make the net profit in any of our events.

1 So they are so generous financially and they  
2 participate in all our activities and also some of  
3 their members are also members of our activity. I have  
4 noticed tonight there have been like ten people from  
5 our community opposing this casino and I understand  
6 their feelings, but I also have a lot of respect for my  
7 Hispanic people that also need jobs. And I feel this  
8 is a great opportunity for them to have a chance to  
9 also see a bright future in their horizon.

cont.  
S-57.1

10 The only other thing I wanted to say was that  
11 I wish that you people would give Madera people a  
12 chance to make this choice, not outsiders.

S-57.2

13 Thank you.

14 MS. THOMAS: Thank you.

15 Our next speaker is Dan Parks [sic] and while  
16 Dan is coming up we've got again Rosanne Bonilla, Jerry  
17 Brown and Jeff Karst on deck.

18 MR. CARTER: I'm assuming that was Dan  
19 Carter. You probably couldn't read my handwriting.

20 MS. THOMAS: There's no E on the end, but  
21 that's okay.

22 **S-58** MR. CARTER: Thank you.

23 Good evening. My name is Dan Carter. I'm a  
24 resident of Madera County. I'm the former executive  
25 director of the Yosemite Sierra Visitors Bureau, a

S-58.1

1 position I held for five and a half years. I now do  
2 limited consulting for businesses, organizations and  
3 communities who want to improve their economic position  
4 using tourism as an economic stimulus.

5 When the North Fork Rancheria project was  
6 announced I was starting my third year as the executive  
7 director of the Visitors Bureau. I was contacted by  
8 three of the Valley TV stations, three Valley  
9 newspapers and two mountain area papers. The basic  
10 question from all of them was basically this: "What do  
11 you think will happen to tourism if the North Fork  
12 Rancheria hotel, resort and casino is built?"

cont.  
S-58.1

13 My answer was that I expected one of two  
14 things to happen. The tourism market for casino  
15 resorts in California would level itself out and  
16 innovative management groups would find a comparable  
17 level of operating so they would be successful; or the  
18 addition of another casino resort in Madera County  
19 would create a critical mass situation drawing more of  
20 the tourism, California tourism market to the area than  
21 other areas in the state generating even more revenues  
22 for Madera County.

23 My opinion on this has not changed. Creating  
24 a critical mass destination through collaboration and  
25 cooperation works. If it did not work, there would be

1 far fewer outlet centers, mega malls and auto malls  
2 popping up all over California especially in the  
3 Central Valley along Highway 99.

4 I hope those who are here tonight will submit  
5 their documents on the draft EIS and that you will  
6 consider the economic impacts and opportunities it  
7 presents to this area. The impacts would most likely  
8 be the same or even more intense if an outlet center,  
9 mega mall, auto mall or theme park were being  
10 considered with fewer dollars being returned to Madera  
11 County and its residents.

cont.  
S-58.1

12 Thank you.

13 MS. THOMAS: Thank you, sir.

14 Rosanne Bonilla.

15 MS. BONILLA: Hello.

S-59

16 Whoop.

17 Too close.

18 MS. THOMAS: It's all right.

19 MS. BONILLA: Hard time starting.

20 MS. THOMAS: Yes, ma'am.

21 MS. BONILLA: My name is Rosanne Bonilla. I'm  
22 a lifelong resident of Madera. I'm a local realtor in  
23 a family business. I'm also a member of the Madera  
24 Vision 2025.

S-59.1

25 As a lifelong member of this community, I

1 would like to express my support for this project.  
2 With respect to the housing market, the past few years  
3 have been a huge struggle for many citizens who are  
4 losing their homes. Citizens of Madera want to buy in  
5 Madera, but can't afford housing because of their job's  
6 current income ceiling and the hardships to travel  
7 outside this community. Many of the citizens commute  
8 one to two hours just to have a better paying job  
9 elsewhere. Now that travel can be a negative impact on  
10 our environment.

cont.  
S-59.1

11 With the casino offering thousands of jobs to  
12 deserving citizens with higher pay, people won't have  
13 to make that daily commute, which is quite common here  
14 in our town.

15 By working here it will stimulate our local  
16 economy in addition to our housing market. Parents  
17 that commute are missing their children's baseball  
18 games, soccer games and other extracurricular  
19 activities just to keep up their house payments to live  
20 the American dream.

S-59.2

21 The issue at hand is not having a casino or a  
22 hotel resort. It's about stimulate -- well, it's about  
23 that, but, in addition, it's about stimulating our  
24 economy and uplifting our community as a whole. I know  
25 with the passage of the casino, local Madera businesses

1 and its citizens whom it serves will greatly benefit.

2 We have lost out on many community projects  
3 here in Madera and I've lived here all my life. As a  
4 member of the Madera Vision 2025 I know the casino is  
5 an alignment with our future.

cont.  
S-59.2

6 I hope that this doesn't become another  
7 statistic and the reality will lead Madera into the  
8 Twenty-First Century.

9 Thank you.

10 MS. THOMAS: Thank you very much.

11 Jerry Brown.

12 And while Jerry is making his way up, Darcie  
13 Houck, Kirk Atamian and Michael Leven will be on deck.

14 Thank you.

15 **S-60** MR. BROWN: My name is Jerry Brown, tribal  
16 chair of the Chowchilla Yokuts.

17 As the tribal chairman of a California Indian  
18 tribe whose status as a federally recognized tribe is  
19 uncertain due to gaming, I understand my legal standing  
20 is limited. In spite of that, the position of our  
21 tribe is important to this process and should be  
22 heard.

S-60.1

23 At the beginning of the Gold Rush about 150  
24 years ago this area we sit on now was the tribal land  
25 of our tribe. The Chowchilla Tribe was the forefront

1 of the organized resistance to the taking of our land  
2 by military and settlers. We paid for that. Our tribe  
3 was forced along with 15 other tribes to sign the  
4 Treaty of Camp Barbour not far from here old Millerton  
5 in 1851.

6 We were put on the Fresno River reservation  
7 after that. Our tribe was one of those hit the hardest  
8 throughout that period. We were slaughtered and  
9 scattered.

10 One point that North Fork Rancheria has  
11 brought out in this process is that these lands are  
12 restored lands for their tribe. North Fork Rancheria  
13 claims this is historic land for their tribe. I say  
14 no, this is incorrect.

15 When this property was in Indian ownership  
16 only it was the traditional land of the Chowchilla  
17 Yokuts and the North Fork people were always in the  
18 mountains, not in the Valley. Their tribe may have  
19 been placed on the Fresno River reservation with us,  
20 but this was not their land.

21 Thank you.

22 MS. THOMAS: Thank you, sir.

23 And Jeff Karst.

24 **S-61** MR. KARST: Good evening. My name is Jeff  
25 Karst.

cont.  
S-60.1



1           When I voted for Prop 1A I was told that  
2 casinos would not be built off reservations or along  
3 our highways.

4           The San Joaquin Valley has the worst air in  
5 the United States outside and now we wanted to build a  
6 Las Vegas-funded casino along Highway 99.

7           Just yesterday the Tule River Tribe announced  
8 that it wants to build an off-reservation casino along  
9 Highway 65 in Porterville. Now we have property owners  
10 who are promoting the sale of their land to Las Vegas  
11 investors to build casinos on non-tribal land.

S-61.1

12           I was promised that this would not happen, but  
13 it is. This is not what I and a lot of other people  
14 voted for when we voted yes for Prop 1A. Give the  
15 residents of San Joaquin Valley a voice in this matter  
16 and require a vote of the people before this project  
17 proceeds. Don't be influenced by outside investors or  
18 the politicians.

19           Let the People decide.

20           MS. THOMAS: Please continue, sir.

21           MR. KARST: In an era when we are concerned  
22 with our environment we should not -- we should be  
23 protecting our environment for future generations, not  
24 making it worse in the most polluted area of the United  
25 States.

S-61.2

1 I leave you with one thing.

2 If we set a precedence now for off-reservation  
3 gaming and others follow just like the Tule River  
4 Tribe, how long will it be before Highway 99 looks just  
5 like Las Vegas?

S-61.3

6 Thank you.

7 MS. THOMAS: Thank you, sir.

8 Our next speaker is Darcie Houck. And as  
9 Darcie makes her way up, we've got Jeremiah Bearden,  
10 K.C. Pomeroy and Shawn Hatfield on standby.

11 Thank you, ma'am.

12 Bring it into your voice. There you go.

13 S-62 MS. HOUCK: There. Does that work? Great.  
14 Okay.

15 Good evening. My name is Darcie Houck and I  
16 represent the Picayune Rancheria of Chukchansi  
17 Indians.

S-62.1

18 I'm here tonight to speak to the advocacy of  
19 the public comment period and to request both an  
20 extended time period for submittal of written comments

21 as well as additional public hearings. I would also

S-62.2

22 like to note that there were probably 200 people that  
23 left before the hearing sufficiently got started who  
24 may or may not have wanted an opportunity to speak

S-62.3

25 tonight but clearly didn't have the ability to stay but

1 were interested in the project.

2 I would also like to note that the Federal  
3 Register notice for this project was issued the same  
4 day as the Federal Register notice for a similar  
5 project proposed by the Warm Springs Tribe in Cascade  
6 Locks. Both projects are of similar size. Both  
7 projects have similar potential for significant impact  
8 on the environment and both projects involve heightened  
9 public interest.

10 The issue of the draft EIS for this evening  
11 has a 45-day comment period and one scheduled public  
12 hearing, and that's this hearing that's being held here  
13 tonight in Madera.

S-62.4

14 The Cascade Locks project has a 90-day public  
15 comment period and five public hearings that were  
16 scheduled based on the fact that there was heightened  
17 public interest. 300 people attended the March 3rd,  
18 2008 public hearing for the Cascade Locks project. I  
19 would say that more than 500 people have attended the  
20 hearing here this evening demonstrating that there is  
21 equal, if not more, heightened public concern for this  
22 project.

23 The heightened public concern here in the  
24 Central Valley, which includes Madera, Merced and  
25 Fresno Counties should receive the same consideration

1 as that of the public in Oregon. This is a project  
2 that the communities, tribal and non-tribal, will have  
3 to live with, if approved. So at a minimum we're  
4 requesting that the BIA provide the same public comment  
5 period and number of hearings as that of the Cascade  
6 Locks project.

cont.  
S-62.4

7 The draft EIS -- consists of three binders  
8 that are three inches thick which include highly  
9 technical data. One hearing in 45 days to review the  
10 technical and substantive information is not enough.  
11 This is an extensive document and the comment period  
12 provided, the 45 days and this one public hearing, is  
13 inadequate.

14 The public including local and tribal  
15 government need an adequate opportunity to meaningfully  
16 participate in this process and to treat similarly  
17 situated projects both involving heightened public  
18 concern so differently raises serious concerns.  
19 Picayune Rancheria requests that you not shortchange  
20 the public on the timing for participation in this  
21 process and that you allow the Central Valley a  
22 meaningful opportunity to comment on the draft EIS.

S-62.5

23 So please extend the public comment period by  
24 at least 45 days and set additional hearings in Madera,  
25 Merced and Fresno as this project will have impacts

S-62.6

1 Valleywide.

2 MS. THOMAS: Thank you.

3 Kirk Atamian. Thank you.

4 **S-63** MR. ATAMIAN: Hello. My name is Kirk Atamian  
5 and I reside at 300 West Olive Avenue in Madera,  
6 California.

7 I'm a lifelong resident of Madera County where  
8 my family has been in the agriculture business for  
9 generations. I am also a small businessman in the  
10 community and currently serve as the chairman of the  
11 Madera District Chamber of Commerce that has endorsed  
12 this project along with Madera County EDC, every  
13 chamber of commerce in Madera County, the Madera  
14 Hispanic Chamber, the San Joaquin Valley Black Chamber,  
15 the Central California Hispanic Chamber, the Fresno  
16 Area Hispanic Chamber of Commerce, and nearly 5,000  
17 other local businesses, citizens and community  
18 leaders.

S-63.1

19 There are many reasons why we have supported  
20 this project just as we supported Chukchansi, their  
21 developments and other economic development projects  
22 that bring jobs, private investment, vendor  
23 opportunities, community funding, and tourism and  
24 entertainment to our region.

25 Despite being blessed with abundant

1 agricultural resources, our community has historically  
2 lagged behind much of rest of the State and the nation  
3 in a number of economic measures. Now more than ever  
4 our community needs this project and -- needs this  
5 project to support our community.

6 Madera and the Central Valley are in the midst  
7 of one of the worst economical physical and housing  
8 slumps in decades. This is no time to be rejecting a  
9 \$3 million dollar [sic] investment in our community, an  
10 investment that will generate nearly 1 million [sic] in  
11 economic activities and benefits each year and  
12 nearly 100 million -- excuse me, 100 million both  
13 times -- in community and public funding over 20  
14 years.

15 Each day of the delay for this project costs  
16 our community nearly \$277,000 in lost economic  
17 benefits. Now more than ever we cannot afford to lose  
18 this project and these benefits.

19 In summary, the local tribes have contributed  
20 greatly to the well-being of this community and others  
21 like it around the state. We believe that North Fork  
22 Rancheria should have the same opportunity. We have  
23 found their constructive, cooperative and transparent  
24 approach in dealing with local government and  
25 non-profits such as ours refreshing and helpful.

cont.  
S-63.1

1 We look forward to continuing to work with all  
2 the tribes to build a better Madera and San Joaquin  
3 Valley.

cont.  
S-63.1

4 MS. THOMAS: Thank you, sir.

5 **S-64** MR. LEVEN: My name is Michael Leven. I'm the  
6 president and winemaker from Mariposa Wine Company.  
7 Contrary to our name, we are not located in Mariposa.  
8 We are located just outside of town on the north side.

S-64.1

9 I would like just to, first of all, voice our  
10 strong support for this project.

11 MS. THOMAS: Please continue, sir.

12 MR. LEVEN: The most charitable way I can  
13 characterize the opposition's contention that it is  
14 wrong for a displaced people to locate their business  
15 outside an artificial and arbitrary boundary is at a  
16 minimum ironic and at worse shows a remarkable  
17 disregard for American history.

S-64.2

18 Furthermore, it shows a blatant disdain for  
19 basic principles of right and wrong.

20 I think this project's economic benefits are  
21 so blatantly obvious that it's not worthy of rehashing  
22 the numbers. About this there can be no confusion.  
23 We've heard numerous people speak tonight that the  
24 unemployment rate in this area is two to three times  
25 the national average.

S-64.3

1           But aside from just going through the numbers  
2 again I also want to talk about some of the softer  
3 aspects and benefits of this project. The North Fork  
4 Rancharia's strong commitment to hiring within the City  
5 and the County of Madera would only enhance the quality  
6 of the local work force, which is willing but currently  
7 is disproportionately unskilled.

8           Given the very close oversight and highly  
9 regulated nature of the gaming industry, the requisite  
10 training and discipline expected of employees will  
11 benefit them when they seek work elsewhere. This is a  
12 great opportunity to develop a more responsible and  
13 capable work force, and this bodes well for every  
14 single business in the area.

15           The development -- this development will also  
16 help promote local tourism by providing a regional  
17 destination and it will become a magnet to draw  
18 incremental visitors from the world-famous attraction  
19 that we have next door, Yosemite Park. This also bodes  
20 well for all local businesses.

21           This project dovetails and is consistent with  
22 the local community's redevelopment of its historic  
23 wine industry and the concomitant redevelopment of a  
24 hospitality industry, and our company strongly supports  
25 the Rancharia's resort development.

cont.  
S-64.3



1 MS. THOMAS: Thank you, sir.

2 Jeremiah Bearden. And while Jeremiah is  
3 making his way up could Richard Farinelli, John Maier,  
4 and Cheryl Schmit be on standby.

5 **S-65** MR. BEARDEN: Good evening. Thank you for  
6 this opportunity to speak in front of you. My name is  
7 Jeremiah Bearden. I'm an air quality engineer. I am  
8 speaking tonight on my own behalf. I am a Madera  
9 resident of 20 plus years. I've lived here over two  
10 thirds of my life.

11 I live currently approximately one mile due  
12 east of the proposed site here in Madera. I have very  
13 strong concerns and am opposing it in its current  
14 proposal as the amount of water usage proposed seems to **S-65.1**  
15 be a very large issue. We are all on independent wells  
16 or independent well districts in this area and do not  
17 have the means or the funds to drill as deep as the  
18 deep pockets for a welling embargo, too.

19 I don't understand how some of the other  
20 bright considerations were made for this project and I  
21 firmly look to question a lot of the aspects behind  
22 it. If you look at current aspects of the casinos that  
23 are in the area, one of them has up to 30 truck trips a  
24 day to provide water for their casino. If they are  
25 doing that and they are closer to a lake than this

1 area, the water plume in this area cannot sustain  
2 itself.

cont.  
S-65.1

3 I wish that this project would go through a  
4 full EIR as any business industry in this area would,  
5 not just under federal statute as an EIS, but as a  
6 federal -- full California Environmental Quality Act  
7 analysis to detail all of the commenting and concerned  
8 agencies such as the one that I work for.

9 I think that many of the agencies -- or many  
10 of the people in this area will be concerned with other  
11 things that are happening at local casinos such as the  
12 discharge of sewage treatment. Many of the people in  
13 that area are not happy about it even though it may  
14 stand up to Title 22 standards.

S-65.2

15 If you know the Title 22 and 40 CFR  
16 regulations, they all recognize the federal standards  
17 and statutes are lenient in respect to California  
18 standards and that they give California, the area, to  
19 be more stringent whereas California Resources Board  
20 gives even a local district to be more stringent. If  
21 this project was to undergo a full CEQA analysis in  
22 this area, I believe that you would have a vastly  
23 different picture.

24 It can only go backwards. It's very sad to  
25 say the air quality in this area is predisposed to

S-65.3

1 making ozone. We have eight times less pollution than  
2 the LA basin and we exceed the standards on the federal  
3 statute as many times, if not more. PM spoken by some  
4 former doctor gentleman is a known carcinogen to the  
5 State of California. The increase in bus traffic to  
6 this casino will only further carcinogenic risk.

7           These areas of car traffic and ozone creation  
8 and PM are not regulated by California Air Resources  
9 Board, the EPA, or anybody of the sort because those  
10 statutes have been set and only updates in the fleet  
11 will improve those aspects. More truck trips and car  
12 trips only degrade the area.

13           I think that this aspect -- the pilot trucks  
14 about this due north of that underwent a million  
15 dollars of renovation to stop truck idling. That will  
16 be null and void. The farmers in the area have spent  
17 millions of dollars upgrading their diesel engines to  
18 electrification or clean diesel. That will all be null  
19 and void because of this project.

20           I ask you to go back and reconsider a more  
21 formal evaluation.

22           MS. THOMAS: Thank you very much, sir.

23           K.C. Pomeroy. While K.C. is making her way  
24 up we'd like to have Herman Perez, Debi Bray and Darren  
25 Schmall be on standby.

cont.  
S-65.3

S-66

1 MS. POMERING: He's a little taller than me.

2 MS. THOMAS: That's all right.

3 MS. POMERING: My name is K.C. Pomerling. I'm  
4 a member -- I'm the fifth generation of a local farming  
5 family, one of those local farming families that's  
6 upgraded our diesel engines, and I still want to  
7 strongly support the North Folk Rancheria.

S-66.1

8 MS. THOMAS: Go ahead.

9 MS. POMERING: As someone said earlier, I  
10 don't remember Fresno asking us every time they court  
11 big industry or Merced asking Madera every time they  
12 court big industry. This is a Madera County issue and  
13 Madera County, our elected officials, which everyone  
14 has an opportunity to vote for, our elected officials,  
15 have negotiated MOUs with the North Folk Rancheria to  
16 mitigate any concerns that we, their constituents,  
17 have.

S-66.2

18 I want to speak specifically about the mid and  
19 senior level jobs that the North Fork Rancheria project  
20 and surrounding it industry that will come up with it  
21 will bring. I consistently lose my college-educated  
22 mid-30s friends to Fresno, Clovis and other surrounding  
23 areas that can supply the kind of jobs that we're  
24 interested in applying for. This project will bring  
25 more of those jobs and the ability to grow further up

S-66.3

1 the corporate ladder within the Station Casinos, which  
2 I absolutely welcome.

3 This will also have a profound effect on our  
4 local tourism and agritourism, which those of us who  
5 are involved in those industries are really looking to  
6 grow and that this will only help us catapult further  
7 up as a destination area and bring those types of  
8 dollars to Madera County. It will also provide more  
9 entertainment, restaurants and things for those of us  
10 who are college educated and now would have jobs in  
11 Madera County to bring things for us to do in the off  
12 hours. It also brings improvements through the MOU to  
13 our local golf course and makes Madera all-around a  
14 better place to live.

S-66.4

15 I want to also say that the freeway was made  
16 for traffic and this makes far more sense than it does  
17 on a 20-mile two-lane road.

S-66.5

18 Thank you. I once again want to state my  
19 support for this project.

20 MS. THOMAS: Thank you very much, ma'am.

21 Will Shawn Hatfield please come to the podium.

22 **S-67** MS. HATFIELD: Hi. My name is Shawn  
23 Hatfield. I'm a member of the North Fork Mono  
24 Rancheria. I also am an Indian elder educator, believe  
25 it or not.

S-67.1

1           What I would like to know is am I in the  
2 United States of America? I think so. Where land and  
3 prosperity -- land of the free, business opportunity.  
4 It sounds like another land fight to me. It sounds  
5 like they are trying to keep the Indians in a certain  
6 area. Why us?

7           If Donald Trump came and wanted to make a  
8 business here, wouldn't he be able to do that? I think  
9 so, whether it be a casino, a hotel, what have you.  
10 Why are we limiting Indian people to a certain area?  
11 If people have the money regardless if they are Indian  
12 or not, let them start a business. Let them help the  
13 economy. Lord knows we need it. And you cannot stop  
14 progress. There's only one person I know that can stop  
15 progress and that's the Man Upstairs.

cont.  
S-67.1

16           And for our children, I teach children that  
17 have dreams, non-Indian and Indian children that have  
18 dreams of going to college, dreams of living a better  
19 life, dreams of making the economy and the environment  
20 better. Without these monies and these funds that's  
21 not going to be possible. And all of these people will  
22 profit, everyone, jobs, health services for elderly  
23 people, the fire departments, the law enforcement. How  
24 can you not push this casino project through?

25           And it's sad that the Government has come to

1 where it can say okay, you can't go here, you can't go  
2 there. But if they are going to put it in your hands,  
3 would you please make this dream a reality and let us  
4 have that land in trust.

cont.  
S-67.1

5 Thank you.

6 MS. THOMAS: Thank you, ma'am.

7 Richard Farinelli? I'm sure you'll correct  
8 me. Thank you, sir.

9 **S-68** MR. FARINELLI: I'm Richard Farinelli. 1748  
10 Glade, Madera, California.

11 I am the GM/VP of production for Berry  
12 Construction and Business Coalition co-chairman for  
13 Better Madera.

14 I've been a resident in Madera County for 57  
15 years. I started my life off as a farm boy, went into  
16 the Service, served my time, went to work for  
17 Georgia-Pacific over 30 years ago. I took early  
18 retirement. I was the director of 12 plants.

S-68.1

19 I've now worked for Berry Construction for  
20 over four years and one of my responsibilities is to  
21 bring new business to the City of Madera and the  
22 county.

23 Over 30 years ago when I was working with  
24 Georgia-Pacific one of the big corporate issues was  
25 what do you have for our senior management and what do

1 you have for our employees for entertainment in  
2 Madera. Well, the same answer today is the same answer  
3 it was 35 years ago. We are -- we are the gateway to  
4 Yosemite and in two and a half hours you can go to the  
5 coast plus Fresno is 20 minutes away. And we are still  
6 known as the bedroom community of Fresno.

7 Today we have a chance of adding a wonderful  
8 gaming casino to our community. Not only does the  
9 gaming in the city resort bring over 4,000 jobs  
10 including permanent and temporary construction and  
11 spinoff jobs to Madera, the resort and casino jobs pay  
12 up to three times the current average which will help  
13 our demographic problems, if you look at the  
14 demographic problems in Madera County and bring more  
15 business to Madera.

16 There will also, like K.C. said, be career  
17 opportunities for diverse, and permanent and  
18 well-paying positions. Annual payroll and benefits are  
19 projected to be 50 to 60 million a year.

20 Construction employment, while temporary, can  
21 still have a significant impact on the Madera economy  
22 where the construction spending is projected to be  
23 almost \$350 million.

24 This resort will boost the city and county  
25 revenues tenfold as soon as the first shovel of dirt is

cont.  
S-68.1



1 dug. Our county and city officials have already voted  
2 in favor of the resort and have approved the MOU with  
3 the tribe. As a voter, this should be enough to  
4 approve the EIS.

5 By adding this large casino to Madera we will  
6 be able to have a more affordable living and bring  
7 needed retail, restaurants and actually be able to tell  
8 large corporations that want to move into Madera County  
9 that we do have social entertainment and our new Madera  
10 County gaming resort.

11 I am in favor of North Fork Rancheria.

12 Thank you.

13 MS. THOMAS: Thank you, sir.

14 How's everybody doing out there? Do you need  
15 a ten-minute break?

16 No? Are you ready to keep pushing through?

17 All right. Our next speaker then is John  
18 Maier.

19 **S-69** MR. MAIER: My name is John Maier. I'm a  
20 representative of the North Fork Rancheria as the  
21 tribe's attorney. I'll be very brief.

22 MS. THOMAS: Thank you.

23 MR. MAIER: I appreciate the interest in the  
24 environment that the Picayune Rancheria has -- has  
25 discussed tonight. I just want to point out that it's

cont.  
S-68.1

S-69.1

S-69.2

1 for everybody's benefit.

2 I want to show the North Fork Rancheria EIS  
3 that we're discussing tonight. It's probably not  
4 perfect. There are substantive comments that can be  
5 made and the document can, of course, be improved.

6 This is the document.

7 Now I'd like to point out the environmental  
8 assessment that the Picayune Rancheria did when they  
9 took in 111.7 acres of fee claims to trust status in  
10 2002. I believe that land went into trust sometime  
11 last year. This was a stale document. The North Fork  
12 Rancheria discussed this. We decided purposefully not  
13 to challenge the Picayune Rancheria on this trust  
14 application. We would really appreciate the same  
15 respect I know their tribe would.

cont.  
S-69.2

16 Thank you.

17 MS. THOMAS: Thank you.

18 Cheryl Schmit.

19 S-70 MS. SCHMIT: Good evening. Cheryl Schmit,  
20 director of Stand Up For California. We're a statewide  
21 organization that acts as a resource to community  
22 groups, local and state and federal policy-makers on  
23 issues of gaming in California.

S-70.1

24 We appreciate the opportunity to make comment  
25 on the DEIS regarding the issue of the North Fork

1 proposed casino in Madera County. Our organization has  
2 concerns about this project establishing a federal  
3 precedent on off-reservation gaming in California.

4 The tribe's application for fee land into  
5 trust is clearly identified as a two-part determination  
6 and it is accompanied with several intergovernmental  
7 agreements which have been negotiated in a commendable  
8 manner.

9 The tribe has adhered to the federal statute,  
10 the Indian Gaming Regulatory Act, and proceeded in a  
11 transparent and collaborative manner. Thank you for  
12 that.

cont.  
S-70.1

13 Nevertheless, several federal policy questions  
14 remain regarding the -- particularly in light of  
15 Assistant Secretary Carl Artman's memo of January 3rd,  
16 "Guidance on Taking Off-Reservation Land Into Trust For  
17 Gaming Purposes."

18 I have provided the reporter a detailed  
19 letter, 14 pages. I faxed it to your office today and  
20 to everybody else.

21 I'm addressing five issues. The concerns over  
22 the sole proprietary interest requirement; the  
23 potential of the violation of the Secretary's trust  
24 responsibility to other tribes; the Artman memo's  
25 questions regarding jurisdictional problems and

S-70.2

S-70.3

S-70.4

1 potential conflicts of land use and the removal of land  
2 from tax rolls.

S-70.5

3 There's also an argument included that is an  
4 argument that the Governor of California has recently  
5 made on other land acquisitions and that is the  
6 Secretary of the Interior has no authority to take this  
7 land into trust. And, finally, non-compliance with  
8 state constitutional law policy.

S-70.6

9 I'm going to limit that to the three minutes.

10 Basically no one has addressed the sole  
11 proprietary interest this evening. There's nothing in  
12 the administrative record to suggest that the subject  
13 land is located in a tribal consolidation area or that  
14 the tribe already owns an interest in the property.  
15 Indeed, as evidenced by the Madera County Tax Assessor  
16 records, the subject land is currently owned by Fresno  
17 Land Acquisitions LLC, which is a company of Station  
18 Casinos, Incorporated with an address in Las Vegas.

S-70.7

19 The subject land is encumbered by the  
20 ownership of the developer/investor and proposed  
21 management company. And this provides a potential -- a  
22 violation of IGRA's sole proprietary agreement. IGRA  
23 requires, among other things, that the Indian tribe  
24 will have the sole proprietary interest and  
25 responsibility of conducting gaming.

1           The evidence of the county records of the  
2 subject plan make clear it's illogical to consider the  
3 subject land at this time for a casino development.  
4 The tribes have made good arguments tonight about the  
5 violation of trust responsibility.

cont.  
S-70.7

6           MS. THOMAS: Your three minutes are up.

7           MS. SCHMIT: Thank you.

8           MS. THOMAS: Thank you, ma'am.

9           I know that you guys are raring to go, but our  
10 court reporter needs a break. So how about if we make  
11 it a click -- can we could do it in five minutes?

12           We'll try for five. So take a stretch break  
13 and we'll see you back here soon.

14           Thank you.

15           (Recess taken.)

16           MS. THOMAS: We've got Herman Perez, Debi Bray  
17 and Darren Schmall will be our next speakers.

18           Okay. Mr. Perez.

19           **S-71** MR. PEREZ: Good evening. Thank you for being  
20 here. Herman Perez. 1108 Pinewood Court Madera.

21           I'm the former mayor, past councilman for the  
22 City of Madera, past chairman of the Madera Chamber of  
23 Commerce, served on the City Planning Commission, spent  
24 30 years on work force development. And I love this  
25 project absolutely.

S-71.1

1 Presently I'm co-chair of Madera -- Better  
2 Business for Madera group. I think you met Mr. Rick  
3 Farinelli earlier. I'm the other half.

4 We've been involved with the tribe now for  
5 about minimally three to four years. We strictly  
6 looked at this as a business venture, strictly looking  
7 at this as a business decision for our community. We  
8 met with the Tribal Council I don't even know how many  
9 times now. For a while there I thought I was part of  
10 the family and I still feel that way.

11 We're made up of a group of local  
12 businessmen. We have looked at this project. We have  
13 determined that it is a good project for the City of  
14 Madera and the County of Madera. We wholeheartedly  
15 support Alternative A and we want to be clear about  
16 that. This is good project. So we're supporting  
17 Alternative A wholeheartedly.

18 You know, we talked about numbers earlier,  
19 which is my background. When you look at the national  
20 number of reported unemployment, you look at the state  
21 at 5.4 and you look at Madera presently at 9.4, those  
22 are just numbers. That's 6,000 people unemployed in  
23 our community, Madera. Let's do something about it.

24 I mean, it's not percentages we're talking  
25 about. We're talking about people. And, you know,

cont.  
S-71.1

1 some of you get to drive home somewhere else other than  
2 Madera. Madera needs to take care of its own and  
3 that's why I'm here. We're the ones who are going to  
4 be worried about those 6,000 people there today, and  
5 maybe in another year that could be 8,000 people.

6 So we need the project. I mean, we're ranked  
7 36th in California in unemployment. That's not good.  
8 That's nothing I want to be proud about and I want to  
9 do something about it. We lost 1,200 jobs last year.  
10 These potential jobs could do a lot for our community  
11 and get us closer to where we need to get.

cont.  
S-71.1

12 Previously there's been talk about the  
13 benefits, the higher wages, the greater salaries. I  
14 love that. We're ranked 35th in the State of  
15 California on family median income. That's nothing I'm  
16 proud about. I live here. 35th ranked? Don't want  
17 it. Don't want nothing to do with it. I'd rather be  
18 number one, 53,000 annual salary in the State of  
19 California.

20 So really pushing for it. Washington just put  
21 out in the last three or four days, said that we had  
22 the worst unemployment we've ever had in the last five  
23 years. We've taken the greatest fall. We had 450,000  
24 people nationally just disappear because they just gave  
25 up looking for employment.

1 Here we have an opportunity to put thousands  
2 of people to work and we definitely need to take  
3 advantage of that. We have so many indirect benefits  
4 to take care of. We're not only going to have local  
5 businesses -- we support Alternative A.

cont.  
S-71.1

6 It's good for the City of Madera. It's good  
7 for the County of Madera. We just need to get on with  
8 it and let Madera decide its future and, for those of  
9 you who drive here from somewhere else -- it's time.

10 MS. THOMAS: Thank you, sir.

11 And may I ask that everybody respect our  
12 speakers and try to keep it at a dull roar back there.  
13 I know sitting up here it's almost hard for me to even  
14 hear the speakers because of all the background noise.

15 So if you could please cease with the side-bar  
16 conversations and listen to our speakers. That would  
17 be greatly appreciated. Thank you.

18 Ma'am?

19 **S-72** MS. BRAY: Good evening. My name is Debi  
20 Bray. I'm the president and CEO of Madera Chamber of  
21 Commerce and have been in that capacity for over 21  
22 years.

S-72.1

23 MS. THOMAS: Could you speak to the  
24 microphone.

25 MS. BRAY: I will try to do my best. I'm



1 fighting a cold.

2 So I am here to proudly declare that the  
3 Madera Chamber of Commerce has endorsed this project  
4 and is poised to support Alternative A as outlined in  
5 the study.

6 The national and state economy certainly has  
7 an impact on Madera and we are indeed feeling the  
8 effects of it lately. With the City of Madera having  
9 double-digit unemployment figures, the Madera Chamber  
10 of Commerce welcomes the 400 plus jobs that will be  
11 created through this venture, more so now than when we  
12 first started to support the project three years ago.

S-72.2

13 As reported, much of these new jobs include  
14 permanent employment, temporary construction work and  
15 spin-off jobs. Local suppliers of the construction  
16 industry surely could use a boost right now. Our  
17 business and professional services would surely benefit  
18 as well with a projection of forty-five to fifty  
19 million dollars a year being spent annually for goods  
20 and services.

21 The job generated by this project, as happened  
22 also with Chukchansi's employment when they opened up,  
23 would create employees. These additional employees  
24 would become consumers, consumers of local products and  
25 services that directly benefit our business community.

1 Employees would become taxpaying citizens.  
2 Taxpaying citizens have a positive impact on our local  
3 resources such as police, fire, and other public  
4 services such as education. The tribe has also  
5 addressed these issues and the need to do so in the  
6 study. These employees will also become community  
7 contributors and along with a prosperous business  
8 community, this results in generous support of local  
9 causes and charitable efforts.

10 Couple these contributions with the commitment  
11 of the North Fork Tribe, which they have made in their  
12 MOU of committing \$1.1 million a year to charitable  
13 giving, which will allow local non-profits to prosper  
14 in their mission, enhancing the quality of life.

15 While this project provides much-needed  
16 resources to Madera, it also supports the tribal  
17 members to become self-sufficient and successful in the  
18 tribe's endeavors for their programs and projects.

19 I want to ditto what a lot of people have said  
20 about our communities to the north and south, Merced  
21 and Fresno. And in the last week or so there's been a  
22 lot of advertising, a lot of editorial in the  
23 newspapers in those respected communities.

24 And I don't know, other than some of the  
25 elected officials that represented those communities

cont.  
S-72.2

1 this evening, that we really don't have any  
2 constituents to hear from those areas. Madera does  
3 need to make their own decisions and I think we're  
4 particularly capable and we have strong leadership.

cont.  
S-72.2

5 And once again on behalf of Madera Chamber of  
6 Commerce we urge you to approve this project,  
7 Alternative A.

8 Thank you.

9 MS. THOMAS: Thank you very much.

10 And Darren Schmall.

11 While Darren is coming up to the microphone  
12 we've got Bill Pursell, Loretta Armenta, I think,  
13 Desiree Mills -- Joe Alberta, Sam Lawhon, John Peebles,  
14 Orville Reid on deck.

15 **S-73** MR. SCHMALL: Thank you. My name is Darren  
16 Schmall. I am a fourth-generation farmer, lifelong  
17 resident, and businessman here in Madera County. I'm  
18 also a current resident.

19 I have been supportive of the Table Mountain  
20 project when it came to this area. I was supportive of  
21 Chukchansi when they came to this area. And now I'm  
22 supportive of the North Fork project as well.

S-73.1

23 These folks have shown the benefits that  
24 tribal gaming can provide to a community and to a  
25 region and I believe that even with the successes that

1 these other tribes have had they have not -- have not  
2 promised and have not worked through the MOU process in  
3 the same capacity that the North Fork folks have done.

4 The North Fork Tribe has entered into  
5 agreements, not only with our city governments, but our  
6 county governments and our irrigation districts to  
7 provide things that have gone above and beyond the call  
8 that any of the other tribes have done. Those folks  
9 have done great things for our community and continue  
10 to do great things in our community. I believe that  
11 North Fork will continue to do those things as well.

cont.  
S-73.1

12 Also, the issue of air quality and loss of ag  
13 income continues to come up this evening. That  
14 property is going to be developed either way. It's  
15 going to be put into a shopping center. There's been  
16 talk at one time it was going to be the Yosemite Motor  
17 Speedway for NASCAR. It was going to be amusement  
18 parks. Not one of those projects has made the  
19 commitment to the community that North Fork has. It's  
20 going to be developed. North Fork is going to support  
21 our community.

S-73.2

22 Lastly, as we hear about -- from the folks  
23 with air quality, the folks with water quality, all of  
24 us are citizens of this area. The same folks that are  
25 saying that this project is going to pollute and

S-73.3

1 condemn our children to respirators are the same folks  
2 that won't let us burn our fireplaces during the winter  
3 months.

4 I don't have much respect for their studies  
5 and I think that they are trying to shut down a  
6 positive impact project for our community, bringing in  
7 outside information that doesn't -- for the people that  
8 live here. We need to make our own decisions here in  
9 Madera. And the North Fork Tribe has done its  
10 homework, they've worked with our community, and they  
11 are going to be a proud partner to make Madera County  
12 prosper in the years to come.

cont.  
S-73.3

13 Thank you.

14 MS. THOMAS: Thank you, sir.

15 Bill Pursell.

16 Thank you.

17 **S-74** MR. PURSELL: I wanted to speak on -- I'm Bill  
18 Pursell. I live on Avenue 17. I'm here about a couple  
19 miles, three miles from where this proposed casino is  
20 to be built.

21 I wanted to speak on behalf of the children,  
22 one of the things I want to speak about. A paper I  
23 just handed the lady up there, this happened about two  
24 months ago in our local high school here, and it says  
25 Madera South High teacher Dean West deals cards at the

S-74.1

1 campus casino as student John Castro decides whether he  
2 was going to bet during the career night celebration  
3 Wednesday. That happened at our local high school and  
4 I believe this casino hype that's been brought into  
5 this area is what prompted that in our schools.

cont.  
S-74.1

6 And I went before the school board and they  
7 said they didn't condone it, but, I mean, it happened.  
8 So, anyway, that's one of the things I wanted to talk  
9 about is what it's doing.

10 And these jobs that they say it's creating,  
11 what kind -- somebody here said they would get job  
12 training out there at that casino and go into other  
13 industries. Now, I don't know. A card dealer? What  
14 kind of jobs can there be there? It's going to be  
15 cooking, card dealer or whatever. I mean, what -- what  
16 other industries could you go into if you're -- if  
17 that's the type of work you do? In other words, you're  
18 not going to be driving nails or whatever.

S-74.2

19 Another thing I'd like to say here is they  
20 stated they need all this stuff for the Indian people,  
21 which I agree the Indian people should do these things,  
22 but I have had some friends who they are -- who  
23 originally their parents were originally from Oklahoma  
24 and they were from a tribe back there and they are  
25 registered. If you weren't registered, you don't get

S-74.3

1 nothing. If you were a registered tribe, then you get  
2 a lot of free stuff for free right now.

3 I know this lady, her daughter is going to  
4 college down in Southern California to become an RN and  
5 they say it's all free. And this lady tells me she  
6 gets free dental, free doctor and free everything in  
7 Fresno, if you go into the Indian whatever you call it  
8 down there for doctors.

9 So, anyway, they have a lot of free stuff  
10 anyway. And, I mean, they deserve the things, but also  
11 about -- somebody said where are they going to get all  
12 this money for this stuff. Well, maybe they will get  
13 it from their children. They are trying to be  
14 gamblers, because, you know, nobody -- not many people  
15 win. It's mostly losers. The money is coming from  
16 losers. You're not going to get it from winners.

17 So, anyway, I was thinking about that tribe up  
18 there and, if they are going to be working down here in  
19 Madera and just moving these things down here -- and  
20 they are not moving down here. They have a 30-mile  
21 drive to work and whereas if they can build it up there  
22 they can work in their own vicinity.

23 And, also, I see on the thing they say there's  
24 going to be six bars. Well, the paper said six. Now  
25 you're saying -- oh, you're giving me three minutes. I

cont.  
S-74.3

1 thought you were giving me three bars.

2           Anyway, they say there are going to be six  
3 bars. Well, that's going to put a lot of drunks on the  
4 road for the police and the sheriffs and whoever.

5           And also one other point. I talked with one  
6 of the ladies at another meeting and they say 13  
7 percent of the money that comes into that casino off  
8 the top goes to Las Vegas or whoever these people are  
9 that are building the thing.

cont.  
S-74.3

10           MS. THOMAS: Thank you very much, sir. I  
11 appreciate the comments.

12           Loretta -- and I'm sorry I can't --

13           **S-75** MS. ARMENTA: Armenta.

14           MS. THOMAS: Parmenta? Armenta. Thank you.

15           MS. ARMENTA: Good evening. My name is  
16 Loretta Jones Armenta.

17           And my comment is this: During the public  
18 debate prior to voting for Prop 1A the tribes promised  
19 Indian gaming would stay on the existing tribal lands  
20 in rural areas and would not move into urban areas.  
21 North Fork agreed to this promise and they should keep  
22 their promise.

S-75.1

23           We all support North Fork and I really do  
24 support North Fork. They are my family. They are my  
25 cousins. They are people I grew up with. But they



1 need to do it on their own land.

2 This proposed gaming facility sets a dangerous  
3 precedent. If it's approved, it will open up  
4 floodgates to other tribes to move on the freeway and  
5 close to major populated areas. They should not --  
6 they should not jump over territories of the other  
7 tribes. The proposed location for the casino is not  
8 within the territory of the Mono people.

9 As the gentleman that was sitting to the left  
10 of me stated earlier, the Monos came from 50 miles over  
11 the hills. Well, my friends and family from North Fork  
12 don't belong 50 miles over the hill, but they certainly  
13 do belong in North Fork and not down on 99.

S-75.1

14 It is even beyond the territories of the  
15 Chukchansi Tribe. The actual site where the casino  
16 would be located belongs to the Chowchillians. The  
17 Chowchillian Indians and Jerry Brown own that site and  
18 they are the ones that should develop a casino there.

19 And I have one other fear and that is the  
20 greatest fear of all, that this will open all of  
21 California to gaming. And in Fresno and Clovis we have  
22 what I consider the beginning of it.

S-75.2

23 In Clovis for as long as I can remember we had  
24 a card room there, the 500 Club in Clovis on Fifth  
25 Avenue. Fresno we have Club One. They are both now

1 instead of clubs, they are called casinos with big  
2 bright lights saying "Club One Casino." Clovis has 500  
3 Casino -- 500 Club Casino. And, if we let this one go  
4 offsite, it will open up a major floodgate, like I said  
5 earlier.

cont.  
S-75.2

6 And I'm hoping you will take this into  
7 consideration and say no to the site but not to the  
8 tribe having a casino.

9 Thank you.

10 MS. THOMAS: Thank you, ma'am.

11 Desiree Mills.

12 Is there a Desiree Mills?

13 Okay. How about Joe Alberta?

14 And while Joe is coming up we have a Sam  
15 Lawhon, John Peebles, and Orville Reid on deck.

16 **S-76** MR. ALBERTA: Good evening, everyone. Thank  
17 you for your patience in staying this late. I'm Joe  
18 Alberta, tribal secretary to the Picayune Rancheria of  
19 the Chukchansi Tribe.

20 I just want to say our tribe is in support of  
21 North Fork and gaming in North Fork. We do like their  
22 Alternative D and we are supporting North Fork and  
23 their Alternative D in their EIS report.

S-76.1

24 North Fork and ourselves share a lot of  
25 similarities over the last 100 years. The Picayune

1 Rancheria was purchased by the United States for the  
2 benefit of the Chukchansi people in 1912. North Fork  
3 Rancheria was purchased by the United States for the  
4 benefit of the Mono people in 1916.

5 Our tribe was terminated in 1966 by the  
6 Department of Interior under the Rancheria Act. North  
7 Fork was also terminated by the Department of Interior  
8 under the Rancheria Act.

9 Our tribe was restored to federal recognition  
10 in 1983 in settlement with the United States in the  
11 Tillie Hardwick litigation. North Fork was also  
12 restored and recognized in 1983 in the Tillie Hardwick  
13 litigation.

14 Our tribe's boundaries were recognized in a  
15 settlement with Madera County in 1987. North Fork  
16 Rancheria's boundaries were also recognized by the same  
17 settlement with Madera County in 1987.

18 In 1999 our tribe was contracted with a  
19 management company to develop a casino. The management  
20 company helped us purchase back our rancheria. We  
21 opened a casino in 2003. North Fork has the same  
22 opportunity as us to buy back the rancheria lands with  
23 their management company to develop a very profitable  
24 casino of their own within their territory.

25 Just as Joanne Rhoads stated earlier, there

cont.  
S-76.1

1 are lands for development in North Fork. There is the  
2 mill site. That was the economic driver of North Fork  
3 for as long as I remember because I actually worked  
4 there and drove a truck with my grandfather and my dad  
5 into that thing and it was a shame to see it die. And  
6 this would be a great thing to revitalize North Fork as  
7 a casino in North Fork.

8 But instead North Fork is leapfrogging over  
9 tribal territories. It's stated in the casino map dark  
10 royal blue is North Fork territory. The gold is  
11 Chukchansi, although that's the lower valley Yokuts.  
12 That's the lower valley Yokuts. They're leapfrogging  
13 50 miles away from tribal territory and lands.

14 This is now setting a dangerous precedent by  
15 moving this 50 miles to build a casino on Highway 99  
16 near the Madera Airport and municipal golf course.  
17 There are 109 federally recognized tribes in  
18 California, 68 which are gaming. If you allow one  
19 tribe to do this, everyone is going to do this,  
20 including us.

21 MS. THOMAS: Your three minutes are up, sir.  
22 Thank you.

23 MR. ALBERTA: You're welcome. Once again, we  
24 do support a North Fork Mono casino on their tribal  
25 lands.

cont.  
S-76.1

S-76.2

1 MS. THOMAS: Thank you.

2 Now Sam Lawhon.

3 **S-77** MR. LAWHON: Good evening. I'm Sam Lawhon and  
4 I live in Coursegold on Vida Raneh Road.

5 It's been kind of tough to sit here tonight  
6 because a lot of words went back and forth between  
7 Picayune Rancheria and North Fork and Table Mountain.  
8 And we're not the cause of that. We didn't cause  
9 that. I think a major component that caused that is  
10 actually the Bureau.

11 We need standards to go by that don't change  
12 all the time. The Bureau is constantly changing. If  
13 we went through the fee to trust as it was before  
14 January, you did a 151. If gaming was even any minute  
15 part of it, you did a two-part in conjunction with 151,  
16 and they are not doing that. They are doing a 151  
17 first and there's nowhere in the regs that say you do  
18 one or the other.

19 It should be done in conjunction and everyone  
20 would have their chance at that time to comment. You  
21 know, we stand here and go back and forth, you know,  
22 it's Picayune, it's North Fork. It's really not.  
23 We're put in this place by government. The Government  
24 has allowed the state to get involved and then the  
25 Government changes their mind or they give -- they give

S-77.1

1 us rules to operate by and we stay within those rules  
2 and guidelines. And then once we invest everything we  
3 can possibly invest into our casino in the place where  
4 we had to, now there's talk of we're going to the -- to  
5 the freeway.

6 We -- our casino is on land that my mom and my  
7 Aunt Holly that grew up there, and they cried when they  
8 saw what happened to that land. They had emotional --  
9 they were born on the land. They have ties to it.

cont.  
S-77.1

10 I would much rather have moved down here to a  
11 field and built a casino, too, but that wasn't an  
12 option that we had. But somehow it is now and I think  
13 the Bureau is a big part of that and I think the  
14 Governor is a big part of that. And I'm saying the  
15 Bureau. Valerie and Mr. McNally [sic], it's not you  
16 personally.

17 MS. THOMAS: We understand.

18 MR. LAWHON: It's not that. But it is the  
19 Government changing so much stuff around that we get  
20 caught in a he said/she said. And the Bureau gets to  
21 go home in a way. And I'm with these people all the  
22 time and they are my friends and my family.

S-77.2

23 The impact this has on our tribe is that we  
24 did invest \$310 million into our casino. And to put a  
25 casino closer to town you can't tell me that there

1 won't be any impact on our tribe after it goes away or  
2 after the newness wears off or what.

3           There's people -- and gas prices went up. You  
4 know, they are just not going to drive as far. They  
5 are already telling us that the economy is down.  
6 People aren't gaming as much. They are coming, but  
7 they are not gaming as much.

cont.  
S-77.2

8           I think that we need more time. I want to ask  
9 for an extension and I will put my written comments in  
10 and I encourage everyone else to.

S-77.3

11           Thank you.

12           MS. THOMAS: Thank you very much.

13           John Peebles.

14           And while John is making his way up to the  
15 podium will Irene Waltz, Brian Fulcher and Rodney  
16 Clements stand by.

17           Thank you, sir.

18           **S-78** MR. PEEBLES: Thank you. My name is John  
19 Peebles and I am one of the attorneys for the Picayune  
20 Rancheria of the Chukchansi Indians.

21           The purpose of my comments tonight are to  
22 address certain issues within the draft EIS.

S-78.1

23           Without question, this project will  
24 significantly affect the quality of the human  
25 environment. However, we are not able to fully analyze

1 the potential impacts as the draft environmental impact  
2 statement does not accurately nor thoroughly describe  
3 the proposed action. Accordingly, a new EIS should be  
4 prepared and circulated.

cont.  
S-78.1

5 As you are all aware, NEPA requires the EIS to  
6 disclose at a minimum the environmental impact of the  
7 proposed action and the adverse environmental effects  
8 which will be unavoidable in the event the action is  
9 implemented. To properly prepare an EIS the lead  
10 agency is required to determine the precise nature and  
11 extent of the proposed action, detail the specific  
12 impacts to be evaluated, and the method used in their  
13 evaluation.

14 That is, all information should be presented  
15 in the DEIS to accurately and thoroughly describe the  
16 proposed action. In other words, I think the word  
17 tonight is "transparent." That has not happened here.

S-78.2

18 What we do see in the explanation and  
19 description of the project is a fairly detailed  
20 analysis of the square footage of the casino, the  
21 retail space, the food and beverage, the entertainment,  
22 the hotel, the spa in the center of the plant. We know  
23 exactly how many parking spots there are and the total  
24 acreage.

25 But this is a gambling facility and the DEIS



1 does not thoroughly and adequately describe the most  
2 critical elements of a gambling facility. All this  
3 paper here, there was not one mention of regarding  
4 Alternative A as to the number of slot machines or the  
5 number of table games. The very engine in this project  
6 is not discussed.

7           What do they describe as in the scope of this  
8 project? They talk about the scope of the project to  
9 assume to be sized to experience the maximum potential  
10 of its gaming, lodging and retail functions.

11           So assuming that to be the scope of the gaming  
12 facility, what will the proposed size of the facility  
13 house? And we've gone to our experts and they tell us  
14 it will house in the neighborhood currently of 3,500  
15 slot machines and in excess of 100 table games.

16           However, when you look at the descriptions  
17 with regard to this project and you begin to look  
18 through what numbers did they use to make the economic  
19 projections that would generate the revenue and the  
20 impasse in Alternative A, nothing in these documents  
21 talks about the number of slot machines or the number  
22 of table games.

23           It's only when you go to, not the DEIS itself,  
24 but to what is referred to as Appendix R and then  
25 buried in Appendix R on page 58 you get this

cont.  
S-78.2

1 description in Alternative D. They analyze this based  
2 upon 2,000 slot machines and 60 table games, not 3,500  
3 or what would maximize the facility.

cont.  
S-78.2

4           Accordingly, we believe this should be  
5 reevaluated.

6           MS. THOMAS: And your three minutes are up,  
7 sir.

8           Thank you very much.

9           MR. PEEBLES: I saw that.

10           MS. THOMAS: I appreciate it. And I know  
11 you'll have written comments for us. So I appreciate  
12 that very much. Thank you.

13           MR. PEEBLES: Thank you.

14           MS. THOMAS: You bet.

15           Orville Reid.

16           **S-79** MR. REID: My name is Orville Reid. I am a  
17 tribal member with the Chukchansi Tribe. I am also a  
18 retired aerospace scientist for Boeing Aircraft  
19 Company.

S-79.1

20           I am in favor of North Fork getting their  
21 casino. The reason I say that is because it generates  
22 all of the benefits from their site, an ancestral  
23 site. It generates education. It generates hospitals,  
24 health for their -- their children, their elders. And  
25 these benefits are so vital to their economic

1 development.

2 I am an example of what my tribe has done  
3 building our casino on our ancestral lands. I have  
4 just maintained or finished a master's in business and  
5 I'm proud of that for what my casino has provided me.  
6 And it will to do the same thing for North Fork for  
7 their people on their tribal land.

cont.  
S-79.1

8 I also support Proposition 1A. We forget that  
9 it was the people of California that approved our  
10 tribal gaming and for their -- for them we should look  
11 at what they voted for and abide by those rules. It's  
12 very important for us to look at that.

13 I thank you for your time.

14 MS. THOMAS: Thank you, sir.

15 Irene Waltz.

16 **S-80** MS. WALTZ: My name is Irene Waltz. I've been  
17 a member of this community for all of my life.

18 In 1916 the Federal Government purchased 80  
19 acres of North Fork Rancheria by executive order. In  
20 the year 2000 the tribe purchased 61.5 acres in North  
21 Fork. In 2004 a community center was built for that  
22 tribe in North Fork and currently the tribe has  
23 approximately 15 tribal homes in North Fork.

S-80.1

24 There are numerous documents and numerous  
25 boxes at -- at the library at Fresno State and in those

1 documents, those boxes, you'll find documents that  
2 reference the Mono Indians that preserved their  
3 heritage in North Fork. There are numerous letters  
4 there that document their lives that lay their  
5 footprints in the Town of North Fork. Nowhere does it  
6 say that they came to the City of Madera.

cont.  
S-80.1

7 Some comments regarding the EIS in regards to  
8 the Madera site. It currently consistently floods. It  
9 floods about approximately one month often during the  
10 winter months and it's designated a flood zone.

S-80.2

11 The California Department of Water Resources  
12 based on the records of nearby wells exhibit an overall  
13 decline in groundwater levels. A dominant influence on  
14 groundwater flow direction in the area over the past 15  
15 years appears to be pumping depression, a long-term  
16 decline in ground water levels that is independent of  
17 climate factors.

S-80.3

18 According to the Madera County General Plan,  
19 there appears, and I want to emphasize it appears, to  
20 be adequate groundwater in that area to sustain growth  
21 in the near term. It doesn't say that there is  
22 long-term groundwater for a particular duration of  
23 time.

24 Air in the San Joaquin Valley is considered to  
25 be a bowl. The region's topographical features

S-80.4

1 restrict air movement through and out of the basin, the  
2 San Joaquin Valley. The valley floor in the San  
3 Joaquin Valley is highly susceptible to pollution that  
4 accumulates over time. This area is a diurnal wind  
5 factor, a combination of sea breeze and land breeze in  
6 the mountain-valley regions. The sea breeze flows into  
7 the San Joaquin Valley from the north by day, land  
8 breeze out of the San Joaquin Valley at night. The  
9 mountain-valley region has an upslope flow during the  
10 day and down slope at night.

11 The phenomenon adds to the complexity of the  
12 regional wind flow and pollutant transport within the  
13 San Joaquin Valley. So clearly the San Joaquin Valley  
14 holds the pollutant air in this region. Based on that  
15 information alone, all of the districts, the  
16 communities and counties within the San Joaquin Valley,  
17 need to be made clearer within the EIS.

cont.  
S-80.4

18 It is clearly not stated within the documents  
19 that the tribe has given to the community that the air  
20 pollutants in this San Joaquin Valley and the  
21 destruction it would have on the community people  
22 within the meeting area.

23 Also, I would like to make note the North Fork  
24 site has made reference to the water situation there  
25 and it is unlikely to flood in the area. The water

S-80.5

1 protection from the wells is very strong and the  
2 overall water balance and current water demands in the  
3 foothill region suggest that a sufficient quantity of  
4 water is available for the regional -- for that --

cont.  
S-80.5

5 MS. THOMAS: Ma'am, your three minutes is up.  
6 I'm sorry about it. If you could provide that  
7 information to us, we'd really appreciate it.

8 MS. WALTZ: Thank you.

9 MS. THOMAS: Thank you, ma'am.

10 Brian Fulcher.

11 **S-81** MR. FULCHER: Good evening. My name is Brian  
12 Fulcher. I'm a long-time Madera resident.

13 It was stated that this project was being  
14 looked at as a business venture. It needs to be looked  
15 at as a community issue.

16 Also, there was a lot of numbers that were  
17 stated, unemployment numbers, job position numbers.  
18 What happens when the people of Madera reach that  
19 median income on the gaming? Who is going to pay the  
20 bills for them?

S-81.1

21 The casino cure for the Madera budget, it's  
22 delusional. It's gambler's luck. It's been found that  
23 after five years of a casino being introduced crime  
24 rates go up. The Madera County and the City of Madera  
25 cannot support this increase. Local Madera businesses

1 cannot compete with the restaurants, stores and gas  
2 stations that will be opened on this site.

3 The local affordable housing will be used up  
4 by the influx of people taking the minimum wage jobs,  
5 and the increase on the water, schools, the sewage  
6 facilities, it's all going to overrun Madera.

cont.  
S-81.1

7 I'm not opposed to the tribe having a casino,  
8 but I'm opposed to it being so close to the community  
9 of Madera. You need to really consider Alternative D  
10 on this.

11 MS. THOMAS: Thank you, sir.

12 MR. FULCHER: Thank you.

13 MS. THOMAS: Rodney Clements?

14 While Rodney is coming up, if we could have  
15 Nettie Amey, Kimberly Morgan and Blair Bucan on  
16 standby.

17 Sir?

18 **S-82** MR. CLEMENTS: Hello. My name is Rodney  
19 Clements, a tribal administrator for the North Fork  
20 Rancheria.

S-82.1

21 It is my pleasure to serve the Tribal Council  
22 in their service to some nearly 1,700 citizens. And I  
23 just wanted to provide one short comment regarding the  
24 purpose and need of the EIS in support of their purpose  
25 and need.

1           The tribe will sign a contract for fiscal year  
2 2008 with the BIA under the Indian Self-Determination  
3 Act and Education Assistance Act for just under  
4 \$200,000. That contract is to support the education  
5 and social services and tribal government operations.

6           Last year our need for financial -- for all of  
7 the citizens scholarships, the financial need was just  
8 over 400,000. There was approximately \$25,000 in the  
9 BIA contract to serve those citizens.

10           I urge the BIA to adopt this EIS. This is a  
11 great project. You have community support. It follows  
12 the letter of the law and it meets the purpose of IGRA  
13 for economic development, self-sufficiency of the North  
14 Fork Rancheria.

15           MS. THOMAS: Thank you, sir.

16           And Nettie Amey here? Nettie? Okay.

17           How about Kimberly Morgan?

18           No? Oh, okay.

19           How about Blair Bucan?

20           All right, Blair. Come on up.

21           While Blair is coming up, we've got Derek  
22 Robinson, Sandy Schelter and Joyce Costa.

23           **S-83** MR. BUCAN: Could I approach?

24           MS. THOMAS: You're ready.

25           Your three minutes are running, sir.

cont.  
S-82.1



1 MR. BUCAN: Okay. Hello. How are you doing?

2 My name is Blair Bucan. I want to thank you  
3 for giving me this opportunity to speak.

4 I'm for American gaming. I'm for American  
5 casinos. I'm for American courts and I'm for a nation,  
6 the United States of America.

7 What I'm against is Indian gaming. I'm  
8 against Indian casinos. I'm against Indian courts and  
9 I'm against all separatists that want to create their  
10 own nation.

11 Now, I've given evidence to you guys and to  
12 the public. And on the first page we can see that the  
13 California Labor Commissioner has no jurisdiction to  
14 enforce state labor laws against businesses owned by  
15 Indian tribes. Once again on the second page we can  
16 see that California OSHA does not have jurisdiction.

S-83.1

17 On the third page we see tribal -- tribal  
18 right to self-governance. This is Tribal First  
19 Insurance Company/Workers' Compensation -- Compensation  
20 system basically telling me, surprise, you're screwed.  
21 Employees have no rights. Indian casinos make their  
22 own laws.

23 On the fourth page you see Chukchansi Gold  
24 Resort and Casino, 711 Lucky Lane, Coarsegold,  
25 California 93614. It looks like a California address.

1 It looks like a regular California pay stub. The  
2 employee is paying all the taxes. But the Indian  
3 casino decided on their own not to follow California  
4 law. Starting in 2007 they decided not to pay  
5 California minimum wage anymore.

cont.  
S-83.1

6 On page 5 my attorney writes: "Class action  
7 lawsuit. Should win." But they are not taking the  
8 case.

9 MS. THOMAS: Sir, your three minutes are up.  
10 I'm sorry, but thank you for the written information  
11 you've provided.

12 MR. BUCAN: Thank you for your time.

13 MS. THOMAS: You bet.

14 Okay. Derek Robinson.

15 Is there a Derek Robinson?

16 Okay. How about a Sandy Schelter?

17 Okay. What about Joyce Costa?

18 Okay. How about Jon Barsotti? Mischelle  
19 Pescina.

20 Ah, Jon? Okay.

21 While Jon is coming up Mischelle Liscano,  
22 Michelle Lewis and Alex Lewis, if you're still here.

23 Sir.

S-84

24 MR. BARSOTTI: Can I start?

25 First of all, nobody knows how many pages are

S-84.1

1 in the report. Does anybody really know that?

cont.  
S-84.1

2 MS. THOMAS: Sir, could you speak your name  
3 for our court reporter.

4 MR. BARSOTTI: Yes. My name is Jon Barsotti.  
5 I'm a resident here in Madera. I live about a mile due  
6 east of the site.

S-84.2

7 MS. THOMAS: Thank you, sir.

8 MR. BARSOTTI: Do you know how many pages are  
9 in the report? 200? 400? 500? Nobody knows. It's  
10 pretty big.

11 Anyway, here's my point: I've been trying to  
12 look in the report to see what's there and what I see  
13 is there's only about one and one quarter pages about  
14 problem gamblers. Problem gamblers, one and one  
15 quarter page. And what the report does say is there's  
16 going to be 700 new ones and they expect that there's  
17 already 1,400 problem gamblers. But they really don't  
18 talk about what the problems are.

S-84.3

19 There's some mitigation. \$50,000 a year to  
20 take care of the expenses to the County for  
21 counseling.

22 So my question is why isn't this a bigger  
23 topic? Why isn't this a section, problem gamblers?  
24 Because the reality is it's not just problem gamblers.  
25 They have families. What happens in that situation

1 when the problem gambler has brought that problem to  
2 his family?

3 Well, I'll just run some really quick numbers  
4 here and I know we don't have a lot of time. So I'm  
5 just going to go right to it.

6 We're going to have 700 new problem gamblers,  
7 1,400 existing problem gamblers. Now there's a new  
8 element: Convenient gambling. Now, that's not  
9 addressed at all, convenient gambling, where I can  
10 leave work, go by the casino and drop \$75, \$100 on the  
11 way home and nobody even knows except me and, of  
12 course, when the bills are due you don't have the  
13 money.

cont.  
S-84.3

14 So here's the issue: Problem gamblers are not  
15 just 2,100 people. If they have a spouse, that's  
16 another person. If they have a couple of children,  
17 that's two more people. The numbers that I come up  
18 with, and I'm going to give you a copy of this, is  
19 5,040 people, 5,040 people affected by these problem  
20 gamblers.

21 My time is up?

22 MS. THOMAS: Thirty seconds.

23 MR. BARSOTTI: Thirty seconds.

24 It's just not complete. It is absolutely not  
25 complete until the rest -- this is my community. I've

S-84.4

1 been here all my life. My father was born here. My  
2 family has been here 100 years. Address the issue of  
3 problem gamblers and convenient gambling, how is that  
4 going to affect my -- my community.

5 Because the community doesn't belong to  
6 everybody, but I've been here and I don't want it to be  
7 a problem for my children, my grandchildren, my great  
8 grandchildren for the next 50 to 100 years.

9 Thank you very much.

10 MS. THOMAS: Thank you very much, sir.

11 Is it Mischelle Pecina?

12 Are you Mischelle?

13 **S-85** MS. LISCANO: It's Mischelle Liscano for the  
14 record, please.

15 MS. THOMAS: Excuse me, ma'am?

16 MS. LISCANO: Mischelle Liscano,  
17 L-I-S-C-A-N-O. Or is there two Mischelles with similar  
18 spellings?

19 That's all right. I'll fill out another card  
20 when I'm through. Okay?

21 MS. THOMAS: Okay. Go ahead.

22 MS. LISCANO: Hello. My name is Mischelle  
23 Liscano. I am a tribal member of the Picayune  
24 Rancheria of Chukchansi Indians.

25 I am the granddaughter of Meg Hogan and

cont.  
S-84.4

S-85.1

1 Charlie Lee and the great granddaughter of Michael  
2 Cedario. I, too, have family members of the Mono Tribe  
3 as well as Table Mountain Rancheria.

4 My first concern is Merced has the highest use  
5 of meth and the labs entering into Madera who is the  
6 second highest use of math and labs. Body dumping, and  
7 let's not forget the alcohol that climbs up and down  
8 the freeways.

cont.  
S-85.1

9 I'd like to see the statistics of the meth lab  
10 units, homicide and Mothers Against Drunk Driving. We  
11 do not need to wait five years. It is right here in  
12 the back yard.

13 Second, Clear Lake is a mountain community 20  
14 miles from I-5 and it is also a two-lane road. That  
15 casino's name is Dry Creek Casino built on the side of  
16 a mountain with Mother Earth in full attacked with  
17 another little casino on the corner for unknown years  
18 of establishment and no one is complaining yet.

S-85.2

19 Maybe North Fork should contact this casino  
20 because I'm sure they could share quite a few issues  
21 regarding their casino and be successful. As for the  
22 middle of North Fork, buy it.

23 I would also like to see the studies of the  
24 people and put it out to the public ASAP. Counties do  
25 not have a problem putting out public information. We

S-85.3

1 know that because we are the statistics. We live it.

2 It is bad enough that we have lived with  
3 broken promises that swept through many generations of  
4 all native peoples from the US Government. I would  
5 like to see all these people keep our promises and not  
6 be just another wannabe.

cont.  
S-85.3

7 I support North Fork, but please stay within  
8 your boundaries. Thank you.

9 And for the record this meeting was to be from  
10 6:00 to 9:00. A lot of people left and did not have an  
11 opportunity for public comment. Please take action and  
12 responsibility and hold another public meeting.

S-85.4

13 Thank you and good night.

14 MS. THOMAS: Thank you, ma'am.

15 Is there a Michelle Lewis here? Alex Lewis?  
16 What about Jeff Bray?

17 **S-86** MR. BRAY: Good evening or good morning,  
18 whatever it is now. I'd like to thank you for giving  
19 me this opportunity.

20 Earlier -- I just want to address a few things  
21 that were talked about earlier. There was a doctor  
22 that talked about battling between the Mono tribes and  
23 the Yokut tribes that went on and that was part of his  
24 presentation.

S-86.1

25 Well, I stand here as Jeff Bray, the marketing

1 director for the Tachi Yokut Tribe and the Tachi Palace  
2 Hotel and Casino in Lemoore and we stand here in  
3 support of North Fork's casino.

