
TEJON INDIAN TRIBE TRUST ACQUISITION AND CASINO PROJECT **SCOPING REPORT**

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LEAD AGENCY

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SECTION 1.0

INTRODUCTION

The Bureau of Indian Affairs (BIA) has initiated an Environmental Impact Statement (EIS) for the Tejon Indian Tribe's (Tribe's) proposed Trust Acquisition and Casino Project. The Proposed Action consists of the following: 1) the federal trust acquisition of a property in Kern County, California on behalf of the Tribe; 2) issuance of a two-part determination by the Secretary of the Interior (Secretary) under Section 20 of IGRA that states gaming on the trust property would be in the best interest of the Tribe and not detrimental to the surrounding community (25 USC §2719 [b][1][A]); and 3) the subsequent development of a casino, hotel, and associated facilities. This scoping report describes the EIS scoping process, identifies cooperating agencies, explains the purpose and need of the Proposed Action, describes project alternatives, and summarizes the issues raised during the scoping process.

The National Environmental Policy Act (NEPA) integrates environmental considerations into the planning process and decisions of federal agencies. NEPA provides an interdisciplinary framework to ensure that federal agency decision-makers consider environmental factors. NEPA requires the preparation of an EIS for major federal actions that may significantly affect the quality of the environment. Public involvement, which is an important aspect of NEPA, is provided for at various steps in the EIS process. The first opportunity for public involvement is typically the EIS scoping process.

1.1 SCOPING PROCESS

The “scope” of an EIS is the range of environmental issues to be addressed, the types of project effects to be considered, and the range of project alternatives to be analyzed. The EIS scoping process is designed to provide an opportunity for the public and government agencies to have input into the scope of the EIS and alternatives.

1.1.1 PUBLIC NOTICE

The first formal step in the preparation of an EIS is publication of a Notice of Intent (NOI) to prepare an EIS. The BIA published the NOI for the Proposed Action in the *Federal Register* on August 13, 2015 (**Appendix A**). The NOI described the Proposed Action and announced the initiation of the formal scoping process and the 30-day public scoping comment period that concluded on September 14, 2015. A notice was also published in the *Bakersfield Californian* on August 13 and August 16, 2015 and online at www.tejoneis.com that announced the public scoping comment period and the date and location of the public meeting (**Appendix A**). Direct mailings were sent to the State of California Office of Planning and Research Clearing House, public agencies, tribal governments, and interested parties.

The project website (www.tejoneis.com) was launched on August 13, 2015. The website provides information on the Proposed Action, EIS process, and comment opportunities. It also provides documents developed to date, including the NOI and this Scoping Report. Additional documents, including the Draft and Final EIS, will be added to the website as they are completed and released by the BIA.

1.1.2 PUBLIC INVOLVEMENT

Through the public scoping notices, the public was invited to submit comments during the public scoping comment period. During the scoping period, 164 comment letters, including one form letter submitted by 135 individuals, were submitted via mail, e-mail, or hand-delivery. A list of commenters and all comments received during the scoping process are included as **Appendix B**.

A public scoping meeting was conducted at 6:00 pm on September 1, 2015, at the East Bakersfield Veteran's Building to provide project information and to solicit public input on the EIS scope and alternatives. The meeting was intended to obtain input early in the NEPA process on issues and potential impacts to be assessed in the EIS, the purpose and need for the proposed action, and alternatives to consider or eliminate from detailed analysis. The public scoping meeting was conducted in the format of a formal public hearing. Approximately 66 people attended the public meeting, 9 of whom provided oral comments. A court reporter/stenographer was available at the public scoping meeting to record oral comments. A transcript of the public scoping meeting is provided as **Appendix C**. Comment forms were available for attendees to provide input during the scoping meeting or to take home and mail to the BIA at a later date.

1.2 COOPERATING AGENCIES

Under NEPA, the BIA is the lead agency for the evaluation of the Proposed Action consistent with Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [CFR] 1500-1508). The BIA may request that another agency having jurisdiction by law or having special expertise with respect to anticipated environmental issues be a "cooperating agency." Cooperating agencies participate in the scoping process and, at the lead agency's request, may develop information to be included in the EIS.

On September 1, 2015, Kern County requested cooperating agency status, which was approved by the BIA on September 10, 2015. Subsequently, the BIA formally invited the United States Environmental Protection Agency (USEPA), National Indian Gaming Commission (NIGC), California Department of Transportation (Caltrans), and the Tribe to serve as cooperating agencies for the EIS. As of the date of this Scoping Report, the Tribe and USEPA have accepted cooperating agency status for the EIS; while NIGC and Caltrans have not responded. Cooperating agency invitations and acceptance letters are included in **Appendix D**.

SECTION 2.0

PURPOSE AND NEED AND ALTERNATIVES

2.1 BACKGROUND

The Tribe is landless and, as a landless tribe, is not able to generate any meaningful governmental revenues to provide for the health and welfare of its citizens. The Tribe has submitted an application for land to be taken into federal trust for gaming purposes to meet the following objectives:

- Reestablish a homeland for the Tribe;
- Strengthen the socioeconomic status of the Tribe by fostering the Tribe's ability to develop and generate a revenue source that will be used to: fund essential tribal government operations; deliver essential social, housing, governmental, administrative, educational, health and welfare services to promote and protect the health and welfare of the Tribe and its members; and provide capital for other economic development and investment opportunities, which would decrease the Tribe's and the surrounding community's reliance on federal, state, and local funding and assistance programs;
- Provide business and job opportunities for tribal members and non-tribal members;
- Provide housing, a health clinic and other infrastructure; and
- Improve local communities through economic opportunities.

Each of these purposes is consistent with the limited allowable uses for gaming revenues, as specified in the Indian Gaming Regulatory Act (IGRA; 25 USC § 2710[b][2][A]).

2.2 FEDERAL PURPOSE AND NEED

The federal Proposed Actions are 1) the acquisition of the Site in trust pursuant to the Secretary's authority under the Indian Reorganization Act, 25 USC 5108, and 2) issuance of a Secretarial Determination (also known as a Two-Part Determination) to determine whether the Site is eligible for gaming pursuant to the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2719 (b)(1)(A). The purpose of the Proposed Actions is to facilitate tribal self-sufficiency, self-determination, and economic development, thus, satisfying both the Department's land acquisition policy as articulated in the Department's trust land regulations at 25 C.F.R. Part 151, and the principle goal of IGRA as articulated in 25 U.S.C. § 2701. The need for the Department to act on the Tribe's application and the Tribe's request for a Two-Part Determination is established by the Department's regulations at 25 C.F.R. §§ 151.10(h) and 151.12, and the Department's regulations implementing Section 2719 of IGRA at 25 C.F.R. §§ 292.18 and 292.21.

2.3 ALTERNATIVES IDENTIFIED DURING SCOPING

As described in **Section 3.2**, several alternative uses were suggested during scoping, including gaming and non-gaming alternatives on a 306-acre property near Mettler, California (Mettler Site); a casino on another site in Kern County; and the No Action Alternative. Alternatives to be evaluated in the Environmental Impact Statement (EIS) are discussed in **Section 2.4**, and alternatives eliminated from consideration are described in **Section 2.5**.

2.4 ALTERNATIVES TO BE ANALYZED WITHIN THE EIS

The EIS will evaluate a reasonable range of alternatives to meet the purpose and need. **Table 2-1** summarizes the development alternatives to be analyzed in detail in the EIS that are described further below. Alternative A1 is the Tribe's Proposed Project. However, the BIA (Lead Agency) may not determine a Preferred Alternative until completion of the environmental analysis. If it is clearly known at the time, a Preferred Alternative may be identified in the Draft EIS; otherwise, BIA will do so in the Final EIS or Record of Decision (ROD). As described in NEPA Section 1502.14(e), a Preferred Alternative is the alternative that the agency believes would fulfill its statutory mission and responsibilities, considering economic, environmental, technical, and other factors.

TABLE 2-1
PROJECT ALTERNATIVES

EIS Alternative	A1	A2	A3	B	C
Description	Casino Resort	Reduced Casino Resort	Organic Farming	Alternative Location	No Action Alternative
Project Site	Mettler Site			Maricopa Highway Site	-
Fee-to-Trust Acreage ¹	306 acres			118 acres	-
Casino ¹	166,500 sf	147,000 sf	-	166,500 sf	-
Hotel ¹	226,000 sf 400 rooms	177,500 sf 300 rooms	-	226,000 sf 400 rooms	-
Restaurants ¹	73,300 sf	56,700 sf	-	73,300 sf	-
Entertainment/Retail ¹	38,000 sf	33,000 sf	-	38,000 sf	-
Meeting Rooms ¹	53,000 sf	32,000 sf	-	53,000 sf	-
Parking Spaces ¹	4,500 spaces	3,600 spaces	-	4,500 spaces	-
Water/Wastewater Facilities ¹	13 acres	13 acres	-	2 acres	-
RV Parking ¹	22 acres	-	-	5 acres	-
Organic Farm ¹	-	-	306 acres	-	-
Notes: 1 – Values are approximate.					

2.4.1 CASINO RESORT ON THE METTLER SITE

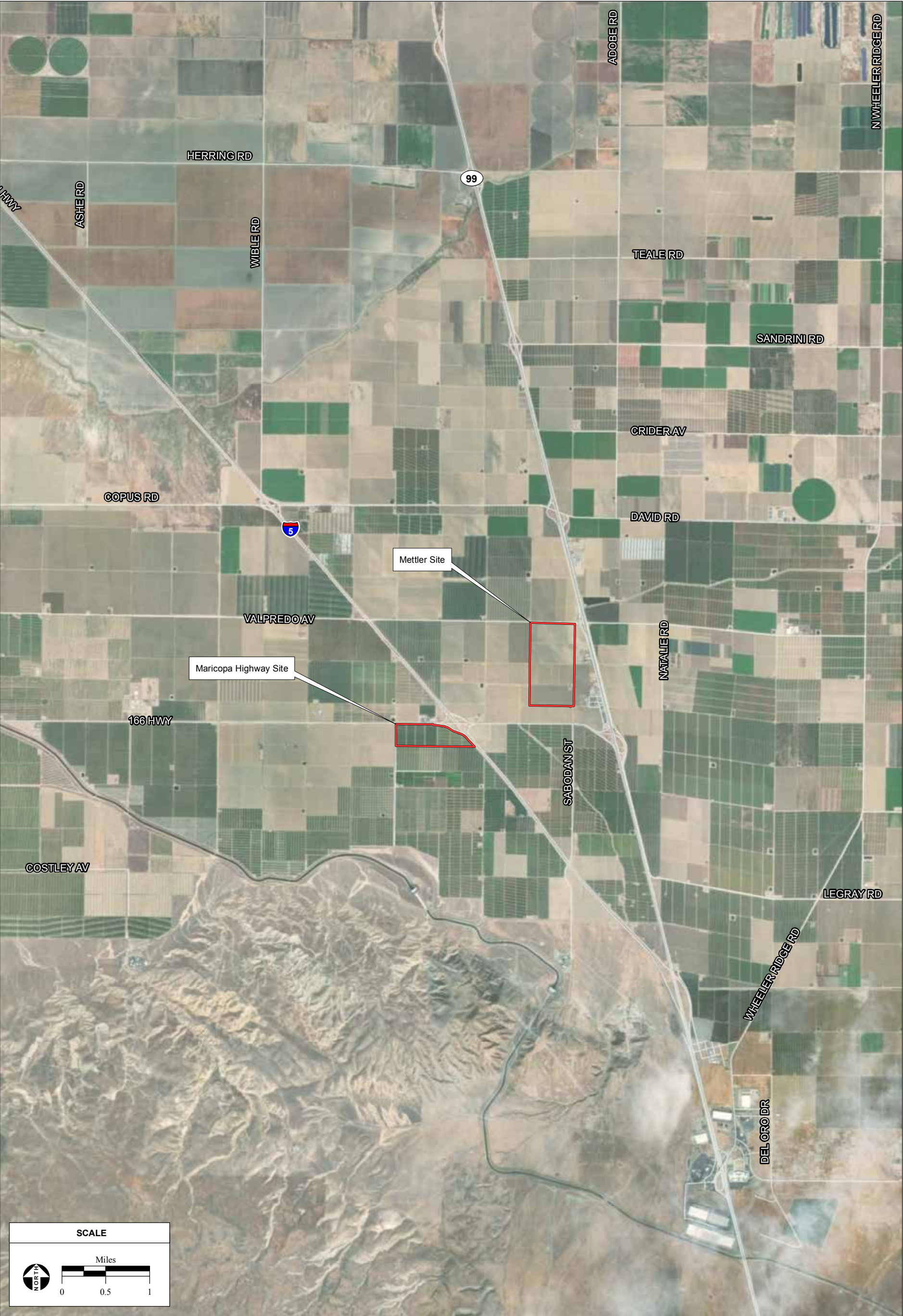
The Tribe currently owns an approximately 306-acre site near the community of Mettler in Kern County, California, herein referred to as the Mettler Site. The regional location of the Mettler Site is shown in **Figure 1**, while its immediate vicinity is shown in **Figure 2**. The Proposed Action under this alternative includes: 1) the federal trust acquisition of the Mettler Site on behalf of the Tribe; 2) issuance of a two-part determination by the Secretary of the Interior (Secretary) under Section 20 of IGRA; and 3) the subsequent development of a portion of the trust property with a variety of commercial uses including, but not limited to, a casino, hotel and spa, meeting rooms, live entertainment venue, restaurants, bars, retail facilities, parking, and other supporting facilities. The remainder of the Mettler Site would remain undeveloped in the near term, but could eventually developed at the discretion of the Tribe. Potential future land uses on the Mettler Site could include residential, commercial, and agricultural uses, as well as a community park, tribal administration office, health center, or public areas. Potential development of the remainder of the Mettler Site will be evaluated in the cumulative analysis of the EIS. A site plan for this alternative, including potential future uses, is shown in **Figure 3**.

