

APPENDIX C

Comment Letters

NORTH FORK RANCHERIA OF MONO INDIANS EIS RESULTS OF SCOPING
List of Speakers, Comment Cards, and Letters

COMMENT LETTERS			
Letter Number	Name	Affiliation	Date
<i>Tribal and Government Agencies</i>			
1	Joyce Burel	Chairperson, Picayune Rancheria of the Chukchansi Indians	11/15/2004
3	Joyce Burel	Chairperson, Picayune Rancheria of the Chukchansi Indians	12/1/2004
5	Joyce Burel	Chairperson, Picayune Rancheria of the Chukchansi Indians	12/15/2004
6	Dennis J. O'Bryant	Acting Assistant Director, Department of Conservation, California	12/15/2004
7	Mike Gaston	Community Development Director, City of Chowchilla	4/29/2005
8	Joyce Burel and Dixie Jackson	Chairperson and Secretary, Picayune Rancheria of the Chukchansi Indians	4/29/2005
17	Charles Stringer	Renewable Resources Group, Inc., on behalf of Madera Irrigation District	5/6/2005
<i>Individuals</i>			
2	Joanne Rhoads	Masters of Science in Nursing, Community Food and Nutrition Program	11/22/2004
4	Carl Winter	Resident	12/9/2004
9	Donald and Denise Marmolejo	Resident	5/1/2005
10	Donald and Denise Marmolejo	Resident	5/1/2005
11	Jan DeWoody	Resident	5/3/2005
12	Lola Whipple	Resident	5/3/2005
13	Lori Erickson	Resident	5/4/2005
14	Stephen Lee Erickson	Resident	5/4/2005
15	Jason Erickson	Resident	5/4/2005
16	Jim Erickson	Resident	5/4/2005

COMMENT CARDS		
Comment Number	Name	Affiliation
1	Dorothy Topping Adams	Chaushilla Yokot
2	Kale Cruz Adams	Chaushilla Tribe
3	Kenneth Bart Adams	Chaushilla Tribe
4	Kyle Bart Adams	Chaushilla Tribe
5	Katy Berry Barnes	Resident
6	Teena Tooping Caldeeon	Chaushilla Tribe
7	Kenneth Ray Castro Jr.	Chaushilla Tribe
8	Mike Catanesi	Owner, Madera Golf Course
9	Victoria Lynn Grantham	Chaushilla Tribe
10	Christichja McCue	Chaushilla Tribe
11	Carmelita Adams Micallef	Chaushilla Tribe
12	Raymond Micallef	Chaushilla Tribe
13	Rachel Rivera	Chaushilla Tribe
14	Florentine L. Topping	Chaushilla Tribe
15	Paul Cruse Topping	Chaushilla Tribe
16	Roger Venturi	Chaushilla Tribe
17	Dr. Karen V. Wynn	Picayune Rancheria of Chukchansi Indians

**NORTH FORK RANCHERIA OF MONO INDIANS EIS RESULTS OF SCOPING
List of Speakers, Comment Cards, and Letters**

SPEAKERS		
Speaker Number	Name	Affiliation
1	Michael Anderson	Montel and Peebles Law Firm, on behalf of the Picayune Rancheria of Chukchansi Indians
2	Joyce Burel	Chairperson, Picayune Rancheria of the Chukchansi Indians
3	Jerry Brown	Chairperson, Chochilla Yokuts
4	Shawn Hatfield	North Fork Rancheria
5	Sam Law Hon	Picayune Rancheria
6	Dora Jones	Picayune Rancheria
7	Mary Martinez	Picayune Rancheria of Chukchansi Indians
8	John Peebles	Montel and Peebles Law Firm, on behalf of the Picayune Rancheria of Chukchansi Indians
9	Herman Perez	Madera County Work Force Investment Board
10	David Prentice	County of Madera Board of Supervisors
11	Sarah Rah	North Fork Citizen
12	Morris Reed	Vice-chair, Picayune Tribe
13	Leanne Walker-Grant	Chairperson, Table Mountain Rancheria
14	Nancy Ayala Wyatt	Picayune Rancheria



CHUKCHANSI INDIANS

46575 Road 417 • Coarsegold, CA 93614 • (559) 683-6633 • FAX (559) 683-0599

November 15, 2004

Clay Gregory
Regional Director, Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

Re: Picayune Rancheria Comments Regarding the North Fork Rancheria Proposal

Dear Mr. Gregory:

As Chairperson of the Picayune Rancheria of the Chukchansi Indians, I submit the following tribal comments to you in response to the Bureau of Indian Affairs (BIA) Notice of Intent published September 29, 2004, to prepare an Environmental Impact Statement (EIS) with regard to a 305 acre trust acquisition and casino development project for the North Fork Rancheria. The North Fork Tribe's project is proposed to be located in Madera County, California, at a site that is located a considerable distance away from the North Fork Tribe's original reservation.¹ The proposed site is, however, located within close proximity to the Picayune Rancheria and on lands to which the Picayune Tribe has cultural ties.² The Picayune Tribe, as part of the leadership in this community, has an obligation to ensure the health and welfare of all the region's inhabitants. Accordingly, we intend to be heavily involved in the EIS process, to ensure the continued health of our community.

The Notice stated that written comments on the scope and implementation of the proposal must arrive by November 26, 2004. It also stated that a public scoping meeting will be held November 15, 2004, from 6 p.m. to 9 p.m. at the Hatfield Hall, Madera District Fairgrounds, 1850 West Cleveland Avenue, Madera, California. The notice did not discuss the BIA's plan for consulting other federal, state, and tribal governments in the region that are affected by the proposed development. As a federally recognized

¹ The North Fork Mono are a division of the Western Mono peoples which are included in the Uto-Aztecan linguistic family and are historically related to the Paiute peoples on the eastern side of the sierras. They migrated over the sierras some 500 years ago and settled in the central valley foothill areas. No cultural or historical nexus by the North Fork Mono to the Madera region has been found in the ethnographic record. See Gifford, E.W., *The Northfork Mono*. University of California Publications in American Archaeology and Ethnology, 31(2), pp. 15-65, Berkeley: University of California Press (1932); Kroeber, A.L. *Handbook of the Indians of California*, Dover ed. New York: Dover Publications, Inc. (1976); and Moratto, Michael J., *1984 California Archaeology*, Orlando, Florida: Academic Press Inc. (1984).

² The Chukchansi Indians went on expeditions to get basketry materials – roots which did not grow abundantly in the hills – to the lower Fresno River near Madera. See Gayton, A.H., *Yokuts and Western Mono Ethnography II: Northern Foothill Yokuts and Western Mono*, Anthropological Records 10(2), pp. 175-6. Berkeley: University of California Press (1948).

Indian tribe, the Picayune Tribe is a recognized government, and specific consultation is required. *See* Executive Order 13175 (November 6, 2000); Executive Memorandum on the Government to Government Relationship with Tribal Governments (September 23, 2004). Therefore, we expect that during the EIS process the BIA will consult with the Picayune Tribe as a government and not as a member of the public. Consequently, the Picayune Tribe requests a description of the BIA's plan for consultation with the governments in the region.

Secondly, the Tribe requests an extension of the November 26, 2004 deadline in which to submit full written comments and requests a second public meeting to discuss the scope of the EIS. The notice was issued on September 29, 2004, leaving the Tribe with just six weeks to research the project and the potential impacts in need of further study during the EIS process. We expect to learn more about the project at the public meeting to be held on November 15, 2004, but believe the two weeks in between that date and the deadline for the submission of comments is insufficient to ensure our full participation in the process. We therefore request an extension of the public comment period until December 15, 2004.