4           What I've seen in the twelve years that I've  
5 worked with the tribe in Lemoore is the jobs it's  
6 provided, education, training, hospitals, medical  
7 centers, everything it's done in a positive way,  
8 schools, education, provided college education for the  
9 tribe. It's done a number of great things.

10           And as the marketing director for the casino  
11 for eight years and, by the way, probably the only  
12 marketing director in the market that's been here for  
13 eight years, and I've probably seen more than most, and  
14 stood in front of people and talked in front of cameras  
15 and talked about the issues, but never once has the  
16 tribe I worked for myself talked about other tribes as  
17 competition.

cont.  
S-86.1

18           When Chukchansi Tribe opened, and I love that  
19 tribe and respect that tribe, when they opened one of  
20 the questions that was asked to us was what do you  
21 think about the competition. We didn't view them as  
22 competition because there's enough room for gaming for  
23 everyone. And it did not -- it did not statistically  
24 hurt our business other than maybe the first few months  
25 of operation.



1           They talked about tribes being backed by big  
2 casinos and most of the tribes I know and have been  
3 aware of in the last twenty years I've been in Indian  
4 country, being a Native American man myself, have been  
5 backed by one business or another. Because most tribes  
6 are impoverished and don't have the funds to do it. So  
7 they bring in management companies to help them, even  
8 the tribes that spoke tonight, all of which had  
9 companies help them. All of us, we pay big sums of  
10 money to do things.

cont.  
S-86.1

11           And they talk about casinos might be coming  
12 into Fresno and Fresno people coming in and talking  
13 about crack me up because they begged Donald Trump to  
14 come here. And how does he make his money?

15           And the guy who was up here with the sign, I  
16 talked to him earlier. He's kind of funny, too,  
17 because he doesn't support any gaming, but he had told  
18 me he worked for more than three Indian casinos  
19 including Chukchansi, which I think he must have been  
20 supporting them then.

21           And last but not least, North Fork can't build  
22 a casino on 99 unless that land goes into trust anyways  
23 and once it goes into trust it is tribal land.

S-86.2

24           And the treaty that was handed to me by our  
25 tribal historian states that there were 16 tribes that

S-86.3

1 signed that treaty that were all in this Valley at that  
2 time. And who's to say they weren't one of them?

cont.  
S-86.3

3 So if it goes to trust, then they can build  
4 it. If it doesn't, then they will have to look at  
5 other options like other tribes have done.

S-86.4

6 Thank you very much.

7 MS. THOMAS: Thank you very much. I  
8 appreciate it.

9 MR. BRAY: I wish we would have started an  
10 hour earlier.

11 MS. THOMAS: Do we have a Nancy Dela Cruz?

12 Okay. What about a Donna Featherstone? Donna  
13 Featherstone?

14 No? Okay. What about Edward Gallegos?

15 Okay. Our next group then is Kevin Sittani --  
16 or Sittam.

17 Okay. Matt Craven? Bizz Bushman?

18 Stan Nakagawa.

19 Okay. Cecelia Bock?

20 Is this Stan?

21 MR. NAKAGAWA: I'm Stan.

22 MS. THOMAS: Okay. Great.

23 **S-87** MR. NAKAGAWA: I'm Stan Nakagawa. I represent  
24 the Fresno County Public Works.

S-87.1

25 MS. THOMAS: Could you bring that mic up.

1 MR. NAKAGAWA: Thanks a lot for the  
2 opportunity to let me speak. I just have a couple of  
3 comments.

4 The County asks that the draft EIS provide  
5 sufficient analysis of mitigation to fully analyze not  
6 only local but regional impacts that the project would  
7 have on the environment.

S-87.2

8 Because this issue will be a regional  
9 attraction, impact analysis should not be limited to  
10 Madera County. It should also evaluate impacts to  
11 adjoining counties and cities, including but not  
12 limited to Fresno County and its cities.

13 That's all the comments that I have.

14 MS. THOMAS: Thank you very much, sir.

15 MR. NAKAGAWA: Thank you.

16 MS. THOMAS: Cecelia Bock?

17 Donna Pride?

18 While Donna is coming up, if there's Dr. Lenny  
19 Fisk, Reginald Lewis and Jennifer Stanley, you're on  
20 deck.

21 **S-88** MS. PRIDE: My name is Donna Pride. I've been  
22 a North Fork resident for 32 years. I'm a very active  
23 real estate broker in eastern Madera County. I believe  
24 in all of the different casinos especially North Fork  
25 Rancheria.

S-88.1

1 Madera County needs this revenue. We need it  
2 for our schools. We need it for our businesses. We  
3 need it for everything. I have backed all the  
4 different casinos, like I said. This one we need to  
5 survive.

cont.  
S-88.1

6 The housing market is in the tubes. You know  
7 it. It reflects on everything and everybody and every  
8 business. Come on. Let's go and be and do this.

9 Thank you.

10 MS. THOMAS: We're going to take kind of a  
11 one-minute break here while our contractor discusses  
12 something with the court reporter.

13 Are you ready, sir?

14 **S-89** DR. FISK: Good evening. My name is Dr. Lenny  
15 Fisk. I am a college professor and a professional  
16 paleontologist. That is, I study fossils.

17 I am not here to support or to oppose the  
18 project. Rather, I am here to speak to the inadequacy  
19 of the DEIS. My comments this evening are restricted  
20 specifically to those parts of the draft EIS that deal  
21 with paleontological resources, that is, fossils, my  
22 specialty.

S-89.1

23 I reviewed those portions of the EIS and I  
24 find them to be far below professional standards. I  
25 myself have prepared those portions of the EISs and

1 have prepared more than 100 myself. So I know what  
2 professional standards are and what they should be to  
3 be reached.

4 The EIS that's before you does not meet the  
5 ELO standards. It does not meet Caltran standards. It  
6 does not meet the standards of the Society of  
7 Vertebrate Paleontology, which is the standard against  
8 which all mitigation in such projects are based.  
9 That's the standard.

10 Determinations made in environmental documents  
11 should be made by qualified individuals. There is no  
12 indication in this EIS as to who prepared that portion,  
13 the paleontological portion, and whether that  
14 individual is qualified or not.

15 However, from reading the text it's very clear  
16 that it is not a professional paleontologist nor is it  
17 someone who is a licensed professional geologist. The  
18 California Board of Geologists and Geophysicists has  
19 determined that that person should have been a licensed  
20 professional geologist.

21 If he was, he wouldn't have made those kinds  
22 of mistakes that were made and are very obvious. There  
23 are glaring errors throughout the section on  
24 paleontological resources that make that section  
25 actually laughable, making statements such as no fossil

cont.  
S-89.1

1 localities in the entire Sierra Nevada when probably  
2 there's four to five hundred localities.

3 The only tertiary fossil localities in the  
4 entire Central Valley is one species of coral. There's  
5 probably 2,000 species from 2,000 different  
6 localities. These are just glaring errors that should  
7 never appear in any professional document.

8 So, in my professional opinion, that part of  
9 the EIS that deals with paleontological resources is  
10 incomplete, inadequate, unprofessional and clearly  
11 deficient both in respect to the assessment of the  
12 potential impacts as well as to proposed mitigation.

13 So I thank you for the opportunity to provide  
14 public comment and I hope that these glaring errors are  
15 corrected.

16 MS. THOMAS: Thank you, sir.

17 Is there a Reginald Lewis?

18 While Reginald is coming up, Jennifer Stanley,  
19 is she still here? Went home? Okay.

20 What about Anthony Costello? Charlotte Wynne  
21 or Ed Rosen, if you're here please stand by.

22 Sir?

23 MR. LEWIS: Ready?

24 S-90 Good evening. My name is Reginald Lewis. I'm  
25 a member of the Chukchansi Tribe. I was born right

cont.  
S-89.1

S-90.1

1 here in Madera. I've lived in this county most of my  
2 life. I have lived in North Fork for five years.

3 I have worked with a lot of the local Indians  
4 in North Fork in the logging industry. When I worked  
5 with these guys we shared the responsibility of looking  
6 out for each other because lives are on the line. It's  
7 a dangerous work and I respect the people of North  
8 Fork.

9 I'm in support of the people in North Fork,  
10 but I also need to say that I respect the people of  
11 California and the provisions that go along with  
12 Proposition 1A.

13 Everybody has been talking about how everybody  
14 has boundaries. It's a well-known fact that Gaylen  
15 Lee, a very respected member of the North Fork  
16 community, an anthropologist, a Mono Indian himself, in  
17 his book Where We Walked states how most of the people  
18 from North Fork came from the east. And for them to  
19 say that they have cultural ties in the Valley down  
20 here, their cultural ties were only established after  
21 they intermingled maybe with the people that were here.

22 You people from the BIA, I need to take -- I  
23 think that you need to take a good look at the way that  
24 things have evolved here. This casino, all this talk  
25 about this casino and stuff down here, I think you're

cont.  
S-90.1

1 overlooking the people who were here first. And it  
2 wasn't the people from North Fork. It was the  
3 Chowchillans. And I think you were somewhat lacking in  
4 your responsibility to these people.

cont.  
S-90.1

5 Madera County is lacking in their  
6 responsibility. The National Indian Gaming Commission  
7 is responsible -- is overlooking these people. They  
8 were here and they need to be recognized. And if  
9 anything is going to be going on here as far as gaming  
10 or any kind of stuff like that, even though they are  
11 not a recognized tribe, they should have the  
12 opportunity before others do.

S-90.2

13 I've heard problems about the traffic if we do  
14 go with the Plan D. Well, when North Fork was a big  
15 booming lumber town they had logging trucks driving up  
16 and down that same little two-lane road. I mean a  
17 truck every two minutes was either coming or going and  
18 nobody complained about the traffic then and I don't  
19 see why they should be complaining about it now.

S-90.3

20 The mill site is North Fork City's property.  
21 There's other lands in North Fork owned by local  
22 Indians. They should all work amongst themselves to  
23 try and figure out a way to use this land and work with  
24 the city themselves. Tom Wheeler is the supervisor  
25 there. He's a local. He would be a good one to

S-90.4



1 negotiate this kind of proposition to the people  
2 there.

cont.  
S-90.4

3 And I guess my time is up.

4 MS. THOMAS: Yes, sir. Thank you very much.

5 MR. LEWIS: Thank you.

6 MS. THOMAS: Is Anthony Costello here?

7 Okay. What about Charlotte Wynne?

8 Ed Rosen?

9 Okay. What about Sophia Abarca?

10 While Sophia is coming up, we've got Samuel  
11 Alvarado, Bonnie Day and Cathy Magnuson. If you're  
12 here, we'll call you up next.

13 **S-91** MS. ABARCA: Good evening. My name is Sophia  
14 Abarca and I am a tribal member of Enterprise Rancheria  
15 Maidu of Northern California. And I'm here because I  
16 feel that we Indians need to stick together and I am  
17 here to give my full support to North Fork Rancheria.

18 I am also a born resident of Madera,  
19 California and I also work for Madera County Department  
20 of Social Services as an employment and training  
21 worker. And I see firsthand how much unemployment we  
22 have in our community, how many times many of my  
23 participants come in here with 15 pages of job  
24 searching logs and not one response.

S-91.1

25 This -- this project will be bringing

1 thousands of jobs. It not only will bring in jobs at  
2 the casino. It has brought in a hotel. It will  
3 probably bring in lots of retail, meaning more jobs,  
4 more money, less money that the citizens of Madera have  
5 to rely on the State of California or the Federal  
6 Government to give them.

7           It will show them and will bring them pride to  
8 be able to support their own family and not have to  
9 rely on our services and our programs to get them  
10 through.

11           And I feel that not only will it help in that  
12 in the bringing of the unemployment ratio down, but it  
13 will also help our schools. Madera Unified last night  
14 had a meeting where they cut \$9 million out of our  
15 budget. That means we have laid off more than 100  
16 people, teachers, custodians, bus drivers, lots of  
17 family and friends that in the next couple of weeks  
18 will be receiving pink slips.

19           So those that oppose this casino, when your  
20 friends and your family come and say "I no longer have  
21 a job," remember you opposed this casino. This casino  
22 will bring back that money to the much-needed school  
23 districts here in Madera as well as in the county, not  
24 only Madera Unified but the County's, and they will be  
25 able to keep our job -- their jobs.

cont.  
S-91.1

1           Without our teachers what do we have to offer  
2 our children? Who is going to be there to educate  
3 them? Who is going to be there to teach them that they  
4 need to further their education and they need to get  
5 better paying jobs? They need to be in their own  
6 independence. Without them we don't have any of that.  
7 Without getting an education we've got a lot more gang  
8 activity a lot more times.

cont.  
S-91.1

9           We're cutting music programs. They will be  
10 cutting after-school programs. Where are our kids  
11 going to go when the parents work, if they even have a  
12 job? They are going to be roaming our streets and  
13 causing a lot more trouble. Let's keep them in  
14 school. Let's keep them going. And with this project  
15 it can happen.

16           Thank you.

17           MS. THOMAS: Thank you.

18           Is Samuel Alvarado here?

19           What about Bonnie Day?

20           Bonnie, while you're coming up, is Cathy  
21 Magnuson here?

22           Great. Thanks.

23           **S-92** MS. DAY: I'm Bonnie Day, a concerned citizen  
24 of Madera.

S-92.1

25           I also want to speak about our children. Some

1 earlier did. And the draft EIS is deficient in the  
2 environmental consequences regarding social effects  
3 specifically crime and problem gambling. It's ironic  
4 that this meeting is being held in the middle of  
5 National Problem Gambling Awareness Week.

6 In any given year 6 to 9 million Americans  
7 will have a gambling problem. The effects of adult  
8 problem gambling on children from the National Research  
9 Council reported on two studies indicating that between  
10 10 and 17 percent of children of compulsive gamblers  
11 have been abused and that 20 to 50 percent of spouses  
12 have been abused.

13 Research consistently shows higher rates of  
14 pathological gambling in teens whose parents gambled  
15 too much. Children of problem gamblers have been shown  
16 to have higher levels of abuse for tobacco, alcohol and  
17 drug use.

18 Children are endangered and neglected. And it  
19 was exemplified in Oregon with the September 2001  
20 report of an Oregon licensed daycare provider who left  
21 three children one, two and three years old in a van  
22 for over eleven hours while she gambled in a casino.

23 Case studies of ten casino communities  
24 revealed that the majority of those communities  
25 witnessed increases in domestic violence related to the

cont.  
S-92.1

1 opening of casinos.

2           Several studies suggest that crime rates rise  
3 with increased availability of gambling to  
4 communities. 40 percent of clients enrolled in  
5 Oregon's gambling treatment system reported committing  
6 crimes to finance their gambling. Studies of Gamblers  
7 Anonymous members report that approximately half of the  
8 participants had stolen to gamble and over one third  
9 had been arrested.

10           Common gambling-related crimes are  
11 embezzlement, check forgery, stealing credit cards,  
12 fencing stolen goods, tax evasion, insurance fraud and  
13 employee theft and fraud. When we look at how deadly  
14 problem gambling can be we see 10 percent of the  
15 clients enrolled in Oregon's gambling treatment system  
16 considered and formulated plans to commit suicide  
17 within six months of enrollment to treatment. Also, a  
18 major depressive disorder is likely to occur in 76  
19 percent of pathological gamblers.

cont.  
S-92.1

20           Why do we want to bring anything into our  
21 community that destroys like this? I moved here after  
22 living in Las Vegas for almost seven years. I love our  
23 families here and I want to protect them and I hope  
24 that you do, too.

25           Please say no to this casino because God will

1 hold us accountable in this community and you for  
2 making this decision.

cont.  
S-92.1

3 MS. THOMAS: Thank you, ma'am.

4 Cathy Magnuson?

5 And while Cathy is making her way up, is Chris  
6 Campbell, Mark Levitan and Denise Marmolejo are here?  
7 You're up next.

8 Ma'am.

9 **S-93** MS. MAGNUSON: Hi. My name is Cathy Magnuson  
10 and I live in the Madera Country Club area and I use  
11 the Avenue 17 exit off 99 daily.

12 I can't help but think the impact the  
13 traffic will have, that that traffic will be huge. Why  
14 bring a business that will provide many jobs? True.  
15 That will be at the expense of many families, as people  
16 have mentioned earlier.

S-93.1

17 MS. THOMAS: Excuse me, ma'am. Could you  
18 speak into the microphone.

19 MS. MAGNUSON: I'm sorry.

20 I said why bring in a business that will be at  
21 the expense of families, as has been explained earlier.

22 With six bars, drunk drivers will be a problem  
23 and gambling will devastate not only the gambler but  
24 their families as well.

S-93.2

25 I would be in full support of the tribes

1 starting a business like a Cabela's or a Bass Pro Shop  
2 where you could have a history section as well as the  
3 sales of environmentally friendly equipment for  
4 recreation purposes, but why make huge profits as a  
5 tribe on gambling, alcohol sales and other activities  
6 that would appeal to our sin nature?

cont.  
S-93.2

7 That's my point.

8 Thank you very much.

9 MS. THOMAS: You bet. Thank you, ma'am.

10 Is Chris Campbell here?

11 Okay. Mark Levitan?

12 All right. While Mark is coming up, is Denise  
13 here?

14 **S-94** MR. LEVITAN: Good night. My name is Mark  
15 Levitan. I'm an attorney and I'm here representing the  
16 Picayune Rancheria of the Chukchansi Indians. Thank  
17 you for the opportunity to speak at this late hour.

18 When we were first starting I took a walk  
19 outside and I think that the line went all the way to  
20 Cleveland to get in here. So based on that I think  
21 it's safe to estimate that at least 250 people didn't  
22 get in at all tonight.

S-94.1

23 So based on that I think that we're -- and the  
24 number of cards that you mentioned here where people  
25 have already left. I think it's a foregone conclusion

1 that you're going to need to offer another hearing, but  
2 I think the question at this point is whether you need  
3 to offer more than one additional hearing.

cont.  
S-94.1

4 First, I want to address the speaker who  
5 represented himself as the -- I believe the community  
6 relations representative of the North Fork Rancheria  
7 who I assume is a full-time employee of Station  
8 Casinos. The gentleman made an embarrassingly  
9 inaccurate statement in which he stated that the  
10 Chukchansi Tribe along with other opposing tribes in  
11 the area have not been expressing any interest in  
12 opposition to this proposed project for years and that  
13 actually we only entered into this debate the past few  
14 weeks.

S-94.2

15 I have a very vivid memory of standing in a  
16 crushingly crowded hallway in the Madera County  
17 government offices, the old government building where  
18 the Chukchansi Tribal Council was waiting to try to get  
19 in to speak to the Madera County Board of Supervisors  
20 as they were discussing the adoption of the proposed  
21 MOU with the North Fork Rancheria.

22 I also remember that the County at that time  
23 was forced to open up one or perhaps even two overflow  
24 conference rooms to accommodate the additional people  
25 who wanted to be there to witness the Board of



1 Supervisors considering that proposed MOU, which I  
2 think addresses one of the North Fork Rancheria  
3 representative's points that there has been no  
4 community interest in this project until now.

cont.  
S-94.2

5 As Mr. Rydzik is aware, the Chukchansi Tribe  
6 has actually been expressing an interest in this  
7 project since its inception, since it was first  
8 proposed.

9 North Fork represented itself this evening  
10 also as a landless California Indian tribe, which as a  
11 practitioner of federal Indian law I found to be  
12 somewhat disturbing and puzzling. North Fork entered  
13 into the same stipulation with the County of Madera  
14 that was signed off on by a Federal Court judge as the  
15 Picayune Rancheria did in 1987 in which the rancheria  
16 boundaries were reestablished. Regardless of the  
17 status of that land being an allotment, it is a  
18 rancheria and it was recognized so by the federal  
19 courts.

S-94.3

20 In addition, my understanding is that the  
21 United States has accepted over 60 acres of land into  
22 trust for the North Fork Rancheria in the past five  
23 years where they have government offices, community  
24 buildings. It's mind boggling to me that a tribe with  
25 trust land of over 60 acres that close to the rancheria

1 boundaries to represent themselves as a landless  
2 California Indian tribe --

cont.  
S-94.3

3 MS. THOMAS: I'm sorry, sir.

4 MR. LEVITAN: One other point I want to make  
5 to my friend John Maier who had trouble lifting up the  
6 draft EIS. And I agree it would be difficult to lift  
7 it.

S-94.4

8 MS. THOMAS: Sir, could you please.

9 MR. LEVITAN: I just want to point out that we  
10 were given 45 days to comment on that draft EIS that he  
11 couldn't lift.

S-94.5

12 MS. THOMAS: Thank you, sir.

13 Is Natalie Smith here?

14 What about Lawrence Bill?

15 Lawrence Bill is here? Okay. While Lawrence  
16 Bill is coming up is Jim Hunter still here?

17 Jim? Okay.

18 And what about Kathy Horn?

19 Kelly McManis?

20 And Bill Jantzen?

21 Bill? No. Okay. All right. So Lawrence  
22 Bill.

S-95

23 MR. BILL: Yes, ma'am.

24 MS. THOMAS: You're up, sir.

25 MR. BILL: Thank you.

1 My name is Lawrence Bill. I'm chairman of the  
2 Sierra Nevada Native American Coalition. And it's a  
3 coalition because there are some people who like me  
4 understand and we are each one of us full blooded.

5 We're not Indian. We're of the aboriginal  
6 culture. I am not an Indian. I have never been to  
7 India in my life and I have no plan of going there.  
8 It's just a derogatory remark that whites have made  
9 against our people. I've heard so much about the  
10 rights of the Indian people, as they call us today.  
11 "Tribal lands." This is all our land. We are setting  
12 right in the middle of a river basin that the  
13 Government gave to us right as we speak.

S-95.1

14 I support North Fork 100 percent.

15 My grandkids are in the North Fork Tribe,  
16 federally recognized. Yet my grandma was born right  
17 over here. My mom there. When this white man comes up  
18 and talks about the wars of Indian people and raping of  
19 kids, when do they take their responsibility for the  
20 raping of our little ones, of bludgeoning our people,  
21 taking our lands? It was never given to them. It was  
22 never sold. It was stolen and like the good thief that  
23 they are. You do the crime, you raise the physical  
24 evidence. This goes on daily.

25 Up here where they are building this new

1 school over the entrance I see Gaylen Lee's name  
2 mentioned there. I've seen his name mentioned in other  
3 places. It's all right, but it's covered up.  
4 Destroyed. That landmark there is where our people  
5 worked. In my mind it should be applied to our  
6 people.

7 They speak of education. This country has  
8 never taught education. You look at history, a  
9 required subject, told from the point of view of the  
10 white man. They don't speak of the despicable acts  
11 committed against our people. And that's not history.  
12 These are our ways, the lifeline of our Mother Earth.

cont.  
S-95.1

13 I choose to retain my aboriginal values and  
14 spiritual beliefs because there's nothing else that has  
15 any meaning. I am a descendant of the aboriginal  
16 people of this land. Our people have been amalgamated  
17 for thousands of years. The people from this flat land  
18 here were displaced by the Mexicans, by the whites, our  
19 people killed. I heard one man speaking that they took  
20 the hardest hit. Death is death. We all lost a lot.

21 MS. THOMAS: Sir, I respect that.

22 MR. BILL: I'll hear you and I'll get off, but  
23 I'll tell you one thing. The rights of our people have  
24 been denied all these years. If North Fork wants to  
25 have a casino here, so be it.

S-95.2

1 MS. THOMAS: Thank you, sir.

2 Is Jim Hunter here?

3 Jim Hunter.

4 **S-96** MR. HUNTER: Good evening. Jim Hunter, Tule  
5 River tribal member. I'm here speaking as an  
6 individual.

7 I'm in support of the North Fork casino. But  
8 the EIS, I heard earlier that there was a culturally --  
9 insignificant for development. And I do also work with  
10 archeological monitoring for the tribe. And for those  
11 of you who understand the science of archeology and the  
12 EIS perhaps as culturally insignificant, I've been out  
13 in the field. My wife patiently sat in a wheelchair.  
14 She's done the same work.

S-96.1

15 There's something out there. And if this  
16 is -- if they are allowed or forced to develop this  
17 land on the North Fork area, that's the area for  
18 Alternative D, there will be consequences even worse.  
19 Because who knows what's going to happen? They could  
20 be digging up their own ancestors up there and I'm sure  
21 you don't want to see that.

22 They don't want to do that. We don't know  
23 what's underground. "Cultural insignificance" means  
24 graveyards to me. Because I've been there and I've  
25 done that. And I want to make this point clear to you,

1 the BIA panel, to take this seriously.

2           Everybody else that spoke tonight has  
3 legitimate concerns, of course. I didn't hear this  
4 spoken of. So I figured I would sign up to speak and  
5 at least let you know to take that seriously as part of  
6 what's underground. You won't know until you start  
7 digging.

cont.  
S-96.1

8           MS. THOMAS: Thank you, sir.

9           MR. HUNTER: Thank you.

10          MS. THOMAS: Thank you.

11          Kelly McManis.

12          While Kelly is making her way up is Sally  
13 Phillips here? All right. Great, Sally.

14          And then Robert M-P-A-N-S. There's a Bob with  
15 no last name, Mel Cellini, and Robert Lyday which is  
16 our last speaker.

17          Kelly, go ahead.

18          **S-97** MS. McMANIS: Hi. I'm Kelly McManis. I'm  
19 officially representing the City of Chowchilla.

S-97.1

20          MS. THOMAS: Could you speak into the mic,  
21 ma'am. Right up to it.

22          MS. McMANIS: Right up to it?

23          I'll officially representing the City of  
24 Chowchilla administrative services.

S-97.2

25          In conjunction with early scoping activities,

1 the Chowchilla City Council considered the North Fork  
2 resort project at a special meeting in May of '05 and  
3 they gave the consensus that we were favor of the  
4 project and its location. Again, in May of 2007 at a  
5 joint workshop with the Chowchilla Chamber of Commerce,  
6 we reiterated our support and we continue to do so.

7 The City of Chowchilla, although not  
8 officially requested as a cooperating agency by the  
9 BIA, has been involved in and has monitored the EIS  
10 process given the potential economic, social and  
11 environmental impact of the project to Chowchilla.

12 We are reminded that the city has a direct and  
13 immediate stake in the development of this project.  
14 The potential for needed jobs to be generated,  
15 opportunity to build stronger local business, community  
16 investment to enhance quality of life and build a  
17 strong social fabric, local hospitality and  
18 entertainment amenities and respectful partnership with  
19 the goal of approving -- improving the lives of all  
20 residents of the region.

21 And in reviewing the recently released draft,  
22 the proposed project appears to meet many of the goals  
23 and policies of the Madera County General Plan. Three  
24 key areas relate to commercial land use, job-housing  
25 balance again and visual and scenic resources.

cont.  
S-97.2

1           The North Fork Tribe has worked in a  
2 collaborative, constructive and transparent manner with  
3 the local community and the County. And through the  
4 demonstration of the commitment to mitigate significant  
5 project impacts and for planned contributions -- their  
6 budget allocates generous public funding through the  
7 MOU over its lifetime -- they have garnered almost  
8 unanimous support from many local agencies,  
9 jurisdictions, chambers and labor unions. And the City  
10 of Chowchilla is among those supporters.

cont.  
S-97.2

11           MS. THOMAS: Thank you, ma'am.

12           Sally Phillips.

13           **S-98** MS. PHILLIPS: Thank you very much.

14           MS. THOMAS: Pull the mic down. There you go.

15           MS. PHILLIPS: Maybe that's better. I left my  
16 notes behind. Maybe that's better.

17           Thank you very much for allowing me to speak.  
18 I represent the public because I didn't know anything  
19 much about this. I remember when there was a ballot --  
20 it was on the ballot and I did vote because I'm against  
21 gambling.

S-98.1

22           And gambling has not been addressed here very  
23 much. I thought it was all about gambling. Because  
24 gambling destroys families. Just recently I know of a  
25 man who did not want to divorce his wife, but he had to



1 because she was stealing his money to go gambling until  
2 it was devastating to the whole family.

3 That's just one case, but we all know,  
4 everybody here knows that it destroys families, but a  
5 lot of people who are addressing unemployment, health  
6 care and things like that, that's national. The  
7 problems that we are having are financial problems, a  
8 surplus that we have have to do with the cost of the  
9 war that we are engaged in. Very little is said about  
10 the wars. I'm sure that's affecting our schools  
11 locally and oil prices come from the Middle East.

cont.  
S-98.1

12 The -- I think this needs to be put on the  
13 ballot again and with more explanations. Yes, I care  
14 very much about Madera. My -- my mother's sibling had  
15 a cattle ranch going up near Yosemite on 41 and when  
16 the last one was alive and blind -- when I retired --  
17 and, by the way, I'm very old. I'm 86. I came to take  
18 care of her and I like -- I've always liked Madera  
19 since I was a little girl. And so I came here.

20 I think we need to have another hearing in the  
21 Saturday afternoon and -- there needs to be a group to  
22 get together to study what is required by law to go  
23 forward. This looks to me like a mask. They are using  
24 the Indians -- I'm not against any one Indian. I can't  
25 even argue it.

S-98.2

1 And it needs to be addressed in the proper  
2 legal thing to look right so we don't look back and  
3 say, oh, I voted 1A the wrong way or whatever.

cont.  
S-98.2

4 MS. THOMAS: Thank you, ma'am. Your three  
5 minutes is up.

6 MS. PHILLIPS: Thank you very much. And how  
7 are you going to take this to our government  
8 officials?

S-98.3

9 MS. THOMAS: This is not a question-and-answer  
10 period, ma'am, but if you've got any written  
11 information that you can provide to us, we sure would  
12 appreciate it. And you can talk to us after the  
13 meeting.

14 MS. PHILLIPS: Well, I want to know more about  
15 the books you're talking about.

S-98.4

16 MS. THOMAS: Thank you.

17 Is there a Robert M-P-A-N-S here?

18 Okay. What about a Bob with no last name?

19 What about Mel Cellini and a Robert Lyday?

20 Are you Mel Cellini, sir?

21 **S-99** MR. CELLINI: Yes, I am.

22 MS. THOMAS: All right. It looks like you're  
23 our last speaker.

24 We may have one more.

25 MR. CELLINI: Good evening. And I'm here to

S-99.1

1 lend support to the casino project here at North Fork.

2           And I want to say that the thing that really  
3 is outstanding to me -- I'm retired from 40 years as a  
4 winemaker and running wineries. And the thing that I  
5 find outstanding is that they have -- they are going to  
6 have an alcohol intervention program for people that  
7 have difficulties with that and also a gambling  
8 addiction.

9           People that feel that they are going to get  
10 addicted to gambling going to a casino are looking  
11 further than they have to look. They can log on and  
12 get into pretty much any casino and lose a lot of money  
13 a lot faster and never even have to take their  
14 bathrobes off.

15           It's a very serious issue and I think people  
16 look at the casinos more as social activity, something  
17 that they can enjoy as they also enjoy Chukchansi and  
18 as they do at Table Mountain.

19           I wouldn't worry about the Las Vegas  
20 connection or the gambling as a real serious issue  
21 because I'm actually a professional gambler except I  
22 happen to play the stock market. And I don't see any  
23 difference. I invest my money in the market.  
24 Yesterday I had a smile on my face, but I've had a  
25 frown for a couple of months.

cont.  
S-99.1

1           So, at any rate, that's pretty much it and I'm  
2 stealing the dreams of people that can go home and go  
3 to bed.

cont.  
S-99.1

4           MS. THOMAS: Thank you, sir.

5           I believe we have one more person. Come on  
6 up, sir, and please state your name for the record.

7           **S-100** MR. LYDAY: My name is Robert Lyday. And I  
8 worked for the Chukchansi Indians from 1994 to 1996 as  
9 an anthropologist and a linguist on a Government  
10 grant. I'm here to support Alternative D, the North  
11 Fork, the casino in North Fork.

12           This casino should be put on the mill site in  
13 North Fork and not in Madera. I base that on -- I  
14 conducted a modern scientific study of tribal  
15 boundaries for the Chukchansi Indians as part of my  
16 employment. I spent three months on this study.

S-100.1

17           As a consequence of that study I also  
18 determined the boundaries of the Mono Indians. This  
19 study was done on a purely scientific basis and any  
20 attempts at political gerrymandering were rejected.

21           The Mono Indians' boundaries extended down  
22 further than Fine Gold Creek where they bordered on a  
23 tribe called the Dalinchi Yokuts. The Dalinchi Yokuts  
24 are now apparently extinct or lost to history and  
25 mankind.

1           The Indians that used to live on this land  
2 where we now speak are extinct. I believe the tribe  
3 residing here was called the Aheuchi, A-H-E-U-C-H-I.  
4 And in this respect I get it from Dustin Graham, the  
5 anthropologist who spoke earlier, my friend Harold  
6 Hammond, who all stated that this was the land of the  
7 Chowchilla Yokuts.

8           The Chowchilla Yokuts land was actually to the  
9 north. Down by Fresno there was another Yokuts tribe  
10 called the Holohoyima Yokuts. Yes, this was Yokuts  
11 land, not Mono land.

cont.  
S-100.1

12           Most of the Yokuts tribes who lived in this  
13 Valley are now extinct or at least they are lost to  
14 humanity. First in the 1820s they were somewhat  
15 missionized by the Spaniards. Then in 1833 an epidemic  
16 swept right through this Valley right here where we are  
17 speaking right now. It was brought by fur trappers,  
18 white fur trappers, possibly Kit Carson. They were  
19 trapping beaver in here and they apparently brought a  
20 malaria epidemic to this Valley. This malaria epidemic  
21 resulted in a human tragedy. The loss of about 97 to  
22 99 percent of the Indians in this area died.

23           MS. THOMAS: I'm sorry, sir. Your three  
24 minutes are up. If you could provide that information  
25 in writing, we'd sure appreciate it.

1 MR. LYDAY: Okay. Thank you.

2 MS. THOMAS: Thank you very much.

3 Okay. That concludes our formal speaking --  
4 thank you, sir. I appreciate that.

5 I would like to give you an opportunity to  
6 close the -- thank you, ma'am.

7 **S-101** MS. DAVIS-VAN HUSS: I think we should thank  
8 everybody that spoke here and for remaining here.  
9 Thank you. And hopefully the Bureau, that you've heard  
10 a few comments on the actual draft of our environmental  
11 impact statement. You can take that back. I think  
12 that you gave adequate time for comments. It's a  
13 quarter to 12:00 and I thank you for your patience.

S-111.1

14 And I thank all of my tribal citizens and the  
15 community of Madera for sticking with us here tonight.

16 Thank you very much.

17 MS. THOMAS: Thank you very much, ladies and  
18 gentlemen, and goodnight.

19 (Whereupon, the proceedings concluded at  
20 11:43 p.m.)

21 ----oOo----

22

23

24

25

CERTIFICATE OF REPORTER

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I, PETER TORREANO, a Certified Shorthand Reporter in and for the State of California, certify that the foregoing is a full, true and correct transcript of the North Fork Rancheria of Mono Indians Fee-to-Trust and Casino/Hotel Project Draft EIS Public Hearing held on March 12, 2008, reported to the best of my ability and transcribed under my direction.

\_\_\_\_\_, 2008  
Date

\_\_\_\_\_  
PETER TORREANO, CSR 7623

## Post-Comment Period Comments

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L-1

**Tribal Council/ Katrina Lewis Problem Gambling Comments  
DEIS Comments North Fork Rancheria's Hotel/Casino Project**

Reg Dir \_\_\_\_\_  
Dep Reg Dir \_\_\_\_\_  
Reg Adm Ofc \_\_\_\_\_  
Route \_\_\_\_\_  
Response Required \_\_\_\_\_

Good evening, my name is Katrina Lewis and I am the Secretary for the Tribal Council of the North Fork Rancheria of Mono Indians of California. I would like to speak on Table ES-1 of the Executive Summary of the Draft EIS relating to problem gambling.

Before I was elected to the Tribal Council in 2006 I for nearly eight (8) years in various aspects of Indian gaming, with a specific focus on the Tribal government regulatory role within Indian gaming. My direct experience has made her knowledgeable about Tribal-State compacts, gaming ordinances, gaming law and all state and Federal laws that pertain to Indian gaming. I worked as surveillance agent and then was promoted to Manager after 1 year at the Big Sandy Rancheria. I also worked at Picayune Rancheria working as first as a background agent then as compliance manager for a total of nearly 4 years. Katrina has worked with the Department of Justice, the National Indian Gaming Commission and the Division of Gambling Control.

Problem gambling is a hot-button issue that is often discussed without providing appropriate context or facts:

- For example, that studies repeated show that instances of bankruptcies are no greater in communities with casinos than in communities that don't have casinos.
- Or that overall gambling participation rates in California fell between 1999 and 2006 while the prevalence of problem gambling actually decreased from 1994 to 2004 - despite increases in the number of tribal gaming venues.
- Or that the worst cases of problem gambling are more likely to occur in activities such as the Lottery, card rooms, and internet where, unlike tribal casinos, problems are more difficult to detect, monitor and address.

Still, problem gambling is a very serious issue for those afflicted and California tribes are engaged and one of the few groups working to reduce the problem.

Over 96% of Californians gamble responsibly, exclusively for recreation and leisure. Our EIS estimates that the project will increase problem gambling by 0.5%. That means that 99.5% of the population will be unaffected. The prevalence rate of current pathological gamblers, between .9 and 1.5 percent of

L-1.1

the U.S. adult population, and is far lower than drug abuse/dependence (6.2 percent) and alcohol dependence (13.8 percent).

For those affected, California tribes take the personal plights of those who don't gamble responsibly seriously and have committed millions of dollars in assistance. In fact, tribes are the only gaming enterprises in California funding public problem gambling programs – not the lottery, card rooms, bingo halls, private games, racetracks, or internet sites.

cont.  
L-1.1

The North Fork Rancheria has indicated our strong support for responsible gaming and is committed to put into place extensive problem gambling programs whose programs are too many to list all here, but to name a few:

- The Tribe will provide extensive training through a gambling treatment professional for the supervisors and gaming floor employees on responsible gaming and identifying and managing problem gambling. So casino employees will have the proper tools to recognize problem gambling warning signs and give information on treatment resources that our available to our guests.
- Materials with the same information will be prominently displayed throughout the casino, including signage at conspicuous locations and ATMs bearing a toll-free help-line for assistance for gambling problems.
- The Tribe will also consider taking additional steps, such as exclusion programs that halt promotional mailings and deny credit and access to patrons who have exhibited signs of problem gambling;
- The Tribe has committed to provide \$50,000 annually under the County MOU for the purpose of funding alcohol and problem gambling) prevention and treatment program.
- Finally, the Tribe will also contract with a gambling treatment professional to train its employees.

L-1.2

As with any substance or human activity, some people will abuse this one too. Yet problem gambling is an extremely complex issue that tribes have a self-interest in mitigating. For the reasons stated above, we believe this draft EIS

L-1.3

is responsible, comprehensive, and sufficient in addressing the concerns and impacts and proving sufficient mitigation relating to problem gambling.

cont.  
L-1.3

March 28, 2008

*all*

*RPM DECLMS*

*NO. 921*  
*4-7-08*

Committee on Indian Affairs  
Regional Director, Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

RE: DEIS Comments, North Fork Rancheria's Hotel/Casino Project

Ms. Amy Dutschke,

I am writing in support of the North Fork Mono Rancheria Hotel/Casino Project.

The proposed project represents a CORNERSTONE economic development project for our community that needs more jobs and business opportunities for our area. This project will bring nearly \$100 million dollars annually in local economic benefits not to mention the benefits to the 1,900 local tribal members.

L-2.1

The North Fork Mono Rancheria Tribal members have established a collaborative and constructive working relationship with our community and have garnished unparalleled community support and endorsements. In addition, Memorandum of Understandings (MOU's) have been completed and signed between the North Fork Rancheria Tribe and the County of Madera, City of Madera and the Madera Irrigation District (MID) all of which were completed in a cooperative, collaborative, constructive manner.

In 2006, I was a member to the City's negotiating team that resulted in the Memorandum of Understanding with the North Fork Rancheria Indians of California. During numerous negotiation sessions, I found that the tribes negotiating members conducted themselves with the utmost of professionalism and unwavering concern for the local community. The negotiations resulted in an agreement including \$9.4MM in a one time contribution and annual contributions of over \$1.0MM. Furthermore, on October 18<sup>th</sup> 2006 The City Council of the City of Madera voted unanimously to affirm this MOU with the North Fork Rancheria Indians of California.

L-2.2

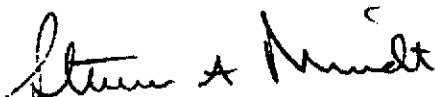
With a current unemployment rate of 9 - 13%, this project will yield improvements to the economic vitality of our community.

L-2.3

Postponement or cancellation of this ANCHOR project could delay ancillary growth spawned by this development and will put at risk a number of key local developments predicated upon the successful completion of this project. Postponement or cancellation of this project will also create an additional economic hardship to a community that is already suffering from the recent slowdown in the housing and construction industries.

L-2.4

Thank you in advance for consideration of this letter and I look forward to a speedy and timely approval process.



Steven A. Mindt  
Madera City Council



Linda S. Adams  
Secretary for  
Environmental  
Protection

**California Regional Water Quality Control Board**

L-3



Arnold  
Schwarzenegger  
Governor

**Central Valley Region**

Karl E. Longley, ScD, PE, Chair

Fresno Branch Office  
1685 E Street, Fresno, California 93706  
(559) 445-5116 • Fax (559) 445-5910  
<http://www.waterboards.ca.gov/centralvalley>

10 April 2008

Mr. John Rydzik  
U.S. Department of the Interior  
Bureau of Indian Affairs  
Pacific Region  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825-1846

**DRAFT ENVIRONMENTAL IMPACT STATEMENT, NORTH FORK RANCHERIA OF MONO INDIANS, FEE-TO-TRUST AND CASINO/HOTEL PROJECT (EIS No. 20080045), MADERA COUNTY, SCH No. 2008024002**

Regional Water Board staff has reviewed the *Draft Environmental Impact Statement (DEIS)*, dated February 2008, prepared by the Bureau of Indian Affairs, regarding the North Fork Rancheria of Mono Indians' plan to develop a casino, hotel resort, parking structure, and/or other facilities on lands identified in the DEIS. The Bureau of Indian Affairs is the lead agency in evaluating the project's potential to impact the environment in accordance with the National Environmental Policy Act (NEPA).

The DEIS outlines five alternatives for the project (labeled A through E):

- Alternative A—Madera Site: Proposes a 250,000 square foot casino with a 200-room hotel with an anticipated 270,000 gallons per day (gpd) of wastewater flow on a 305-acre site near the City of Madera.
- Alternative B—Madera Site: Proposes a 190,000 square foot casino with an anticipated 160,000 gpd wastewater flow on a 305-acre site near the City of Madera.
- Alternative C—Madera Site: Proposes a regional shopping center with an anticipated 20,000 gpd wastewater flow on a 305-acre site near the City of Madera.
- Alternative D—North Fork Site: Proposes the development of a 26,000 square foot casino with an anticipated 20,000 gpd wastewater flow on a 31-acre site in the Sierra Nevada Foothills about 20 miles south of Yosemite National Park near the Community of North Fork (North Fork Site).
- Alternative E is the no action alternative.

L-3.1

Alternatives A through D include several options for onsite and offsite treatment of wastewater.

Should onsite treatment be selected, the Tribe proposes tertiary treatment of wastewater by a membrane bioreactor (MBR). Wastewater disposal options include spray fields, leach fields, surface water, and recycling. The land to which the Tribe proposes to discharge would be held in trust. Therefore, the discharge would likely not be under the jurisdiction of the Regional Water Board. Regulation by the Regional Water Board would be required if

L-3.2



- cc: See list on next page.
- cc: Ms. Nova Blazej, U.S. Environmental Protection Agency, Region 9, San Francisco
- Mr. Brad Mehaffy, National Indian Gaming Commission, Washington DC
- Mr. Scott Morgan, State Clearinghouse, Sacramento
- Ms. Janielle Desomer, Office of the Governor, Legal Affairs, Sacramento
- Mr. Dave Randall, Madera County Planning Department, Madera
- Mr. David Tooley, City of Madera, Madera



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT

L-4



CONYIA BRYANT  
DIRECTOR

April 14, 2008

John Rydzik  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Subject: North Fork Rancheria of Mono Indians Fee-to-Trust Casino/Hotel Project  
SCH#: 2008024002

Dear John Rydzik:

The enclosed comment (s) on your Draft EIS was (were) received by the State Clearinghouse after the end of the state review period, which closed on April 1, 2008. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

L-4.1

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2008024002) when contacting this office.

Sincerely,

Terry Roberts  
Senior Planner, State Clearinghouse

Enclosures  
cc: Resources Agency





**California Regional Water Quality Control Board  
Central Valley Region**

Karl E. Longley, ScD, PE, Chair



Linda S. Adams  
Secretary for  
Environmental  
Protection

Fresno Branch Office  
1689 E Street, Fresno, California 93706  
(559) 445-5116 • Fax (559) 445-5910  
<http://www.waterboards.ca.gov/centralvalley>

Arnold  
Schwarzenegger  
Governor

10 April 2008

Mr. John Rydzik  
U.S. Department of the Interior  
Bureau of Indian Affairs  
Pacific Region  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825-1846



*Clea*  
*4-1-08*  
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*R*

**DRAFT ENVIRONMENTAL IMPACT STATEMENT, NORTH FORK RANCHERIA OF MONO INDIANS, FEE-TO-TRUST AND CASINO/HOTEL PROJECT (EIS No. 20080045), MADERA COUNTY, SCH No. 2008024002**

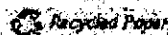
Regional Water Board staff has reviewed the *Draft Environmental Impact Statement (DEIS)*, dated February 2008, prepared by the Bureau of Indian Affairs, regarding the North Fork Rancheria of Mono Indians' plan to develop a casino, hotel resort, parking structure, and/or other facilities on lands identified in the DEIS. The Bureau of Indian Affairs is the lead agency in evaluating the project's potential to impact the environment in accordance with the National Environmental Policy Act (NEPA).

The DEIS outlines five alternatives for the project (labeled A through E):

- **Alternative A—Madera Site:** Proposes a 250,000 square foot casino with a 200-room hotel with an anticipated 270,000 gallons per day (gpd) of wastewater flow on a 305-acre site near the City of Madera.
- **Alternative B—Madera Site:** Proposes a 190,000 square foot casino with an anticipated 160,000 gpd wastewater flow on a 305-acre site near the City of Madera.
- **Alternative C—Madera Site:** Proposes a regional shopping center with an anticipated 20,000 gpd wastewater flow on a 305-acre site near the City of Madera.
- **Alternative D—North Fork Site:** Proposes the development of a 26,000 square foot casino with an anticipated 20,000 gpd wastewater flow on a 31-acre site in the Sierra Nevada Foothills about 20 miles south of Yosemite National Park near the Community of North Fork (North Fork Site).
- **Alternative E** is the no action alternative.

Alternatives A through D include several options for onsite and offsite treatment of wastewater.

Should onsite treatment be selected, the Tribe proposes tertiary treatment of wastewater by a membrane bioreactor (MBR). Wastewater disposal options include spray fields, leach fields, surface water, and recycling. The land to which the Tribe proposes to discharge would be held in trust. Therefore, the discharge would likely not be under the jurisdiction of the Regional Water Board. Regulation by the Regional Water Board would be required if



Mr. John Ryzdik

- 2 -

10 April 2008

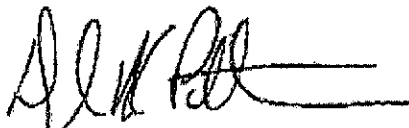
(a) the degradation is consistent with the maximum benefit to the people of the State; (b) the degradation will not unreasonably effect present and anticipated future beneficial uses; (c) the degradation does not result in water quality less than that prescribed in state and regional policies, including violation of one or more water quality objectives; and (d) the discharger employs Best Practicable Treatment and Control to minimize degradation. Whether or not the facility is subject to State regulation, the final EIS should address the aforementioned components of the Antidegradation Policy for the selected alternative (other than Alternative E).

The State's Water Recycling Criteria are contained in Title 22, California Code of Regulations, Section 60301 et seq. (Title 22). Section 60323 of Title 22 requires submittal of an Engineering Report to describe the engineering controls in place to ensure a project will comply with the Water Recycling Criteria. Whether or not the facility is subject to State regulation, the final EIS should address the public health components of the Water Recycling Criteria and the engineering controls required by a Title 22 Engineering Report for the selected alternative (other than Alternative E).

The other option is to connect to either the City of Madera's wastewater treatment facility or the County treatment facility serving the Community of North Fork. For connection to an existing wastewater treatment facility, the DEIS should document that the facility accepting the wastewater has the capacity to accept the additional flow and maintain compliance with its Waste Discharge Requirements.

The State has primacy for effecting the requirements of the National Pollutant Discharge Elimination System (NPDES) for lands under its jurisdiction. If construction associated with the project will include activities under State jurisdiction and will disturb one or more acres, compliance with the NPDES *General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity* would be required for potential discharges to surface waters, including ephemeral and intermittent drainages. Before construction begins, the Tribe would need to submit a Notice of Intent (NOI) to comply with the permit, a site map, and an appropriate fee to the State Water Resources Control Board. A Storm Water Pollution Prevention Plan (SWPPP) would also need to be prepared. The SWPPP must contain at a minimum all items listed in Section A of the General Permit.

Thank you for the opportunity to comment on this DEIS. If you have any questions regarding this matter, please call Jeff Pyle at (559) 444-2418.



DOUGLAS K. PATTESON  
Senior Water Resource Control Engineer  
RCE No. 55985

cc: See list on next page.

cc: Ms. Nova Blazej, U.S. Environmental Protection Agency, Region 9, San Francisco

Mr. Brad Mehaffy, National Indian Gaming Commission, Washington DC

Mr. Scott Morgan, State Clearinghouse, Sacramento

Ms. Janielle Desomer, Office of the Governor, Legal Affairs, Sacramento

Mr. Dave Randall, Madera County Planning Department, Madera

Mr. David Tooley, City of Madera, Madera



ARNOLD SCHWARZENEGGER  
GOVERNOR

L-5

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

April 2, 2008

John Rydzik  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Subject: North Fork Rancheria of Mono Indians Fee-to-Trust Casino/Hotel Project  
SCH#: 2008024002

Dear John Rydzik:

The State Clearinghouse submitted the above named Draft EIS to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 1, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

L-5.1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

## State Clearinghouse Data Base

**SCH#** 2008024002  
**Project Title** North Fork Rancheria of Mono Indians Fee-to-Trust Casino/Hotel Project  
**Lead Agency** Bureau of Indian Affairs, Sacramento Area

---

**Type** EIS Draft EIS  
**Description** Acquisition of approximately 305 acres into trust for the North Fork Rancheria of Mono Indians for the purposes of the development of a casino and hotel with related facilities.

---

### Lead Agency Contact

**Name** John Rydzik  
**Agency** Bureau of Indian Affairs, Pacific Region  
**Phone** (916) 978-6042 **Fax**  
**email**  
**Address** 2800 Cottage Way, Room W-2820  
**City** Sacramento **State** CA **Zip** 95825

---

### Project Location

**County** Madera  
**City** Madera  
**Region**  
**Cross Streets** Avenue 18 and Road 23  
**Parcel No.** 033-030-010-000, through 015-000, 017-000  
**Township** 8S **Range** 23E **Section** **Base** MDB&M

---

### Proximity to:

**Highways**  
**Airports** 1.5 miles south  
**Railways** 1 mile east  
**Waterways** Schmidt Creek (onsite), Dry Creek (0.5 mile northwest)  
**Schools**  
**Land Use** Agriculture  
Zoning/General Plan: Agricultural, Rural, Exclusive, Twenty Acre District (ARE-20) / Agricultural

---

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Other Issues; Population/Housing Balance; Public Services; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

---

**Reviewing Agencies** Resources Agency; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Parks and Recreation; Native American Heritage Commission; Department of General Services; Department of Health Services; Office of Emergency Services; Office of Historic Preservation; Cal Fire; Department of Fish and Game, Region 4; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 6; Caltrans, Division of Aeronautics; Department of Toxic Substances Control; Other Agency(ies); California Department of Justice, Attorney General's Office

---

**Date Received** 02/14/2008 **Start of Review** 02/15/2008 **End of Review** 04/01/2008

---

Note: Blanks in data fields result from insufficient information provided by lead agency.

### WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT  
 MADERA DISTRICT FAIRGROUNDS, HATFIELD HALL  
 1850 WEST CLEVELAND AVENUE  
 6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX.  
COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Phil Moeller

Organization/Tribe/Agency:

Address: 18768 Auburn Wy Madera, CA <sup>in Madera</sup>

L-6.1

Comment: I am against the casino. If Indians can by land anywhere to open a casino it goes against the agreement to have casinos on tribal land. If it changes away from just tribal land then I believe opening casinos should be opened to any business owner in Calif. not just the Indian tribes. It is totally unfair for them to open casinos not on tribal land.

Phone:

Email:

Place me on the mailing list? Yes  No

Please give to attendant, drop in Written Comment Box, or mail to: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project"

### WRITTEN COMMENT CARD

NORTH FORK RANCHERIA OF MONO INDIANS - CASINO/HOTEL PROJECT

MADERA DISTRICT FAIRGROUNDS, HATHFIELD HALL  
1850 WEST CLEVELAND AVENUE  
6:00 pm to 9:00 pm, March 12, 2008

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX.  
COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Debbie Mueller

Organization/Tribe/Agency: \_\_\_\_\_

Address: 18768 Auburn Wy Madera, CA 93638

L-7.1 - L-7.5

Comment: I am against this casino. It is not on tribal land and to allow this tribe to put it on land they can buy anywhere will set a bad precedent. If tribes can buy land anywhere then CA needs to vote in gambling casinos for anyone to fund. ~~The money~~ <sup>As a result</sup> this will lower ours farmers water table, bring pollution & crime into our city, overstress our police dept. and hurt many families who will lose ~~it~~ <sup>to</sup> gambling.

Phone: 559 673-2066 Email: \_\_\_\_\_

Place me on the mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_

Please give to attendant, drop in Written Comment Box, or mail to: John Ryzak, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRRMS), Bureau of Indian Affairs, 2800 Cottage Way, Room West 2820 Sacramento, CA 95825. Please include your name, return address, and the caption: Please include your name, return address, and caption: "EIS Scoping Comments, North Fork Rancheria of Mono Indians - Casino and Hotel Project".



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
**75 Hawthorne Street**  
**San Francisco, CA 94105-3901**

April 7, 2008

John Rydzik, Chief  
Division of Environmental, Cultural,  
Resource Management and Safety  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Subject: Draft Environmental Impact Statement, North Fork Rancheria of Mono Indians  
Fee-to-Trust and Casino/Hotel Project, Madera County, CA (CEQ # 20080045)

Dear Mr. Rydzik:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed. We appreciate the Bureau of Indian Affairs (BIA) agreement to accept EPA's comments past the March 31<sup>st</sup> comment deadline. L-9.1

EPA is a cooperating agency for the EIS and reviewed select sections of the Preliminary DEIS and submitted comments to BIA on April 17, 2006. We appreciate BIA's responsiveness to our comments, which are reflected in the DEIS. L-9.2

We commend BIA and the Tribe for including substantial mitigation measures to reduce significant project impacts. It is unclear, however, how BIA will ensure implementation of such an extensive set of mitigation measures after the fee-to-trust transfer is completed. We recommend that all mitigation identified in the document be included in the mitigation measures chapter and that a mitigation monitoring and enforcement program, per 40 CFR 1505.2 (c), be included in the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) to ensure that all proposed mitigation is implemented and significant impacts are reduced. L-9.3

The DEIS does not identify the method of wastewater treatment and disposal that is proposed for the project, instead identifying several options including off-site disposal and an on-site wastewater treatment plant. The selection of the wastewater treatment option largely influences impacts to groundwater by affecting the ability to implement important mitigation measures, including the use of reclaimed water for both the project and other identified uses. Because of this uncertainty and the lack of information regarding mitigation monitoring and enforcement, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC- L-9.4





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

L-9

April 7, 2008

John Rydzik, Chief  
Division of Environmental, Cultural,  
Resource Management and Safety  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

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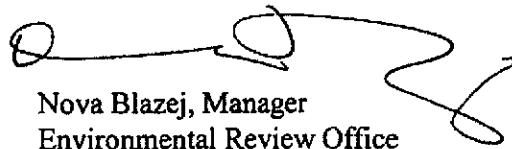
2) (see enclosed "Summary of Rating Definitions"). We have also included additional mitigation suggestions in our Detailed Comments (attached).

cont.  
L-9.4

We appreciate the opportunity to review this DEIS, and we are available to answer questions you may have regarding our recommendations. When the FEIS is released for public review, please send two copies to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3846 or Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov).

L-9.5

Sincerely,



Nova Blazej, Manager  
Environmental Review Office

Enclosures: Summary of EPA Rating Definitions  
EPA's Detailed Comments

cc: Jacquie Davis Van Huss, Chairperson, North Fork Rancheria  
Roselynn Lwenya, Environmental Director, North Fork Rancheria

## SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

### ENVIRONMENTAL IMPACT OF THE ACTION

#### *"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### *"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### *"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### *"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

L-9.6

### ADEQUACY OF THE IMPACT STATEMENT

#### *Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### *"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### *"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

absorb the proposed volumes of spray wastewater without runoff. Should the disposal of effluent via spray disposal result in runoff and water discharges to waters of the U.S., these discharges would require a National Pollutant Discharge Elimination System (NPDES) permit.

cont.  
L-9.12

If surface water disposal is used, discharges would occur to Schmidt Creek, which flows through the Madera site (p. 2-16), and would require an NPDES permit as the DEIS notes.

L-9.13

*Recommendation:* In the FEIS, discuss total water storage capacity of the site that references the maximum capacity required for both stormwater and wastewater storage. Since the opportunity to mitigate impacts to groundwater depends on the method of wastewater disposal, we recommend the FEIS identify which wastewater disposal method will be used, or if this is not known, describe the process and timing for making this decision. BIA and the Tribe should fully consider the benefits of an onsite WWTP with water recycling in terms of mitigating groundwater impacts and reducing wastewater storage requirements.

L-9.14

#### **Floodplain Impacts**

The Madera site proposed for casino and hotel development is located in the Federal Emergency Management Act (FEMA) 100-year floodplain, and the current land tenant of 10 years stated that the site floods often during the winter months (p. 3.3-4). Development in floodplains is discouraged under Executive Order (E.O.) 11988 - Floodplain management. The DEIS states that elevating structures, which E.O. 11988 states is preferable over fill, is not practicable. It also states that the Grading and Drainage Plan incorporates fill to elevate the finished floor of the gaming facility at least 1 foot above the FEMA 100-year floodplain, and that approximately five feet above the floodplain is proposed (p. 4.3-1). It is not clear which elevation is the mitigation commitment for this impact, especially since no floodplain mitigation is listed in the mitigation measures chapter.

L-9.15

We note that climate change is expected to result in an increase in heavy rainfall events in many regions and increased frequency and severity of floods as well as droughts<sup>1</sup>. Increases in the regular flooding of the Madera site, therefore, are a possibility. This potential impact should be discussed in the FEIS with contingency measures included. The DEIS does identify the risk of constructing drinking water wells in the 100-year floodplain and proposes to raise the top of the well casing and wellhead facilitates at least 3 feet over the base floor elevation to minimize risks of contaminating drinking water (p. 2-19). Again, this mitigation measure is not included in the mitigation measures chapter under either floodplain or food and water safety. We also suggest mitigating the risk of water contamination from hazardous materials during both construction and operation. The DEIS identifies various hazardous materials that will be used during construction, such as fuels, solvents, cleaning, sealants, paints, etc., and also identifies the storage of hazardous materials that would occur should on-site wastewater treatment occur, including sodium hypochlorite, citric acid, and diesel fuel (p. 4.10-7). In addition to spill containment, the project should ensure all hazardous materials are stored well above the

L-9.16  
L-9.17

L-9.18

<sup>1</sup> International Panel on Climate Change, Climate Change 2007: Synthesis Report. Available: [http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4\\_syr.pdf](http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr.pdf)

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L-9.16 -  
L-9.17

L-9.18

<sup>1</sup> International Panel on Climate Change, Climate Change 2007: Synthesis Report. Available: [http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4\\_syr.pdf](http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr.pdf)

reasonably foreseeable flood level that considers the effects of climate change.

cont.  
L-9.18

*Recommendation:* Clarify the mitigation commitment for development in a floodplain and include this in the list of mitigation measures in Chapter 5. Include mitigation for minimizing risks from hazardous materials contamination to both groundwater (well placement) and surface waters from flooding in Chapter 5. Ensure all mitigation measures are identified or referenced in the ROD and included in a mitigation monitoring and enforcement plan. Include a qualitative discussion of the potential effects of climate change on the project site and the measures that will be implemented to adapt the project to climate change effects.

L-9.19

### **Reducing Impervious Surfaces**

Reducing the excessively high parking ratios commonly used in commercial areas helps reduce the amount of impervious surfaces which cause impacts to hydrology. The preferred alternative includes approximately 4,500 parking spaces, with 2,000 of them in a multi-level parking structure (p. 2-1). We commend BIA and the Tribe for proposing use of a parking structure to reduce the amount of impervious surface, however, we encourage the further reduction for the protection of water resources and to reduce indirect impacts to the 8.5 acres of seasonal wetlands on the site (p. 3.5-2). The project avoids direct impacts to these wetlands but does not address the potential indirect impacts, which could include depriving the wetlands of flows since it appears the parking lot draining will route runoff towards the west and away from the existing wetlands (Figure 2-4).

L-9.20

The DEIS does not identify the proposed need for 4,500 spaces or how this number was calculated. Parking ratios are generally expressed as spaces per 1,000 ft<sup>2</sup> gross floor area (GFA), not including storage or utility spaces. It appears that the parking ratio used is over 9 spaces per 1000 ft<sup>2</sup> of total square footage. This is much higher than the conventional retail minimum parking ratio of 5 spaces per 1000 ft<sup>2</sup> GFA, and better site design parking ratios for retail spaces have been recommended at 4.0 to 4.5 spaces per 1000 ft<sup>2</sup> GFA<sup>2</sup>.

L-9.21

*Recommendations:* EPA recommends the parking lot design be modified to conform with “green parking” guidelines. For more information on green parking, see <http://www.epa.gov/smartgrowth/parking.htm> or [http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=factsheet\\_results&view=specific&bmp=89](http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=factsheet_results&view=specific&bmp=89). The FEIS should identify the parking ratio used to size the parking lot and indicate how this ratio is appropriate. We recommend the parking ratio be reviewed for conformance with local and national casino experience to see if lower ratios are warranted and feasible.

L-9.22

We commend the use of a parking structure, which minimizes the parking lot footprint, and encourage the use of the structure for any alternative that is selected. We also have the following recommendations: (1) that at least 30% of the spaces have smaller dimensions for compact cars, and (2) that spillover parking with pervious surfaces be

L-9.23

<sup>2</sup> Kwon, Hye Yeong. 2000. An Introduction to Better Site Design, *Watershed Protection Techniques*, 3(2): 623-632

included in the design. Pervious alternative pavers include gravel, cobbles, wood mulch, brick, grass pavers, turf blocks, natural stone, pervious concrete, and porous asphalt.

cont.  
L-9.23

**Additional Recommendations**

- **Agricultural Demonstration Project:** The DEIS states that the Tribe has agreed in the MID MOU to establish an agricultural demonstration project for educational purposes on the Madera site (p. 4.8-42). It is not clear what this project would involve, where it would be located, or how it would affect environmental resources. The FEIS should provide more details on this demonstration project.
- **Air Quality:** EPA appreciates the addition of measures to mitigate air quality impacts from project construction (p. xvii and Appendix T). It is especially important that all reasonable mitigation measures be included in the project and enforced, especially since Madera County is designated as being in "serious" nonattainment for the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter less than 10 microns in diameter (PM<sub>10</sub>). We appreciate the thorough discussion of cumulative impacts from ozone and PM<sub>10</sub>. EPA also commends BIA and the Tribe for the good discussion and evaluation of climate change and greenhouse gas emissions. One minor suggestion is to list the mitigation for cumulative contributions to greenhouse gases from waste diversion under impacts to services, since this does not relate to impacts to resources.
- **Green Building:** The DEIS states that the Tribe shall seek Leadership in Energy and Environmental Design (LEED) certification for project components, where possible (p. xxviii). We request that the FEIS identify the project components where this is deemed possible. EPA strongly encourages the pursuit of LEED certification for this project. LEED certification will enable the Tribe to establish themselves as recognized leaders in the green building sector and offer them the opportunity to market their venue as an environment-friendly facility.

L-9.24

L-9.25

L-9.26

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| Response Required | NO    |
| Due Date          |       |
| Memo              |       |
| Tele              |       |

**Chowchilla Tribe of Yokut Indians**

Amy Dutschke, Acting Regional Director  
 Pacific Region, Bureau of Indian Affairs  
 2800 Cottage Way, Room W-2820  
 Sacramento, CA 95855

**RE: DEIS Comments, North Fork Rancheria, proposed Fee-To Trust Casino/Hotel Project**

The Chowchilla Yokut Tribe is Federally Recognized as its members hold and receive trust land. Until recently, the Chowchilla Yokuts were a part of the Picayune Rancheria and participated with the Rancheria Government and Mono Indian members, yet continually maintaining our identity and tribal leadership.

After gaming came to the Picayune Rancheria, without congressional action, the Picayune Rancheria became the Picayune Rancheria of Chukchansi Indians. The newly formed Chukchansi tribal government removed us from the Rancheria, thereby creating a separate and new tribal entity with no additional authority for recognition, than we, the Picayune Rancheria Chowchilla Yokuts.

L-10.1

For the history and reasoning for this objection;

The Chowchilla Tribe aka (Chauchila) is a Northern Yokut tribe that inhabited the Central Valley of California. It has been documented and acknowledged in government maps and historical documents, including the Treaty at Camp Barbour signed in 1851.

North Fork Band of Mono Indians, to lay claim to regions historically attributed to the Chowchilla (Chauchila) Yokuts. The North Fork tribe has ancestral and archeological rights to its current location in the Sierra Nevada Mountain range above 3500 feet. They are seeking to move their location 40 miles to the west and on the valley floor, which is historically Yokut territory. Their move would cause an environmental damage to the land that once housed Chowchilla Indians villages.

L-10.2

A few miles north of the proposed casino site, mammoth bones were unearthed in a land fill which our ancestors killed for food and tools for hunting. By allowing the North Fork Band to rest on land that once was our hunting and gathering sites in not only in violation of the Camp Barbour Treaty of 1851, but sacrilegious to ancestors.

As the Chowchilla Indians inhabited the rich valley floor, the settlers hunted and killed the Chowchilla people. The Chowchilla warriors went as far into the hills as the Yosemite Valley until all hope was lost. The government forced the Chowchilla warriors to move onto Rancheria's with other bands of Indians. Rancherias became the Federal Governments Orphanages for decimated Indian peoples of California.

L-10.3



As farmers wanted the valley floor, the Chowchilla Yokuts were completely removed from their Valley Rancheria's and their ancestral homelands. Most of the Northern Chowchilla Yokuts wound up in the vicinity of the Picayune Rancheria. After the restoration of the tribes from the Tillie Hardwick cases, the Chowchilla Yokuts were placed with the Picayune Rancheria. Here our members received grant funds and BIA services.

Even though we received services from the Picayune Rancheria and were made a part of Picayune Rancheria under the Tillie Hardwick litigation, our ancestral homeland was the valley floor. It has been documented that the Yokuts controlled the valley floor for at least 10,000.00 years. While the small bands of Indians that lived in the upper foothills and mountain areas had not resided in the valley floor, nor been in the area for the significant amount of time as had the Chowchilla Yokuts.

cont.  
L-10.3

As Northern Yokuts, the Chowchilla Tribe was an actual Tribe. While most current California "Tribes" were actually band of various loosely attached Indians, the Rancheria system and the anglo way of looking at Indians has referred to these bands as "Tribes".

As a Tribe with documented control of the valley floor for at least 10,000.00 years, all artifacts and burial sites within the proposed site is the ancestral property of the Chowchilla Yokuts.

The impact upon our people and on our cultural heritage, of placing a landholding mountain tribe in the middle of our ancestral home, with a 305 acre reservation is offensive to the Chowchilla people and violates the NATIONAL HISTORIC PRESERVATION ACT Section 106.