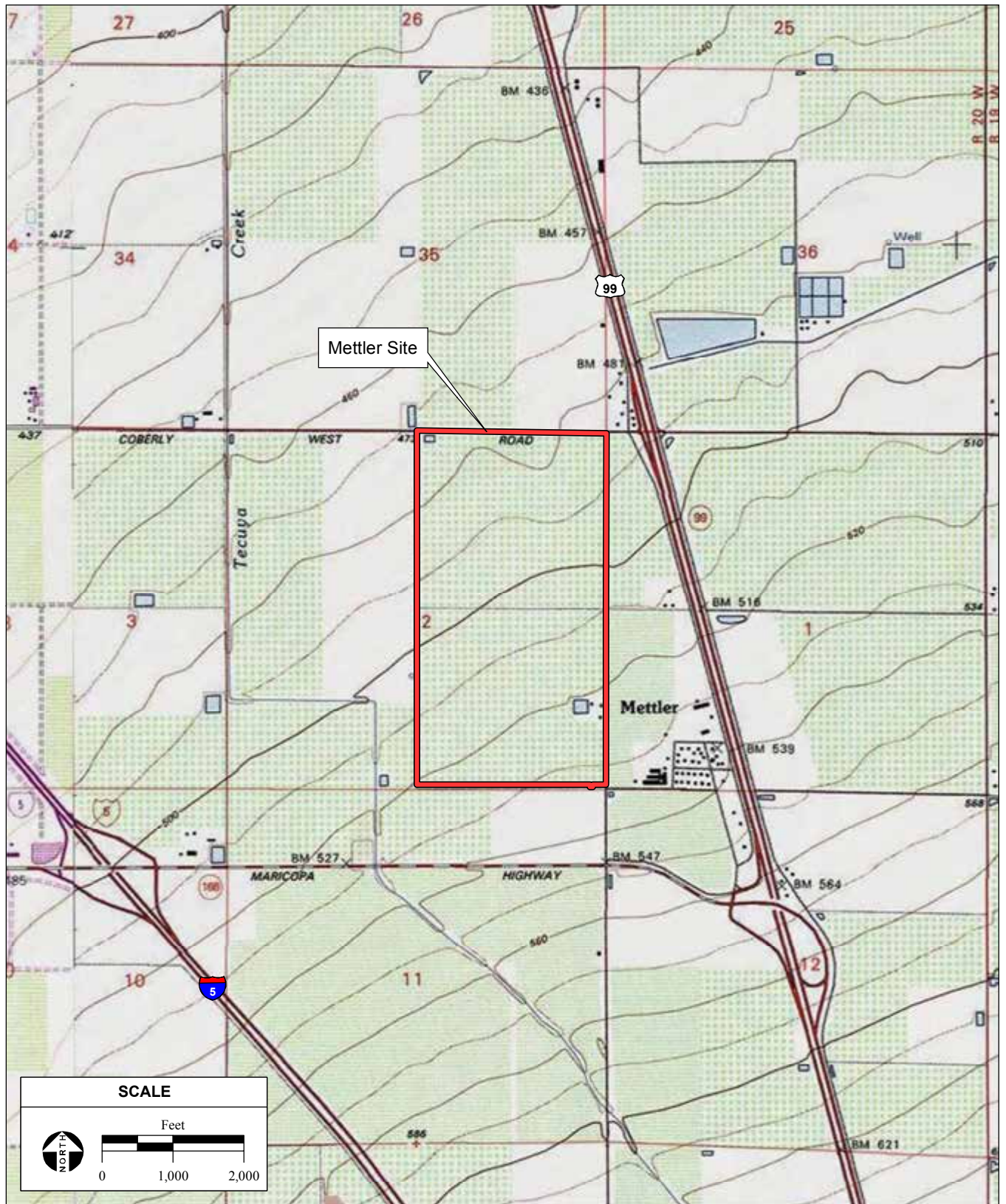
2.4.2 REDUCED CASINO RESORT ON THE METTLER SITE

As with the alternative described in **Section 2.4.1**, this alternative would also involve the fee-to-trust transfer of the Mettler Site, two-part determination by the Secretary, and subsequent development of a casino and hotel resort complex; however, most project components would be reduced in size under this alternative. The remainder of the Mettler Site would remain undeveloped in the near term, but could eventually be developed at the discretion of the Tribe. A site plan for this alternative, including potential future uses, is shown in **Figure 4**.

2.4.3 ORGANIC FARMING ON THE METTLER SITE

This alternative would involve the fee-to-trust transfer of the Mettler Site and subsequent operation of an organic farm. A two-part determination by the Secretary would not be required as no gaming would occur on the site once it was in trust.

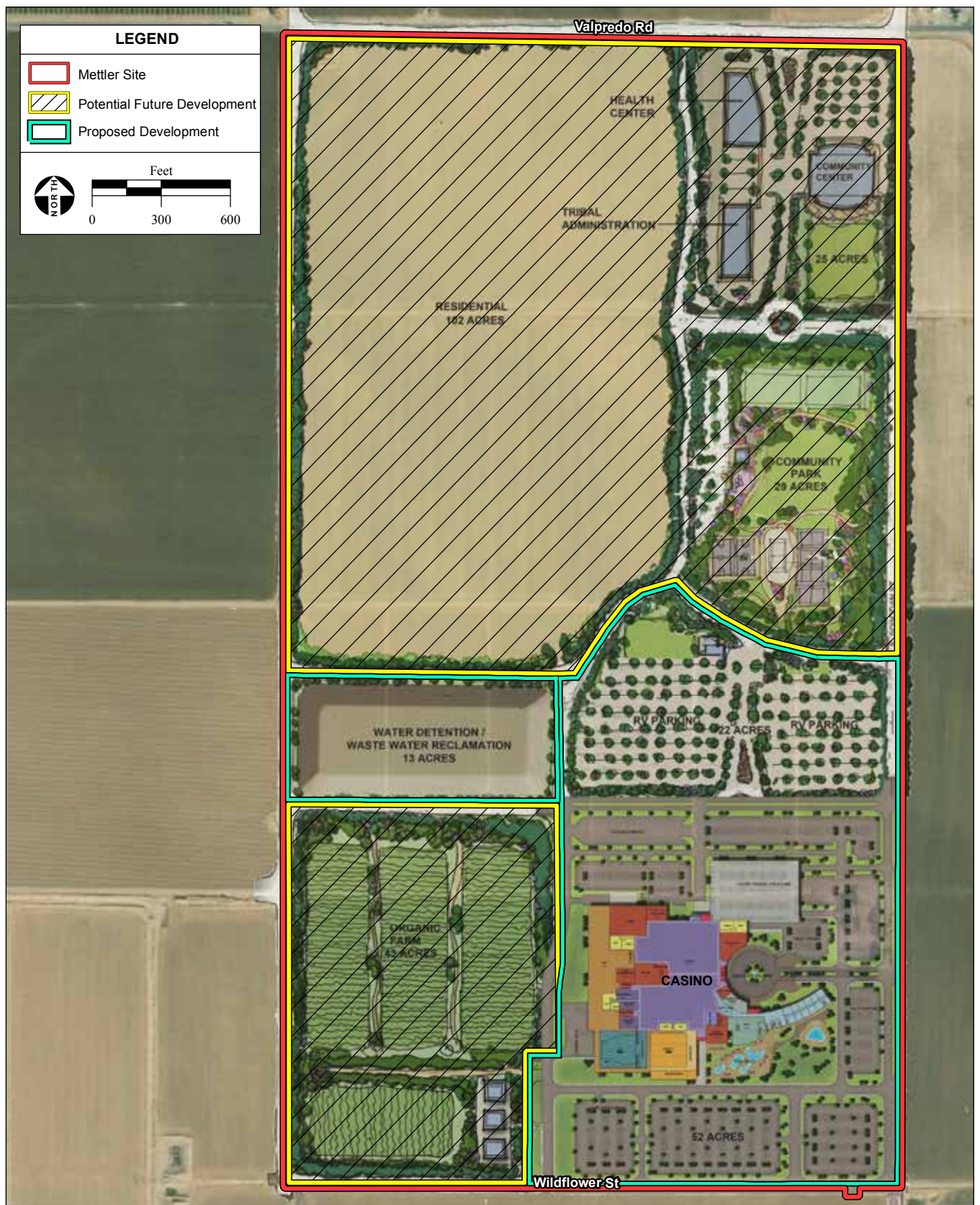




SOURCE: "Mettler, CA" USGS 7.5 Minute Topographic Quadrangle, T11N R20W, Section 2, San Bernardino Baseline & Meridian; ESRI Data, 2013; AES, 9/24/2018

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Figure 2
Site and Vicinity – Mettler Site



SOURCE: Friedmutter Group, 11/2018; DigitalGlobe aerial photograph, 11/1/2017;
AES, 12/3/2018

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Figure 3
Casino Resort on the Mettler Site – Site Plan



SOURCE: Friedmutter Group, 11/2018; DigitalGlobe aerial photograph, 11/1/2017; AES, 12/5/2018

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Figure 4
Reduced Casino Resort on the Mettler Site – Site Plan

2.4.4 CASINO RESORT ON AN ALTERNATIVE SITE

The EIS will evaluate at least one additional site for the development of a casino resort. This alternative would be similar in nature to the casino resort described above for the Mettler Site (refer to **Section 2.4.1** above), as it would also involve: 1) the federal trust acquisition of the alternative site on behalf of the Tribe; 2) issuance of a two-part determination by the Secretary; and 3) the subsequent development of a casino resort, including a hotel and spa, meeting rooms, live entertainment venue, restaurants, bars, retail facilities, parking, and other supporting facilities.

Potential locations for alternative sites that may be able to meet the purpose and need described in **Section 2.2** are currently being considered. At this time, one potential alternative site/area has been identified: the Maricopa Highway Site (**Figure 1**) as described below.

