



Facts vs. Fiction: The North Fork Rancheria Project

Building a Better Madera, Together!

INTRODUCTION

The North Fork Rancheria of Mono Indians has proposed a regional destination entertainment and gaming resort to be built in Madera County along Highway 99. In response to questions about the project, the Tribe has prepared the following responses as part of its ongoing efforts to inform and educate the community. More information about the Tribe and project is available at www.NorthForkRancheria.com.

FOLLOWING THE FEDERAL PROCESS

FICTION: *The Tribe is trying to skirt the law and take advantage of legal loopholes.*

FACT: The Tribe is following the rule and letter of the law for its project. The resort cannot be built until the proposed site is taken into trust and deemed eligible for gaming, until a compact is in place, and the Tribe's management contract is approved. Each of these steps will occur in accordance with the policies and procedures established under existing law. The land will be taken into trust for the Tribe under the Indian Reorganization Act of 1934. Similarly, the land will be determined eligible for gaming and the Tribe's management contract and compact will be approved under the Indian Gaming Regulatory Act of 1988. Finally, the responsible federal agencies will comply with the requirements for environmental review of major federal actions under the National Environmental Policy Act of 1969.

FICTION: *What the Tribe is proposing has never been done before and would require new laws.*

FACT: The Tribe is following a process established under the federal laws described above. No change in federal or state law is required to complete this process. The portion of the process necessary to qualify the land for gaming is known as a Secretarial two-part determination. Because a two-part determination requires local input and the concurrence of the Governor, it is generally considered the most difficult for tribes to navigate and has not been widely utilized. Because of its unique historical circumstances and relationship with the local community, the North Fork Tribe has sought to satisfy the requirements of a two-part determination, and is doing so in a manner consistent with the principles established by the California State Association of Counties (CSAC). These principles call for transparency, mitigation of potential impacts and collaboration with local, state and federal governments toward a common purpose.

Continued.

We welcome your questions and feedback. Additional inquiries can be directed to Charlie Banks-Altekruse, Community Relations Director for the North Fork Rancheria at (559) 877-2461 or caltokruse@caconsult.org

FICTION: The proposed project is a case of “reservation shopping.”

FACT: ‘Reservation shopping’ implies the acquisition of new trust lands for gaming outside of existing reservation and historical lands for purely economic reasons. The term, popularized by the disgraced lobbyist Jack Abramoff in an attempt to smear legitimate projects and pit tribe against tribe, is inapplicable to North Fork. The Tribe does not have tribally held lands on which to build a viable gaming project and has therefore proposed a site squarely within its historical territory. The Tribe has taken this step in order to develop its tribal economy and help meet the needs of its nearly 1,800 tribal citizens.

FICTION: Approving the project would open the floodgates for off-reservation gaming.

FACT: State governors have concurred in only four (4) of the approximately fourteen (14) Secretarial two-part determinations since 1988. The evidence does not support the claim that federal approval of the North Fork project would result in a significant increase in the current approval rate for requests under the two-part process for tribes with existing gaming facilities or otherwise. To the contrary, in 2008 the federal government added several additional hurdles to the two-part process that resulted in the rejection of several dozen proposals nationwide. As a result, the North Fork project is just one of a handful of two-part proposals in the country that has been permitted to continue to move forward through the process.

FICTION: This is not what California voters voted for.

FACT: California voters twice affirmed the opportunity for tribal governments to establish gaming enterprises. Propositions 1A and 5—supported by nearly 2/3 of Central Valley voters—were about providing Native Americans a means for economic self-sufficiency, not about determining complex Indian land issues. These propositions supported ***“Indian gaming on Indian lands in accordance with federal law.”*** The North Fork project, once completed, will be built entirely on ‘Indian land,’ follow federal law, and provide the Tribe an opportunity for economic betterment as envisioned by the voters.

PURSUIING ‘RESPONSIBLE DEVELOPMENT’

FICTION: The North Fork Tribe should build a casino on its own land.

FACT: Competitors would have you think we’re disregarding an opportunity to build a casino on our own land or elsewhere in North Fork. This ignores the fact that our reservation is small, remote and owned by individuals and not by our Tribe – and the area also is environmentally unsuitable for a development large enough to make a difference in the lives of our 1,800 tribal citizens. The Governor, the County, and the local community all agree that the tiny town of North Fork is not suited for commercial development of a casino and we therefore cannot acquire new land for gaming there.

FICTION: The Tribe has no historical ties to the land selected for the proposed development.

FACT: Tribal citizens of North Fork Rancheria of Mono Indians and our ancestors have had a continuous historical connection to the lands of the present-day Madera County and City of Madera. Our people have played an important role in establishing and growing many of the defining and enduring institutions and industries of the region to this day.

FICTION: The land is in an urban area.

FACT: The proposed site for the destination hotel and casino resort is in an unincorporated area between the cities of Madera and Chowchilla. The site is in a rural area/county within the Tribe's historic land and was specifically chosen because it was not near schools, homes or churches. The Governor's 2005 Indian gaming proclamation does not consider the site in or near an urban area.