We were not consulted with, as to our approval of the further desecration of our ancestral lands. The National Historic Preservation Act requires the BIA to review Ancestral Connections to the land. The BIA is quite aware of our ancestral ties to the land. This may explain how the Picayune Rancheria, without congressional approval added a tribal designation of Chukchansi to it the Rancheria's name. Such addition of Chukchansi has led to our removal in decisions and direct contact with the BIA. Though we have not been un-recognized by the United States Congress.

L-10.4

The Chowchilla Yokuts, object to this project due to our failure to be directly consulted as to its impact on our ancestral homeland, its further potential effect on our federal status, and its failure to provide our people with one, let alone two, reservation lands. The BIA has allowed the newly formed Chukchansi people to cut us off from services and now the BIA seeks to send us out of existence by ignoring are ancestral rights to the property they wish to designate for the North Fork Band of Indians that already has land for reservation use.

The total impact to the environment in adding additional traffic, water and air quality concerns will surely affect the Picayune Chowchilla Tribe. We are the ancestral holders of the property and object to the placing of a mountain band of Indians onto our lands. The North Fork Band has a reservation of land, in an area that is useable and will not cause additional damage to the Chowchilla ancestral lands or affect our current status.

L-10.5

L-10.6

We request additional time and full disclosure from and with the NIGC and the BIA regarding

L-10.7

this project in order for us to be fully advised and seek proper input from our experts regarding the Environmental Impact on our ancestral land.

cont.  
L-10.7

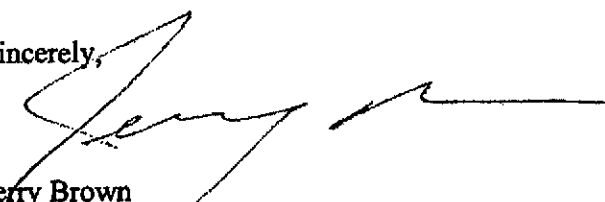
Additionally, we are unsure as to the historical significance as far as our people and the previous ranch this land has occupied. Recent findings indicate our people may have worked in the area under a slavery program ran by County Sheriffs during the 1800's.

L-10.8

Our tribal council is available to work with the government in this matter, however, full disclosure must be undertaken.

L-10.9

Sincerely,



Jerry Brown  
Tribal Chair  
Chowchilla Tribe of Yokut Indians  
P.O. Box 148  
Chowchilla, CA 93610  
559-284-7667



|                   |         |
|-------------------|---------|
| Reg Dir           | L-11    |
| Dep Reg Dir       | 1 of 13 |
| Reg Adm Ofc       |         |
| Route             | RPM     |
| Response Required | No      |
| Due Date          |         |
| Memo              |         |
| Tele              |         |

April 1, 2008

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

J. Rippen  
 FRWD DECRM5 4/4/0

**RE: Support of Proposed North Fork Mono Tribe Resort/Hotel/Casino**

Dear Ms. Dutschke:

The Madera County Economic Development Commission Board of Commissioners has gone on record in support of the North Fork Mono Tribe's proposed resort/hotel/casino project.

L-11.1

This project will create approximately 1,500-1,600 living wage jobs in a community that unemployment statistics are well above state and national averages. This project will not only benefit the citizens of Madera County, but the entire region.

L-11.2

For the most part, those opposing this project are doing so out of self serving reasons either economically or politically. The North Fork Mono Tribe has proven beyond a doubt, they will be an asset to our communities not only by contributing more than their fair share monetarily but also by giving of their personal time.

L-11.3

Madera County is working hard to create a higher quality of life for its citizens. It is for that reason the Madera County Economic Development Commission **supports** the North Fork Mono Tribe's proposed resort/hotel/casino project.

L-11.4

Please feel free to contact me if you or anyone from your agency would like to discuss this project in more detail.

Respectfully submitted,

Bobby Kahn  
 Executive Director

RECEIVED-BIA  
 008 APR - 2 PM 1:05  
 PACIFIC REGIONAL  
 OFFICE

**received**  
 RES 4/3/08

"Madera County, The Perfect Location"





<http://www.dfg.ca.gov>  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005

April 1, 2008

John Rydzik  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Room W-2820  
Sacramento, California 95814

Subject: North Fork Rancheria of Mono Indians  
Fee-to-Trust Casino/Hotel Project  
Draft Environmental Impact Statement (DEIS)  
State Clearing House No. 2008024002

Dear Mr. Rydzik:

The Department of Fish and Game (Department) has reviewed the Draft Environmental Impact Statement (DEIS) submitted by the Bureau of Indian Affairs (Bureau) for the above Casino/Hotel (Project). Approval of the Project would allow for the construction of a casino and hotel resort, parking structure, and associated facilities on seven parcels totaling 305 acres placed into Federal trust, located west of State Route 99 and south of Avenue 18, just outside the northern boundary of the city limits for the City of Madera (Preferred Alternative A). Other development alternatives analyzed in the DEIS include a reduced-sized casino (Alternative B) and nongaming development (Alternative C) located at the same site as is proposed for Alternative A; as well as a reduced-sized casino on an 80-acre alternative site located approximately 3 miles west of the community of North Fork (Alternative D). Both alternative Project sites are located in Madera County.

L-12.1

The Department has concerns about the Project-related impacts to special status biological resources present in both the proposed alternative Project sites. In particular, for the proposed Project site for Alternatives A, B, and C (Madera Project site), based on information contained in a finalized Environmental Impact Report (EIR) prepared for a large commercial project directly to the southeast of the proposed location (Madera Town Center State Clearinghouse No. 2005101070); a biological survey of that project site conducted by Quad Knopf on September 13, 2005, found a burrow and a fox skeleton, including hair, skull, and bones on the project site. Through the genetic information assembled from DNA analysis of one of several scats collected on the site, the skeleton was later presumed to be red fox. However, it is important to note the skeletal remains of the fox were never definitively determined not to be those belonging to an individual San Joaquin kit fox (*Vulpes macrotis mutica*), which is a State threatened species, and the genetic information acquired from the scat analysis was presumed to match the unidentified skeleton. Also, the Project for these three alternatives would result in substantive impacts to the adjacent Schmidt Creek.

L-12.2

L-12.3

L-12.4

With regard to Alternative D (North Fork Project site), the Department has concerns about the Project-related activities that may impact the oak woodland habitat, meadows, and blue lined streams located within the proposed Project site, and the associated impacts to species that utilize these habitat types.

L-12.5

There may be special status biological resources present in both the proposed Project areas. In order to adequately assess any potential impact to biological resources, focused biological surveys should be conducted prior to any ground disturbance by a qualified wildlife biologist/botanist during the appropriate survey period(s) in order to determine whether or not any special status species may be present within the Madera or North Fork Project areas.

L-12.6

Our further specific comments follow and pertain to compliance with the California Endangered Species Act (CESA) and Section 1600 (Streambed Alteration) of the Fish and Game Code.

L-12.7

### Department Jurisdiction

**Trustee Agency Authority:** The Department is a Trustee Agency with responsibility for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities.

L-12.8

### Madera Project Site

The Project has the potential to impact burrowing owl (*Athene cunicularia*), which is a special status species that may be present in the Project area. Although burrowing owls are not listed under CESA, impacts to burrowing owl and their nest burrows must be avoided in order to comply with the Federal Migratory Bird Treaty Act (MBTA) and Fish and Game Code Sections 3503, 3503.5, and 3513, which are explained in more detail below.

L-12.9

### North Fork Project Site

The Project has the potential to reduce the number or restrict the range of the following endangered, rare, or threatened species (as defined in Section 15380 of the California Environmental Quality Act [CEQA]):

#### Species

#### Listing

Mariposa pussypaws  
*Calyptridium pulchellum*

Federally Threatened

Valley elderberry longhorn beetle  
*Desmocerus californicus dimorphus*

Federally Threatened

California tiger salamander  
*Ambystoma californiense*

Federally Threatened  
State Species of Special Concern

L-12.10

The following special status species may also be present: Madera leptosiphon (*Leptosiphon serrulatus*), orange lupine (*Lupinus citrinus* var. *citrinus*), foothill yellow-legged frog (*Rana boylei*), western pond turtle (*Emys marmorata*), and American badger (*Taxidea taxus*).

L-12.11

Potential Project-related impacts to species listed under CESA may not be adequately addressed by avoidance, minimization, and mitigation measures included in a National Environmental Protection Act (NEPA) document; the Department has a regulatory process which must be followed for addressing impacts to State-listed species, which is described in more detail below.

L-12.12

**California Endangered Species Act:** The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under CESA, the Department may need to issue an Incidental Take Permit for the Project.

Several State-listed endangered and/or threatened species are known to occur within the Project area and in the vicinity. Therefore, the Project has the potential to reduce the number or restrict the range of the following endangered, rare, or threatened species:

| <u>Species</u>                                       | <u>Listing</u>                           |
|--|--|
| <u>Madera Project Site</u>                           |  |
| San Joaquin kit fox<br><i>Vulpes macrotis mutica</i> | State Threatened<br>Federally Endangered |
| <u>North Fork Project Site</u>                       |  |
| Tree-anemone<br><i>Carpenteria californica</i>       | State Threatened                         |
| Bald eagle<br><i>Haliaeetus leucocephalus</i>        | State Endangered<br>Fully Protected      |

L-12.13

Additional comments the potential for Project-related "take" follow in subsequent portions of this letter.

**Stream Alteration Notification and Responsible Agency Authority:** The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code Section 1600 et seq. If construction activities are proposed that will involve work within the bed, bank or channel of any stream course, including Schmidt Creek (Madera Project site) and the previously mentioned unnamed blue lined stream (North Fork site), a Stream Alteration Agreement may be necessary. The Project proponent should submit a Stream Alteration Notification to the Department for the Project. The Department is required to comply with

L-12.14

CEQA in the issuance or the renewal of a Stream Alteration Agreement. Therefore, for efficiency in environmental compliance, we recommend that the stream disturbance be described and mitigation for the disturbance be developed as part of the environmental review process. This will reduce the need for the Department to require extensive additional environmental review for a Stream Alteration Agreement for this Project in the future. For additional information on notification requirements, please contact our staff in the Stream Alteration Program at (559) 243-4593.

cont.  
L-12.14

**Water Pollution:** Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into the "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. The Regional Water Quality Control Board also has jurisdiction regarding discharge and pollution to "Waters of the State."

L-12.15

It is possible that without mitigation measures this Project could result in pollution of a "Waters of the State" from increased road, parking, storm water runoff, or construction-related erosion. This could impact the fish and wildlife resources associated with surface waters by causing: increased sediment input from structure and road runoff, toxic runoff and other constituents of concern, and impairment of wildlife movement along riparian corridors.

**Fully Protected Species:** The Department has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish, pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. "Take" of any fully protected species is prohibited, and the Department cannot authorize their "take" for development. The bald eagle is a fully protected species that is known to occur in the North Fork Project area vicinity and could use the Project site for foraging, nesting, and roosting purposes. The NEPA document prepared for this Project should evaluate and address potential Project-related impacts to this species and should include appropriate species specific avoidance and minimization measures.

L-12.16

**Bird Protection:** The Department has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Fish and Game Code sections that protect birds, their eggs and nests include, Sections 3503 (regarding unlawful "take," possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame bird). Since mature oaks, other mature trees, and riparian vegetation are present on both the Madera and North Fork Project sites and presumably may need to be removed for implementation of the proposed Project, appropriate avoidance and minimization measures for raptors and other nesting birds potentially present in the Project area should be included in the NEPA document.

L-12.17

#### **Potential Project Impacts and Recommendations**

**Riparian Habitat and Wetlands:** Riparian habitat is of extreme importance to a wide variety of plant and wildlife species. Riparian habitat is known to exist within both of the proposed Project sites. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. Potential impacts to special status resources posed by wetland

L-12.18

creation should also be considered. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy. Wetlands should be designated on a site map and included in the final environmental documents, and the size of the buffers should be clearly delineated both on the map and in the text of the mitigation measures.

cont.  
L-12.18

L-12.19

In addition, the Department recommends delineating all surface waters and wetlands with the following minimum no-disturbance buffers. Depending upon what Project-related activities are proposed in these areas, larger buffers may be warranted to avoid impacts.

- The riparian vegetation along waterways should be protected with a 200-foot no-disturbance buffer delineated from the high water mark of each surface water body.
- A 100-foot no-disturbance buffer around the high water mark of each surface water channel that has no riparian vegetation.

L-12.20

#### **Madera Project Site**

**San Joaquin Kit Fox (SJKF):** SJKF populations are known to fluctuate over years and absence during any one survey does not necessarily exclude the potential for kit fox to occur on a site at a future time. It is important to note that SJKF may be attracted to the construction area of the site due to the type and level of activity (trenching, pipes, intensive grading and excavation, etc.) and the loose, friable soils that are created as a result of intensive ground disturbance. Based on the findings of the site survey conducted in September 2005 on the nearby Madera Town Center project site property, and because kit fox are known to be present in this area periodically, the Department recommends that the United States Fish and Wildlife Service's (USFWS) "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (1999) be followed prior to any ground-disturbing activities occurring within the Project area. In addition, once the fencing is removed from around the Project site and a maximum of 30 days prior to ground-disturbing activities, pre-construction surveys for SJKF should be conducted according to the USFWS recommendations referenced above. In the event that this species is detected during surveys, consultation with the Department is warranted to discuss how to implement the Project and avoid "take" or, if avoidance is not feasible, to acquire a State Incidental Take Permit prior to any ground-disturbing activities.

L-12.21

"Take" under the Federal Endangered Species Act (FESA) is more stringently defined than CESA; "take" under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns, such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of Project implementation.

L-12.22

**Burrowing Owl:** Burrowing owls are known to occur near the Project area. If any ground-disturbing activities will occur during the burrowing owl nesting season (approximately February 1 through August 31), implementation of avoidance measures is required. The Department's Staff Report on Burrowing Owl Mitigation (CDFG 1995) recommends that impacts

L-12.23

L-12.24



to occupied burrows be avoided by implementation of a no-construction buffer zone of a minimum distance of 250 feet, unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Failure to implement this buffer zone could cause adult burrowing owls to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure.

cont.  
L-12.24

The Department's Staff Report on Burrowing Owl Mitigation also recommends that a minimum of 6.4 acres of foraging habitat per pair or unpaired resident burrowing owl should be acquired and permanently protected to offset the loss of foraging and burrowing habitat.

L-12.25

Further, the Madera Town Center and Gateway Galleria (State Clearinghouse No. 2006061106) projects to the southeast have established a 20-foot conservation easement in addition to the 100-foot railroad right of way along the boundary with the Union Pacific Railroad. The easement represents a permanent wildlife 120-foot corridor connecting to Schmidt Creek and providing east to west passage for San Joaquin kit fox and other mobile species underneath State Route (SR) 99. Based on the site plan contained in the DEIS for the currently proposed casino Project (Alternatives A, B, and C), it does not appear there is the provision for maintaining the wildlife corridor under SR 99 via Schmidt Creek or by some other means to ensure the implemented connection with the referred to approved projects on the east side of SR 99. The Department recommends the site plan be amended to include a 200-foot easement along the Schmidt Creek boundary for this Project, or through some other suitable means, to maintain a passage for wildlife under SR 99 and continuity with the Madera Town Center and Gateway Galleria projects and to prevent fragmentation of the currently proposed wildlife movement corridor.

L-12.26

#### **North Fork Project Site**

**Listed Plant Species:** There are State- and Federally listed plant species known to occur in the Project area vicinity and could potentially occur within the Project area. Focused, repeated surveys should be conducted multiple times by a qualified botanist during the appropriate floristic period(s) in order to adequately assess the potential Project-related impacts to these listed plant species. If State-listed plants are detected during surveys, consultation with the Department is warranted to discuss the potential for "take" under CESA. Plants listed as threatened or endangered under CESA cannot be addressed by methods described in the Native Plant Protection Act without incidental "take" authority secured under Sections 2080.1 or 2081 of the Fish and Game Code.

L-12.27

**California Tiger Salamander (CTS):** Protocol biological surveys should be conducted in areas with seasonal wetlands (ponds) and associated uplands by a qualified and permitted biologist at the appropriate time of year to determine the existence and extent of wildlife resources and special status species on site, such as CTS. It is important to note that protocol surveys for CTS include both wetland and upland habitat surveys and may require more than one survey season. The results of these surveys should be submitted to the Department and USFWS.

L-12.28

**Valley Elderberry Longhorn Beetle (VELB):** Elderberry (*Sambucus* sp.) plants are known to occur in the Project site vicinity, which is the required host plant for the Federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). Removal and trimming of elderberry bushes is regulated by the USFWS. The Department recommends that the Project area be surveyed for elderberry bushes prior to construction activity. If elderberry bushes are found within the site, preceding trimming or elderberry bush removal, we recommend early consultation with USFWS to discuss appropriate mitigation.

L-12.29

**Oak Woodlands:** The Department considers the removal of oaks in the project area as significant and recommends the Bureau require oak mitigation consistent with the California Public Resources Code (PRC) Section 21083.4. In addition to the mitigation required by PRC Section 21083.4, large oak trees (greater than 12 inches in diameter as measured at breast height) on the Project site should be retained to the maximum extent possible. Large, acorn-bearing oak trees are a critical source of food for wintering deer and other wildlife.

L-12.30

If the Bureau determines that there may be a significant effect to oak woodlands, the Department recommends four alternatives to mitigate impacts to this habitat:

- 1) Conserve oak woodlands through the use of conservation easements;
- 2) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees, consistent with the planting guidelines and recommendation of the University of California (this cannot constitute more than 50 percent of the required mitigation and must always be accompanied by another mitigation alternative);
- 3) Contribute funds to the Oak Woodlands Conservation Fund; and/or
- 4) Other mitigation measures developed by the Bureau.

L-12.31

Depending upon the results of the previously mentioned biological surveys, we may have additional comments and recommendations regarding avoidance, minimization, and mitigation of Project impacts to habitat and special status species. If you have any questions regarding these issues, please contact Annee Ferranti, Staff Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 227.

L-12.32

Sincerely,



W. E. Loudermilk  
Regional Manager

cc: See Page Eight

**John Rydzik**  
**April 1, 2008**  
**Page 8**

**cc: Maryann Owens**  
**United States Fish and**  
**Wildlife Service**  
**2800 Cottage Way, W-2605**  
**Sacramento, California 95825**

**Janielle Desomer**  
**Office of the Governor**  
**Legal Affairs**  
**State Capitol Building**  
**Sacramento, California 95814**

**State Clearinghouse**  
**Post Office Box 3044**  
**Sacramento, California 95812-3044**



450 Madera Ave. Suite B Madera, CA 93637  
Office: (559) 673-3242 • Fax: (559) 673-3335

L-13

Dir. *aw* ✓  
Reg Dir. ✓  
Adm. Off. ✓  
Route *Deems*  
Programs Required *SB*  
Fees  
Title

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

April 4, 2008

RE: " DEIS Comments, North Fork Rancheria's Hotel/Casino Project"

Dear Ms. Dutschke

As a long time Madera citizen, local business leader, and member of the Hispanic community, I cannot stress enough the importance of the BIA approving and moving forward the North Fork Rancheria's Draft EIS and application for Land-into-trust.

L-13.1

This project is too important to Madera to pass up, especially when the region is in one of the direst economic, fiscal, and housing slumps of the past decades. As a local real estate agent, I can assure you that the 4,000 jobs that the EIS document says will be created (including permanent, temporary construction, and spin-off jobs) paying at rates nearly three times the local average for wages will make a huge positive impact on our community and the region.

L-13.2

But even from day one from the ground breaking, the nearly 750 temporary construction jobs and \$250+ million private investment will jump start our economy in ways that no other project on the horizon can do. Because the Tribe has promised to try to hire most of the employees from the City and County of Madera, the wages earned in the project will stay within our community causing a multiplier effect of business opportunity.

I know that the Hispanic citizens I have met and talked to are firmly behind this project. Many are attracted to the career opportunity ladder of diverse, well-paying, permanent employment positions. The community funding promised by the project MOUs to build a east-side community center will serve our youth well.

L-13.3

As far as I can see, North Fork Rancheria has done everything by the book and in a good and open spirit. So, I strongly endorse their project and request that you approve it as well.

Sincerely,

Primitivo Nufio Sr.  
Real Estate Broker  
Primo Realty

L-14

DM 5-7-08  
T all

~~RE: DEIS~~ DEIS  
NO



**CHOWCHILLA TRIBE OF YOKUT INDIANS**

Amy Dutschke, Acting Regional Director  
Pacific Region, Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA 05855

Dear Ms. Dutschke:

The letter sent regarding DEIS Comments, North Fork Rancheria, Proposed Fee-to-Trust Casino/Hotel Project was an unedited copy. Please replace this letter to avoid any misunderstandings. Thank you

Sincerely,

  
Jerry Brown  
Chair



***Chowchilla Tribe of Yokut Indians***

Amy Dutschke, Acting Regional Director  
Pacific Region, Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95855

**RE: DEIS Comments, North Fork Rancheria, proposed Fee-To Trust Casino/Hotel Project**

The Chowchilla Yokut Tribe is Federally Recognized as its members hold and receive trust land. Until recently, the Chowchilla Yokuts were a part of the Picayune Rancheria and participated with the Rancheria Government, yet continually maintaining our identity and tribal leadership.

For the history and reasoning for this objection;

The Chowchilla Tribe is a Northern Yokut tribe that inhabited the Central Valley of California. It has been documented and acknowledged in government maps and historical documents, including the Treaty at Camp Barbour signed in 1851.

North Fork Band of Mono Indians, to lay claim to regions historically attributed to the Chowchilla Yokuts. The North Fork tribe has ancestral and archeological rights to its current location in the Sierra Nevada Mountain range above 3500 feet. They are seeking to move their location 40 miles to the west and on the valley floor, which is historically Yokut territory. Their move would cause an environmental damage to the land that once housed Chowchilla Indians villages.

A few miles north of the proposed casino site, mammoth bones were unearthed in a land fill which our ancestors killed for food and tools for hunting. By allowing the North Fork Band to rest on land that once was our hunting and gathering sites in not only in violation of the Camp Barbour Treaty of 1851, but sacrilegious to ancestors.

As the Chowchilla Indians inhabited the rich valley floor, the settlers hunted and killed the Chowchilla people. The Chowchilla warriors went as far into the hills as the Yosemite Valley until all hope was lost. The government forced the Chowchilla warriors to move onto Rancheria's with other bands of Indians. Rancherias became the Federal Governments Orphanages for decimated Indian peoples of California.

As farmers wanted the valley floor, the Chowchilla Yokuts were completely removed from their Valley Rancheria's and their ancestral homelands. Most of the Northern Chowchilla Yokuts wound up in the vicinity of the Picayune Rancheria. After the restoration of the tribes from the Tillie Hardwick cases, the Chowchilla Yokuts were placed with the Picayune Rancheria. Here our members received grant funds and BIA services.

Even though we received services from the Picayune Rancheria and were made a part of Picayune Rancheria under the Tillie Hardwick litigation, our ancestral homeland was the valley floor. It has been documented that the Yokuts controlled the valley floor for at least 10,000.00 years. While the small bands of Indians that lived in

L-14.1

the upper foothills and mountain areas had not resided in the valley floor, nor been in the area for the significant amount of time as had the Chowchilla Yokuts.

As Northern Yokuts, the Chowchilla Tribe was an actual Tribe. While most current California "Tribes" were actually band of various loosely attached Indians, the Rancheria system and the anglo way of looking at Indians has referred to these bands as "Tribes".

cont.  
L-14.1

As a Tribe with documented control of the valley floor for at least 10,000.00 years, all artifacts and burial sites within the proposed site is the ancestral property of the Chowchilla Yokuts.

The impact upon our people and on our cultural heritage, of placing a landholding mountain tribe in the middle of our ancestral home, with a 305 acre reservation is offensive to the Chowchilla people and violates the NATIONAL HISTORIC PRESERVATION ACT Section 106.

L-14.2

We were not consulted with, as to our approval of the further desecration of our ancestral lands. The National Historic Preservation Act requires the BIA to review Ancestral Connections to the land. The BIA is quite aware of our ancestral ties to the land. This may explain how the Picayune Rancheria, without congressional approval added a tribal designation of Chukchansi to it the Rancheria's name. Such addition of Chukchansi has led to our removal in decisions and direct contact with the BIA. Though we have not been un-recognized by the United States Congress.

The Chowchilla Yokuts, object to this project due to our failure to be directly consulted as to its impact on our ancestral homeland, its further potential effect on our federal status, and its failure to provide our people with one, let alone two, reservation lands. Now the BIA seeks to send us out of existence by ignoring are ancestral rights to the property they wish to designate for the North Fork Band of Indians that already has land for reservation use.

L-14.3

The total impact to the environment in adding additional traffic, water and air quality concerns will surely affect the Chowchilla Tribe. We are the ancestral holders of the property and object to the placing of a mountain band of Indians onto our lands. The North Fork Band has a reservation of land, in an area that is useable and will not cause additional damage to the Chowchilla ancestral lands or affect our current status.

L-14.4-  
L-14.5

We request additional time and full disclosure from and with the NIGC and the BIA regarding this project in order for us to be fully advised and seek proper input from our experts regarding the Environmental Impact on our ancestral land.

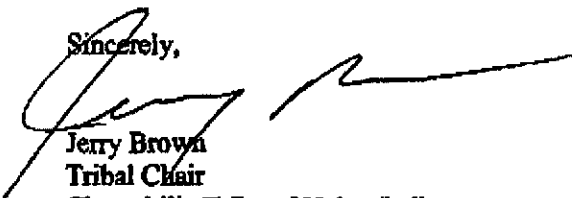
L-14.6

Additionally, we our unsure as to the historical significance as far as our people and the previous ranch this land has occupied. Recent findings indicate our people may have lived and worked in the area under a slavery program ran by County Sheriffs during the 1800's.

L-14.7

Our tribal council is available to work with the government in this matter, however, full disclosure must be undertaken.

Sincerely,



Jerry Brown  
Tribal Chair  
Chowchilla Tribe of Yokut Indians  
P.O. Box 148  
Chowchilla, CA 93610  
559-284-7667

Mr. Dirk Kempthorne  
Secretary of Interior  
Department of Interior  
1849 C Street N.W.  
Washington, D.C. 20240

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OFFICE OF THE  
EXECUTIVE SECRETARIAT

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| JUN 13 2008  |
| BUREAU OF INDIAN AFFAIRS<br>OFFICE OF INDIAN GAMING MANAGEMENT |

Dear Mr. Secretary,

California voters passed Propositions 1A and 5 with the explicit understanding that Indian gaming would only be allowed on Indian lands.

The lure of vast profits, however, has resulted in dozens of tribes and their Las Vegas gambling partners to attempt to break this promise in order to build huge Vegas-sized casinos in urban areas and along busy highways.

One of the most egregious examples of this reservation shopping is a plan by the North Fork Rancheria of Mono Indians and their Las Vegas partners, Station Casinos, to build a \$250 million casino in Central California along busy Highway 99 that would be nearly 40 miles away from the tribe's existing tribal lands in the Sierra foothills, with another tribe, The Chukchanci Rancheria, in between the Mono tribe and the proposed site.

The North Fork tribe has NO ancestral ties to the land on the San Joaquin Valley floor. In fact, the North Fork tribe has a viable gaming site on its traditional lands. But the tribe and their Vegas partners are reaching for the big prize of easy profits from a mega-casino off a major freeway on non-native land, in an urban area, adjacent to the Madera city limits, a city of over 52,000 people.

This is a dangerous precedent that will allow other tribes to shop for the most lucrative locations for their casinos far away from their traditional tribal lands. In fact, tribes in California have 21 pending applications to acquire new land for gaming. There's another 85 applications by tribes to acquire more than 8,000 acres of land which may also be used for gaming.

**Make no mistake-this will set a precedent for off-reservation gambling throughout the state.**

If the Department of Interior approves the North Fork application to annex a 305 acres site just off the Central Valley's busiest freeway (SR 99), it will open the floodgates for these other tribes to begin reservation shopping everywhere else in California. This is not what California voters intended when they authorized Indian gaming.

Mr. Secretary, please do not sign this land into trust for the Mono tribe as it will create congestion, difficulties for an urban area, and also leave a huge carbon footprint on our Valley which is known for its rich agricultural land.

**Please oppose this attempt by the Mono tribe to sidestep the law that California citizens passed.**

Loretta Lorenz

Sincerely yours, *Loretta Lorenz*

809 North D. St. Apt 3 Madera, Calif 93638  
559-673 6224

*Thank you for listening to the people who voted this down. Either our vote still counts in this country or it does not. Keep us, prove that the vote of the*

L-15.1

L-15.2

L-15.3



AS-IA 22 MAY '09 10:10

L-16

CASINOS REPRESENT A POOR SOLUTION  
3680 Carey Way  
Hollister, Ca 95023

RECEIVED  
2008 MAY 20 11:59  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

May 6, 2008

Secretary Dirk Kempthorne  
US Department of Interior  
c/o James Cason  
1849 C Street, Room 4160  
Washington, DC 20240

RE: North Fork Rancheria's Casino Project; Application to move to Highway 99

Dear Secretary Kempthorne,

I am writing to oppose the proposed North Folk Rancheria Casino application which would authorize a casino on land 40 miles from the tribe's existing reservation.

Even though we are not from the Central Valley, there's a lot a stake for our community if this application receives federal approval. It will set a strong precedent for off-reservation gambling throughout California. Right now there are 21 pending applications for other tribes to acquire new land for gaming and another 85 applications by tribes to acquire more than 8,000 acres of land adjacent or contiguous to existing reservations for expansion that might be used for gaming in the future.

If the Department of Interior approves the North Fork application to annex a 305-acre site just off one of the Central California's busiest highways, Highway 99, it will open the flood gates for other tribes to begin reservation shopping everywhere in California. This was not what voters intended when they authorized Indian gaming.

In 2000, California voters approved Proposition 1A to promote tribal self-reliance. Proposition 1A legalized Indian gaming on historical tribal lands that were situated away from urban areas. Since then, some tribes have been approached by professional casino operators who want to change the rules to build casinos in urban areas and along highway corridors to get the greatest financial return possible. Furthermore, taking outside land purchased by these casino operators into trust for purposes of gaming appears to violate the Indian Gaming Regulatory Act (IGRA) which mandates that prior to engaging in gaming, the tribe must have governmental jurisdiction over the land.

Approving a move by the North Fork Rancheria to Highway 99, 40 miles away from their historic lands will have lasting consequences for all of our communities. I do not want a rush by gaming interests to relocate in my community. I urge you to reject this application and work with the tribe to find a more suitable location on their existing land.

Sincerely,



Cc: Senator Diane Feinstein  
Rep. George Radanovich  
Mr. Carl Artman

L-16.1

RECEIVED  
MAY 22 2008  
Assistant Secretary - Indian Affairs  
Office of Indian Gaming

May 24, 2008

Secretary Dirk Kempthorne  
US Department of Interior  
c/o James Cason  
1849 C Street, Room 4160  
Washington, DC 20240

North Fork Rancheria's Casino Project; Application to move to Highway 99

Dear Secretary Kempthorne,

This proposal may have economic benefits for tribal members and their developers as well as for Madera county and California coffers, but calling land near Madera "Mono ancestral territory" is problematic given the tribe's questionable historical connection. Even more of a stretch is bringing a north coast Wiyot tribe to California's Central Valley or to the Sierra foothills for that matter.

L-17.1

Senator Diane Feinstein is right to oppose a compact for land not yet taken into trust. It assumes the land will also be approved for gaming. A logical assumption since the BIA and the National Indian Gaming Commission believe it is their moral responsibility to promote Indian casinos whenever and wherever possible for tribal "economic development". This blind advocacy is wreaking havoc in communities and the environment throughout California.

California's governor can't be too severely criticized for trying to negotiate compacts that protect environmentally sensitive coastal sites like Big Lagoon and Table Bluff from inappropriate commercial development in exchange for locations like Barstow and Madera. And it's not too difficult to understand local municipalities, often with opposition from their own constituents, negotiating revenue arrangements with gaming tribes. But reservation shopping is still reservation shopping. And these politicians are only trying to grapple with the failure of the Department of the Interior, the Bureau of Indian Affairs and the National Indian Gaming Commission to stop the abuse and close the loopholes in the National Indian Gaming Regulatory Act.

L-17.2

The recent decision to approve Elk Valley Rancheria's off-reservation casino site and golf course adjacent to sensitive coastal wetlands was environmentally irresponsible. All the more disturbing because the land was purchased after 1988 and was approved solely so the tribe could relocate their existing casino closer to a major highway. This is called reservation shopping. The fact that the new parcel was still in the general area of the existing Rancheria doesn't make it "on reservation".

These kinds of decisions add layer upon layer of contradictory and arbitrary interpretations to the Indian Gaming Regulatory Act that were never intended. The NIGRA should have been amended long ago to close these exceptions for land purchased after 1988 and to review previous decisions that have led to the explosive growth and negative impacts of Indian casinos.

Whether or not the "Old Mill" site is reinstated as an alternative in a revised North Fork Rancheria impact study doesn't change the fact that it is reservation shopping, albeit closer to

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77:11 MW 8-NIN 8002  
512722

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BUREAU OF INDIAN AFFAIRS  
OFFICE OF INDIAN CASINO MANAGEMENT  
JUN 13 2008

home. Besides, gaming tribes typically put alternatives in environmental studies and reject them as not in the tribe's economic interest. This is often part of the notoriously inadequate impact studies that the BIA will drag out approving until one day approval quietly appears in the Federal Register.

cont.  
L-17.2

The sad truth Mr. Kempthorne is the BIA has vowed to foster Indian gaming and any profitable financial tribal endeavor regardless of any legal or historical contradiction involved. The Highway 99 site north of Madera is the more profitable location and will be preferred by the BIA, the tribe and their investors.

The North Fork compact partnership with Table Bluff Rancheria was proposed to avoid developing a casino adjacent to a coastal national wildlife refuge. Completely understandable and commendable on the part of the governor. But in reality the Table Bluff Rancheria like the North Fork Rancheria is not conveniently situated for a casino. So Table Bluff will have to find another location if this compact fails. But all hope is not lost. Table Bluff can find any number of former DOI officials who are now gaming consultants to lead them through the network of investors, lobbyists, politicians and government contacts and start anew. Perhaps find an even better deal and location. Or degrade the Humboldt Bay National Wildlife Refuge.

L-17.3

It will be a great day for California when the voters pull the rug out from under the Indian gaming monopoly and demand an end to the use of tribal status to fleece the public, degrade the state's environment and infrastructure, paralyze local zoning and planning in favor of unregulated and unplanned growth, all the while avoiding taxes, civil liability, and campaign contribution disclosure.

L-17.4

But in the meantime, any decision regarding a North Fork casino won't be made by a federal agency in Washington or California interested in reform. The decision will be made largely by those who have a vested financial or political interest in the outcome.



Noel Krahforst  
525 Singley Road  
Loleta, CA 95551

cc: Congressman Radanovich, 1040 E. Herndon, Suite 201, Fresno, CA 93720  
Senator Dianne Feinstein, 2500 Tulare Street, Suite 4290, Fresno, CA 93721

**JAC**

**JAMULIANS AGAINST THE CASINO RECEIVED**  
**P.O. BOX 1517, JAMUL, CA 91935 619-799-6692**  
**2373 43 2008 JUN -3 PM 1:48**

May 13, 2008

OFFICE OF THE  
EXECUTIVE SECRETARIAT

Mr. Carl Artman  
 Assistant Secretary of Indian Affairs  
 United States Department of Interior  
 1849 C Street, Room 4160  
 Washington, DC 20240

RE: North Fork Rancheria's Casino Project

Dear Mr. Artman,

Our organization has been fighting a proposed casino in our rural town outside San Diego since 1992. The Jamul tribe has approximately 4 acres to build a casino, entertainment center and a hotel. The out of state financial backers of this casino have purchased an additional 101 acres and have submitted an application to take this land into trust. It is our firm belief that this process of land acquisition for the sole purpose of gaming is in direct violation of IGRA.

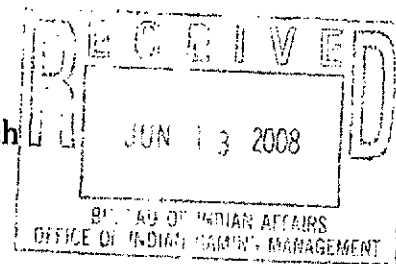
It is obvious by the number of applications before the Department of Interior for land into trust, that many tribes believe they can continue to expand, build new gambling facilities or purchase more lucrative locations miles from their actual tribal lands. We are extremely concerned with the precedent of purchasing lands for the purpose of gambling. The impacts and loss of taxes to communities throughout the State are enormous, if these applications are approved.

The citizens of California, statewide, are uniting in opposition for the inappropriate taking of land into trust. We encourage you to reject the North Fork Rancheria application and all other such applications that are solely for the purpose of gaming or the expansion of existing facilities related to Indian gaming.

Sincerely,

*Marcia Spurgeon*  
 Marcia Spurgeon  
 JAC Coordinator

Cc: Congressman Duncan Hunter, Congressman Radanovich  
 Senator Dianne Feinstein



# CALIFORNIA COALITION AGAINST GAMBLING EXPANSION

REV. JAMES B. BUTLER, EXECUTIVE DIRECTOR

RECEIVED

2008 MAY 28 AM 11:45

237119

May 15, 2008

OFFICE OF THE  
EXECUTIVE SECRETARIAT

Carl Artman  
Assistant Secretary of Indian Affairs  
US Department of Interior  
1849 C Street, Room 4160  
Washington, DC 20240

North Fork Rancheria's Casino Project; Application to move to Highway 99

Dear Mr. Artman,

L-19.1


I am writing on behalf of the California Coalition Against Gambling Expansion, a state-wide, faith based non-profit organization. We oppose the proposed North Fork Rancheria Casino application. Approval of this application will authorize a casino on land 40 miles from the tribe's existing reservation.

There is a lot at stake if this application receives federal approval. It will set a strong precedent for off-reservation gambling throughout California and lead to an historic expansion of gambling in our state. Right now in California, there are 21 tribes with pending applications to acquire new land for gaming and another 85 tribes with applications to acquire more than 8,000 acres of land adjacent or contiguous to existing reservations for expansion that might be used for gaming in the future.

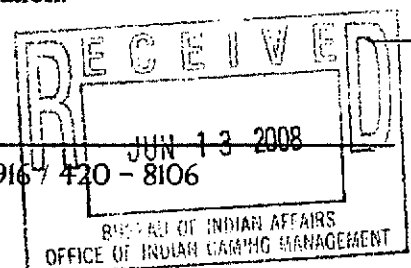
If the Department of Interior approves the North Fork application to annex a 305-acre site just off one of Central California's busiest highways, Highway 99, it will encourage other tribes to begin reservation shopping throughout California. This was not the intent of California voters when they first authorized Indian gaming.

In 2000, California voters approved Proposition 1A to promote tribal self-reliance. Proposition 1A legalized Indian gaming on historical tribal lands that were situated away from urban areas. Since then, some tribes have been approached by professional casino operators who want to change the rules and build casinos in urban areas and along highway corridors to get the greatest financial return possible. Furthermore, taking outside land purchased by these casino operators into trust for purposes of gaming appears to violate the Indian Gaming Regulatory Act (IGRA), which mandates that prior to engaging in gaming, the tribe must have governmental jurisdiction over the land.

Approving a move by the North Fork Rancheria to Highway 99, 40 miles away from their historic lands will have lasting negative consequences in our state. I urge you to reject this application.

  
Rev. James B. Butler,  
Executive Director

803 VALLEJO WAY • SACRAMENTO • CA • 95818 • 916 / 441 - 1844 • CELL 916 / 420 - 8106



RECEIVED

2008 MAY 21 AM 10:19

OFFICE OF THE  
EXECUTIVE SECRETARIAT

Mr. Dirk Kempthorn **236796**  
 Secretary of Interior  
 Department of Interior  
 1849 C Street N.W.  
 Washington, D.C. 20240

Dear Mr. Secretary,

California voters passed Propositions 1A and 5 with the explicit understanding that Indian gaming would only be allowed on Indian lands.

The lure of vast profits, however, has resulted in dozens of tribes and their Las Vegas gambling partners to attempt to break this promise in order to build huge Vegas-sized casinos in urban areas and along busy highways.

One of the most egregious examples of this reservation shopping is a plan by the North Fork Rancheria of Mono Indians and their Las Vegas partners, Station Casinos, to build a \$250 million casino in Central California along busy Highway 99 that would be nearly 40 miles away from the tribe's existing tribal lands in the Sierra foothills, with another tribe, The Chukchanci Rancheria, in between the Mono tribe and the proposed site.

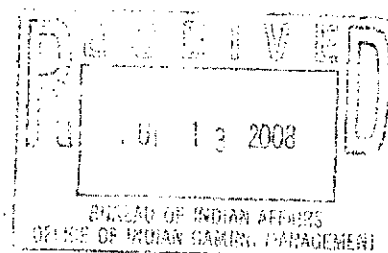
The North Fork tribe has NO ancestral ties to the land on the San Joaquin Valley floor. In fact, the North Fork tribe has a viable gaming site on its traditional lands. But the tribe and their Vegas partners are reaching for the big prize of easy profits from a mega-casino off a major freeway on non-native land, in an urban area, adjacent to the Madera city limits, a city of over 52,000 people.

This is a dangerous precedent that will allow other tribes to shop for the most lucrative locations for their casinos far away from their traditional tribal lands. In fact, tribes in California have 21 pending applications to acquire new land for gaming. There's another 85 applications by tribes to acquire more than 8,000 acres of land which may also be used for gaming. Make no mistake—this will set a precedent for off-reservation gambling throughout the state.

If the Department of Interior approves the North Fork application to annex a 305 acres site just off the Central Valley's busiest freeway (SR 99), it will ~~open the floodgates~~ for these other tribes to begin reservation shopping everywhere else in California. This is not what California voters intended when they authorized Indian gaming.

Mr. Secretary, please do not sign this land into trust for the Mono tribe as it will create congestion, difficulties for an urban area, and also leave a huge carbon footprint on our Valley which is known for its rich agricultural land. Please oppose this attempt by the Mono tribe to sidestep the law that California citizens passed.

Sincerely yours,  
 Mark Lacaze  
 25674 El Vado Dr.  
 Madera, CA 93638  
 mlacaze@gccmadera.com



L-20.1



L-21

May 5, 2008

AS-IA 27 MAY 08 10:16  
Carl Artman  
Assistant Secretary of Indian Affairs  
US Department of Interior  
1849 C Street, Room 4160  
Washington, DC 20240

236278

RECEIVED

2008 MAY 12 PM 2:44

OFFICE OF THE  
EXECUTIVE SECRETARIAT

North Fork Rancheria's Casino Project; Application to move to Highway 99

Dear Mr. Artman,

**P.O.L.O. (Preservation of Los Olivos) is writing to oppose the proposed North Fork Rancheria Casino application** that would authorize a casino on land 40 miles from the tribe's existing reservation.

**If this application is approved it will set a strong precedent for off-reservation gambling throughout California.**

Our local neighbors, the Santa Ynez Band of Mission Indians, has made it clear they intend to use every opportunity to expand their gaming operation. Approval of this application for the North Fork Rancheria would be used for further expansion of the 350 million dollar a year Chumash Casino.

In 2000, California voters approved Proposition 1A to promote tribal self-reliance. Voters were told impoverished Indians would be helped. **Voters were not told that "tribal governments" and "reservations" were in many case falsified...engineered...and that the Bureau of Indian Affairs would completely ignore impacted communities in favor of big corporate gambling interests using "Indian" tribes as a means to operate outside public view.**

L-21.1

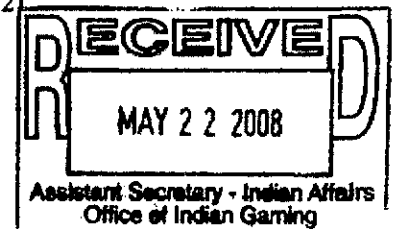
You, Mr. Artman, in 2002 told the town of Hobart, Wisconsin that you supported tribal interests and that Hobart should prepare itself for "extinction."

In addition, P.O.L.O. uncovered documentation of a "consortium" whereas tribal interests were paying the salaries of federal employees to expedite fee to trust applications.

P.O.L.O. opposes the proposed North Fork Rancheria Casino application and any other land into trust applications until a thorough investigation into the dealings of the Department of the Interior can be completed and until communities impacted by casinos have a voice in this federal process.

Sincerely, *Kathy Cleary*  
Kathy Cleary, P.O.L.O., Preservation of Los Olivos

cc: Congressman Radanovich, 1040 E. Herndon, Suite 201, Fresno, CA 93720  
Senator Dianne Feinstein, 2500 Tulare Street, Suite 4290, Fresno, CA 93721



OFFICE OF

**BOARD OF SUPERVISORS**

810 COURT STREET \* JACKSON, CA 95642 \* (209) 223-8470 \* FAX (209) 257-0619

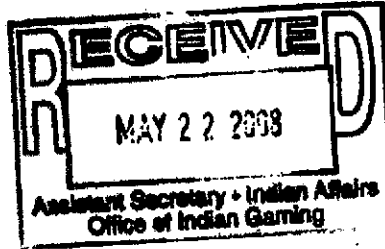
L-22



236476

AS-IA 22 MAY 08 10:16

May 8, 2008



Mr. Dirk Kempthorne  
Secretary of the Interior  
United States Department of Interior  
1849 C Street, Room 4160  
Washington, D. C. 20240

Re: North Fork Rancheria's Casino Project; Application to Move to Highway

Dear Mr. Kempthorne:

RECEIVED  
2008 MAY 15 PM 12:32  
OFFICE OF THE  
EXECUTIVE SECRETARY

The Amador County Board of Supervisors is opposed to the proposed North Fork Rancheria Casino application that would authorize a casino on land 40 miles from the tribe's existing reservation.

Even though we are not from the Central Valley, there is a lot at stake for our community if this application receives federal approval. It will set a strong precedent for off-reservation gambling throughout California. Right now in California, there are 21 pending applications for other tribes to acquire new land for gaming and another 85 applications by tribes to acquire more than 8,000 acres of land adjacent or contiguous to existing reservations for expansion that might be used for gaming in the future.

If the Department of Interior approves the North Fork application to annex a 305 acre site just off one of Central California's busiest highways—Highway 99—it will open the floodgates for other tribes to begin reservation shopping everywhere in California. This was not what voters intended when they authorized Indian gaming.

In 2000, California voters approved Proposition 1A to promote tribal self-reliance. Proposition 1A legalized Indian gaming on historical tribal lands that were situated away from urban areas. Since then, some tribes have been approached by professional casino operators who want to change the rules to build casinos in urban areas along highway corridors to get the greatest financial return possible. Furthermore, taking outside land purchased by these casino operators into trust for purposes of gaming appears to violate the Indian Gaming Regulatory Act (IGRA) which mandates that, prior to engaging in gaming, the tribe must have governmental jurisdiction over the land.

L-22.1



Mr. Dirk Kempthorne  
Page 2  
May 8, 2008

Approving a move by the North Fork Rancheria to Highway 99 which is 40 miles away from their historic lands will have lasting consequences for all of our communities. We do not want a rush by gaming interests to relocate in our community. Amador County already has tremendous issues by one operating casino and two proposed casinos, one being a clear cut case of reservation shopping. We urge you to reject this application and work with the tribe to find a more suitable location on their existing land.

cont.  
L-22.1

Sincerely,



Richard M. Forster, Chairman

cc: The Honorable George Radanovich, United States House of Representatives  
The Honorable Dianne Feinstein, United States Senate

5-13-22 MAY 08 10:07  
May 14, 2008

P.O. Box 4

Fiddletown, CA 92334

RECEIVED

2008 MAY 20 AM 11:37

OFFICE OF THE  
EXECUTIVE SECRETARIAT

Dear Sec. of Interior Dirk Kempthorne,

We rarely write letters of concern to our elected officials, but this issue is very important to us and many, many of our friends.

My husband and I urge you to NOT support in any way any OFF RESERVATION CASINOS (beginning with North Fork Tribe, Madera) in the State of California. We already have enough casinos which I am sure you can glean revenue from. We feel that enough is enough, that California and the land and people have already felt the impact of the current established Indian Casinos.

L-23.1

Please do not support any OFF RESERVATION CASINOS.

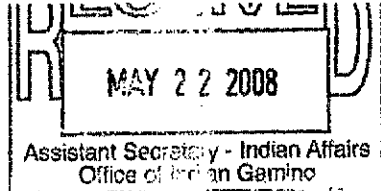
Sincerely,

*Katherine and Herb Venturelli*  
Katherine Venturelli

RECEIVED  
MAY 22 2008  
Assistant Secretary - Indian Affairs  
Office of Indian Gaming

cc. Gov. A. Schwarzenegger

May 12, 2008



L-24

Mr. Dirk Kempthorne  
Secretary of Interior  
Department of Interior  
1849 C Street N.W.  
Washington, D.C. 20240

236550

RECEIVED

2008 MAY 19 PM 12:14

OFFICE OF THE  
EXECUTIVE SECRETARIAT

Dear Mr. Secretary,

L-24.1

AS-IA 22 MAY'08 10:07  
California voters passed Propositions 1A and 5 with the explicit understanding that Indian gaming would only be allowed on Indian lands.

The lure of vast profits, however, has resulted in dozens of tribes and their Las Vegas gambling partners to attempt to break this promise in order to build huge Vegas-sized casinos in urban areas and along busy highways.

One of the most egregious examples of this reservation shopping is a plan by the North Fork Rancheria of Mono Indians and their Las Vegas partners, Station Casinos, to build a \$250 million casino in Central California along busy Highway 99 that would be nearly 40 miles away from the tribe's existing tribal lands in the Sierra foothills, with another tribe, The Chukchanci Rancheria, in between the Mono tribe and the proposed site.

The North Fork tribe has NO ancestral ties to the land on the San Joaquin Valley floor. In fact, the North Fork tribe has a viable gaming site on its traditional lands. But the tribe and their Vegas partners are reaching for the big prize of easy profits from a mega-casino off a major freeway on non-native land, in an urban area, adjacent to the Madera city limits, a city of over 52,000 people.

This is a dangerous precedent that will allow other tribes to shop for the most lucrative locations for their casinos far away from their traditional tribal lands. In fact, tribes in California have 21 pending applications to acquire new land for gaming. There's another 85 applications by tribes to acquire more than 8,000 acres of land which may also be used for gaming.

**Make no mistake-this will set a precedent for off-reservation gambling throughout the state.**

If the Department of Interior approves the North Fork application to annex a 305 acres site just off the Central Valley's busiest freeway (SR 99), it will open the floodgates for these other tribes to begin reservation shopping everywhere else in California. This is not what California voters intended when they authorized Indian gaming.

Mr. Secretary, please do not sign this land into trust for the Mono tribe as it will create congestion, difficulties for an urban area, and also leave a huge carbon footprint on our Valley which is known for its rich agricultural land.

**Please oppose this attempt by the Mono tribe to sidestep the law that California citizens passed.**

Sincerely yours,

*Ronald Winter + Cynthia Winter*

2604 Pinewood Drive

Madera, CA 93637 Phone: 559-673-3612 email: roncin07@earthlink.net

Monday, May 12, 2008

RECEIVED

L-25

Mr. Dirk Kempthorne  
Secretary of Interior  
Department of Interior  
1849 C Street N.W.  
Washington, D.C. 20240

236544

2008 MAY 19 PM 12:12

OFFICE OF THE  
EXECUTIVE SECRETARIAT

RECEIVED  
Dear Mr. Secretary,

California voters passed Propositions 1A and 5 with the explicit understanding that Indian gaming would only be allowed on Indian lands.

The lure of vast profits, however, has resulted in dozens of tribes and their Las Vegas gambling partners to attempt to break this promise in order to build huge Vegas-sized casinos in urban areas and along busy highways.

One of the most egregious examples of this reservation shopping is a plan by the North Fork Rancheria of Mono Indians and their Las Vegas partners, Station Casinos, to build a \$250 million casino in Central California along busy Highway 99 that would be nearly 40 miles away from the tribe's existing tribal lands in the Sierra foothills, with another tribe, The Chukchanci Rancheria, in between the Mono tribe and the proposed site.

The North Fork tribe has NO ancestral ties to the land on the San Joaquin Valley floor. In fact, the North Fork tribe has a viable gaming site on its traditional lands. But the tribe and their Vegas partners are reaching for the big prize of easy profits from a mega-casino off a major freeway on non-native land, in an urban area, adjacent to the Madera city limits, a city of over 52,000 people.

L-25.1

This is a dangerous precedent that will allow other tribes to shop for the most lucrative locations for their casinos far away from their traditional tribal lands. In fact, tribes in California have 21 pending applications to acquire new land for gaming. There's another 85 applications by tribes to acquire more than 8,000 acres of land which may also be used for gaming. Make no mistake—this will set a precedent for off-reservation gambling throughout the state.

If the Department of Interior approves the North Fork application to annex a 305 acres site just off the Central Valley's busiest freeway (SR 99), it will open the floodgates for these other tribes to begin reservation shopping everywhere else in California. This is not what California voters intended when they authorized Indian gaming.

Mr. Secretary, please do not sign this land into trust for the Mono tribe as it will create congestion, difficulties for an urban area, and also leave a huge carbon footprint on our Valley which is known for its rich agricultural land. Please oppose this attempt by the Mono tribe to sidestep the law that California citizens passed.

Sincerely yours,

*Natalie Samarripa*

Natalie Samarripa  
418 Winchester Dr  
Watsonville, CA 95076  
1-831-722-6812  
<mailto:samarripa@gmail.com>

RECEIVED  
MAY 22 2008  
Assistant Secretary - Indian Affairs  
Office of Indian Gaming

AS-1A 09 MAY 08 09:50

Center for Creative Transformation

Rev. David E. Roy, Ph.D., Director

5475 N. Fresno St., Ste. 109

Fresno, CA 93710-8333

530-438-5485 (v) 435-631-1000

admin@cctnet.com/www.cctnet.com

RECEIVED

2008 APR 31 PM 3:34

RECEIVED

2008 APR 31 PM 3:34

OFFICE OF THE EXECUTIVE SECRETARIAT

April 18, 2008

Mr. Carl Artman  
Assistant Secretary of Indian Affairs  
US Department of Interior  
1849 C Street, Room 4160  
Washington, DC 20240

RECEIVED  
MAY 12 2008  
Assistant Secretary - Indian Affairs  
Bureau of Indian Gaming

Re: North Fork Rancheria's Casino Project; Application to move to Highway 99

Dear Mr. Artman:

I adamantly oppose the proposed 305-acre casino that North Fork Rancheria of Mono Indians is seeking to build near Hwy 99 in Madera. For one thing, this is more than 40 miles from its recognized tribal land. This sets a dangerous precedent for off-reservation gaming that obviously will be used by other tribes. I also oppose this proposal as it violates promises made to the citizens of Californian through Propositions 5 and 1A that Indian gaming would be restricted to tribal lands and not near our cities.

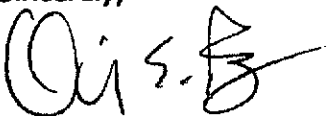
L-26.1

Our area is already saturated with Indian casinos and we are seeing an increase in individuals and families whose lives are being destroyed by compulsive gambling. This in turn leads to an increase in white collar crimes, bankruptcies, and troubled marriages. Empirical research as determined that gambling addiction increases dramatically when casinos are nearby (see [http://www.health.harvard.edu/newsweek/Problem\\_gambling.htm](http://www.health.harvard.edu/newsweek/Problem_gambling.htm)). We do not need another casino in this area, particularly one that would be so easily accessible.

L-26.2

Please reject this application for the reasons stated above.

Sincerely,



Rev. David E. Roy, Ph.D.

cc: Congressman Radanovich, 1040 E. Herndon, Suite 201, Fresno, CA 93720  
Senator Dianne Feinstein, 2500 Tulare Street, Suite 4290, Fresno, CA 93721

AS-IA 09 MAY'08 09:52

April 21, 2008 235816

RECEIVED  
2008 APR 30 PM 12: 29  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

Carl Artman  
Assistant Secretary of Indian Affairs  
US Department of Interior  
1849 C. Street, Room 4160  
Washington D.C. 20240

North Fork Rancheria's Casino Project; Application to move to Highway 99

Dear Mr. Altman,

I am active in my community government, and as a result I make it my resolve to keep abreast of local and state matters.

I oppose the proposed North Fork Rancheria Casino application authorizing a casino on land 40 miles from the tribe's existing reservation.

It has been a voter's mandate to keep Indian Gaming on Indian land.

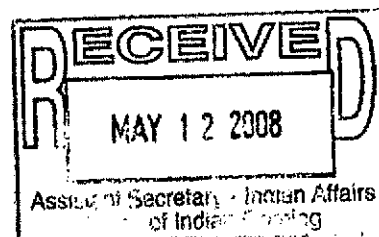
This move could have lasting consequences for all California communities. I do not want gaming interests to relocate in my community.

I urge you to reject this application and help the tribe to find a better and more logical location on their existing land.

Sincerely,



Gloria Magleby  
115 Marys Avenue  
Bay Point, CA 94565



L-27.1

AS-12 09 MAY 08 09:51  
 April 19, 2008

Carl Artman  
 Assistant Secretary of Indian Affairs  
 US Department of Interior  
 1849 C Street, Room 4160  
 Washington, DC 20240

235781

RECEIVED

2008 APR 30 AM 11:26

OFFICE OF THE  
 EXECUTIVE SECRETARIAT

North Fork Rancheria's Casino Project; Application to move to Highway 99

Dear Mr. Artman,

I am writing to oppose the proposed North Fork Rancheria Casino application that would authorize a casino on land 40 miles from the tribe's existing reservation.

I am from Cloverdale, California, located along Highway 101. My community is facing its own tribal casino project backed by corporate investors who live far way from here and who have no interest in what happens to our small community. I have a great concern regarding casino proliferation in California, particularly in urban areas and along major highways. It seems that each time the Department makes a decision regarding one tribe, that decision is cited by other tribes and their investors as precedent to expand the Indian gambling industry further and further, well beyond the intent of the California voters, who thought they were approving gambling on historical tribal land only.

Approval of the North Fork application to annex a 305-acre site just off one of Central California's busiest highways, Highway 99 is precisely the type of casino expansion that must be curtailed. Of course casino investors want to build their casinos along busy highways, where they will make the greatest return on their investment. I expect that if you approve this project you will see many more tribes applying to do the same thing. Eventually California will be littered with casinos along its major highways.

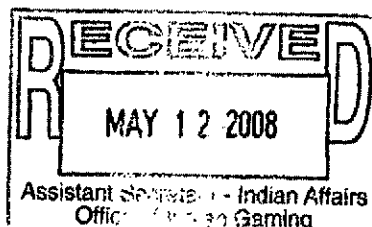
L-28.1

In 2000, California voters approved Proposition 1A to promote tribal self-reliance. Proposition 1A legalized Indian gambling on historical tribal lands that were situated away from urban areas. Since then, we've seen attempt after attempt by tribes and professional casino operators to change the rules to build casinos in urban areas and along highway corridors to obtain the greatest financial return possible. This is no longer about self-reliance for the tribes; it is about financial profits for corporate shareholders.

Approving a move by the North Fork Rancheria to Highway 99, 40 miles away from their historic lands will have lasting consequences for all of our communities. I urge you to reject this application and work with the tribe to find a more suitable location on their existing land.

Sincerely,

  
 Stephen Gallenon  
 Cloverdale, California



cc: Congressman Radanovich, 1040 E. Herndon, Suite 201, Fresno, CA 93720  
 Senator Dianne Feinstein, 2500 Tulare Street, Suite 4290, Fresno, CA 93721

Sandra Gilbert  
Citizens' for a Better Way  
15 Pleasant Grove Road  
Wheatland, CA 95692

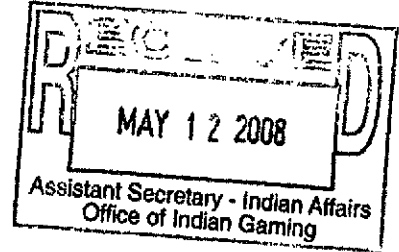
RECEIVED

2008 APR 31 PM 3:34

OFFICE OF THE  
ASSISTANT SECRETARY

April 24, 2008

Carl Artman, Assistant Secretary of Indian Affairs  
U. S. Department of the Interior  
1849 C Street, Room 4160  
Washington, D. C. 20240



RE: Proposed NORTH FORK CASINO

Dear Secretary Artman:

Our group of concerned citizens is quite alarmed that the Department of the Interior is considering off-site reservation casinos, North Fork being but one of them.

The proliferation of casinos has already raised questions as to the authenticity of Indian ownership and management of such endeavors and has proven to cast myriad negative economic and social conditions for nearby communities and governments.

The money used to establish casinos has come from a variety of questionable sources and it is evident the money is not given selflessly, but rather to take advantage of tribal sovereignty for purposes other than helping native Americans. And now citizens must concern themselves with the use of the large amounts of casino money towards the corruption of our State and Federal laws and governance.

Of course, Proposition I A was to promote tribal self-reliance on established tribal lands, not promote reservation shopping. That fact is very clear and should not be circumvented by any means.

Very Truly Yours,

*Sandra Gilbert*  
Sandra Gilbert

cc: Congressman Radanovich

L-29.1



**LANCE H. NYSTREM**  
**INSURANCE SERVICES**

L-30

95-1A 22 MAY'08 10:05

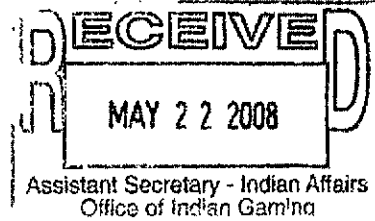
256-060

2008 MAY 13 AM 11:52

CA DOI #0B23813

OFFICE OF THE  
EXECUTIVE SECRETARIAT

**Mr. Dirk Kempthorne**  
**Secretary of Interior**  
**Department of Interior**  
**1849 C Street N.W.**  
**Washington, D.C. 20240**



**Dear Mr. Secretary,**

California voters passed Propositions 1A and 5 with the explicit understanding that Indian gaming would only be allowed on Indian lands.

The lure of vast profits, however, has resulted in dozens of tribes and their Las Vegas gambling partners to attempt to break this promise in order to build huge Vegas-sized casinos in urban areas and along busy highways.

One of the most egregious examples of this reservation shopping is a plan by the North Fork Rancheria of Mono Indians and their Las Vegas partners, Station Casinos, to build a \$250 million casino in Central California along busy Highway 99 that would be nearly 40 miles away from the tribe's existing tribal lands in the Sierra foothills, with another tribe, The Chukchanci Rancheria, in between the Mono tribe and the proposed site.

The North Fork tribe has NO ancestral ties to the land on the San Joaquin Valley floor. In fact, the North Fork tribe has a viable gaming site on its traditional lands. But the tribe and their Vegas partners are reaching for the big prize of easy profits from a mega-casino off a major freeway on non-native land, in an urban area, adjacent to the Madera city limits, a city of over 52,000 people.

This is a dangerous precedent that will allow other tribes to shop for the most lucrative locations for their casinos far away from their traditional tribal lands. In fact, tribes in California have 21 pending applications to acquire new land for gaming. There's another 85 applications by tribes to acquire more than 8,000 acres of land which may also be used for gaming. Make no mistake—this will set a precedent for off-reservation gambling throughout the state.

If the Department of Interior approves the North Fork application to annex a 305 acres site just off the Central Valley's busiest freeway (SR 99), it will open the floodgates for these other tribes to begin reservation shopping everywhere else in California. This is not what California voters intended when they authorized Indian gaming.

481 WEST BULLARD #8 • CLOVIS, CALIFORNIA • 93612  
PHONE: (559) 299-7064 • FAX: (559) 446-0647

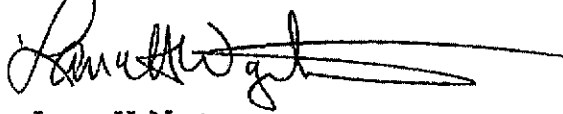
L-30.1

MAY 7, 2008

Mr. Secretary, please do not sign this land into trust for the Mono tribe as it will create congestion, difficulties for an urban area, and also leave a huge carbon footprint on our Valley which is known for its rich agricultural land. Please oppose this attempt by the Mono tribe to sidestep the law that California citizens passed.

cont.  
L-30.1

Sincerely yours,



Lance H. Nystrem

AS-IA 22 MAY'08 10:08

Dear Mr. Secretary,

California voters passed Propositions 1A and 5 with the explicit understanding that Indian gaming would only be allowed on Indian lands.

The lure of vast profits, however, has resulted in dozens of tribes and their Las Vegas gambling partners to attempt to break this promise in order to build huge Vegas-sized casinos in urban areas and along busy highways.

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Mr. Secretary, please do not sign this land into trust for the Mono tribe as it will create congestion, difficulties for an urban area, and also leave a huge carbon footprint on our Valley which is known for its rich agricultural land. Please oppose this attempt by the Mono tribe to sidestep the law that California citizens passed.

Sincerely yours, *Stephanie Jamison*  
Name *Stephanie Jamison*  
Address and Phone # *1625 Howard Rd. #208, 559-706-2389*  
e-mail *seejpraisegod@yahoo.com*

RECEIVED  
MAY 2 2008  
Assistant Secretary - Indian Affairs  
Office of Indian Gaming

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L-31.1

2008 MAY 13 AM 11:52

RECEIVED

OFFICE OF THE  
EXECUTIVE SECRETARY  
LEGISLATIVE COUNCIL

**Residents Against Gaming Expansion**  
**844 Singing Heights Drive El Cajon, CA 92019**  
**619-579-5540**

AS-IA 22 MAY'08 10:16

Honorable Dirk Kempthorne  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

**Re: North Fork Rancheria's Casino Project**

Dear Secretary Kempthorne,

We are an organization of hundreds of homeowners living approximately 20 miles east of San Diego, in close proximity to the casino of the Sycuan Band of the Kumeyaay Nation.

It has come to our attention that another California tribe, the North Fork Rancheria, is seeking to have a casino authorized on land 40 miles from the tribe's existing reservation.

Although this casino would be well out of our geographic area, we vigorously oppose any effort by any tribe, including North Fork, to take land into trust for the purpose of building a casino. This issue has strong implications for our local situation, as we expect the Sycuan band to file a similar application for an off-reservation casino in the near future.

We believe any such effort violates the letter and spirit of the IGRA, and we ask that you reject the North Fork application. Thank you for your consideration of our views.

Sincerely,

*William P. Bengen*  
William P. Bengen  
Chairperson

**A coalition of local residents opposing expanded casino gaming in  
East County, San Diego, CA**

**RECEIVED**  
MAY 22 2008  
Assistant Secretary - Indian Affairs  
Office of Indian Gaming

L-32.1

RECEIVED

2008 MAY -8 AM 11:32

OFFICE OF THE EXECUTIVE SECRETARY

236156



**BOARD OF SUPERVISORS  
COUNTY OF MADERA**

MADERA COUNTY GOVERNMENT CENTER  
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637  
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

L-33

MEMBERS OF THE BOARD

FRANK BIGELOW  
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TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

July 8, 2008

Richard M. Forster, Chairman  
Amador County Board of Supervisors  
810 Court Street  
Jackson, CA 95642

RE: North Fork Casino Project

Dear Chairman Forster:

We were dismayed to review your letter to the Department of Interior dated May 8, 2008. Said correspondence is critical of the North Fork Casino Project in Madera County. Our concerns with the correspondence are based on the fact that the Amador County Board of Supervisors would comment on a project in Madera County without any contact with this Board. We would not consider such an action without conferring with you. I am sure you are aware that the Madera County Board of Supervisors fully supports this project as do the two cities within our boundaries. This project will have no impact upon Amador County and the argument that it does is without merit as based on a false assertion that this is reservation shopping. The North Fork Mono are not reservation shopping. They only avail themselves of the right to game by a "landless" tribe provided by the Indian Gaming Regulatory Act (IGRA).

L-33.1

Historic and ethnographic records demonstrate that the North Fork Rancheria of Mono Indians and their ancestors have used and occupied lands in the vicinity of the City of Madera and the proposed project site from pre-contact times to the present. It is unlikely that any permanent aboriginal settlements existed in the immediate area of the project site because historically the area was subject to flooding and extreme temperatures and thus inhospitable to settlement. Instead, ancestors of the North Fork Mono and other native peoples of the region shared seasonally in the valley floor's resources and made their permanent homes in the foothills.