Maricopa Highway Site

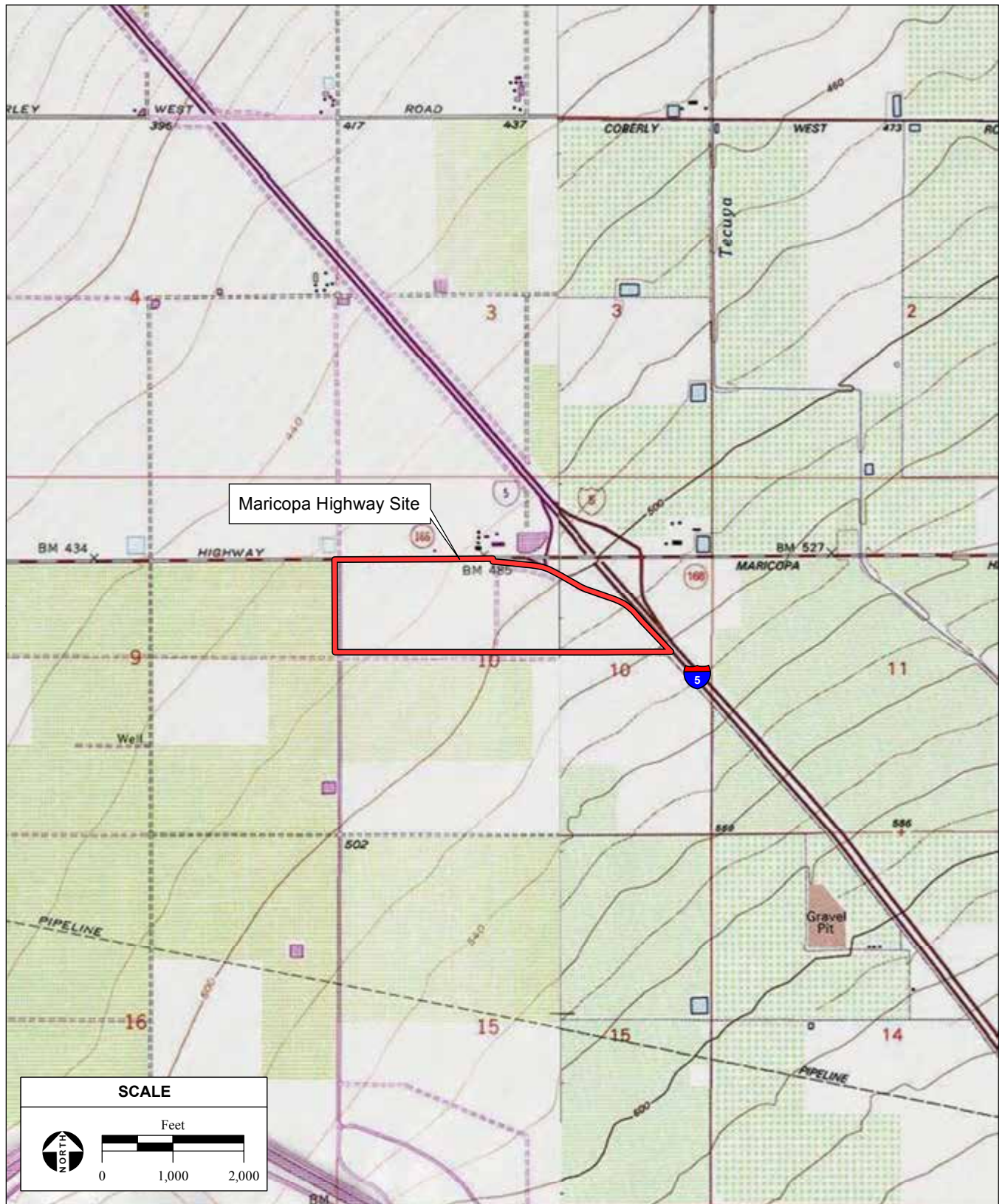
The approximately 118-acre Maricopa Highway Site is located within the Historic 1851 Tejon Treaty Area, approximately 0.75 west of the Mettler Site at the southwest corner of the I-5 and State Route 166 (SR-166) intersection. The Maricopa Highway Site and its immediate vicinity is shown in **Figure 5**. A site plan for this alternative, including potential future uses, is shown in **Figure 6**.

2.4.5 NO ACTION ALTERNATIVE

Under the No Action Alternative, as required by NEPA Section 1502.14(d), none of the development alternatives considered within the EIS would be implemented. The No Action Alternative assumes that none of the alternative sites considered would be taken into trust and existing uses on the alternative sites would not change in the near term.

2.5 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM FURTHER CONSIDERATION

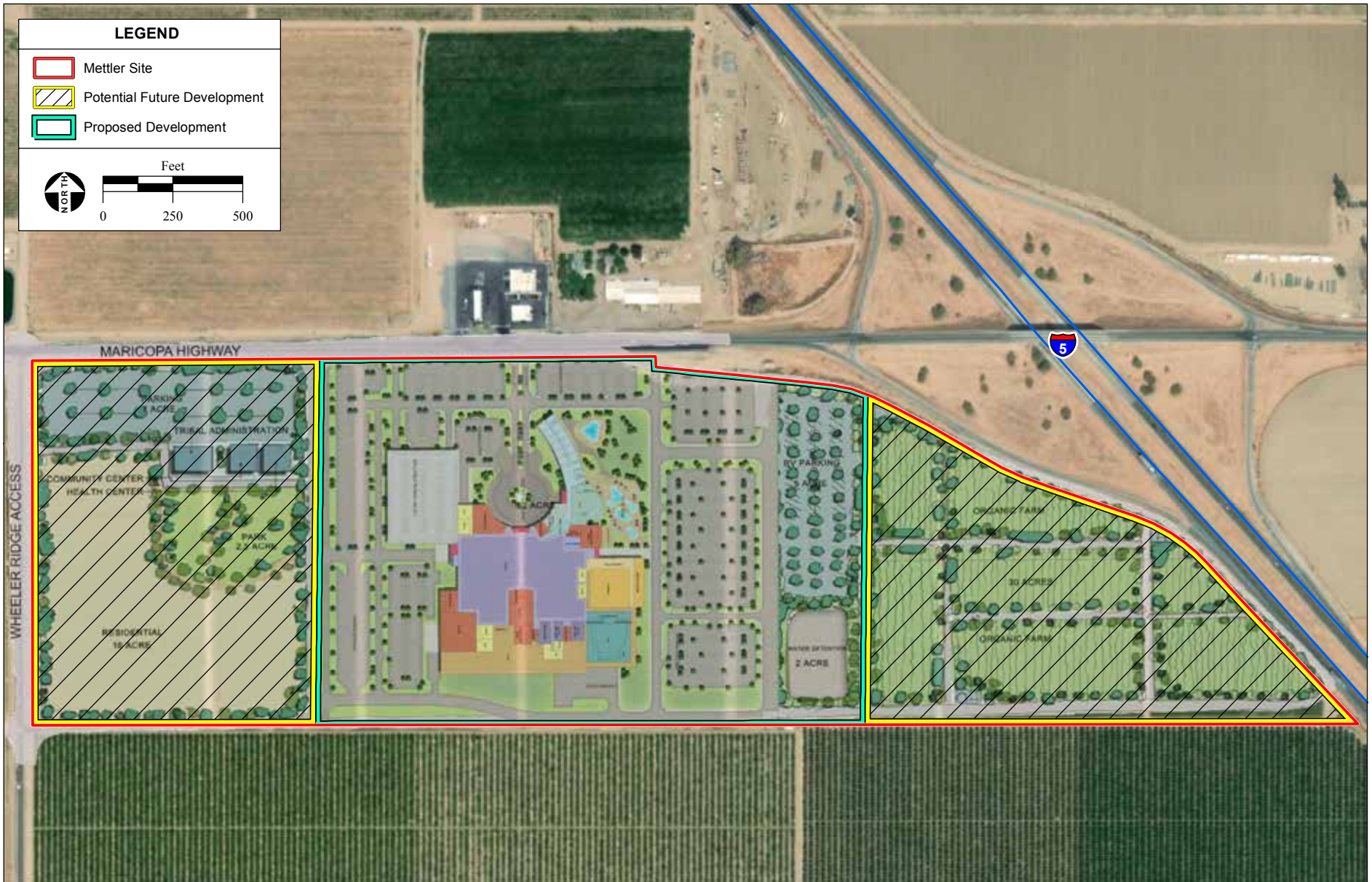
Alternatives, other than the No Action Alternative, were screened based on four criteria: 1) extent to which they meet the purpose and need for the Proposed Action, 2) feasibility, 3) ability to reduce environmental impacts, and 4) ability to contribute to a reasonable range of alternatives. The intent of the analysis of alternatives in the EIS is to present to decision-makers and the public a reasonable number of alternatives that are both feasible and sufficiently different from each other in critical aspects. Several alternatives were considered and rejected for full EIS analysis based on the above criteria, and these are summarized below.



SOURCE: "Coal Oil Canyon, CA" & "Mettler, CA" USGS 7.5 Minute Topographic
Quadrangles, T11N R20W, Section 10, San Bernardino Baseline & Meridian;
Kern County GIS, 2017; ESRI, 2018; AES, 2/19/2019

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Figure 5
Site and Vicinity – Maricopa Highway Site



SOURCE: Friedmutter Group, 11/2018; DigitalGlobe aerial photograph, 11/1/2017; AES, 2/19/2019

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Figure 6
Casino Resort on the Maricopa Highway Site – Site Plan

2.5.1 NON-GAMING DEVELOPMENT FOR EACH OF THE ALTERNATIVE LOCATIONS WITHIN THE TRIBE'S TRADITIONAL TERRITORY

This alternative was suggested by a commenter during the public scoping period. The Mettler and Maricopa Highway sites are located within the central portion of the Historic 1851 Tejon Treaty Area. These alternative sites are described above in **Section 2.4**. Analyzing non-gaming alternatives at the alternative sites would not meaningfully add to the range of alternatives as environmental impacts would be similar to the gaming alternatives evaluated on the same sites and socioeconomic impacts would be similar to the non-gaming alternative at the Mettler Site. There are no characteristics at the alternative sites that would make non-gaming development substantially more profitable than the Mettler Site.

2.5.2 FUTURE EXPANSION ALTERNATIVE

This alternative was suggested by a commenter during the public scoping period. This alternative would include future expansion plans of the proposed casino beyond what is being currently proposed by the Tribe. The respective sizes of the proposed alternatives described above were determined based on a market demand analysis; therefore, a casino larger than those proposed would not be feasible and this alternative was eliminated from consideration. As described in **Section 2.4**, potential future non-gaming development will be considered within the EIS.

2.5.3 TEJON INDUSTRIAL COMPLEX SITE

This alternative would be located on the Tejon Industrial Complex Site south of the Outlets at Tejon at the junction of I-5 and South Wheeler Ridge Road. Gaming and non-gaming options were considered for this site; however, this alternative site was eliminated from consideration due to land availability.

2.5.4 TAFT HIGHWAY SITE

This alternative would be located on the Taft Highway Site, northeast of the I-5 and SR-119 intersection. A casino resort development similar to Alternative A1 was considered on this site; however, as the Taft Highway Site is not located within the Tribe's Historic 1851 Tejon Treaty Area, this site was eliminated from further consideration.

SECTION 3.0

ISSUES IDENTIFIED DURING SCOPING

3.1 INTRODUCTION

A process referred to as “scoping” is used consistent with applicable federal regulations for determining the range of issues to be addressed during the environmental review of a Proposed Action (25 Code of Federal Regulations [CFR] §1501.7; 59 IAM 3-H). The scoping process entails a determination of relevant issues by soliciting comments from agencies, organizations, and individuals. The public scoping comment period for the Tejon Indian Tribe’s (Tribe’s) Trust Acquisition and Casino Project (Proposed Project’s) Environmental Impact Statement (EIS) began with the publication of the Notice of Intent (NOI) on August 13, 2015. The comment period closed on September 14, 2015. The issues that were raised during the public scoping comment period are summarized in this Scoping Report.

The following section lists each of the major issue areas raised during the scoping process. Specific issues and questions are discussed in each section and will be further addressed in the EIS. General comments, concerns, and questions not falling within one of the major issue areas below, or topics that do not fall within the scope of the EIS, are discussed in **Section 3.2.16**. Additional issues not specifically raised but which the Bureau of Indian Affairs (BIA) intends to address in the EIS also are discussed. Copies of the comment letters received during the scoping process appear in **Appendix B**. A transcript of the public scoping meeting held at the East Bakersfield Veteran’s Building in Bakersfield, CA, on September 1, 2015, is provided in **Appendix C**.

3.2 ISSUES IDENTIFIED DURING SCOPING

This section contains a summary of comments received during the EIS scoping process. These comment summaries are categorized by issue area. A general summary of the expected scope of the EIS for each issue area category is also provided.

3.2.1 PURPOSE AND NEED AND ALTERNATIVES

Comments

The following comments and questions regarding the purpose and need statement and scope of the alternatives were provided during scoping:

- The project description should identify development of supporting facilities, including parking, transportation improvements, water and wastewater facilities, and other utilities upgrades.
- The project must include housing developments also proposed by the Tribe.

- Are there going to be homes next to the casino for tribal members? Will there be a cultural center?
- Will the project site be used for growing and harvesting marijuana?
- Utilize the Leadership in Energy and Environmental Design (LEED) standard for green building. Separate smoking sections to allow the remainder of the facility to pursue LEED certification.
- Describe the use of all acres on the project site, including the undeveloped portions.
- Why was this project site chosen? Did the Tejon Ranch influence the site selection?
- The BIA should consider the Indian Reorganization Act and Indian Gaming Regulatory Act (IGRA) gaming eligibility determination.
- Is the project a two-part determination?
- The purpose and need should be carefully considered and written by the BIA, and should incorporate the need to promote the Tribe's economic development, self-sufficiency, and self-government; and the need to avoid detrimental effects to the surrounding community.
- What will the casino revenue be used for (e.g. tribal housing, State commerce)?
- Is there a need for a casino within a one-hour drive of another casino?
- Why does the Tribe need 306 acres for this project?
- The EIS should consider more than one alternative, including an off-site alternative.
- Alternatives in several off-Reservation locations within the Tribe's traditional territory should be considered. Each location should be evaluated for gaming and non-gaming development.
- Different development scenarios for the same location should not be considered separate alternatives if the federal action is the same.
- Alternatives should not be chosen for the purpose of rejecting the location as unsuitable for development.
- The EIS should consider a gaming alternative in the Tribe's traditional territory.
- A project alternative should consider the possibility of future expansion.
- The Proposed Project's National Environmental Policy Act (NEPA) process cannot be segmented by not considering future expansion onto adjacent lands.
- Evaluate the No Action Alternative.
- Quantify the differences between the Proposed Project and Alternatives in terms such as area of land disturbed, quantity of impervious surfaces, vegetation affected, etc. Provide a comparison table of alternatives.
- The enforceability of mitigation measures should be discussed.