As you know, scoping is intended to ensure that problems are identified early and properly studied, that all reasonable alternatives are fully explored, that issues of little significance do not consume time and effort, that the draft EIS is thorough and balanced, and that delays occasioned by an inadequate draft EIS are avoided. *See* "Guidance Regarding NEPA Regulations," 48 Fed. Reg. 34263 (1983). In order to ensure the identification of all significant issues and reasonable alternatives to be addressed in the EIS, and to avoid a challenge in court on the basis of an inadequate EIS, interested parties need longer than two weeks to compile comments. In addition, at least one more public meeting should be held, in order that those parties expressing their comments orally have ample opportunity. One three-hour meeting is insufficient to obtain the necessary preliminary information and to adequately comment upon a project of this size. Further, a separate meeting with affected local governments is also in order, considering each government's role in the community regarding the health and welfare of the inhabitants.

Third, the project proposal appears to be a definite plan, since it omits discussion of various alternatives, in contradiction to the purpose of an EIS under the National Environmental Policy Act (NEPA) and the regulations for implementing the procedural provisions of NEPA. Indeed, a Notice of Intent is required to "[d]escribe the proposed action and possible alternatives." *See* 40 CFR 1508.22. The Notice published September 28, 2004 does not address alternatives at all, in clear violation of this regulation.

Fourth, the omission of discussion of alternatives poses another problem. The discussion and analysis in an EIS of the environmental impacts of the proposal and the alternatives in comparative form is "the heart of the environmental impact statement." *See* 40 C.F.R. Part 1502.14. Because no alternatives are mentioned in the brief summary set forth in the Notice of Intent, it is difficult, if not impossible, for the Picayune Tribe to offer useful comments in recommending improvements to the various alternatives. 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.

Fifth, there was no Environmental Assessment (EA) or information packet prepared for this project, severely limiting the ability of interested parties to effectively add to the scoping process. It is difficult to make useful, substantive comments on the spur of the moment, and this is the situation in which the public has been placed, since there is no EA or information packet for interested parties to review in preparing comments. In "Memorandum for General Counsels, NEPA Liaisons and Participants in Scoping," the Executive Office of the President, Council on Environmental Quality (CEQ), advised the Interior Department to put together a "brief information packet consisting of a description of the proposal, an initial list of impacts and alternatives, maps, drawings, and any other material or references that can help interested public to understand what is being proposed." The Notice of Intent published in the Federal Register only provides a summary explanation of the intended project, which is insufficient for interested parties to use in making useful, substantive comments. We therefore request maps of the project, traffic projections, impacts to Highway 99, and other items recommended by CEQ well in advance of the deadline for the submission of comments.

Sixth, the Tribe is extremely concerned about the fact that the North Fork Rancheria has chosen to locate its casino project outside of their Rancheria homelands. The proposed site for the development is not part of the North Fork Rancheria's original homelands, but is instead very close to the original homelands of the Picayune Rancheria of the Chukchansi Indians. As a matter of policy, the Picayune Tribe opposes forum shopping by tribes trying to install casino developments on or near another tribe's original homelands, particularly where the alternative of locating on the tribe's original rancheria lands is not even discussed in the Notice of Intent.

Seventh, Executive Order 13175 (November 6, 2000) establishes a requirement of "meaningful consultation and collaboration" between the United States and tribes in the development of "Federal policies that have tribal implications...and to reduce the imposition of unfunded mandates upon Indian tribes..." Allowing a tribe to move onto lands that are not historically identified with the tribe for purposes of building a casino in another tribe's backyard is tantamount to "development" of a significant "federal policy" that should only be pursued after consultation with tribal nations generally.

Eighth, the Picayune Tribe is highly alarmed by the impact the North Fork Tribe's project would have on traffic in the area. The project is proposed to be located north of Fresno and adjacent to the already-congested Highway 99. The proposed development is sure to worsen traffic congestion problems due to the thousands of cars seeking to exit Highway 99 to get to almost five thousand parking spaces planned for the site. While the North Fork Tribe is not impacted by these traffic problems because they do not live in this area, the community of Madera County will be dramatically impacted.

Ninth, along with a rise in traffic and traffic-induced congestion, the Picayune Tribe is also greatly concerned about the proposed development's effect on air quality in Madera County. The North Fork Rancheria must comply with the California Environmental Quality Act (CEQA), as well as the NEPA. Therefore, the EIS must contain an actual CEQA-compliant air quality impact analysis in addition to the NEPA analysis of compliance with the conformity criteria, using updated emissions factors and current planning assumptions. The North Fork Tribe must prove that the project complies with State air quality regulations (as established by the California Clean Air Act) and that there is an available, approved methodology to measure air quality impacts under state and federal law. *See El Dorado County v. California Department of Transportation*, Civ. Nos. 03CS00003 and 03CS00018 (June 21, 2004, Superior Court of California, Sacramento County) (ruling that the demonstration of compliance with state air qualifications was unsatisfactory, and requesting additional analysis based on methodology suited to the state ozone standard). Additionally, North Fork Rancheria should conduct an evaluation of potential impacts on Class I Clean Air Act areas, including but not limited to Yosemite National Park and Sequoia and Kings Canyon National Parks.

Tenth, if there is a basis for a joint CEQA/NEPA document, the Notice of Intent should state that as well, and the California lead agency should be involved in a parallel CEQA process. The Notice issued on September 29, 2004 is deficient of this discussion, yet it is clear that there is a basis for a joint CEQA/NEPA document. In fact, the Notice of Intent makes it unclear what, if any, state entitlements this project would or could entail. Review of this project should entail a jointly-prepared EIS/Environmental Impact Report (EIR) prepared jointly by the BIA and the California lead agency.

Eleventh, the Picayune Tribe is extremely concerned over the likely impact this project will have on Madera County in any areas of water quality and water quantity. Water is essential for life and plays a vital role in the functioning of the land and the inhabitants of Madera County. The pollution of water from the North Fork Tribe's development would seriously impact the people living in this county, and can negatively affect the use of water for drinking, household needs, recreation, fishing, transportation and commerce, as well as create instability for the living creatures and the land. Furthermore, the use of water to serve a development such as the one proposed by the North Fork Tribe would create a strain on current water allocations, putting the county's farmland at risk.

Twelfth, the Tribe is concerned about the safety of the students attending schools located near the proposed casino development. With the planned casino, hotel, pool, spa, food court, four bars, and lounge designed to attract up to 4,500 different cars each day, local school children will be exposed to an onslaught of traffic like never before.

Thirteenth, the Tribe is bothered by the change of the character of the area with the development of the proposed project. Agricultural land surrounds the proposed casino development on two sides. A project of this magnitude will likely have a negative impact on farmland preservation. Likely, too, is an increased problem for farmers needing to move machinery and livestock, due to the increase in traffic.

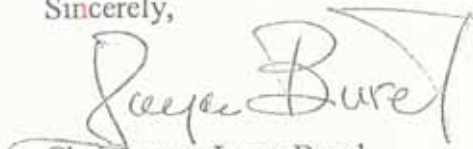
Finally, the Picayune Tribe is concerned about the growth-inducing effects the development will have on our community. The growth-inducing effects are likely to present cumulatively significant impacts when combined with the proposed project. Therefore, the EIS should consider the growth-inducing effects resulting from the 305 acre trust acquisition and development project.

In summary, we request the following immediate requests:

- An extension of the deadline for the submission of written comments from November 26, 2004 to December 15, 2004.
- At least one more public scoping meeting.
- A description of the BIA's plan for consultation with the governments in the region.
- Separate consultation of governments in the region, in addition to public scoping meetings.
- Maps of the project, traffic projections, impacts to Highway 99, and other items recommended by CEQ, including a full discussion of project alternatives.

Thank you for your consideration of these initial comments. Since these are our initial comments drafted without the aid of detailed information about the project, we look forward to providing additional input in the coming months, and we look forward to participating as a concerned government entity throughout this process.

Sincerely,

A handwritten signature in black ink that reads "Joyce Burel". The signature is written in a cursive style with a large, stylized initial "J".