L-33.2

Notably, the proposed site is near the former Fresno River Reservation set aside for the North Fork Mono and other native peoples of the region under three treaties negotiated and signed in 1851 but never ratified by the United States Senate because of objections from the California Legislature. During the 1850s, North Fork Mono worked and resided on the Reservation. In 1860, the federal government abandoned the Reservation, rendering

L-33.3

Richard M. Forster, Chairman  
Amador County Board of Supervisors  
July 8, 2008  
Page 2

the North Fork Mono and other native peoples of the region landless. Consequently, the North Fork Mono were driven further into the Sierra foothills and national forest. However, they continued to travel to the valley floor seasonally as they integrated into the emerging ranching, lumber and agricultural economies of the region in the latter half of the 19<sup>th</sup> and early 20<sup>th</sup> centuries.

cont.  
L-33.3

Because of the above recited history, IGRA allows the North Fork Mono to seek lands for gaming. That land must be historically tied to this tribe, which it is. Thus, the approval of this project by the Department of the Interior would not be precedent setting nor have any effect on Amador County.

Very truly yours,



Ronn Dominici, Chairman  
Madera County Board of Supervisors

RD/DAP:skg

cc: Dirk Kempthorne  
Secretary of the Interior United States Department of the Interior

Richard M. Forster, Chairman  
Amador County Board of Supervisors  
July 8, 2008  
Page 2

bcc: John Maier, Esq.



**FREDERICKS PEEBLES & MORGAN LLP**  
ATTORNEYS AT LAW

L-34

**JOHN M. PEEBLES**  
1001 SECOND STREET  
Sacramento, CA 95814  
T: (916) 441-2700  
F: (916) 441-2067  
E: jpeebles@ndnlaw.com  
www.ndnlaw.com

July 9, 2008

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

|                   |                |                                     |
|-------------------|----------------|-------------------------------------|
| Reg Dir           | <u>John</u>    | <input checked="" type="checkbox"/> |
| Dep Reg Dir       | <u>T. Ad</u>   | <input checked="" type="checkbox"/> |
| Reg Adm Ofcr      |                |                                     |
| Route             | <u>DELIMS</u>  |                                     |
| Response Required |                | <input checked="" type="checkbox"/> |
| Due Date          | <u>7/18/08</u> |                                     |
| Memo              | <u>Ltr</u>     | <input checked="" type="checkbox"/> |
| Tele              |                |                                     |
| Other             |                |                                     |

**Re: Draft Environmental Impact Statement for the North Fork Rancheria's Proposed 305 Acre Trust Acquisition and Hotel/Casino Project, Madera County, California**

Dear Mr. Morris:

The purpose of this letter is to request a copy of the transcript of the public hearing held on March 12, 2008 at Hatfield Hall, Madera District Fairgrounds, Madera County regarding the North Fork Rancheria's proposed 305 acre Fee-to-Trust Acquisition/Casino Project ("Project"). Immediately after the public hearing representatives of the Picayune Rancheria of the Chukchansi Indians ("PRCI") requested from the Pacific Regional Office a copy of this transcript and were advised the transcript would not be available until the end of the comment period for the Draft EIS, March 31, 2008. To date, neither the PRCI nor its attorneys have been provided with a complete copy of this transcript.

Notwithstanding the "unavailability of the transcript," prior to March 31, 2008 the transcript of the testimony given by Dora Jones at the March 12, 2008 public hearing had been provided to representatives of the North Fork Rancheria for their use to lobby support for the Project. Previously, in a letter dated March 28, 2008, we expressed our concerns as set forth in the letter over the use of the transcript of the testimony of Dora Jones by the North Fork Rancheria (a copy of this letter, along with a FOIA request, are attached for your convenience). Nonetheless, it is our understanding that a complete copy of the transcript has been provided to representatives of the North Fork Rancheria.

Despite our request, neither this office nor representatives of the PRCI have been provided with a complete copy of the transcript of the public hearing held on March 12, 2008. Meanwhile, representatives of the North Fork Rancheria continue to utilize the transcript to further their Fee-to-Trust Application.

✓ Please provide a complete copy of the transcript of the public hearing held on March 12, 2008 at Hatfield Hall, Madera District Fairgrounds, Madera County, regarding the North Fork Rancheria's proposed 305 acre Fee-to-Trust Acquisition/Casino Project to the address listed

L-34.1



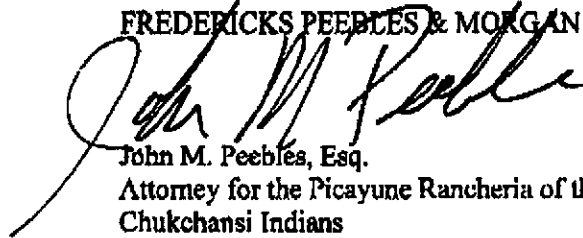
Dale Morris, Regional Director - BIA  
July 9, 2008  
Page 2 of 2

below. For your convenience, a Freedom of Information Act Request is attached and will be forwarded to your FOIA Officer, Douglas Garcia, requesting a complete copy of this transcript.

cont.  
L-34.1

Sincerely,

FREDERICKS PEEBLES & MORGAN LLP



John M. Peebles, Esq.  
Attorney for the Picayune Rancheria of the  
Chukchansi Indians

JMP:se  
Enclosures (2)

Please reply to:

Fredericks Peebles & Morgan LLP  
John M. Peebles  
1001 Second Street  
Sacramento, CA 95814

cc: Morris Reid, Chairperson, Picayune Rancheria of the Chukchansi Indians



**FREDERICKS PEEBLES & MORGAN LLP**  
ATTORNEYS AT LAW

**JOHN M. PEEBLES**  
1001 SECOND STREET  
Sacramento, CA 95814  
T: (916) 441-2700  
F: (916) 441-2067  
E: jpeebles@ndnlaw.com  
www.ndnlaw.com

March 28, 2008

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

Re: Draft Environmental Impact Statement for the North Fork Rancheria's Proposed  
305 Acre Trust Acquisition and Hotel/Casino Project, Madera County, California.

Dear Ms. Dutschke:

The purpose of this letter is to bring to your attention on behalf of the Picayune Rancheria of the Chukchansi Indians ("PRCI") a serious matter concerning the public hearing held on March 12, 2008 at the Hatfield Hall at the Madera District Fairgrounds and the transcript of that public hearing. Representatives of PRCI have been informed that a portion of the transcript, which is unavailable to the public, has been prepared and made available to the North Fork Rancheria concerning the testimony given by Dora Jones, Vice Chairperson of the PRCI concerning the proposed project. (A copy of that portion of the transcript was provided upon request and is attached hereto as Exhibit A). The transcript was utilized by representatives of the North Fork Rancheria to lobby support for the proposed project and request public comment letters be submitted before March 31, 2008. The public was not provided access to the hearing transcripts prior to the March 31, 2008 comment period date described below.

As you are aware, the transcript is the property of the BIA, not that of the North Fork Rancheria, the written comment period with regard to the scope and implementation of the proposed project set forth in the Federal Register published February 15, 2008 (Volume 73, No. 32, a copy of which is attached hereto as Exhibit B) ends on March 31, 2008. However, representatives of PRCI have been advised that the transcript will not be available to the public until after that date.

L-35.1

Amy Dutschke  
March 28, 2008  
Page 2 of 2

Accordingly, the Picayune Rancheria of the Chukchansi Indians request that additional hearings be held and that the public comment period be extended for 120 days beyond the March 31, 2008 date to provide the entire general public fair opportunity to review and comment upon the above captioned matter.

L-35.2

Sincerely,

Fredericks Peebles & Morgan LLP



John M. Peebles

JMP:se

Cc:

Carl J. Artman, Assistant Secretary – Indian Affairs  
United States Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Mr. John Rydzik, Chief of the Division of  
Environmental, Cultural Resource Management and Safety  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Morris Reid, Chairman  
Picayune Rancheria of the Chukchansi Indians  
40575 Road 14  
Coarsegold, CA 93614

Jul. 18. 2008 4:12PM

No. 5178

L-36



Picayune Rancheria  
of the  
**CHUKCHANSI INDIANS**

48575 Road 417 • Coarsesgold, CA 93614 • (559) 683-6633 • FAX (559) 683-0589

July 16, 2008

|                   |    |
|-------------------|----|
| Mr. Morris        | On |
| Mr. Rydzik        | T  |
| Chief             |    |
| Deputy Chief      |    |
| Secretary         |    |
| Finance           |    |
| Legal             |    |
| Public Affairs    |    |
| Records           |    |
| Training          |    |
| Community         |    |
| Health            |    |
| Education         |    |
| Welfare           |    |
| Other             |    |
| Response Required | NO |

Mr. Dale Morris  
 Regional Director  
 Mr. John Rydzik  
 Chief, Division of Environmental, Cultural Resource Management and Safety  
 Pacific Regional Office  
 Bureau of Indian Affairs  
 2800 Cottage Way  
 Sacramento, CA 95825

Dear Mr. Morris and Mr. Rydzik:

This letter is submitted on behalf of the Picayune Rancheria of the Chukchansi Indians (the "Tribe"), and concerns the reasonable range of alternatives selected for examination in the draft Environmental Impact Statement ("DEIS") for the proposed North Fork Rancheria Casino in Madera County. The Tribe is concerned with the statements set forth in the June 27, 2008 letter to Mr. Zweig of Analytical Environmental Services ("AES"), from Amy Dutschke, Deputy Regional Director, Pacific Region, Bureau of Indian Affairs ("BIA"). Ms. Dutschke appears to promote the North Fork Project in a manner that is not objective, and continues to disregard the legitimate concerns of other tribes that are owed the same trust responsibility by the United States as the North Fork Mono tribe. Ms. Dutschke continues to deny consideration of legitimate alternatives that could address these concerns by summarily discounting any requests by the Tribe to review such alternatives to the proposed project. In fact Ms. Dutschke's June 27, 2008 letter is the most recent in a series of blanket rejections to the Tribe's proposed alternatives and concerns as to this project. The letter summarily dismisses the Old Mill Site as an alternative without an examination, and without informing the public of this option and why it would or would not be a preferred alternative for the project. Each of the bases set forth in Ms. Dutschke's letter misrepresent the facts and the law concerning this matter. The Tribe has addressed each statement below.

L-36.1

**The BIA Did Not Consider a Reasonable Range of Alternatives and the Only Dangerous Precedent to be set Here is that the BIA Can Use Its Own Failure to Include a Reasonable Range of Alternatives as an Excuse not to Consider Reasonable Alternatives Raised in the Scoping Process.**

L-36.2

First, Ms. Dutschke represented in the June 27, 2008 letter:

The Bureau of Indian Affairs carefully considered reasonable alternatives during the scoping process of the EIS. During scoping, public testimony and written comments strongly suggested that an on-reservation site be analyzed in the EIS. While the on-reservation alternative did not entirely meet the purpose and need, an on-reservation site was added and analyzed in the DEIS. The Old Mill Site was not raised as an alternative during scoping and was therefore not analyzed in the DEIS released for public comment on April 19, 2008. Adding a new alternative after scoping sets a dangerous precedent where opponents of the proposed action could further delay the EIS process by raising yet another alternative after a revised DEIS with the Old Mill Site alternative is re-circulated for a new public comment period.

cont.  
L-36.2

This statement is inaccurate, misleading and misrepresents the record concerning the consideration of the range of alternatives analyzed, and the information that was raised during the scoping process.

As early as April 30, 2004, in a letter to Penny Coleman of the National Indian Gaming Commission ("NIGC") the Tribe raised concerns about the proposed site for this project as it is outside the historical and aboriginal territory of the North Fork Rancheria. There were at least nine separate comments presented at the November 15, 2004 Scoping Meeting expressing concern that the proposed project was sited outside the North Fork Rancheria's historical and aboriginal homelands. These comments also strongly urged the BIA to consider alternative sites in the North Fork Rancheria's historical and aboriginal homelands, such as the trust lands held in North Fork, and sites in the North Fork area. Contrary to Ms. Dutschke's representations, the Old Mill Site was specifically referenced at least twice during the Scoping Meeting.

L-36.3

After the Scoping Meeting in late 2004, the Tribe continued to submit comments requesting both a second scoping meeting, and consideration of alternative sites in the North Fork area. These subsequent comments included a December 1, 2004 letter wherein the Tribe requested that the BIA hold a second scoping meeting and expressed concerns that the range of alternatives was inadequate in that it failed to discuss proposed alternatives. The Tribe submitted letters to Senator Diane Feinstein on December 14, 2004 and January 5, 2004 expressing concern that the proposed project was located outside the North Fork Rancheria's historical and aboriginal homelands, and was a great distance from the North Fork Rancheria. A memorandum was submitted to Senator Barbara Boxer dated January 10, 2005 requesting that Sen. Boxer recommend to the BIA that the North Fork EIS study alternative sites for its proposed casino, including sites within its original tribal lands.

During the scoping process Associate Secretary Jim Cason directed the Regional Office to reissue the Federal Register Notice for the Project as it did not include a reasonable range of alternatives. As a result of this directive the BIA included Alternative D, the on-reservation alternative in the DEIS. Contrary to this directive, the BIA did not seriously consider this alternative or any other viable alternative in the North Fork area, including the Old Mill Site. Despite the fact that the BIA was directed to include a feasible alternative within the aboriginal lands of the North Fork Rancheria the BIA failed to do so. Ms. Dutsche admits this in her June 27, 2008 letter to Mr. Zweig stating:

cont.  
L-36.3

*During the scoping, public testimony and written comments strongly suggested that an on-reservation site be analyzed in the EIS. While the on-reservation alternative did not entirely meet the purpose and the need, an on-reservation site was added and analyzed in the DEIS. (emphasis added).*

The public testimony and written comments specifically focused on a feasible site within the aboriginal territory of the North Fork Mono. It is also again the Tribe's understanding that the Pacific Regional Office was specifically directed by the Associate Secretary to include an alternative site within the aboriginal territory of the North Fork Mono. Based on the information in the DEIS that conclusively states that Alternative D was never a viable alternative, and summarily eliminated as infeasible it is reasonable to assume that the BIA had no intention to consider a reasonable range of alternatives. Alternative D was analyzed, however it is also discussed extensively in the section "Alternatives Eliminated from Further Consideration". The BIA states in the DEIS:

*Therefore for the reasons mentioned above, the Tribe did not consider development of a casino on the North Fork Rancheria. Nonetheless, development of a casino on the North Fork Rancheria (the North Fork Site) is fully analyzed in the EIS as Alternative D (see section 2.5) because commenters during the scoping period recommended that it be included as an alternative site, the site is eligible for gaming, it might be possible to lower construction costs to improve the viability of a casino development on the site, and the disruption of existing development would be limited. (See page 2-64 of DEIS) (emphasis added).*

L-36.4

The BIA, in its DEIS, summarily dismisses this alternative and even states it was only analyzed in response to comments, but was never considered a viable or feasible alternative. There is no other discussion of any alternative sites for the project, let alone a feasible site in the North Fork area.

***Proposed North Fork Casino DEIS***

***Page 3***

Jul. 18. 2008 4:12PM

No. 5178 P. 4

There are feasible alternatives within the historical homelands of the North Fork Rancheria that must be considered in the DEIS. One such alternative is the Old Mill Site. Other alternative sites include properties for sale on the open market in the North Fork historical and aboriginal homelands. (See attached list of properties for sale in the area of the historical and aboriginal homelands of North Fork Rancheria). The BIA blatantly ignored obvious alternative sites within the North Fork Rancheria's historical and aboriginal homelands after receiving not only numerous public comments, but a directive from the Associate Secretary to include such alternatives. This demonstrates a clear violation of NEPA.

The Old Mill Site is the most logical of the potential feasible alternatives as it meets all of the objectives set forth in the DEIS at page 1-10, and all of the characteristics set forth in Section 2.7 of the DEIS. The project also meets the needs of the North Fork Community Development Council which intends to convert the Old Mill Site into an economically and environmentally safe property. Public policy promotes redevelopment of brownfield locations, particularly sites such as this that will be certified for unrestricted use after completion of remediation measures currently underway. See Remedial Investigation Report, Brownfields Clean-Up Assessment Project, Former North Fork Mill Site, North Fork, California, February 24, 2006 and Voluntary Clean Up Agreement between Department of Toxic Substances Control (DTSC) and Madera County, effective February 19, 2008. Also see *Revitalizing America's Mills, A Report on Brownfields Mill Projects*, United States Environmental Protection Agency, dated November, 2006.

L-36.5

**The Old Mill Site is Within the Bounds of the North Fork Mono Aboriginal Homelands**

The Old Mill Site is located in close proximity to both the North Fork Rancheria and lands which the United States has already accepted into trust for North Fork Tribal housing and a community center. The Old Mill Site is within the aboriginal territory of the North Fork Mono, which the Highway 99 site is not. The fee to trust regulations require that the further a proposed acquisition is from the tribe's reservation, the greater the scrutiny the BIA should exercise in using its discretion to accept such acquisition in trust on behalf of a tribe. The Highway 99 site is over 50 miles from the Rancheria and is located outside the aboriginal territory of the North Fork Mono. Under the fee to trust regulations a closer site would be preferred. The Old Mill Site will qualify as Indian lands for gaming purposes through a restored lands opinion, because the site is located within the aboriginal territory of the North Fork Mono. The Highway 99 site will require a two-part determination: concurrence of the Secretary of the Interior and the Governor of the State of California.

*Proposed North Fork Casino DEIS*

*Page 4*

JUL 18. 2008 4:12PM

No. 5178 P. 5

**The Old Mill Site is Not a Potential Liability for the United States**

Ms. Dutschke's letter also infers that the Old Mill Site cannot be considered as an alternative site as it may be "considered a potential future cleanup liability to the United States should it be taken into trust." This statement is speculative and without merit absent an actual evaluation of the documentation pertaining to the on site remediation efforts, and contradicts the information that the County of Madera and the North Fork Community Development Council have presented to the public in their efforts to develop and sell the property for various purposes including housing, and a destination resort. The BIA cannot dismiss a feasible alternative on speculation. Additionally, the regulations governing fee to trust transfers include provisions for assessing environmental contamination-related concerns. See 25 CFR sections 151.10(h), 151.11(a), and 602 DM 2, Land Acquisitions, Hazardous Substances Determinations. The Record of Decision for the Oneida Indian Nation of New York Fee to Trust Request (Oneida ROD) is an example of the BIA issuing a decision to take land into trust that required remediation. (See section 7.8 of the Oneida ROD). In fact in that case the completed Phase III remediation was part of this process. In this case the county, state and federal governments are overseeing remediation of the Old Mill Site and the property will be certified for unrestricted use prior to the land being taken into trust.

L-36.6

**The Old Mill Site is an Available and Feasible Alternative Site**

Finally, Ms. Dutschke states:

*Perhaps most importantly, the North Fork Community Development Council, Inc. has emphasized on two occasions via letters to the Bureau dated May 20, 2008 and June 8, 2008, enclosed, that the Old Mill Site was not available to the North Fork Rancheria for gaming purposes.*

The property is currently for sale and these statements are not a legally sufficient reason to discount this alternative without an analysis of its feasibility to meet the purpose and need of the proposed project. This is particularly true when the project proponent opposing the alternative has a say in whether the alternative site is available or not. The North Fork Rancheria is represented on the Board of Directors of the North Fork Community Development Council, and the County of Madera has an interest in the Old Mill Site pursuant to the Memorandum of Understanding it entered into with the North Fork Community Development Council in transferring the property. These parties are both biased in favor of the Highway 99 site. The Memorandum of Understanding between the North Fork Mono Tribe, and the County of Madera, the City of Madera, and the Madera Irrigation District provides significant revenues to all three local governmental entities in the event that a gaming facility becomes operational at the Highway 99 site.

L-36.7



The North Fork Mono Tribe backed by Las Vegas casino developers, the State of California, and the local governmental entities in Madera County support the Highway 99 site which would cannibalize more than 50% its revenues from existing tribal gaming facilities. These tribal gaming facilities are operated by Tribes (not Las Vegas developers) on their own homelands, developed in compliance with the spirit of Prop 1A. These same developers and governmental entities not only oppose placing the facility at the Old Mill Site, but have actively worked to prevent the Old Mill Site from even being considered in the DEIS.

cont.  
L-36.7

These entities and the North Fork Mono Tribe have refused to consider the sale of the Old Mill Site to the North Fork Rancheria because of their economic interests in the Highway 99 site. The Old Mill Site is a feasible location, and therefore under NEPA the BIA must consider the Old Mill Site and not summarily dismiss it based on what may be illegal action by North Fork Community Development Council in stating its refusal to sell property to an Indian Tribe that is for sale on the open market and being advertised for similar uses.

**Conclusion**

Contrary to Ms. Dutschke's letter the DEIS does not include a reasonable range of alternatives, and specifically excludes any feasible alternatives within the North Fork Rancheria's historical and aboriginal homelands. The Old Mill Site is a viable alternative within the historical and aboriginal homelands of the North Fork Rancheria, and is conspicuously missing from the DEIS. The studies and reports concerning remediation of the Old Mill Site demonstrate that the site is an economically and technically feasible alternative, is currently available for purchase, and is environmentally feasible. Therefore the DEIS should be revised and reissued to include this feasible alternative.

L-36.8

The purpose of NEPA is informed decision making. The public as well as the decisionmaker need to be informed of the potential for significant adverse impacts to the environment that could result from a proposed project, as well as reasonable alternatives that could minimize any impacts. The BIA, via Ms. Dutschke, continues to discount legitimate concerns and feasible alternatives raised by the Tribe. It appears that the BIA is not being objective as to the review of this proposed project, has not applied its own policies (including the policy objectives set forth by the BIA as to the Indian Reorganization Act and the Indian Gaming Regulatory Act, as these underlying policies are implicitly part of the purpose and need of this project and the basis for the BIA's authority to take the discretionary action proposed in the DEIS). The BIA has violated NEPA by blatantly refusing to ensure the public is fully informed of potential

L-36.9

alternatives and actual impacts of the proposed project. This, together with an intentional disregard of the BIA's trust responsibility, raises ethical concerns as to the legitimacy of the entire review process. The Tribe has concerns that Ms. Dutschke may be biased in this matter and her own personal views as to this project are influencing BIA's decisionmaking. The letter issued on June 27, 2008 is only one example of how Ms. Dutschke has used her authority to reach a conclusion that has serious ramifications that limit the scope of review in favor of the proposed project, while disregarding legitimate issues that the law requires to be considered in this process. There was no need for Ms. Dutschke to issue this letter in the Regional Director's absence, particularly when he had recently met with the Tribe and scheduled a meeting for the end of July. The BIA has sent mixed messages, provided inaccurate or misleading information, and has not been objective in its review of the North Fork project. The Tribe requests that you formally investigate this matter immediately and ensure that an impartial review of the project occurs from this point forward. The Tribe also requests an independent third party investigation by an entity such as the Office of the Inspector General as soon as possible.

cont.  
L-36.9

The Tribe requests that the Regional Office consider these comments and reconsider its decision to not consider the Old Mill Site as a reasonable or feasible alternative to be analyzed in the DEIS for the North Fork Project.

L-36.10

# CITY OF FIREBAUGH



FRESNO COUNTY, CALIFORNIA

1575 ELEVENTH STREET  
FIREBAUGH, CALIFORNIA 93622-2547  
(559) 659-2043  
FAX (559) 659-3412  
September 24, 2008

On 9/26/08 ✓  
Reg Dir \_\_\_\_\_ ✓  
Reg Adm Off \_\_\_\_\_  
Route of RRM \_\_\_\_\_  
Response Required No  
Date \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

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

RE: North Fork Rancheria's Casino Project; Application to move to Highway 99

Dear Mr. Morris,

I am writing to oppose the proposed North Fork Rancheria Casino application which would authorize a casino on land 40 miles from the tribe's existing reservation.

Even though we are not from the Central Valley, there's a lot a stake for our community if this application receives federal approval. It will set a strong precedent for off-reservation gambling throughout California. Right now there are 21 pending applications for other tribes to acquire new land for gaming and another 85 applications by tribes to acquire more than 8,000 acres of land adjacent or contiguous to existing reservations for expansion that might be used for gaming in the future.

L-37.1

If the Department of Interior approves the North Fork application to annex a 305-acre site just off one of the Central California's busiest highways, Highway 99, it will open the flood gates for other tribes to begin reservation shopping everywhere in California. This was not what voters intended when they authorized Indian gaming.

In 2000, California voters approved Proposition 1A to promote tribal self-reliance. Proposition 1A legalized Indian gaming on historical tribal lands that were situated away from urban areas. Since then, some tribes have been approached by professional casino operators who want to change the rules to build casinos in urban areas and along highway corridors to get the greatest financial return possible. Furthermore, taking outside land purchased by these casino operators into trust for purposes of gaming appears to violate the Indian Gaming Regulatory Act (IGRA) which mandates that prior to engaging in gaming, the tribe must have governmental jurisdiction over the land.

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Fwd to DECRMS  
9/30/08

Approving a move by the North Fork Rancheria to Highway 99, 40 miles away from their historic lands will have lasting consequences for all of our communities. I do not want a rush by gaming interests to relocate in my community. I urge you to reject this application and work with the tribe to find a more suitable location on their existing land.

L-37.1  
cont'd

Sincerely,



Craig Knight  
Mayor

Cc: Honorable Dirk Kempthorne, US Department of Interior  
Honorable Barbara Boxer, US Senate  
Honorable Diane Feinstein, US Senate  
Honorable George Radanovich, US House of Representatives



Chowchilla Tribe of Yokuts

Dep Reg Dir T. O'Neil ✓  
 Reg Adm Dir  
 Ronto J. RPM ✓  
 Response Required 7/28/08 ✓  
 Date Recd  
 Date Recd  
 Title

Dale Morris, Regional Director  
 Pacific Region, Bureau of Indian Affairs  
 2800 Cottage Way, Room W-2820  
 Sacramento, CA 95855

**RE: Historical Tribe Entity and Land Rights**

The Picayune Rancheria Chowchilla Tribe of Yokuts is Federally Recognized as its members hold and receive trust land. Until recently, the Chowchilla Yokuts were a part of the Picayune Rancheria and participated with the Rancheria Government and the members of the Foothill Yokut Tribe of Chukchansi, yet continually maintaining our identity and tribal leadership.

After gaming came to the Picayune Rancheria, without congressional action, the Picayune Rancheria became the Picayune Rancheria of Chukchansi Indians. The newly formed Chukchansi tribal government removed us from the Rancheria, thereby creating a separate and new tribal entity that is not any more recognized than the Picayune Rancheria Chowchilla Tribe of Yokuts.

For the history and reasoning for this request;

The Chowchilla Tribe is a Northern Yokut tribe that inhabited the Central Valley of California. It has been documented and acknowledged in government maps and historical documents, including the Treaty at Camp Barbour signed in 1851.

North Fork Band of Mono Indians, to lay claim to regions historically attributed to the Chowchilla Yokuts. The North Fork tribe has ancestral and archeological rights to its current location in the Sierra Nevada Mountain range above 3500 feet. They are seeking to move their location 40 miles to the west and on the valley floor, which is historically Yokut territory. Their move would cause an environmental damage to the land that once housed Chowchilla Indians villages.

A few miles north of the proposed casino site, mammoth bones were unearthed in a land fill which our ancestors killed for food and tools for hunting. By allowing the North Fork Band to rest on land that once was our hunting and gathering sites in not only in violation of the Camp Barbour Treaty of 1851, but sacrilegious to ancestors.

As the Chowchilla Indians inhabited the rich valley floor, the settlers hunted and killed the Chowchilla people. The Chowchilla warriors went as far into the hills as the Yosemite Valley until all hope was lost. The government forced the Chowchilla warriors to move onto Rancheria's with other bands of Indians. Rancherias became the Federal Governments Orphanages for decimated Indian peoples of California.

As farmers wanted the valley floor, the Chowchilla Yokuts were completely removed from their Valley Rancheria's and their ancestral homelands. Most of the Northern Chowchilla Yokuts wound up in the vicinity of the Picayune Rancheria. After the restoration of the tribes from the Tillie Hardwick cases, the Chowchilla Yokuts were placed with the Picayune Rancheria. Here our members received grant funds and BIA services.

Even though we received services from the Picayune Rancheria and were made a part of Picayune Rancheria under the Tillie Hardwick litigation, our ancestral homeland was the valley floor. It has been documented that the Yokuts controlled the valley floor for at least 10,000.00 years. While the small bands of Indians that lived in the upper foothills and mountain areas had not resided in the valley floor, nor been in the area for the significant amount of time as had the

7/24/08  
 Frwd to DECRMS

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Chowchilla Yokuts.

As Northern Yokuts, the Chowchilla Tribe was an actual Tribe. While most current California "Tribes" were actually band of various loosely attached Indians, the Rancheria system and the Anglo way of looking at Indians has referred to these bands as "Tribes".

cont.  
L-38.1

As a Tribe with documented control of the valley floor for at least 10,000.00 years, all artifacts and burial sites within the proposed site is the ancestral property of the Chowchilla Yokuts.

The impact upon our people and on our cultural heritage, of placing a landholding mountain tribe in the middle of our ancestral home, with a 305 acre reservation is offensive to the Chowchilla Tribe and violates the NATIONAL HISTORIC PRESERVATION ACT Section 106.

We were not consulted with, as to our approval of the further desecration of our ancestral lands. The National Historic Preservation Act requires the BIA to review Ancestral Connections to the land. The BIA is quite aware of our ancestral ties to the land. This may explain how the Picayune Rancheria, without congressional approval added a tribal designation of Chukchansi to the Rancheria's name. Such addition of Chukchansi has led to our removal in decisions and direct contact with the BIA. Though we have not been un-recognized by the United States Congress.

L-  
38.2

The Chowchilla Yokuts, object to this project due to our failure to be directly consulted as to its impact on our ancestral homeland, its further potential effect on our federal status, and its failure to provide our people with one, let alone two, reservation lands. The BIA has allowed the newly formed Chukchansi people to cut us off from services and now the BIA seeks to send us out of existence by ignoring our ancestral rights to the property they wish to designate for the North Fork Band of Indians that already has land for reservation use.

The total impact to the environment in adding additional traffic, water and air quality concerns will surely affect the Picayune Chowchilla Tribe. We are the ancestral holders of the property and object to the placing of a mountain band of Indians onto our lands. The North Fork Band has a reservation of land, in an area that is useable and will not cause additional damage to the Chowchilla ancestral lands or affect our current status.

L-38.3

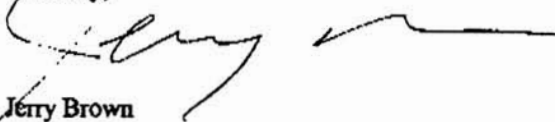
✓ We request additional time and full disclosure from and with the NIGC and the BIA regarding this project in order for us to be fully advised and seek proper input from our experts regarding the Environmental Impact on our ancestral land.

Additionally, we are unsure as to the historical significance as far as our people and the previous ranch this land has occupied. Recent findings indicate our people may have worked in the area under a slavery program ran by County Sheriffs during the 1800's.

L-38.4

Our tribal council is available to work with the government in this matter; however, full disclosure must be undertaken.

Sincerely,

  
Jerry Brown  
Tribal Chair  
Chowchilla Tribe of Yokuts  
321 Yosemite Ave  
Madera, CA 93637  
P.O. Box 148  
Chowchilla, CA 93610  
559-675-1610



CALIFORNIA TRIBAL  
BUSINESS ALLIANCE

L-39

Reg Dir on 11/7/08  
Dep Reg Dir T all  
Reg Adm Ofc \_\_\_\_\_  
Route Realty of  
Response Required no  
Due Date \_\_\_\_\_  
Memo \_\_\_\_\_  
Tele \_\_\_\_\_

October 31, 2008

Mr. Dale Morris, Regional Director  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Dear Mr. Morris:

I am writing to you on behalf of the member tribes of the California Tribal Business Alliance to inform you of our opposition to the trust acquisition of land near Madera on behalf of the North Fork Rancheria of Mono Indians for the tribe's announced purpose of operating a casino on this land, which is not in the historical or cultural territory of the Mono Indians.

L-39.1

Governor Arnold Schwarzenegger recently executed a tribal-state gaming compact with the North Fork Rancheria and linked it to a new *non-gaming* compact with the Wiyot Tribe. He announced that he will only submit these compacts to the Legislature if your agency takes the Madera property into trust for the North Fork Rancheria. Together, the coupled compacts are the Schwarzenegger Administration's latest scheme to balance the state's budget at the expense of the sovereignty of all tribal governments.

L-39.2

The North Fork Rancheria already has land that is eligible for gaming. This is not a landless tribe. The Rancheria is seeking trust land in the historical territory of the Northern Valley Yokuts at Madera, a more marketable location outside the North Fork Tribe's traditional homeland. The Madera site for the proposed North Fork casino is not currently "Indian lands" and it is not eligible for gaming, but the tribe would pay the state more than \$25 million per year under the proposed compact terms.

L-39.3

The Madera property is not land that was within the tribe's reservation prior to termination. Taking this property into trust does not consolidate Indian ownership of land within the reservation boundaries. It is not land on which members of the North Fork Rancheria will "exist." It is not in "close proximity" to the tribe's existing land base. In fact, it is more than an hour's drive from the North Fork Rancheria.

Relocating the North Fork Tribe from its territory undermines a key element in the tribe's legal basis for its sovereign authority over its land and people. Tribes that abandon territorial jurisdiction are giving up an essential ingredient of sovereignty. And, if some tribes are

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Sacramento, CA 95814  
Tel: 916.244.8561  
Fax: 916.669.0350

Original to DECRMS  
11/13/08  
**received**  
RES 11/12/08

willing to voluntarily leave behind their traditional homelands, it will become more difficult to defend tribes against being forced from their lands against their will.

L-39.3  
cont.

Furthermore, when the North Fork Tribe moves into the Northern Valley Yokuts' homeland, they have compromised that tribe's sovereign authority and cultural identity.

Finally, a separate issue for you or the National Indian Gaming Commission to consider is the linkage of the proposed North Fork tribal-state gaming compact with the proposed Wiyot Tribe's *non-gaming* compact. We do not believe that the Indian Gaming Regulatory Act contemplated or authorized a *non-gaming* compact, yet the North Fork compact would not take effect unless the Wiyot compact is also approved. Under the terms of the Wiyot compact, the tribe would give up its right to build a casino on its lands in Humboldt County for 20 years in exchange for payments of between \$3 million to \$5 million per year from North Fork Tribe. Furthermore, the Wiyot *non-gaming* compact includes unprecedented state controls over how the Wiyot tribal government could use its new revenues. While these proposed compacts may not be directly germane to your decision, they are what has driven this application to your agency for approval.

L-39.4

For these reasons, we urge you to reject the North Fork Rancheria's application to take the Madera property into trust.

Sincerely,



Robert H. Smith, Chairman  
California Tribal Business Alliance

cc: George Skibine  
Phil Hogen  
Penny Coleman



# CHAPTER 3.0

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## RESPONSE TO COMMENTS ON THE DEIS

This section of the Final Environmental Impact Statement (FEIS) contains responses to comments that were received during the public comment period on the Draft EIS (DEIS).

### GOVERNMENT AGENCY COMMENTS

#### G-1 – DEAN FLOREZ, CALIFORNIA STATE SENATE

- G-1.1** The location of the Madera site is noted and displayed in DEIS Section 1.0 and throughout the DEIS. The site is adjacent to Golden State Boulevard, which is adjacent to State Route 99 (SR-99). DEIS Table 3.8-5 shows that for the SR-99 segment closest to the Madera site (Avenue 18 ½ to Avenue 17), the northbound lanes operate at Level of Service (LOS) C during the AM and PM peak hours. This is within the California Department of Transportation’s (Caltrans) standard for acceptable operations of LOS C. The southbound lanes also operate acceptably at LOS C during the AM peak hour. During the PM peak hour, however, the southbound lanes operate at LOS D, which is just outside Caltrans’ LOS C threshold. DEIS Section 3.8.1 includes a description of the calculation of LOS (which ranges from LOS A to F) and LOS thresholds in the region (generally LOS C for Caltrans facilities and LOS D for Madera City/County facilities).

The issues affecting quality of life, which may include traffic, aesthetics, socioeconomics, and public services are addressed in the topical sections of the DEIS. The National Environmental Policy Act (NEPA) requires that social issues be analyzed when associated with physical environmental effects. Further response is not possible given the general nature of the comment, except to note that a specific “quality of life” analysis would be a highly subjective undertaking given the varying opinions of individuals on this matter. Many of the comments received during the public comment period demonstrate the subjectivity of an analysis of quality of life. Some commenters pointed to the positive impacts that would result from the proposed project and generally suggest that quality of life would be improved. Other commenters focused on the negative impacts that would result and generally suggest that quality of life would be reduced. Some of the commenters forecasting a reduction in quality of life focused on issues unrelated to

environmental impacts, such as whether gambling is immoral. The physical environmental effects have been addressed in the DEIS and thus a subjective analysis on how the alternatives may affect the perception of the quality of life is not required.

**G-1.2** Federal agencies must follow the requirements in the President’s Council on Environmental Quality (CEQ) NEPA Regulations, 40 CFR Part 1500, when responding to comments. The CEQ Regulations generally recommend that comments be addressed if they are: “1) Substantive and relate to inadequacies or inaccuracies in the analysis or methodologies used; 2) Identify new impacts or recommend reasonable new alternatives or mitigation measures; 3) Involve substantive disagreements on interpretations of significance and scientific or technical conclusions.” According to 40 CFR 1500.1 and 1500.4, the goal of NEPA is to improve decision-making by providing decision makers and the public with pertinent and accessible information on potential project impacts on the environment. Comments received that further NEPA’s purposes are included in the FEIS. No responses are required for comments raising no substantive environmental issues. Accordingly, no responses are required for comments merely expressing an opinion for or against the project or for comments related to the ability of the Department of Interior to take land into trust or compliance with the provisions of the Indian Gaming Regulatory Act (IGRA). For the purposes of this EIS it is assumed that either alternative site can be taken into trust and utilized for gaming.

Regarding the claim that the approval of the proposed action would lead to other casinos along SR-99, NEPA requires the analysis of reasonably foreseeable effects. It does not require the consideration of remote, speculative, or worst case effects. Please see DEIS Section 4.12.1 for an analysis of potential growth inducing effects. The decision to approve or deny the Tribe’s fee-to-trust application will not result in changes to IGRA or otherwise affect other Tribes’ abilities to attempt to take land into trust for gaming purposes. Thus, approval of the proposed action would not serve to create any precedent or trigger a “land rush” by tribes to urban corridors.

Comments that express opinions pro or con on the action being analyzed under NEPA are noted for the record but do not require responses if no environmental issues are raised.

**G-1.3** Please see Response to Comment G-8.4 regarding socioeconomic impacts to other tribes. Please see Response to Comment G-1.1 for a discussion of the analysis of

social and economic impacts under NEPA. In addition, DEIS Section 4.7.2 includes an analysis of environmental justice impacts pursuant to Executive Order 12898, including impacts to neighboring tribal casinos caused by competition from the proposed casino.

**G-1.4** Please see Response to Comment G-1.2.

**G-2 – STEVE MINDT, COUNCILMAN, CITY OF MADERA**

**G-2.1** Please see Response to Comment G-1.2.

**G-2.2** A summary of the Memorandum of Understanding (MOU) with the City of Madera is contained in DEIS Section 2.2.10. The MOU is reproduced in its entirety in DEIS Appendix C.

**G-2.3** A summary of the MOU with Madera County is contained in DEIS Section 2.2.10. The MOU is reproduced in its entirety in DEIS Appendix C. The economic impacts of the proposed project, including impacts from employment are analyzed in DEIS Sections 4.7 and 4.11.

**G-2.4** Please see Response to Comment G-2.2.

**G-3 – ROBERT PYTHRESS, COUNCILMAN, CITY OF MADERA**

**G-3.1** Please see Responses to Comments G-1.2 and G-2.2. The Bureau of Indian Affairs (BIA) was not involved in any advertisement released by the North Fork Rancheria of Mono Indians (Tribe).

**G-3.2** The commenter cites accurately from Section 4.7.1 of the DEIS that Alternative A is estimated to create 2,319 jobs in Madera, 1,581 of which are expected to go to Madera County residents. On Page 4.7-8 the report estimates an increase of 705 additional problem gamblers. This estimate, however, overestimated the number of problem gamblers because it calculated the number from the total population rather than the adult population. The Socioeconomic Assessment (FEIS Appendix R) has been revised to calculate the number from the adult population updated with 2007 population estimates. The result has been a lower number of problem gamblers expected (531). Nonetheless, the recommended mitigation payments to the County have increased in the FEIS due to the use of slightly more conservative assumptions about the number of problem gamblers that would seek treatment. In addition, the DEIS Section 4.7.1 further describes the existing commitment in

Section 3 of the MOU between the Tribe and Madera County, which provides for an annual payment totaling \$50,000 to the Madera County Behavioral Health Services.

**G-3.3** Please see Response to Comment G-3.1. As noted in DEIS Section 1.4, improving the socioeconomic status of the Tribe through an augmented revenue source is part of the purpose and need.

**G-3.4** Please see Responses to Comments G-3.2 and G-3.3.

**G-3.5** Comment noted.

#### **G-4 – MADERA COUNTY WORKFORCE INVESTMENT BOARD**

**G-4.1** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts. As noted in Section 4.7.1, 2,319 jobs would be created by the proposed project, both at the proposed developments and in the community. Please see DEIS Section 4.12.1 for an analysis of growth inducing effects from the proposed project. As noted in the DEIS, the local economy would be stimulated by the proposed project, particularly creating additional demand for retail services from new employees acting as consumers. DEIS Section 4.7.1 finds that the proposed project would result in a beneficial effect to the region's unemployment rate.

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The upward trend in unemployment rates cited by the Commenter is noted. In fact, since the preparation of the DEIS and even since the submission of this comment letter, the unemployment rate in Madera County has worsened considerably. In January 2009, 9,200 Madera County residents were unemployed, resulting in an unemployment rate of 13.1 percent (Madera County Profile, California Economic Development Department website, internet address: <http://www.labormarketinfo.edd.ca.gov/>). Although it is unclear when and if the economy will improve and unemployment will begin to contract, additional jobs provided by the development alternatives described in the DEIS would assist in either slowing the current trend and/or help to accelerate the region's economic recovery.

#### **G-5 – CHARLES ALTEKRUSE, COMMUNITY RELATIONS DIRECTOR, NORTH FORK RANCHERIA**

**G-5.1** Comment noted. Please see Response to Comment G-1.2.

**G-5.2** A summary of the MOUs with Madera County, the City of Madera, and the Madera Irrigation District (MID) is contained in DEIS Section 2.2.10. The MOUs are reproduced in their entirety in Appendix C. Given that the MOUs are binding agreements, they were considered part of the project and any requirements in the MOUs were assumed to be applicable for the purposes of impact analysis in the EIS. DEIS Section 5.0 includes mitigation measures designed to reduce or eliminate significant environmental impacts. Regarding quality of life impacts, please see Response to Comment G-1.1.

**G-6 – KEVIN DE LEON, ASSEMBLY ASSISTANT MAJORITY LEADER, FORTY-FIFTH DISTRICT**

**G-6.1** Comment noted. Please see Response to Comment G-1.2.

**G-6.2** Please see Response to Comment G-1.2. Although the comment concerning Proposition 1A does not raise substantive NEPA issues, the following background information may be helpful: Proposition 5 proposed to add provisions to California law requiring the State to offer a tribal-state gaming compact to “any federally recognized Indian tribe that is recognized by the Secretary of the Interior as having jurisdiction over Indian lands in California”. The terms of the offered tribal-state gaming compact provided that “[t]he tribe may establish and operate gaming facilities in which the gaming activities authorized under this Gaming Compact may be conducted, provided that the facilities are located on Indian lands within California over which the Tribe has jurisdiction, and qualify under federal law as lands upon which gaming can lawfully be conducted.” The Summary of Proposition 5 prepared by the State Attorney General stated that:

*A YES vote of this measure means: The State must enter into a specific agreement with Indian tribes who wish to conduct certain gambling activities on Indian lands in California. A NO vote of this measure means: The state would not be required to enter into the agreement specified in this measure. The state could still negotiate with individual Indian tribes on the extent of gambling allowed on Indian lands in California.*

Proposition 1A proposed to amend the California Constitution by authorizing the Governor “to negotiate and conclude compacts, subject to ratification by the Legislature, for the operation of slot machines and for the conduct of lottery gaming and banking and percentage card games by federally recognized Indian tribes on Indian lands in California in accordance with federal law. Accordingly,

slot machines, lottery games, and banking and percentage card games are hereby permitted to be conducted and operated on tribal lands subject to those compacts.” California Constitution, Article IV, Section 19, (f).

Both Proposition 5 and Proposition 1A were approved by the voters of the State of California. Both Propositions contemplated that tribes would be able to conduct gaming on Indian lands within California over which the Tribe has jurisdiction, and which qualify under federal law as lands upon which gaming can lawfully be conducted. The Indian Gaming Regulatory Act defines the term “Indian lands” and establishes the additional requirements which Indian lands acquired after October 17, 1988, must satisfy in order for such Indian lands to qualify as eligible for gaming. Propositions 5 and 1A permitted Indian gaming on all Indian lands in California which are eligible for gaming, including lands which become Indian lands after the dates the Propositions were approved.

**G-6.3** Comment noted. Please see Response to Comment G-1.2.

**G-6.4** Comment noted. Please see Response to Comment G-1.2.

**G-7 – JARED HUFFMAN, ASSEMBLYMEMBER, SIXTH DISTRICT**

**G-7.1** Comment noted. Please see Response to Comment G-1.2.

**G-7.2** Comment noted. Please see Response to Comment G-1.2.

**G-7.3** Please see Response to Comment G-1.2. In addition, as stated in DEIS Section 1.4, one of the primary purposes of IGRA is to “promote tribal economic development, tribal self sufficiency, and strong tribal government...”

**G-7.4** Comment noted. Please see Response to Comment G-1.2.

**G-7.5** Comment noted. Please see Response to Comment G-1.2.

**G-8 – MORRIS REID AND JOE ALBERTA, CHAIRMAN AND SECRETARY OF THE PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-8.1** Consistent with CEQ NEPA Regulations (40 C.F.R. §§ 1501.7 and 1503.1), the BIA solicited comments from Indian tribes and consulted with Indian tribes that it felt could be most affected by the proposed project, including the Picayune Rancheria of Chukchansi Indians and the Table Mountain Rancheria.

**G-8.2** A Notice of Intent (NOI) to prepare a DEIS was published in the Federal Register on October 24, ~~2007~~2004. 69 Fed. Reg. 62,721 (Oct. 27, 2004). Written comments were accepted until November 26, 2004. A scoping meeting was held on November 15, 2004. In response to a request, the BIA extended the written comment period until December 15, 2004. The October notice was corrected on April 6, 2005 by a new notice that was published in the Federal Register. 70 Fed. Reg. 17,461 (Apr. 6, 2005). The scoping comment period was reopened and written comments were invited until May 6, 2005. The BIA received comments from State, local, and tribal representatives, as well as the general public, as to the issues to be addressed in the DEIS. Comments received during the scoping process were analyzed and considered by the BIA prior to the release of the DEIS.

The comment period on the DEIS was from February 15, 2008 to March 31, 2008. This comment period was announced in the Federal Register with a Notice of Availability on February 15, 2008, 73 Fed. Reg. 8898 (Feb. 15, 2008) and again by the U.S. Environmental Protection Agency's (USEPA) notice on February 15, 2008. Written comments were also accepted by the BIA after the expiration of the comment period. Three weeks (19 days) were available after the public hearing in which to submit any additional comments.

The comment period of 45 days, from February 15, 2008 to March 31, 2008, satisfies NEPA's forty-five day public comment requirement for a DEIS. 40 C.F.R. § 1506.10(c). Here, the comment period for interested parties, including the commenter, was actually closer to 50 to 52 days since interested parties received an advance copy of the DEIS approximately a week before publication of the notice in the Federal Registrar and the start of the 45-day comment period. An extension of the public comment period was not necessary because substantive additional information would not have been received and more comments would not have benefitted the decision making process. Most comments received, including those requesting an extension to the comment period, were received from individuals from or representing the same one or two commenting entities. The volume of comments received indicates that the public received a full and fair opportunity to comment on all significant issues in the DEIS.

**G-8.3** In an attempt to streamline the lengthy DEIS for public review consistent with CEQ NEPA Regulations (40 C.F.R § 1500.4), the contents of **Appendix P** were noted in the Table of Contents as being "Bound Under Separate Cover" and were not included in the Appendix that was distributed to the public. A note was included, however, notifying the reader that these contents were available at the offices of the

BIA upon request. The BIA received a total of one request for Appendix P and promptly mailed the appendix out upon the request. Note also that the findings and recommendations contained in Appendix P are summarized throughout the DEIS where applicable. In response to this comment, the contents of Appendix P have been added to the FEIS.

- G-8.4** Please see Response to Comment G-1.2. It is unclear from this comment how Picayune Rancheria's trust lands themselves and any tribal trust assets actively managed by the BIA are endangered or threatened by any decision by the Secretary to take land into trust on behalf of the North Fork Rancheria. Although the IGRA requires the Secretary, in making a Secretarial determination under 25 USC Section 2719(b)(1)(A), to consider the economic impacts of proposed gaming facilities on surrounding communities, nothing in the IGRA recognizes a right of nearby tribes to be free from economic competition. The BIA has a general trust responsibility to all tribes, including that of the commenter. However, the trust responsibility is typically discharged by the agency's compliance with general regulations and statutes, which are not specifically aimed at protecting Indian tribes from business competition.
- G-8.5** Comment noted. Please see DEIS Tables 2-1, 2-2, and 2-4 for a detailed breakdown of the components of Alternatives A, B, and D and their square footage. There is no "gaming floor" category. Instead the components are broken down in more detail. Alternative A, for example, includes 68,150 square feet (sf) for Casino Gaming, 21,760 sf for Casino Circulation, 3,925 sf for High Limit Gaming, and 10,990 sf for Bingo.
- G-8.6** Comment noted. Note also that the Innovation Group has updated the projections for North Fork's proposed Madera development, as well as the impact on other properties, and perceives the impact will be slightly, but not substantially smaller than initially projected (i.e. 19.2% on Chukchansi as compared to 20.4% previously), as presented in the Final EIS Section 4.7. The model's decline on a percentage basis is attributable to the opening or expansion of other casino properties in the market and their impact on the existing operations. Properties opening or expanding prior to the projected Madera opening would therefore also impact existing properties.

Regarding sustainable profitability, given that the financial performance of the Chukchansi casino is not public record, the statement regarding sustaining profitability cannot be empirically tested. A temporary 19% revenue decline is, however, commonplace for incumbents in expanding gaming markets, and does not



generally result in a loss in ability to operate profitably. It is the Innovation Group's contention that this temporary revenue decline is not substantial enough of a change to threaten the future existence as a viable business venture or the ability to service debt. Adaptation to new market conditions is the norm for well-managed businesses, such that a decline of this magnitude should not alter the viability of operations.

**G-8.7** As noted by the commenter, competition impacts are often assessed utilizing slot machines. Thus, after determining a best estimate of slot machines (2,000) through a review of the proposed project and discussions with the Tribe, slot machines were utilized in the gravity model used to estimate competition impacts to other tribal casinos in the same gaming market. Recently a compact between the State of California and the Tribe has been signed by the Governor and the Tribe (but this compact has not yet been ratified by the state legislature) (see FEIS Appendix X). This compact appears to confirm the adequacy of the earlier estimate of 2,000 slot machines in the DEIS given that it limits the size of the resort casino and hotel to a 280,000-square-foot footprint with 2,000 slot machines. An option to expand the facility and operate up to 500 additional slot machines during the 20-year term of the compact is allowed if the Tribe's existing MOU with the County of Madera is amended to cover any additional off-reservation impacts to the environment. However, neither the Tribe nor the County of Madera has indicated a desire to amend the MOU in the foreseeable future. In addition, the Tribe has indicated that financial projections do not support the purchase of greater than 2,000 slot machines and the amendment of the MOU but that the additional 500 machines was negotiated in the instance that market conditions change in the future in a way that is not expected at this time. The Innovation Group study also concluded, based on the market forecast, that 2,000 devices was ample and sufficient, and that a future need to operate 2,500 devices was not foreseeable at this time.

**G-8.8** Please see Response to Comment G-8.7. The compact negotiated and signed by the Tribe and the Governor was not made available to the BIA until April 28, 2008. This is well after the completion and publication of the DEIS in February 2008. Given that a compact had not been signed (and still has not been ratified by the Legislature), it would have been premature to estimate the number of slot machines in DEIS Section 2.0 or to generally base the analysis of impacts on the number of slot machines, with the exception of revenue projections, where the number of slot machines are a primary driver and a reasonable estimate was made, as explained in Response to Comment G-8.7. This estimate turned out to be very accurate, with the recently signed compact allowing for 2,000 slot machines. Now that the

compact has been signed and made available to us, it has been summarized in FEIS Section 2.0 and included in full in FEIS Appendix X.

It should be further noted that although a compact with a slot machine maximum is now known, the analysis of impacts in the FEIS will not change. This is because use of square footage is an accurate and common methodology for determining environmental impacts from tribal casino projects, including trip generation (visitation). Most environmental impacts resulting from a casino resort project are associated either with direct on-site impacts associated with the building of a certain size facility or with traffic-related impacts associated with trips generated by casino patrons.

The number of slot machines is not the only determinant of visitation. Other amenities that attract visitors include restaurants, entertainment, and other forms of gaming such as table games. Overall, however, square footage provides an accurate measure of probable visitation.

The DEIS traffic study (Appendix M) relied on other tribal casino traffic studies, trip counts from tribal casinos, the Institute of Transportation Engineers (ITE) periodicals, and a San Diego County study on the impacts of tribal casino projects in the county, as discussed in DEIS Section 4.8. The San Diego County study's trip generation assumptions were similarly based on tribal casino environmental documents, other available studies, review of project descriptions, coordination with traffic consultants, and discussions with some Tribal representatives. The San Diego County study bases trips on square footage and notes that "one casino's trip generation rate may not apply to every casino, as the types of casinos vary. Some may be 'high end' and include several accessory uses to encourage customers to stay longer. Others may serve a customer base with more frequent turnover ... The actual trip rate for each proposed casino will vary dependent upon its size and composition of uses (San Diego County, Update on Impacts of Tribal Economic Development Projects in San Diego County, April 2003)."

Therefore, it is appropriate to rely on square footage in estimating trip generation. Furthermore, as explained in DEIS Appendix M, the trip rate chosen for the analysis is conservative in that it may tend to slightly overestimate the actual number of trips (and thus the environmental impacts and the recommended mitigation) that would be generated by the proposed project.

**G-8.9** Please see Responses to Comments G-8.7 and G-8.8. The description of the selected alternative will be referenced in the BIA's Record of Decision (ROD), so

that it is clear that the BIA's decision is based on the facility as described in the EIS and based on the mitigation measures outlined in the ROD. The mere presence of additional acreage is not enough to infer a reasonably foreseeable intention to expand the size of the proposed facilities in the future, particularly given the language limiting the size of the facility in the recent compact. In addition, as shown in DEIS Figures 2-6 and 2-8, very little undeveloped lands are available under the current project given the acreage needed for the proposed stormwater detention and wastewater treatment facilities.

**G-8.10** Please see Response to Comment G-8.6. In addition, as noted in DEIS Section 3.7.4, the analysis of competition impacts stems from Executive Order 12898, which directs Federal agencies to identify and address disproportionately high and adverse human health or environmental effects of their activities on minority and low-income populations. NEPA does not require the analysis of economic or social effects unrelated to natural or physical environmental effects (40 C.F.R. § 1508.14). Nonetheless, the DEIS has included an estimate of potential competition impacts to area tribal casinos given that competing tribal programs and employment opportunities may be affected by a reduction in profits from an existing gaming facility. The closure of such a facility would be considered an especially deleterious effect on a tribe's finances and employment situation and thus that result has been utilized as the threshold for an "adverse" effect under the Executive Order, however no such closure would occur based on the results of the analysis in the EIS. This is consistent with previous BIA analysis of competition impacts under Executive Order 12898 with the introduction of a new tribal casino.

**G-8.11** Please see Response to Comment G-1.2.

**G-8.12** Please see Response to Comment G-8.2.

**G-8.13** Please see Response to Comment G-8.2.

Regarding the adequacy of the public hearing, the March 12, 2008 hearing was announced in the Federal Register with a Notice of Availability on February 15, 2008, 73 Fed. Reg. 8898 (Feb. 15, 2008), and was scheduled to take place from "6 p.m. until 9 p.m., or until the last public comment is received." The public hearing began at approximately 6:00 p.m. and lasted until approximately 11:45 p.m. when all present at the hearing who wished to had given their public comments. The public hearing, in conjunction with the public comment period, satisfies NEPA's public participation requirement for a DEIS. 40 C.F.R. § 1506.6(c). An additional public hearing is not necessary because substantive additional information would

not be received and more oral comments would not benefit the decision making process. Most comments received, including those requesting an additional public hearing, were received from individuals representing a small number of commenting entities. These individuals and entities were present at the public hearing and provided comments at the public hearing. Because the public hearing ran long and there was some indication that some individuals might have left before providing testimony, written comments were accepted by the BIA after the expiration of the comment period. The volume of comments received in writing and at the public hearing indicates that the public received a full and fair opportunity to comment on all significant issues related to the DEIS.

The extent of necessary public involvement in the NEPA process is determined on a case-by-case basis through a fact-intensive inquiry concerning the specifics of each particular proposed federal action. Projects that may appear similar because of the stated purpose (e.g., to acquire land in trust for an Indian casino project) may, in fact, be factually distinct, thereby warranting different public participation processes. The facts and circumstances of the North Fork project are distinct from those of the proposed Warm Springs project, for instance. The relative size of the metropolitan areas affected is a factor that weighs in favor of a longer comment period and more hearings for the Warm Springs DEIS. The population of metropolitan Portland, Oregon, as compared to greater Madera, California, requires an increased public comment period and more hearings to accommodate the much larger scope of potentially affected residents. The Warm Spring project also has the potential to affect residents of two states, Oregon and Washington, and the areas affected cover a much larger geographic area than for the proposed North Fork project. In addition, the proposed Warm Spring project is located within the Columbia River Gorge National Scenic Area, while the proposed North Fork project is not located in a federally protected area. These substantial factual differences between the Warm Spring project and the North Fork project were factors in the BIA's decision to provide respective comment periods and hearings for the projects.

**G-8.14** Please see Responses to Comments G-8.2 and G-8.13.

**G-8.15** Please see Responses to Comments G-8.2 and G-8.13.

**G-8.16** Please see Response to Comment G-8.4.

**G-8.17** An adequate opportunity to review and comment on the DEIS has ~~not been~~ denied been provided. Please see Response to Comment G-8.2. Please also see Responses to Comments G-14.1 and G-14.3.

**G-8.18** Please see Responses to Comments G-8.2 and G-8.13.

**G-9 – CATHLEEN GALGIANI, ASSEMBLYMEMBER, SEVENTH DISTRICT**

**G-9.1** Comment noted. Please see Response to Comment G-1.2.

**G-9.2** Please see Responses to Comments G-1.2 and G-6.2.

**G-9.3** Comment noted. Please see Responses to Comments G-6.2.

**G-9.4** Regarding the economic consequences for competing tribal casinos, please see DEIS Section 4.7.2 and Responses to Comments G-8.6 and G-8.10.

**G-9.5** Regional impacts to traffic, housing, pollution, and water resources are addressed in the DEIS. The reference to “IGF” is unclear. The current North Fork Rancheria is not currently held in trust for the Tribe nor is it eligible for gaming. Please see Responses to Comments G-1.2 and G-6.2.

**G-9.6** Comment noted.

**G-10 – NATIVE AMERICAN HERITAGE COMMISSION**

**G-10.1** Comment noted.

**G-11 – RICHARD M. MILANOVICH, CHAIRMAN, AGUA CALIENTE BAND OF CAHUILLA INDIANS**

**G-11.1** Comment noted. Please see Response to Comment G-1.2.

**G-11.2** Comment noted. Please see Response to Comment G-1.2.

**G-12 – PLANNING AND DEVELOPMENT SERVICES, CITY OF CLOVIS**

**G-12.1** Project select traffic analysis zone (TAZ) trip traces prepared for Alternatives A/B/C using the City of Madera Cumulative 2030 Model, which includes County of Fresno, City of Fresno, and Clovis, showed a Project 2-directional 24-hr daily

volume of approximately 875/625/870 trips and a Project 2-directional PM peak hour volume of approximately 70/50/75 trips crossing the Madera/Fresno County line on SR 99. Alternative A/B/C project trip traces crossing the Madera/Fresno County line on SR 41 showed a 2-directional 24-hr daily volume of approximately 30/20/35 trips and 2-directional PM peak hour volume of approximately 2/2/2 trips. The daily and PM peak hour trips then dissipate across the various SR 99/SR 41 interchanges such that they would not exceed the typical analysis thresholds required by County of Fresno, City of Fresno, and Clovis.

Project select TAZ trip traces prepared for Alternative D using the Rio Mesa 2030 Model, which again includes County of Fresno, City of Fresno, and Clovis, showed a Project 2-directional 24-hr daily volume of approximately 15 trips and a Project 2-directional PM peak hour volume of approximately 1 trip crossing the Madera/Fresno County line on SR 41. Alternative D project trip traces crossing the Madera/Fresno County line on SR 99 showed a 2-directional 24-hr daily volume of approximately 2 trips and no or 0 2-directional PM peak hour trips. The daily and PM peak hour trips then dissipate across the various SR 41/SR 99 interchanges such that they would not exceed the typical analysis thresholds required by County of Fresno, City of Fresno, and Clovis.

In addition, Caltrans, as the agency with regional jurisdiction, was heavily consulted in the preparation of the traffic study scope, including the selection of intersections and road segments.

**G-12.2** Please see Response to Comment G-12.1.

**G-12.3** Please see Response to Comment G-12.1. The Alternative A/B/C daily and PM peak hour forecasted volumes crossing the Madera/Fresno County line on SR 99 when compared to the 2007 SR 99 Annual Average Daily Traffic (AADT) and peak hour volumes are slightly over 1% for Alternatives A/C (1.3%/1.3% for AADT and 1.2%/1.3% for peak hour) and slightly under 1% for Alternative B (0.93% for AADT and 0.83% for peak hour). The Alternative A/B/C daily and PM peak hour forecasted volumes crossing the Madera/Fresno County line on SR 41 when compared to the 2007 SR 41 AADT and peak hour volumes are all slightly under 1%. Typically there is a 10% variation in daily and peak hour traffic volumes, therefore Project trips slightly over/under 1% would typically be lost in the daily variation and therefore would not leave a substantial data gap in the traffic analysis.

The same could be said for Alternative D whose forecasted volumes crossing the Madera/Fresno County line on either SR 41 or SR 99, which when compared to the 2007 AADT and peak hour volumes are under 1%.

- G-12.4** Please see Responses to Comments G-12.1 and G-12.3. The forecasted trips generated by the EIS Alternatives would not significantly alter the projected traffic generation used in the development of Fresno County's Measure C Extension Expenditure Plan.

### **G-13 – MADERA IRRIGATION DISTRICT**

- G-13.1** Comment noted. Please see Response to Comment G-1.2.
- G-13.2** DEIS Section 3.3.3 specifically notes that, "In some states, including California, the USEPA has delegated permitting authority to the state water quality management agencies; however, the USEPA continues to regulate discharges originating on Tribal lands into receiving waters." DEIS Section 4.3.1 references the required compliance with the USEPA general National Pollutant Discharge Elimination System (NPDES) permit for construction stormwater. Reference to the specific USEPA filing number for this permit is unnecessary at this time.
- G-13.3** FEMA states that "All new construction and substantial improvements of non-residential buildings must either have the lowest floor (including basement) elevated to or above the BFE..." Thus, the entirety of the development is not required to be elevated above the 100-year base flood elevation (BFE). In accordance with that regulation and to minimize fill within the floodplain, the casino and hotel are proposed to be elevated, however portions of the parking lot are not proposed to be elevated above the BFE.
- G-13.4** The City of Madera's wastewater treatment plant was expanded to a capacity of 10.1 MGD. The expansion was completed in March 2008. Sections 3.9.2, 4.3, and 4.9 of the FEIS have been updated accordingly
- G-13.5** DEIS Section 5.2.8 includes a mitigation measure recommending that the Tribe "pay the fair share cost of future expansion/improvements to increase wastewater capacity of the City of Madera wastewater treatment plant."
- G-13.6** The Groundwater Study (FEIS Appendix L) has been updated to include more recent data showing continuing reductions in local groundwater levels. As discussed in Section 3.1.6 of the updated Groundwater Study dated August 2008,

since preparation of the DEIS the City of Madera has collaborated with other municipalities, water districts, irrigation districts and community organizations in preparing an Integrated Regional Water Management Plan (IRWMP) for Madera County. The IRWMP acknowledges the overdraft condition of the basin and that continued overdraft of the valley floor groundwater basins in the County is not sustainable. The IRWMP recommends a series of regional and local management measures and projects aimed at alleviating the overdraft condition.

Section 4.4 of the updated Groundwater Study also includes updated water level information obtained from the California Department of Water Resources (DWR). The DWR data indicate that groundwater levels in the area have continued to decline. Groundwater level contour maps for the area indicate a groundwater level decline of approximately 50 feet near the site between 2004 and 2006. Hydrographs for two key wells near of the site indicate increased groundwater level drops between 2004 and 2007, with a total maximum groundwater level drop during that time period of 35.6 feet. This is much greater than the long term average rate of water level decline for the area around the site of between 2 and 3 feet per year. The number of identified nearby shallow wells that are likely dry under current conditions is estimated at 13 and the number of wells that are currently probably unusable is 17. In the past few years the City has had to lower pump intakes for a number of its municipal supply wells (Ward, Marvin, personal communication, 10-2-08).

As discussed in Section 6.4.3 of the updated Groundwater study, drawdown impacts resulting from the project are independent of and overlain on the regional trend of water level decline. The net effect of the project pumping will be a reduction of up to several years in the usable lifetime of nearby shallow wells that are already at risk of going dry in the next several decades given the current water level trends. The actual contribution of the project to the demise of a well is dependant on the actual regional water level trend between the time that project pumping starts and the well becomes unusable. DEIS Section 5.0 and the agreement between the Madera Irrigation District (MID) and the Tribe (DEIS Appendix C) contain measures sufficient to fully mitigate for the project's impact to the groundwater basin.

- G-13.7** Please see Response to Comment G-13.6. As discussed in Section 3.1.6 of the updated Groundwater Study dated August 2008, since preparation of the DEIS the City of Madera has collaborated with other municipalities, water districts, irrigation districts and community organizations in preparing an Integrated Regional Water Management Plan (IRWMP) for Madera County. The IRWMP acknowledges the



overdraft condition of the basin, which is reported to be approximately 100,000 AF per year. Based on the water demand and supply analysis for 2030, it is anticipated that the overdraft in the valley floor will grow to about 155,000 AF per year if no mitigation action is taken. While the IRWMP does not indicate that water shortages have been an issue for the City of Madera, the report indicates that continued overdraft of the valley floor groundwater basins in the County is not sustainable. The combined effect of overdraft conditions and partial curtailment of surface water deliveries due to the 2005 Friant Dam decision (*NRDC v. Rodgers*, No. Civ. S-88-1658 LKK (E.D. Cal., 2005)) are recognized as significant challenges to water supply management. The IRWMP recommends a series of regional and local management measures and projects aimed at alleviating the overdraft condition.

**G-13.8** FEIS Sections 3.3 and 3.9 have been revised to provide updated information regarding groundwater use and the status of recently drilled wells within the City of Madera. These recently drilled wells are not located near the Madera site and thus will not affect the analysis of impacts to wells near the Madera site in DEIS Section 4.3.

**G-13.9** Manganese in water does not create a health hazard but in high concentrations will cause brownish-black staining of laundry, porcelain, dishes, utensils, and even glassware. Treatment is not required but is usually desirable. Section 3.9.1 of the FEIS has been updated to provide more information on possible manganese concentrations near the Madera site and general consequences of high manganese levels.