EIS Scope

Pursuant to the BIA's NEPA Guidebook (59 IAM 3-H) dated August 2012, the EIS will include an explanation of the purpose of and need for the proposed action. Similar to **Section 2.2** of this Scoping Report, the purpose and need of the EIS will describe what the underlying issues are that the BIA is attempting to address with the action. The EIS will evaluate a reasonable range of alternatives to meet the purpose and need, including the No Action alternative.

Alternatives expected to be analyzed within the EIS are described in **Section 2.0**. The EIS will provide a description of the necessary federal action(s) and reasonably foreseeable development under each alternative. This description will contain sufficient detail to conduct the required analysis including descriptions of supporting facilities, including parking, transportation improvements, water and wastewater facilities, and other utilities upgrades. Additionally, the EIS will provide a description of any alternatives eliminated from further analysis with the rationale for elimination. Each of the alternatives will be thoroughly analyzed to an equal level within the EIS and, if warranted, mitigation measures specific to each alternative shall be recommended. The enforceability of mitigation measures will be discussed.

3.2.2 GEOLOGY AND SOILS

Comments

The following comments and questions regarding geology and soils were provided during scoping:

- Geology and soils should be studied.
- Discuss seismic conditions.
- Include information regarding earthquake faults near the project site.

EIS Scope

In support of the EIS, relevant federal, state, and local documents and literature will be reviewed; a site visit will be conducted to evaluate the existing landform and soil conditions on site; and land resource opportunities and constraints will be identified. The EIS will include a description of the geological, seismic, topographic, site drainage, and soil conditions on each of the alternative sites, as well as an analysis of potential impacts on these resources resulting from each alternative. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.3 WATER RESOURCES

Comments

The following comments and questions regarding water resource issues were provided during scoping:

- Describe all Waters of the U.S. that could be affected by the project alternatives, and provide maps of such waters within the project area. Include acreages, channel lengths, habitat types, values, and functions of these waters.
- Identify nonpoint sources of pollution, and minimize project footprint to reduce impervious surfaces.
- Discuss on-site water supply, water quality, and reclaimed water use.

- Discuss the source of drinking water, including whether the development of an on-site drinking system is proposed. Specify if the system will be classified as a public water system (PWS) or Non-Transient/Non-Community (NTNC) system and discuss the requirements.
- Will water need to be purchased?
- How many gallons can the on-site well provide?
- Include the purchase, installation, and implementation of water-efficient measures as part of the project.
- Alter the project design to avoid water features as possible. Minimize project footprint and reduce impervious surfaces.
- Will Pleito Creek or other streams need to be altered? If so, permits will be required.
- Divert runoff into stormwater treatment structures and other low impact development (LID) features.
- Discuss the potential for local groundwater overdraft and the effects of pumping on nearby wells.
- Identify nearby land subsidence resulting from groundwater pumping.
- Discuss the drought and evaluate impacts on California's scarce water resources.
- The EIS should address the water usage impacts of air quality Best Management Practices (BMPs), particularly from watering down construction areas.
- Flooding and runoff of debris (including agricultural chemicals and mine debris) should be accounted for.
- The Tribe should develop agreements with surrounding communities to address groundwater issues and local groundwater sustainability plans.
- Coordinate with the United States Army Corps of Engineers (USACE) whether a Clean Water Act (CWA) 404 permit is required.

EIS Scope

In support of the EIS, existing documentation regarding surface water and groundwater, including aerial photographs, will be reviewed; the County and federal government will be consulted; and on-site and adjacent drainage facilities and flooding potentials will be evaluated. The EIS will include a description of watersheds, water features (including acreages, channel lengths, habitat types, values, and functions of these waters), drainage patterns, floodplains, groundwater conditions, and water quality for each of the alternative sites, as well as analysis of potential impacts resulting from all alternatives on these resources resulting from each alternative. The EIS will address issues related to stormwater runoff, nonpoint sources of pollution, creation of impervious surfaces, and flooding, including impacts to surface water and groundwater quality. If on-site groundwater wells are determined to be a feasible option for water supply, the EIS will analyze the potential for local groundwater overdraft and the effects of pumping on nearby wells. If on-site wastewater treatment and disposal is determined to be a feasible option for wastewater services, the EIS will analyze the potential for impacts to groundwater quality and the potential for reclaimed water use. Mitigation measures to avoid or reduce impacts to water quality and water resources, if warranted, will be recommended in the EIS.

3.2.4 AIR QUALITY AND GREENHOUSE GASES

Comments

The following comments and questions regarding air quality issues were provided during scoping:

- Discuss the contribution of dust storms to poor visibility and bad air quality, especially in relation to construction.
- Discuss ambient air quality conditions, National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts for each alternative.
- The project site is located in a nonattainment area for 2008 8-hour ozone NAAQS and 24-hour PM_{2.5} NAAQS, and in a maintenance area for PM₁₀.
- Kern County has poor air quality, which results in increased risk of lung cancer, asthma attacks, heart attacks, and premature death.
- Address Clean Air Act (CAA) Section 176 and general conformity regulations 40 CFR Part 51 and 93.
- The San Joaquin Valley Air Pollution Control District (SJVAPCD) should be consulted with for air quality standards and significance thresholds.
- Greenhouse gases (GHGs) should be addressed.
- Discuss construction related impacts, including emissions of criteria air pollutants (CAPs) and contributions to dust storms. Quantify project emissions during building and grading.
- Discuss air pollution from increased traffic.
- Provide emissions estimates of all criteria pollutants and diesel particulate matter (DPM), including ozone and PM_{2.5}.
- Address air quality impacts to elderly citizens and citizens sensitive to contaminated air and disclose health risks associated with vehicle and mobile emissions.
- Consider available mitigations for PM₁₀, PM_{2.5}, DPM, NO_x, and volatile organic compounds (VOCs), and include on-site air quality mitigation measures.
- Evaluate energy conservation possibilities and GHG emissions associated with energy use. Include energy efficiency measures as BMPs to reduce GHG emissions.
- Consider alternative power sources. Consider utilizing solar energy, including rooftop photovoltaics (PV) and/or PV carports over parking lots. Shading parking areas would also reduce evaporative emissions of air pollutants from parked vehicles.
- Consider using combined heat and power to meet heating and energy loads.
- Include a Construction Emissions Mitigation Plan (CEMP) for fugitive dust and DPM for adoption into the Record of Decision (ROD). Within the CEMP, include the following mitigation measures:
 - Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. Control technologies such as particle traps and specialized catalytic converters can significantly reduce emissions.

- Ensure that diesel-powered construction equipment is properly tuned and maintained, and shut off when not in direct use.
- Prohibit engine tampering to increase horsepower, except when meeting manufacturer's recommendations.
- Locate diesel engines, motors, and equipment staging areas as far as possible from residential areas and sensitive receptors (schools, daycare centers, and hospitals).
- Reduce construction-related trips of workers and equipment, including trucks. Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Lease or buy newer, cleaner equipment (1996 or newer model), using a minimum of 75 percent of the equipment's total horsepower.
- Use lower-emitting engines and fuels, including electric, liquefied gas, hydrogen fuel cells, and/or alternative diesel formulations.
- Implement the following Fugitive Dust Source Controls:
 - Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate, to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
 - Install wind fencing and phase grading operations where appropriate, and operate water trucks for surface stabilization under windy conditions.
 - When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

EIS Scope

The EIS will include a description of the regional climate, existing ambient air quality, toxic air emission sources, NAAQS, criteria pollutant nonattainment areas, and pollutants of concern in the vicinity of the alternative sites. The latest version of the U.S. Environmental Protection Agency (USEPA) approved California Emissions Estimator Model (CalEEMod) will be used to quantify project emissions during both construction and operational phases. The calculated construction emissions will include an analysis of fugitive dust and DPM. The calculated operational emissions will include increases due to increased vehicle traffic based on trip generation. The EIS will discuss the need to conduct a general conformity analysis pursuant to CAA Section 176 and general conformity regulations 40 CFR Part 51 and 93. Potential impacts associated with GHGs and climate change will be analyzed within the cumulative section of the EIS. Mitigation measures, if warranted, will be recommended in the EIS.

3.2.5 BIOLOGICAL RESOURCES

Comments

The following comments and questions regarding biological resources were provided during scoping:

- Identify and provide a study locating all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. Quantify direct effects.
- Are there migration corridors from the lower Sierra Nevada and Transverse Ranges? Are there migration corridors for elk near the Grapevine?
- Describe all Waters of the U.S. that could be affected by project alternatives. Include maps that identify all waters in the area.
- Consultation may be required under the Endangered Species Act (ESA) and Migratory Bird Treaty Act (MBTA). The project site is within a migratory corridor. Include a description of any consultation.
- Describe how the project will meet the requirements of Executive Order (EO) 13112 regarding new landscaping, including the use of native or invasive species. Incorporate pollinator-friendly practices into new landscaping.
- Address impacts to cactus, San Joaquin coachwhip, burrowing owl, San Joaquin kit fox, birds of prey, and *Atriplex tularenses*.
- Identify nighttime lighting impacts to nocturnal species.

EIS Scope

In support of the EIS, aerial photographs and local, state, and federal documents will be reviewed; site visits and field reviews will be performed; biological resources will be mapped and documented; and, if warranted, wetland areas and Waters of the U.S. will be delineated. The EIS will include a description of the habitat, Waters of the U.S., migration corridors, and plants and wildlife (including federal and state listed threatened/endangered species and critical habitat) on the alternative sites, as well as the assessment of reasonably foreseeable impacts of the alternatives on these resources, including potential impacts to nocturnal species from nighttime lighting. Consultation with United States Fish and Wildlife Service (USFWS) and other relevant agencies will occur as appropriate. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.6 CULTURAL AND PALEONTOLOGICAL RESOURCES

Comments

The following comments and questions regarding cultural and paleontological resources was provided during scoping:

- The project site contains extensive archeological sites from the Kern Lake Yokuts (Hometwoli) villages. Removing artifacts to the Bakersfield University will not prevent the sites from being destroyed.
- Will artifacts or bodily remains halt the project?
- Non-Tejon Indian geologists should study the area prior to excavation and during construction.

EIS Scope

In support of the EIS, a cultural records search will be conducted; local, state, and federal documents will be reviewed; site visits and field review will be performed; and cultural resources will be mapped and documented. The EIS will include a cultural resources analysis that identifies historical and archaeological resources, if any, located within the alternative sites. Any reasonably foreseeable impacts to historical and archaeological resources will be analyzed in the EIS, including potential impacts to as-yet unknown archaeological sites could be uncovered during ground-disturbing activities at the alternative sites. The EIS process will include consultation under Section 106 of the National Historic Preservation Act (NHPA). Mitigation measures, including procedures in case of a find during construction, will be discussed in the EIS.

3.2.7 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

Comments

Specific socioeconomic comments and questions raised during scoping include:

- Public health and safety must be addressed, including domestic violence, divorce, bankruptcy, drug and alcohol abuse, risky or illicit sexual behavior, problem gambling, child neglect, and family problems.
- Crime will increase, including money laundering, organized crime, street crime, DUI-related accidents, home robberies, and mail theft. Address increased robberies from criminals following casino winners home.
- Address the increase in need for child protection, marriage counseling, and other social service programs, including for methamphetamine addiction, teenage pregnancy, and low education rates.
- Kern County is one of the poorest in the nation, and the poor tend to spend a greater percentage of their income on gambling. The community of Mettler is a very low-income area; this is an environmental justice issue.
- Identify impacts to the economy and private property rights.
- Socioeconomic impacts to landowners, businesses, and local and state governmental entities should be addressed.
- The fiscal impact to the State of California and local jurisdictions must be addressed, including the loss of sales tax, property tax, and State General Fund revenues.
- The EIS should consider the effects of leasing regulations and tax exemptions on the project site.
- The EIS should not assume that unemployed people within the region will be hired for construction and operation of the project. Instead, the EIS should determine whether there is sufficient skilled labor in the project region.
- Casino construction and operation does not always result in job creation and growth.
- Consider the impacts of people relocating into the area, including available housing and schools.
- Consider the affordability of moving, especially if the jobs created will be low wage.
- How will additional social services and workers be funded?

- Will money be set aside for programs to address problem gambling?