Chairperson Joyce Burel
Picayune Rancheria of the Chukchansi
Indians



Picayune Rancheria
of the

CHUKCHANSI INDIANS

46575 Road 417 • Coarsegold, CA 93614 • (559) 683-6633 • FAX (559) 683-0599

IMMEDIATE RELEASE

CONTACT: JOYCE BUREL
TRIBAL CHAIRPERSON
559-683-6633

PICAYUNE RANCHERIA OF THE CHUKCHANSI INDIANS FILES COMMENTS AND CONCERNS REGARDING STATIONS CASINOS – NORTH FORK CASINO PROJECT AND REQUESTS SECOND PUBLIC HEARING.

On November 15, 2004, the Picayune Rancheria of the Chukchansi Indians filed comments regarding the Stations Casino – North Fork Rancheria proposed gaming project in Madera County. The comments were filed as part of a public hearing conducted by the Bureau of Indian Affairs as required by the National Environmental Policy Act (NEPA).

The major concerns stated by the Tribe were as follows:

- Highway 99, the site of the project, is already too congested.
- Air quality impacts from the project must be thoroughly analyzed.
- The project will adversely impact water quality and water quantity.
- The project is located away from the North Fork homeland.

The Tribe requested that the Bureau of Indian Affairs act on the following:

- Extend the public comment period on the project to December, 2004.
- Grant a second public hearing.
- Initiate a separate tribal consultation process.



Mountain Family HealthCare Center

5066 N. Fresno Suite #111
Fresno, CA 93710
Ph (539) 226-6796
Fax (539) 226-8174

Bureau of Indian Affairs

Attn: John Rydzik, Regional Environmental Specialist

2800 Cottage Way Room 2820

November 22, 2004

Sacramento, Ca. 95825

Regarding: DEIS Scoping Comments, North Fork Rancheria of Mono
Indians Trust Acquisition and Casino/Hotel Project.

Dear Mr. Rydzik:

As a Madera County resident, a business owner, and a family nurse practitioner, I submit to you comments related to the proposed casino/hotel project as specified above. I have many environmental, health, social, and territorial concerns that I will address.

- 1) Poor air quality due to increased traffic.
- 2) Water quality and lack of water for existing homes and agricultural endeavors will cause hardships for local residents.
- 3) Fire hazard potential.
- 4) Potential safety risks for nearby school children.
- 5) Exacerbation of chronic lung diseases (asthma, chronic obstructive pulmonary disease, emphysema).
- 6) Increase in addictive behaviors (alcohol abuse, nicotine abuse, gambling).
- 7) This proposed site is many miles from the Mono Tribe in North Fork. This is not their territory. They are infringing on the lands of other California tribes (see copy of early map depicting tribal lands). This practice of reservation purchasing by outside backers should not be allowed.

Please consider these potentially serious problems that would profoundly affect the environment, the community residents, law enforcement agencies, emergency systems, and other local California tribes.

Sincerely,

Joanne Rhoads

Joanne Rhoads, MSN, CFNP

1. NATIVE TRIBES, GROUPS, LANGUAGE FAMILIES AND DIALECTS OF CALIFORNIA IN 1770 (KROEBER)



Dec. 2, 2004 1:57PM

No.

3



Picayune Rancheria
of the

CHUKCHANSI INDIANS

December 1, 2004
46575 Road 417 • Coarsegold, CA 93614 • (559) 683-6633 • FAX (559) 683-0589

Clay Gregory
Regional Director, Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

Re: Request for Second Public Hearing in Regards to the North Fork Rancheria Proposal

Dear Mr. Gregory:

As Chairperson of the Picayune Rancheria of the Chukchansi Indians, I am writing to renew our request that the Bureau of Indian Affairs (BIA) conduct a second public hearing in December 2004 in regards to the casino project proposed by the North Fork Rancheria in Madera County, California. We first made this request through our oral and written comments submitted at the November 15, 2004 public scoping meeting. Without explanation, the BIA denied this request. Because we believe it is absolutely critical that the public be given the opportunity to contribute during the public scoping period, we renew our request.

A second public hearing is necessary for three reasons. First, the value of the first public scoping meeting is questionable, since the public only had access to a limited amount of information prior to the hearing. The Federal Register Notice only provided a summary explanation of the intended project, which was insufficient for interested parties to use in making useful, substantive comments. Because the public is now armed with basic information about the project, like traffic flow information, waste treatment location, etc, we should be afforded the chance to comment with the benefit of this new information.

Second, the public should be given the chance to comment upon and offer improvements to the various alternatives to the proposed project. Missing from the Federal Register Notice was a discussion of various alternatives to the proposed project. As the discussion of alternatives is required by the National Environmental Policy Act (NEPA) and the regulations for implementing the procedural provisions of NEPA, this information must be provided to the public before the BIA moves forward with the environmental review. Therefore, a second public meeting is in order once information about the various alternatives is provided to the public.

Third, the November 15th public hearing was sparsely attended, which is explained in part because notice of the meeting was not published in any local newspapers. By only publishing notice in the Federal Register, the BIA excluded from the meeting - and from an opportunity to give voice to their concerns - all of those people who do not regularly check the Federal Register for important public notices. The lack of notice creates an unfair situation that we are sure the BIA did not intend to create.

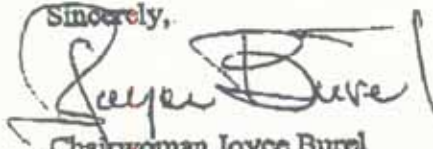
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No. 4193 P. 3

Therefore, the BIA ought to conduct a second public scoping meeting after notice of the meeting is published in a newspaper of general circulation, to allow those people inadvertently excluded from the first meeting the opportunity to contribute to the dialogue.

Thank you for your consideration of our request that the BIA conduct a second public scoping meeting in regards to the North Fork Rancheria proposed project.

Sincerely,



Chairwoman Joyce Burel
Piosyune Rancheria of the Chukchansi
Indians

Dir _____ ✓
 Asst Dir _____
 Asst Dir _____
 Asst Dir _____
 Decem RRM
 Signature Required NO

RECEIVED-BIA
 04 DEC 13 PM 2:47
 SACRAMENTO
 AREA OFFICE

4

Clay Gregory
 Regional Director, Pacific Regional Office
 Bureau of Indian Affairs
 2800 Cottage Way
 Sacramento, California 95825

December 9, 2004

RE: Comments on National Environmental Policy Act (NEPA) Scoping Opportunity for the Proposed Fee-to-Trust/Casino Project Undertaken for the Benefit of the North Fork Rancheria of Mono Indians (Tribe).

Dear Mr. Gregory,

Please find attached my comments regarding the scope of the environmental document (ED) that will be prepared to support Fee-to-Trust transfer of 305 acres in Madera County, and the subsequent development of a 472,000 square foot casino/hotel project (collectively "proposed action.")

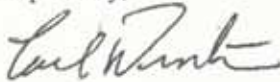
1. Because the proposed action may result in the development of a casino/hotel complex within the State of California, and because the Tribe may be required to reach an agreement with the Governor (gaming Compact) and/or City/County of Madera (Municipal Services Agreement), the proposed project is clearly a "project" as defined under State law. As such, the ED must rightfully incorporate and address relevant environmental thresholds of significance established by federal, State, regional, and local governmental entities, including (but not limited to) those outlined in local General Plans, ordinances, codes, air quality management plans, and related standards. The ED must fully incorporate the intent and standards established under both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), including (but not limited to) those related to the preparation, review, and approval of the ED for the proposed action.
2. The ED must completely and accurately describe the existing physical, natural, and socio-economic condition of the proposed site, and adjacent jurisdictions (including, but not limited to, the County and City of Madera, adjacent or nearby Counties and/or municipalities, and other affected special districts.)
3. The ED must include a comprehensive assessment of all issues or concerns raised by the citizenry in verbal and/or written comments during the scoping period. Where necessary, the ED must provide a detailed and reasoned accounting of why concerns of the citizenry were not included in the environmental document.
4. The analysis in the ED must be based on the most recent data available. In addition to technical reports sanctioned by the Tribe and/or their consulting team, the ED must thoroughly incorporate data from other government and non-government sources, or where such incorporation does not occur, provide sufficient evidence as to why such incorporation is not necessary. To follow the chain of analysis that may be presented in the ED, any technical reference cited in the ED or used to support the conclusions in the EIS, must be provided (for concurrent review) as an Appendix to the ED.
5. The ED must provide evidence that an appropriate level of intergovernmental consultation and review has occurred between the Bureau of Indian Affairs (BIA) and any federal, State, regional, or local governmental agency designated as a "trustee" or "responsible" agency and/or any such entity that has regulatory oversight of the project; site, on-site and/or adjacent natural resources; on-site and/or adjacent infrastructure, structures, or utilities; or any entity that currently or in the future will exercise land use authority on- or adjacent to the project site.