FICTION: The project will overburden existing infrastructure such as roads, water, and law enforcement.

FACT: Unlike some Indian gaming projects, the North Fork project is consistent with the zoning, economic development, and land use plans of the City and County of Madera. The site was selected in part to avoid overburdening the existing infrastructure. Although the project may result in some environmental impacts, the Tribe has negotiated model agreements with key jurisdictions and governing agencies to mitigate such impacts and, in many instances, to improve existing infrastructure and services.

The Memoranda of Understanding (MOUs) with Madera County, City of Madera, and the Madera Irrigation District provide more than \$110 million over 20 years for public safety, education, economic development, housing, job training, parks and recreation, air and water conservation, infrastructure investment, and charitable contributions to local communities. Final infrastructure impacts will be addressed upon conclusion of the environmental impact statement, which is the most rigorous level of environmental review under federal law. At a time when some counties are calling for a moratorium on large-scale development in the ecologically fragile foothills and rural roads such as Highway 41 are already dangerously congested, it makes complete sense to build this project within a service area and transportation artery in the Valley capable of handling any increased loads.

LOCAL SUPPORT AND PARTNERSHIPS

FICTION: There is little community support and significant local opposition to the project.

FACT: The voters of Madera County have repeatedly voted in favor of Indian gaming in statewide propositions by margins of nearly two to one. The proposed North Fork Rancheria development has the nearly unanimous support of the home county jurisdictions and business chambers as well as individual endorsements from 5,000 local citizens, businesses, leaders and civic groups. Opposition has been limited primarily to those who oppose all forms of gambling and a few outside politicians and local gaming tribes fearing competition and willing to bankroll expensive negative campaigns.

FICTION: The Tribe's development partner, Station Casinos, bought the land and then recruited the Tribe.

FACT: The Tribe selected its developer Station Casinos, Inc.—not the other way around—and then authorized the development partner to secure an option for our proposed site. Once the resort casino is operational, the Tribe is responsible for repaying all development costs associated with the project, including for the purchase of the land. The North Fork Rancheria retains ultimate control over the project as required by federal law.

FICTION: Station Casinos' bankruptcy filing will negatively impact the project.

FACT: The Tribe's development partner announced a restructuring intended to reduce the company's debt and associated interest expense. This restructuring is not expected to impact the company's tribal gaming projects. We collectively remain committed to the project and are in a strong long-term position to pursue it through completion for the benefit of the entire San Joaquin Valley.

SOCIAL AND ECONOMIC IMPACTS

FICTION: The proposed facility will increase social problems such as pathological gambling, crime, and prostitution and will destroy families.

FACT: Numerous studies on Indian gaming show positive social and economic contributions to tribes and surrounding communities with little negative impacts. Tribal governments take social problems such as problem gambling very seriously. Indeed, tribal casinos remain the primary source for public problem gambling programs in the state—not the Lottery, card rooms, racetracks, private games, or Internet sites. Crime tends to follow growth of any kind, yet the Madera County Sheriff is on record saying there was no increase in crime or illegal activity with the arrival of the Chukchansi Gold facility in the community – and that the local hospital accounts for more dispatch calls than the local casino.

FICTION: The project will hurt more than help Madera by detracting from local businesses and tourism.*

FACT: The North Fork Rancheria project has been carefully crafted to benefit a region in the midst of a serious economic, fiscal, and housing crisis. In addition to the MOU mitigation efforts cited above, the North Fork Rancheria project will bring much-needed jobs, business/vendor opportunity, private investment, and entertainment and hospitality options to the region. The project will generate nearly \$100 million each year—or \$277,000 each day—in economic activity and benefits for the region as well as nearly \$100 million over 20 years in local MOU community and public funding. Working together with other local tourism resources (including other gaming tribes), the North Fork Rancheria hopes to create a regional destination tourism marketplace at the gateway to the Sierras and Yosemite and King's Canyon/Sequoia National Parks. The Tribe has already invested heavily in the town of North Fork, where it is the largest employer, and Madera County. The project will greatly aid the Tribe in its dream of economic self-sufficiency and providing assistance to its nearly 1,800 tribal citizens many of who live, work, and spend locally.

* **Note:** Even before the current economic recession, states and local communities have counted on tribal gaming as major sources of revenue. According to the National Indian Gaming Association, in 2006 tribal gambling generated 670,000 jobs nationwide (direct and indirect jobs created by Indian gaming's multiplier effect), \$8.6 billion in Federal taxes and revenue savings (including employer and employee social security taxes, income taxes, excise taxes, and savings on unemployment and welfare payments), \$2.4 billion in state taxes, revenue sharing, and regulatory payments (including state income, sales and excise taxes, regulatory payments and revenue sharing pursuant to Tribal-State compacts), and more than \$100 million in payments to local governments.