EIS Scope

The EIS will include a description of the socioeconomic conditions of the Tribe and surrounding communities, including the existing demographics, housing, employment, and income of the City of Bakersfield, community of Mettler, and Kern County. The EIS will analyze reasonably foreseeable and disproportionate impacts of the alternatives on minority and low-income populations, and analyze socioeconomic issues such as employment, housing, tax revenues, local business revenue, property value, problem gambling, crime rates, and fiscal impacts to established gaming facilities in the region. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.8 TRANSPORTATION

Comments

Specific comments and questions related to transportation raised during scoping include:

- A traffic study should be conducted, which should include a discussion of traffic circulation.
- Identify transit access to the site, and discuss transportation to the site for employees and the local community.
- Discuss increases traffic during construction and operation of the Proposed Project. Evaluate the impacts of commuter traffic generated by employees, and how that traffic will affect the Proposed Project.
- Evaluate the impacts of special event traffic, including weekend and evening peak hours for the casino and hotel.
- Discuss the site access options (Wild Flower Street, South Sabodan Street, Valpredo Avenue, and/or the unnamed road on the western Mettler Site boundary), traffic safety (including access to private property in the area, increased accident potential, and increased incidents of drunk driving), traffic congestion, and existing collision data.
- Address parking requirements and transportation infrastructure for guests and employees.
- Minimize traffic hazards and facilitate traffic flows to the site. Identify mitigation such as upgrades to local roads, signage, and signaling.
- Discuss if freeway reconstruction is needed. Improvements should not be funded by taxpayer dollars.

EIS Scope

The EIS will include a description of transportation systems currently serving the area, including an analysis of existing study area roadways and intersections with the potential to be significantly impacted by project traffic. In addition, pedestrian and transit conditions in the vicinity of the alternative sites will be described. The EIS will provide an estimate of the total daily trips and peak hour trips generated by

the alternatives, and include an analysis of any reasonably foreseeable impacts to site accesses and study area roadways and intersections. Additionally, an analysis of special event traffic will be provided. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.9 LAND USE

Comments

The following comments and questions regarding land use were provided during scoping:

- Identify potential impacts to land use within the County.
- Discuss the project's consistency with the objectives of federal, state, tribal, and local land use plans, policies, and controls applicable to the site.
- The casino will not be consistent with the rural character of the area.
- The project site is within some of the richest farmland in the world. This land is needed as agricultural land for food production.
- Assess impacts on prime or unique agricultural lands, and to farmland of statewide or local importance. Will farmland loss be replaced at a 1:1 ratio?
- The EIS needs to address the land use requirements and other issues associated with converting agricultural land to commercial uses.
- Address the Williamson Act contractual obligations. Is the project site subject to Williamson Act restrictions? If so, what financial consequences would result if the land is removed from agricultural use?
- The project may affect nearby military bases.
- What, if any, community enhancement will occur?

EIS Scope

The EIS will identify existing public policies, including zoning and land use regulations (from County Land Use Plans) currently applicable to the alternative sites. Agricultural lands on and in the vicinity of the alternative sites will be identified and potential project related impacts, including those related to Williamson Act contracts, will be analyzed. The potential for land use conflicts to be caused by the alternatives will also be included within the EIS analysis. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.10 PUBLIC SERVICES AND UTILITIES

Comments

The following comments and questions regarding public services and utilities were raised during scoping:

- Specify projected sanitary waste volumes, treatment strategies, disposal methods, and potential impacts.
- Discuss on-site reclamation of wastewater as the area has no municipal sewer access. Will a sewer facility or wastewater treatment plant (WWTP) be constructed? Discuss soil types should infiltration for effluent disposal be chosen.
- Address increased demand for police and fire protection services. Local cities will have to increase fire, police, and ambulance services.
- Address solid waste disposal. Will the casino recycle? What will be done with generated waste?
- A mitigation measure promising negotiations of a mitigation agreement is not acceptable.

EIS Scope

The EIS will include a description of the existing private and municipal services provided to the alternative sites, either on-site or within the affected municipalities, including water supply, wastewater treatment, utilities, solid waste collection and disposal, law enforcement, fire protection and emergency medical services, electrical and natural gas service, telecommunications, schools, libraries, recreation and parks. The EIS will provide an analysis of reasonably foreseeable impacts to these services within the study area. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.11 NOISE

Comments

The following comments and questions regarding potential noise impacts were provided during scoping:

- Noise impacts must be considered, including traffic noise impacts during construction and operation.
- Construction will create substantial impacts in the existing quiet area.
- Noise from commercial activity will be unusual given the surrounding land uses.
- Nighttime noise will disturb local residents.

EIS Scope

The EIS will include a description of noise terminology and methodology, as well as the ambient noise surrounding the alternative sites. The EIS will provide an analysis of any reasonably foreseeable impacts to sensitive noise receptors in the vicinity of the alternative sites from project construction and operation. The analysis of operational noise will include traffic noise generation on local roadways, which will be calculated using applicable trip generation data. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.12 HAZARDOUS MATERIALS

Comments

The following comments and questions regarding hazardous materials were provided during scoping:

- Discuss soil contamination and pesticide residues present in project site soils. Identify any pesticide mixing on site, such as by interviewing individuals familiar with the site.
- Discuss the exposure of casino visitors to Valley Fever (the inhalation of *Coccidioides* fungus spores released from the soil). Discuss the impacts of construction on disrupting fungus spores and causing additional cases of Valley Fever. Valley Fever spores should be surveyed for on the project site.

EIS Scope

The EIS will include a description of the potential hazardous materials on-site and in the vicinity of the alternative sites, including Valley Fever spores. Public health issues will be identified for the proposed facilities and surrounding area, including through site visits and review of local, state, and federal documents and databases for incidences of past and current hazardous materials incidents and involvements, including pesticides. Additionally, the EIS will address the potential for impacts associated with hazardous materials, or the use of these materials during construction and operation of the alternatives. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.13 AESTHETICS

Comments

The following comments and questions regarding aesthetics were provided during scoping:

- The project site and surrounding land is undeveloped; this project will constitute a substantial alteration to the landscape and will be visible for miles.
- Discuss the amount of artificial light from the project and affects to the dark skies in the Frazier Park area. Light pollution will occur 24/7, which will be a new impact to the region.
- Lighting impacts to wildlife should be addressed, including migratory birds and nocturnal animals.
- Lighting should be fully shielded. The International Dark Sky Association guidelines should be included as conditions of development.

EIS Scope

The EIS will include a description of the alternative sites and surrounding land uses and community character. Viewsheds will be identified and photographs of the site will be provided. Architectural renderings will be utilized during analysis of potential aesthetic impacts. Scenic resources within the County will be identified, including scenic highways. The EIS will provide an analysis of any reasonably

foreseeable impacts to aesthetics within the study area, including from increased light and glare. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.14 INDIRECT EFFECTS / GROWTH INDUCING IMPACTS

Comments

The following comments and questions regarding potential project related indirect impacts were provided during scoping:

- Analyze indirect impacts from land alteration of water features on agricultural lands and farmland, biological resources, and air quality for each alternative.
- Assess growth-inducing indirect impacts to noise.
- The casino will be a magnet for future development.

EIS Scope

The EIS will provide an analysis of any reasonably foreseeable indirect and growth inducing effects from project implementation. Indirect effects from traffic mitigation, utilities improvements, and/or other off-site mitigation measures will be discussed and analyzed. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.15 CUMULATIVE IMPACTS

Comments

The following comments and questions regarding potential project related cumulative impacts were provided during scoping:

- Define the geographic boundary for each resource analyzed, also describe its health and historic context.
- Identify other on-going, planned, and reasonably foreseeable projects in the County and surrounding areas.
- Future trust acquisitions should be considered in the cumulative scenario, including by the Tribe.
- Focus cumulative discussions on resources with significant impacts before mitigation.
- Identify which resources are analyzed under a cumulative setting, which are not, and why.
- Use methodology developed by Federal Highway Administration (FHWA) and California Department of Transportation (Caltrans) for assessing cumulative impacts.
- Evaluate cumulative impacts to wetlands and Waters of the U.S., air quality, biological resources, and prime agricultural land.
- Evaluate cumulative traffic impacts from special events at the project site and other nearby venues.

- Propose mitigation when cumulative impacts are identified. Clearly state the BIA's, Tribe's, and other entities' mitigation responsibilities and mechanisms for implementation.

EIS Scope

The EIS will address the cumulative impacts of the alternatives in connection with reasonably foreseeable actions and projects. "Cumulative impacts" refer to the effects of two or more projects that, when combined, are considerable or compound other environmental effects. Cumulatively considerable projects that have been proposed, approved, or described in the General Plan will be considered in the cumulative year analysis. The EIS will define the geographic boundary for each resource analyzed, also describe its health and historic context. The EIS will discuss cumulative impacts and identify appropriate mitigation measures, as required by NEPA. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.16 PROCEDURAL AND NON-EIS ISSUES

Comments

The following comments and questions regarding the NEPA process and non-EIS related issues were provided during scoping:

- The BIA should hold a second scoping meeting to correct errors stated in the first meeting.
- The anticipated EIS schedule is unrealistic.
- California voters oppose off-Reservation gaming.
- Permits should be acquired prior to approval of the trust request.
- The outcome of negotiations between the County and the Tribe should be made public before the project is approved.
- The Tribe has no actual ancestral or cultural ties to the Kern Lake Indian peoples; tribes native to the area should be allowed a determining voice in what happens to the project site.
- The casino is tearing up Indian families, and the Tribe is refusing membership to those who should be allowed to be in the Tribe.
- Indian casinos throughout the country are dis-enrolling members.
- The Tribe claims to have poor members, but receives Revenue Sharing Trust Fund payments.
- What dollar percentages from revenue will be spent on what items?
- Identify payments the Tribe receives since recognition.
- Choose the No Action Alternative.
- Expressions of opinion in favor or against the Proposed Project.

EIS Scope

The EIS will be prepared in accordance with applicable requirements, including those set out in NEPA (42 United States Code [USC] 4321 et seq.); the Council on Environmental Quality (CEQ) Regulations

for Implementing NEPA (40 CFR § 1500 – 1508); and the BIA’s NEPA Guidebook (59 IAM 3-H) dated August 2012. These issues will be discussed to the extent required under the NEPA process. While generally these are legal and policy issues, sufficient information will be provided to allow public understanding of the background, issues and processes involved, and to encourage informed comment by the public and consideration of decision makers. The NOI was published in the Federal Register and scoping period was conducted pursuant to 40 CFR 1501.7, 40 CFR 1506.6, and 59 IAM 3-H. A newspaper notice was published in the Bakersfield Californian. Approximately 66 citizens attended the public scoping meeting, and 164 total comment letters were received. Therefore, the public scoping process adequately informed the public and collected scoping comments. The public will have an additional opportunity to comment during the public review period of the Draft EIS.

SECTION 4.0

EIS SCHEDULE AND PUBLIC REVIEW

The current schedule anticipates that the Draft Environmental Impact Statement (EIS) will be available for public review in 2019. The public review period for the Draft EIS will be at least 45 days. A public hearing on the Draft EIS will be held during the review period. After public comment on the Draft EIS, the Bureau of Indian Affairs (BIA) will publish a Final EIS. The BIA will wait at least 30 days after the Final EIS is released before issuing a decision on the Proposed Action.

SECTION 5.0

AGENCY CONTACTS AND DOCUMENT PREPARERS

5.1 LEAD AGENCY

BUREAU OF INDIAN AFFAIRS PACIFIC REGIONAL OFFICE

Amy L. Dutschke, Regional Director
Chad Broussard, Environmental Protection Specialist

2800 Cottage Way # W2820
Sacramento, CA 95825
www.bia.gov
(916) 978-6000

5.2 COOPERATING AGENCIES

U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 9

Kathleen Martyn Goforth, Manager, Environmental Review Office

KERN COUNTY

Lorelei H. Oviatt, AICP, Director

TEJON INDIAN TRIBE

Octavio Escobedo, Chairman

5.3 ENVIRONMENTAL CONSULTANTS

ANALYTICAL ENVIRONMENTAL SERVICES (AES)

www.analyticalcorp.com

Project Director: David Zweig, P.E.

Project Manager: Bibiana Alvarez

Technical Staff: Aileen Mahoney
Dana Hirschberg
Glenn Mayfield
Casey Bodden
Marcus Barrango

APPENDICES

APPENDIX A

NOTICE OF INTENT AND NEWSPAPER NOTICES

NOTICE OF INTENT

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/
A0A501010.999900 253G]

Notice of Intent To Prepare an Environmental Impact Statement for the Tejon Indian Tribe's Proposed Trust Acquisition and Casino Project, Kern County, California

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency and the Tejon Indian Tribe (Tribe) as cooperating agency intend to gather information necessary to prepare an Environmental Impact Statement (EIS) for the Tribe's Proposed Trust Acquisition and Casino Project, Kern County, California. This notice also opens public scoping to identify potential issues, concerns and alternatives to be considered in the EIS.

DATES: To ensure consideration during the development of the EIS, written comments on the scope of the EIS should be sent as soon as possible and no later than September 14, 2015. The date of the public scoping meeting will be announced at least 15 days in advance through a notice to be published in the local newspaper (the Bakersfield Californian) and online at <http://www.tejoneis.com>.