6. The ED must include realistic and feasible alternatives to the proposed action. The identification of the "preferred" or environmental superior alternative must not be a foregone conclusion. The ED must include alternatives that will both meet the stated objectives of the Tribe while providing meaningful reduction of potentially significant environmental impacts.
7. The direct, indirect, and cumulative effects of the proposed action must be fully addressed and must include a comprehensive accounting of development that may occur in the project area at project opening and in the future as identified by local governmental entities (either the "buildout" projections cited in respective General Plans, or more specific short- and long-term development projections.)

~~Thank you for the opportunity to provide input to the BIA during the scoping process. I respectfully request to~~
me informed of any action or decisions that may be made by your agency related to the proposed action, and
request to be included on the distribution list of any report and/or document prepared to support the proposed
action.

I look forward to future communication with your office regarding this matter,

Respectfully,



Carl Winter
3189 Cactus Circle
Highland, CA 92346

Dec. 15, 2004 6:01PM

No. 3047 P. 2



PICAYUNE RANCHERIA
OF THE
CHUKCHANSI INDIANS -

5

**CHUKCHANSI ECONOMIC DEVELOPMENT
AUTHORITY**

P.O. BOX 1060 • Coursegold, CA 93614 • (559) 683-6633 • FAX (559) 683-0599

December 15, 2004

Clay Gregory
Regional Director, Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

Re: Additional Comments to the North Fork Rancheria Proposal and Request for
Second Public Hearing

Dear Mr. Gregory:

As Chairperson of the Picayune Rancheria of the Chukchansi Indians ("Chukchansi" or "Tribe"), I am writing to the Bureau of Indian Affairs ("BIA") to express additional concerns of the Tribe with regards to the proposed casino development by the North Fork Rancheria. This submission to the public scoping file for the North Fork project follows our initial comments submitted November 15, 2004 and the December 1, 2004 letter renewing our request for a second public scoping meeting.

The materials provided at the November 15, 2004 public scoping meeting regarding the North Fork proposed project were egregiously inadequate for a development project of this magnitude. News articles have stated that the project will include a 200,000 square foot entertainment complex with a casino, which is planned to have 2,000 slot machines, 60 gaming tables, a bingo room, and a hotel, spa, and pool. Incidentally, this information is not included in the packet the BIA handed out during the November 15th meeting. Despite the enormous size of the development, the packet only contains three drawings of dubious value, including two extremely basic location maps and one aerial map. There are no detailed drawings of the planned development, no discussion of traffic projections or impacts to Highway 99, nor are their other items recommended by the Council on Environmental Quality ("CEQ").

The Tribe continues to be disturbed by the fact that the project proposal appears to be a definite plan, since it omits discussion of various alternatives, in contradiction to the purpose of an Environmental Impact Statement ("EIS") under the National Environmental Policy Act ("NEPA") and the regulations for implementing the procedural provisions of NEPA. Indeed, a Notice of Intent is required to

Dec. 15, 2004 6:01PM

No. 3047 P. 3

"[d]escribe the proposed action and possible alternatives." See 40 CFR 1508.22. Neither the Notice published September 28, 2004, nor the November 15, 2004 handout address alternatives at all, in clear violation of this regulation.

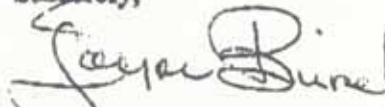
Because we have received no response to our request for a second public scoping meeting, we renew our request for this meeting. The Tribe believes it is necessary for the BIA to conduct a second public hearing because of the following: (1) The value of the first public scoping meeting is questionable, since the public only had access to a limited amount of information prior to the hearing; (2) The public should be given the chance to comment upon and offer improvements to the various alternatives to the proposed project, and once this information is provided, the public should have the opportunity to comment upon the alternatives; (3) The first public scoping meeting was sparsely attended because of a lack of notice of the meeting, and therefore the public needs a second meeting in order to have the opportunity to contribute to the dialogue.

Executive Order 13175 (November 6, 2000) establishes a requirement of "meaningful consultation and collaboration" between the United States and tribes in the development of "Federal policies that have tribal implications...and to reduce the imposition of unfunded mandates upon Indian tribes..." Allowing a tribe to move onto lands that are not historically identified with the tribe for purposes of building a casino in another tribe's backyard is tantamount to "development" of a significant "federal policy" that should only be pursued after consultation with tribal nations generally.

In the November 15, 2004 letter the Chukchansi Tribe requested a description of the BIA's plan for consultation with the governments in the region. To date, we have not received the BIA's plan. The Chukchansi Tribe **strongly urges the BIA to set forth a description of its tribal government consultation plan with regard to this project specifically, as well as to set forth the plan for consulting with tribes as to the development of a federal policy which allows for one tribe to move onto lands that are not historically identified with the tribe for purposes of building a casino in another tribe's backyard.**

Thank you for your consideration of these comments. We look forward to working with the BIA as the environmental process moves forward. Please contact my office at (559) 683-6633 if you have any questions or need any further information from the Chukchansi Tribe.

Sincerely,



Chairwoman Joyce Burel
Picayune Rancheria of the Chukchansi
Indians

Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825
(916) 978-6042 FAX (916) 978-6055

TELEFAX TRANSMITTAL

Date: December 28, 2004

Number of pages: 7
(includes this page)

To: Chad Broussard
AES

FAX Number: (916) 447-1665

From: John Rydzik

Message:

Chad,

Attached are copies of comment letters regarding scoping for the North Fork project. I believe you have a copy of the November 15, 2004 letter from Picayune and the written copy of the testimony from Table Mountain Chairperson. Let me know if you don't.

John

Note: Any problems transmitting this FAX, please contact John Rydzik, Pacific Regional Environmental Scientist at (916) 978-6042.



ARNOLD SCHWARZENEGGER
GOVERNOR

DEPARTMENT OF CONSERVATION

STATE OF CALIFORNIA

04 DEC 20 PM 1:44

SACRAMENTO
AREA OFFICE

Reg Dir _____ ✓
Dep Reg Dir _____ ✓
Dep Adm Officer _____ RPM
Phone _____
Response Required NO
Date _____
Name _____
Title _____

received 12/23/04

December 15, 2004

VIA FACSIMILE (916) 978-5694

Mr. Clay Gregory, Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

DIVISION OF
LAND RESOURCE
PROTECTION

801 K STREET
SACRAMENTO
CALIFORNIA
95814

PHONE
916/324-0850

FAX
916/327-3430
TDD
916/324-2555

INTERNET
CONSRV.CA.GOV

Subject: North Fork Rancheria of Mono Indians Casino Project, Madera County

Dear Mr. Gregory:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has recently become aware of a proposed casino, hotel and restaurant on 305 acres of important farmland along Highway 99 north of Madera. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

Agricultural Setting of the Project

The Environmental Study (ES) should describe the project setting in terms of the actual and potential agricultural productivity of the land. The Division's Important Farmland Map for Madera County should be utilized to identify agricultural land within the project site and in the surrounding area that may be impacted. Acreages for each land use designation should be identified for both areas. Likewise, the County's Williamson Act Map should be utilized to identify potentially impacted contract, Farmland Security Zone (FSZ) and agricultural preserve land by acreage and whether it is prime or nonprime agricultural land according to definition in Government Code §51201(c). Maps of the Important Farmland and Williamson Act land should be included in the ES.

