



FRESNO BEE

Opinion

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Tribal official disputes critics' claims

Some critics of the destination resort casino and hotel proposed by the North Fork Mono Rancheria along Highway 99 in an unincorporated area north of Madera claim that our tribe is "reservation shopping" and violating the concept of "Indian gaming on Indian land." Nothing could be further from the truth.

"Reservation shopping" is generally understood to refer to tribes with a viable, existing reservation attempting to acquire new trust lands for gaming outside their existing reservation or their aboriginal or historical territory. Yet our tribe does not have a viable reservation — the North Fork Rancheria sits on a hillside adjacent to the Sierra National Forest in an environmentally sensitive area. Further, the location we have identified in cooperation with our local representatives is within our aboriginal territory as substantiated by an extensive and exhaustive ethnographic report.

Fulfilling sovereign responsibilities'

We are fulfilling our sovereign responsibilities to our nearly 1,400 tribal citizens by exercising our right under federal law to qualify the proposed site as Indian trust lands

eligible for gaming. We are adhering to the spirit and letter of the rigorous federal review process that Congress established to provide tribes whose tragic history left them with an inadequate land base the same opportunity as other tribes to engage in economic development. Despite claims to the contrary, there are no legal "loopholes" to this process.

"Reservation restoration" and "responsible development" are more common and accurate terms to describe terms to describe our approach. Having been denied our historic lands and resources, these legal, transparent and honorable strategies provide the only real glimmer of hope and opportunity for the North Fork Rancheria, one of the largest tribes in California, to promote economic development and self-sufficiency.

"Reservation restoration" was clearly on the mind of Congress when it intentionally left open the door for tribes with little or no land to acquire gaming eligible lands and overcome earlier injustices. To prevent abuse, Congress established substantial administrative hurdles for eligible tribes. As a result, very few tribes have been successful in establishing a gaming facility on newly acquired lands.

"Responsible development" was another concept Congress had in mind when it allowed tribes to establish Indian lands eligible for gaming on off-reservation

locations if it served larger public policy goals, such as the advancement of environmental and land-use objectives.

Congress wisely incorporated this small, but important, element of flexibility into the fee-to-trust process to provide a valuable and discretionary development tool for tribes, states and local communities.

It is easy to envision a scenario where an "off-reservation gaming" alternative might be preferable, for instance if a tribe owned trust lands directly in an urban or environmentally sensitive area but agreed to develop a casino on the outskirts of town.

"Off-reservation gaming" options that balance and benefit all interests should be promoted, not harassed. But because all sites must qualify as "Indian or reservation lands" before gaming is allowed on them, there is technically no such thing as "off-reservation gaming."

The federal government qualifies "Indian lands" and local politicians, media and competitive tribes, often with an ax to grind, should focus instead on mitigating potential impacts in the community.

Working with local government

In the case of the North Fork Rancheria project, we worked with local Madera community representatives to identify an alternative location away from the environmentally vulnerable foothills and their

narrow, winding and dangerous roads. Our tribe also voluntarily negotiated and entered into a comprehensive Memorandum of Understanding (MOU) with Madera County to proactively address and mitigate impacts of the proposed project. This MOU provides more than \$4 million for community infrastructure, public safety, education and economic development issues, among others, and serves as a model among Indian gaming projects.

It is ironic that just when neighboring counties are limiting gaming expansion in the foothills for environmental and infrastructure reasons, our tribe is criticized by some for identifying a preferred alternative site on the Valley floor away from the foothills, supported by existing infrastructure and within the tribe's aboriginal territory.

It is time to allow positive "reservation restoration" and "responsible development" projects such as ours to move forward and fulfill the promise and goals of Indian gaming on Indian lands that include tribal self-reliance and the social and economic betterment of surrounding communities.

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