ADDRESSES: You may mail or hand-deliver written comments to Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "NOI Comments, Tejon Indian Tribe Project" on the first page of your written comments. The location of the public scoping meeting will be announced at least 15 days in advance through a notice to be published in the local newspaper (the Bakersfield Californian) and online at <http://www.tejoneis.com>.

FOR FURTHER INFORMATION CONTACT: Mr. John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Sacramento, Room W-2820, Sacramento, California 95825, telephone (916) 978-6051, email john.rydzik@bia.gov.

SUPPLEMENTARY INFORMATION: The proposed action and a reasonable range of alternatives, including a no-action alternative, will be analyzed in the EIS. The Tribe has submitted a request to the

Department of the Interior (Department) for the placement of approximately 306 acres of fee land in trust by the United States upon which the Tribe would construct a gaming facility. The facility would initially be approximately 250,000 square feet, and in a subsequent phase, an approximately 300-room hotel and banquet space would be added. Accordingly, the proposed action for the Department is the acquisition requested by the Tribe. The proposed fee-to-trust property is located in unincorporated Kern County, immediately west of the town of Mettler and approximately 14 miles south of the City of Bakersfield. The property is comprised of four parcels, Assessor's Parcel Numbers (APN's) 238-204-02, 238-204-04, 238-204-07 and 238-204-14. The purpose of the proposed action is to improve the economic status of the Tribal government so it can better provide housing, health care, education, cultural programs, and other services to its members.

The proposed action encompasses the various Federal approvals which may be required to implement the Tribe's proposed economic development project, including approval of the Tribe's fee-to-trust application. The EIS will identify and evaluate issues related to these approvals, and will also evaluate a range of reasonable alternatives. Other possible alternatives currently under consideration are a reduced-intensity casino alternative, an alternate-use (non-casino) alternative and one or more off-site alternatives. The range of issues and alternatives may be expanded based on comments received during the scoping process.

Areas of environmental concern preliminarily identified for analysis in the EIS include land resources; water resources; air quality; noise; biological resources; cultural/historical/archaeological resources; resource use patterns; traffic and transportation; public health and safety; hazardous materials and hazardous wastes; public services and utilities; socioeconomic; environmental justice; visual resources/aesthetics; and cumulative, indirect, and growth-inducing effects. Additional information, including a map of the project site, is available by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public comment availability: Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before

including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, BIA cannot guarantee that this will occur.

Authority: This notice is published in accordance with sections 1503.1 and 1506.6 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321-4345 *et seq.*), and the Department of the Interior National Environmental Policy Act Regulations (43 CFR part 46), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: August 6, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015-19973 Filed 8-12-15; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/
A0A501010.999900 253G]

Indian Gaming

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Notice of Tribal-State Class III
Gaming Compacts taking effect.

SUMMARY: The Department provides notice that the Indian Gaming Compact between the State of New Mexico and Ohkay Owingeh governing Class III gaming (Compact) is in effect pursuant to the Indian Gaming Regulatory Act.

DATES: Effective Date: August 13, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100-497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts are subject to review

NEWSPAPER NOTICE PROOF OF PUBLICATION



PROOF OF PUBLICATION

The BAKERSFIELD CALIFORNIAN
P. O. BOX 440
BAKERSFIELD, CA 93302

BIBIANA ALVAREZ
1801 7TH STREET, STE 100
SACRAMENTO, CA 95811

Ad Number: 13944628 PO #: 2
Edition: TBC Run Times
Class Code Public Notices
Start Date 8/13/2015 Stop Date 8/16/2015
Billing Lines 80 Inches 6.60
Total Cost \$ 867.20 Account 98485969
Billing BIBIANA ALVAREZ
Address 1801 7TH STREET, STE 100
SACRAMENTO, CA 95811

STATE OF CALIFORNIA
COUNTY OF KERN

I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY AFORESAID: I AM OVER THE AGE OF EIGHTEEN YEARS, AND NOT A PARTY TO OR INTERESTED IN THE ABOVE ENTITLED MATTER. I AM THE ASSISTANT PRINCIPAL CLERK OF THE PRINTER OF THE BAKERSFIELD CALIFORNIAN, A NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED DAILY IN THE CITY OF BAKERSFIELD COUNTY OF KERN,

AND WHICH NEWSPAPER HAS BEEN ADJUDGED A NEWSPAPER OF GENERAL CIRCULATION BY THE SUPERIOR COURT OF THE COUNTY OF KERN, STATE OF CALIFORNIA, UNDER DATE OF FEBRUARY 5, 1952, CASE NUMBER 57610; THAT THE NOTICE, OF WHICH THE ANNEXED IS A PRINTED COPY, HAS BEEN PUBLISHED IN EACH REGULAR AND ENTIRE ISSUE OF SAID NEWSPAPER AND NOT IN ANY SUPPLEMENT THEREOF ON THE FOLLOWING DATES, TO WIT: 8/16/15
8/13/15

ALL IN YEAR 2015

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED AT BAKERSFIELD CALIFORNIA

AUG 17 2015

Printed on 8/17/2015 at 9:03:01AM

Solicitor I.D.: 0

First Text

DEPARTMENT OF THE INTERIOR Bureau of Indian Affairs

Ad Number 13944628

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Intent To Prepare an Environmental Impact Statement for the Tejon Indian Tribe's Proposed Trust Acquisition and Casino Project, Kern County, California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency and the Tejon Indian Tribe (Tribal) as cooperating agency intend to gather information necessary to prepare an Environmental Impact Statement (EIS) for the Tribal's Proposed Trust Acquisition and Casino Project, Kern County, California. This notice also opens public scoping to identify potential issues, concerns and alternatives to be considered in the EIS.

DATES: To ensure consideration during the development of the EIS, written comments on the scope of the EIS should be sent as soon as possible and no later than Monday, September 14, 2015. The public scoping meeting will be held on Tuesday, September 15, 2015, from 6:00 p.m. until the last public comment is received.

ADDRESSES: You may mail or hand-deliver written comments to Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "NOI Comments, Tejon Indian Tribe Project" on the first page of your written comments. The scoping meeting will be held at East Bakersfield Veterans' Building, Room 1, at 2101 Ridge Road, Bakersfield, California 93305.

FOR FURTHER INFORMATION CONTACT: John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Sacramento, Room W-2820, Sacramento, California 95825, telephone (916) 978-6051, e-mail john.rydzik@bia.gov. Information is also available online at www.tejonelms.com.

SUPPLEMENTARY INFORMATION: The proposed action and a reasonable range of alternatives, including a no-action alternative, will be analyzed in the EIS. The Tribal has submitted a request to the Department of the Interior (Department) for the placement of approximately 306 acres of fee land in trust by the United States upon which the Tribal would construct a gaming facility. The facility would initially be approximately 250,000 square feet, and in a subsequent phase, an approximately 300-room hotel and banquet space would be added. Accordingly, the proposed action for the Department is the acquisition requested by the Tribal. The proposed fee-to-trust property is located in unincorporated Kern County, immediately west of the town of Mettler and approximately 14 miles south of the City of Bakersfield. The property is comprised of four parcels, Assessor's Parcel Numbers (APNs) 238-204-02, 238-204-04, 238-204-07 and 238-204-14. The purpose of the proposed action is to improve the economic status of the Tribal government so it can better provide housing, health care, education, cultural programs, and other services to its members.

The proposed action encompasses the various Federal approvals which may be required to implement the Tribal's proposed economic development project, including approval of the Tribal's fee-to-trust application. The EIS will identify and evaluate issues related to these approvals, and will also evaluate a range of reasonable alternatives.

Other possible alternatives currently under consideration are a reduced-intensity casino alternative, an alternate-use (non-casino) alternative and one or more off-site alternatives. The range of issues and alternatives may be expanded based on comments received during the scoping process.

Areas of environmental concern preliminarily identified for analysis in the EIS include land resources; water resources; air quality; noise; biological resources; cultural/historical/archaeological resources; resource use patterns; traffic and transportation; public health and safety; hazardous materials and hazardous wastes; public services and utilities; socioeconomic; environmental justice; visual resources/aesthetics; and cumulative, indirect, and growth-inducing effects. Additional information, including a map of the project site, is available by contacting the person listed in the FOR FURTHER INFORMATION section of this notice.

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

AUTHORITY: This notice is published in accordance with sections 1503.1 and 1506.6 of the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321-4345 et seq.), and the Department of the Interior National Environmental Policy Act Regulations (43 CFR part 46), and is in the exercise of authority delegated to the Assistant Secretary-Indian Affairs by 209 DM 8.

AUGUST 13, 2015
13944628

APPENDIX B

LIST OF COMMENTERS AND COMMENTS RECEIVED

LIST OF COMMENTERS

Tejon Indian Tribe Trust Acquisition and Casino Project
Scoping Comments Received

Log #	Name	Title/Position	Agency/Organization
Agency Comments			
A-1	Karen Vitulano		Environmental Review Section, USEPA Region 9
A-2	Lorelai H Oviatt	Director	Kern County Planning and Community Development Department
Group/Organization Comments			
G-1	Katherine King	Secretary	Tri-County Watchdogs
G-2	Renee Donato Nelson		Clean Water and Air Matter
G-3	Cheryl Schmit	Director	Stand Up for California
G-4	Gurcharan Singh	General Secretary	Punjabi American Senior Citizen Center
G-5	Lorraine L. Unger	Executive Committee Member	Sierra Club Kern-Kaweah Chapter
Public/Individual Comments			
P-1	Linda Peterson		
P-2	Illeis Fox		
P-3	Mary Griffin		
P-4	Gayle Lundberg		
P-5	Catherine J. Nelson		
P-6	Kim Dodge		
P-7	Harry Marroquin	Reverend	
P-8	Jerrickson Ajex Palvannon	Pastor	
P-9	Thomas D. Pavich		
P-10	Darrell Vera		
P-11	Bob Hurst		
P-12	Breanne Gaona		
P-13	M. Dean Haddock	Psy.D.	
P-14	LaDonna Dodge		
P-15	Leonard Manuel Sr		
P-16	David Vivas	Pastor	
P-17	Teresa Hurst		
P-18	Carol Crocker		
P-19	Tom Crocker		
P-20	David Laughing Horse Robinson		Kawaiisu Tribe of Tejon
P-21	Delia 'Dee' Dominguez		Kitanemuk and Yowlumne Tejon Indians
P-22	Delia Dominguez		Kitanemuk and Yowlumne Tejon Indians
Form Comments			
F1			
F1-1	Kamaljit Dhillon		
F1-2	Chambreeth Singh		
F1-3	Jayden Sepheesal		
F1-4	Harjeip Sinph		
F1-5	Joginder Singh		
F1-6	Lakhvir Singh		
F1-7	Narinder Kaur		
F1-8	Mohinder Singh		
F1-9	Baljinder Singh		

Tejon Indian Tribe Trust Acquisition and Casino Project
Scoping Comments Received

Log #	Name	Title/Position	Agency/Organization
F1-10	Haham Singh Button		
F1-11	Sukjit Singh		
F1-12	Rajinder S. Rai		
F1-13	Hardinder Singh		
F1-14	Mandip Singh Kanx		
F1-15	Edmond Ball		
F1-16	Sukhwinder Kumboj		
F1-17	Arther Singh		
F1-18	Devinder Gill		
F1-19	Charansif Singh		
F1-20	Rajinder Pal Singh		
F1-21	Jaspal S Majli		
F1-22	Sukhwinder Kaur		
F1-23	Amber Kit Kaur		
F1-24	Harbinder S Gill		
F1-25	Jatinder Singh		
F1-26	Nalhrattar Gill		
F1-27	Harbinder Singh Gill		
F1-28	Parvinder Kaur Gill		
F1-29	Pargeat Singh		
F1-30	Curpreet K Gill		
F1-31	Inderjeet Singh		
F1-32	Jungmohan Singh		
F1-33	Manjeet Singh		
F1-34	Sukchan Singh		
F1-35	Charnjeet Kaur		
F1-36	Mohurder Kaur Brar		
F1-37	Emerji S. Ban		
F1-38	Resident		
F1-39	Jamer Singh		
F1-40	Jagjit S Brar		
F1-41	Harpal Singh		
F1-42	Balvinder Kaver		
F1-43	Suellyn Ldera		
F1-44	Kulwinder Kaur		
F1-45	Balis Singh		
F1-46	Rupinder Sidhu		
F1-47	Surjit S Langia		
F1-48	Gourdon Kaur Langia		
F1-49	Hanan Sandhu		
F1-50	Janjit Rai		
F1-51	Gursharan Prvet Singh		
F1-52	Gauruir Singh		

Tejon Indian Tribe Trust Acquisition and Casino Project
Scoping Comments Received