In addition, we recommend including the following items of information to characterize the agricultural land resource setting of the project.

RES 12-28-04

Mr. Clay Gregory
December 15, 2004
Page 2 of 3

- Current and past agricultural use of the project area. Include data on the types of crops grown, crop yields and farm gate sales values.
- To help describe the full agricultural resource value of the soils of the site, we recommend the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional and state economies. State and Federal agencies such as the UC Cooperative Extension Service and USDA are sources of economic multipliers.

Project Impacts on Agricultural Land

The Department recommends that the following be included in the ES in the analysis of project impacts.

- Type, amount, and location of farmland lost to project implementation. The conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance is considered a potentially significant adverse impact.
- A discussion of conflicts with Williamson Act contracts, including termination in order to accommodate the project. The ES should also discuss the impacts that conflicts or termination would have on nearby properties under contract; i.e., growth-inducing impacts from the perspective that the removal of contract protection removes a barrier to development and results in an incentive to shift to a more intensive land use such as urban development. The termination of a Williamson Act contract is considered a potentially significant adverse impact.
- Indirect impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, population, traffic, water availability, etc.
- Growth-inducing impacts, including whether leapfrog development is involved.
- Incremental project impacts leading to cumulatively considerable impacts on agricultural land. These impacts would include impacts from the proposed project as well as impacts from past, current and probable future projects. The Division's farmland conversion tables may provide useful historical data.
- Impacts on agricultural resources may also be quantified and qualified by use of established thresholds of significance. The Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model, a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is recommended by CEQA and is available from the Division at the contact listed below.

Mitigation Measures

The Department encourages the use of agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural

Mr. Clay Gregory
December 15, 2004
Page 3 of 3

land. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, we recommend that this ratio be increased. We highlight this measure because of its acceptance and use by lead agencies as mitigation. It follows a rationale similar to that of wildlife habitat mitigation. The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. Agricultural conservation easements will protect a portion of those remaining resources and lessen project impacts.

Mitigation using agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance, and the search for replacement lands conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area.

Other forms of mitigation may be appropriate for this project, including the following:

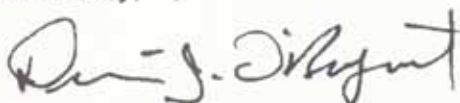
- Protecting farmland in the project area or elsewhere in the County through the use of less than permanent long-term restrictions on use such as 20-year Farmland Security Zone contracts (Government Code §51296 et seq.) or 10-year Williamson Act contracts (Government Code §51200 et seq.).
- Directing a mitigation fee to invest in supporting the commercial viability of the remaining agricultural land in the project area, County or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc.
- The Department also has available listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number below.

Information about agricultural conservation easements, the Williamson Act and provisions noted above is available on the Department's website or by contacting the Division at the address and phone number listed below. The Department's website address is:

<http://www.conservation.ca.gov/dlrp/index.htm>

Thank you for the opportunity to comment on this proposed project. The Department looks forward to receiving your response, including a copy of the ES. If you have questions on our comments or require technical assistance or information on agricultural land conservation, please contact Bob Blanford at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 327-2145.

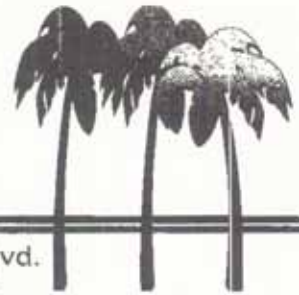
Sincerely,



Dennis J. O'Bryant
Acting Assistant Director



City of Chowchilla



145 West Robertson Blvd.
Chowchilla, CA 93610
(559) 665-8615 - (559) 665-7418 fax
www.ci.chowchilla.ca.us

RECEIVED-BIA
03 MAY -2 PM 1:12
APR 29 2005

United States Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, Ca. 95825

Attn: Acting Director

Dear Sir,

This letter is in regard to the Environmental Impact Statement being prepared for the Indian Casino/Hotel project to be built in Madera County, north of the City of Madera on the east side of the State Highway 99. The subject site is located approximately 10 miles south of the City of Chowchilla. The City of Chowchilla requests that public safety issues and public safety impacts be completely addressed in the environmental document. This includes impacts to local law enforcement and fire fighting agencies. The City of Chowchilla has a mutual aid agreement for public safety services with Madera County. Appropriate mitigation measures need to be included in the EIS to mitigate any impacts this project will have on local law enforcement agencies, and on local fire departments. In addition, impacts to the circulation system and transportation impacts must be completely addressed. Any required upgrades to the circulation and transportation system necessitated by this project should be included as mitigation measures. Thank you for the opportunity to comment on the contents of this document.

Sincerely,



Mike Gaston, AICP
Community Development Director

CC: Nancy K. Red, City Administrator
CC: Jay Varney, Chief of Police
CC: Harry Turner, Fire Chief
CC: Liz Wiederhold, Projects and Permits Supervisor



CHUKCHANSI INDIANS

46575 Road 417 • Coarsegold, CA 93614 • (559) 683-6633 • FAX (559) 683-0599

Reg Dir _____ *S*
 Dep Reg Dir _____ *alt*
 Reg Adm Ofc _____
 Route _____ *JCM* | *RPM*
 Response Required NO
 Due Date _____
 Memo _____ Tir _____
 Tele _____

April 29, 2005

Mr. Clayton J. Gregory
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

RE: Response to North Fork Rancheria Corrected Notice of Intent to Prepare and Environmental Impact Statement – Tribal Comments

Dear Mr. Gregory,

I am writing on behalf of the Picayune Rancheria of the Chukchansi Indians (“Tribe”) in response to the corrected Bureau of Indian Affairs’ (“BIA”) Notice of Intent to issue an Environmental Impact Statement (“EIS”) under the National Environmental Policy Act (“NEPA”). See 70 Fed. Reg. 17461 (Apr. 6, 2005). The Tribe submits the following comments regarding North Fork Rancheria’s proposed land acquisition and proposed casino facility. This letter supplements rather than replaces any comments the Tribe has previously submitted to BIA.

I. The Tribe Renews its Request for an Additional Scoping Meeting for North Fork’s Proposed Casino

The Tribe renews its numerous requests for an additional scoping meeting under this environmental impact information gathering process. The Tribe believes it necessary for BIA to conduct an additional public scoping meeting for the following reasons:

- The BIA issued a corrected Notice of Intent (“NOI”), 70 Fed. Reg. 17461 (Apr. 6, 2005), to prepare an EIS Statement for the North Fork Rancheria’s proposed casino project.
- The issuance of a corrected NOI admits that there were errors in its first public notice. The BIA’s October 27, 2004 NOI omitted a description of “the proposed action and possible alternative.” See 40 C.F.R. §1508.22.
- The corrected NOI now clarifies the scope of the project and the public should now be given an opportunity publicly to comment upon and offer improvements to the various alternatives to the proposed project

- The value of the first scoping meeting is questionable since the scoping meeting was sparsely attended and the public had limited access to a limited amount of information prior to the hearing.
- It is not uncommon for the Department of Interior to hold multiple public scoping hearings.