**G-13.10** The Madera site is currently used for non-irrigated agriculture. Section 3.8.3 was updated to generally state that the site has been used in the recent past for non-irrigated agriculture. As stated by the U.S. Court of Appeals for the District of Columbia Circuit:

“However desirable it may be for agencies to use the most current and comprehensive data available when making decisions, the [agency] has expressed its professional judgment that the later data would not alter its conclusions in the EIS or the approval of Alternative C, and it is reasonably concerned that an unyielding avalanche of information might overwhelm an agency’s ability to reach a final decision. [Citation omitted.] The method that the [agency] chose, creating its models with the best information available when it began its analysis and the checking the assumptions of those models as new information became available, was a reasonable

means of balancing those competing considerations, particularly given the many months required to conduct full modeling with new data. . . . Again, these judgments regarding the development of the baseline against which alternatives would be assessed are the sorts of expert analytical judgments to which courts typically defer.”

Village of Bensonville v. FAA, 457 F.3d 52, 71-72 (D.C. Cir. 2006).

- G-13.11** NEPA does not require that mitigation measures be implemented during the preparation of NEPA documents. The referenced mitigation measure has been revised to include a timing and feasibility component (FEIS Section 5.2.7).
- G-13.12** While further review and augmentation of the DEIS have occurred in response to comments, recirculation is not warranted. With respect to recirculation, the applicable regulations require that a DEIS only be recirculated if the “draft statement is so inadequate as to preclude meaningful analysis.” 40 C.F.R. § 1502.9(a). That clearly is not the case here, where the agency charged by Congress (42 U.S.C. § 7609) with evaluating all agencies’ environmental impact statements, the USEPA, in its comments on this DEIS (Letter L-9) gave the DEIS an EC-2 rating, indicating that while some additional information should be included, it “should be included in the final EIS.”

It is the very purpose of a draft statement to elicit agency and public comment such that the final document may be improved based on others’ scrutiny and input. The FEIS does exactly that. The wealth of thoughtful comment on the DEIS demonstrates that meaningful analysis in fact took place. The FEIS itself, as well as the detailed responses to comments contained herein, fully reflects the ongoing analysis that has been stimulated by the comments.

#### **G-14 – LEANNE-WALKER-GRANT, TRIBAL-CHAIRPERSON, TABLE MOUNTAIN RANCHERIA**

- G-14.1** 711 people signed the public hearing sign-in sheet, although it is possible that some did not sign in, raising the total attendance to 750 or even 800. The public hearing on the DEIS was held in the largest hall available in Madera at the Madera Fairgrounds. Madera was identified as the most appropriate location for the hearing as the closest community to the site of the trust acquisition proposed by the Tribe. (The hall is located a few miles south of the Madera site.) The hall’s capacity of approximately 1,100 was considered more than adequate, especially given the modest number (approximately 100) of individuals who attended the

public scoping hearing at the same venue. Nonetheless, the BIA had 15 paid personnel on hand to sign-in and provide comment cards to meeting participants, facilitate the meeting, record comments, and ensure a safe and secure environment. No one was turned away from the hearing. When the comfortable capacity of the hall (nearly all seats occupied and standing areas in the rear and sides of the hall occupied to the extent possible without impeding internal circulation and access to emergency exits) was reached at approximately 7:00PM, entrance to the hall was limited until capacity became available. Specifically, small groups of people were allowed to enter periodically as capacity became available. Those waiting in line were notified that they would be able to enter as soon as capacity became available. The last small group of people waiting in line was allowed to enter the hall at approximately 8:45PM. 32 individuals who submitted speaker cards ultimately chose not to speak or left early. However, none of those individuals contacted the BIA after the hearing or complained about their inability to comment at the hearing. The public had an additional two and one-half weeks to submit written comments following the hearing. All comments submitted during the comment period, whether oral or written, are considered equally for purposes of the NEPA analysis.

With regard to the length of the hearing, notice of the public hearing indicated that it would run “from 6 p.m. to 9 p.m., or until the last public comment is received.” The hearing concluded at approximately 11:45 p.m. after no one in the room had further comment. Please also see Response to Comment G-30.2.

**G-14.2** Please see Responses to Comments G-14.1, G-14.3 and G-30.2.

**G-14.3** Please see Responses to Comments G-14.1 and G-30.2. At the DEIS public hearing, individuals were provided the opportunity to speak in the order in which they submitted speaker cards except for elected officials, who were allowed to speak first after some indicated they had other public meetings to attend that evening. Similarly, each speaker was provided three minutes to speak except for the chairperson of the proponent tribe, who took five or six minutes to deliver her opening remarks. Efforts were made to provide equal time for everyone to speak regardless of the viewpoint expressed, including the use of timed light signals monitored and enforced by meeting facilitators. No speakers were ignored or given less than three minutes to make their comments. All comments were recorded by a court reporter. Finally, according to the transcript, Leanne Walker-Grant, the Tribal Chairperson for the Table Mountain Rancheria was the 20th individual to be called up for comments out of 101 that commented that evening. The 19 preceding

commenters included local officials and representatives of four other tribes (see FEIS Appendix Y).

**G-14.4** Please see Response to Comment G-14.3. There were no private bodyguards present at the hearing. There was a presence of at least four police officers throughout the hearing to assist with crowd control and provide a safe environment for those attending the hearing.

**G-14.5** Although testimony about the Tribe's nexus to the site was presented at the public hearing, these comments are beyond the scope of NEPA and the EIS process which are focused on evaluating the environmental impacts of the proposed action and alternatives. The proposed federal actions that triggered NEPA and this EIS include the BIA decision on a fee-to-trust application pursuant to 25 C.F.R. Part 151 and the approval of a gaming management contract by the NIGC. NEPA compliance is required for these actions which all must be taken before the Tribe can build the proposed project or one of the alternative projects. However, the focus of the DEIS and the FEIS is on evaluating the potential environmental impacts of the proposed project and each of the alternatives, rather than on specific requirements under IGRA.

The purpose of the hearing was to gather public comments on the DEIS, as noted by the BIA hearing officer at the start of the hearing (see FEIS Appendix Y). Please see Response to Comment G-1.2.

**G-14.6** Please see Responses to Comments G-8.2, G-8.13, G-14.1, and G-14.3.

**G-14.7** Please see Responses to Comments G-8.2, G-8.13, G-14.1, and G-14.3.

**G-15 – LEANNE-WALKER-GRANT, TRIBAL-CHAIRPERSON, TABLE MOUNTAIN RANCHERIA**

**G-15.1** Comment noted. Specific comments regarding the inadequacy of the DEIS are addressed below.

**G-15.2** Please see Responses to Comments G-8.2, G-8.13, G-14.1, and G-14.3.

**G-15.3** Comment noted.

**G-15.4** Comment noted.

- G-15.5** Comment noted.
- G-15.6** According to 40 CFR 1500.1 and 1500.4, the goal of NEPA is to improve decision-making by providing decision makers and the public with pertinent and accessible information on potential project impacts on the environment. As noted in DEIS Section 6.0 and Appendix Q, several state and local agencies and tribes were consulted with during the preparation of the DEIS. In addition, all comments received during scoping, including comments from the Picayune Rancheria of Chukchansi Indians, the Table Mountain Rancheria, Caltrans, and the California Department of Conservation, were summarized and included in a scoping report that was made available to the public in July 2005 (see DEIS Section 1.5).
- G-15.7** The DEIS is a product of the BIA, not the Tribe. The BIA has not made any specific verbal promises to the Fresno County Board of Supervisors. The DEIS has considered reasonably foreseeable impacts to Fresno County as appropriate. For example, impacts to the San Joaquin Valley Air Basin (SJVAB) (which includes Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare Counties) are considered in the DEIS (see Sections 3.4, 4.4, and 4.11), given the propensity of some air pollutants to disperse throughout an air basin.
- G-15.8** Please see Response to Comment G-15.6.
- G-15.9** Comment noted. Specific comments will be addressed below.
- G-15.10** Please see DEIS Sections 2.5 and 2.7. At the request of commenters during the scoping period, the BIA considered including the Rancheria site early in the development of the DEIS. Although it was determined that financing a casino on the Rancheria site would be difficult after a separate independent assessment by both engineering and financial experts, this site was included and analyzed in full in the DEIS for the reasons stated in DEIS Section 2.7. Also at the request of commenters, another Tribal property (the “HUD” tract) in the North Fork area was given consideration for use as an alternative site (see DEIS Section 2.7). The location of the “Old Mill” was not immediately apparent as a potential site for a proposed casino given that it was not mentioned as a potential site during the scoping comment period, due to its apparent hazardous materials issues, and given its location, which is very close to the Rancheria site. The location is one of the main factors limiting viability of a casino in the North Fork area. Since the Old Mill site has been referenced during the DEIS comment period, a discussion regarding this site has been added into DEIS Section 2.7.

**G-15.11** In an attempt to streamline the lengthy DEIS for public review consistent with CEQ NEPA Regulations (40 C.F.R § 1500.4), excess duplication was eliminated from the analysis of alternatives. The combination of Alternative C with Alternative D was not considered because, although it may meet the two goals noted by the commenter, it would not be expected to meet them as well as Alternative A alone. In addition, such a combination alternative would lead to greater environmental impacts that would be associated with the development of both the North Fork and Madera sites. Many tribal members currently live in or around the City of Madera. Thus, while Tribal members living closer to the North Fork site would have a shorter commute should Alternative D be chosen, those living closer to the Madera site would have a longer commute. Please see DEIS Section 4.7 for an analysis of the socioeconomic impacts of the alternatives on the region.

**G-15.12** Please see Response to Comment G-15.11.

**G-15.13** Each proposed major federal action should be considered individually considering the action, the project, and the context surrounding the action and the project. Thus, strict comparison between NEPA documents is not always appropriate. In addition, the Graton DEIS was prepared by the National Indian Gaming Commission (NIGC) as Lead Agency whereas the North Fork DEIS was prepared by the BIA. Nonetheless, construction impacts, storm runoff impacts, and groundwater levels and quality impacts have been appropriately considered in the DEIS (please see DEIS Section 4.3).

As shown in DEIS Section 2.2.6 and Appendix K, the storm runoff from the proposed project has been addressed. According to DEIS Appendix K, the project “creates a series of stormwater detention ponds to attenuate the increase in peak flow of the storm runoff created by the development of the project.”

**G-15.14** The mitigation measures included in the DEIS are not few in number or limited in scope. Section 5.0 of the DEIS, containing mitigation measures, is 71 pages in length. Note also that the agency charged by Congress (42 U.S.C. § 7609) with evaluating all agencies’ environmental impact statements, the USEPA, in its comments on this DEIS (Letter L-9) stated that: “We commend BIA and the Tribe for including substantial mitigation measures to reduce significant project impacts.” Please see Response to Comment G-15.7.

**G-15.15** Please see Response to Comment G-15.14. As outlined in Section 4.5.1 of the EIS, the development alternatives could result in direct adverse effects to migratory

birds without implementation of the mitigation measures identified in Section 5.2.4. The long-term, indirect effects of vegetation removal on nesting migratory birds would not be significant, however, because vegetation on the Madera site, dominated by non-native and ruderal annual plants, is low quality habitat for nesting migratory birds and is regionally abundant. Therefore, the permanent loss of this regionally abundant and low quality habitat for nesting migratory birds within the Madera site would not constitute a significant adverse effect under NEPA.

- G-15.16** Please see Response to Comment G-15.7. An updated version of URBEMIS has been used in the FEIS (see Appendix S). The model run considers appropriate pass-by and diverted link trips.
- G-15.17** The analysis of agricultural land was not limited to the Madera or North Fork sites, nor was it limited to current productivity. Please see DEIS Sections 4.8 and 4.11. There are no “old” farm houses on the Madera site. As noted in DEIS Section 3.6.3, the only house on-site is a “modern prefab residential dwelling.”
- G-15.18** All materials found on the site were identified in the Phase I ESA as waste oils, liquid paints, and unidentified liquid materials. The 2005 Phase I ESA is included in the DEIS as Appendix P. Updated Phase Is prepared in July 2007 and June 2008 include a more thorough characterization of the materials found onsite. Items found onsite include various unknown liquids within unlabeled and unmarked containers, vehicle batteries, empty 55-gallon drums, and non Resource Conservation and Recovery Act (RCRA) waste oils. At the direction of the BIA, the Tribe contracted with PARC Environmental to identify and remove the materials and provide documentation that the materials were properly identified and disposed of. PARC Environmental conducted the work on March 14, 2008. The 2008 Phase I ESA includes an updated description regarding these materials including hazardous waste manifests that document the type, amounts, and containers of all RCRA and non-RCRA regulated materials found onsite. The FEIS has been updated to include a summary of Recognized Environmental Conditions (RECs). A Uniform Hazardous Waste Manifest is included in the FEIS as an attachment to the 2008 Phase I ESA.

Most of the unidentified materials were contained within five gallon buckets within a covered storage area with concrete slab foundation. There were no signs of cracks or drainpipes within the concrete slab floor that would allow any materials to be released into soil and groundwater. During the subsequent removal of these materials, no evidence was found that leeching into the soil and groundwater

occurred with the exception of surface soils staining within a small area in the corral. Most of the materials found onsite remained in their original containers and appeared to have been left by the previous tenants. All materials were identified in a manner consistent with United States Department of Transportation (DOT) and RCRA cradle-to-grave protocols. Surface soil stains were removed and tested for toxicity, volatility, gasoline, waste oils, and diesel fuel. These stains contained diesel fuel and motor oils but are limited in extent and do not pose a threat to human health or the environment.

No bulk pesticides were identified that would pose a risk to human health or the environment. The potential use of chemical fertilizers and pesticides on the Madera site is considered a de minimus condition, which, according to the ASTM Standard, does not present a material risk of harm to public health and the environment. Nonetheless, to ensure no hazardous materials are present at levels that warrant additional remediation and in response to this comment, additional soils were collected on-site and analyzed for total petroleum hydrocarbons as gasoline (TPH-g) and diesel fuel (TPH-d), motor oil, benzene, toluene, ethylbenzene, and xylenes (BTEX), and chlorinated pesticides. A summary of the results are included Section 3.10-6 of the FEIS. Twenty-one sampling locations were chosen on the site with emphasis on potential staging areas and areas where pesticides and chemical handling might have occurred onsite. Eight out of twenty-one soil samples collected on-site showed relatively low levels of motor oil. Given the low levels and the absence of diesel fuel, gasoline, and BTEX in the samples, this is representative of minor surface staining from the ranching activities and does not pose a threat to human health. In summary, the laboratory analysis of soil samples collected at the Madera site determined no residual contamination from prior agricultural practices and no additional investigations for hazardous materials are warranted.

The commenter referred to elemental sulfur, which is one of the materials identified as a REC in the 2005 Phase I ESA. The use of elemental sulfur occurs in relatively small, non-toxic amounts as an insecticide for cattle. The sulfur found onsite is non-toxic and of a relatively small amount. The powder was no longer present on June 11, 2008. Therefore, the sulfur requires no further impact analysis.

- G-15.19** An analysis of socioeconomic impacts is contained in DEIS Sections 4.7 and 4.11. Much of the analysis contained in these sections, including potential impacts on crime levels, is derived from a socioeconomic impact study contained in DEIS Appendix R.



- G-15.20** Please see Response to Comment G-15.7. The reference to purchase of new hybrids and less idling time on page 4.11-18 is in reference to ozone precursors (NOx and ROG) not carbon monoxide (CO). The reduction trends for NOx and ROG are provided by the California Air Resource Board and are shown in Table 4.11-5. With regards to CO concentration this issue is discussed on page 4.11-22 under the heading “Carbon Monoxide Concentration”. As shown on page 4.11-22 the University of Davis Transportation Project-Level Carbon Monoxide Protocol, 1997 was used to determine if a significant impact would occur due to elevated CO concentrations. As noted in DEIS Sections 3.4, 4.4, and 4.11, unlike ozone precursors impacts, CO impacts are largely localized and are elevated in areas where congested traffic occurs. Thus, an analysis of future CO impacts considered future traffic projections developed for the traffic study (see DEIS Appendix N), which are based in part on projected increased population.
- G-15.21** During the time since the DEIS was originally prepared, 1.5 million square feet of retail space has been approved by the Madera City Council. Of this, 300,000 square feet is expected to be completed by the end of 2008. Concurrently, population growth has slowed. With the completion of the remaining 1.2 million square feet, retail supply is expected to more than satisfy the Madera population’s demand for retail (see Socioeconomic Impact Assessment Section 7.2). As is evident by these projects, demand for retail in the region is growing. The casino would not attract enough new people to significantly increase that need.
- G-15.22** In determining the additional demand the proposed casino would place on local government services, Chukchansi Casino was used for comparison. It is the only existing casino in Madera County and governmental agencies explained their experiences with casinos in reference to the Chukchansi Casino.

The DEIS does not assume simply that the experiences of the Chukchansi Casino will be fully applicable to the proposed casino, but rather uses Chukchansi as a relevant local example. In reference to the anticipated levels of crime at the proposed casino, Chukchansi Casino is specifically mentioned in contrast to the proposed casino with regard to the urban/rural nature of each as described on page 4.7-12: “While it is assumed that the same sorts of criminal activity would occur at the proposed casino/hotel as the Chukchansi Casino, it is presumed that the demand for law enforcement services would likely be greater at the proposed Madera casino location. The increased is assumed due to the proximity of the Madera site to an area with much higher population density (City of Madera).”

In addition, DEIS Section 4.7 notes that: “After surveying similar California casino communities and reviewing relevant literature, no definitive link between casinos and regional crime rates was found. Therefore, although an increase in calls for service is expected, an increase in regional crime rates would not result from Alternative A.”

Although it is noted on page 4.7-14 that the Madera County Behavioral Health Services experienced no increase in demand for services after Chukchansi opened, the anticipated need for behavioral health services was not based on experiences from Chukchansi, but rather it was based on a statewide study which estimated a prevalence rate for problem gamblers (DEIS page 4.7-8).

Please see Responses to Comments G-12.1 and G-12.3.

**G-15.23** This comment does not specify how the three MOU's are "insufficient or adequate to protect the public" and thus it is not possible to respond to this portion of the comment. As to the applicability of the California Environmental Quality Act (CEQA) to the three MOUs, please see Response to Comment G-1.2. Neither the City, County, nor MID MOUs entered into with the Tribe are subject to CEQA. As a practical matter, the statute of limitations to challenge the City and County MOUs for alleged failure to comply with CEQA has expired. Cal. Code Regs., Title 14, Sec. 15112. Further, the MOUs in question fall under CEQA's exclusion for government funding mechanisms. Cal. Code Regs., Title 14, Sec. 15378. They set no time for development and do not obligate either the City or County to undertake a specific construction project or to provide water, wastewater, electricity, natural gas or telecommunications services to the proposed project. Instead, the MOUs are agreements to establish a source of funds for potential future improvements if the proposed project is approved. The current MOUs specifically acknowledge that CEQA review and compliance may be required if the City or County ever provides infrastructure or any improvements related to the Tribe's project. "Mere authorization of the funding mechanism set out in the MOU is not a 'project' for purposes of CEQA." *Citizens to Enforce CEQA v. City of Rohnert Park*, 131 Cal.App.4th 1594, 1600-1601 (2005). By contrast, the court in *County of Amador v. City of Plymouth* held that the municipal services agreement between a tribe and city was unlike a mere funding agreement because the agreement required the city to undertake a series of infrastructure improvements and failed to acknowledge any such actions might require CEQA review. See *County of Amador v. City of Plymouth*, 149 Cal.App.4th 1089, 1111-1112 (2007). The MOUs here contain no such provisions and acknowledge the possibility of future CEQA review. Please also see Response to Comment G-5.2.

**G-16 – MADERA COUNTY ALCOHOL & DRUG ADVISORY BOARD**

**G-16.1** Please see Response to Comment G-3.2. Section 3.2.1 of the Socioeconomic Impact Assessment (FEIS Appendix R) suggests increasing funding of the Madera County Behavioral Health Services for the purpose of prevention and treatment of problem and pathological gambling.

**G-16.2** The County MOU currently provides an annual contribution of \$50,000 to the Madera County Behavioral Health Services. The Socioeconomic Impact Report (FEIS Appendix R) suggests a larger contribution may be necessary to increase the number of licensed counselors. Please see Responses to Comments G-3.2 and G-20.1. As the commenter mentions, little is known about the link between increased gambling supply and increased problem gambling, although a correlation is evident. Also, please see mitigation measures in DEIS Section 5.2.6 that include training programs. Additional mitigation measures have also been added to FEIS Section 5.2.6 to reduce problem gambling impacts.

In her Hearing Comments, Katrina Lewis, the Tribal Secretary of the North Fork Rancheria of Mono Indians, identifies several efforts the Tribe plans to include to help mitigate problem gambling. They hope to provide extensive training through a gambling treatment professional to the supervisors and employees so that they can identify and manage problem gambling as well as provide information on treatment and resources that are available to guests.

**G-17 – GAYLE HOLMAN, FIELD REPRESENTATIVE FOR MIKE VILLINES, ASSEMBLYMEN DISTRICT 29**

**G-17.1** Please see Response to Comment G-15.7.

**G-18 – MARYANN MCGOVAN, TRIBAL TREASURER, NORTH FORK RANCHERIA**

**G-18.1** Comment noted. Please see DEIS Sections 4.8, 4.11, and 5.2.7.

**G-18.2** Comment noted. Please see DEIS Sections 4.8, 4.11, and 5.2.7.

**G-18.3** Comment noted. Please see DEIS Sections 4.8, 4.11, and 5.2.7. Please see Response to Comment G-5.2.

**G-18.4** Comment noted.

**G-18.5** Comment noted. Please see Response to Comment G-1.2.

**G-18.6** Please see DEIS Section 4.8 for an analysis of consistency with local land use designations. As noted in DEIS Section 4.8, the proposed project would be consistent with most but not all of the County's and City's goals, policies and objectives.

**G-18.7** Comment noted. Please see DEIS Sections 4.8, 4.11, and 5.2.7. Please see Response to Comment G-1.2.

**G-18.8** Comment noted. Please see DEIS Sections 4.8, 4.11, and 5.2.7. Please see Response to Comment I-93.1.

**G-18.9** Comment noted.

**G-18.10** Comment noted.

## **G-19 – MADERA CHAMBER OF COMMERCE**

**G-19.1** Comment noted.

**G-19.2** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region.

**G-19.3** Please see Response to Comment G-5.2.

**G-19.4** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region.

**G-19.5** Comment noted.

**G-19.6** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region. Please see Response to Comment G-1.2.

**G-20 – CITY OF CHOWCHILLA, OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT**

**G-20.1** Comment noted.

**G-20.2** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region.

**G-20.3** Please see Response to Comment G-18.6.

**G-20.4** Comment noted. Please see Responses to Comments G-1.2 and G-5.2.

**G-21 – JOANNE RHOADS, COMMISSIONER OF THE NATIONAL AND CULTURAL RESOURCES COMMISSION, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-21.1** Comment noted. Please see Response to Comment G-1.2.

**G-21.2** Comment noted. Please see Response to Comment G-1.2.

**G-21.3** Comment noted. Please see DEIS Sections 1.0 and 2.0 for references to planned partnerships with a management company.

**G-21.4** Please see DEIS Section 2.5 for a reference to the possibility of the use of the North Fork site for gaming purposes.

**G-21.5** Comment noted. Please see DEIS Section 4.7 and Responses to Comments G-13.3, G-15.1, and G-15.10.

**G-21.6** Please see Response to Comment G-1.2.

**G-21.7** Please see Responses to Comments G-1.2 and G-6.2.

**G-21.8** Comment noted.

**G-21.9** No cultural resources have been identified within or adjacent to the Madera site. Regardless of whether the proposed project is realized, as stated in Section 5.2.5 (A) and Appendix J of the DEIS, in the event that inadvertent discoveries of archaeological resources occur regulations detailed in 36 CFR Part 800.13 (post-review discoveries) of the NHPA will be followed. In the case of human remains, procedures for establishing cultural affiliation, consultation, and treatment pursuant to regulations under NAGPRA, 43.CFR 10.4 and 43 CFR 10.14 will be implemented. Similarly, under CEQA all projects are subject to comply with Section 15064.5 (e) (1) of the CEQA Guidelines and the Public Resources Code Section 7050. The proposed project will have no bearing on any of the future implementation of these procedures required under State of Federal laws by a lead agency.

**G-21.10** Please see Response to Comment G-15.11.

## **G-22 – MADERA COUNTY RESOURCE MANAGEMENT AGENCY**

**G-22.1** Comment noted. Please see DEIS Section 2.0 for water and wastewater plans for each alternative.

**G-22.2** Please see DEIS Section 3.3.1 for references to the portions of the Madera site located within Zones A0 and X.

**G-22.3** Comment noted. Please see DEIS Section 4.7 and Responses to Comments G-13.3 and G-15.1. DEIS Appendix K – “Site Grading and Storm Drainage Study,” was prepared by a Licensed Civil Engineer. An Elevation Certification will be prepared and submitted to FEMA when the appropriate design stage of the project commences.

**G-22.4** Please see Response to Comment G-22.3.

**G-22.5** Please see Response to Comment G-22.3. DEIS Appendix K recommends improvements sufficient to accommodate 100 year peak flows utilized in the FEMA detailed study from Schmidt Creek and Dry Creek.

**G-22.6** As described in DEIS Section 2.2.6 and Appendix K, stormwater would flow to on-site detention basins and then to Schmidt Creek, which flows through the Madera site. As noted in DEIS Sections 3.3, 3.5, 4.3, and 4.5, Schmidt Creek is considered a “water of the U.S.” subject to the jurisdiction of the USEPA and U.S. Army Corps of Engineers (USACE) pursuant to the federal Clean Water Act.

- G-22.7** Given that the proposed project would be developed on federal trust lands, a Madera County building permit would not be necessary prior to construction. However, as noted in FEIS Section 2.2.11, the Tribal-State Compact would require that construction of the gaming facility meet or exceed the California Building Code, California Public Safety Code, and California fire suppression and fire/life safety standards applicable in Madera County.
- G-22.8** Please see Responses to Comments G-22.3, G-22.5, and G-22.7.
- G-22.9** Please see Responses to Comments G-22.3, G-22.5, and G-22.7.
- G-22.10** The potential for water quality impacts from stormwater runoff is analyzed in DEIS Section 4.3. As noted in DEIS Section 4.3, a Clean Water Act NPDES General Permit would be required prior to commencement of construction. DEIS Section 4.3 states further that in accordance with the requirements of the General Permit, an Stormwater Pollution Prevention Plan (SWPPP) must be prepared and implemented to control the discharge of pollutants in the stormwater. In addition, DEIS Section 5.2.2, includes a list of recommended best management practices (BMPs) to be included in the SWPPP.

### **G-23 – MADERA COUNTY CHAMBER OF COMMERCE**

- G-23.1** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region. Please see Response to Comment G-1.2.
- G-23.2** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region. Please see Responses to Comments G-1.2, G-8.2, G-8.13, and G-14.1.

### **G-24 – FRESNO COUNTY DEPARTMENT OF PUBLIC WORKS AND PLANNING**

- G-24.1** Please see Responses to Comments G-12.1, G-12.3, and G-15.7. Within the DEIS and consistent with standard hydrogeologic practice, impacts to groundwater resources are discussed in terms of the groundwater basin in which the site is located rather than political boundaries such as counties. The project is located within the Madera Subbasin of the San Joaquin Valley Groundwater Basin. Cumulative impacts to the Madera Subbasin are discussed in Section 4.3 of the DEIS and analyzed in Section 6.7 of the Groundwater Study included as Appendix L of the DEIS.

**G-25 – ASSEMBLYMEMBER, 20<sup>TH</sup> DISTRICT**

- G-25.1** Please see Response to Comment G-1.2.
- G-25.2** Please see Responses to Comments G-1.2 and G-6.2.
- G-25.3** Please see Responses to Comments G-1.2 and G-1.3.
- G-25.4** Please see Response to Comment G-1.2.

**G-26 – JOSEPH HAMILTON, RAMONA BAND OF CAHUILA INDIANS**

- G-26.1** Please see Response to Comment G-1.2.
- G-26.2** Please see Response to Comment G-1.2. Please see DEIS Sections 1.0 and 2.0 for a discussion of the North Fork site and the potential for the site to be utilized for gaming. As noted in DEIS Section 2.7.1, it would be, at best, difficult to finance and operate a viable gaming facility on the North Fork site.
- G-26.3** Please see Responses to Comments G-1.2 and G-26.2

**G-27 – CALTRANS DISTRICT 6 OFFICE OF TRANSPORTATION PLANNING**

- G-27.1** This appears to be an accurate description of the proposed project, as described in DEIS Section 2.2.
- G-27.2** The AM and PM peak hour trips stated in the comment have been updated in the 2008 Traffic Impact Study (TIS) and associated FEIS to account for a 15% pass-by applied to the casino and hotel. The 2008 updated Primary (new) trips result in 573 AM and 935 PM peak hour trips. These 2008 updated Primary (new) trips were used to analyze the requested Caltrans facilities as defined in the 2006 TIS.
- G-27.3** Mitigation measures for the near term 2010 condition, which is expected to coincide with the opening date for the alternatives, as well as those for the 2030 long term condition, are shown and listed in DEIS Section 5.2.7 and Appendix M, Traffic Impact Study. These mitigation measures have been updated as part of the 2008 TIS update that includes new counts and new model data.



As stated in DEIS Section 5.2.7, “When roadway segments and intersections are shown as having an unacceptable LOS with the addition of traffic from the project alternatives (and caused at least in part from project traffic) the Tribe shall pay for a proportionate share of costs for the recommended mitigation. ... Proportionate share percentages are listed in Appendix M (see Table 19).”

**G-27.4** Please see Response to Comment G-27.3. Use of an established traffic impact fee program to calculate fair share percentages has been added to FEIS Section 5.2.7 as an alternative to the stated method.

**G-27.5** Please see Responses to Comments G-27.3 and G-27.4.

**G-27.6** New 2008 counts were taken at the SR 99 interchange at Avenue 17 and are incorporated into the updated 2008 TIS.

**G-27.7** Known projects in and around the airport between Avenue 17 and Avenue 16 are shown in the DEIS Appendix M, Section VI, B. The known projects and their descriptions were obtained from the City and County of Madera and inserted into the model and analysis as appropriate. Circulation improvements were likewise obtained from the City and County of Madera and inserted into the model and analysis as appropriate.

**G-27.8** As shown in DEIS Appendix M, based on the 2006 TIS, westbound queuing on Avenue 17 between Golden State Boulevard and the southbound off-ramp could potentially back up through the southbound off-ramp intersection and potentially onto the ramp and freeway with the currently adopted circulation system, which included a signal at Avenue 17 and Golden State Blvd. The 2008 TIS update (FEIS Appendix M) recalculated these queues with the most recent circulation assumptions, which again includes a signal at Avenue 17 and Golden State. However queues will still potentially exceed the available storage distance between the two intersections. A signal is still recommended in the 2008 TIS update rather than routing substantial portions of project traffic to Avenue 18 and Road 23, likely overburdening other nearby intersections. The traffic signal could be optimized to reduce queuing, but still allowing full use of the intersection. There have been some recent discussions among the City of Madera and landowners in the vicinity of this intersection, in which the shifting of the intersection to the west has been suggested. However, in the absence of specific plans for such an improvement, the updated TIS (FEIS Appendix M) has been prepared with the currently adopted circulation system.

**G-27.9** Cost estimates for the SR 99 at Avenue 17 interchange as well as all other cost estimates shown in Table 100 of the 2008 TIS have been updated (FEIS Appendix M).

**G-27.10** This recommendation was based on discussions with senior Caltrans employees.

**G-27.11** It is our understanding that the interim and ultimate SR 99/Avenue 17 improvements shown in the 2008 TIS update (FEIS Appendix M) reflect what is shown in the PSR being prepared by Peters Engineering. However, this PSR had not been finalized at the time of the 2008 TIS update.

**G-27.12** The 2008 TIS update shows signalization utilized at the Avenue 18 ½ southbound and northbound ramps. However the westbound left-turn lane and southbound right-turn lane were not warranted based on peak hour volumes at the southbound off-ramp intersection. The northbound right-turn lane at the northbound off-ramp already exists and is accounted for in the 2008 TIS update (FEIS Appendix M).

Road 23, opposite the southbound off-ramp, is shown as being realigned to the west to match up with Golden State Blvd. in the 2030 No Project and 2030 Project scenarios in both the 2006 TIS (DEIS Appendix M), and the 2008 TIS update (FEIS Appendix M).

**G-27.13** The DEIS, Appendix M, 2006 TIS, accounted for a new Avenue 16/Ellis Street overcrossing and the movement of the Avenue 16 ramps from their current location on Avenue 16 to their proposed new location on the Avenue 16/Ellis Street overcrossing.

As shown in the 2007 Regional Transportation Plan (RTP) [City of Madera Candidate Street and Road Project List], the new Avenue 16/Ellis Street overcrossing from Granada Drive to Road 26 is being funded by Regional Transportation Improvement Program (RTIP)/Measure T/Measure A/County Wide Impact Fees (IF) in 2009 and shown in the conformity analysis in 2010. Likewise the 2007 RTP (Caltrans Candidate Projects) shows the new Ellis Street interchange is being funded by Interregional Transportation Improvement Program (ITIP) funds in 2013-14 and shown in the conformity analysis in 2020. The Avenue 16/Ellis Street overcrossing and ultimate interchange configuration was discussed with both Caltrans and the City and the best available information was utilized in the model and the analysis as appropriate for both 2010 and 2030 in the 2008 TIS update (FEIS Appendix M).

- G-27.14** For the 2008 TIS update (FEIS Appendix M) City staff was consulted per Caltrans recommendation regarding a potential new circulation system between Avenue 17 and Avenue 16 near the airport. The City stated that a revised circulation plan has been proposed but has not been approved and should not be used in the 2008 TIS update. The City was also consulted regarding all approved/proposed/pending projects in this area as well as other major developments within the overall study area and this land use information was incorporated into the model and the 2008 TIS update analysis as appropriate.
- G-27.15** The comment is noted but until a final design that is approved by both Caltrans and the City has been developed and implemented into the model as appropriate, a cost estimate that can be used to develop a fair share cost/trip cannot be determined. Since the City and Caltrans are not at that point in the design process a fair share cost/trip is not available.
- G-27.16** With the collection of new count and lane configuration data for the 2008 TIS update (FEIS Appendix M), the Avenue 16 at southbound off-ramp intersection analysis contained in the updated TIS contains the improvements noted in this comment.
- G-27.17** As shown in the 2008 TIS update (FEIS Appendix M), Avenue 16 at Schnoor Avenue continues to meet signal warrants in the Existing scenario, while the Avenue 16 at the northbound and southbound ramps do not. However once the Avenue 16/Ellis Street overcrossing is completed in 2010, Avenue 16 at Schnoor Avenue may no longer require signalization. Until that time the two Avenue 16 ramp end intersections will be monitored to determine if a signal installed at Avenue 16 and Schnoor Avenue will impact the ramp operations.
- G-27.18** In the 2008 TIS update (FEIS Appendix M), a signal was found to be needed at the Avenue 16 and SR 99 SB ramp intersection and is shown as such in the 2010 No Project scenario, which is consistent with the assumed intersection improvements included in the DEIS and DEIS Appendix M. Based on the updated volumes shown in the 2008 TIS update, no lane additions are needed at either the SB or NB ramps, nor is a signal needed at the NB ramp end intersection in either the 2010 No Project or 2010 Project scenario. Since the interim improvements included in the original cost estimate cited in the comment do not appear to still be needed and since the new Avenue 16/Ellis Street overcrossing is planned for construction prior to 2010, which is likely to reduce the need for signalization and other potential improvements to the Avenue 16 and SR 99 ramp intersections, a new interim

project configuration for the existing Avenue 16 and SR 99 ramps and cost/trip is likely.

- G-27.19** In the 2008 TIS update (FEIS Appendix M), the SR 99/Cleveland Avenue interchange area analysis has been updated with new counts and model forecasts that show no mitigation measures are needed by the 2010 scenario and reduced measures by the 2030 scenario. With the new proposed mitigation measures, new cost estimates have been prepared (FEIS Appendix M).
- G-27.20** The 2008 TIS update (FEIS Appendix M) incorporated the SR 145 at SR 99 interchange reconstruction identified in the 2007 RTP which included widening the bridge to six lanes across SR 99. This would result in four through lanes with dual left-turn lanes at the NB on-ramp, and widening of street approaches and ramps as appropriate. Per further discussions with City of Madera staff, dual left-turn lanes from NB SR 145 to WB Olive Avenue along with appropriate receiving lanes and signal modifications were included as part of this funded project. In addition to these funded improvements, improvements to the SB off-ramp and the Olive Avenue EB approach to the SR 145 SB on-ramp intersection are needed for the SR 145 interchange intersections in the 2010 scenario. Additional improvements are also identified for the 2030 scenario in the 2008 TIS update. With these revised proposed mitigation measures, revised cost estimates have been prepared (FEIS Appendix M).
- G-27.21** As stated in Response to Comment G-27.20, all funded improvements have been incorporated into the 2008 TIS update (FEIS Appendix M) as appropriate based on information provided by the City. A separate SB right-turn lane at the SR 145 and Olive/SR 99 SB on-ramp intersection already exists. An EB through lane is shown as part of the new 2010 proposed mitigation measures and an updated cost estimate for this lane has been prepared as part of the 2008 TIS update. Per the updated 2008 TIS, an additional SB left-turn lane as opposed to SB right-turn lane is needed in the near term at the Olive and SR 99 SB off-ramp. Again this proposed mitigation measure is included in the updated cost estimates (FEIS Appendix M). The 2008 TIS update did not include an analysis of the Olive Avenue at I Street intersection and with the changes in both count and model forecast data these improvements may not be needed or may need to be modified. Likewise the fair share cost/trip would probably need to be modified based on mitigation modifications.

- G-27.22** Comment noted. The 2008 TIS update (FEIS Appendix M) re-evaluated the Avenue 12 at SR 99 interchange and proposes reduced mitigation measures when compared to the DEIS and DEIS Appendix M. As part of the 2008 TIS update, Caltrans provided a copy of the 2003 PSR and the minimum build alternative was utilized in the analysis.
- G-27.23** Please see Response to Comment G-27.3. DEIS Section 5.2.7 includes almost 40 pages dedicated to the listing of recommended traffic mitigation measures, including: tables outlining traffic operations before and after mitigation at each study intersection and segment (including State facilities); figures that graphically demonstrate the location and configuration of study intersections and segments subject to recommended traffic mitigation (including State facilities), and a textual listing of all mitigation measures recommended by the TIS (including recommended improvements to State facilities). The 2008 TIS update (FEIS Appendix M) was prepared to account for revised land use and circulation projects that have occurred since preparation of the DEIS and DEIS Appendix M. With this 2008 TIS update, the DEIS traffic section has also be updated as appropriate.
- G-27.24** Please see Response to Comment G-27.9. The 2008 TIS update (FEIS Appendix M) incorporated updated cost estimates that accounts for increases in per unit costs as well as updated mitigation measures. A mitigation monitoring plan has been included in FEIS Appendix Z.
- G-27.25** The FEIS, including the 2008 updated TIS (in Appendix M), has been provided to Caltrans for review prior to the public release of the FEIS.

## **G-28 – FIRE CHIEF, MADERA COUNTY**

- G-28.1** In the Socioeconomic Impact Report (FEIS Appendix R), which has been updated and cited in the FEIS, interviews with the Deputy Chief of the Madera County Fire Department reveal that more intensive staffing ratios are a recommendation of the County-wide Master Fire Plan which is currently being developed. The requested increased staffing ratios meet national standards. While Chief Mikel Martin's staffing recommendations have been included in the Socioeconomic Impact Report (FEIS Appendix R), it should be noted that the costs of this staffing level under Alternative A totals more than \$2.3 million annually which exceeds the \$1.2 million annual amount allotted to fire protection under the County MOU.

**G-29 – DARCIE L. HOUCK, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

- G-29.1** Please see Responses to Comments G-8.2, G-8.13, and G-14.1.
- G-29.2** Please see Response to Comment G-8.2.
- G-29.3** Please see Response to Comment G-8.2.
- G-29.4** Please see Responses to Comments G-8.2 and G-8.3.
- G-29.5** Please see Responses to Comments G-8.2, G-8.13, and G-14.1.
- G-29.6** Please see Responses to Comments G-8.2, G-8.13, and G-14.1.
- G-29.7** Please see Responses to Comments G-8.2, G-8.13, and G-14.1.
- G-29.8** At the start of the hearing the front two rows of seats were reserved for people associated with the production of the hearing and for temporary seating for people in que to speak. Due to the heavy attendance of the hearing, the reserved rows were not restricted in any way and most of the reserved signs were taken down to encourage the use of the rows. For example, two attorneys for the Picayune Rancheria of the Chukchansi Indians were among the first to gain entry to the hall and sat in the front row of the reserved section, where they remained for the entire hearing. The BIA did not attempt to determine who was a “supporter” of the proposed project and who was not, let alone make seating or entry decisions based on this. In fact, it was explicitly stated multiple times by the BIA hearing officer and consultant that the purpose of the hearing was to gather comments on the DEIS, rather than to gauge support for the proposed project.
- G-29.9** Please see Response to Comment G-14.3.
- G-29.10** Please see Response to Comment G-14.1.
- G-29.11** Please see Response to Comment G-8.13. The public hearing and comment period provided the public a meaningful opportunity to be heard. No evidence has been presented to the BIA that the North Fork Chairperson made the statement referenced by the commenter. The hearing was well attended, as the commenter notes in other letters. There was paid advertising by the Picayune Rancheria encouraging members of the public to attend the hearing.

**G-29.12** The North Fork attorney asked the attorney for the Picayune Rancheria and a BIA representative why several representatives of the Picayune Rancheria were already in the hearing hall and setting up near the front of the hall, when the rest of the public, including all representatives of the North Fork Tribe, had been waiting in line outside patiently for the doors of the hearing hall to be opened to the public. The North Fork attorney did not “scream” at any time. No one from the public was prevented from bringing in relevant materials for use during the hearing. Everyone but meeting personnel was asked to leave the hall until it was opened to the public at approximately 6 p.m., but the Picayune Rancheria of Chukchansi Indians were allowed to store their substantial hearing materials inside.

**G-29.13** Please see Responses to Comments G-8.2, G-8.13, and G-14.1.

**G-29.14** Please see Responses to Comments G-8.2, G-8.13, and G-14.1

**G-29.15** Please see Responses to Comments G-8.2, G-8.13, and G-14.1

### **G-30 – LEGAL COUNCIL, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-30.1** The portion of the transcript concerning Ms. Jones’ testimony was provided to the Tribe, the project proponent, in response to a request which the Tribe received from California legislative staff interested in reviewing Ms. Jones’ testimony to determine whether she had accurately represented the positions of a number of state legislators. This portion of the transcript was sent to the Tribe on March 21, 2008. When Darcie Houck, an attorney representing the Picayune Rancheria of Chukchansi Indians, notified the BIA that she was also interested in receiving this portion of the transcript on March 25, 2008, it was emailed to her on March 26, 2008.

**G-30.2** The transcript was prepared to record comments at the public hearing and copies are made available to members of the public generally with the FEIS, although individual requests for comment letters or copies of the transcript are considered individually by the BIA. The commenter received a copy of the transcript prior to the close of the comment period, even though nothing in NEPA requires that the transcript of public comments be made available to the public prior to the close of the comment period. The 45-day comment period noticed in the Federal Register satisfies NEPA’s statutory requirements and provides meaningful disclosure and public comment. The comment period for interested parties, including the commenter, was actually closer to 50 days since interested parties received an advance copy of the DEIS approximately a week before publication of the notice in

the Federal Registrar and the start of the 45-day comment period. Further, comments submitted after the end of the 45-day comment period were still logged and reviewed by the BIA, and have been considered in the FEIS. Finally, the commenter's client, the Picayune Rancheria, has been designated as an affected tribe and consequently has been provided numerous opportunities to meet with BIA officials before, during, and after the comment period to express their concerns with the proposed project. Please also see Responses to Comments G-8.2 and G-14.1.

**G-30.3** Please see Responses to Comments G-8.2, G-8.13, and G-14.1.

**G-31 – COUNCIL MEMBER, CITY OF MADERA**

**G-31.1** Please see Responses to Comments G-1.2 and G-5.2.

**G-32 – JACQUIE DAVIS VAN HUSS, CHAIRPERSON, NORTH FORK RANCHERIA**

**G-32.1** Please see Response to Comment G-1.2.

**G-32.2** Overview and timeline of the environment process is included within Section 1.5 of the DEIS. Please see Responses to Comments G-1.2 and G-5.2.

**G-32.3** Please see Response to Comment G-1.2.

**G-32.4** Please see Responses to Comments G-1.2 and G-5.2. Please see DEIS Section 2.7.1 for a summary of some of the Tribe's early reviews of potential sites for gaming.

**G-33 – DORA JONES, VICE CHAIR, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-33.1** Please see Response to Comment G-1.2.

**G-33.2** Please see Response to Comment G-1.2.

**G-33.3** Please see Response to Comment G-1.2.

**G-33.4** Please see Response to Comment G-15.7.

**G-33.5** Please see Response to Comment G-8.1.



**G-33.6** Please see Response to Comment G-1.2.

**G-34 – SUPERVISOR, MADERA COUNTY BOARD OF SUPERVISORS**

**G-34.1** Please see Response to Comment G-1.2

**G-34.2** As cited in Section 4.7.1 of the DEIS, 2,441 temporary jobs would be created during the construction period for Alternative A. The casino would directly employ 1,461 workers and would create 858 induced/indirect jobs. This results in a total of 2,319 permanent jobs. In its MOU with Madera County, signed on August 16, 2004, the Tribe agreed to contribute to the County one-time payments totaling \$6,915,000-\$17,915,000 and annually recurring payments totaling \$4,035,000. Under the MOU with Madera County, the Tribe agreed to contribute \$100,000 annually to the City of Chowchilla. The City of Madera signed an MOU with the Tribe on October 25, 2006 in which the Tribe agreed to contribute annually recurring payments totaling \$1,075,000 and one-time payments totaling \$6,285,000 - \$10,285,000.

**G-34.3** Please see Response to Comment G-5.2. The City of Madera signed an MOU with the Tribe on October 25, 2006 in which the Tribe agreed to contribute annually recurring payments totaling \$1,075,000 and one-time payments totaling \$6,285,000 - \$10,285,000.

In its MOU with Madera County, signed on August 16, 2004, the Tribe agreed to contribute to the County one-time payments totaling \$6,915,000-\$17,915,000 and annually recurring payments totaling \$4,035,000.

The Tribe has also entered into a MOU with the Madera Irrigation District (MID) which includes an annually recurring payment of \$11,500 due to loss of taxes by transferring the land into trust and an annually recurring payment of \$36,000 for aquifer recharge.

The commenter is correct in his estimation of the amount of contributions the Tribe will make under these three agreements over a 20-year period.

**G-34.4** Please see Responses to Comments G-5.2 and G-34.3

**G-34.5** The multiplier effect described by the commenter was quantified in terms of induced/indirect jobs. As cited in Section 4.7.1 of the DEIS, Alternative A would 858 induced/indirect jobs outside of the casino.

**G-34.6** The Socioeconomic Impact Report (FEIS Appendix R) reports that Madera County had an annual unemployment rate of 7.6% in 2007 with monthly rates ranging from 6.3% to 8.8%. In 2007, the County of Madera had an average of 4,900 unemployed persons. In 2007, the state unemployment rate was 5.4% and the national rate was 4.6%.

The commenter's observation is accurate that the City only receives the funds annually from the MOU if the tribe has a casino operation in Madera County, and thus is foregoing revenues currently. Please see Responses to Comments G-5.2 and G-34.3.

**G-34.7** The commenter's observation is correct that visitation to the City and County will increase due to the introduction of a quality entertainment option. Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts.

**G-34.8** Section 3.3.2 of the update of the Socioeconomic Impact Assessment (FEIS Appendix R) addresses the impact of the development on off-site businesses in the area.

As cited in Section 4.7.1 of the DEIS, Alternative A would create 858 induced/indirect jobs outside of the casino. Please see Response to Comment G-4.1.

**G-34.9** As cited in Section 4.7.1 of the DEIS, the casino would directly employ 1,461 workers and would create 858 induced/indirect jobs. This results in a total of 2,319 permanent jobs in Madera County.

**G-34.10** As cited in Section 4.7.1 of the DEIS, the casino would directly employ 1,461 workers. The County MOU states that the Tribe will make a good faith effort to hire 50% of their employees from Madera County. The City MOU states that of that percentage, the Tribe will attempt to hire a third from the City of Madera. Therefore, many of those employed by the casino will live and spend in Madera County. Even those employees who live outside Madera County will likely consume some goods and services from within Madera County.

**G-34.11** As cited in Section 4.7.1 of the DEIS, 2,441 temporary jobs would be created during the construction period for Alternative A. Of these, 1,206 would be in the construction sector. In Section 3.1.3 of the Socioeconomic Impact Assessment, it is anticipated that many of these jobs will be filled by individuals who will travel for the work during the week and then return home on the weekends. Therefore these people would rely upon local services during their stay.

**G-34.12** Please see Response to Comment G-5.2.

**G-34.13** Comment noted. Please see Response to Comment G-1.2.

**G-35 – MADERA COUNTY AIRPORT LAND USE COMMISSION**

**G-35.1** Please see DEIS Section 3.8.2. The provided Airport Land Use designations have been considered in the analysis of impacts in the DEIS (see DEIS Sections 4.8 and 4.11).

**G-36 – CHAIRMAN, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-36.1** Please see Responses to Comments G-1.2 and G-6.2.

**G-37 – TREASURER, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-37.1** Please see Response to Comment G-1.2.

**G-37.2** Please see Response to Comment G-1.2.

**G-37.3** Please see Responses to Comments G-8.4, G-8.6, and G-8.10

**G-37.4** Comment noted. The Tribe is probably best suited to judge what is and is not best for its membership. The Tribe has proposed to locate the project near the City of Madera and this proposal took into account the best interests of the Tribal community. A substantial number of Tribal members currently live in the City of Madera. Thus the Tribal community is not as geographically limited as is suggested by the commenter.

**G-38 – TRIBAL COUNCIL, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-38.1** Comment noted. Please see Response to Comment G-15.7.

**G-38.2** Please see Response to Comment G-1.2.

**G-38.3** Please see Responses to Comments G-1.2, G-5.2, and G-15.7.

**G-39 – DORA JONES, VICE-CHAIRPERSON, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-39.1** Please see Response to Comment G-1.2.

**G-39.2** Please see Response to Comment G-1.2.

**G-39.3** Please see Response to Comment G-1.2.

**G-39.4** Please see Responses to Comments G-1.2 and G-5.2.

**G-39.5** Please see Response to Comment G-8.7.

**G-39.6** Please see Responses to Comments G-1.2, G-5.2, and G-8.7. The MOUs and the Tribal-State Compact (once ratified) are binding agreements. It is therefore appropriate to cite the MOUs in the EIS. The reasons that the Tribe entered into these agreements are not relevant to the analysis of environmental impacts.

**G-39.7** Please see Response to Comment G-1.2.

**G-39.8** Please see Response to Comment G-1.2.

**G-40 – HAROLD M. HAMMOND, TRIBAL COUNCIL, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-40.1** Please see Response to Comment G-1.2

**G-41 – SAM LAWHON, TRIBAL COUNCIL, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-41.1** Please see Response to Comment G-1.2.

**G-41.2** Please see Response to Comment G-1.2.

**G-41.3** The adjustment of spending in the market in the amount of \$97.9 million is referring to the whole market, not only Chukchansi. The proposed first year of

operation of the casino is optimistically projected as 2011, eight years after the opening of the Chukchansi casino, and more than two years from the current time. While there may be other new or expanding casinos in the market prior to 2011 that could diminish the revenue potential for the Chukchansi casino, there is sufficient time to make adjustments to the business to account for this.

The donations to the Community Urgent Care Service and the Sierra Ambulance Service are presumably made to mitigate impacts from the casino. These contributions along with that cited for the Yosemite School District total \$2 million. In addition to one-time payments, the North Fork Tribe has agreed to make annual contributions of \$4,035,000 to the County, of \$1,075,000 to the City of Madera and of \$47,500 to the Madera Irrigation District. This totals to an annual contribution of \$5,157,500 affecting residents throughout the county.

A decline in employment at the Chukchansi Gold Resort may occur as a result of the addition of competition to the market. The figures suggested by the commenter are consistent with what may occur, assuming no efforts are made by management to add amenities to the property or shift the focus of marketing efforts, i.e. a “worst case scenario.” However, by making these changes to the level of employment, and given that the proposed project is not expected to open for several years, the likelihood of loan covenants being violated appears to be exaggerated. Future investment capital raising may be restricted, but only to the extent that the amount that may be borrowed would be based on lower cash flow potential. Thus, it should not be assumed that current market incumbents would lose access to capital as a result of additional market entrants.

The DEIS projects net employment and economic impacts to the region, which would be positive. In addition, any employees laid off at competing casinos could find employment at other area casinos. Furthermore, industries providing goods and services for existing casinos could provide goods and services for future competing area casinos.

**G-41.4** Please see Response to Comment G-6.2.

**G-41.5** Please see Responses to Comments G-1.2, G-6.2, and G-15.10. The “existing structures” referenced by the commenter on the North Fork site are two residences. The North Fork Community Development Council (CDC) has recently sent two letters to the BIA stating that the Old Mill site is not for sale for use as a casino (see FEIS Section 2.7).

**G-41.6** Please see Responses to Comments G-1.2, G-15.11, and G-37.4. Please also see DEIS Section 2.2.1 acknowledging the proposed management contract with SC Madera Management, LLC.

**G-41.7** Please see Response to Comment G-1.2

**G-42 – JOE ALBERTA, SECRETARY, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-42.1** Please see Response to Comment G-1.2.

**G-42.2** Please see Response to Comment G-15.10.

**G-42.3** Please see Response to Comment G-21.9.

**G-43 – RANDY ATKINS, GENERAL COUNCIL MEMBER, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-43.1** Please see Response to Comment G-1.2.

**G-43.2** Please see Response to Comment G-1.2.

**G-43.3** Please see Responses to Comments G-1.2 and G-6.2

**G-43.4** Please see Response to Comment G-1.2.

**G-43.5** Please see Responses to Comments G-1.2, G-8.4, G-8.6, G-9.10, and G-41.3.

**G-44 – MADERA CITY AIRPORT COMMISSION**

**G-44.1** According to the commenter, the map attached to comment letter G-44 has not yet been officially adopted to supercede the map shown in DEIS Figure 3.8-12 (Horal, Donald, personal communication, 9-9-08). However, he expects that it will be adopted, along with an update to the Airport Land Use Plan sometime in 2009. Assuming the attached map is adopted, the conclusions in the DEIS regarding airport compatibility remain accurate. The attached map shows only a slight change in compatibility zones over the Madera site. Specifically, Zone B1 (labeled “Inner Turning Zone” in the attached map) has been shifted slightly to the north and west over areas planned to remain in open space under the proposed project

(except for an approximately 50 foot encroachment over a proposed stormwater detention basin area).

**G-45 – LEANNE WALKER-GRANT, TRIBAL CHAIRPERSON, TABLE MOUNTAIN RANCHERIA**

**G-45.1** Please see Response to Comment G-1.2.

**G-45.2** Please see Response to Comment G-1.2.

**G-45.3** Please see Response to Comment G-15.7.

**G-46 – JOHN M. PEEBLES, LEGAL COUNSEL, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-46.1** Please see Response to Comment G-1.2.

**G-46.2** Please see Response to Comment G-1.2.

**G-47 – JUAN ARAMBULA, ASSEMBLYMEMBER 31<sup>ST</sup> DISTRICT**

**G-47.1** Please see Responses to Comments G-1.1, G-1.2, G-15.7. An analysis of existing and potential traffic impacts along Highway 99 near the Madera site is included within Sections 4.8 and 4.11 of the DEIS.

**G-47.2** Please see Response to Comment G-47.1.

**G-47.3** Please see Response to Comment G-15.7.

**G-47.4** Please see Responses to Comments G-1.2 and G-6.2.

**G-47.5** Please see Response to Comment G-1.2.

**G-48 – MADERA LOCAL AGENCY FORMATION COMMISSION**

**G-48.1** Comment noted. The Madera site is proposed to be transferred to the federal government to be held in trust for the Tribe. Thus it would be outside of the jurisdiction of the City or the County.

**G-49 – NICOLE M. PARRA, ASSEMBLYWOMAN, 30<sup>TH</sup> DISTRICT**

- G-49.1 Please see Response to Comment G-1.2.
- G-49.2 Please see Responses to Comments G-1.2 and G-6.2.
- G-49.3 Please see Response to Comment G-15.7.
- G-49.4 Please see Response to Comment G-1.2.
- G-49.5 Please see Responses to Comments G-1.2 and G-6.2.

**G-50 – TOM BERRYHILL, ASSEMBLYMEMBER, 25<sup>TH</sup> DISTRICT**

- G-50.1 Please see Response to Comment G-1.2.
- G-50.2 Please see Responses to Comments G-1.2 and G-6.2.
- G-50.3 Please see Responses to Comments G-1.2 and G-6.2.
- G-50.4 Please see Responses to Comments G-1.2 and G-6.2.
- G-50.5 Please see Response to Comment G-1.2.
- G-50.6 Please see Responses to Comments G-1.2 and G-15.7.
- G-50.7 Please see Responses to Comments G-1.2 and G-6.2.

**G-51 – JEFF DENHAM, SENATOR, 12<sup>TH</sup> SENATE DISTRICT**

- G-51.1 Please see Response to Comment G-1.2.
- G-51.2 Please see Responses to Comments G-1.2 and G-6.2.
- G-51.3 Please see Responses to Comments G-1.2 and G-6.2.

**G-52 – TONY MENDOZA, ASSEMBLYMEMBER, 56<sup>TH</sup> DISTRICT**

- G-52.1 Please see Response to Comment G-1.2.
- G-52.2 Please see Response to Comment G-1.2.



**G-52.3** Please see Responses to Comments G-1.2 and G-6.2.

**G-52.4** Please see Response to Comment G-1.2.

**G-53 – MICHAEL N. VILLINES, ASSEMBLYMEMBER, 29<sup>TH</sup> DISTRICT**

**G-53.1** Please see Responses to Comments G-1.2 and G-6.2.

**G-53.2** Please see Responses to Comments G-1.2 and G-6.2.

**G-54 – GREG AGHAZARIAN, ASSEMBLYMEMBER, 26<sup>TH</sup> DISTRICT**

**G-54.1** Please see Responses to Comments G-1.2 and G-6.2.

**G-54.2** Please see Responses to Comments G-1.2 and G-6.2.

**G-55 – MORRIS REID, CHAIRMAN, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-55.1** Please see Response to Comment G-8.2.

**G-55.2** Please see Responses to Comments G-8.2, G-8.13, and G-14.1.

**G-55.3** Please see Responses to Comments G-1.2, G-8.2, G-8.4, G-8.13, and G-14.1.

**G-55.4** Please see Responses to Comments G-8.2, G-8.13, and G-14.1.

**G-56 – PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-56.1** Please see Responses to Comments G-8.2, G-8.3, G-8.4, G-8.13, and G-14.1.

**G-56.2** Please see Responses to Comments G-8.2, G-8.3, G-8.4, G-8.13, G-14.1, G-29.8, G-29.11, and G-29.12.

**G-56.3** Please see Responses to Comments G-30.1 and G-30.2.

**G-56.3** Please see Responses to Comments G-30.1 and G-30.2.

- G-56.4** Please see Responses to Comments G-8.2, G-8.3, G-8.4, G-8.13, G-14.1, G-29.8, G-29.11, and G-29.12.
- G-56.5** Please see Responses to Comments G-8.2, G-8.3, G-8.4, G-8.13, G-14.1, G-29.8, G-29.11, and G-29.12.
- G-56.6** Please see Responses to Comments G-8.2, G-8.3, G-8.4, G-8.13, G-14.1, G-29.8, G-29.11, and G-29.12.
- G-56.7** Please see Responses to Comments G-8.7, G-8.8, and G-8.9.
- G-56.8** Please see Responses to Comments G-8.7, G-8.8, G-8.9, and G-13.12.
- G-56.9** Please see Responses to Comments G-8.7, G-8.8, G-8.9, and G-13.12.
- G-56.10** Please see Responses to Comments G-8.7, G-8.8, G-8.9, and G-13.12.
- G-56.11** Please see Responses to Comments G-8.7, G-8.8, G-8.9, and G-13.12.
- G-56.12** Please see Responses to Comments G-8.7, G-8.8, G-8.9, and G-13.12.
- G-56.13** Please see Responses to Comments G-8.7 and G-8.8.
- G-56.14** Please see Responses to Comments G-1.1, G-1.2, and G-8.10. The issue of the projection being a “worst case scenario” was presented in the DEIS on page 4.7-64 as reflecting the fact that DEIS Appendix R report was based on the existing competition and announced market additions. Adaptation and evolution of marketing programs and amenity offerings is a normal response to new competition, which in turn should make the competing facilities more attractive (regaining market share), assuming forward-thinking management.

The conclusion that the competing casinos would be able to remain functional and profitable is based on the projection of revenue decline contained in DEIS Appendix R. As noted above, this was considered a worst-case scenario in terms of the competitors not reacting to new market entrants, and thus the likely impact could be significantly smaller. As a result, sustaining profitability in the face of new competition would still occur.

- G-56.15** Please see Responses to Comments G-8.7 and G-8.8.
- G-56.16** Please see Responses to Comments G-8.7, G-8.8, and G-8.9. The DEIS market assessment has been updated in FEIS Appendix R to account for recent and projected changes in the market. The updated assessment projects a slightly lower revenue decline of 19.2 percent from the Chukchansi Gold Resort. The commenter's consultant, KlasRobinson, does not provide an analysis of the timing, the incremental impacts of each of the other entrants, or the expansions in the market. As such, the conclusions they have drawn regarding the impact of the proposed project alone cannot be validated.
- G-56.17** Please see Responses to Comments G-8.4, G-8.10, G-41.3, G-56.14, and G-56.16.
- G-56.18** Please see Responses to Comments G-8.4, G-8.10, G-41.3, G-56.14, and G-56.16.
- G-56.19** Please see Responses to Comments G-8.7, G-8.8, and G-8.9.
- G-56.20** Please see Responses to Comments G-1.1, G-1.2, G-8.4, G-8.7, G-8.8, G-8.9, G-8.10, and G-56.14.
- G-56.21** Please see Response to Comment G-13.12. Responses can only be made to specific concerns regarding the adequacy of the DEIS.
- G-56.22** Please see Response to Comment G-13.12. Only specific comments regarding the adequacy of the DEIS are responded to herein. Please refer to responses to individually bracketed comments from Attachment 12, identified as G-56.66 through G-56.173.
- G-56.23** A Phase I Environmental Site Assessment (ESA) (**DEIS Appendix P**) was conducted according to the American Society for Testing and Materials Standard Practice for Phase I Environmental Site Assessments (ASTM 1570-05). Several Recognized Environmental Conditions (RECs) were identified in the Phase I ESA. All RECs were addressed in updated Phase Is dated July 2007 and June 2008 (see **FEIS Appendix P**). The Phase I ESAs were conducted using industry environmental protocols that are standard for Phase I ESAs. Please see the updated Phase Is included in the **FEIS (Appendix P)**. In response to RECs that were identified in the 2008 Phase I update, a Phase II Environmental Site Assessment was conducted. Please see Response to Comment G-16.18.

The commenter states that agricultural sites similar to the Madera site typically contain carcinogenic chemicals in soil that must be remediated. The use of regulated agricultural fertilizers and chemicals in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) does not warrant a remedial clean-up action according to standard practices and professional procedures. There are no records that indicate bulk storage of agricultural chemicals or excessive application of such chemicals (including pesticides) on the Madera site. Standard protocol suggests that if large quantities of bulk fertilizers and chemicals were stored on-site, and the use was excessive, then additional soil and groundwater investigations may be warranted. In the case of the Madera site, county agricultural records were reviewed and no records were found that indicate excessive use of agricultural fertilizers and chemicals or the storage of large quantities of chemicals occurred on-site. Unless the use of agricultural chemicals and fertilizers were excessive, it is not likely that the detectable levels of such fertilizers or chemicals would pose an unacceptable environmental risk.

**G-56.24** On rare occasions, explosions have occurred within the grain silos throughout the United States. The Federal Occupational Health and Safety Administration (OSHA) has promulgated federal regulations to prevent the occurrence of such explosions. Such explosions occur within the confined space of the grain elevator and are commonly caused by the accumulation of grain dust within the grain silos and secondary areas where grain handling and transfer occurs. The accumulation of dust within the confined space is usually the result of insufficient ventilation. Such explosions occur within the grain silos and the blast wave is usually contained within the concrete silo and is forced upwards, towards whatever material offers the least resistance. Most of the silo sheet-metal discharge spouts -- known as blast gates -- are either blown away or disabled during these explosions. The lethality of such explosions occurs within the primary grain handling areas, within and adjacent to the silos themselves. Federal OSHA (29 CFR subpart 1910.272) regulates safety conditions in regards to prevention of grain silo explosions. The regulations require employee training to be conducted at least annually and when an employee changes tasks. The training includes recognition and preventive measures for the hazards related to dust accumulations and common ignition sources that could potentially cause an explosion. The silos are required to be inspected by OSHA for employee safety.

The commenter is referring to grain silos that store feed grain, which have been the focus of recent media coverage regarding silo explosions. The silos located across Highway 99 from the Madera site are owned and operated by Azteca Milling Inc. The Azteca Milling operation produces corn meal that is used for human

consumption. Feed grain silos store animal feed not fit for human consumption. The Azteca Milling Inc. facility has different regulatory requirements compared to a standard feed grain silo facility. Feed grain silos are required to comply with less stringent air circulation standards and protocols; as such the risk of explosion in feed grain silos is much greater compared to grain silos used for milling operations. Azteca Milling uses a type of ventilation system called a “closed system”. Whereas feed grain silos utilize open ventilation systems, which rely on well ventilated work areas that are not confining and filtering dust. The “closed system” maintains dust within a confined system. The “closed system” ensures dust is not accumulating within work areas, and also limits the dust from finding an ignition source. Thus risk of explosion hazards is reduced compared to feed grain silo operations using the open ventilation system.

In response to this comment, the health and safety officer for the Azteca Milling Madera site was contacted to discuss the safety hazards associated with the Azteca Milling facility and potential OSHA violations that have occurred in the past. According to the health and safety officer, no OSHA violations have occurred at the facility that would result in potential explosion hazards. In addition, online OSHA records dating back to 1998 were reviewed. The only OSHA violation listed on the OSHA online database is an accident that occurred on July 11, 2001. This accident is related to an injury not associated with explosion hazards. In addition to adherence to OSHA regulations, the Azteca Milling facility operates under several air permitting regulations. As such, the facility is inspected by EPA at least annually to ensure air permitting regulations are being adhered to. Through the inspection process, Federal regulations are strictly enforced. Any issues that arise during the inspections are subsequently corrected. If the violation is not corrected monetary penalties and ultimately closure of the facility could ensue.

NEPA requires the analysis of reasonably foreseeable effects. It does not require the consideration of remote, speculative, or worst case effects. Thus, it does not require that the BIA speculate on the possibility of a grain silo explosion near the casino/hotel, which is too far removed from the natural or expected consequences of the proposed action to require study under NEPA.

**G-56.25** Please see DEIS Sections 4.8 and 5.2.7. The Federal Aviation Administration (FAA) has been consulted and has issued a determination of no hazard to air navigation (see DEIS Appendix V).

**G-56.26** As described in DEIS Section 2.2.8, the Tribe proposes to use groundwater for potable water at the casino. The groundwater basin and impacts from the proposed

groundwater pumping are described in the DEIS Sections 3.3, 3.9, 4.3, 4.9, 4.11 and Appendices I and L. Proposed wastewater treatment options are described in DEIS Section 2.2.7 and Appendix I.

**G-56.27** The DEIS Appendix M traffic document addressed all key issues as identified by the various responsible and commenting agencies. Only those related to the significance criteria as defined by the County and City General Plan and Caltrans TIS Guidelines were included in the DEIS. The remaining analyses are not considered significance criteria but rather are related to improvement design. Please see Response to Comment G-8.3.

**G-56.28** The DEIS traffic analysis and DEIS Appendix M TIS addressed all key issues as identified by the various responsible and commenting agencies for the peak hour time period that is used for determining recommended mitigations to the various facilities. Significance thresholds are identified in DEIS Appendix M and Sections 3.8.1 and 4.8.1 and are applied consistently through the document.