Log #	Name	Title/Position	Agency/Organization
F1-53	Gurdeep Singh		
F1-54	Rajinder K Ramhsus		
F1-55	Som Natl		
F1-56	Balpreet Randhawa		
F1-57	Rasn Pal Singh		
F1-58	Artar Bingh Pannu		
F1-59	Lakhbir Singh		
F1-60	Jagjit Brar		
F1-61	Lakhuir Kaur		
F1-62	Jaswinder Singh		
F1-63	Aman		
F1-64	Gurdip Singh		
F1-65	Jagjit Singh Gill		
F1-66	Harcharan Singh		
F1-67	Darshan Singh		
F1-68	Parminder Sol		
F1-69	Mohuinder Singh Dhaliwal		
F1-70	Rajwant Kaur		
F1-71	Binarjit Singh		
F1-72	Sinvan Randnawa		
F1-73	Rej Ganden		
F1-74	Harinder Singh		
F1-75	Sukwinder Kaur		
F1-76	Jason Singh		
F1-77	Japreet Kaur		
F1-78	Amrik Singh		
F1-79	Davin Singh		
F1-80	Gurmail Singh		
F1-81	Pardeep Singh		
F1-82	Avtar Grewal		
F1-83	Harbams Singh		
F1-84	Aur Jashob Preet		
F1-85	Kulwinder Kaur		
F1-86	Jasbir Singh		
F1-87	Sukhdis Radaus		
F1-88	Learhuit Singh		
F1-89	Chhimdel Primn		
F1-90	Shinder Kaur		
F1-91	Jagras S Sidnu		
F1-92	Balraj Singh		
F1-93	Gurdial Simlh		
F1-94	Arjinder Singh		
F1-95	Jagtar Singh		

Tejon Indian Tribe Trust Acquisition and Casino Project
Scoping Comments Received

Log #	Name	Title/Position	Agency/Organization
F1-96	Sanders Singh		
F1-97	Ajmer S Dhillon		
F1-98	Ramanpreet Kaur		
F1-99	Paul Singh		
F1-100	Sukhdeep Kaur		
F1-101	Sukhvir S Rai		
F1-102	Jokayil		
F1-103	Lakhvrr Singh		
F1-104	Jessi K,		
F1-105	Karter Kaur		
F1-106	*RESIDENT*		
F1-107	Prabhjit Singh		
F1-108	Jagdish Singh		
F1-109	Baldwinder Kaun		
F1-110	Kulbir Kaur		
F1-111	Sukhwinder Kaur Dhoot		
F1-112	Gurcharan Singh		
F1-113	Harpreet Singh		
F1-114	Jarnail Singh		
F1-115	Manpreet Singh		
F1-116	H. K. Gill		
F1-117	Joswinder Kaur		
F1-118	Sukhwinder Kaur		
F1-119	Amandeep Kaur Maan		
F1-120	Jaswinder Singh		
F1-121	Kulwinder Kaur		
F1-122	Gurjit Kaur		
F1-123	Malkiat Singh		
F1-124	Gurdeep Kaur		
F1-125	Marmall Singh		
F1-126	Resident		
F1-127	Charanjit Singh		
F1-128	Charan Singh		
F1-129	Resident		
F1-130	Seth Bir Singh Sonel		
F1-131	Sudhir Singh		
F1-132	Kurldel Pannu		
F1-133	Balwinder Singh		
F1-134	Ranbinder Singh		
F1-135	Jaskanan Kooner		
Public Hearing Speakers			
1	Kathryn Morgan	Chairperson	Tejon Indian Tribe
2	Craig Murphy	Division Chief	Kern County Planning and Community Development Department

Tejon Indian Tribe Trust Acquisition and Casino Project
Scoping Comments Received

Log #	Name	Title/Position	Agency/Organization
3	Delia Dominguez		Kitanemuk and Yowlumne Tejon Indians
4	Annie Ortega-Chavez		
5	Thomas Edmonds		
6	R. Gregg Mechelin		
7	Linda Peterson	Tribal Elder	Tule River Tribe
8	Jacquie Sullivan	Member	Bakersfield City Council
9	Lorraine Unger		Sierra Club Kern-Kaweah Chapter

AGENCY COMMENTS



Comment Letter A-1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

September 3, 2015

Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

Subject: EPA Scoping Comments for the Tejon Indian Tribe's Proposed Trust Acquisition and Casino Project, Kern County, California

Dear Ms. Dutschke:

The Environmental Protection Agency has reviewed the Federal Register Notice published on August 13, 2015 requesting comments on the Bureau of Indian Affairs' (BIA) decision to prepare an Environmental Impact Statement for the above-referenced project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

The proposed project includes a 306-acre trust acquisition and development of a gaming facility in unincorporated Kern County immediately west of the Town of Mettler and approximately 14 miles south of Bakersfield, California. EPA requests consideration of the following issues:

Scope of Analysis

The Notice of Intent does not mention development of any supporting facilities. The EIS should identify all supporting facilities to ensure potentially connected actions are included in the environmental impact analyses (40 CFR 1508.25). The project description should identify needed parking facilities, transportation improvements, drinking water and/or wastewater treatment facilities, and other utilities upgrades that would be associated with the project.

Alternatives Analysis

The CEQ NEPA Regulations instruct agencies to present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision-maker and the public (40 CFR 1502.14). We recommend against characterizing the environmental effects of the alternatives to the Proposed Action as being "similar to the proposed action" without attempting to quantify the differences. Area of land disturbed, quantity of impervious surfaces, vegetation affected, etc. are quantifiable and should be presented in any comparison table of alternatives.

Air Quality

The Draft Environmental Impact Statement (DEIS) should provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the project (including cumulative and indirect impacts) for each fully evaluated alternative. Construction related impacts should also be discussed.

General Conformity

The DEIS should address the applicability of Clean Air Act (CAA) Section 176 and EPA's general conformity regulations at 40 CFR Parts 51 and 93. Federal agencies need to ensure that their actions, including construction emissions subject to state jurisdiction, conform to an approved implementation plan. Mitigation may be available to reduce the project's air emissions, including particulate matter less than 10 and 2.5 microns in diameter (PM₁₀ and PM_{2.5} respectively), diesel particulate matter (DPM), ozone precursors (oxides of nitrogen (NO_x)) and volatile organic compounds.

The project site is located in an area designated as extreme nonattainment for the 2008 8-hour Ozone NAAQS, and well as nonattainment for the 24-hour PM_{2.5} NAAQS. In addition, the project site is located in a maintenance area for PM₁₀ therefore while this area is no longer in nonattainment for PM₁₀, general conformity still applies because of its maintenance designation. Because of the air basin's nonattainment status for several NAAQS, it is important to reduce emissions of ozone precursors and particulate matter from this project as much as possible. Emissions authorized by a CAA permit issued by the State or the local air pollution control district would not be assessed under general conformity but through the permitting process.

Construction Emissions Mitigation

The DEIS should include a thorough analysis of impacts from the construction of the proposed project alternatives, and emission estimates of all criteria pollutants and diesel particulate matter (DPM), including the federal 8-hour ozone standard and the PM_{2.5} standard. EPA also recommends that the DEIS disclose the available information about the health risks associated with vehicle emissions and mobile source air toxics (see <http://www.epa.gov/otaq/toxics.htm>). EPA recommends including a Construction Emissions Mitigation Plan (CEMP) for fugitive dust and DPM in the DEIS and adopting this plan in the Record of Decision. The following mitigation measures should be included in the CEMP in order to reduce impacts associated with emissions of particulate matter and other toxics from construction-related activities:

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. Control technologies such as particle traps and specialized catalytic converters can significantly reduce emissions.
- Ensure that diesel-powered construction equipment is properly tuned and maintained, and shut off when not in direct use.
- Prohibit engine tampering to increase horsepower, except when meeting manufacturer's recommendations.
- Locate diesel engines, motors, and equipment staging areas as far as possible from residential areas and sensitive receptors (schools, daycare centers, and hospitals).
- Reduce construction-related trips of workers and equipment, including trucks. Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Lease or buy newer, cleaner equipment (1996 or newer model), using a minimum of 75 percent of the equipment's total horsepower.
- Use lower-emitting engines and fuels, including electric, liquified gas, hydrogen fuel cells, and/or alternative diesel formulations.

- Implement the following Fugitive Dust Source Controls:
 - Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate, to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
 - Install wind fencing and phase grading operations where appropriate, and operate water trucks for surface stabilization under windy conditions.
 - When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Water Resources

Clean Water Act Section 404

The DEIS should describe all waters of the U.S. that could be affected by the project alternatives, and include maps that clearly identify all waters within the project area. The discussion should include acreages and channel lengths, habitat types, values, and functions of these waters.

It appears a stream identified as Tecuya Creek runs along the border of the project parcels, and according to the National Wetlands Inventory, there may be isolated wetlands on or near the site. The project applicant should coordinate early with the Corps to discuss whether there is a need for a CWA Section 404 permit. Section 404 regulates the discharge of dredged or fill material into waters of the U.S., including wetlands. If a permit is required, EPA will review the project for compliance with *Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials* (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the CWA (“404(b)(1) Guidelines”). Pursuant to 40 CFR 230, any permitted discharge into waters of the U.S. must be the least environmentally damaging practicable alternative available to achieve the project purpose. Efforts should be made to align the alternatives for NEPA with the alternatives analysis required under CWA Section 404.

If water features are found onsite, the project design should make every effort to avoid them. Indirect impacts to these waters from land alteration should be evaluated.

Nonpoint Source Pollution and Low Impact Development

The project applicant should identify ways to minimize the project footprint and reduce impervious surfaces. Runoff from parking areas and roadways should be diverted into stormwater treatment structures such as bioretention areas, infiltration trenches or basins, or filter strips onsite. These and other low-impact development (LID) features should be included in the project design to ensure there is sufficient space allotted during the planning process. For more information see:

<http://water.epa.gov/polwaste/green/>.

Wastewater Treatment

The DEIS should specify the projected volumes of sanitary waste, how it will be treated, the effluent disposal method, and the potential impacts of the waste to surface and ground water. If land or subsurface disposal is proposed, discuss whether the site has the needed infiltration for effluent disposal based on the soil types present. We note that land spraying is not regulated by the EPA. Subsurface disposal can be regulated by EPA as a Class V well under the Underground Injection Control Program. The EPA contact for the UIC program is Leslie Greenberg, who can be reached at 415-972-3349 or Greenberg.leslie@epa.gov. The installation and calibration of any subsurface disposal lines should be closely monitored by the responsible engineer and we recommend this be included as a requirement in

the mitigation measures, along with development of a monitoring program that will ensure any spray and/or subsurface effluent disposal system is operating effectively. If wastewater would be disposed into surface waters, wastewater discharges may be subject to permitting requirements under the Clean Water Act's National Pollution Discharge Elimination System Program (NPDES).

Drinking Water/Groundwater

The DEIS should discuss the source of drinking water for the project. If the proposal includes development of an on-site drinking water system, this would be classified as a public water system (PWS) under the Safe Drinking Water Act (SDWA). A PWS is defined as any entity serving water for the purposes of human consumption to 15 or more active service connections or 25 or more people at least 60 days out of the year. This system could be provisionally classified as a Non-Transient/Non-Community (NTNC) public water system under the SDWA and would be subject to its requirements for NTNC systems. We recommend discussing the requirements for a PWS in the DEIS. Please be aware that baseline monitoring must begin and be submitted to EPA before water may be legally used by the public. Please contact Helen McKinley of EPA's Drinking Water Office at 415-972-3559 for more information and to coordinate the development of the drinking water system.

If groundwater will be utilized, the DEIS should identify whether there appears to be localized groundwater overdraft in the vicinity of the project site. Identify the effects of project pumping on nearby wells and identify nearby land subsidence as a result of groundwater pumping. It appears there is land subsidence in the project area – see: <http://pubs.usgs.gov/sir/2013/5142/pdf/sir2013-5142.pdf>

Water Conservation

California is experiencing record drought, and climate change threatens to increase the frequency and intensity of drought. The project description should include the purchase, installation, and implementation of water-efficient products and practices. This includes purchase of WaterSense labeled toilets and faucets, which use 20% and 30% less water respectively than conventional products. We recommend the project implement the 14 federal water efficiency best management practices, including those for boiler/steam systems, single-pass cooling equipment, cooling tower management, commercial kitchen equipment, and alternate water sources including rain water harvesting for irrigation, toilet flushing and fire suppression. The federal water efficiency BMPs are available at: <http://energy.gov/eere/femp/best-management-practices-water-efficiency>.

Hazardous Materials

It is possible that pesticide residues are present in the soil on the parcels used historically for agriculture. The DEIS should characterize the site with the goal of determining levels of soil contamination. We recommend that efforts be made to try to identify whether there were pesticide mixing areas on site, perhaps by interviewing individuals familiar with previous site agricultural operations. This is especially important because these areas have a much higher potential to be significantly contaminated, with a greater risk to human health and the environment if contacted or mobilized. Any sampling that may be conducted should be done in accordance with any knowledge discovered about site operations, and with a focus on areas that could offer opportunities for human contact or ecological impacts. If levels above EPA's Regional Screening Levels for residential soils are found, we recommend additional analyses be performed to ensure that the site does not present an unacceptable risk to human health.