In fact, federal regulations and the Council on Environmental Quality's ("CEQ") NEPA guidelines both contemplate that a balanced and thorough scoping may require holding more than one public meeting. *See* 40 C.F.R. §1501.7; *see also* "Guidance Regarding NEPA Regulations," Memorandum from CEQ, 48 Fed Reg. 34263 (1983). The Department of Interior ("DOI") uses multiple scoping meetings in other circumstances that are controversial and environmentally sensitive. *See* Scoping Report, Clear Creek Area Plan Amendment and Environmental Impact Statement, Bureau of Land Management, July 2004 (BLM holding three scoping meetings); *see also* Notice of Intent to Prepare an Environmental Impact Statement Golden Gate National Recreation Area, Big Lagoon Wetland and Redwood Creek Restoration, Marin County, California 67 Fed Reg. 71983 (National Park Service scheduled three public scoping meetings). Therefore, the Tribe respectfully requests an additional scoping meeting to take further public comment on the proposed casino project.

II. Procedural Inadequacies of the EIS Process thus Far

This letter serves as an interim request for more detail in the corrected NOI. The purpose of a scoping meeting under NEPA is to gather information on the possible affects on the local community's environment to draft a thorough EIS.

The NOI arguably remains in violation of regulations requirement that an NOI "describe the proposed action and possible alternative." *See* 40 C.F.R. §1508.22. The information packet available with the corrected NOI provides little additional information to the public to effectively provide "an intelligent contribution" to scoping the EIS. The packets inclusion of an otherwise unintelligible map showing directional arrows provides little useful information to make substantive comments on environmental conditions of the area. Furthermore, no detailed drawings, no discussion of traffic projections or impacts on the highways or other items recommended by the Council on Environmental Quality ("CEQ") was available either before or at the scoping meeting. *See generally* CEQ Scoping Guidance, "Memorandum for General Counsels, NEPA Liaisons, and Participants in Scoping," April 30, 1981 at 4-5, 46 Fed Reg. 25461. *See also* "Guidance Regarding NEPA Regulations," 48 Fed Reg. 34263 (1983).

Finally, it is surprising that while the corrected NOI provides that alternatives to the proposed projects site will be included in a draft EIS and that scoping is now considering alternatives to the proposed project the proposal gives no specific alternatives for the public to comment. There are three alternatives given. First, one alternative contemplates BIA's rejection of the project. Second, a scaling back of the proposed facility to reduce the impact on the human environment and finally, the last alternative stated would place

the proposed facility on an alternative site. Presumably this alternative site would be the North Fork Rancheria's trust lands in North Fork, California. The NOI provides however no information about this alternative to the public. Only after examining the North Fork Rancheria's land to trust application under 25 C.F.R. §151 is it known that the North Fork Rancheria holds 61.5 acres of land in trust. *See* North Fork Rancheria of Mono Indians of California, Fee to Trust Application, BIA Pacific Regional Office, submitted March 1, 2005 at 3. Nothing indicates that these trust lands could not be used for gaming purposes. Our Tribe knows of no law or binding legal instrument that prevents North Fork's 61 acres to be used for gaming purposes. Moreover, this proposed alternative is preferable when an Indian tribe possess lands already in trust and within its aboriginal homelands.

III. Potential Environmental Problems of the Proposed Project

Our Tribe's cultural legacy is intertwined with our region and its unique environment. The Tribe cares deeply about the impact of the North Fork Casino's affect on our natural world. The planning, construction and operation of a gaming facility potentially poses numerous hazards not only to our Tribe but also to the health and safety of all Madera County citizens. Any single or combined environmental problem may cause a detriment to the surrounding community, therefore projects of this magnitude must move forward with deliberate care and sensitivity to our precious environment.

Under NEPA, the BIA has a duty to analyze the reasonably foreseeable environmental impacts of a proposed decision and its task is to take a "hard look" at the environmental consequence of a proposed action. With few details about North Fork's proposed project available to the public the Tribe urges the BIA to proceed cautiously prior to the releasing of the first draft EIS. The Tribe has two primary environmental concerns and we provide specific comments below:

- the draft EIS must effectively consider all cumulative effects and that actions are not segmented;
- a draft EIS should determine whether some actions will require Madera County to prepare an EIR pursuant to CEQA.

For example, the Tribe remains extremely concerned over the likely impact in the area of water quality and supplies in Madera County and the cumulative effects of secondary development on water resources. The pollution of the aquifer would seriously impact not only the health of citizens but affect household needs, fishing, transportation and create instability for living creatures and put the county's dwindling farmland at risk. The draft EIS must include estimates for quantity of water used by the proposed facility, future expansion and secondary growth of this area of Madera County. The EIS must also include the potential impact of regulatory standards on waste management and water usage by the proposed facility.

Furthermore, the United States Fish and Wildlife Service lists twenty-two (22) plant, fish, reptiles, birds, mammals and other species as endangered or threatened in Madera

County. See Federal Endangered Species, Database, last updated March 16, 2005, http://sacramento.fws.gov/es/spp_lists (listing endangered and threatened species that may be affected by federal projects by county in California). Potential impacts on endangered species include the Bald Eagle, Fresno kangaroo rat, San Joaquin kit fox, and the California red-legged frog. A draft EIS for the proposed project must address the impact on these and other species on the threatened and endangered list as well as those proposed to be placed on the endangered and threatened lists. A draft EIS should also include a determination of the cumulative impacts of secondary development on this rural area of Madera County and if effects on plants and animal species.

The Tribe also continues to be alarmed at the impact of the North Fork Tribe's project will have on traffic in the area. The project is to be located adjacent to already congested Highway 99, north of Fresno. The proposed facility will likely worsen both traffic congestion and air quality in Madera County. A draft EIS should analyze and quantify the congestion not only on Highway 99 but also primary and secondary roads within the vicinity of the proposed facility. In addition, a draft EIS should quantify likely vehicle traffic patterns using the Highway 99 interchange its impacts. A draft EIS should also consider and quantify the cumulative impacts as a result secondary development resulting from the proposed casino over several time periods. As noted above, the proposed casino's approval along an already busy state highway will likely have a domino effect of on surrounding roads increasing the problems with traffic circulation and traffic safety ultimately requiring traffic lights

Furthermore, a draft EIS should quantify the proposed increased vehicular traffic's impact on ambient air quality standards both under federal and state law. In addition, cumulative impacts of secondary growth of business and residential development should be considered for its impact on air quality in the region. For example, Madera county fair grounds are located in close proximity to the proposed project site. A draft EIS should consider and quantify potential impacts on air quality during the annual fair. Cumulative impacts must also be considered and quantified given the proposed project is located near the Madera municipal airport. The draft EIS should consider the potential of increased small plane traffic at the municipal air, the likelihood of airport expansion, and the likely quantified cumulative impact on air quality in the region. Furthermore, a draft EIS analysis must also evaluate the potential impacts on Class One Clean Air Act areas, including but not limited to Yosemite, Sequoia, and Kings Canyon National Parks.

Air quality is of serious importance to all living in the Madera County. The Tribe is alarmed at North Fork Tribe's Memorandum of Understanding ("MOU") with Madera County which states that:

"nothing obligates or commits ...the County to construct or approve any construction or improvement of road or other transportation resources based on the preliminary information available ... the Parties acknowledge and agree that... [nothing] create[s] a need to construct or improve road or other transportation resources and ... the [North Fork] Tribe would be able to develop, construct and operate the Project if no

such construction or improvement of road and transportation resources were to occur.”

See Memorandum of Understanding, Madera County, California and North Fork Rancheria of Mono Indian of California, August 16, 2004 at 6-7(section 2(a)(ii)). Given the enormity of the proposed project, the County and Tribe’s commitment is an unrealistic attempt to avoid a joint CEQA/NEPA document requiring Madera County to conduct a parallel CEQA process. *See, e.g., El Dorado County v. California Department of Transportation* (Super. Ct Nos. 03CS00003 & 03CS 00018, Cnty Sacramento Jun. 21, 2004) (ruling that purposefully limiting scope of CEQA to avoid environmental impact of proposed casino project violated CEQA). The North Fork Rancheria has agreed to place nearly \$4 to \$15 million in escrow to be used for road construction. *See* Memorandum of Understanding, Madera County, California and North Fork Rancheria of Mono Indian of California, August 16, 2004 at 6-7(section 2). These funds will be made available to Madera County for road construction and therefore it is reasonably foreseeable that road construction may occur and must be considered in the draft EIS.