The proposed parking for each alternative is adequate based on the expected daily trips. Typically casino and retail facilities will construct more parking than is required by code or by typical parking analysis methodologies since they do not want to turn away potential customers due to lack of parking. This is particularly true in conditions that exist at the Madera and North Fork sites, where off-site parking is not available. A separate parking analysis is therefore not necessary. An analysis of construction traffic impacts has been included in FEIS Section 4.8. Peak hour methodology is identified in DEIS Appendix M and Sections 3.8.1 and 4.8.1. This peak hour methodology was developed after extensive consultation with Caltrans, the City of Madera, and Madera County.

**G-56.29** Please see Response to Comment G-56.28.

**G-56.30** Please see Response to Comment G-56.28.

**G-56.31** Please see Response to Comment G-56.28.

**G-56.32** Heavy vehicle percentages are included in the TIS level of service calculations (DEIS Appendices M and N).

**G-56.33** As stated in DEIS Section 5.2.7, the Tribe shall pay for a proportionate share of cost for the recommended mitigation assuming the impact is caused at least in part by project traffic. Since the applicant is paying proportionate share costs, no

mitigation monitoring program is required for traffic. A mitigation monitoring and enforcement program has been added to FEIS Appendix Z.

**G-56.34** As stated in Response to Comment G-56.27, only those issues related to significance criteria, specifically roadway segment, freeway segment and intersection level of services are included in the DEIS. The other analyses listed in the comment are not related to significance criteria but rather mitigation design.

**G-56.35** As cited in Section 4.7.1 of the DEIS, 2,441 temporary jobs would be created during the construction period for Alternative A. The proposed project would directly employ 1,461 workers during operation and would create 858 induced/indirect jobs. This results in a total of 2,319 permanent jobs.

Increases on government services and criminal activity are accounted for in the per-capita costs calculated for new residents of the County and City in “New Resident Demand” sections of the updated Socioeconomic Impact Assessment (FEIS Appendix R).

Section 7.1 of the updated Socioeconomic Impact Assessment (FEIS Appendix R) describes the current housing market in the City of Madera and Madera County. The current economy has produced a backlog of 8-10 months of constructed, unoccupied/unrented housing units. In addition to these ready-to-occupy homes, 34,000-38,000 housing units in Madera County are in various stages of the planning process. The existing stock alone would easily absorb demand induced by 263 new household moving to the County. Thus, the conclusion in DEIS Section 4.12.1 that no housing growth would occur as a result of the proposed project remains accurate.

**G-56.36** While some jobs at the casino would require unskilled labor, there would be a variety of jobs with a variety of wages. The Tribe has signed two union agreements, one with the Fresno, Madera, Kings, and Tulare Counties Building and Construction Trades Council and one with UNITE HERE International Union. These unions would represent non-gaming employees and construction workers. Although not all employees would be eligible to join the unions, the unions would, in effect, help raise the wage rates for all employees for the proposed project. The union agreements have been added to FEIS Appendix C and summarized in FEIS Section 2.2.10.

Section 7.1 of the updated Socioeconomic Impact Assessment (FEIS Appendix R) describes the current housing market in the City of Madera and Madera County, including the supply and cost of multi-family units. Vacant housing, including multi-family housing, is plentiful in the area. Thus, even if demand for such housing is large, growth would not be induced.

**G-56.37** Please see the responses to individually bracketed comments from Attachment 12, identified as G-56.66 through G-56.173.

**G-56.38** Please see Responses to Comments G-1.2, G-6.2, G-8.4, G-8.10, G-56.14, G-56.16, and G-56.17.

**G-56.39** Please see Responses to Comments G-1.2 and G-14.5.

**G-56.40** Please see the expanded discussion of alternatives eliminated from further consideration in FEIS Section 2.7.1. Reasonable alternatives are those that are technically and economically practical or feasible that meet the purpose and need of the proposed action. The BIA is not obligated to analyze every possible alternative, but instead must analyze a range of reasonable alternatives (CEQ “Forty Questions,” Response to Question 1B). The BIA has selected and discussed alternatives in a manner that promotes informed decision-making and informed public participation. Alternatives that do not accomplish the purpose of an action are, by definition, not reasonable and were not studied. Likewise, alternatives that do not significantly differ in impacts from other alternatives do not need to be considered because they do not extend the range of alternatives. As shown in DEIS Section 2.0, the DEIS considered a range of reasonable alternatives by considering a no action alternative, two locations, two different uses of the land, and three different size configurations of a casino and hotel project. Three other alternatives, one of which had multiple alternative sites, were considered, but eliminated from further consideration because of their inability to meet the purpose and need of the project or reduce potential environmental impacts. The applicability of various portions of Section 20 of IGRA, as well as the scope, intent, and application of IRA are outside the scope of this EIS. There is no “preferred alternative” selected by the BIA in the DEIS.

**G-56.41** Please see Responses to Comments G-1.2, G-6.2, G-8.4, G-8.10, G-15.10, G-56.14, G-56.16, G-56.17, and G-56.40. It is incorrect to state that the North Fork site was eliminated from further consideration in the DEIS. As stated in DEIS Section 2.7, although the Tribe did not consider the inclusion of the North Fork site as an alternative site to the development of the proposed project for the reasons stated in



Section 2.7. Nonetheless, as noted in DEIS Section 2.7, commenters (including the Picayune Rancheria of Chukchansi Indians) strongly recommended that the North Fork site be analyzed as an alternative site in the DEIS. Thus, the BIA commissioned an independent assessment of the site's viability in 2006. As stated in DEIS Section 2.7, this assessment concluded that financing would be difficult for a casino project on the North Fork site. Nonetheless, given that the site is currently eligible for gaming, at the request of commenters during the scoping comment period, and given that it might be possible to lower construction costs to improve the viability of a development, the BIA included a North Fork site casino development as Alternative D, which is analyzed in full in the DEIS.

**G-56.42** Please see Response to Comment G-15.10.

**G-56.43** Please see Response to Comment G-15.10. In the late 1990s and over a period of about two years, USEPA representatives completed soil assessment related field activities at the former North Fork Lumber Mill Site (NFLMS). Dioxins, furans, pentachlorophenol (PCP), and diesel range hydrocarbons have been identified in on-site soils and to a limited extent diesel has been detected in groundwater. In 2002, the County of Madera was the recipient of a \$1,000,000 US EPA Brownfields Cleanup Revolving Loan Fund (BCRLF). The Brownfields Cleanup Assessment is being conducted under the joint oversight of the Central Valley Regional Water Quality Control Board (CVRWQCB) and the California Department of Toxic Substances Control (DTSC). In 2003, the County of Madera was the recipient of a Brownfields Assessment Grant from the USEPA for completing assessment work associated with petroleum hydrocarbon contamination as the NFLMS.

The Brownfields Clean-up Assessments identified several stockpiles that have elevated levels of dioxins and furans that exceed USEPA Preliminary Remediation Goals (PRGs). Groundwater impacts from diesel fuels are believed to be the result of water leaching through impacted surface soils at the NFLMS. Although groundwater samples collected in some on-site wells exceeded the Maximum Contaminant Level (MCL) taste and odor threshold of 100 micrograms per liter (ug/L), once the affected soils are removed from the NFLMS, the levels of diesel should decrease to levels that would not require remediation. The final phase of clean up of hydrocarbon impacted soils is expected to occur in 2008. This final phase of soil remediation will require excavation and removal of impacted soils. It is estimated that 100 cubic yards of surface soils impacted with diesel hydrocarbons remain on-site.

In addition to soil affected with diesel fuels, soils remain on-site that contain elevated levels of dioxins, furans, and pentachlorophenol (PCP). The areas affected with dioxins were identified in a former dip tank area and in three large soil stockpiles. Samples exceeded the USEPA PRGs for PCP, but were below hazardous waste classification. The PCP excursions are not widespread and are limited to the dip tank area. The soil stockpiles were found to have dioxins and furans that would prevent on-site use. Given the presence of these materials on-site, several remedial actions were offered to DTSC to allow use of the NFLMS. Remedial options include excavation, off-site disposal and treatment, on-site bioremediation, chemical treatment, and natural attenuation.

The remedial action that was chosen is excavation and offsite removal of impacted soils. According to the CVRWQCB case worker, Jeff Hammel, a Soil Removal Workplan is expected to be submitted to DTSC and CVRWQCB before the fall of 2008. The workplan will outline soil removal activities for all affected on-site soils. It is believed the removal of affected soils would allow for unrestricted use of NFLMS.

The commenter concludes that previous investigations, Feasibility Studies, and Risk Evaluations have demonstrated the NFLMS is not severely contaminated. If baseline environmental conditions from the NFLMS are compared to a similar site where soil affected with PCPs, dioxins, and furans are not present and there was a low potential for undiscovered contamination to be present, then the NFLMS would be considered severely contaminated. For example, the Madera site has no prior land uses that involve the presence of PCPs, dioxins, and furans.

There are often extensive follow-up groundwater monitoring requirements required prior to transfer of contaminated properties. It has not yet been determined what level of additional follow-up monitoring will be necessary for the new owner of the NFLMS. If found, undiscovered contamination would require additional site assessments, focused human health and environmental risk assessments, and several levels of regulatory oversight and review. There is always the potential for undiscovered contamination to exist on a site that has substantial amounts of documented contamination.

Most of the hazardous materials at the site appear to have been identified and all work has been approved by DTSC and the CVRWQCB. With the previous investigation in mind and an approved remedial work plan in place, the NFLMS could be available for unrestricted use in the near future from a hazardous materials standpoint assuming no undiscovered contaminants are found. However,

groundwater impacts, although apparently limited in extent, do warrant consideration as to whether or not a prospective purchaser would be assuming a clean-up liability at the NFLMS. In addition, there are several building pads on the NFLMS that would be removed prior to development. There is potential for undiscovered contamination to exist under the building pads. In the absence of additional environmental data, a determination cannot be made as to the level of risk present from undiscovered contamination on the NFLMS.

**G-56.44** Comment noted.

**G-56.45** Please see Responses to Comments G-1.1, G-1.2, G-8.4, and G-15.10. Please see DEIS Section 4.7 for an analysis of competitive impacts to nearby tribal casinos from Alternative D, which is located on the North Fork site. As noted in the DEIS, these impacts are reduced when compared to the proposed project. Given the North Fork site's proximity to the Old Mill site, similar competitive impacts would occur from a casino located at the Old Mill site.

**G-56.46** Please see Response to Comment G-15.10.

**G-56.47** Please see Responses to Comments G-15.10 and G-56.43. The labeling of the site as a "brownfield" does not ensure the minimization of potential environmental impacts on-site.

**G-56.48** Please see Response to Comment G-15.10. As noted in DEIS Section 4.3, adequate groundwater would be available to supply developments (DEIS Alternatives A – D) at both the North Fork and Madera sites.

**G-56.49** Please see Response to Comment G-15.10. As noted in Section 2.0, viable wastewater treatment options are currently available for development at both the North Fork and Madera sites.

**G-56.50** Please see Response to Comment G-15.10. Traffic mitigation recommendations would likely be similar to those recommended in the DEIS for Alternative D, which is located near the Old Mill site.

**G-56.51** Please see Response to Comment G-15.10. Market location disadvantages that apply to the North Fork site would also largely apply to the Old Mill site, likely reducing the viability of a casino development such as that proposed for Alternative A on the Old Mill site.

**G-56.52** Please see Response to Comment G-15.10. Both the North Fork and Madera sites are within the San Joaquin Air Basin. Therefore, existing air quality levels are similar for both sites (see DEIS Section 3.4). As noted in DEIS Section 3.4, particularly pollutants such as ozone are mobile and although traffic and industrial activity in the valley may create much of the ozone pollution, that pollution will disperse throughout the air basin and be transported based on various meteorological factors. DEIS Table 3.4-7 shows no violations of the 8-hour federal ozone standard occurred at the Madera Pump Yard monitoring location in 2004, whereas eight violations of this standard occurred in 2004 at the Yosemite Turtleback Dome monitoring location, even farther east than the North Fork site. Existing air quality for the Old Mill site would be similar to the North Fork site. Section 4.4 of the DEIS shows the estimated emissions from operation of each alternative. Alternatives A, B, and C (Madera site) would have significant impacts under the San Joaquin Valley Air Pollution Control Districts emissions thresholds, while Alternative D (North Fork site) would have a less than significant impact under the same thresholds. This is not due to the placement of the alternative but rather the size of the project and the traffic trips that would be generated. For instance, the proposed project (Alternative A) is 493,010 square feet and the Alternative D project is 26,001 square feet.

**G-56.53** Please see Responses to Comments G-15.10, G-56.23, and G-56.43.

**G-56.54** KlasRobinson is recognized with respect to their credentials, however it appears that KlasRobinson did not take into consideration the considerable difficulties and costs that would be present in preparing the North Fork site for the development of even a very small casino, let alone the casino they propose, which is much larger than that considered by the Innovation Group to present the best option for viability on the North Fork site (see DEIS Section 2.5). The KlasRobinson letter also does not adequately consider the impact of regional competition, as both the North Fork and Old Mill sites have relatively poor access from the regional population and tourism markets.

**G-56.55** The MOU with the County provides benefits that support both the additional traffic and residency that the casino resort might attract. The variety of direct benefits agreed upon in the MOU are broader than are given by other tribes in the region, and this makes the resort attractive to local governments and residents in the sense of being a strong, positive financial contributor to the community. The North Fork Tribe is in a better position to gauge its own projected benefits than the Picayune Rancheria of Chukchansi Indians, a potential future competitor.

The comment regarding payment to the State is conjecture, and it is not possible to qualify a response as to whether “top dollar” was paid (or what minimum amount this would be defined as) by whom and to whom in order to accelerate the process with the Governor. Please see Response to Comment G-8.7.

**G-56.56** Please see Responses to Comments G-1.2, G-8.7, G-14.5, G-15.10, G-56.55, and G-56.56. The commenter suggests that payments promised to the County under the MOU with the Tribe are excessive in order to gain County support, rather than to mitigate the projected additional costs that the resort may impose upon the County. No figure is provided by the commenter regarding their interpretation of the gap between what they deem is reasonable and what is agreed upon, which they consider excessive. The DEIS Section 4.7 provides an assessment of fiscal impacts to the County, independent of the MOU. While it may be possible to negotiate a more favorable MOU at the alternative location, revenues are expected to be much lower at any site in the North Fork area due to market location constraints. The North Fork Tribe claims that the potential for profitability is much higher at the Madera site than at the North Fork site or at any site in the North Fork area.

No California tribe in the last six years has negotiated a compact that includes the favorable financial and other terms in the 1999 Tribal-State compacts. Each of the compacts negotiated with California tribes since 2004 require the compacting tribe to enter into intergovernmental agreement(s) with the local community to mitigate off-reservation impacts.

**G-56.57** Please see Responses to Comments G-56.42 through G-56.56.

**G-56.58** Please see Responses to Comments G-8.4, G-8.10, G-15.10, and G-56.14 through G-56.56. Political opposition to a casino in the North Fork area was noted in DEIS Section 2.7 as one of the reasons that the Tribe gave for not supporting a casino in the North Fork area. Although some neighbors would be expected to oppose a nearby casino project, neither Madera County, the City of Madera, nor the City of Chowchilla have opposed the proposed project.

The commenter states that "all feasible alternatives must be considered." This is not the applicable standard. CEQ NEPA Regulations Section 1502.14(a) instead requires that an EIS include "all reasonable alternatives." Further guidance by the CEQ "Forty Questions", Question 1B clarifies that the regulations require the analysis of a reasonable range of alternatives. Thus, the BIA is not obligated to analyze every possible alternative. As shown in DEIS Section 2.0, the DEIS considered a reasonable range of alternatives by considering a no action alternative,

two locations, two different uses of the land, and three different size configurations of a casino project.

**G-56.59** Comment noted. A specific response could not be provided due to the general nature of the comment.

**G-56.60** Please see Responses to Comments G-8.2, G-8.7, G-8.8, G-8.9, G-8.13, G-13.12, G-14.1, and G-14.3.

**G-56.61** Please see Responses to Comments G-56.7 through G-56.20.

**G-56.62** Please see Responses to Comments G-1.2, G-8.4, and G-14.5.

**G-56.63** Please see Responses to Comments G-56.40 and G-56.41.

**G-56.64** Please see Responses to Comments G-56.40 through G-56.56.

**G-56.65** Please see Responses to Comments G-8.7, G-8.8, G-8.9, and G-13.12.

***G-56 – Exhibit 12***

**G-56.66** Please see Responses to Comments G-8.2, G-8.7, G-8.8, G-8.9, G-8.12, and G-13.12.

**G-56.67** More detail regarding the Tribe's fee-to-trust application and the proposed trust action have been added to FEIS Section 2.2. The process of taking the land into trust itself has no impacts on the environment. Instead, it is the status of the land as trust lands and the potential development that could take place once the land is in trust status that is the impetus for the environmental impacts subject to NEPA analysis. The DEIS therefore appropriately focuses on the impacts of this development rather than the legal intricacies of IGRA, IRA, or the Tribe's fee to trust application. Attaching the Tribe's fee-to-trust application to the FEIS would serve no purpose other than to lengthen and increase the complexity of the EIS, in contravention of policies found in the CEQ NEPA Regulations (see 40 CFR 1500.1, 1500.4).

DEIS Section 1.4 properly discusses several needs including fulfilling the purposes behind IGRA and the current lack of economic development opportunities and a sustained revenue stream to fund programs and provide assistance to Tribal members, many of whom rely on Federal and State assistance. Specific Tribal

demographic information can be found in DEIS Section 3.7.2, including a reference to elevated rates of Tribal unemployment and poverty (a reference to these characteristics have been added to FEIS Section 1.4). It is not the policy of the BIA nor IGRA to require that limited “self-sufficiency” targets be applied to tribal efforts to obtain economic development, self sufficiency, and a strong tribal government.

The Madera site was selected by the Tribe as the proposed site to be taken into trust. A detailed description of the Tribe’s process for selecting this site and reviewing other sites is contained in DEIS Section 2.0.

The level of specificity referenced by the comment is not necessary for the analysis of environmental impacts in a NEPA document. As shown in DEIS Section 2.2.4, parking will include surface parking in addition to a multi-story parking structure. Each alternative is designed to include parking spaces that can accommodate all patrons and tribal employees in compliance with all applicable laws. Because the focus of the DEIS is limited to impacts from the project on the natural and human environment, detailed discussion of access for persons with disabilities at the project is beyond the scope of the EIS. Regarding the number of gaming devices, please see Responses to Comments G-8.7, G-8.8, and G-56G-56.55.

**G-56.68** Please see Responses to Comments G-15.10, G-56.40, and G-56.41.

**G-56.69** Please see Responses to Comments G-56.40 and G-56.41.

**G-56.70** Please see DEIS Sections 4.10 and 4.11 for an analysis of impacts to visual resources. Regarding impacts to airport function, please see Response to Comment G-56.25. DEIS Section 5.2.7 requires an avigation easement to ensure no misleading light sources, visual impairments, or other hazards to aircraft are created on the Madera site.

**G-56.71** Please see Response to Comment G-56.70. An analysis of topographic maps, the nearby roadway network, and visits to the site and vicinity were utilized to make the determination that the site would not be visible from public vantage points. Although distant or partially occluded views are possible, the DEIS conclusions remain unchanged. An additional analysis of potential light pollution impacts to wildlife has been added to FEIS Section 4.5.

- G-56.72** Please see Response to Comment G-56.67. A specific plant palette and landscape design has not yet been proposed by the Tribe and would have no effect on the visual resources impact analysis due to the subjective nature of opinions on the aesthetic value of various plants.
- G-56.73** As concluded in DEIS Section 4.12.1, no growth would be induced by the proposed project. Please see DEIS Section 4.11 for an analysis of cumulative impacts to the loss of agricultural land and DEIS Section 5.2.7 for a mitigation measure recommending that the Tribe offset the contribution to cumulative losses of agricultural lands through the purchase of an agricultural conservation easement. Please see DEIS Section 3.8.3 for data on Madera County agricultural production.
- G-56.74** Please see Responses to Comments G-13.10 and G-15.18. Note also that several referenced studies have been updated recently as described below.

The 2004 California Department of Fish and Game references are results from a search of the California Natural Diversity Data Base (CNDDDB). A December 31, 2007 review of the CNDDDB revealed no new records within five miles of the Madera or North Fork sites (See DEIS Appendix D). The 2004 U.S. Fish and Wildlife Service (USFWS) reference is to a petition to list the west coast population of the fisher (*Martes pennanti*) as threatened or endangered. There is no updated reference. The fisher still has Federal candidate status, and the species is still unlikely to occur on the North Fork site for the reasons stated in Section 3.5.4 of the DEIS.

The socioeconomic impact analysis in Appendix R has been updated recently as well. This update includes information concerning the changes which have taken place in the housing market since the initial analysis in the DEIS. Regarding the slot machine estimates, please see Response to Comment G-8.7.

An updated Groundwater Study, dated 2008, has been prepared that includes the most recent available data from the DWR regarding groundwater levels and trends, summaries of significant studies completed since the last Groundwater Study was undertaken and a discussion of major water supply-related court decisions. The updated Groundwater Study includes an updated evaluation of the existing conditions on which project-related impacts to water levels, wells and water resources would be measured against.

- G-56.75** The initial comment is noted for the record; however, it is not possible to respond given the vague nature of the comment. The Michigan State study should not be



discarded as irrelevant, as it is an unbiased analysis of casino impacts on land values. An unbiased California example would have also been relevant but was not found.

**G-56.76** The initial comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.

**G-56.77** Please see Response to Comment G-56.67. An EIS “shall briefly specify the underlying purpose and need to which an agency is responding in proposing the alternatives included the proposed action.” 40 C.F.R. § 1502.13. As shown in DEIS Section 1.0, the statement of purpose and need is specific and comprehensive as to the need of the Tribe to acquire land upon which it can establish an Indian gaming operation that can promote tribal economic development, self-sufficiency, and a strong tribal government, while not being so specific as to foreclose a reasonable range of alternatives. A statement of purpose and need must not improperly foreclose consideration of any reasonable alternatives and must not be so specific as to define the project in unreasonably narrow terms.

**G-56.78** Please see Responses to Comments G-56.55 and G-56.67.

**G-56.79** Please see Response to Comment G-56.67.

**G-56.80** Please see Responses to Comments G-15.10 and G-56.40.

**G-56.81** Once the project site is taken into trust by the BIA, the regulatory agency in charge of overseeing air quality and water quality is the USEPA; therefore, neither the Regional Water Quality Control Board nor the San Joaquin Valley Air Pollution Control District would have jurisdiction to issue permits or approvals.

**G-56.82** The first sentence on pg 1-9 in Section 1.4 has been updated within the text of the FEIS to state,... “be the development of one of the four development alternatives analyzed in this EIS.”

**G-56.83** Please see Response to Comment G-56.67 and DEIS Section 2.2.1.

**G-56.84** The architectural rendering represents the latest rendering from the project architect depicting the proposed project. The drawing is a sketch, so it is not meant to be exactly in scale. However, the basic features of the proposed project are accurately represented and are not misleading. Specific dimensions of the proposed project

that are relevant to the analysis of environmental impacts are presented in DEIS Sections 2.0 and 4.0 as appropriate.

- G-56.85** Please see Response to Comment G-13.10. FEIS Section 2.0 has been revised to reflect an expected 2010 opening date for all alternatives.
- G-56.86** Please see Response to Comment G-56.72.
- G-56.87** Please see Responses to Comments G-1.2, G-14.5, and G-56.67.
- G-56.88** Options were presented based on the recommendations of the Water and Wastewater Feasibility Study (see DEIS Appendix I) and at the request of the City of Madera (for wastewater pipeline options). No further studies are needed at this point for the analysis of impacts under NEPA, even if a final option is selected. Each option was considered in full and analyzed in full as if it were a single option. At the request of the City of Madera a sewer alignment and capacity analysis was conducted on the three off-site sewer alignment options (FEIS Appendix BB). As noted in FEIS Section 2.0, the analysis concluded that all three options were viable. Options not included previously will not be selected.
- G-56.89** As noted in DEIS Section 5.2.8, the Tribe would be required to pay its fair share cost of improvements and upgrades to connect to the City of Madera sewer line. It is premature and would be speculative to attempt to predict the specific improvements that the City of Madera will require to its sewer system if the Tribe requests a connection at some later date. Should the Tribe request a connection, the City would conduct an independent assessment of what is necessary, determine whether to allow the connection, and require compensation by the Tribe, as appropriate. At the request of the City, a sewer alignment and capacity analysis was performed in 2008 that could be used by the City to guide its decision on the appropriate alignment and improvements should connection be allowed (see FEIS Appendix I).
- G-56.90** The Madera Fire Marshall was contacted to provide fire flow and storage recommendations for each of the alternatives. FEIS Appendix I and Sections 2.0 and 4.9 have been updated accordingly.
- G-56.91** The statement was retained because it accurately notes that construction costs are likely to be a key factor in the ability to finance and profitably operate a casino on the North Fork site (as stated in DEIS Section 2.7). Thus, it is reasonable to assume that methods to reduce costs while still complying with standards and

mitigation requirements would occur under Alternative D. Please see DEIS Section 2.5.4, *Construction and Grading*, for an estimate of construction costs similar to that shown in DEIS Section 2.2.5, *Construction and Grading*.

**G-56.92** An economic analysis of Alternative D was conducted in 2005, and updated in 2008 (see FEIS Appendix R). Both the original and updated analyses conclude that it would be difficult to finance and profitably operate a casino on the North Fork site. Specifically, cash flow from operations was estimated at approximately \$2.0 million from this operation. In the present credit market, this would not support an investment level of more than \$9.0 million. The updated cash flow projection is considerably more aggressive than the previous estimate of \$1.45 million, but still does not come close to the estimated development cost of \$41 million. Thus, the conclusion in DEIS Section 2.7.1 that financing for a facility on the North Fork site would be difficult remains accurate, as does the statement in DEIS Section 2.5 that should development proceed on the North Fork site, the developer would attempt to reduce costs wherever possible.

**G-56.93** As noted in DEIS Appendix K, the 600,000 cubic yards (cy) of grading material for Alternative D would be balanced on site.

**G-56.94** The soils at the site are described in Appendix I. Based on this information, the soil is conducive to leachfields. A water balance for on-site disposal is included in Appendix I, which provides the preliminary estimates of leachfield areas included in the EIS.

**G-56.95** FEIS Section 3.2.3 has been updated to include additional information regarding the soil structure and composition at the North Fork site.

**G-56.96** As stated in the comment, DEIS Figure 3.2.3 shows that the Madera site does not include Alamo series or Pachappa series soils. Figure 3.2.3 provides a local map with indications of specific locations of both Alamo and Pachappa series soils outside the Madera site, but are properly indicated on the key since they are shown on the map. These soils will not be impacted by the proposed project. Section 3.2 of the FEIS has been updated to state that the Alamo and Pachappa series soils are located outside the Madera site.

**G-56.97** Please see Response to Comment G-13.12. An updated Groundwater Study, dated 2008 (FEIS Appendix L), has been prepared that includes the most recent available data from the DWR regarding groundwater levels and trends, summaries of significant studies completed since the last Groundwater Study was undertaken and

a discussion of major water supply-related court decisions. The updated Groundwater Study includes an updated evaluation of the existing conditions against which project related impacts to water levels, wells and water resources would be measured. The updated Groundwater Study indicates that groundwater levels have continued to fall in the region consistent with an established and long term overdraft condition that was documented in the earlier Groundwater Study included as Appendix L to the DEIS. The IRWMP recommends a series of regional and local management measures and projects aimed at alleviating the overdraft condition. The actual net impact of the project on water levels, wells and water resources has not changed, nor have significance conclusions. Hydrogeologic data indicate that an adequate groundwater supply is available for the site; however, recent reports summarized in the updated Groundwater Study indicate the current overdraft condition is not sustainable.

As discussed in Section 6.6 of the Groundwater Study included as Appendix L to the DEIS, groundwater levels are over 100 feet below the ground surface in the area near the site and there is no known hydrologic connection between groundwater and surface water in this area. Impacts to surface water resources would therefore not occur as a result of project groundwater pumping. The presence of rapidly permeable soils underlain by a hardpan at varying depths effectively prevents the groundwater present in an aquifer from coming up through the soil to influence the growth and development of wetland plants on the property. For groundwater present in an aquifer (which is the basis of the description in the EIS) to affect plant growth in these sandy loam soil types, it would have to be less than 12 inches from the soil surface for several months during the growing season. In sharp contrast, the seasonal wetlands on site are entirely supported by water received as surface runoff or incident rainfall. This surface groundwater, as opposed to the aquifer groundwater, would not be significantly affected by the project improvements if the contributing watershed for the wetlands is maintained through the establishment of an adequate buffer. Consequently, impacts on endangered species, plants and animals, would not occur from drawdown induced by project pumping, and compensation for impacts on wetlands and endangered species are not needed.

**G-56.98** Please see Response to Comment G-13.8.

**G-56.99** Please see Response to Comment G-13.10. The referenced data was obtained from the latest City of Madera Source Water Assessment available. As noted in DEIS Section 3.3.3, although some of this data is older, it is still representative because the concentrations of contaminants in groundwater do not change frequently. This

was confirmed recently through consultation with the City of Madera (Ward, Marvin, personal communication, 9-16-08).

**G-56.100** Please see DEIS Section 4.11. FEIS Sections 2.0, 3.0, and 4.0 have been updated to note that the City of Madera’s wastewater treatment plant was expanded to a capacity of 10.1 MGD in March 2008. The City of Madera estimated the expansion capacity needed based on anticipated growth. DEIS Section 4.11 and Section 5.1.5 and Table 5-3 in Appendix I, Water and Wastewater Feasibility Study, provide a summary of the projected flows through 2023 and the impact of additional flows from the proposed project.

**G-56.101** Please see Response to Comment G-15.18.

**G-56.102** Please see Response to Comment G-56.100.

**G-56.103** Please see Response to Comment G-56.81.

**G-56.104** Please see Response to Comment G-13.10. The listing of SBC as the telecommunications provider to the Madera site has been changed to AT&T throughout the FEIS as the two companies merged in 2005.

**G-56.105** As stated on pg 4.2-1 of the DEIS, the occurrence of subsidence due to overdrafting of groundwater would not occur at or near the Madera site. The 2006 Groundwater Study (Appendix L of the DEIS) states on page vi that significant ground subsidence is not anticipated to occur as a result of the project, as “the project will contribute slightly (approximately 0.02 to 0.5 percent) to an existing imbalance between groundwater pumping and recharge (overdraft). Furthermore, the referenced statement in Section 4.2.1 of the DEIS is supported by an analysis of the potential for subsidence impacts resulting from project pumping, as presented in Section 6.7 of the Groundwater Study (Appendix L of the DEIS). This analysis indicates that the eastern boundary of the subsidence-affected area in Madera County coincides approximately with the eastern extent of the Corcoran Clay and does not extend beneath the site, despite the fact that significant groundwater pumping has occurred in the site vicinity. Ground subsidence of up to approximately 1 foot has been documented west of the City of Madera, in the vicinity of Madera Ranch, despite the fact that the area has also been subject to extensive groundwater pumping from both above and below the Corcoran Clay over the last 100 years (Jones & Stokes, 2005). Jones & Stokes therefore concluded that significant ground subsidence was not likely to be associated with MID’s Water Supply Enhancement Project. In conclusion, as explained in DEIS

Section 4.2 and Appendix L, significant ground subsidence would not result from the proposed project because subsidence has not been a significant problem in the Madera site area despite significant historical pumping. The area that has been impacted does not extend beneath the site, and the site is underlain by an unconfined aquifer system, which is less susceptible to pumping induced subsidence.

**G-56.106** Please see Response to Comment G-56.95. According to DEIS Section 3.2.3, the nearest regional soils to the North Fork site have been identified as belonging to the Holland-Tollhouse association. FEIS Section 4.2.4 has therefore been revised to reference the Holland-Tollhouse association.

**G-56.107** DEIS Appendix K states that the project will develop temporary runoff volume storage. The Grading Plan has been developed with a gravity outfall for the ponds that will enable them to drain within 24 hours. Thus, a mosquito issue would not occur.

**G-56.108** Reductions in the usable lives of nearby wells would be mitigated by compensating the well owners as discussed in Section 5.2.2 of the DEIS.

**G-56.109** Please see Response to Comment G-56.88.

**G-56.110** According to the American Standard for Testing and Materials (ASTM) Standard 1527-05, an assessment for the presence of asbestos containing building materials (ACBMs) that are part of an existing structure is not within the scope of a Phase I ESA and does not constitute a cleanup liability for the Tribe. As stated in **Section 4.4-12** of the DEIS, demolition activity will be subject to the requirements of the Asbestos National Emission Standards for Hazardous Air Pollutants, 40 CFR sections 61.140 through 61.157. Compliance with these regulations will result in a less than significant impact.

**G-56.111** A discussion of cultural resource inventory methods is presented in **Section 3.6.3** of the DEIS and in **Appendix J** of the DEIS. The entire site was surveyed using pedestrian transects and was conducted to the Federal standards set by the Secretary of the Interior.

**G-56.112** Please see Response to Comment G-56.36.

**G-56.113** Please see Responses to Comments G-56.35, G-56.36, G-56.73, and G-56.75.

**G-56.114** Please see Responses to Comments G-56.71 and G-56.75.

**G-56.115** Given that the contributions in the MOUs for fire and police services would compensate for increased demands based on the implementation of the proposed project, the loss of the MOU funds for these services would not constitute a negative impact given that no development is assumed under the no action alternative. Nonetheless, FEIS Sections 2.6 and 4.9.5 have been revised to note that the various Tribal MOUs would not apply to the no action alternative.

**G-56.116** Please see Responses to Comments G-56.67, G-56.70, G-56.71, and G-56.72.

**G-56.117** Please see Responses to Comments G-56.67, G-56.70, G-56.71, and G-56.72. Neither the BIA NEPA Handbook nor the CEQ NEPA Regulations outline specific criteria for assessing visual impacts. The DEIS fully complies with the requirements in the BIA NEPA Handbook and the CEQ NEPA Regulations for evaluating environmental impacts and their significance.

**G-56.118** The DEIS considers all reasonably foreseeable future growth in its cumulative analysis. As noted in DEIS Section 4.11.1 and Appendix M, growth has been projected according to the Madera County Transportation Commission (MCTC) traffic models, including the City of Madera 2030 Cumulative model and the Rio Mesa 2030 model. Both the City of Madera 2030 Cumulative model (used for Alternatives A, B and C) and the Rio Mesa 2030 model (used for Alternative D) were developed and updated as appropriate in consultation with area planners to determine reasonably foreseeable future growth for the purposes of environmental impact analysis. In addition, reasonably foreseeable development projects (determined after consultation with the City and County of Madera) were identified in DEIS Section 4.11.1 and updated in FEIS Section 4.11.1, to further illuminate the future cumulative environment. These reasonably foreseeable development projects were also added to the City of Madera 2030 Cumulative and the Rio Mesa 2030 models as appropriate to ensure that all forecasted land use growth was included.

**G-56.119** Further visual analysis regarding the proposed design of the proposed project is contained in Section 4.10.1. A reference to this section has been added to FEIS Section 4.11.2. The visual analysis does not rely completely on the proposed visual features of the project, but also clearly references existing development in the area that would moderate the proposed project's visual impact. Existing tall grain silos directly east of the Madera site and future cumulative development

would further moderate the project's visual impact, as additionally noted in FEIS Section 4.11.2.

**G-56.120** Please see Responses to Comments G-56.35 and G-56.36.

**G-56.121** Please see Responses to Comments G-56.35 and G-56.36. The revenue potential for retail development might be lower if the absorption rate for the homes is lower than developers had anticipated. Nonetheless, the volume of new housing and rental units in the market currently unoccupied, combined with the planned ready-to-occupy homes is far greater in quantity than would be induced by casino demand. Therefore, the proposed project would not induce new residential growth. As noted in FEIS Section 3.7 and Appendix R, population growth in Madera and Madera County has recently slowed. Nonetheless, the recent update of planned future development projects in FEIS Section 4.11.1 shows that most are still planned or have been developed. For example, a hotel was recently constructed southwest of the Avenue 17/Airport Drive intersection. Continued plans for development in spite of declining population growth and continued delays and uncertainty regarding the Tribe's proposed project indicate that development will continue independent of the proposed project or the other EIS alternatives.

**G-56.122** As noted in DEIS Section 4.12.1, should the Tribe decide to seek the connection to off-site sewer facilities any improvements funded by the Tribe would serve only the Tribe's project. Thus, no impacts, such as growth inducement, would occur other than those analyzed in DEIS Section 4.12.3.

**G-56.123** Assignment of mitigation responsibility to the Tribe means the Tribe or any of the Tribe's designees, which for instance may include a construction contractor or the facilities manager. The Tribe is the project proponent and is therefore the responsible party for the implementation of mitigation measures. The Tribe's contractor is a second party and cannot be bound by mitigation measures in the EIS. This has been clarified in FEIS Section 5.1.

**G-56.124** An entire section of the DEIS (Section 5.0) -- 71 pages long -- is devoted to mitigation. Dozens of mitigation measures are proposed to be adopted by the BIA. By way of legal authority, NEPA's obligations with respect to mitigation flow from the text of NEPA itself, the CEQ NEPA Regulations which implement the Act, and subsequent court decisions, including the leading case on mitigation, the United States Supreme Court's decision in *Robertson v. Methow Valley Citizens Council*, 490 US 322 (1989), and the Court of Appeals for the Ninth Circuit's decision in *Tyler v. Cisneros*, 136 F.3d 603 (9<sup>th</sup> Cir. 1998).



NEPA itself requires not only the scrutiny in an EIS of the “environmental impact” of a proposed major Federal action (§ 102(2)(C)(i), 42 USC § 4332(2)(C)(i)), but also the disclosure of “any adverse environmental effect which cannot be avoided should the proposal be implemented” (§ 102(2)(C)(ii), 42 USC § 4332(2)(C)(ii)). While NEPA never uses the term “mitigation”, the difference between the proposal’s impacts and those that cannot be avoided (i.e., those that can be avoided) is mitigation.

The CEQ NEPA Regulations then define mitigation (40 CFR § 1508.20) and require that possible mitigation measures be discussed in defining the scope of the EIS (40 CFR § 1508.25(b)) and in the EIS itself (40 CFR §§ 1502.14(f) and 1502.16 (h)). The agency must explain how it factored in mitigation in its Record of Decision (ROD) (40 CFR § 1505.2(c)).

It is the function of the EIS to propose mitigation measures for public and agency comment, but it is the ROD at the end of the NEPA process which actually imposes the mitigation. (40 CFR § 1502.2; see 40 CFR § 1505.3.) The provisions of the ROD and of the associated agreements can be enforced (subject to the varying circumstances described above) by the BIA. *Tyler v. Cisneros, supra*. In other words, as a general statement, if the BIA imposes mitigation within the ROD, it can enforce it.

The Court in the *Robertson* case made clear precisely what is (*Robertson* at 351-52) and what is not (*Id.* at 352-53) required with respect to the mitigation that has been identified. “There is a fundamental distinction,” said the Court, “between a requirement that mitigation be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated . . . and a substantive requirement that a complete mitigation plan be actually formulated and adopted, . . .” *Id.* at 352. It “would be inconsistent with NEPA’s reliance on procedural mechanisms -- as opposed to substantive, result-based standards -- to demand the presence of a fully developed plan that will mitigate environmental harm before an agency can act.” *Id.* at 353. Nonetheless, a Mitigation Monitoring and Enforcement plan has been included in FEIS Appendix Z, exceeding what NEPA and the Supreme Court require.

**G-56.125** The referenced sentence refers to pre-mitigation preparation of the proposed project or alternatives, not the mitigation requirements in the remainder of DEIS Section 5.0. For example, the proposed project has been located in an area of the Madera site that avoids biologically sensitive wetland features.

**G-56.126** Please see Response to Comment G-56.124.

**G-56.127** Please see Response to Comment G-56.123.

**G-56.128** As explained in DEIS Sections 3.4, 4.4, and 4.11, there are presently no NEPA standards or thresholds for greenhouse gases (GHGs). The analyses for GHGs presented in this EIS depend on compliance with applicable California Air Resource Board's early action measures and California Air Pollution Control Officers Association strategies. If a project is compliant with these early action measures and strategies, then the project is considered not to impede GHG reduction strategies outlined in Assembly Bill 32. The early action measures and strategies take into account all project emission sources. Table 5-1 of DEIS Section 5.2.3 shows the applicable early action measures and strategies for the proposed project. Of these, two are in compliance and the third would be in compliance with the implementation of mitigation measure CCC. Thus, the project would have a less-than-significant impact to climate change with the implementation of mitigation measure CCC.

**G-56.129** As noted in DEIS Section 5.2.7, controlling light from the parking facilities as well as prohibiting misleading light sources will mitigate potentially significant land use conflicts to a less than significant level.

**G-56.130** The level of specificity requested by the commenter is not warranted. As written, the mitigation measure gives specific direction as to the methods for purchasing such an easement. The requirement that at least a portion of the land subject to the easement be designed as valued farmland is not vague, but simply means that land must at least in part be so designated. In response to this comment, a specific acreage calculation has been added to FEIS Sections 4.8 and 5.2.7.

**G-56.131** Section 2.0 of the DEIS provides proposed built-in fire protective features for all the proposed Alternatives. With mitigation proposed in Section 5.2.8 and the built-in fire protective features, the potential impacts to the various fire protective jurisdictions will be less than significant.

**G-56.132** The referenced mitigation measure is for previously unidentified contamination that may be present. The commenter makes an inaccurate statement regarding lack of hazardous materials assessment performed on the North Fork site. Please see Response to Comment G-15.18. Hazardous material assessments were performed using the American Standards for Testing and Material (ASTM 1527-00 and

ASTM 1527-05) for Phase I ESAs. The ASTM standard gives a clear methodology for documenting potential hazardous materials involvement and is an industry accepted protocol. The mitigation measure is not based on speculation, but on the information that was obtained during preparation of the Phase I ESAs. Further clarification has been provided in Mitigation Measure M in the FEIS stating “In the event that contaminated soil and/or groundwater are encountered a professional hazardous materials specialist or a qualified individual would assess the potential risk. The risk would be based on laboratory analysis of soils and/or groundwater if detectable levels are present. If risks are determined to be significant representatives of the Tribe shall consult with USEPA and BIA to determine the appropriate course of action, including the development of a Sampling Plan and Remediation Plan if necessary. If necessary, a Sampling and Remediation Plan would be developed by the Tribe in consultation with USEPA and BIA to ensure risks to human health and the environment is acceptable.”

**G-56.133** Comment noted. Section 4.4 of this EIS compares project emissions to San Joaquin Valley Air Pollution Control District thresholds and under CEQA guidelines if these thresholds are met than no incremental increase in a particular pollutant would occur. FEIS Table 3.4-1 was changed to reflect the change in California’s NO<sub>x</sub> standard as well as other recent changes to the national and state standards.

**G-56.134** The emergency generators’ specifications are not yet known. The generators would be on trust lands and therefore, would be under the jurisdiction of the USEPA. The USEPA has determined that an emergency generator can operate 500 hours a year without a Title V permit. If an emergency generator exceeds 500 hours per year a Title V permit is required by the USEPA. After review of several currently operating casinos, which are similar in size and have similar energy outputs, it was found that these casinos did not operate their emergency generators more than 30 hours per year. Therefore, it is reasonable to assume that the proposed project would operate the emergency generators only very infrequently and much less than the 500 hours per year that trigger a Title V permit.

**G-56.135** Please see Responses to Comments G-56.123 and G-56.124. Appendix T of the FEIS contains a Construction Emissions Mitigation Plan. The plan includes fugitive dust mitigation as well as, mitigation for construction equipment emissions.

**G-56.136** Comment noted. Section 4.11 of the DEIS includes an analysis of cumulative air quality impacts.

**G-56.137** Please see Responses to Comments G-15.10 and G-56.52.

**G-56.138** Please see Responses to Comments G-15.11 and G-56.52. Please see DEIS Sections 4.4 and 4.11 for an analysis of impacts to air quality from increased ozone formation.

**G-56.139** PM<sub>10</sub> and PM<sub>2.5</sub> emissions are estimated on page 4.4-11 of the EIS. These emissions come mainly from mobile sources; therefore, PM<sub>10</sub> and PM<sub>2.5</sub> emissions are not concentrated at the casino, but rather spread out over a large area. Health concerns from these pollutants are discussed in Section 3.4 of the DEIS.

**G-56.140** Please see Response to Comment G-56.23.

**G-56.141** As noted in DEIS Section 4.8, the placement of the project facilities near the middle of the Madera site would present a buffer from nearby agricultural uses.

**G-56.142** Clarification has been provided in Section 4.10 of the FEIS to include analysis of potential impacts resulting from transportation and storage of swimming pool and landscaping chemicals. Impacts from self contained diesel storage tanks that are attached to the emergency generators is included in Section 4.10 of the DEIS. Clarification is provided in Mitigation Measure 5.2.9-F of the FEIS to reduce potential impacts during filling and servicing of the generators.

**G-56.143** Please see Response to Comment G-56.24.

**G-56.144** Please see Response to Comment G-56.25

**G-56.145** Please see Responses to Comments G-16.10 and G-56.43.

**G-56.146** The comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.

**G-56.147**

The DEIS Appendix M traffic study was prepared under the supervision of a California licensed Civil Engineer, N. Ruth Davis, as noted on the traffic study cover sheet. Under California state law, a registered professional engineer has more responsibility and authority than a Traffic Engineer, which is a title act. In addition, Ms. Davis is also a certified Professional Traffic Operation Engineer (PTOE), which is a national certification presided over by the Institute of

Transportation Engineers. The only way to be certified as a PTOE, is to be a registered professional engineer. The 2008 TIS update (FEIS Appendix M) was again prepared under the supervision of Ms. Davis with the assistance of Jill Gormley, a licensed Traffic Engineer.

**G-56.148** Please see Response to Comment G-56.28. Note that the time of expected maximum Casino traffic is later than the time of expected maximum background traffic volumes. Thus, the agencies with jurisdiction over roadways in the region (Caltrans, Madera County, City of Madera) unanimously recommended the use of the peak background traffic period for the analysis of impacts from the alternatives.

**G-56.149** Please see Response to Comment G-56.28.

**G-56.150** Please see Response to Comment G-56.28.

**G-56.151** Please see Response to Comment G-56.28.

**G-56.152** Please see Response to Comment G-56.28.

**G-56.153** Please see Response to Comment G-56.28.

With the 2008 TIS update all study locations have been re-evaluated for impacts and associated mitigations.

**G-56.154** Please see Responses to Comments G-8.7, G-8.8, G-8.9, G-13.12, and G-56.33. DEIS Appendix M includes a comparison to local trip generation at the Chukchansi Casino, currently the only casino in Madera County. This comparison shows the projected trip generation for the proposed project to be much higher than for the Chukchansi Casino. Surprisingly, this comparison also showed that the trip generation rate was also much higher (almost double) for the proposed project when compared to the Chukchansi Casino. This is surprising because data for casinos throughout the state has shown that the larger the casino, in general, the lower the trip generation rate. Therefore, it was concluded in DEIS Appendix M that the trip generation assumptions for the proposed project should be considered a worst case condition and certainly were not underestimated.

**G-56.155** Please see Response to Comment G-56.33.

Per Transportation Impact Analyses for Site Development, an ITE Proposed Recommended Practice, use of a Model is one of the most commonly accepted methods for estimating trip distribution. Results of the model trip distribution were

reviewed and approved by the various agencies with jurisdiction over local roadways, including Caltrans, Madera County, and the City of Madera.

- G-56.156** Mitigations of impacted roadways assume shoulder improvement commensurate with type of facility being constructed. If mitigations are not needed then the existing type of roadway and associated shoulder should be sufficient.
- G-56.157** Heavy vehicle percentages are included in the TIS level of service calculations (DEIS Appendices M and N).
- G-56.158** Comment noted. As stated in the DEIS Section 3.8.1 and the DEIS Appendix M, all study locations were developed in consultation with the County of Madera, City of Madera, and Caltrans.
- G-56.159** As stated in the DEIS Section 3.8.1 and the DEIS Appendix M, heavy vehicle percentages used in the analysis were taken from existing count data with a minimum of 2% for all study locations.
- G-56.160** As stated in the DEIS Section 4.8.1 and the DEIS Appendix M, no captured or pass-by trips were used in the study for the casino or non-hotel retail uses. A capture rate was assumed for the hotel analyzed in Alternative A. In response to this comment, in the 2008 TIS update (FEIS Appendix M), a 15 percent pass-by rate was used for the casino/hotel and other retail uses as appropriate.
- G-56.161** Comment noted.
- G-56.162** The Tribe through the use of various MOUs are working with the appropriate local agencies to ensure that as many traffic improvements as possible are in place at time of the casino opening, which may or may not include the construction of mitigations by the Tribe. Note that neither the BIA nor the Tribe can force local agencies to construct particular improvements by a certain date. They can, however, require that funding be provided by the Tribe for such improvements as recommended in the EIS. Thus, language has been added to FEIS Section 5.2.7 requiring that funds for near term mitigation be available within one week of the start of construction.
- G-56.163** As shown in DEIS Section 5.2.7 and in DEIS Appendix M, the proportionate share is based on the formula reviewed and approved by all agencies with jurisdiction over local roadways, including Caltrans, Madera County, and the City of Madera.

- G-56.164** Please see Responses to Comments G-15.10, G-41.6, and G-56.43. The terrain and biological features on the Old Mill site are much more diverse than the Madera site. Thus, there is no potential to “significantly lessen” the project’s potential biological resources impacts on the Madera site (which are minimal).
- G-56.165** The nearest significant wintering and migration areas for mule deer are approximately two miles north of the North Fork site, at the Taylor Mountain Deer Winter Range, and approximately five miles east of the site, at the Kinsman Flat Deer Winter Range (USFS 1991). Impacts to non-listed wildlife species, including mule deer, are addressed in DEIS Section 4.5.4.
- G-56.166** The site and site vicinity were re-surveyed by a qualified ornithologist with H. T. Harvey & Associates on May 30, 2008 by visually inspecting all trees within an increasing radius about the Madera site. In the course of the survey, an active Swainson’s hawk nest was found in a eucalyptus approximately 2.6 miles north of the site. Sections 4.5.1, 4.11.1, and 5.2.4 of the FEIS have been revised based on this new information. FEIS Section 4.5 and 5.2.4 has also been revised to include additional analysis and mitigation for potential impacts to burrowing owls.
- G-56.167** Please see Response to Comment G-56.165.
- G-56.168** The comment is noted for the record. However, it is not possible to respond given the vague nature of the comment.
- G-56.169** Section 5.2.4 of the FEIS has been amended to include a 250-foot buffer requirement for Migratory and Nesting Birds. If a migratory bird nest is present, a disturbance-free buffer of 250 feet shall be established around the nest and demarcated with fencing or flagging. This distance may be reduced, depending on the sensitivity of the species and nest location, in consultation with CDFG. No project-related construction activities, including vegetation removal, shall occur within the buffer zone until a qualified biologist determines the young have fledged and are independent of the nest.
- G-56.170** Section 5.2.4 of the FEIS has been amended to include a 50-foot buffer requirement for Waters of the U.S. A disturbance-free buffer of at least 50 feet shall be established and maintained around the wetlands during construction to protect water quality and post-construction to maintain the wetlands.
- G-56.171** The referenced mitigation measure (5.2.4D) requires that the water temperature of the receiving water body shall be monitored and, if necessary, measures “such as a cooling pond or cooling tower” shall be used to decrease the temperature of the

effluent. Thus, the mitigation measure does not limit the available methods to those two options to meet the referenced five degree standard and the measure requires taking action to cool the effluent only if necessary. There are many proven effective methods to cool effluent (if this is determined to be necessary), including the two common methods noted in Mitigation Measure 5.2.4D. In addition, the USEPA would determine the necessity of such a measure in conjunction with requirements associated with a NPDES permit. Should the use of effluent cooling measures (if determined to be necessary) be impracticable, then the Tribe would be required to choose another method for wastewater disposal.

**G-56.172** Section 5.2.4 of the FEIS has been amended to include specific and explicit mitigation for Mariposa pussypaws.

**G-56.173** Please see Response to Comment G-56.43.

***G-56 – Exhibit 20***

**G-56.174** Please see Response to Comment G-1.2. Please refer to Section 3.6.1 on information of the prehistoric and ethnographic context of the project site. For the purposes of the Section 106 of the NHPA and the FEIS, impacts to cultural resources have adequately addressed in Sections 3.6.1, 4.6.1, and 5.2.5. The cultural contexts within both the Section 106 and the DEIS are meant to be a general overview of the prehistory, ethnography, and history of the general area solely for the purposes of conducting cultural resources assessments on the alternative sites and analyzing impacts to cultural resources.

**G-56.175** Please see Response to Comment G-56.174.

**G-56.176** Please see Response to Comment G-56.174.

**G-56.177** Please see Response to Comment G-56.174.

**G-56.178** Please see Response to Comment G-56.174.

**G-57 – JOHN M. PEEBLES, LEGAL COUNSEL, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**G-57.1** Please see Responses to Comments G-30.1 and G-30.2.

**G-57.2** Please see Responses to Comments G-8.2 and G-8.13.



**G-58 –MADERA COUNTY FARM BUREAU**

- G-58.1** Please see Response to Comment G-1.2.
- G-58.2** As part of the 2008 TIS update (FEIS Appendix M), new intersection and segment count data was collected in June 2008. As part of this collection, farm implements traveling the roadways were noted. At the time of the counts only 1 tractor was noted in the AM and one tractor was noted in the PM at the Avenue 14 and Road 23 intersection. Therefore this does not appear to be a significant safety issue for the roadways surrounding the Madera site.
- G-58.3** Please see DEIS Sections 4.8 and 4.11 for an analysis of impacts to SR-99. SR-99 is currently operating at a LOS “C” in the AM peak hour and LOS “C/D” in the PM peak hour based on the 2008 TIS update (FEIS Appendix M), and with the Caltrans planned roadway widenings will operate at a LOS “B/C” in both the AM and PM peak hours.
- G-58.4** Comment noted. Mitigation measures for traffic impacts can be found in DEIS Section 5.2.7. The increased capacity on SR-99 that will be available by 2020 should be viewed as attractive by major distributors that would consider the Madera area for siting a facility.
- G-58.5** Please see Response to Comment G-13.6. Mitigation measures for impacts to both local drawdown impacts and regional overdraft impacts are included in DEIS Section 5.2.2 and in a MOU with MID (see DEIS Section 2.2.10 and Appendix C).
- G-58.6** Please see Response to Comment G-58.5. Section 6.7 of the updated Groundwater Study, dated August 2008, discusses the 2005 court rulings regarding diversions of San Joaquin River water at Friant Dam as well as the 2007 ruling regarding diversions from the Sacramento-San Joaquin Delta and their impacts on near term partial curtailment of surface water deliveries by the State Water Project (SWP) and Central Valley Project (CVP). The Madera County IRWMP (KDSA, 2008) discusses several efforts being pursued in the county which are intended to conjunctively address both surface water supply and groundwater overdraft issues. Other efforts are being pursued on a regional basis.
- G-58.7** Please see Response to Comment G-58.5. The project would use local groundwater as a water supply and does not propose to rely on regional water

sources or the Madera Irrigation District to deliver water supplies to the project. Please see DEIS Section 2.2.8.

**G-58.8** Please see Response to Comment G-58.7.

**G-59 – MADERA COUNTY SHERIFFS DEPARTMENT**

**G-59.1** Comment noted.

**G-59.2** Comment noted. Funding to support expanded police operations are outline in the respective MOUs with the City and County. The Tribe will contribute to the County an annual payment (adjusted annually by the CPI after the first payment) for the amount of \$415,000, for the salaries of ½ sheriff sergeant and 5 sheriff deputies. The Tribe will contribute to the City an annual payment for the amount of \$640,000 in first year of casino operation and \$675,000 in following years for the salaries of 6 law enforcement officers. In addition the City MOU requires a one-time contribution of \$500,000 for public safety training for police and fire staff and a one-time contribution of \$200,000 for the initial capital cost of the 6 new law enforcement officers. A substantial volume of employment in the security department of the resort is assumed in the operating model, as noted by the commenter.

**G-59.3** Comment noted. As noted in the Socioeconomic Impact Assessment (FEIS Appendix R), a significant volume of employment, both on-site and spin-off, is anticipated in the region, which is identified as being a positive factor in eliminating criminal activity.

**G-60 – DARCIE L. HOUCK FREDERICKS PEEBLES & MORGAN LLP FOR  
PICAYUNE RANCHERIA OF THE CHUKCHANSI INDIANS**

**G-60.1** Please see Responses to Comments G-8.2 and G-8.13.

**G-60.2** Please see Response to Comment G-8.13.

**G-60.3** Please see Responses to Comments G-8.2 and G-8.13.

**G-60.4** Please see Responses to Comments G-8.2 and G-8.13.

## **G-61 – UNITED STATES GEOLOGICAL SURVEY**

- G-61.1** Figure 3.2-1 source citation and Section 8.0 have been updated in the FEIS.
- G-61.2** Figure 3.2-4 source citation and Section 8.0 have been updated in the FEIS.
- G-61.3** As shown in Appendix K of the DEIS, the 102.4 acre/feet is for a 100-year storm event
- G-61.4** A summary of the methodology for calculating reductions in well life and increased energy costs has been added to FEIS Section 4.3.

## **G-62 – CENTRAL CALIFORNIA LEADERSHIP ALLIANCE**

- G-62.1** Please see Responses to Comments G-1.2 and G-6.2.

## **BUSINESS AND NON-GOVERNMENT AGENCY COMMENTS**

### **B-1 – VALLEY WEST CHRISTIAN CENTER**

- B-1.1** Please see Responses to Comments G-3.2 and G-16.2.

### **B-2 – BUILDING FOR CHRIST**

- B-2.1** Please see Response to Comment G-1.2.

### **B-3 – MADERA FIRST SO. BAPTIST**

- B-3.1** Please see Responses to Comments G-3.2 and G-16.2.
- B-3.2** Traffic analysis and proposed mitigation measures are included within Sections 3.8, 4.8, 4.11, and 5.2.7 of the DEIS.

### **B-4 – MTL FOR MCCS**

- B-4.1** FEIS Section 3.7 and Appendix R note that Madera County's population on 1/1/2008 was 150,887, which is 2% higher than the previous year.

The following statement in the DEIS (page 4.7-8) indicates inconclusive evidence on the link between casinos and increased crime. "After surveying similar

California casino communities and reviewing relevant literature, no definitive link between casinos and regional crime rates was found. Therefore, although and increase in calls for service is expected, an increase in regional crime rates would not result from Alternative A.” To mitigate this slight increase in crime, funding to support expanded police operations were included in the respective MOUs with the City and County. The Tribe will contribute to the County an annual payment (adjusted annually by the CPI after the first payment) of \$415,000 for the salaries of ½ sheriff sergeant and 5 sheriff deputies. The Tribe will contribute to the City an annual payment for the amount of \$640,000 in first year of casino operation and \$675,000 in following years for the salaries of 6 law enforcement officers. In addition the City MOU requires a one-time contribution of \$500,000 for public safety training for police and fire staff and a one-time contribution of \$200,000 for the initial capital cost of the 6 new law enforcement officers. In addition a substantial volume of employment in the security department of the resort is assumed in the operating model.

The legal gambling age at the proposed casino would be 21 years of age as noted in DEIS Section 2.0.

Based on the latest 3-yr collision history data supplied by Caltrans, SR-99 in the study area is operating below the average accident rates in all three accident categories including fatals, fatals + injury, and total, which includes property damage only. At the various interchanges analyzed in the study some locations showed higher than average accident rates in fatals + injury and total and others below the statewide average. With the proposed mitigations accident rates are likely to decrease since the intersections and segments will be improved to current safety standards with increased capacity.

## **B-5 – LATINAS UNIDAS**

**B-5.1** Please see Response to Comment G-4.1.

## **B-6 – LATINAS UNIDAS**

**B-6.1** Please see Response to Comment G-1.2.

## **B-7 – MADERA YOUTH LEADERS**

**B-7.1** Please see Response to Comment G-1.2.

**B-8 – MADERA MINISTERIAL ASSOCIATION**

**B-8.1** Please see Responses to Comments G-1.2 and G-4.1.

**B-8.2** Please see Responses to Comments G-3.2, G-4.1, and G-16.2. The commenter references the National Gambling Impact Study Commission Report (NGISC, 1999) incorrectly when he states “31% of patrons becoming problem or pathological gamblers”. The NGISC report cites the research of the National Opinion Research Center (NORC) at the University of Chicago as follows: “In NORC’s survey of 530 patrons at gambling facilities, more than 13 percent met the lifetime criteria for pathological or problem gambling, while another 18 percent were classified as ‘at risk’ for developing severe gambling problems.” This is the only report in the NGISC that references prevalence rates among patrons. More often problem and pathological gambling prevalence rates are applied to the entire adult population. In the report, the previous quote is followed directly by the following: “By comparison, the NORC random digit dialing survey of 2,417 members of the general population found that 2.1 percent met the lifetime criteria for pathological or problem gambling, while 7.9 percent were classified as ‘at risk’.” Both of these quotes reference a lifetime prevalence rate, which is higher than the past year prevalence rate. The past year prevalence rate is used to calculate the number of persons within the population who may exhibit characteristics of problem or pathological gambling within a given 12-month period. In FEIS Appendix R, the past year prevalence rate is used to calculate the number of persons within the county who may exhibit characteristics of problem or pathological gambling within a given year so that the costs of providing such services to county residents on an annual basis could be calculated.

With respect to the employees who develop gambling problems, the commenter quoted the following statement from the NGISC report correctly: “Dr. Robert Hunter, a specialist in pathological gambling treatment, has estimated that 15 percent of gambling industry employees have a gambling problem.” The NGISC mailed a questionnaire to approximately 550 casinos nationwide. Of 143 responses, 25 were from tribal casinos determining that slightly more than 6 of every 10 tribal casinos offered insurance coverage for the cost of treating problem or pathological gambling among employees. The Tribe is expected to create health care measures for its employees as well as institute problem gambling awareness training for the staff as indicated in Comment L-1 by Katrina Lewis, representing the Tribe. Nonetheless, a mitigation measure has been added to FEIS Section 5.2.6 that

requires that the Tribe offer insurance coverage for problem/pathological gambling treatment programs to its casino employees.

With regard to the comment on bankruptcy, the evidence is inconclusive. The NORC concluded that the casino effect is not statistically significant for any of the bankruptcy or crime outcome measures. In contrast, a recent study, released in January 2005 by the Rappaport Institute for Greater Boston and the John F. Kennedy School of Economics at Harvard University, examines the socio-economic impacts of Native American casinos nationwide. It found a personal bankruptcy rate of 3.27 per 1,000 people in casino counties compared to the national mean of 2.98. In a 2000 study by Nichols et al, results indicated that casino gambling is associated with an increase in personal bankruptcy in seven of the eight communities. The results also tend to suggest that there is a direct and positive relationship between length of time casinos have been in a community and bankruptcy rate, as those communities that have had casinos the longest tended to have the greatest increase in bankruptcy. However, the study shows that an increase in bankruptcy rate is not an inevitable product of casinos opening in a community. One community (Biloxi/Harrison County, MS) actually experienced a significant decrease in bankruptcy rate. A statement has been added to FEIS Section 4.7 acknowledging the possibility that various social ills and destructive behaviors, including bankruptcy, may afflict the problem gambler.

**B-8.3** Please see Responses to Comments G-1.1, G-3.2, G-4.1, G-15.22, G-16.2, and B-4.1. No direct correlation has been determined between increases in problem gaming increased stress on the welfare system. No evidence linking casinos with prostitution, increased gang activity, drug manufacturing, or drug selling has been found. The heavy security presence and the high coverage of security cameras in the casino and parking facilities tend to discourage such illegal activities from occurring in and around tribal casino facilities. In addition, in recent conversations the Madera County Sheriff has confirmed that problems with these types of crimes have not occurred in and around the Chukchansi Gold casino (see FEIS Appendix R).

**B-8.4** Please see Responses to Comments G-1.1, G-1.2, G-3.2, G-4.1, G-15.22, G-16.2, B-4.1, and B-8.2.

Problem gamblers may have a higher rate of suicide than the average population. The NGISC Report (1999) cites a report by the National Council on Problem Gambling which states approximately one in five pathological gamblers (a subset of problem gamblers with a more severe condition) attempts suicide. While

problem gambling is an illness that is chronic and progressive, it can be diagnosed and treated. To mitigate potential increases in problem gambling, Section 3 of the MOU between the Tribe and the County has provided funding for an annual payment totaling \$50,000 to the Madera County Behavioral Health Services. FEIS Section 5.2.6 has been updated to recommend increasing annual mitigation payments.

Though casinos have had a historical association with organized crime, today there is no strong evidence of this link. Regulatory agencies, such as the NIGC, are in place to review agreements with management companies and monitor those managing and operating casinos. These agencies monitor both tribal and commercial casinos and have effectively made it impossible for organized crime to have involvement in these businesses.

The Tribe has agreed in a MOU with the County (see DEIS Appendix C) to make the following annual contributions to philanthropies which could potentially support those institutions listed in the comment: \$200,000 to the North Fork Rancheria Charitable Foundation Contribution to negate social impacts from the casino development or to serve the community generally; \$250,000 to the North Fork Rancheria Economic Development Foundation which help mitigate the impacts of the development or to serve the community; \$400,000 to the North Fork Rancheria Educational Foundation to supplement the instructional programs of the local school districts or support work force development and training programs; and \$250,000 to the North Fork Unincorporated Area Foundation which will be used for community development, education, beautification, infrastructure, parks/recreation, business relations/development/attraction and assistance to other nonprofit organizations.

**B-8.5** Please see Responses to Comments G-1.1, G-1.2, G-3.2, G-4.1, G-15.22, G-16.2, B-4.1, B-8.2, and B-8.4.

Some of the behaviors listed in the comment may be related to increases in problem gamblers. The commenter nearly directly quotes the NGISC report (1999): “Children of compulsive gamblers are more likely to engage in delinquent behaviors such as smoking, drinking, and using drugs, and have an increased risk of developing problem or pathological gambling themselves.”

One of the 10 criteria the American Psychiatric Association (APA) uses in its Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) to classify pathological gambling is committing “illegal acts such as forgery, fraud, theft or

embezzlement to finance gambling”. It is possible that pathological gamblers may commit such acts in the workplace.

Families of pathological gamblers are affected in many ways, including divorce. Data points vary with regard to divorce as the NGISC report (1999) identifies in the following statistics: “In NORC’s survey, 53.5 percent of identified pathological gamblers reported having been divorced, versus 18.2 percent of non-gamblers and 29.8 percent of low-risk gamblers. NORC concluded, “Many families of pathological gamblers suffer from a variety of financial, physical, and emotional problems.” NRC reviewed studies showing that spouses of compulsive gamblers suffer high rates of a variety of emotional and physical problems. In a survey of nearly 400 Gamblers Anonymous members, 18 percent reported experiencing a gambling-related divorce. Another 10 percent said they were separated as a direct consequence of their gambling.”

**B-8.6** Please see Response to Comment G-1.2.

**B-8.7** Please see Responses to Comments B-8.4 and B-8.5.

**B-8.8** Please see Response to Comment G-1.2.

## **B-9 – MADERA MINISTERIAL ASSOCIATION**

**B-9.1** Please see Responses to Comments G-1.2 and G-15.7. Please see DEIS Section 2.0 for a description of alternatives analyzed in detail in the DEIS, including the North Fork site, and for a discussion of alternatives eliminated from further consideration. Please see DEIS Section 4.11 for an analysis of greenhouse gas emissions. Please see DEIS Sections 4.5 and 4.11 for an analysis of impacts to biological resources for alternatives on both alternative sites.

**B-9.2** Please see Responses to Comments B-8.2, B-8.4, and G-8.5.

**B-9.3** Please see Response to Comment G-15.7.

**B-9.4** Please see Responses to Comments B-8.4 and G-8.5.

**B-9.5** Please see Response to Comment G-1.2.



**B-10– THE MADERA MINISTERIAL ASSOCIATION**

**B-10.1** Please see Responses to Comments B-8.4 and G-8.5.

**B-11 – NORTH LAKE CHURCH OF GOD**

**B-11.1** Please see Responses to Comments B-8.4 and G-8.5.

**B-12 – STAND UP FOR CALIFORNIA!**

**B-12.1** Please see Responses to Comments G-1.2 and G-14.5. The comments do not raise substantive NEPA issues, but the comments are noted. As explained in the former Assistant Secretary’s Memorandum dated January 3, 2008, the Department of Interior recently began applying a new “commutable distance from the reservation” test to further scrutinize fee-to-trust applications seeking gaming eligibility under IGRA’s two-part process. The North Fork Rancheria was one of just six tribes nationally whose existing trust applications in January 2008 continued to be processed following the application of this new “commutable distance” test.

**B-12.2** Please see Responses to Comments G-1.2 and G-14.5.

**B-12.3** Please see Responses to Comments G-1.2 and G-14.5. The comments do not raise substantive NEPA issues. Although the lands in question at the Madera site are currently owned by Fresno Land Acquisitions LLC, they will be transferred either directly or through the Tribe to the United States for the benefit of the Tribe pursuant to the Tribe’s development and management agreements with Station Casinos, Inc. Federal law does not require the Tribe to hold title to the land at the time the Tribe submits its fee-to-trust application to the Secretary of Interior. Neither Fresno Land Acquisitions LLC, nor Station Casinos, Inc., will exercise any interest in the land once it is placed in trust and used by the Tribe to conduct gaming activities. Further, the Tribe’s management agreement must conform to the restrictions under IGRA and must be approved by the NIGC. The management contract being reviewed by the NIGC does not contain non-Indian assumption of Tribal authority.

**B-12.4** The economic impact on nearby tribal gaming operations is discussed in Section 4.7 of the DEIS. Please see Responses to Comments G-1.2, G-6.2, G-8.4, and G-14.5.

**B-12.5** Please see Responses to Comments G-1.2 and G-14.5. The comment does not raise a substantive NEPA issue. Use of gaming revenues would be controlled and

limited by the Indian Gaming Regulatory Act, 25 U.S.C. § 2710(b)(2)(B). Revenue from a tribe's gaming facility can only be used in accordance with the IGRA. The majority of the North Fork tribal citizens do not reside on or in the immediate vicinity of the North Fork Rancheria. A majority of tribal citizens reside elsewhere in Madera and Fresno Counties. The Tribe's membership and membership requirements are determined solely by the Tribe as a matter of tribal law and form the basis for a tribal membership of approximately 1,700 tribal citizens.

Congress, in enacting the Indian Reorganization Act (IRA), specifically authorized the Secretary to take into trust status lands that are "within and without existing reservations." 25 U.S.C. 465. The purpose and need of the Tribe's proposed project, as discussed in the DEIS at Section ES.2 of the Executive Summary, is to improve the socioeconomic status of the Tribe by providing a revenue source to help strengthen the Tribal Government and among other goals, to allow the Tribe to establish economic self-sufficiency. Such a purpose is consistent with the purpose of the IRA to promote tribal economies and self-government.

- B-12.6** Please see Responses to Comments G-1.2 and G-14.5. The Tribe is following long-established Department of Interior procedures under federal law and regulations for trust acquisition of the Madera site by the United States. Federal law requires the BIA to carefully weigh and consider issues of state and local jurisdiction, compatibility with existing zoning and land use requirements, and other local interests and expectations in evaluating a fee to trust request submitted by tribes. The regulations at 25 C.F.R. 151, which were promulgated by the Secretary of Interior, specifically address concerns about intrusions into state sovereignty. Jurisdictional issues and the potential loss of tax revenues have been addressed in the MOU between the Tribe and Madera County. See DEIS Appendix C.
- B-12.7** Comment noted. Please see DEIS Section 3.8 for a description of zoning designations on the Madera site, including allowable uses.
- B-12.8** Please see Response to Comment I-91.7.
- B-12.9** DEIS Section 4.7 acknowledges property tax losses that would be realized by placement of land into trust, outside of local jurisdiction. It would not be possible to conduct Class III gaming on non-trust lands, thus the analysis of the resulting tax burden of that situation is not required by NEPA. As noted by the commenter and DEIS Section 4.7, MOU payments would more than offset these losses. Increases

in demands for services are analyzed in Sections 4.7, 4.9, and 4.11 of the DEIS. The commenter's concern that legislation authorizing the use of Bingo-like slot machines to non Indians in the State would trigger the renegotiation and exclusivity provisions of the County MOU (or any of the aforementioned agreements) is without merit. Such legislation involves who is eligible for participate in class II gaming, not class III gaming as specified in the agreements.

- B-12.10** Please see Responses to Comments G-8.7, G-8.8, and B-12.7.
- B-12.11** Please see Responses to Comments G-1.2, G-14.5, and B-12.5. The comment does not raise a substantive NEPA issue. The BIA notes that IRA gives the U.S. Secretary of the Interior the discretion to take land into trust for Indian tribes and individuals. 25 U.S.C. § 465. Authority for this statute derives from the Indian Commerce Clause of the U.S. Constitution, art. 1, § 8, cl. 3. Nothing in the so-called "Four Reservations Act," Act of April 8, 1864, An Act to provide for the better Organization of Indian Affairs in California, 13 Stat. 39 ("1864 Act") limits the discretion of the Secretary to take land into trust for the Tribe for this project. See *Mattz v. Arnett*, 412 U.S. 481, 493-94 (1973) (holding that the President retained the authority to expand or enlarge existing reservations under the 1864 Act); *Donnelly v. United States*, 228 U.S. 243, 256-60 (1913) (affirming validity of Executive Order expanding boundaries of Hoopa Valley Reservation and observing that the President enjoys "a large discretion" about exercising this authority within the 1864 Act. IRA was enacted in 1934 and has long served as valid statutory authority for tribal trust land acquisitions by the United States in California and throughout the United States. Under IGRA's two-part determination, separate congressional legislation is not needed to obtain approvals to engage in gaming on after-acquired Indian lands.
- B-12.12** The comments do not raise substantive NEPA issues. Any trust acquisition of the Madera site by the United States would be a discretionary, not mandatory, acquisition. The Tribe has requested that the Secretary determine that the lands, once in trust, be eligible for gaming under 25 USC Section 2719(b)(1)(A), commonly referred to as the "two-part process" under Section 20 of IGRA, not under 25 USC Section 2719(b)(1)(B)(iii), commonly referred to as the "restored lands" exception under Section 20 of IGRA. The Madera site need not be located within or contiguous with the boundaries of the North Fork Rancheria for either exception to apply. Under the two-part process, which is applicable to the North Fork Rancheria, a tribe is allowed to operate gaming facilities on lands located outside a tribe's reservation that were acquired by the tribe after IGRA's effective date (October 17, 1988) if, after consultation with the tribe, the State, and local

officials, the Secretary of the Interior determines that the gaming facility would be in the best interests of the tribe and its members and not detrimental to the surrounding community, and the governor of the state in which the facility is to be located concurs in that determination.

Historic and ethnographic records indicate that the Tribe and its ancestors used and occupied lands in an area much larger than North Fork from pre-contact times to the present. In fact, the Madera site is near the former Fresno River Reservation set aside under three treaties negotiated and signed in 1851 but never ratified by the United States Senate. During the 1850s, North Fork Monos worked and resided on this former reservation. When the federal government abandoned the Reservation and irrigation transformed the Valley floor into valuable farmland, the North Fork Mono and others were driven further into the Sierra foothills and national forest.

The temporal relationship test, as developed by federal courts for purposes of IGRA, does not apply to a tribe pursuing acquisition of lands subject to the two-part process under 25 USC Section 2719(b)(1)(A).

In 1916, the federal government purchased the North Fork Rancheria lands in North Fork for the use of the North Fork band of landless Indians. In 1966, the federal government terminated its relationship with the Tribe pursuant to the California Rancheria Act of 1958 and distributed the North Fork Rancheria lands. 31 Fed. Reg. 2911 (Feb. 18, 1966). In 1983, the Tribe was restored to federal recognition pursuant to a Stipulation for Entry of Judgment entered in federal court in the *Tillie Hardwick, et al. v United States of America, et al.*, Civil No. C-79-1710-SW (N. D. CA. 1979), Stipulation for Entry of Judgment, August 2, 1983.

Please see Responses to Comments G-1.2, G-14.5, and B-12.1.

**B-12.13** The comments do not raise substantive NEPA issues. Under IGRA, Indian lands are defined as (i) all lands within the limits of an Indian reservation and (ii) any lands over which a tribe exercise governmental jurisdiction and that is held in trust by the United States. 25 USC 2703(4). If the United States accepts fee title to the site of the Tribe's proposed project, the site will qualify as "Indian lands." Please see Responses to Comments G-1.2, G-14.5, and B-12.3.

**B-12.14** Please see Responses to Comments G-1.2 and G-14.5. The comments do not raise substantive NEPA issues. For purposes of the Governor Schwarzenegger's May 2005 Proclamation on Indian Gaming Policy ("Governor's Proclamation"), the term "urbanized area" means the definition appearing under the California Public

Resources Code Section 21071(a), which, in part, defines an “urbanized area” as an incorporated city that (1) has a population of at least 100,000 persons; or (2) has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons. However, with a population under 50,000, the City of Madera is not on the list of cities in “urbanized areas” as defined under California law and included in the Governor’s Proclamation of May 2005. The Madera site is also located within an unincorporated area. Thus, the site in question, off of Highway 99, is not inconsistent with the Governor’s Proclamation and meets the criteria set forth therein.

**B-12.15** The comments do not raise substantive NEPA issues. Please see Responses to Comments G-1.2 and G-15.5. On April 28, 2008, the Governor signed a gaming Compact with the North Fork Rancheria for purposes of gaming on the Madera site of the proposed project. On the same day, the Governor signed a compact with the Wiyot Tribe. Under the compacts, the Wiyots agreed not to game on their Indian lands near Humboldt Bay along the northern California coast in exchange for gaming revenues from a special trust fund established for such purposes and funded with revenues from the proposed North Fork facility. The independent public policy identified in the North Fork compact is to avoid the construction of two separate gaming facilities on environmentally sensitive lands in North Fork and along Humboldt Bay. As stated by Governor Schwarzenegger in his press release announcing the two compacts, “these compacts help avoid impacts to two environmentally sensitive sites by allowing the North Fork Mono Rancheria to operate a single facility within its historic area at a location favored by Madera County and the majority of local representatives and residents.” Thus, the Tribe’s proposed project meets the criteria set forth in Governor Schwarzenegger’s May 2005 Proclamation on Indian Gaming Policy.

**B-12.16** The comments do not raise substantive NEPA issues. Please see Responses to Comments G-1.2 and G-14.5. The BIA has no authority to require or to initiate an advisory vote in California. Further, the Governor has indicated in the North Fork compact the criteria he will use to determine if local support for the project exists before concurring in an affirmative determination by the Secretary under the Section 20 two-part process. The criteria used by the Governor are consistent with his May 2005 Proclamation on Indian Gaming Policy. There is no long-standing public policy of permitting a public vote on proposed tribal projects. Such votes appear to be more the exception than the rule. For example, a number of landless tribes in California have established new Indian lands in California without a public vote.

**B-12.17** Please see Responses to Comments G-1.2, G-14.5, and B-12.16.

**B-12.18** Please see Responses to Comments G-1.2 and G-14.5. Based on Casino City's Indian Gaming Industry Report (2007-2008 Edition) California is not the "fastest growing" gambling state in terms of Native American gaming revenues, but it has ranked in the top 10 in terms of growth from 2003-2005 and in the top 15 in 2006. It is the top Native American gaming revenue generating state.

In compact between the State of California and the North Fork Rancheria of Mono Indians (see FEIS Appendix X), the Tribe will share revenues with the state based on a sliding scale percentage of net win from the operation of both slot machines and banked card games. The state will receive 13.5% of the first \$100 million of net win, 18% of amounts between \$100 and \$200 million in net win, and 22% of net win over \$200 million.

In addition to its contributions to the state, the North Fork Mono Rancheria will share a portion of its slot revenues with the trust fund benefiting the Wiyot Tribe. The fund will receive 2.5% of the first \$100 million of net win, 3% of amounts between \$100 and \$200 million in net win, and 3.5% of net win over \$200 million.

Gaming revenues will fund one-time and annually recurring payments totaling to \$10,950,000 - \$21,950,000 the County of Madera and \$7,360,000 - \$11,360,000 to the City of Madera as outlined in their respective MOUs (see DEIS Appendix C).

**B-12.19** The comments do not raise substantive NEPA issues. Please see Responses to Comments G-1.2, G-14.5, and B-12.1. The applicability of various portions of Section 20 of the IGRA is outside the scope of this EIS. As explained in the former Assistant Secretary's Memorandum dated January 3, 2008, the Department of Interior recently began applying a new "commutable distance" test to further scrutinize fee-to-trust applications seeking gaming eligibility under IGRA's two-part process. The dual purposes behind IGRA are: (1) to provide a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments; and (2) to provide a statutory basis for the regulation of gaming by an Indian tribe adequate to shield it from organized crime and other corrupting influences, to ensure that the Indian tribe is the primary beneficiary of the gaming operation, and to assure that gaming is conducted fairly and honestly by both the operator and players. 25 U.S.C. § 2702.

**B-12.20** Please see Responses to Comments G-1.2 and G-14.5. With respect to the commenter's concerns that the land should remain in fee, please see the Response to B-12.6. The applicability of various portions of Section 20 of the IGRA is outside the scope of this EIS. With respect to commenter's recommendation that the BIA consider the two-part determination model exemplified by the Fort Mojave Indian Tribe, there appears to be more similarities between the proposed gaming projects for the two tribes than there are differences. For example, the Fort Mojave Tribe also proceeded under IGRA's two-part process for gaming and the site of the gaming facility was similar in size and nature to the Madera site. The immediate area designated for the gaming project for Fort Mojave, like North Fork, was vacant with no development even though the site was also located less than three miles from the City of Needles. Both tribes also entered into agreements with local jurisdictions, demonstrating strong support from local communities, and both tribes have compacts signed by the Governor.

The environmental impacts related to the transfer of jurisdiction from state and local to state, tribal, and federal are analyzed throughout Section 4.0 of the DEIS.

### **B-13 – BERRY CONSTRUCTION**

**B-13.1** Please see Response to Comment G-1.2.

**B-13.2** Please see Response to Comment G-4.1.

**B-13.3** Please see Response to Comment G-4.1. DEIS Section 2.0 details the components of the proposed project, which include entertainment facilities, restaurants, and a small retail area.

### **B-14 – BERRY CONSTRUCTION**

**B-14.1** Please see Response to Comment G-1.2.

**B-14.2** Please see Response to Comment G-4.1.

**B-14.3** Please see Response to Comment B-13.3.

### **B-15 – VALLEY ADVOCATES**

**B-15.1** Please see Response to Comment G-56.40.

- B-15.2** The comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.
- B-15.3** The comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.
- B-15.4** The comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.
- B-15.5** The comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.
- B-15.6** The comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.
- B-15.7** The comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.
- B-15.8** Please see DEIS Sections 4.5 and 4.11 for an analysis of impacts to biological resources, including forest resources, where applicable. Please see DEIS Sections 3.7, 4.7, and 4.11 for a description of the methodology and an analysis of compliance with Executive Order 12898, including the consideration of low income and minority communities.
- B-15.9** Neither the proposed actions nor the Tribe's proposed project constitute a "project" under CEQA and, therefore, they are not subject to the CEQA, nor does CEQA require a joint draft EIS/EIR. There is no state or local action being considered as part of the proposed project and necessary for the development of the project. Therefore, CEQA is not triggered and a joint federal/state environmental impact statement and environmental impact report is not required.
- B-15.10** Please see Response to Comment G-56.40.
- B-15.11** The commenter correctly notes that the casino project evaluated on the North Fork site was considerably smaller than the proposed project. A larger facility or other developments would have generated nothing significant in terms of incremental income, as evident from the analysis in DEIS Appendix R, but would have generated a substantial amount in terms of incremental development cost.



The commenter is also correct in the statement that the decision to eliminate a larger project from consideration was based in part on a civil engineer's analysis of the topography of the land. The engineer's analysis contributed to the estimation that site preparation and other construction costs at this site would be comparatively high.

The Innovation Group's analysis did not address the revenue potential or increased cash flow that could result from the addition of a hotel, but given that the projected multiple of construction cost to cash flow for a casino at the North Fork site was estimated at more than 20X (and banks are not likely to finance projects with multiples higher than 4.5X to 5X), a hotel would not have been recommended.

- B-15.12** Please see Response to Comment B-15.11.
- B-15.13** Please see Responses to Comments B-15.11 and G-56.41. Please see DEIS Section 4.0 for a comparison of impacts to the Tribe and County from the various alternatives.
- B-15.14** Please see Responses to Comments B-15.11, B-16.10, G-56.40, and G-56.41. DEIS Section 2.7.1 discusses in detail why the Tribe's HUD tract in North Fork was considered but eliminated from further consideration. Moreover, using this land for anything other than for housing and related development would be inconsistent with the Tribe's original commitments to HUD and the BIA with respect to this site.
- B-15.15** Please see Responses to Comments B-15.11, B-16.10, G-56.40, and G-56.41.
- B-15.16** Please see Responses to Comments B-15.11, B-16.10, G-56.40, and G-56.41.
- B-15.17** Please see Responses to Comments G-1.2, G-15.11, and B-15.11.
- B-15.18** Please see Response to Comment B-15.11. The commenter asserts that the DEIS analysis is predicated on the presumption of success for the proposed project and an equal presumption of lack of success for Alternative D. Neither of these are presumptions, however, as they are merely conclusions drawn from The Innovation Group's market assessments (DEIS Appendix R). In the assessments, consideration of larger, more amenity-filled facilities on the North Fork site admittedly resulted in higher revenues, but as recognized by the commenter, resulted in diminishing returns, such that the additional revenues did not warrant the expenditure on incremental development costs.

The commenter states that the DEIS failed to examine whether Alternative D could attract visitors who otherwise would not consider visiting the proposed project near Madera because they are attracted to North Fork's rural setting. However, demand was based on a variety of factors, including the comprehensive tourist market potential. Certainly, the rural setting and recreational opportunities would be part of any marketing efforts for a casino on the North Fork site.

The commenter makes reference to project feasibility in some way relating to the cost per square foot of development. A higher cost per square foot would be expected for land that can yield significantly higher revenues. In the context of the DEIS, the high construction cost for the North Fork site essentially suggests that the return on those invested dollars is insufficient. At the Madera site, the return per dollar spent is considerably greater. The fact that the cost per square foot at the Madera site is higher is noted for the record, but does not mean that merits of the North Fork site have been overlooked.

Reasonably foreseeable construction costs were properly considered for all alternatives in the DEIS.

**B-15.19** Please see Responses to Comments B-15.11 and B-15.18.

**B-15.20** The commenter asserts that a casino in Madera would have less of an impact on unemployment in North Fork than a casino in North Fork could, and states that the DEIS fails to support the contention that a casino at the North Fork site would have little economic impact on the local community. It is agreed that it is more difficult to create employment opportunities in a rural town such as North Fork than it is for a location in close proximity to the City of Madera; however, this speaks to the relative viability of economic development (including casino development) at each location. The commenter suggests that development on the North Fork site presents a unique opportunity to fill a tribal employment need, but that only occurs with a viable casino project. Madera is sufficiently proximate to North Fork to allow for significant employment from the North Fork area, with greater staffing needs than a North Fork casino would require. The commenter has overlooked the fact that a casino in Madera would generate greater revenues to the Tribe than a casino at the North Fork site would, which in turn would allow for the creation of programs and benefits for the tribal community, in turn creating a significantly higher number of non-casino related jobs to the community. In addition, the spin-off effect of development in Madera, combined with the casino jobs that would be

created, significantly out-weigh the total employment benefits that could be generated with development at the North Fork site.

The commenter states that the DEIS dismissed the impact of overnight guests, inquiring about the rationale behind analyzing additional non-gaming amenities for Alternative D, which may otherwise generate additional demand. It is acknowledged that a larger, more amenity filled casino or casino resort would drive additional visitors, additional spending, and have an overall greater economic impact; however, based on DEIS Section 2.7.3 and Appendix R, development of a larger facility was not financially feasible. At the North Fork site, a small facility would be relatively ineffective in attracting visitors, and a large, integrated facility could not generate sufficient revenues to warrant development.

**B-15.21** The DEIS relies on the MOU entered into between the Tribe and the County because it exists and it is a binding document. It would not be appropriate to ignore the existence of this MOU. The statement that the County MOU would not apply to Alternative D is a fact that must be represented in the DEIS. No suggestion was made that the County and Tribe could not renegotiate a MOU under Alternative D. In fact, the statement quoted by the commenter explicitly allows for this possibility. Binding, existing MOUs are considered in Section 2.0 as applicable to the various alternatives. DEIS Section 4.0 considers these MOUs in determining the significance of environmental impacts. Where the MOUs are not applicable to the alternative or insufficient to prevent significant environmental impacts, additional mitigation measures are proposed in DEIS Section 5.0. Please see DEIS Section 4.7 for an analysis of fiscal impacts (independent of MOU contributions) to the County and City of Madera for each alternative.

Please see Response to Comment G-15.23.

**B-15.22** Please see Responses to Comments B-15.9 and B-15.21.

**B-15.23** Please see Responses to Comments G-15.10, G-56.45, G-56.46 and G-56.68.

**B-15.24** Please see Responses to Comments G-56.45, G-56.46 and G-56.68.

**B-15.25** Impacts to groundwater resources are discussed in Section 4.3 of the DEIS and analyzed in the Groundwater Study included as Appendix L of the DEIS. This document includes a thorough evaluation of current local and regional water level trends in the Madera Subbasin and a discussion of identified groundwater resource issues in the area. In addition, local and regional impacts associated with the

proposed groundwater pumping for the project are evaluated. As noted in FEIS Sections 4.11 and 4.12, no induced development would occur.

**B-15.26** Please see Response to Comment G-13.6. As stated in the DEIS, the proposed project will rely on groundwater for its water supply. Even under the option where connection to the City of Madera system would occur, the connection would be a looped system with a new Madera site well providing water for daily usage and existing Madera wells providing backup service (see DEIS Section 2.2.8). Since preparation of the DEIS, the City of Madera has collaborated with other municipalities, water districts, irrigation districts and community organizations in preparing an Integrated Regional Water Management Plan (IRWMP) for Madera County. The IRWMP acknowledges the overdraft condition of the basin and that continued overdraft of the valley floor groundwater basins in the County is not sustainable. The IRWMP recommends a series of regional and local management measures and projects aimed at alleviating the overdraft condition. A summary of the IRWMP and the local management measures has been included in FEIS Appendix L.

**B-15.27** Please see Responses to Comments B-15.25, B-15.26, and B-15.27. Please see DEIS Sections 4.3 and 4.11 for an analysis of cumulative groundwater impacts. Note also that AB-32 requires local municipalities to ensure water is available for proposed new development.

**B-15.28** Please see Responses to Comments G-13.6, B-15.25, B-15.26, and B-15.27. The Madera County IRWMP was issued after completion of the DEIS and is discussed in an updated Groundwater Study dated August 2008 (see FEIS Appendix L). The updated Groundwater Study quotes from the IRWMP that valley floor groundwater basins in the county are in an overdraft condition and that continued overdraft is not sustainable. The rate of groundwater level decline near the site is identified in the IRWMP as being between 2 and 3 feet per year. The IRWMP recommends a series of regional and local management measures and projects aimed at alleviating the overdraft condition. The IRWMP recommends that the County investigate the legal and institutional feasibility of requiring all new large development to provide the approving agency a detailed plan to balance the development's water supply and not to rely on mining or overdraft of the basin to meet its demands.

Cumulative impacts to the Madera Subbasin are discussed in Section 4.3 of the DEIS and analyzed in Section 6.7 of the Groundwater Study included as Appendix L of the DEIS. The project pumping of approximately 8 to 278 gpm (18 to 450 AFY) would be equivalent to a very small increase in the current basin overdraft of

approximately 0.02 to 0.5 percent; however, as discussed in Section 5.2.2 of the DEIS, the effects to regional groundwater overdraft would be reduced by Tribal contributions to a reserved water bank or groundwater recharge area in an amount at least equivalent to on-site pumping rates.

- B-15.29** Please see Response to Comment B-15.26.
- B-15.30** As noted in FEIS Section 4.12, no induced development would occur. Any new developments in the area would be subject to a CEQA review process; therefore, all impacts from new developments would be disclosed within its CEQA document. As noted in DEIS Section 4.4, the air quality analysis in the DEIS used the URBEMIS air quality modeling program, this model utilizes EMFAC emission factors, which are provided by various California air districts (see DEIS Appendix S). These emission factors take into account growth factors in the various air districts; therefore, the analysis, which is based on output data from URBEMIS, does include an assumption of other developments.
- B-15.31** Please see Response to Comment B-15.30. Air quality analysis is shown for both direct and indirect impacts in DEIS Sections 4.4 and 4.11, respectively. The San Joaquin Valley Air Basin is not in extreme nonattainment for any criteria air pollutant under the federal clean air act (see San Joaquin Valley Air Pollution Control District website at <http://www.valleyair.org/aqinfo/attainment.htm>). DEIS Section 4.4 analyzes the impacts to Class I areas, which includes national parks.
- B-15.32** Please see Response to Comment B-15.31.
- B-15.33** Please see DEIS Sections 3.7 and 4.7 for an analysis of compliance with Executive Order 12898 for each of the alternatives.
- B-15.34** Please see Responses to Comments B-15.30 and B-15.33. As noted in DEIS Section 3.7, the population within the census tract that includes the Madera site is approximately 49 percent minority. This is actually lower than surrounding census tracts, which range from 61 to 62 percent minority.
- B-15.35** Please see Responses to Comments G-12.1 and G-12.3.
- B-15.36** Please see Response to Comment B-15.30.
- B-15.37** Please see Response to Comment B-4.1. The presence or absence of valley fog is unrelated to the proposed project. Mitigation measures contained in DEIS Section

5.2.7 would ensure a less than significant traffic impact, ensuring that the project does not negatively contribute to existing traffic safety hazards, such as those created by occasional valley fog.

**B-15.38** The comment accurately states the number of schools nearby the Madera and North Fork sites, as reported in DEIS Section 3.9. Please see DEIS Section 4.9, for an analysis of potential impacts to schools, including traffic-related impacts and school population increase.

**B-15.39** Please see Response to Comment B-15.30.

**B-15.40** The wetland mapping, upon which the information contained in the DEIS was based, was conducted following survey methods developed and approved by several federal agencies with jurisdiction in wetland habitats, including the USACE and the USEPA. The field work was performed in a year of average rainfall amount and distribution and portrayed existing conditions observed on the study site at the time of the survey. The jurisdictional wetland mapping as presented in the DEIS for the Madera site was reviewed and approved by the Sacramento District of the USACE in January 2006, which agreed with the mapping. While such properties can exhibit seasonal flooding conditions during years of very high rainfall events, wetland delineations are based on typical conditions, following USACE guidance. If such flooding conditions had existed during the 2005 field surveys, the planted grasses would have appeared stunted and leaves would have been yellow in color in zones where the soil was saturated and/or ponded for long duration. Such conditions were not observed.

The majority of the Madera site is underlain by sandy loam soils that are described by the Natural Resource Conservation Service as rapidly permeable. However, a relatively small portion of the site is underlain by two of the soils types that have a hardpan restrictive layer described as occurring between 23 and 36 inches below the soil surface. These soils are prone to prolonged saturation under conditions of flooding. Currently, ponding and saturation above the hardpan is observed where the upper soil profile is relatively thin (i.e. few inches deep) or where channels have been excavated to convey irrigation or surface runoff.

Numerous forms of documentation exist that describe Schmidt Creek as ephemeral or intermittent stream. The 1946 aerial photo contained in the SCS Soils Report (published in 1962) portrays the creek as an unnamed intermittent stream; the 1961 USGS quad map suggests that the creek flows are highly ephemeral and that the creek terminates on the Madera site.

What is also apparent in the 1946 aerial photo is the large extent of land disturbance related to agricultural practices. Concurrent with agricultural practices on the Madera site over the last several decades is a regional decline in the deep aquifer groundwater table due to overpumping in the area. Factors that could have contributed to the alteration of surface flows (as opposed to deep aquifer groundwater levels) on the Madera site include the construction of SR-99, residential and commercial development east of the highway, and channelization of Schmidt Creek. All of these conditions may have contributed to a condition where the site is somewhat drier than its “historical” condition. However, it is inaccurate to state, as the commenter appears to be proposing, that pre-development conditions should be used as the baseline for the analysis of wetland impacts under either NEPA or the Clean Water Act.

Based upon review of current and historical aerial photography and conditions present on site relative to agricultural practices, there does not appear to have been any activities conducted on the Madera site that are outside of the farming practices allowed as described in the USACE regulation relative to Agricultural Activities in Wetlands that are Exempt from the Section 404 Permit Process of the Clean Water Act.

Extensive seasonal wetlands such as vernal pools or swales generally are readily observable on aerial photography as they appear as relatively dark-colored areas surrounded by upland habitats with much lighter soil colors. The only such dark soil patterns appear in the area where wetland habitats were mapped, as presented in the DEIS.

**B-15.41** Please see Responses to Comments B-15.1 through B-15.40.

## **B-16 – CHOWCHILLA INDUSTRIAL DEVELOPMENT CORPORATION**

**B-16.1** Please see Responses to Comments B-1.2 and B-4.1.

## **B-17 – LATINAS UNIDAS**

**B-17.1** Please see Responses to Comments B-1.2 and B-4.1.

## **B-18 – MADERA ASSOCIATION OF REALTORS**

**B-18.1** Please see Responses to Comments G-1.2, G-4.1, G-56.35, and G-56.36.

**B-19 –COMMERCE CASINO LOS ANGELES**

**B-19.1** Please see Response to Comment G-1.2.

**B-19.2** Please see Response to Comment G-1.2.

**B-19.3** Please see Response to Comment G-1.2.

**B-20 –THE BICYCLE CASINO**

**B-20.1** Please see Responses to Comments G-1.2 and G-4.1.

**B-21 – AMERICAN LUNG ASSOCIATION-CALIFORNIA**

**B-21.1** Please see Response to Comment G-1.2

**B-21.2** Comment noted. Health concerns from ozone are outlined in Section 3.4 of the EIS.

**B-21.3** Please see Response to Comment B-21.2. There would be an increase in emissions from vehicles due to the implementation of the proposed project; however, mitigation measures outlined in Section 5.2.3 would reduce these emissions.

**B-21.4** Impacts from indoor smoking are discussed in Section 4.4 and it was determined that indoor smoking could have a potentially significant impact to the health of employees and patrons. It is the Tribe's decision whether to allow smoking or not at the casino. It is not anticipated that the presence of a casino will increase the prevalence of smoking in the local population; however, second-hand smoke in the casino would directly affect the health of patrons and employee. Mitigation measures are provided in DEIS Section 5.2.4. Although it is not possible to completely eliminate the potential health impacts due to secondhand smoke, the mitigation measures in Section 5.2.4 would reduce the health risk and promote awareness of the health risk so that the patrons and employees are not subjecting themselves to an unknown risk.

**B-21.5** A mitigation measure has been added to Section 5.2.3 that would require the Tribe in cooperation with the San Joaquin Air Pollution Control District to determine if air quality monitoring stations are feasible in the area of the proposed project.



**B-21.6** Comment noted.

## **INDIVIDUAL COMMENTS**

### **I-1 – JERRY MAGNUSON**

**I-1.1** Please see Response to Comment G-1.2.

### **I-2 – MERYL BERTRAND**

**I-2.1** Please see Response to Comment G-1.2.

### **I-3 – TALIA PREIS**

**I-3.1** Please see Response to Comment G-1.2.

### **I-4 – JOHN T. SLEN**

**I-4.1** Please see Response to Comment G-1.2.

### **I-5 – TRAVIS TAYLOR**

**I-5.1** An analysis of water resources and potential impacts is discussed within Sections 3.3 and 4.3 of the DEIS, respectively. Socioeconomics is analyzed in DEIS Sections 3.7 and 4.7.

### **I-6 – RACHEL HERNANDEZ**

**I-6.1** Please see Responses to Comments G-1.2, G-16.1, G-16.2, B-8.4, and B-8.5.

**I-6.2** Please see DEIS Sections 4.8 and 4.11 for an analysis of traffic impacts.

### **I-7 – DONNA PRIDE**

**I-7.1** Please see Responses to Comments G-1.2 and G-4.1.

**I-8 – CONNIE J. OFFER**

- I-8.1** Please see Response to Comment G-4.1. As noted in DEIS Section 2.2, the proposed project would include only a very small retail component. As noted in DEIS Section 4.12, no growth would be induced by the proposed project.

**I-9 – CHARLOTTE WYNNE**

- I-9.1** Please see Responses to Comments G-1.2, B-8.4, B-8.5, and B-15.38. Please see DEIS Sections 4.8 and 4.11 for an analysis of traffic impacts.
- I-9.2** Please see Response to Comment G-56.40. Please see DEIS Section 4.7 and Appendix R for an analysis of socioeconomic impacts, including employment impacts.

**I-10 – ELIZABETH WISENER**

- I-10.1** Please see Response to Comment G-1.2.

**I-11 – GARY COMER**

- I-11.1** Please see Responses to Comments G-1.2 and G-4.1.

**I-12 – DON RASMUSSEN**

- I-12.1** Please see Response to Comment G-1.2.
- I-12.2** Analysis of potential traffic impacts to the Avenue 17/Golden State intersection and Avenue 17/SR-99 ramps is included within Sections 4.8 and 4.11 of the DEIS. Other than the short distance between SR-99 and Golden State, very little project traffic would travel on Avenue 17.

**I-13 – RYAN GUTILE**

- I-13.1** Please see Response to Comment G-4.1. Please see DEIS Section 4.0 for an analysis of environmental impacts from the proposed project.
- I-13.2** The Tribe would be required to obtain a license for serving alcohol just like any other business. As noted in DEIS Section 2.0, the Tribe would adopt an alcoholic beverage policy that would include refusing service to those that appear to have had enough to drink. Increased funds to local law enforcement agencies (see DEIS

Section 2.0, 4.7, 4.9, and Appendix C) would fund additional services that could include additional enforcement of laws prohibiting driving under the influence.

**I-14 – DESI COMER**

**I-14.1** Please see Responses to Comments G-1.2 and G-4.1.

**I-15 – LINDA LEWIS WRIGHT**

**I-15.1** The comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.

**I-15.2** The comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.

**I-15.3** The comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.

**I-15.4** An analysis of potential traffic impacts to signalization and traffic control is included within DEIS Sections 4.8 and 4.11.

**I-15.5** An analysis of the potential for increased crime is included within DEIS Sections 4.7 and 4.11.

**I-15.6** The comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.

**I-15.7** Please see Response to Comment G-1.2.

**I-15.8** Please see DEIS Section 4.7 for an estimate of jobs that would be generated by the proposed project. As noted in DEIS Section 2.2.10, both the MOUs with the City and County of Madera include local employment provisions.

**I-15.9** Please see Response to Comment G-4.1. Please see DEIS Section 4.7 for an analysis of impacts to problem gambling.

**I-16 – DONNA RED SKY**

**I-16.1** Please see Responses to Comments G-1.2 and G-4.1.

**I-17 – MARGO SMITH**

**I-17.1** Please see Responses to Comments G-1.2 and I-13.2.

**I-18 – LAVADA MCFEE**

**I-18.1** Please see Responses to Comments G-1.2 and I-13.2. As noted in DEIS Section 2.0, the legal gaming age at the proposed casino is 21 years of age. The legal age to consume alcohol at the casino and in the State of California is 21 years of age.

**I-18.2** Comment noted.

**I-18.3** Please see Response to Comment G-1.2.

**I-19 – JUAN URENA**

**I-19.1** Please see Response to Comment G-1.2.

**I-20 – MICHELLE LEWIS**

**I-20.1** Please see Responses to Comments G-1.2 and G-4.1.

**I-20.2** Please see Response to Comment G-1.2.

**I-21– VERNON SHUPE**

**I-21.1** Please see Response to Comment G-1.2.

**I-22 – LEZLIE GITTINGS**

**I-22.1** Please see Response to Comment G-8.13.

**I-22.2** Reductions in the usable lives of nearby wells caused by the proposed project would be mitigated by compensating the well owners as discussed in Section 5.2.2 of the DEIS.

**I-22.3** Please see Response to Comment G-8.13.

**I-23– DEBBIE RODRIQUEZ**

**I-23.1** Please see Responses to Comments G-1.2, B-8.4, B-8.5, B-15.38, and I-13.2.

**I-24– DOLORES HOLLEY**

**I-24.1** Please see Responses to Comments G-1.2 and I-13.2.

**I-25– JOHN AND YOLA ARSLAN**

**I-25.1** Please see Response to Comment G-1.2.

**I-26– FELEENA BERRY**

**I-26.1** Please see Response to Comment G-1.2.

**I-26.2** Please see Responses to Comments G-13.6 and I-22.2.

**I-27– KATHRYN HORN**

**I-27.1** Please see Response to Comment G-8.13.

**I-28– ROBERT LYDAY**

**I-28.1** Please see Response to Comment G-1.2.

**I-29– JOSHUA KIRK**

**I-29.1** Please see Response to Comment G-1.2.

**I-29.2** Please see DEIS Section 4.0 for an analysis of the impacts placed on the local infrastructure.

**I-30– DANIEL BONILLA**

**I-30.1** Please see Responses to Comments G-1.2 and G-4.1.

**I-31– DORTEO HERNANDEZ**

**I-31.1** Please see Responses to Comments G-1.2 and G-4.1.

**I-32– RICHARD LIVASY**

**I-32.1** Please see Response to Comment G-1.2.

**I-33– KARAMJIT S. NIJJAR**

**I-33.1** Please see Responses to Comments G-1.2 and G-4.1.

**I-34– ELVIN DAVIS**

**I-34.1** Please see Response to Comment G-1.2.

**I-35– CATHY MAGNUSON**

**I-35.1** Please see Response to Comment I-12.2.

**I-35.2** Please see Responses to Comments G-1.2, G-4.1, and I-15.9.

**I-35.3** Please see Responses to Comments G-1.2, G-4.1, I-13.2, and I-15.9.

**I-35.4** Please see Responses to Comments G-1.2 and G-56.40.

**I-35.5** Please see Response to Comment B-9.2.

**I-35.6** Please see Response to Comment G-1.2.

**I-36– BONNIE DAY**

**I-36.1** Please see Responses to Comments G-1.2, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, and B-8.5.

**I-37– MAURICO CEJA**

**I-37.1** An analysis of potential traffic impacts is included within Sections 4.8 and 4.11 of the DEIS.

**I-37.2** Please see Responses to Comments G-15.22, G-16.1, and G-16.2.

**I-37.3** Please see DEIS Sections 4.4 and 4.11 for an analysis of air quality impacts from mobile emissions.

**I-37.4** Comment noted. A Tribal-State Compact has recently been executed (see FEIS Appendix X) that includes revenue sharing provisions with the State of California.

**I-38– NANCY DE LA CRUZ**

**I-38.1** Please see Response to Comment G-8.13.

**I-38.2** Please see Response to Comment G-8.13.

**I-39– LINDA AZEVEDO**

**I-39.1** An analysis of existing and potential traffic impacts along SR-99 near the Madera site is included within Sections 4.8 and 4.11 of the DEIS.

**I-39.2** Please see Responses to Comments B-4.1 and I-13.2.

**I-39.3** Please see Response to Comment I-37.3.

**I-40– DR. ROBERT MANLOVE**

**I-40.1** Please see Response to Comment G-56.174.

**I-40.2** Please see Response to Comment G-56.174.

**I-40.3** Please see Response to Comment G-56.174.

**I-40.4** Please see Response to Comment G-56.174.

**I-40.5** Please see Response to Comment G-56.174.

**I-41– LOLA M. WHIPPLE**

**I-41.1** Please see Response to Comment G-1.2.

**I-41.2** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, and B-8.5.

**I-41.3** Comment noted. Please see Response to Comment G-1.2.

**I-41.4** DEIS Sections 4.4 and 4.11 analyze air quality impacts. Please see DEIS Section 5.2.3 for recommended air quality mitigation measures.

**I-41.5** Please see Responses to Comments G-13.6 and G-58.7.

**I-41.6** Please see Response to Comment G-1.2.

**I-42– DAN CASAS**

**I-42.1** Please see Responses to Comments G-15.10, G-56.45, G-56.46, and G-56.68.

**I-42.2** Please see Responses to Comments G-15.7 and G-33.4.

**I-43– RAE MOHR**

**I-43.1** Please see Response to Comment G-1.2.

**I-43.2** Please see Response to Comment G-1.2.

**I-43.3** Please see Responses to Comments G-1.2 and G-4.1.

**I-43.4** Please see Responses to Comments G-1.2 and G-4.1.

**I-44– RAE MOHR**

**I-44.1** Please see Response to Comments G-1.2.

**I-45– RAE MOHR**

**I-45.1** Please see Response to Comment G-1.2.

**I-45.2** Please see Response to Comment G-1.2.

**I-45.3** Please see Responses to Comments G-1.2 and G-4.1.

**I-45.4** Please see Responses to Comments G-1.2 and G-4.1.

**I-46– MR. AND MRS. CHRIS BONNER**

**I-46.1** Please see Response to Comment G-1.2.

**I-46.2** Please see Responses to Comments G-58.3 and B-15.37.

**I-46.3** Please see Responses to Comments G-1.2 and G-4.1.



**I-47– RODNEY REINDL**

- I-47.1** Please see Responses to Comments G-1.2, G-8.2, and G-8.13. The BIA is not aware of the source of Mr. Gilbert’s claims, nor is it aware of any public hearings related to the proposed project other than the scoping and DEIS hearings held by the BIA. Mr. Gilbert may have been referring to public meetings held by local officials regarding the MOUs.
- I-47.2** Please see Responses to Comments G-58.3 and B-4.1. Please see DEIS Section 4.0 for an analysis of the impact of the proposed project on the environment, including traffic impacts.
- I-47.3** The USEPA has designated the San Joaquin Valley Air Basin as nonattainment for ozone, PM10, and PM2.5; however, on March 8, 2008, PM10 was redesignated as attainment. As shown in Section 4.4 of the EIS ozone precursors NOx and ROG, does not exceed de minimus levels. Under general conformity regulations if a pollutant in a nonattainment area does not exceed de minimus levels then the project is considered to comply with the state implementation plan for that pollutant; therefore since no pollutant exceeds de minimus levels the proposed project would not cause a violation of any air quality standard or impede the progress of an air basin to obtain attainment.
- I-47.4** Please see Response to Comment B-4.1. Please see DEIS Sections 4.7 and 4.11 for an analysis of traffic impacts. Traffic mitigation measures are included in DEIS Section 5.2.7.  
In addition, Caltrans has several projects in the 2007 RTP to improve various interchanges as well as to widen SR 99 with these improvements expected to be completed prior to 2020. One of these Caltrans improvements includes the reconstruction of the Avenue 17 interchange.
- I-47.5** Please see Response to Comment I-47.4.
- I-47.6** Please see Response to Comment G-1.2.
- I-47.7** Please see Responses to Comments B-15.23 and B-15.24.
- I-47.8** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, and B-8.5.

**I-47.9** Please see Response to Comment G-1.2. The commenter's referenced statements were not made by the BIA or its consultant.

**I-47.10** Please see Response to Comment G-15.7.

**I-47.11** Please see Response to Comment G-1.2.

**I-47.12** Please see Response to Comment G-1.2.

**I-48– BEVERLY ALBERDA**

**I-48.1** Please see Response to Comment G-1.2.

**I-48.2** Please see DEIS Section 4.0 for an analysis of impacts to employment, traffic, pollution, and crime.

**I-48.3** Comment noted. Please see Response to Comment G-1.2.

**I-48.4** Please see Response to Comment G-1.2.

**I-48.5** Please see Response to Comment G-1.2.

**I-49– JOHN BARSOTTI**

**I-49.1** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, and B-8.5.

**I-49.2** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, and B-8.5.

**I-50– KIM COLLINS**

**I-50.1** Please see Responses to Comments G-1.2 and B-4.1.

**I-50.2** Please see Response to Comment G-1.2.

**I-50.3** Comment noted. Pollution transport in the Central Valley starts in the Bay Area and moves into the valley via marine winds (DEIS Section 3.4). Low pressures in the eastern portion of the state cause these pollutants to travel up the canyons and river valleys. The pollutants that are created along the SR-99 corridor are

transported into the canyons and river valleys; however, pollutants from the SR-99 corridor are minor in comparison to the pollution transported from the Bay Area and the northern part of the Central Valley.

**I-50.4** Please see Response to Comment G-1.2.

**I-51– JEFFREY SINGER**

**I-51.1** Please see Response to Comment G-1.2. Emission estimates and air quality analyses for the various alternatives are provided in Section 4.4 of the DEIS.

**I-51.2** Please see DEIS Section 4.8 for the expected distribution of proposed project generated traffic. As noted in the DEIS, not all project generated traffic would travel on SR-99.

As discussed in the DEIS Section 3.8.1, DEIS Appendix M, and the 2008 TIS update (FEIS Appendix M), the trip distribution was developed using the City of Madera 2030 Cumulative model with the results reviewed and approved by the various agencies with jurisdictions over local roadways, including Caltrans, Madera County, and the City of Madera. The model takes into account the roadway system, including the back roads, that surrounds the site.

**I-51.3** Please see Responses to Comments G-4.1 and G-15.22.

**I-52– LORRAINE KINCAID**

**I-52.1** Please see Response to Comment G-1.2.

**I-52.2** Please see DEIS Section 4.0 for an analysis of expected increases in pollution and traffic from the proposed project.

**I-53– JULIE TYMN**

**I-53.1** Please see Response to Comment G-1.2.

**I-53.2** Comment noted. As noted in DEIS Sections 4.7 and 5.2.3, the Tribe will mitigate the air quality impact of the proposed project; however, not to a less than significant level.

**I-53.3** Please see Response to Comment G-15.7.

**I-54– MICHAEL RHOADS**

**I-54.1** Please see Responses to Comments G-1.2 and G-56.40.

**I-55– LESLIE KITTLINGS**

**I-55.1** Please see Responses to Comments G-8.13 and G-29.8.

**I-56– CAROL GRAHAM**

**I-56.1** Please see Response to Comment G-1.2.

**I-56.2** Please see Response to Comment G-1.2.

**I-56.3** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, and B-8.5.

**I-56.4** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.3, B-8.4, and B-8.5.

**I-56.5** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, and B-8.5.

**I-56.6** Please see Response to Comment I-56.5.

**I-57– JIM AND DORIS BLAIR**

**I-57.1** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, and B-8.5.

**I-58– LH AND ROYCE COPE**

**I-58.1** Please see Response to Comment G-1.2. Please see DEIS Sections 4.4, 4.8, 4.11, and 5.0 for an analysis of air quality and traffic impacts and recommendations for mitigation.

**I-59– FERN PALLES**

**I-59.1** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, B-8.5, and I-58.1.

**I-60– MICHAEL RENCH**

- I-60.1** Please see Response to Comment G-1.2. The MOUs with the City and County of Madera are included in DEIS Appendix C. Sections 3.8 and 4.8 of the DEIS provide an overview of existing transportation systems and the mitigation measures which are proposed to mitigate potential area traffic impacts from the proposed project.

**I-61– DENNIS BRUNO**

- I-61.1** Please see Response to Comment G-1.2.
- I-61.2** Please see Response to Comment G-4.1.
- I-61.3** Traffic mitigation measures are included in DEIS Section 5.2.7 and include improvements to local streets and overpasses.
- I-61.4** Please see Response to Comment G-1.2.
- I-61.5** Please see Response to Comment G-1.2.
- I-61.6** Please see Response to Comment G-1.2.

**I-62– SHARON NICHOLS**

- I-62.1** Please see Response to Comment G-1.2.
- I-62.2** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, and B-8.5.
- I-62.3** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, and B-8.5.

**I-63– T. DODSON**

- I-63.1** Please see Response to Comment G-1.2.
- I-63.2** Please see Response to Comment G-1.2.
- I-63.3** Please see DEIS Section 4.0 for an analysis of environmental impacts.

**I-63.4** Please see Response to Comment G-13.6.

**I-63.5** Please see the Madera County pollutant trends shown in Table 4.11-5 of the DEIS. DEIS Section 4.4 estimates air quality impacts from the various alternatives. As shown in DEIS Section 4.8.1, DEIS Appendix M and the 2008 TIS update (FEIS Appendix M), Alternative A is projected to generate a maximum 2-directional daily volume of 12,359 trips.

**I-63.6** Please see Responses to Comments G-1.2 and I-63.5. As stated in previous responses to comments, Caltrans has several projects in the 2007 RTP to improve various interchanges as well as to widen SR-99 with these improvements expected to be completed prior to 2020. Payment for these Caltrans improvements are coming from several sources including:

- Interregional Transportation Improvement Program
- SR 99 Bond
- Regional Transportation Improvement Program
- Measure T
- Impact Fees

In addition the Tribe would be paying a proportionate share percentage to the various local agencies to improve impacted roads and intersections (see FEIS Appendix M and Section 5.2.7).

**I-63.7** Please see Responses to Comments G-13.5, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, B-8.5, and I-63.5.

**I-63.8** Please see Response to Comment G-1.2.

#### **I-64– JEFF KARST**

**I-64.1** Please see Responses to Comments G-1.2 and G-6.2.

**I-64.2** Please see Responses to Comments G-1.2, G-6.2, G-14.5, and B-12.4.

**I-64.3** Please see Responses to Comments G-1.2 and G-6.2.

#### **I-65– ROSANE BONILLE**

**I-65.1** Please see Response to Comment G-1.2.

**I-65.2** Comment noted.

**I-65.3** Please see Response to Comment G-4.1.

**I-66– DAN CARTER**

**I-66.1** Please see FEIS Section 4.7 and Appendix R for an analysis of competitive impacts to neighboring casinos.

**I-67– TED ATKINS**

**I-67.1** Please see Responses to Comments G-8.7 and G-56.154.

As discussed in the DEIS Section 3.8.1 and DEIS Appendix M, the trip distribution was developed using the City of Madera 2030 Cumulative model with the results reviewed and approved by the various agencies with jurisdiction over local roadways, including Caltrans, the City of Madera, and Madera County. The model takes into account the roadway system, including the back roads, that surrounds the Madera site.

**I-68– JOHNATHAN MORRIS**

**I-68.1** Please see Response to Comment G-8.7. Under NEPA, in order to implement a project that is significantly larger than the one described in the DEIS, a new or supplemental EIS may be needed. As a result, in addition to market constraints, there are significant legal barriers under NEPA and the Compact which restrict the size and scope of the gaming facility to what is currently proposed in the DEIS.

**I-69– KIRK ATAMIAN**

**I-69.1** Please see Response to Comment G-4.1.

**I-70– GARY GILBERT**

**I-70.1** Please see Response to Comment G-1.2.

**I-70.2** Please see Responses to Comments G-1.2 and G-5.2.

**I-70.3** Please see Responses to Comments G-1.2 and G-5.2

**I-70.4** Please see Responses to Comments G-1.2 and G-5.2

**I-70.5** Please see Response to Comment G-1.2.

**I-70.6** Comment noted.

**I-71– SANDY SCHELTER**

**I-71.1** Please see Response to Comment G-1.2.

**I-71.2** Please see Response to Comment G-1.2.

**I-71.3** Please see DEIS Sections 4.7, 4.8, 4.11, and 5.0 for an analysis of impact to crime and traffic and for recommended mitigation measures. As shown in the DEIS Section 5.2.7, the DEIS Appendix M and the 2008 TIS update (FEIS Appendix M), mitigation measures are proposed to reduce the traffic impacts created by the casino and other approved/pending/proposed land use projects to less than significant at both the Avenue 18 ½ and Avenue 17 interchanges. Part of these proposed mitigations includes signals. The Tribe would pay its proportionate share to the appropriate agencies to construct these proposed mitigations.

**I-71.4** Please see Response to Comment G-56.108.

**I-71.5** Please see DEIS Sections 4.4, 4.11, and 5.0 for an analysis of air quality impacts and recommended mitigation. Please see Response to Comment I-71.3.

**I-71.6** Please see Responses to Comments G-58.3 and I-71.3.

**I-71.7** Please see Responses to Comments G-4.1, G-13.6, G-56.108, and I-71.3.

**I-71.8** Please see Responses to Comments B-15.14 and G-15.10.

**I-71.9** Please see Response to Comment G-1.2.

**I-71.10** Please see Response to Comment G-1.2.

**I-72– JON BARSOTTI**

**I-72.1** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.3, B-8.4, and B-8.5.



**I-72.2** Please see Response to Comment G-1.2.

**I-72.3** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.3, B-8.4, and B-8.5.

**I-73– DENISE MARMOLEJO**

**I-73.1** Please see Responses to Comments G-1.1 and G-1.2. Please see DEIS Sections 4.8, 4.10, 4.11, and 5.0 for impacts on land use conflicts and visual resources and recommended mitigation.

**I-73.2** Please see Responses to Comments G-1.2, G-4.1, and G-6.2. Please see DEIS Section 4.7 for a comparison of economic benefits to the community that would result under Alternatives A and D.

**I-73.3** Please see Response to Comment G-56.108.

**I-73.4** Please see DEIS Section 2.2 for a description of the size and location of the proposed parking structure. DEIS Figure 2-2 shows a 5-level parking structure connected to the casino and hotel.

**I-73.5** Please see DEIS Section 4.11 for a listing of reasonably foreseeable cumulative development projects within the vicinity of the Madera site. This list has been updated in FEIS Section 4.11.

**I-73.6** Please see Response to Comment I-73.1.

**I-73.7** Please see Response to Comment G-1.1.

**I-73.8** Please see Response to Comment G-1.2.

**I-74– OLLIA RIDGE**

**I-74.1** Please see Responses to Comments G-1.2 and G-4.1.

**I-74.2** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**I-74.3** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**I-75– LEORA BEIHN**

- I-75.1** Please see Response to Comment G-1.2.
- I-75.2** Please see Response to Comment G-1.2. Please see DEIS Section 4.0 for an analysis of impacts from Alternative D, located on the North Fork site.
- I-75.3** Please see Response to Comment G-1.2.

**I-76– CHRISTOPHER MUHLY**

- I-76.1** Please see Response to Comment I-50.3.
- I-76.2** Please see Response to Comment G-1.2.
- I-76.3** Please see Responses to Comments G-1.2 and G-58.3. Please see DEIS Section 3.8 for a description of existing conditions on area roadways, including SR-99.

**I-77– GARY GILBERT**

- I-77.1** Please see Responses to Comments G-1.2 and G-5.2.
- I-77.2** Please see Responses to Comments G-1.2 and G-5.2.

**I-78– JODI MCEWARD**

- I-78.1** Please see DEIS Section 3.8 for a summary of the health effects of secondhand smoke and Sections 4.8, 4.11, and 5.0 for an analysis of indoor air quality impacts and recommended mitigation.
- I-78.2** Please see Response to Comment I-53.2. Refer to Sections 4.4 and 4.11 for air quality analysis of the Proposed Project. As shown in these sections project emissions would not exceed de minimis threshold and with mitigation emission would not exceed the SJVAQMD CEQA thresholds; therefore, under conformity regulations and SJVAQMD rules there would be a less than significant impact to air quality. The claim that the Proposed Project would have a significant impact to outdoor air quality is unsubstantiated. On March 8, 2008, the US EPA granted the San Joaquin Valley Air Basin a redesignation of its PM10 nonattainment status, PM10 in the San Joaquin Valley Air Basin is now in attainment according to federal standards. The San Joaquin Valley Air Pollution Control District has

requested the USEPA to change the ozone designation from severe to extreme; however, the USEPA has not yet ruled on the redesignation of ozone.

**I-78.3** Please see Response to Comment I-78.2.

**I-78.4** Please see Response to Comment I-94.1.

According to the Madera County Transportation Commission, 2007 Traffic Monitoring Program report, SR-99 has an AADT (2-directional, 24-hour) volume of 64,000, with the peak month ADT (2-directional, 24-hour) volume of 70,000.

**I-78.5** Please see Response to Comment G-1.2. Sensitive receptors and air quality impacts are discussed and analyzed in Sections 3.4 and 4.4.

**I-78.6** Please see Responses to Comments I-75.2 and I-78.1.

### **I-79– RICHARD CRAWFORD**

**I-79.1** Please see Response to Comment G-1.2.

**I-79.2** Please see Response to Comment G-1.2.

### **I-80– JUDY B. REAVES**

**I-80.1** Please see Response to Comment G-1.2. The commenter's name was removed from the NEPA mailing list.

### **I-81– RAY MCEEDWARDS**

**I-81.1** Please see Response to Comment G-5.2. As reported in Section 9.1 of the Socioeconomic Impact Report (FEIS Appendix R), the Madera office of the California Highway Patrol (CHP) is currently understaffed. The Compact with the State of California provides for revenue sharing from the casino operation (FEIS Appendix X). A portion of this could be used to provide funding to the CHP.

**I-81.2** Please see Response to Comment I-81.1. The Madera site is currently within the jurisdiction of Madera County. The DEIS Section 4.9 assumes that the Madera County Sheriff's Department would provide primary law enforcement services to the proposed project.

**I-81.3** Please see Response to Comment B-4.1. Please see DEIS Section 5.2.7 for recommended funding of roadway and intersection improvements, including improvements to Caltrans facilities. The compact (FEIS Appendix X) also requires the Tribe to enter into a mitigation agreement with CalTrans for state road improvements.

**I-81.4** Please see Responses to Comments I-81.1 and I-81.3.

**I-81.5** Comment noted.

**I-82– MICHELE PECINA**

**I-82.1** Please see Response to Comment G-4.1.

**I-82.2** Please see Response to Comment G-5.2.

**I-83– DENNIS HOLSCHLAG**

**I-83.1** Please see Response to Comment G-1.2.

**I-83.2** Please see Response to Comment G-1.2.

**I-84– ROBERT E. MARDEN**

**I-84.1** Please see Response to Comment G-1.2.

**I-85– OLLIA RIDGE**

**I-85.1** Please see Responses to Comments G-1.2 and G-4.1.

**I-85.2** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**I-85.3** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**I-86– ANNETTE KEPHART**

**I-86.1** Please see Response to Comment G-1.2.

**I-87– STEVEN KILLIAN**

**I-87.1** Please see Response to Comment G-1.2.

**I-88– ALBERTO SOLANO**

**I-88.1** Please see Response to Comment G-1.2.

**I-89– R. AND K. CARRANZA**

**I-89.1** Please see Response to Comment G-1.2.

**I-90– FRANCIS MORRIS**

**I-90.1** Please see Response to Comment G-1.2.

**I-90.2** Please see Responses to Comments G-1.2 and G-4.1.

**I-91 – CORINNE BUTTRAM, NORTH FORK RANCHERIA**

**I-91.1** Please see Response to Comment G-1.2. Description of proposed alternatives is included within Section 2.0 of the DEIS.

**I-91.2** Please see DEIS Section 4.7 and 4.11 for future population growth estimates. Please see DEIS Section 4.11 for future emissions projections. A cleaner automobile fleet is assumed in future projections.

**I-91.3** Comment noted. Please see Response to Comment G-1.2.

**I-92 – MARCEL MUHLY, MONO INDIAN**

**I-92.1** Comment noted.

**I-93 – DARTLAND MUHLY, NORTH FORK RANCHERIA**

**I-93.1** Traffic volumes and peak hours are discussed within Section 3.8 and 4.8 of the DEIS. A revised traffic study that includes assumptions for diverted and pass-by trips is included in FEIS Appendix M. Please see Response to Comment G-1.2.

**I-93.2** Comment noted. Refer to Response to Comment G-2.1

**I-94 – PATRICIA A. JONES, NORTH FORK RANCHERIA**

- I-94.1** Please see Response to Comment G-14.10. While it is possible some people will fly to the nearby Madera Airport to visit the proposed project, this would be an infrequent occurrence due to the relatively high cost to fly, particularly on smaller planes such as those that use the Madera Airport. Thus, no reasonably foreseeable airport trips would be generated by the proposed project.

**I-95 – VICTOR MUHLY, NORTH FORK RANCHERIA**

- I-95.1** Comment noted. Please see DEIS Sections 4.8 and 4.11 for an analysis of traffic impacts.

**I-96 – CRAIG J. MUHLY, NORTH FORK RANCHERIA**

- I-96.1** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region.
- I-96.2** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region. Estimated emissions for the casino project are provided in Section 4.4 of the EIS.
- I-96.3** As noted in DEIS Section 3.8, industrial, agricultural, and rural residential development is currently present in the vicinity of the Madera site. Although the Madera site is located within the sphere of influence of the City of Madera, reasonably foreseeable future development cannot be predicted at this time.
- I-96.4** Comment noted. Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region, including employment and problem gambling impacts.
- I-96.5** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region, including an analysis of environmental justice issues that include competition with nearby tribal casinos.
- I-96.6** Comment noted. NEPA does not require a cost/benefit analysis such as that presented by the commenter. Please see Response to Comment G-1.2.

**I-97 – JOYCE BUREL**

- I-97.1** Please see Response to Comment G-1.2.

**I-98 – SOPHIS ABARCA, ENTERPRISE RANCHERIA**

**I-98.1** Please see Response to Comment G-1.2.

**I-98.2** Please see Responses to Comments G-28.9, G-28.10, and G-28.11.

**I-98.3** In March 2008, the Madera Unified School District's Board of Education approved a plan that would reduce the district's budget by approximately \$9 million. The MOU between the County and the Tribe requires a one-time contribution to the Madera Unified School District of \$150,000. This figure is subject to an annual CPI Adjustment as of July 1, 2005 and each July 1 thereafter. Additional sales and use tax revenue, which is partially used to fund the school district, is expected to be generated through the development of the proposed casino.

**I-98.4** Please see Response to Comment G-28.6

**I-99 – EARLENE KELLER, NORTH FORK RANCHERIA**

**I-99.1** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region. Please also see Response to Comment G-5.2

**I-100 – VICTOR WILLIAMS, NORTH FORK RANCHERIA**

**I-100.1** Please see Response to Comment G-1.2.

**I-101 – RO JONES, NORTH FORK RANCHERIA**

**I-101.1** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region. Please see Response to Comment G-1.2.

**I-102 – MARI CROCKETT, NORTH FORK RANCHERIA**

**I-102.1** Please see DEIS Sections 4.4 and 4.11 for an analysis of air quality impacts.

**I-103 – ROBERT MAAHS, NORTH FORK RANCHERIA**

**I-103.1** Please see Response to Comment G-1.2

**I-104 – ALFRED ROMERO, NORTH FORK RANCHERIA**

**I-104.1** Please see Response to Comment G-1.2

**I-105 – TRICIA BERNEL, NORTH FORK RANCHERIA**

**I-105.1** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region. Please see Response to Comment G-1.2.

**I-106 – MATTHEW JOHNSON, NORTH FORK RANCHERIA**

**I-106.1** Please see Response to Comment G-1.2.

**I-107 – KATHY HORN, CHEROKEE**

**I-107.1** Please see Response to Comment G-1.2.

**I-108 – PATRICIA BENARA, NORTH FORK RANCHERIA**

**I-108.1** Please see DEIS Sections 4.7 and 4.11 for an analysis of socioeconomic impacts to the region. Please see Response to Comment G-5.2. Please see DEIS Sections 4.9 and 4.11 for an analysis of impacts to public services.

**I-109 – JULIE ESKEBROOK, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**I-109.1** Please see Responses to Comments G-1.1, G-1.2, G-8.7, and G-8.8. Please see DEIS Sections 4.8 and 4.11 for an analysis of impacts to SR-99.

**I-109.2** Please see Response to Comment G-1.2.

**I-109.3** Please see Response to Comment G-1.2.

**HEARING COMMENTS**

**S-1 – STEVE MINDT, COUNCILMEN, CITY OF MADERA**

**S-1.1** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-1.2** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.



**S-2 – GARY SVANDA, COUNCILMEN, CITY OF MADERA**

**S-2.1** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-2.2** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-3 – JOHN ANDERSON, SHERIFF, MADERA COUNTY**

**S-3.1** Please see DEIS Sections 4.7 and 4.9 for an analysis of potential impacts to crime and public services.

**S-4 – RON DOMINICI, MADERA COUNTY BOARD OF SUPERVISORS**

**S-4.1** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-4.2** Comment noted.

**S-4.3** Please see Responses to Comments G-1.2 and S-3.1.

**S-5 – FRANK BIGELOW**

**S-5.1** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-6 – MICHAEL KIME, CHIEF, MADERA POLICE DEPARTMENT**

**S-6.1** Please see Response to Comment G-5.2.

**S-7 – HENRY PEREA, FRESNO BOARD OF SUPERVISORS**

**S-7.1** Please see Responses to Comments G-12.1, G-12.3, and G-15.7.

**S-8 – RICHARD LEHMAN**

**S-8.1** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-8.2** Please see Response to Comment G-1.2.

**S-8.3** Please see Responses to Comments G-1.2, G-4.1, and G-5.2. Although it is possible that the Madera site could be developed for commercial purposes in the future, in DEIS Section 2.6, we assume for the purposes of analysis in the DEIS

that the site would continue to be utilized for “open space, agricultural, and rural residential uses.”

**S-8.4** Comment noted. Please see DEIS Sections 4.5, 4.10, and 4.11 for an analysis of impacts to biological and visual resources under Alternative D. Please see Responses to Comments G-15.10 and G-56.43.

**S-8.5** As noted in DEIS Section 3.8 and Appendix M, the roadways in the vicinity of the North Fork site, in particular Mission Drive (Federal Road 209), Road 225 (Mammoth Pool Road), Rainbow Drive, Cascadel Road, Road 222 (Auberry Road), North Fork Road (Road 200), and Road 274 (Malum Ridge Road) are two-lane non-divided rural roadways. Please see Responses to Comments G-1.2 and B-4.1. Please see DEIS Sections 4.8, 4.11, and 5.2.7 for an analysis of traffic impacts and recommended mitigation for the various alternatives.

#### **S-9 – JACQUIE DAVIS-VAN HUSS, CHAIRPERSON, NORTH FORK RANCHERIA**

**S-9.1** Please see Responses to Comments G-1.2, G-4.1, G-5.2, G-8.13. Please see DEIS Sections 3.8 and 4.8 for a description of land use designations on the Madera site and for an analysis of any land use conflicts. Please see DEIS Section 4.7 for an analysis of the project’s consistency with Executive Order 12898, including an analysis of competition with nearby tribal casinos. Please see DEIS Sections 4.0 and 5.0 for an analysis of environmental impacts and recommended mitigation measures.

#### **S-10 – ELAINE BETHEL FINK, VICE CHAIR, NORTH FORK RANCHERIA**

**S-10.1** Please see Response to Comment G-1.2.

**S-10.2** Please see Response to Comment G-1.2.

**S-10.3** Comment noted. Please see Response to Comment G-1.2.

#### **S-11 – GARY GILBERT**

**S-11.1** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-11.2** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

#### **S-12 – JOHN HUTSON, BUILDING AND CONSTRUCTION TRADES COUNCIL-**

**FRESNO, MADERA, TULARE, AND KINGS COUNTIES**

**S-12.1** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-12.2** Please see Responses to Comments G-1.2, G-4.1, G-5.2, and S-9.1.

**S-12.3** Comment noted.

**S-12.4** Comment noted. Please see Response to Comment S-12.2.

**S-12.5** Comment noted.

**S-13 – DENNIS HENDRICKS, COUNCILMEMBER, TUOLOMNE BAND OF MIWOK INDIANS**

**S-13.1** Please see Response to Comment G-1.2.

**S-14 – TILFORD DENVER, BISHOP PAIUTE**

**S-14.1** Comment noted.

**S-15 – DEAN FLOREZ, SENATOR, 16<sup>TH</sup> SENATE DISTRICT**

**S-15.1** Please see Response to Comment G-1.2.

**S-16 – MORRIS REID, CHAIRPERSON, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**S-16.1** Please see Responses to Comments G-1.2, G-4.1, G-8.13, G-14.1, B-15.18, and B-15.20.

**S-16.2** Please see Responses to Comments G-1.2 and G-8.4.

**S-16.3** Please see Responses to Comments G-1.2, G-6.2, and B-12.4.

**S-16.4** Please see Response to Comment G-1.2.

**S-16.5** Please see Responses to Comments G-1.2, G-6.2, G-15.22, and B-12.4.

**S-17 – DORA E. JONES, VICE-CHAIR, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**S-17.1** Please see Responses to Comments G-1.2.B-12.1, and B-12.14.