The draft EIS analysis should avoid Madera County’s unwarranted attempt at segmentation of analysis. The MOU and its assumption that the proposed project would not require an upgrade with the ingress and egress of the proposed facility, is an effort to avoid California’s environmental laws. A draft EIS must carefully consider and quantify the impact of the proposed facility on the state and county roads to determine the requirements for access, given present and future traffic circulation. In nearly every impact category—water resources, air quality, traffic patterns, biodiversity—a draft EIS should consider whether Madera County holds a legal duty to prepare an Environmental Impact Report under CEQA.

Finally, no information is known about the current mitigation plans or the alternatives to this development. The Tribe believes that a draft EIS must contain detailed mitigation measures.

IV. The Chukchansi Tribe is Opposed to North Fork Tribe’s Proposed Casino

Finally, as stated on previous occasions, the Tribe is opposed to the North Fork Rancheria of Mono Indians of California’s application for land into trust for gaming purposes. Our Tribe believes that the North Fork Rancheria’s application for land into trust for gaming purposes an encroachment into our Tribe’s aboriginal homelands. Approval by the Department of Interior of both the North Fork Rancheria’s application to take land into trust, and in turn, its approval of the land acquisition for gaming purposes sets an ill-advised precedent in the Director’s Region. In the future, the approval of North Fork Rancheria’s proposed acquisition opens the possibility that Indian tribes will race one another to the most economically feasible location without regard to the impact on another Indian tribe’s business or its aboriginal connection. Decisions made for economic

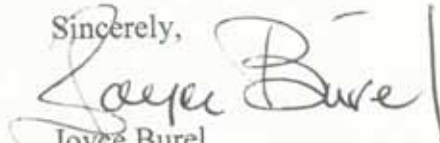
April 20, 2005

Page 6 of 6

benefit to the community coupled with non-Indian support undermine the spirit of IGRA's purpose to promote Indian self-sufficiency.

The Tribe looks forward to continuing to work with BIA addressing the issues that impact the surrounding community and Indian country by the North Fork Rancheria's proposed gaming facility.

Sincerely,



Joyce Burel

Chairperson

Picayune Rancheria of the Chukchansi Indians



Dixie Jackson

Secretary

Picayune Rancheria of the Chukchansi Indians

Apr 29 05 09:49a

Denise Marmolejo

559.675.8124

9

Donald & Denise Marmolejo
16892 Walden Dr.
Madera, CA 93638
559-673-4394

May 1, 2005

TO: Bureau of Indian Affairs
John Rydzik
Fax 916-978-6055

Dear Mr. John Rydzik,

Please send any and all information on any public meetings your Bureau holds re: the North Fork Rancheria Mono Indian Tribe proposed casino in Madera County.

Thank you,
Denise and Donald Marmoejo
Citizens of Madera County



Apr 29 05 09:37a

Denise Marmolejo

559.675.8124

p. 1

10

Donald & Denise Marmolejo
16892 Walden Dr.
Madera, CA 93638

May 1, 2005

TO: Bureau of Indian Affairs
John Rydzik
Fax 916-978-6055

Dear Mr. John Rydzik,

This letter is to voice my concerns about the proposed site for a casino just north of the City of Madera and Hwy. 99 in Madera County being proposed by the North Fork Rancheria Mono Indians.

This letter will also suggest areas of study for the EIR on the proposed casino in Madera County along Highway 99 just north of the City of Madera by the North Fork Rancheria Mono Indians.

1. Effect the casino would have on the City of Madera & all the public services - all.
2. Effect the casino would have on Madera County Services - all
3. Effect the casino would have on the residents in the area. Include the 7,000 residential single family homes just east of the site.
4. Impacts the casino would have on the 7,000 residential water wells.
5. impact the casino would have on roads, traffic and on/off ramps of Hwy. 99.
6. Impact to property values extending out 3 mile radius plus.
7. Require information on crime from casinos operating in other areas of the state which are in a residential area.

Also included is a two page mailer the North Fork Tribe sent to my home. This mailer is deceptive and misleading. Please also include the tribes 'historic land' as the mailer clearly says this location is within their historic land.

Thank you,
Denise and Donald Marmolejo
Citizens of Madera County



Great things happen when people work together to improve their community. The North Fork Mono Rancheria and Madera County are working together on a project that will provide a significant economic boost to Madera County.

The proposed North Fork Mono Rancheria Project is an economic development plan for a gaming and entertainment resort. To be built in rural Madera County, the resort will be developed on the Tribe's historic land, in keeping with the look and feel of the Central Valley.

"THE MADERA COUNTY EDC BOARD HAS UNANIMOUSLY ENDORSED THE NORTH FORK PROJECT DUE TO ITS MANY POSITIVE IMPACTS, STARTING WITH THE CREATION OF NEW JOBS AND CHARITABLE FUNDS."

Bobby Kahn, Executive Director,
Madera County Economic
Development Commission



MORE JOBS, BETTER OPPORTUNITIES

The proposed project offers the promise of building economic vitality for the local community, state, and Tribe through the creation of living-wage/full-benefit jobs, sustained charitable contributions and significant shared revenues. Anticipated economic benefits:

- Thousands of full and part-time well-paying jobs.
- Medical benefits.
- 750 additional construction jobs.
- Annual payroll and benefits of \$50-\$60 million dollars.
- \$45-\$50 million dollars in goods and services, much of it to come from local vendors.

BUILDING COMMUNITY INVOLVEMENT AND EQUITY

The proposed project is distinguished by its strong local support, with emphasis on collaboration, adherence to the spirit and letter of the law and the goal of improving the lives of all Madera County residents.

- Contributes \$87 million dollars to the County over 20 years to fund public safety projects and mitigate potential impacts. That amount results in more than \$4.3 million dollars annually.
- Establishes new foundations to invest in local charitable causes, education and economic development.

MADERA COUNTY: IT'S OUR HOME...

YESTERDAY, TODAY
AND FOR THE FUTURE!

The North Fork Mono Rancheria resort project is a model project of responsible development. The Tribe, working with the County, has identified economically and environmentally viable locations within its historic land.

- The project is following a fully open public process and rigorous environmental reviews.
- The resort will be an economic engine with the potential to generate significant economic resources and benefits to the County's citizens and communities.

"THE PROJECT PROMISES WELL-PAYING JOBS WITH ATTRACTIVE BENEFIT PACKAGES AND A NEW, CLEAN INDUSTRY TO DIVERSIFY AND STRENGTHEN THE LOCAL ECONOMY."

Herman Perez, Past Mayor and Councilman, City of Madera

To learn more about the North Fork Mono Rancheria Project, visit
www.northforkmonorancheria.com.

TO: John Rydzik DATE 5/3/05 11
FAX: 916-978-6055 PAGE 1 OF 3

MESSAGE:

Please find enclosed my comments regarding "North Fork Mono Rancheria Cabins" proposed project.

JAN

JAN DeWOODY
10293 Rolling Hills Drive
Madera, California 93638
(559) 431-5531 Fax: 440-1673
Cell: (559) 974-7891
email: jandwoody@yahoo.com



JAN

May 3, 2005

Bureau of Indian Affairs
Attention: John Rydzik

Re: Proposed North Fork Rancheria Casino

Take note, I and my neighbors, do not want another "Casino" in Madera County especially one that is located on "Purchased Property".

If the North Fork Mono Tribe has "Historic Reservation Land", I suggest they use that property to build their new Casino, which would benefit Madera County also. Yes, we need jobs and to strengthen the local economy, as Madera County is a poor county.