**S-17.2** Please see Responses to Comments G-1.2, G-8.1, G-15.7, and G-45.3.

**S-18 – JANICE DEVINE, TREASURER, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**S-18.1** Please see Responses to Comments G-1.2, G-4.1, G-8.13, G-14.1, B-12.1, B-12.14, B-15.18, and B-15.20.

**S-19 – MARK EMERICK, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**S-19.1** Please see Responses to Comments G-1.2 and G-33.4. Traffic and air quality analyses for the proposed project are included in Sections 4.8 and 4.4, respectively of the DEIS. Recommended mitigation measures for traffic and air quality impacts are located in DEIS Section 5.0.

**S-19.2** Please see Response to Comment G-1.2.

**S-19.3** Please see Response to Comment G-1.2.

**S-20 – LEANNE WALKER-GRANT, CHAIRPERSON, TABLE MOUNTAIN RANCHERIA**

**S-20.1** Please see Responses to Comments G-1.2, G-6.2, and B-12.4.

**S-20.2** Please see Response to Comment G-1.2. Please see DEIS Sections 4.7 and 4.11 for an analysis of the economic benefits that would result from Alternative C.

**S-20.3** Please see Responses to Comments G-1.1, G-16.7, and G-15.22. Please see DEIS Section 4.0 for an analysis of environmental impacts from the proposed project, including impacts to roads, infrastructure, water, and air.

**S-20.4** Please see Response to Comment S-20.3.

**S-20.5** Please see Response to Comment S-20.3.

**S-20.6** Please see Response to Comment S-20.3.

**S-20.7** Please see Response to Comment S-20.3.

**S-20.8** Please see Response to Comment S-20.3.

**S-21 – BRENDA LAVELL, VICE-CHAIR, TABLE MOUNTAIN RANCHERIA**

**S-21.1** Please see Response to Comment G-1.2.

**S-21.2** Please see Response to Comment G-1.2.

**S-21.3** Please see Response to Comment G-1.2.

**S-21.4** Please see Responses to Comments G-1.2 and G-5.2.

**S-21.5** Please see Response to Comment G-1.2.

**S-22 – DAN CASAS, TABLE MOUNTAIN RANCHERIA**

**S-22.1** Please see Response to Comment G-16.7.

**S-22.2** Please see Responses to Comments G-1.2, G-4.1, G-8.13, G-14.1, G-15.10, B-12.1, B-12.14, B-15.18, and B-15.20.

**S-22.3** Please see Responses to Comments G-1.2, G-12.1, G-12.3, G-15.7, and G-15.22.

**S-22.4** Please see Responses to Comments S-22.1 through S-22.3.

**S-23 – MATTHEW FRANKLIN, TRIBAL CHAIRMAN, IONE BAND OF MIWOK INDIANS**

**S-23.1** Please see Response to Comment G-1.2.

**S-23.2** Please see Responses to Comments G-1.2 and G-6.2.

**S-23.3** Please see Response to Comment G-1.2.

**S-24 – TOM WHEELER, DISTRICT 5 SUPERVISOR**

- S-24.1** Please see Responses to Comments G-1.2 and G-6.2. Traffic and air quality analyses for the alternatives are included in Sections 4.8 and 4.4, respectively of the DEIS.
- S-24.2** Please see DEIS Section 1.4 for a statement of the purpose and need, which includes improving the socioeconomic status of the Tribe by providing an augmented revenue source that could be used to fund a variety of services, including educational services.
- S-24.3** Please see Response to Comment G-15.10.
- S-24.4** Please see Response to Comment G-1.2.
- S-24.5** Please see Response to Comment S-24.2.
- S-24.6** Please see Responses to Comments G-1.2 and G-6.2.

**S-25 – GAYLE HOLMAN, DISTRICT DIRECTOR FOR ASSEMBLYMEMBER MIKE VILLINES**

- S-25.1** Please see Response to Comment G-15.7.

**S-26 – DONALD HOLLEY, MADERA COUNTY PLANNING COMMISSION**

- S-26.1** Please see Responses to Comments G-1.2 and G-4.1.

**S-27 – BOB WATERSON, FRESNO COUNTY BOARD OF SUPERVISORS**

- S-27.1** Please see Responses to Comments G-1.2, G-12.1, G-12.3, G-15.7, G-15.22 and I-63.5.  
As shown in the DEIS Section 4.8.1 and DEIS Appendix M, the anticipated 24-hour 2-directional daily volume varies from a maximum of 12,359 for Alternative A to 12,964 for Alternative C with Alternative B and D generating fewer trips.

**S-28 – EDDIE CHAPA**

- S-28.1** Please see Response to Comment G-1.2.
- S-28.2** Please see Responses to Comments G-1.2 and G-6.2.

**S-29 – VALERIE KELLER, NORTH FORK RANCHERIA**

**S-29.1** Please see Response to Comment G-1.2.

**S-30 – DEMETRIO QUINTERO, PASQUA YAUQI TRIBE**

**S-30.1** Please see Response to Comment G-1.2.

**S-30.2** Please see Response to Comment G-1.2. Please see DEIS Section 4.0 for an analysis of environmental impacts from the proposed project, including impacts to crime, schools, and law enforcement services.

**S-30.3** Please see Response to Comment G-1.2.

**S-31 – RAE MOHR**

**S-31.1** Please see Responses to Comments G-1.2 and G-4.1.

**S-32 – IVANA KRAJCIHOVIC, UNITE HERE INTERNATIONAL UNION**

**S-32.1** Please see Responses to Comments G-1.2, G-4.1, and G-56.36.

**S-32.2** Please see Responses to Comments G-1.2, G-4.1, and G-56.36.

**S-32.3** Please see Responses to Comments G-1.2, G-4.1, and G-56.36. Please see DEIS Section 5.2.7 for recommended traffic mitigation measures.

**S-33 – ART RAMOS**

**S-33.1** Please see Responses to Comments G-1.2, G-4.1, and G-56.36.

**S-34 – BOBBY KAHN, EXECUTIVE DIRECTOR, MADERA COUNTY ECONOMIC DEVELOPMENT COMMISSION**

**S-34.1** Please see Responses to Comments G-1.2 and G-4.1.

**S-35 – KATRINA LEWIS, SECRETARY, NORTH FORK RANCHERIA**

**S-35.1** The DEIS estimates, as the commenter correctly noted, that the proposed project would increase the problem gambling prevalence rate by 0.5%. This increase is

added to a rate of 0.8% for a total prevalence rate of 1.3%. This would mean that 99.5% of the population would be unaffected by the proposed project, and 98.7% of the population would be unaffected by problem gambling from all sources. Please see Response to Comment G-3.2.

**S-36 – MARYANNE MCGOVAN, TREASURER, NORTH FORK RANCHERIA**

- S-36.1** Please see Responses to Comments G-5.2 and G-18.1.
- S-36.2** Please see Responses to Comments B-12.7 and S-36.1.
- S-36.3** Please see Responses to Comments G-56.160 and S-36.1.

**S-37 – DAVID ROGERS**

- S-37.1** Please see Responses to Comments G-1.1, G-1.2, G-4.1, G-8.13, G-14.1, G-15.10, B-12.1, B-12.14, B-15.18, and B-15.20.
- S-37.2** Please see Responses to Comments G-1.1 and G-58.3. Please see DEIS Sections 4.8, 4.11, and 5.2.7 for an analysis of traffic impacts of the proposed project and recommended mitigation.
- S-37.3** An analyses of the near-term and cumulative air quality are included in DEIS Sections 4.4 and 4.11, respectively. Air quality trends presented in Section 4.11 and provided by the California Air Resource Board shows air quality in the San Joaquin Valley improving (Table 4.11-5).
- S-37.4** Please see Responses to Comments G-13.6, G-13.7, G-56.108, and B-15.28. The amount of groundwater that would be used by the proposed project is much less than that pumped by the Cities of Chowchilla or Madera. Cumulative impacts to the Madera Subbasin are discussed in Section 4.3 of the DEIS and analyzed in Section 6.7 of the Groundwater Study included as Appendix L of the DEIS. As stated in that document, the project pumping of approximately 8 to 278 gpm (18 to 450 AFY) would be equivalent to a very small increase in the current basin overdraft of approximately 0.02 to 0.5 percent; however, as discussed in Section 5.2.2 of the DEIR, the effects to regional groundwater overdraft would be reduced by Tribal contributions to a reserved water bank or groundwater recharge area in an amount at least equivalent to property pumping rates. Reductions in the usable lives of nearby wells would be mitigated by compensating the well owners for the



costs of pump lowering, well deepening or well replacement as discussed in Section 5.2.2 of the DEIS.

- S-37.5** Please see DEIS Sections 4.8, 4.11, and 5.2.7 for an analysis of impacts to agriculture from the proposed project and recommended mitigation.
- S-37.6** As noted in DEIS Section 2.0, wastewater would either be treated at the newly expanded City of Madera WWTP or on-site utilizing MBR technology, which provides high quality recycled water suitable for landscaping and many other uses. For a detailed description of the proposed wastewater treatment activities, see DEIS Appendix I, North Fork Water and Wastewater Feasibility Study.
- S-37.7** Please see Response to Comment I-13.2.
- S-37.8** Please see Responses to Comments S-37.1 through S-37.7. This commenter is the former mayor for the City of Chowchilla. Kelly McManis, Commenter S-97 claims to be officially representing the City of Chowchilla.

**S-38 – CHARLES ALTEKRUSE, COMMUNITY RELATIONS DIRECTOR, NORTH FORK RANCHERIA**

- S-38.1** Please see Response to Comment G-1.2.
- S-38.2** Please see Response to Comment G-1.2.
- S-38.3** Please see Response to Comment G-1.2.
- S-38.4** Please see Response to Comment G-1.2.

**S-39 – PHYLLIS LEWIS, BIG SANDY RANCHERIA**

- S-39.1** Please see Response to Comment G-1.2.

**S-40 – NATORI HATFIELD, NORTH FORK RANCHERIA**

- S-40.1** Please see Responses to Comments G-1.2, G-4.1, G-5.2, and S-24.2.

**S-41 – BILL JONES, PASQUA YAUQI TRIBE**

- S-41.1** Please see Responses to Comments G-1.2, G-4.1, and S-24.2.

**S-41.2** Please see Responses to Comments G-1.2, G-4.1, and S-24.2.

**S-41.3** Please see Response to Comment G-1.2.

**S-42 – PAT HANDLEY, PASTOR, NORTH LAKE CHURCH OF GOD**

**S-42.1** Please see Responses to Comments G-1.1, G-1.2, G-4.1, G-8.13, G-14.1, G-15.10, B-12.1, B-12.14, B-15.18, and B-15.20.

**S-42.2** Please see Responses to Comments G-1.1, G-1.2, G-4.1, G-8.13, G-14.1, G-15.10, B-12.1, B-12.14, B-15.18, and B-15.20.

**S-42.3** Please see Responses to Comments G-1.1, G-1.2, G-4.1, G-8.13, G-14.1, G-15.10, B-12.1, B-12.14, B-15.18, and B-15.20.

**S-43 – RANDALL BRANNON, PASTOR, GRACE COMMUNITY CHURCH**

**S-43.1** Please see Response to Comment B-9.1.

**S-43.2** Please see Response to Comment B-9.1.

**S-43.3** Please see Response to Comment B-9.1.

**S-43.4** Please see Response to Comment B-9.2.

**S-43.5** Please see Response to Comment G-15.7.

**S-43.6** Please see Responses to Comments G-12.1, G-12.3, G-15.7 and G-24.1.

**S-43.7** Please see Response to Comment G-15.7.

**S-43.8** Please see Response to Comment B-9.2.

**S-43.9** Please see Response to Comment G-1.2.

**S-44 – DUSTIN GRAHAM**

**S-44.1** Please see Response to Comment G-1.2.

**S-44.2** Please see Response to Comment G-1.2.

**S-44.3** Please see Response to Comment G-1.2.

**S-44.4** Please see Responses to Comments G-8.4, G-56.51, and G-56.54.

**S-44.5** Please see Response to Comment G-1.2.

**S-45– AVIS PUNKIN, NORTH FORK RANCHERIA**

**S-45.1** Please see Response to Comment G-1.2.

**S-46 – ROBERT MANLOVE**

**S-46.1** Please see Response to Comment G-56.174.

**S-46.2** Please see Response to Comment G-56.174.

**S-46.3** Please see Response to Comment G-56.174.

**S-46.4** Please see Response to Comment G-56.174.

**S-46.5** Please see Response to Comment G-56.174.

**S-47 – LEORA BEIHN**

**S-47.1** Please see Response to Comment G-1.2.

**S-47.2** Comment noted.

**S-47.3** Please see Response to Comment G-1.2.

**S-47.4** The status of the North Fork site is summarized in DEIS Sections 1.2.2 and 2.6.

**S-47.5** Please see Response to Comment G-1.2.

**S-48 – JOANNE RHOADS, NATURAL AND CULTURAL RESOURCES  
COMMISSIONER, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**S-48.1** Please see Response to Comment G-1.2.

**S-48.2** Please see Response to Comment G-1.2 and G-21.4.

**S-48.3** Please see Response to Comment G-21.5 and G-15.11.

**S-48.4** Please see Response to Comment G-1.2.

**S-48.5** Please see Response to Comment G-21.9.

**S-49 – HAROLD HAMMOND**

**S-49.1** Please see Response to Comment G-1.2.

**S-49.2** Please see Response to Comment G-1.2.

**S-49.3** Please see Response to Comment G-1.2.

**S-49.4** Please see Response to Comment G-1.2.

**S-50 – SEAN KENNINGS, LAK & ASSOCIATES**

**S-50.1** Please see Response to Comment G-1.2.

**S-50.2** Please see Response to Comment G-8.13. Public hearings are just one part of the public participation process. LAK Associates, as well as their client the Picayune Rancheria, submitted extensive written comments that are in the record and were thoroughly considered by the BIA. As stated by the hearing officer at the DEIS hearing, a three minute presentation time is necessary to allow everyone present who wishes to speak an opportunity to do so.

**S-50.3** Please see Response to Comment G-8.13.

**S-50.4** Please see Response to Comment G-13.12.

**S-50.5** Comment noted.

**S-50.6** Please see Response to Comment G-14.5. The requirements for the fee-to-trust acquisition are described and governed under 25 C.F.R. Part 151. Under 25 C.F.R. § 151.10(h), compliance with the NEPA (42 U.S.C. §§ 4321 *et. Seq.*) is required for purposes of a trust acquisition approval, since typically, a fee-to-trust approval

is a major federal action by the Secretary of the Interior. Thus the trust acquisition is a distinct process with its own statutory basis. Similarly, preparation of the EA or EIS is a distinct process governed by NEPA, with the information obtained in preparing the EA or EIS utilized as part of the process for considering and evaluating the trust acquisition.

- S-50.7** Please see Responses to Comments G-1.2 and S-50.6. Section 1.4 of the DEIS discusses the purpose and need for the project, including current socio-economic conditions for the Tribe and ways in which the project will improve the Tribe's socio-economic standing. Section 2.7.1 of the DEIS describes in detail how the Tribe, together with Madera County, searched for a proposed development site and factors they considered in evaluating several other properties before narrowing the alternatives to the ones proposed in the DEIS. As part of the search process, the Tribe also had the opportunity to consult with many community leaders. The standards and process by which the BIA will review the Tribe's fee-to-trust application is governed and outlined under 25 C.F.R. Part 151.
- S-50.8** Please see DEIS Sections 1.4 and 3.7, which include socioeconomic data regarding the Tribe. Please see Responses to Comments S-50.6 and S-50.7.
- S-50.9** Please see Response to Comment G-56.55.
- S-50.10** Please see Responses to Comments G-56.67 and G-56.87.
- S-50.11** Please see Responses to Comments G-15.10, G-56.40, and G-56.41.
- S-50.12** Please see Responses to Comments G-56.70 and G-56.117.
- S-50.13** Please see Response to Comment G-56.73. Please see DEIS Section 4.11 for an analysis of cumulative socioeconomic impacts.

## **S-51 – ALVIN GREENBERG**

- S-51.1** Please see Response to Comment S-50.2.
- S-51.2** Please see Response to Comment G-8.13.
- S-51.3** The comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.

**S-51.4** DEIS Section 3.4 discusses the health impacts of PM<sub>10</sub> and PM<sub>2.5</sub>. DEIS Sections 4.4 and 4.11 discuss impacts PM<sub>10</sub> and PM<sub>2.5</sub>.

**S-51.5** Please see Responses to Comments G-15.7 and S-51.4.

**S-51.6** DEIS Sections 4.4 and 4.11 discuss increased emissions of ozone precursors resulting from the proposed project. Under Title 1 part C of the federal Clean Air Act none of the alternative would cause an adverse impact to Sequoia Kings Canyon National Park due to project emission being below 250 tons per year for any criteria pollutants (see DEIS Section 4.4).

**S-51.7** Please see Response to Comment G-56.52.

**S-52 – BRUCE KING, INTERIM GENERAL MANAGER, CHUKCHANSI GOLD RESORT CASINO**

**S-52.1** Please see Responses to Comments G-56.14, G-56.16, G-56.17, G-56.18, G-56.55, and G-56.56.

**S-52.2** Please see Responses to Comments G-56.14, G-56.16, G-56.17, G-56.18, G-56.55, and G-56.56.

**S-53 – JONATHAN MORRIS, FACILITIES DIRECTOR, CHUKCHANSI GOLD RESORT CASINO**

**S-53.1** Please see Response to Comment I-68.1.

**S-53.2** Please see Response to Comment I-68.1.

**S-53.3** Please see Response to Comment I-68.1.

**S-54 – TED ATKINS, DIRECTOR OF SECURITY, CHUKCHANSI GOLD RESORT CASINO**

**S-54.1** Please see Response to Comment I-68.1.

**S-55 – JEFFREY SINGER**

**S-55.1** A description of the federal environmental process is included within Section 1.5 of the Draft EIS. NEPA generally requires that an EIS be prepared for major Federal

actions that may significantly affect the quality of the human environment (42 U.S.C. § 4332).

**S-55.2** Please see Response to Comment I-51.2. As discussed in the 2008 TIS update (FEIS Appendix M), approximately 15% of the project-generated traffic will be pass-by trips that are already traveling by the site on SR-99 or Road 23, etc. The remaining portion of the traffic will be new trips attracted to the area for either work or entertainment. Some of these new trips may already be making trips to other casinos/hotels in the area and will just be attracted to the proposed project as opposed to other locations of similar type. Still other new trips will be first time consumers and workers.

**S-55.3** Please see Response to Comment G-1.2.

**S-55.4** Please see Response to Comment I-51.3.

**S-55.5** Please see Responses to Comments G-4.1 and I-51.3.

#### **S-56 – BOBBY HALE**

**S-56.1** Please see Responses to Comments G-4.1, G-5.2, and B-12.18.

#### **S-57 – NORA SALAZAR, PRESIDENT, LATINAS UNIDAS**

**S-57.1** Please see Response to Comment G-1.2.

**S-57.2** Please see Response to Comment G-1.2.

#### **S-58 – DAN CARTER**

**S-58.1** Please see FEIS Section 4.7 and Appendix R for an analysis of competitive impacts to neighboring casinos.

#### **S-59 – ROSANNE BONILLA, MADERA VISION 2025**

**S-59.1** Please see Responses to Comments G-1.2 and G-4.1.

**S-59.2** Please see Responses to Comments G-1.2 and G-4.1.

#### **S-60 – JERRY BROWN, CHAIRMAN, CHOWCHILLA YOKUTS**

**S-60.1** Please see Response to Comment G-1.2.

**S-61 – JEFF KRAST**

- S-61.1** Please see Responses to Comments G-1.2 and G-6.2. Please see DEIS Section 3.4 for a description of the air quality baseline.
- S-61.2** Please see Response to Comment S-61.1.
- S-61.3** Please see Response to Comment G-1.2.

**S-62 – DARCIÉ HOUCK, LEGAL COUNSEL, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

- S-62.1** Please see Response to Comment G-8.2.
- S-62.2** Please see Response to Comment G-8.13.
- S-62.3** Please see Responses to Comments G-8.13 and B-12.5.
- S-62.4** Please see Response to Comment G-8.13.
- S-62.5** Please see Response to Comment G-8.13.
- S-62.6** Please see Response to Comment G-8.13.

**S-63 – KIRK ATAMIAN, CHAIRMAN, MADERA CHAMBER OF COMMERCE**

- S-63.1** Please see Responses to Comments G-1.2 and G-4.1.

**S-64 – MICHAEL LEVEN, MARIPOSA WINE COMPANY**

- S-64.1** Please see Response to Comment G-1.2.
- S-64.2** Please see Response to Comment G-1.2.
- S-64.3** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-65 – JEREMIAH BEARDEN**

- S-65.1** Please see Response to Comment S-37.4.



**S-65.2** Please see Response to Comment B-15.9. Wastewater would either be treated at the newly expanded City of Madera WWTP or on-site utilizing MBR technology, which provides high quality recycled water suitable for landscaping and many other uses. For a detailed description of the proposed wastewater treatment alternatives, see EIS Appendix I, North Fork Water and Wastewater Feasibility Study.

**S-65.3** Federal air quality standards are discussed in Section 3.4 of the EIS. Particulate matter (PM) is not a known carcinogen in California; however, diesel particulate matter is defined as a toxic air contaminant and is classified as a carcinogen (see DEIS Sections 3.4 and 4.4). California Air Resource Board is responsible for mobile emissions in California as well as the USEPA. Please see DEIS Section 4.4, 4.11, and 5.2.3 for an analysis of potential air quality impacts from the proposed project and recommended mitigation.

**S-66 – K.C. POMERING**

**S-66.1** Please see Response to Comment G-1.2.

**S-66.2** Please see Response to Comment G-1.2.

**S-66.3** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-66.4** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-66.5** Existing roadways analysis and potential traffic impacts from the various alternatives are included within Sections 3.8, 4.8, and 4.11 of the DEIS.

**S-67 – SHAWN HATFIELD, NORTH FORK RANCHERIA**

**S-67.1** Please see Response to Comment G-1.2.

**S-68 – RICHARD FARINELLI, BERRY CONSTRUCTION**

**S-68.1** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-69 – JOHN MAIER, LEGAL COUNSEL, NORTH FORK RANCHERIA**

**S-69.1** Please see Response to Comment G-1.2.

**S-69.2** Please see Response to Comment G-1.2.

**S-70 – CHERYL SCHMIT, STAND UP CALIFORNIA**

**S-70.1** Please see Response to Comment B-12.1.

**S-70.2** Please see Response to Comment B-12.3.

**S-70.3** Please see Response to Comment B-12.4.

**S-70.4** Please see Response to Comment B-12.6.

**S-70.5** Please see Response to Comment B-12.9.

**S-70.6** Please see Responses to Comments B-12.3, B-12.13, and B-12.14.

**S-70.7** Please see Response to Comment B-12.3.

**S-71 – HERMAN PEREZ**

**S-71.1** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-72 – DEBI BRAY, PRESIDENT & CEO, MADERA CHAMBER OF COMMERCE**

**S-72.1** Please see Response to Comment G-1.2.

**S-72.2** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-73 – DARREN SCHMALL**

**S-73.1** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-73.2** Please see Response to Comment B-12.7.

**S-73.3** Comment noted.

**S-74 – BILL PURSELL**

**S-74.1** Please see Response to Comment G-1.2.

**S-74.2** Please see Responses to Comments G-1.2 and G-4.1.

**S-74.3** Please see Responses to Comments G-1.2, G-4.1, and I-13.2. The NIGC reviews management contracts to ensure Tribes are protected and the provisions of IGRA upheld (see DEIS Section 2.2.1).

**S-75 – LORETTA ARMENTA**

**S-75.1** Please see Responses to Comments G-1.2 and G-6.2.

**S-75.2** Please see Responses to Comments G-1.2 and G-6.2.

**S-76 – JOE ALBERTA, SECRETARY, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**S-76.1** Please see Responses to Comments G-1.2 and G-15.10.

**S-76.2** Please see Responses to Comments G-1.2 and G-15.10.

**S-77 – SAM LAWHON**

**S-77.1** Please see Response to Comment G-1.2.

**S-77.2** Please see Responses to Comments G-1.2, G-56.14, G-56.16, G-56.17, G-56.18, G-56.55, and G-56.56.

**S-77.3** Please see Response to Comment G-8.13.

**S-78 – JOHN PEEBLES, LEGAL COUNSEL, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**S-78.1** The comment is noted for the record; however, it is not possible to respond given the vague nature of the comment.

**S-78.2** Please see Responses to Comments G-8.7 and G-8.8.

**S-79 – ORVILLE REID, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**S-79.1** Please see Responses to Comments G-1.2, G-6.2, and G-3.3.

**S-80 – IRENE WALTZ**

- S-80.1** Please see Response to Comment G-1.2.
- S-80.2** Please see DEIS Sections 4.3 and 4.11 for an analysis of impacts to flooding.
- S-80.3** Please see Response to Comment G-13.6.
- S-80.4** Information regarding transport of pollution and the San Joaquin Valley Air Basin is provided in Section 3.4 of the DEIS. Pollutants of concern are quantified and analyzed in Section 4.4 of the DEIS.
- S-80.5** Comment noted. Please see Response to Comment G-13.6.

**S-81 – BRIAN FULCHER**

- S-81.1** Please see Responses to Comments G-1.2, G-4.1, G-56.36, and B-15.38. The comment concerning median income and gaming is unclear.

The proposed casino development is not intended to “cure” any problems that may exist with the budgets of local governments. The City of Madera signed an MOU with the Tribe on October 25, 2006 in which the Tribe agreed to contribute annually recurring payments totaling \$1,075,000 and one-time payments totaling \$6,285,000 - \$10,285,000. In its MOU with Madera County, signed on August 16, 2004, the Tribe agreed to contribute to the County one-time payments totaling \$6,915,000-\$17,915,000 and annually recurring payments totaling \$4,035,000. While much of these payments are used to offset demand for public services generated by the casino, a portion is intended to cover governmental costs induced by new residents to the City and County.

The following statement in the DEIS (page 4.7-8) describes the inconclusive evidence that exists linking casinos with increased crime. “After surveying similar California casino communities and reviewing relevant literature, no definitive link between casinos and regional crime rates was found. Therefore, although an increase in calls for service is expected, an increase in regional crime rates would not result from Alternative A.” To mitigate this slight increase in crime, funding to support expanded police operations is included in the respective MOUs with the City and County. The Tribe will contribute to the County an annual payment (adjusted annually by the CPI after the first payment) of \$415,000 for the salaries of ½ sheriff sergeant and 5 sheriff deputies. The Tribe will contribute to the City

an annual payment for the amount of \$640,000 in first year of casino operation and \$675,000 in following years for the salaries of 6 law enforcement officers. In addition the City MOU requires a one-time contribution of \$500,000 for public safety training for police and fire staff and a one-time contribution of \$200,000 for the initial capital cost of the 6 new law enforcement officers.

The Socioeconomic Impact Report (FEIS Appendix R), reports that in 2007, the County of Madera had an average of 4,900 unemployed persons. A large portion of the 2,319 jobs at the casino, especially the low-wage jobs, are expected to be filled by current unemployed residents. The County MOU includes a goal to hire Madera County residents for at least 50 percent of available positions.

Please see DEIS Sections 4.9 and 4.11 for an analysis of potential impacts to public services.

**S-82 – RODNEY CLEMENTS**

**S-82.1** Please see Responses to Comments G-1.2 and G-3.3.

**S-83 – BLAIR BUCAN**

**S-83.1** Please see Response to Comment G-1.2.

**S-84 – JON BARSOTTI**

**S-84.1** Please see Response to Comment G-1.2.

**S-84.2** Please see Response to Comment G-1.2.

**S-84.3** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, and B-8.5.

**S-84.4** Please see Responses to Comments G-1.2, G-4.1, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, and B-8.5.

**S-85 – MISHELLE LISCANO, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**S-85.1** Comment noted. Please see Responses to Comments G-1.2 and G-14.5.

**S-85.2** Comment noted. Please see Responses to Comments G-1.2 and G-14.5.

**S-85.3** Comment noted. Please see Responses to Comments G-1.2 and G-14.5.

**S-85.4** Please see Response to Comment G-8.13.

**S-86 – JEFF BRAY, MARKETING DIRECTOR, TACHI YOKUT TRIBE AND TACHI PALACE AND HOTEL**

**S-86.1** Please see Response to Comment G-1.2.

**S-86.2** Please see Response to Comment G-1.2.

**S-86.3** Comment noted.

**S-86.4** Please see Response to Comment G-1.2.

**S-87 – STAN NAKAGAWA, FRESNO COUNTY PUBLIC WORKS**

**S-87.1** Please see Response to Comment G-1.2.

**S-87.2** Please see Response to Comment G-15.7.

**S-88 – DONNA PRIDE**

**S-88.1** Please see Responses to Comments G-1.2 and G-4.1.

**S-89 – LANNY FISK**

**S-89.1** The FEIS includes the addition of a Paleontological Assessment performed by Niranjala Kottachchi, paleontologist and lead monitor for the Fairmead Landfill resource discovery site. As part of the Paleontological Assessment, an updated records search has been conducted. The Paleontological Assessment has been reviewed and certified by a licensed professional geologist and is included as Appendix AA of the FEIS, with informative information included within Sections 3.6 and 4.6 of the FEIS. New mitigation measures have been created within FEIS Section 5.2.6, as recommended by the Paleontological Assessment.

**S-90 – REGINALD LEWIS, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**S-90.1** Please see Response to Comment G-1.2.

**S-90.2** Please see Response to Comment G-1.2.

**S-90.3** Please see DEIS Sections 4.8, 4.11, and 5.2.7 for an analysis of traffic impacts and recommended mitigation for the various alternatives.

**S-90.4** Please see Response to Comment G-15.10.

**S-91 – SOPHIS ABARCA, ENTERPRISE RANCHERIA OF MAIDU INDIANS**

**S-91.1** Please see Responses to Comments G-1.2, G-4.1, and G-5.2

**S-92 – BONNIE DAY**

**S-92.1** Please see Responses to Comments G-1.2, G-15.22, G-16.1, G-16.2, B-4.1, B-8.4, and B-8.5.

**S-93 – CATHY MAGNUSON**

**S-93.1** Please see Responses to Comments G-58.3 and I-12.2.

**S-93.2** Please see Response to Comment I-13.2.

**S-94 – MARK LEVITAN, TRIBAL ATTORNEY, PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**S-94.1** Please see Response to Comment G-8.13.

**S-94.2** Please see Response to Comment G-1.2.

**S-94.3** Please see Response to Comment G-1.2.

**S-94.4** Please see Response to Comment G-1.2.

**S-94.5** Please see Response to Comment G-8.2.

**S-95 – LAWRENCE BILL, CHAIRMAN, SIERRA NEVADA NATIVE AMERICAN COALITION**

**S-95.1** Please see Response to Comment G-1.2.

**S-95.2** Please see Response to Comment G-1.2.

**S-96 – JIM HUNTER, TULE RIVER TRIBE**

**S-96.1** Please see Response to Comment G-1.2. In DEIS Section 5.2.5, the following mitigation measures are recommended for all of the alternatives:

To avoid potential impacts to previously unknown cultural resources, including subsurface resources, the Tribe shall include the following requirement in construction contract specifications for the project:

In the event of any inadvertent discovery of archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act (NHPA) as amended (16 U.S.C. 470) and its implementing regulations (36 CFR 800). Once the land has been taken into trust for the Tribe, the inadvertent discovery of archaeological resources is also subject to the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001 et seq.) and the Archaeological Resources Protection Act (ARPA) of 1979 (16 U.S.C. 470 aa-mm). Specifically, procedures for post review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed. The following shall apply to the inadvertent discovery of both archaeological or paleontological resources: All work within 50 feet of the find shall be halted until a professional archaeologist, or paleontologist as appropriate, can assess the significance of the find. If any find is determined to be significant by the archaeologist, or the paleontologist, then representatives of the Tribe and BIA shall meet with the archaeologist, or paleontologist, to determine the appropriate course of action.

If human remains are discovered during ground-disturbing activities on Tribal lands, pursuant to NAGPRA, Section 10.4 Inadvertent Discoveries, the County coroner, the Tribal Official, and representatives from the BIA and NIGC shall be contacted immediately. No further disturbance shall occur until the County coroner, the Tribal Official, and the BIA and NIGC representatives have made the necessary findings as to the origin and disposition.

As stated in the DEIS, implementation of the above mitigation will reduce cultural resources and paleontological impacts to a less than significant level.

**S-97 – KELLY MCMANIS, CITY OF CHOWCHILLA**

**S-97.1** Comment noted.



**S-97.2** Please see Responses to Comments G-1.2, G-4.1, and G-5.2.

**S-98 – SALLY PHILLIPS**

**S-98.1** Comment noted.

**S-98.2** Please see Response to Comment G-1.2, G-6.2, and G-8.13.

**S-98.3** Please see Response to Comment G-1.2.

**S-98.4** Please see Response to Comment G-1.2.

**S-99 – MEL CELLINI**

**S-99.1** Please see Response to Comment G-1.2. Please see DEIS Section 2.0 for proposed programs related to alcohol. Please see DEIS Sections 4.7 and 4.11 for an analysis of potential impacts to problem gambling.

**S-100 – ROBERT LYDAY**

**S-100.1** Please see Responses to Comments G-1.2 and G-15.10.

**S-101 – JACQUIE DAVIS-VAN HUSS, CHAIRPERSON, NORTH FORK RANCHERIA**

**S-101.1** Please see Response to Comment G-1.2.

**LATE COMMENTS**

**L-1 – KATRINA LEWIS, NORTH FORK RANCHERIA**

**L-1.1** Please see Response to Comment S-35.1.

**L-1.2** Please see Response to Comment S-35.1.

**L-1.3** Please see Response to Comment S-35.1.

**L-2 – STEVE A. MINDT, MADERA CITY COUNCIL**

**L-2.1** Please see Responses to Comments G-1.2, G-2.2, G-4.1, and G-5.2.

**L-2.2** Please see Responses to Comments G-1.2, G-2.2, G-4.1, and G-5.2.

**L-2.3** Please see Response to Comment G-2.3.

**L-2.4** Please see Response to Comment G-4.1.

### **L-3 –RWQCB-CENTRAL VALLEY REGION**

**L-3.1** The summary of the alternatives in the comment letter appears to be an accurate representation of the alternatives in the DEIS except that the North Fork site is 80 acres in area.

**L-3.2** The discharge of treated wastewater to land held in trust would not be under the jurisdiction of the RWQCB. Regulation by the RWQCB would be required if treated wastewater is initially discharged at a point off of trust lands. The proposed project includes an option for the treatment of wastewater at a wastewater treatment plant already regulated by the RWQCB.

**L-3.3** As noted in DEIS Section 4.3, an USEPA issued NPDES permit would be required before any discharges to surface waters on trust land could occur. The USEPA normally sets NPDES permit treatment and discharge standards in consideration of State standards (DEIS Section 4.3). In addition, any NPDES permit issued would be in compliance with the antidegradation policy in the federal Clean Water Act and its implementing regulations (33 U.S.C. 1314; 40 C.F.R. 131.12). In California, although Resolution 68-16 precedes the federal antidegradation policy, the State Water Resources Control Board (SWRCB) has interpreted it to comply with the federal antidegradation policy. Thus, State and Federal NPDES permits issued in California typically comply with both federal and state antidegradation policies. For the reasons stated above and in DEIS Section 4.3, compliance with the NPDES permit process would ensure a less than significant impact to water quality.

**L-3.4** The public health components of the Water Recycling Criteria found in Title 22 of the California Code of Regulations (CCR) include: allowable uses for recycled water; recycled water use area requirements; monitoring and sampling requirements; and reliability features for the processes involved in the production of recycled water. As noted in DEIS Section 2.2.10, the Tribe has agreed in a MOU with MID to comply with all California Department of Health Services

regulations under Title 22, Division 4, Chapter 3 of the California Administrative Code and the RWQCB Basin Plan.

Identification of types of allowed uses for recycled water, according to 22 C.C.R. 60303-60307, is provided in Appendix I of the DEIS. The proposed level of treatment for the on-site wastewater treatment alternative is “disinfected tertiary recycled water” as defined in 22 C.C.R. 60301.230.

Design features of the recycled water use area(s) have not been developed, but will include the requirements set forth in 22 C.C.R. 60310. If toilet flushing is included in the final project as a use for recycled water, then the dual plumbed recycled water system that would be required for toilet flushing will be designed to meet the requirements of 22 C.C.R. 60313-60316.

Monitoring and sampling requirements which will meet the requirements of 22 C.C.R. 60321 will be developed at the appropriate stage of the design process.

The WWTP reliability features required by 22 CCR 60333-60355, which will prevent the distribution of off-specification recycled water, are described in Appendix I. WWTP reliability features include flexibility of design, alarms, contingency power supply, contingency wastewater management procedures, and reliability/redundancy features for the various unit processes at the WWTP.

**L-3.5** Please see DEIS Sections 2.0, 3.3, 3.9, 4.3, 4.9, and 4.11 for a description of off-site connection options as well as existing and projected capacity for such a connection.

**L-3.6** Comment noted.

#### **L-4 – STATE CLEARINGHOUSE**

**L-4.1** Please see Response to Comment G-1.2. This is simply a State Clearinghouse cover page for a comment letter addressed elsewhere in this section.

#### **L-5 –STATE CLEARINGHOUSE**

**L-5.1** Please see Response to Comment G-1.2. This is simply a State Clearinghouse summary sheet of State agencies that were sent a copy of the DEIS.

**L-6 – PHIL MUELLER**

**L-6.1** Please see Response to Comment G-1.2.

**L-7 – DEBBIE MUELLER**

**L-7.1** Please see Response to Comment G-1.2.

**L-7.2** Please see DEIS Section 4.0 for an analysis of environmental impacts from the proposed project, including impacts to the water table, pollution, crime, public services, and problem gambling.

**L-7.3** Please see Response to Comment L-7.2.

**L-7.4** Please see Response to Comment L-7.2.

**L-7.5** Please see Response to Comment L-7.2.

**L-8 – CECELIA BOCK**

**L-8.1** Please see Response to Comment G-1.2.

**L-8.2** Please see Response to Comment G-1.2.

**L-9 – ENVIRONMENTAL REVIEW OFFICE-USEPA**

**L-9.1** Comment noted.

**L-9.2** Comment noted.

**L-9.3** Please see Response to Comment G-56.33.

**L-9.4** Although the selection of the wastewater treatment option influences impacts to groundwater, mitigation measures in DEIS Section 5.2.2 ensure a less than significant impact to groundwater regardless of the wastewater treatment options chosen. Therefore, three options have been retained in the FEIS in order to maximize the options available to the Tribe for ensuring the treatment and disposal of project wastewater.

**L-9.5** Comment noted.

- L-9.6** Comment noted. This is a summary of the USEPA rating definitions.
- L-9.7** Please see Response to Comment G-56.33.
- L-9.8** Please see Responses to Comments G-5.2 and B-15.21 for an explanation of the consideration of the various MOUs, including the MID/Tribal MOU within the DEIS.
- L-9.9** Comment noted.
- L-9.10** Please see Responses to Comments G-56.33 and L-9.8.
- L-9.11** DEIS Figure 2-8 shows the options for (1) sprayfield; (2) leachfield; and (3) combination sprayfield and leachfield disposal areas required for Alternative A. Alternatives B and C require less space and are located in the same area of the site. These options show not only the discharge areas, but also the treatment facilities and the storage basins. All wastewater facilities are within the northwest corner of the site, north of the access road, which leads from Road 23 to the casino, and west of the casino. DEIS Figure 2-6 shows the areas designated for stormwater detention basins for Alternatives A through C. These areas are south of the access road that leads from Road 23 to the casino and are south and east of the casino. There is abundant space for both stormwater and wastewater detention on the site. Similarly, DEIS Figures 2-23 and 2-25 show that the stormwater and wastewater detention basins are in different areas of the site for Alternative D.
- L-9.12** The soils at the Madera site are described in Appendix I. Based on this information, the soils are conducive to spray fields. A water balance for on-site disposal is included in Appendix I, which provides estimates of sprayfield areas included in the DEIS. Sprayfields would be used at agronomic rates. In addition, FEIS Section 5.2.2 has been modified to note that the sprayfields would be designed so that any effluent runoff is captured and not allowed to run off the site or enter waters of the U.S.
- L-9.13** Comment noted.
- L-9.14** Please see Responses to Comments L-9.4 and L-9.11. As noted in DEIS Section 2.0, an on-site wastewater treatment plant would not necessarily reduce wastewater storage requirements. The off-site connection option would include the lowest on-site wastewater storage requirements of any of the wastewater treatment and

disposal options. Wastewater storage sizing under an on-site wastewater treatment plant option would depend primarily on the method of wastewater discharge.

**L-9.15** FEIS Section 4.3.1 has been clarified to reference a proposed five foot elevation above the floodplain for the hotel/casino facilities and a three foot elevation above the floodplain for water supply facilities. Given that this elevation is proposed by the Tribe as noted in DEIS Section 2.0, a mitigation measure has not been included to this effect.

**L-9.16** The DEIS analyzes reasonable foreseeable climate change issues in Section 4.11. Currently the specific effects of climate change in a particular region of the globe are not well known. As stated in the Intergovernmental Panel on Climate Change (IPCC) report, “We note that climate change is expected to result in heavy rain events in many regions and increased frequency and severity of floods as well as droughts (IPCC, 2007)”]; however, in the IPCC report these impacts are not regional defined and are defined as limited projections, which may be reasonably foreseeable on a global scale but not on a regional or certainly a site specific scale. Specifically, the 2007 IPCC Synthesis Report: Summary for Policymakers states, “Difficulties remain in simulating and attributing observed temperature changes at smaller than continental scales.” The Analyses of the Effects of Global Change on Human Health and Welfare and Human Systems, (USEPA, 2008) assumes regional impacts: i.e. California as a whole and northern and southern California separately. However, impacts from climate change are not quantified but assumed to occur for the purpose of analyses. The analyses take a vulnerability approach, which focuses on estimating risks or opportunity associated with possible impacts from climate change. Thus, the northern California region is mentioned as having a likelihood of increased drought, flooding and wildfires only for the purpose of analyzing impacts to human health and welfare should those projections be accurate. The qualitative projections given, however, cannot be used in accurately estimating reasonably foreseeable effects to a particular site. As shown in both the IPCC report and the USEPA report, specific climate change impacts to a particular region are not defined. The increased potential for wildfires, flooding, and drought may occur as a result of climate change and these consequences may be severe (see DEIS Section 3.4.3 references to potential flooding, erratic weather patterns and rises in sea level); however, where the impact will occur, when the impact will happen, and what kind (wildfire, drought, and flood) of impact will occur are not at this time clear; thus, they are not reasonable foreseeable. The DEIS confines discussions to reasonably foreseeable environmental impacts; therefore, speculation about specific future on-site flood elevations, for instance, has not been included.

- L-9.17** Please see Response to Comment L-9.15.
- L-9.18** Please see Response to Comment L-9.16. In order to ensure hazardous materials are not exposed to floodwater, rain water, and groundwater, mitigation has been added to FEIS Section 5.2.9 that recommends all materials be stored at least one foot above the 100-year flood zone within water tight containers that are not exposed to rainwater, surface water, and potential groundwater.
- L-9.19** Please see Responses to Comments G-56.33 and L-9.15 through L-9.18.
- L-9.20** Existing runoff from the area of the proposed developments on-site is largely to the west. Most runoff in the area of the on-site wetlands is from Schmidt Creek, which would continue to flow unimpeded across the site from east to west. The number of parking spaces, size of parking spaces, and proportion of structure to surface parking was designed by the architect based on a variety of factors including their experience in operating casino/hotel developments, the lack of off-site parking, customer convenience, and environmental considerations. Compact spaces were considered but were not included due to issues with customer complaints and liability exposure resulting directly from compact spaces. The number of parking spaces was determined based on the experience in operating casino/hotel developments and based on the knowledge that off-site parking would not be available at any time. Structured parking was added in an attempt to minimize environmental impacts and maximize customer convenience while still leaving the front of the facility open to allow for an inviting design. FEIS Section 5.2.2 has been revised to recommend that at least 15 percent of surface parking areas be constructed to utilize pervious surfaces.
- L-9.21** Please see Response to Comment L-9.20.
- L-9.22** Please see Response to Comment L-9.20.
- L-9.23** Please see Response to Comment L-9.20.
- L-9.24** As noted in DEIS Section 4.8, the agricultural demonstration project is mentioned in the MOU between the Tribe and MID. DEIS Appendix C includes the MID MOU, which refers simply to an agricultural demonstration project for education purposes. The scope or location of this demonstration project is unknown, however given that no additional water use has been proposed by the Tribe, it is reasonably assumed that this would be a dry-farming demonstration project of

some kind, similar to existing uses on the site. Thus, no significant environmental impacts would result from this demonstration project.

- L-9.25** Please see Response to Comment G-56.33. The waste diversion mitigation measure was relocated as suggested, although it is related to greenhouse gas impacts (due to the greenhouse gases expended in increased solid waste pick up and disposal).
- L-9.26** The proposed project offers the opportunity to construct a high performance and sustainable building. Based on a review of the project description and MOU commitments (**Section 2.0** of the FEIS), and recommended mitigation measures (**Section 5.0** of the FEIS), various provisions of the LEED certification program are already included in the project alternatives. For example, the air quality mitigation presented in **Section 5.2.3** of the FEIS would provide the basis for alternative transportation credits within the sustainable sites provision of LEED. Additionally, the use of recycled water for landscape irrigation as discussed in **Section 2.0** of the FEIS meets the provisions for innovative wastewater technologies and water efficient landscaping. Also, the drainage plan included as **Appendix G** of the DEIS meets the provisions for stormwater design. Other innovation credits would be available based on the Tribe's commitment to ensuring impacts to groundwater (including the commitment in the MID MOU to fully offset groundwater impacts), pedestrian traffic, and agriculture are minimized. The Tribe has demonstrated an affirmative commitment to mitigate environmental impacts and develop an environmentally-friendly project through provisions in the MOUs with the County of Madera, the City of Madera, and MID. Furthermore, after reviewing the USEPA's comment letter, the Tribe has expressed renewed interest in complying with the principles of green building espoused by the LEED program and is considering pursuing LEED certification for the hotel component of the proposed project.

## **L-10 – JERRY BROWN, TRIBAL CHAIR, CHOWCHILLA TRIBE OF YOKUT INDIANS**

- L-10.1** Please see Responses to Comments G-1.2 and G-14.5. For most federal purposes, inclusion of a tribe on the list of recognized tribes published by the Secretary of the Interior under 25 U.S.C. § 479a-1 is evidence that a tribe is federally recognized as having a government-to-government relationship with the United States and eligible for the special programs and services provided by the federal government to Indians because of their status as Indians. The Chowchilla Tribe of Yokut Indians (Chowchilla Tribe) is not on the most recent list of federally recognized



tribes published by the BIA in the Federal Register. 73 Federal Register 18553, April 4, 2008. The comment that the Chowchilla Tribe is a Northern Yokut tribe is noted.

- L-10.2** As noted in Section 4.6 of the DEIS, no significant cultural resources were identified within or adjacent to the Madera site. However, DEIS Section 5.2.5 requires the Tribe to engage in appropriate mitigation if such resources are encountered.
- L-10.3** Please see Responses to Comments G-1.2, B-12.12, B-15.14, I-73.2, and L-10.2. In Section 3.6.1, the DEIS discusses the Native American ethnography of the region, including the presence of the Yokuts at the time of European contact.
- L-10.4** Please see Response to Comments L-10.1 through L-10.3. The National Historic Preservation Act (NHPA) requires properties listed in the National Register, as well as those eligible for listing, to be given special consideration in the planning of federal undertakings. Under Section 4.6 of the DEIS, no significant cultural resources were identified within or adjacent to the Madera site.
- L-10.5** The potential impacts from traffic and to water and air quality have been adequately addressed in the DEIS Section 4.0. The comment is phrased very generally. Responses can only be made to specific concerns regarding the adequacy of the DEIS.
- L-10.6** Please see Responses to Comments B-12.12 and L-10.1 through L-10.4.
- L-10.7** Please see Response to Comment G-8.2 and G-8.13.
- L-10.8** Comment noted.
- L-10.9** Please see Responses to Comments L-10.2 and L-10.4.

## **L-11 –MADERA COUNTY ECONOMIC DEVELOPMENT COMMISSION**

- L-11.1** Please see Response to Comment G-1.2.
- L-11.2** Please see Response to Comment G-4.1.
- L-11.3** Please see Responses to Comments G-1.2 and G-4.1.

**L-11.4** Please see Responses to Comments G-1.2 and G-4.1.

**L-12 – CALIFORNIA DEPARTMENT OF FISH AND GAME**

**L-12.1** Comment noted. Comment provides overview of DEIS alternatives.

**L-12.2** Comment noted.

**L-12.3** A discussion of the state threatened San Joaquin kit fox (*Vulpes macrotis mutica*), is provided within Section 3.5 of the DEIS. This species additionally falls under federal jurisdiction as a federally endangered species.

Formal analysis of the potential to create a “take” of a state special status species is not applied to the project alternatives due to the project’s jurisdiction under the United States Fish and Wildlife Service (USFWS) for development on trust lands. The DEIS recognized the status of potential species of state importance on-site, as described through biological surveys and a California Department of Fish and Game (CDFG) Natural Diversity Data Base (CNDDDB) search (see DEIS Section 3.5).

The comment regarding the discovery of a fox skeleton to the southeast of the Madera site does not provide substantial evidence of the discovery of a San Joaquin kit fox individual. The comment precisely states that the evidence leads to the discovery of a non-native red fox. As determined through consultation with USFWS and discussed in Section 3.5 of the DEIS, the nearest documented occurrence of a San Joaquin kit fox individual was in grassland habitats approximately 11 miles southwest of the Madera Site. Additional discussion within the FEIS is not warranted.

**L-12.4** As analyzed within Section 4.5 of the DEIS, development of project alternatives located at the Madera Site would create a less than significant impact to Schmidt Creek biological resources. Schmidt Creek is subject to U.S. Army Corps of Engineers (USACE) jurisdiction. Following guidelines within the Federal Clean Water Act, any discharge of dredged or fill material within the drainages would require a USACE permit.

Analysis within Section 4.5 of the DEIS determined that there are no direct effects to jurisdictional waters of the U.S. due to the avoidance of construction within the creek. With implementation of an on-site wastewater treatment plant (WWTP), the potential arises for the discharge of high quality recycled water into Schmidt

Creek, potentially increasing the productivity of the seasonal waterway. On the Madera Site, Schmidt Creek, is described as a non-continuous ditch that currently does not receive year-round water. The current conditions provide poor characteristic for riparian vegetation and habitat. The mitigation measures within Section 5.2.4 of the DEIS would allow for discharged effluent to increase stream flows to levels that will flush particulates, remove standing debris, and provide better habitat for aquatic species within the riparian habitat. For further analysis of potential impacts to Schmidt Creek water resources, please see DEIS Section 4.3.

- L-12.5** As discussed above in Responses to Comments L-12.3 and L-12.4, the applicable jurisdiction falls to the federal government on all lands held in federal trust by the United States. Biological resource habitats and the impact analysis of these habitats on the North Fork site is provided within Section 3.5 and 4.5 of the DEIS, respectively.
- L-12.6** Pre-construction Biological Surveys are provided as mitigation measures within Section 5.0 of the DEIS. These surveys will determine that all species, either federal or state shall be avoided to the maximum extent feasible on either the Madera or North Fork sites.
- L-12.7** Jurisdiction over the water resources on the Madera and North Fork sites falls under the USEPA and USACOE given that both sites would be held in federal trust for the Tribe. Commenter referenced Section 1600 is therefore not applicable. Instead, the alternatives shall comply with USEPA Clean Water Act standards prior to any disturbance of waters of the U.S.
- L-12.8** Comment noted. As the development of the proposed project shall occur on federal trust land, the standards and guidelines of CESA and Fish and Game Code Section 1802 do not hold jurisdictional authority. However, all federal standards shall apply, including consultation with USFWS and other appropriate federal agencies to determine correct mitigation, if determined necessary.
- L-12.9** In compliance with the Federal Migratory Bird Treaty Act (MBTA) and the Fish and Game Code Sections 3503, 3503.5, and 3513, analysis of potential impacts to burrowing owls has been added to Section 4.5 of the FEIS. An additional mitigation measure has been added to Section 5.0 of the FEIS to mitigate for potential impacts to burrowing owls.
- L-12.10** California Fish and Game does not hold jurisdictional power over development on federal trust land, and therefore guidelines and provisions established in Sections

3511, 4700, 5050, 5515 do not apply. However, as noted in FEIS Section 5.2.4, informal discussion with CDFG shall occur to address issues regarding species and habitats that fall under state categories prior to construction. In addition, the FEIS has been revised to add analysis and mitigation for several of the species cited in this comment, as noted below.

**Mariposa Pussypaws**

Analysis of the potential impacts to Mariposa pussypaws on the North Fork Site has been included within FEIS Section 4.5. Additions to the previous mitigation measure regarding Mariposa pussypaws, are included within Section 5.2.4 of the FEIS.

**Valley elderberry longhorn beetle**

Analysis of potential impacts to the Valley elderberry longhorn beetle are included in Section 4.5 of the DEIS, with proposed mitigation measures included within Section 5.2.4.

**California Tiger Salamander**

As discussed in **Section 3.5** of the DEIS, the CNDDDB query found a California Tiger Salamander occurrence approximately 3.5 to 4 miles southeast of the Madera site, in the City of Madera. Through biological surveys it was determined that appropriate breeding and aestivation habitats are absent from the site and its immediate vicinity. Numerous biological surveys by H.T. Harvey in 2004, 2005, 2006, and 2008, found no individuals inhabiting the Madera site. Therefore, no mitigation measures have been proposed.

During pre-construction surveys, if any special status species (federal or state) are found on-site, appropriate measures shall be taken through consultation with the USFWS to avoid any “take” to maximum extent feasible.

- L-12.11** The methodology with which the DEIS determined which special-status species may potentially be affected was determined based upon a review of pertinent literature, aerial photographs, site topographic maps, informal consultation with the USFWS and other local experts, results of a query of the CNDDDB for reported occurrences of special-status species within the Madera and North Fork sites USGS 7.5 quadrangle and the eight surrounding quadrangles, and from the results of biological field surveys. The special-status species’ Madera leptosiphon (*Leptosiphon serrulatus*), orange lupin (*Lupinus citrinus* var. *citrinus*), foothill yellow-legged frog (*Rana boylii*), western pond turtle (*Emys marmorata*), and the American badger, hold the potential to occur on the North Fork site. However,

none of the above mentioned species were found on the two alternative sites during surveys performed during 2004, 2005, 2006, and 2008.

**L-12.12** Please see Response to Comment L-12.8.

**L-12.13** Please see Response to Comment L-12.3 for a discussion on potential impacts to the San Joaquin kit fox and on jurisdiction over trust land.

The tree-anemone is a state special-status species that was included within the reconnaissance level surveys conducted on May 11 and 12, 2005 at the North Fork Site. This survey was conducted during the blooming period for the species. Although this species is reported to occur within the 5-mile radius of the North Fork site (Section 4.5 of the DEIS), the species was not observed on-site.

The bald eagle is analyzed within Sections 3.5 and 4.5 of the DEIS, as the bald eagle is a species covered by the MTBA. Additional language has been added to Sections 4.5 and 5.0 of the FEIS to include all birds within pre-construction survey under the MTBA.

**L-12.14** As stated in Sections 3.5 and 4.5 of the DEIS, construction activities would be concentrated on the northeastern corner of the Madera Site, away from Schmidt Creek, with no proposed construction activities involving work within the bed, bank, or channel of the creek. A clear-span bridge is proposed over the airport ditch to connect the access road to Road 23, thereby avoiding any impact to the ditch. All other jurisdictional waters of the U.S. have been avoided in the design phase and would be protected from indirect effects by a 50-foot buffer. A National Pollutant Discharge Elimination System (NPDES) permit would be required prior to discharge into the on-site creek. Since the treatment facilities and point of discharge would be fully contained within trust lands, the NPDES permit would be issued and regulated by the USEPA.

A permit from the USACE pursuant to Section 404 of the Clean Water Act would need to be acquired prior to construction on the North Fork site as construction activities would impact 0.2 acres of waters of the U.S. Potential adverse direct effects to jurisdictional waters of the U.S. would be avoided or minimized by implementation of the mitigation measures identified in Section 5.2.4 of the DEIS.

**L-12.15** Fish and Game Code Section 5650 does not apply for either the Madera or North Fork sites, as development would be on federal trust lands, thereby falling under jurisdiction of the USEPA and USACE. Please see Response to Comment L-12.14

for specific responses regarding the potential impacts to waterways. Discharges of stormwater from construction activities on the Madera site would be regulated by the USEPA National Pollutant Discharge Elimination System (NPDES) storm water program and would require coverage under the Phase II General Permit for Storm Water Discharges from Construction Activities (Construction General Permit). Best Management Practices (BMPs) are included as mitigation measures within Section 5.2.2 of the DEIS.

**L-12.16** The CDFG does not hold jurisdiction over development on federal trust land, and therefore guidelines and provisions established in Sections 3511, 4700, 5050, 5515 do not apply. However, in response to this comment, informal discussion with CDFG shall occur to address issues regarding species and habitats that fall under state categories (see FEIS Section 5.2.4). Potential impacts to the bald eagle are analyzed within Section 3.5 and 4.5 of the DEIS.

**L-12.17** As discussed in Response to Comment L-12.13, language has been added to Mitigation Measures B and L within Section 5.2.4 of the FEIS, with an additional mitigation measure, Measure C, added for mitigation regarding the burrowing owl.

**L-12.18** A majority of the Madera site is dryland wheat fields. This habitat provides limited resources for wildlife due to frequent plowing and weed control measures associated with ongoing farming practices. The riparian vegetation within the Schmidt Creek ditch is not continuous and is primarily composed of herbaceous species, both upland and hydrophytic.

Section 4.5.4 of the DEIS determined that development of Alternative D on the North Fork site would affect Interior Live Oak Woodland that is utilized by a wide variety of fauna. The complete layout of the complex and associated facilities is within the Interior Live Oak Woodland, and as such would affect the vegetation community as well as three streams located in the Alternative D development area. As this impact would be considered significant, appropriate mitigation measures, outlined in Section 5.2.4 of the FEIS, shall be implemented.

**L-12.19** Please see Response to Comment L-12.14. As described in Section 4.5 of the DEIS, a delineation of the North Fork site occurred on May 11 and 12 of 2005, identifying 1.9 acres of potential waters of the U.S. Implementation of mitigation measures D, E, M, N, and O within Section 5.2.4 of the DEIS would reduce impacts to less than significant levels for on-site waterways. These mitigation measures provide for buffers around wetlands and jurisdictional waters of the U.S., similar to those suggested in the comment.

- L-12.20** Please see Response to Comments L-12.4, L-12.14, L-12.15, and L-12.19.
- L-12.21** Please see Response to Comment L-12.3.
- L-12.22** Please see Response to Comment L-12.11.
- L-12.23** Please see Responses to Comments L-12.13 and L-12.17.
- L-12.24** Please see Responses to Comments L-12.13 and L-12.17.
- L-12.25** Please see Responses to Comments L-12.13 and L-12.17. Development activities on the Madera Site would cover only a small portion of the total 305-acre site. The CDFG comment regarding the provision for providing a minimum of 6.4 acres of foraging habitat conservation per burrowing owl pair need not apply. The protection of open space (low-level foraging habitat) shall occur on the remainder of the acreage surrounding the proposed development, providing an ample amount of on-site habitat.
- L-12.26** The wildlife corridor along Schmidt Creek would remain through the site, as impacts to Schmidt Creek would be less-than-significant and no development within or to the south of Schmidt Creek would occur. As stated in Section 4.5 of the DEIS, the riparian habitat along Schmidt Creek would benefit from the disposal of high quality recycled water.
- L-12.27** Please see Response to Comment L-12.3. As noted in **Section 4.5** of the DEIS, the habitat on the Madera Site is ruderal in nature and has been manipulated by years of farming and agricultural practices. The Madera site does not hold any federal or state listed plant species. Development on the North Fork site has the potential to impact the tree anemone, a state listed species; however, the tree anemone was not observed on the North Fork site during surveys performed on May 11 and 12, 2005.

The North Fork site has habitat, such as chaparral and cismontane woodland on granitic substrate, creating potential impacts for the federal special status plant species Mariposa pussypaws. The loss of Interior Live Oak Woodland could significantly affect these federally listed species. However, mitigation measures to avoid potential impacts to special-status plant species are provided in the DEIS. Additional language has been added the Mitigation Measure I within Section 5.2.4 of the FEIS.

**L-12.28** Please see Response to Comment L-12.10.

**L-12.29** Please see Response to Comment L-12.10.

**L-12.30** California Public Resource Code Section 21083.4 does not apply to the North Fork site, as the land is currently held in trust by the federal government. As noted in DEIS Section 4.5, development on the North Fork site would impact several acres of oak woodlands. Mitigation measures within **Section 5.0** of the DEIS require replacement, where appropriate, vegetation removed as a result of project activities with native species that are of value to local wildlife.

**L-12.31** Please see Response to Comment L-12.30.

**L-12.32** Comment noted.

### **L-13 –PRIMO REALTY**

**L-13.1** Please see Response to Comment G-1.2.

**L-13.2** Please see Responses to Comments G-1.2 and G-4.1.

**L-13.3** Comment noted. Please see Response to Comment G-5.2.

### **L-14 – JERRY BROWN, TRIBAL CHAIR, CHOWCHILLA TRIBE OF YOKUT INDIANS**

**L-14.1** Please see Responses to Comments L-10.1 through L-10.3.

**L-14.2** Please see Response to Comment L-10.4.

**L-14.3** Please see Responses to Comments L-10.3 and L-10.4.

**L-14.4** Please see Response to Comment L-10.5.

**L-14.5** Please see Response to Comment L-10.3.

**L-14.6** Please see Response to Comment L-10.7.

**L-14.7** Please see Responses to Comments L-10.7 and L-10.8.



**L-15 – LORETTA LORENZ**

**L-15.1** Please see Responses to Comments G-1.2 and G-6.2.

**L-15.2** Please see DEIS Section 4.0 for an analysis of environmental impacts of the proposed project, including traffic, air quality, and agriculture.

**L-15.3** Please see Response to Comment G-1.2.

**L-16 – CASINOS REPRESENT A POOR SOLUTION**

**L-16.1** Please see Responses to Comments G-1.2 and G-6.2.

**L-17 – NOEL KRAHFORST**

**L-17.1** Please see Responses to Comments G-1.2 and G-4.1.

**L-17.2** Please see Responses to Comments G-1.2 and G-4.1.

**L-17.3** Please see Response to Comment G-1.2.

**L-17.4** Please see Response to Comment G-1.2.

**L-18 – JAMULIANS AGAINST THE CASINO**

**L-18.1** Please see Response to Comment G-1.2.

**L-19 – CALIFORNIA COALITION AGAINST GAMBLING EXPANSION**

**L-19.1** Please see Responses to Comments G-1.2 and G-6.2.

**L-20 – MARK LACAZE**

**L-20.1** Please see Response to Comment G-1.2.

**L-21 – PRESERVATION OF LOS OLIVOS**

**L-21.1** Please see Response to Comment G-1.2.

**L-22 – RICHARD M. FORSTER, CHAIRMAN, AMADOR COUNTY BOARD OF SUPERVISORS**

**L-22.1** Please see Responses to Comments G-1.2 and G-6.2.

**L-23 – KATHERINE VENTURELLI**

**L-23.1** Please see Response to Comment G-1.2.

**L-24 – RONALD AND CYNTHIA WINTER**

**L-24.1** Please see Responses to Comments G-1.2 and G-6.2.

**L-25 – NATALIE SAMARRIPA**

**L-25.1** Please see Responses to Comments G-1.2 and G-6.2.

**L-26 – CENTER FOR CREATIVE TRANSFORMATION**

**L-26.1** Please see Responses to Comments G-1.2 and G-6.2.

**L-26.2** Please see DEIS Section 4.7 for an analysis of impacts to problem gambling from the proposed project.

**L-27 – GLORIA MAGLEBY**

**L-27.1** Please see Responses to Comments G-1.2 and G-6.2.

**L-28 – STEPHEN GALLENSON**

**L-28.1** Please see Responses to Comments G-1.2 and G-6.2.

**L-29 – CITIZEN'S FOR A BETTER WAY**

**L-29.1** Please see Responses to Comments G-1.2 and G-6.2.

**L-30 – LANCE NYSTREM INSURANCE COMPANY**

**L-30.1** Please see Responses to Comments G-1.2, G-6.2, and L-15.2.

**L-31 – STEPHANIE JAMISON**

**L-31.1** Please see Response to Comment L-30.1.

**L-32 – RESIDENTS AGAINST GAMING EXPANSION**

**L-32.1** Please see Responses to Comments G-1.2 and G-6.2.

**L-33 – RON DOMINICI, CHAIRMAN, MADERA COUNTY BOARD OF SUPERVISORS**

**L-33.1** Please see Response to Comment G-1.2.

**L-33.2** Please see Response to Comment G-1.2.

**L-33.3** Please see Response to Comment G-1.2.

**L-34 – JOHN M. PEEBLES, FREDERICKS, PEEBLES, AND MORGAN LLP**

**L-34.1** In response to this comment a copy of the hearing transcript has been provided to the commenter.

**L-35 – JOHN M. PEEBLES, FREDERICKS, PEEBLES, AND MORGAN LLP**

**L-35.1** In response to this comment a copy of the hearing transcript has been provided to the commenter.

**L-36 – CHUKCHANSI COUNCIL**

**L-36.1** Please see Response to Comment G-16.10.

**L-36.2** Please see Responses to Comments G-15.10 and G-56.40.

**L-36.3** Please see Responses to Comments G-1.2, G-8.2, G-15.10, and G-56.40. During the scoping comment period, no site was specifically suggested for analysis within the North Fork area, except for a reference to what appears to be the Tribe’s HUD trust land (which is discussed in DEIS Section 2.7) and several references to the North Fork site, which the commenter specifically suggested be analyzed as an alternative development site, stating in a November 15, 2004 letter, “One alternative the proposal does not address – but should address – is placing a smaller scale project on the North Fork Tribe’s former rancheria, where the tribe has historical ties.” While it is true the Old Mill was mentioned twice during the

scoping hearing (it was not referenced in any written scoping comment), these references were not specific suggestions that the Old Mill site be included as an alternative location for the proposed project.

Please see DEIS Appendix B for a copy of the Notice of Intent and Notice of Correction.

- L-36.4** Please see Response to Comment G-56.41. The quoted language states that the Tribe (not the BIA) did not consider the development of a casino on the North Fork site. The BIA has conducted a full analysis of a casino development on the North Fork site (Alternative D).
- L-36.5** Please see Responses to Comments G-1.2, G-15.10, G-56.40, G-56.41, G-56.58, B-12.1, and B-12.12.
- L-36.6** Please see Response to Comment G-56.43.
- L-36.7** Please see Responses to Comments G-1.2, G-6.2, and G-56.68. Although the unavailability of a potential site for development as an alternative to a proposed project is not by itself determinative of infeasibility, it is not something that the lead agency can or should ignore in deciding whether to include the site as an alternative site in an EIS.
- L-36.8** Please see Responses to Comments G-56.54 and L-36.1 through L-36.7.
- L-36.9** Please see Responses to Comments G-56.54 and L-36.1 through L-36.7.
- L-36.10** Please see Responses to Comments G-56.54 and L-36.1 through L-36.7.

### **L-37 – CITY OF FIREBAUGH**

- L-37.1** Please see Response to Comment G-1.2.

### **L-38 – JERRY BROWN, TRIBAL CHAIR, CHOWCHILLA TRIBE OF YOKUT INDIANS**

- L-38.1** Please see Responses to Comments L-10.1 – L-10.5.
- L-38.2** Please see Responses to Comments L-10.1 – L-10.5.
- L-38.3** Please see Responses to Comments L-10.1 – L-10.5.

**L-38.4** Please see Responses to Comments L-10.1 – L-10.5.

**L-39 – CALIFORNIA TRIBAL BUSINESS ALLIANCE**

**L-39.1** Please see Response to Comment G-1.2.

**L-39.2** Please see Response to Comment G-1.2.

**L-39.3** Please see Response to Comment G-1.2.

**L-39.4** Please see Response to Comment G-1.2.