Madera County needs to obey the laws in California, which prohibit building Casino's on land other than "Historic Reservation Land".

I am very disappointed in the "Government of Madera County" for letting this project get this far. Local Government did not advise the people as to a public hearing on this project. I know I was not advised here in South East Madera County of any "Public Hearing" regarding this Casino.

The residents of "South East Madera County" pay our taxes to Madera County and State of California, but are treated like "Step-Children". The county and state want our money but we get nothing for those dollars. A good example is the "Golden Valley School District" which was formed as a result of empty promises made by Madera Unified School District and Madera County.

Is this proposed project in Madera County going to be another project which the Government of Madera County looks the other way or makes up their own rules, instead of enforcing project's EIR's and Madera County's General Plan? The residents in South East Madera County are tired of being treated like step-children, with Madera County not adhering to the laws of Madera County and State of California.

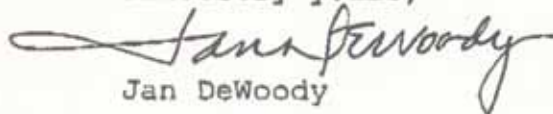
May 3, 2005

Re: North Fork Mono Rancheria Project

We are a strong voice in Madera County. Madera County and the State of California need to realize we vote and pay taxes, which support Madera County and State of California.

Pay attention, the elections are coming locally and at state level.

Sincerely yours,


Jan DeWoody

Office DEPOT

Taking Care of Business

Fax Transmission

PLEASE PRINT

TO: Bureau of Indian Affairs

FROM: Lela Whipple

FAX NUMBER: 916-978-6055

SENDER'S PHONE #: 559-674-3595

DATE: May 3, 2005

OF PAGES: 2
(Including cover)

Message: _____

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p.2

May 3- 2005

The Bureau of Indian Affairs
Sacramento- California
Attention: John Rydzik
FAX: 916-978-6055

Dear Mr Rydzik-

Please, please, please do not build a gambling
casino in Madera- This does not belong in an
urban area- It will bring increased crime,
personal gambling addiction, broken homes
and bankruptcies-

I live near the proposed area and do not
want the casino in Madera's back yard.
Please vote against it.

Thank you

Lola Whipple
17334 Barstow Drive
Madera- California 93638

FROM : ERICKSONFARMS

FAX NO. : 6620928

May. 04 2005 07:56AM P1

13

Bureau of Indian Affairs
Attn: John Rydzik

To Whom It May Concern:

I am writing this letter to oppose the casino that is being proposed north of Madera near Highway 99. My family is lifelong residents in Madera. We have farmed in Madera for over eighty years. I oppose another gambling institution in Madera.

Sincerely,



Lori Erickson
10787 Road 29 1/2
Madera, CA 93637

FROM : ERICKSONFARMS

FAX NO. : 6620928

May. 04 2005 09:20AM P1

14

Bureau of Indian Affairs
Attn: John Rydzik

To Whom It May Concern:

I am writing this letter to oppose the casino that is being proposed north of Madera near Highway 99. My family is lifelong residents in Madera. We have farmed in Madera for over eighty years. I oppose another gambling institution in Madera.

Sincerely,



Stephen Lee Erickson
10787 Road 29 1/2
Madera, CA 93637

FROM : ERICKSONFARMS

FAX NO. : 6620928

May. 05 2005 08:09AM P1


15

Bureau of Indian Affairs
Attn: John Rydzik

To Whom It May Concern:

I am writing this letter to oppose the casino that is being proposed north of Madera near Highway 99. My family is lifelong residents in Madera. We have farmed in Madera for over eighty years. I oppose another gambling institution in Madera.

Sincerely,



Jason Erickson
10787 Road 29 1/2
Madera, CA 93637

FROM : ERICKSONFARMS

FAX NO. : 6620928

May, 04 2005 11:10AM P1

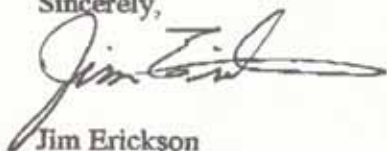
16

Bureau of Indian Affairs
Attn: John Rydzik

To Whom It May Concern:

I am writing this letter to oppose the casino that is being proposed north of Madera near Highway 99. My family is lifelong residents in Madera. We have farmed in Madera for over eighty years. I oppose another gambling institution in Madera.

Sincerely,



Jim Erickson
10787 Road 29 1/2
Madera, CA 93637

FACSIMILE COVER SHEET

TO: John Rydsik (916-978-6055)

FROM: Charles Stringer

RE: Attached

DATE: **May 6, 2005**

This is Page 1 of a 3 Page Document.

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COMMENT:

RENEWABLE RESOURCES GROUP

May 6, 2005

Clay Gregory, Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

RE: Notice of Intent to Prepare an Environmental Impact Statement for the North Fork Rancheria's Proposed Trust Acquisition and Hotel Casino Project, Madera County, California

Dear Mr. Gregory:

Renewable Resources Group has been asked to submit comments on behalf of its client, the Madera Irrigation District (MID), in response to the April 6, 2005 Notice of Intent to Prepare an Environmental Impact Statement for the North Fork Rancheria's Proposed Trust Acquisition and Hotel Casino Project (the Project), Madera County, California.

MID's service area covers 128,924 acres of land, an area that includes the approximately 305 acres proposed for the Project. Formed in 1920 for the purpose of supplying water to farmers, the district's mission is to "obtain and manage affordable surface and groundwater supplies in a manner which would ensure the long-term viability of irrigated agriculture in the District." In light of its mission and the increasing pressures on water supply and quality in MID's service area, MID is concerned that several critical issues be thoroughly and carefully addressed when preparing the Environmental Impact Statement (EIS) for the Project.

MID has reviewed the August 16, 2004 Memorandum of Understanding between Madera County and the North Fork Rancheria of Mono Indians of California (the MOU). The District is concerned that several fundamental issues were not covered by the MOU, issues that must be addressed in the EIS process. These issues include, but are not limited to, the following:

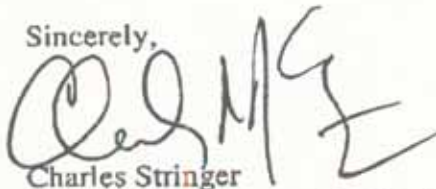
- MID is concerned by the Project's impact on ground and surface water supply and quality in its service area as well as the broader Madera community.
- Like all public agencies, MID's current and future operations and infrastructure needs are funded through taxes paid by landowners within its service area. Since the North Fork Rancheria has the special legal status of an American Indian tribe, MID understands that its ability to levy taxes associated with the property may be limited. Without such funds, however, MID's ability to carry out its mission is diminished, including services related to water supply and water quality.

- MID's Airport Ditch runs along the western edge of the Project boundary and is an open canal utilized for delivery of irrigation water. Given its location, the Project will have direct and significant impacts on this important conveyance system, impacts that relate to public safety and maintenance, among other things. These and other impacts on MID's current and further infrastructure, including but not limited to Airport Ditch, must be addressed.
- Smitz Creek runs through the Project area, resulting in potential impacts that include water quality as well as higher flows from development of impervious runoff areas resulting in potential damage to MID facilities and other public works.
- MID is concerned about growth and traffic impacts from the Project, including but not limited to the effects of the Project on air quality, water quality, and agricultural communities and uses surrounding the Property.

Thank you for the opportunity to submit comments on the Project. The concerns raised here for the purposes of the project's EIS process are just a handful of the many foreseeable and unforeseeable impacts from the Project. They do not represent MID's comments on the entire Project, and MID reserves the right to submit additional comments as the process unfolds.

Please contact me if you have any questions. MID looks forward to working with you and others through the EIS process to ensure its concerns regarding the Project are fairly and appropriately addressed.

Sincerely,



Charles Stringer

Renewable Resources Group, Inc.

CC: John Rydzik