Energy Conservation and Efficiency, Renewable Energy

The DEIS should evaluate energy conservation potential of the alternatives as required by the Council on Environmental Quality (CEQ) Regulations (40 CFR 1502.14(e)), and discuss greenhouse gas

emissions associated with energy use as recommended in the CEQ's Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions. The project should include energy efficiency measures as best practices for reducing greenhouse gases and these measures should be built in to the project description. In addition, the project location is conducive to solar energy generation, such as rooftop photovoltaics (PV), and/or PV on carports over parking lots. Shading parking areas also reduces evaporative emissions of air pollutants from parked vehicles. Solar water heating should be discussed and evaluated.

The Tribe may also want to consider the use of high-efficiency combined heat and power (CHP), also known as cogeneration, to meet project heating and energy loads. CHP facilities improve energy efficiency by up to 80% when compared to both heat and electricity generation. A market analysis of hotels and casinos developed by EPA's CHP Partnership shows that there is significant market potential for CHP in the hotel and casino market. See report at:

http://www.epa.gov/chp/documents/hotel_casino_analysis.pdf.

Environmentally Significant Agricultural Land

The site parcels include what appears to be agricultural land. The DEIS should assess whether the proposed project could have significant direct or indirect effects on prime or unique agricultural lands, as well as to any farmland of statewide or local importance. With less "prime" quality agricultural land available, greater reliance on marginally productive farmland will occur, resulting in greater soil erosion, increased fertilizer requirements, and increased environmental damage.

Biological Resources

The DEIS should identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. The document should identify and quantify which species or critical habitat could be directly or indirectly affected by each alternative. If threatened or endangered species may be impacted by the proposed project, we recommend that the DEIS include a biological assessment, as well as a description of the outcome of consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

Invasive Species and Pollinator-friendly Landscaping

Executive Order 13112 on Invasive Species calls for the restoration of native plant and tree species. If the proposed project will entail new landscaping, the DEIS should describe how the project will meet the requirements of Executive Order 13112.

Landscaping plans for the project site should consider President Obama's federal memorandum issued in June 2014 entitled *Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators* which directs Federal agencies to take steps to protect and restore domestic populations of pollinators. To help achieve this goal, CEQ issued an addendum to its sustainable landscape guidance on October 22, 2014 entitled *Supporting the Health of Honey Bees and other Pollinators* which provides guidance to help Federal agencies incorporate pollinator friendly practices in new construction and landscaping improvements. See: <http://www.whitehouse.gov/the-press-office/2014/06/20/presidential-memorandum-creating-federal-strategy-promote-health-honey-b> and http://www.whitehouse.gov/sites/default/files/docs/supporting_the_health_of_honey_bees_and_other_pollinators.pdf.

Cumulative Impacts

Cumulative impacts analyses are of increasing importance to EPA as they describe the threat to resources as a whole. Understanding these cumulative impacts can help identify opportunities for minimizing threats.

We recommend the BIA focus on resources that are impacted by the proposed project, before mitigation. The DEIS should identify which resources are analyzed for cumulative impacts, which ones are not, and why. The DEIS should define the geographic boundary for each resource to be addressed in the cumulative impact analysis and describe its current health and historic context. The DEIS should identify other on-going, planned, and reasonably foreseeable projects in the study area that may contribute to cumulative impacts. Where studies exist on the environmental impacts of these other projects, use these studies as a source for quantifying cumulative impacts. We suggest the methodology developed by Federal Highways Administration and Caltrans, with assistance by EPA, for use in assessing cumulative impacts and growth-related indirect impacts, available at:

http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm . While this guidance was prepared for transportation projects in California, the principles and the 8-step process outlined therein can be applied to other types of projects. For this project, we recommend a thorough assessment of cumulative impacts to wetlands and waters of the U.S., air quality, biological resources, and prime agricultural land. Cumulative traffic impacts should also be assessed.

When cumulative impacts are identified, mitigation should be proposed. The DEIS should clearly state BIA's mitigation responsibilities, the mitigation responsibilities of the Tribe and other entities, and the mechanism to be used for implementation.

Green Building Certification

We recommend that BIA and the Tribe utilize the Leadership in Energy and Environmental Design (LEED) standard for green building. The Tribe should specify in its development contracts that the developer design and construct the facility for LEED certification. More information about the LEED green building rating system is available at <http://www.usgbc.org/leed>. This would offer an additional opportunity for marketing the facilities as environment-friendly, and for the Tribe to establish themselves as recognized leaders in the green building sector.

We understand that indoor smoking provides some limitations to LEED certification. To address this, smoking sections could be provided separately which would allow the rest of the facilities to pursue LEED certification. A past survey by J.D. Power and Associates shows that a vast majority (85%) of Southern California Indian gaming casino customers prefer a smoke-free environment¹.

Traffic Impacts

It appears that the project parcels are near a freeway exit of State Highway 99. Careful planning should occur to minimize traffic hazards and facilitate traffic flows to the site. Mitigation, such as upgrades to local roads, signage, and signaling, should be identified.

Coordination with Land Use Planning Activities

The DEIS should discuss how the proposed action would support or conflict with the objectives of federal, state, tribal or local land use plans, policies and controls in the project area. The term "land use plans" includes all types of formally adopted documents for land use planning, conservation, zoning and

¹ <http://500nations.com/news/California/20080707.asp>

related regulatory requirements. Proposed plans not yet developed should also be addressed if they have been formally proposed by the appropriate government body in a written form (CEQ's Forty Questions, #23b).

We appreciate the opportunity for early participation in the evaluation of the potential environmental impacts associated with this project. If you have any questions, please contact me at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karen Vitulano", with a stylized flourish at the end.

Karen Vitulano
Environmental Review Section

cc: Kathryn Morgan, Chairwoman, Tejon Indian Tribe

Comment Letter A-2

Lorelei H. Oviatt, AICP, Director
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2323
Phone: (661) 862-8600
Fax: (661) 862-8601 TTY Relay 1-800-735-2929
Email: planning@co.kern.ca.us
Web Address: <http://pcd.kerndsa.com/>



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Planning
Community Development
Administrative Operations

September 1, 2015

US Department of Interior
Bureau of Indian Affairs
Pacific Regional Office
Amy Dutschke Regional Director
Attn: John Rydzik
2800 Cottage Way
Sacramento, California 95825

PACIFIC REGIONAL
OFFICE
2015 SEP -8 AM 4:14
File: Tejon Tribe
BIA EIS
PERMS

RE: Tejon Tribe Project - Request for Cooperating Agency Status for Kern County

Dear Ms. Dutschke,

Thank you for the notification of the proposed Environmental Impact Statement (EIS) for the application for a fee-to-trust and gaming facility for the Tejon Tribe in Kern County.

The Kern County Board of Supervisors on June 3, 2015, considered a request from the Tribe to begin negotiations and was briefed on the pending application with the Bureau of Indian Affairs (BIA) and the cooperating agency consultation process. The Board has a standing resolution (attached) for direction to the Kern County Planning and Community Development Department to request Cooperating Agency Status on Federal actions of importance and interest to Kern County.

Kern County requests Cooperating Agency status and has identified the Kern County Planning and Community Development Department as the coordinating agency for the EIS.

Craig M. Murphy, Division Chief, will be your staff contact on this matter and can provide any coordination assistance and guidance you may need with other county departments as well as existing environmental information about Kern County. He can be contacted at 661-862-8739 or Murphyc@co.kern.ca.us.

Sincerely,

A handwritten signature in cursive script that reads "Lorelei H. Oviatt".

LORELEI H OVIATT, AICP, Director
Kern County Planning and Community Development Department

cc: CAO
County Counsel
Clerk of the Board
Tejon Tribe - Kathy Morgan

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF KERN, STATE OF CALIFORNIA**

In the matter of:

Resolution No. 2002-241
Reference No. _____

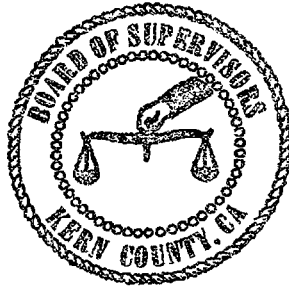
**REQUEST TO AUTHORIZE PLANNING DIRECTOR
TO SEEK COOPERATING AGENCY STATUS ON
APPROPRIATE CASES UNDER THE NATIONAL
ENVIRONMENTAL POLICY ACT (NEPA)
WITH FEDERAL AGENCIES**

I, DENISE PENNELL, Clerk of the Board of Supervisors of the County of Kern, State of California, hereby certify that the following resolution, on motion of Supervisor Parra, seconded by Supervisor McQuiston, was duly and regularly adopted by the Board of Supervisors of the County of Kern at an official meeting thereof on the 25th day of June, 2002, by the following vote and that a copy of the resolution has been delivered to the Chairman of the Board of Supervisors.

AYES: McQuiston, Perez, Patrick, Vacant, Parra

NOES: None

ABSENT: None



DENISE PENNELL
Clerk of the Board of Supervisors
County of Kern, State of California

Judy A. Perry
Deputy Clerk

RESOLUTION

Section 1. WHEREAS:

(a) The Board of Supervisors are concerned about the adverse impacts on the economy, private property rights, resources and land use within the County arising from plans, programs and decisions of Federal Agencies, including, the Bureau of Land Management, U.S. Forest Service, U.S. Park Service, U.S. Bureau of Reclamation and U.S. Fish and Wildlife Service; and

(b) The National Environmental Policy Act (NEPA) of 1969 establishes an environmental policy for the nation, provides an interdisciplinary framework for environmental planning by federal agencies and contains action-forcing procedures to

ensure that federal agency decision makers take environmental factors into account (42.U.S.C 4321; 40 C.F.R. 1500.1); and

(c) The Council on Environmental Quality has established the following six fundamental objectives for NEPA: 1) supplemental legal authority, 2) procedural reform, 3) disclosure of environmental information, 4) resolution of environmental problems, 5) fostering of intergovernmental coordination and cooperation, 6) enhancing public participation in government planning and decision making; and

d) The Council on Environmental Quality has provided clear direction to federal agencies to actively consider granting local governments cooperating agency status;

Section 2 NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Kern, State of California, as follows:

1. That all of the above facts are true and that this Board has jurisdiction over the subject mater of this Resolution.

2. This Board authorizes the Planning Director to send appropriate correspondence to federal agencies that have a proposal subject to review under NEPA, that involves issues and concerns consistent with the Home Rule Program, requesting the federal agency extend Kern County cooperating agency status for that project.

3. The Clerk of the Board shall also cause copies of this Resolution to be sent to the following:

- (a) County Administrative Office
- (b) County Counsel
- (c) Director Planning Department
- (d) Senator Barbara Boxer,
U.S. Senate
112 Hart Senate Office Building
Washington, D.C. 20510-0505
- (e) Senator Dianne Feinstein
U.S. Senate
331 Hart Senate Office Building
Washington, D.C. 20510-0504
- (f) Congressman Calvin Dooley
U.S. House of Representatives
1227 Longworth House Office Building
Washington, D.C. 20515-0520

- (g) Congressman William Thomas
U.S. House of Representatives
2208 Rayburn House Office Building
Washington, D.C. 20515-0521
- (h) Bureau of Land Management, California State Office
2800 Cottage Way, Room W-1834
Sacramento, CA 95825-1886
- (i) Bureau of Land Management, California District Office
6221 Box Springs Blvd
Riverside, CA 92507
- (j) Honorable Gale Norton, Secretary of the Interior
U.S. Department of the Interior,
1849 C Street, NW
Washington, D.C. 20240
- (k) Honorable Ann Veneman, Secretary of Agriculture
14th & Independence Avenue SW
Room 200A, Washington, D.C. 20250
- (l) Arthur L. Gaffrey, Forest Supervisors
Sequoia National Forest
900 West Grant Avenue
Porterville, CA 93257

BD:WL
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02.2750
CC20022086

COPIES FURNISHED:
<i>See above</i>
<i>6-27-02 ja</i>

GROUP/ORGANIZATION COMMENTS



TriCounty Watchdogs

PO Box 6407 Frazier Park, CA 93222

10 Sept 2015

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

NOI COMMENTS, TEJON INDIAN TRIBE PROJECT

Dear Director Dutschke,

I write on behalf of the Tri County Watchdogs, an environmental organization that promotes preservation of natural resources, ecotourism, and responsible development in the area adjacent to Tejon Ranch. Our members come from Gorman, Lebec, Frazier Park Pinon Pines, Lockwood Valley, and Pine Mountain Club, a large community that spans Kern, Los Angeles and Ventura Counties. We wish to give input into the scoping process for the proposed Tejon Indian Casino on a 306-acre parcel at Hwy 99, Maricopa Hwy, and Fwy 5.

Three related issues form our primary concern with this proposal.

Our **first** issue is that the casino complex will require the destruction of extensive archeological sites. This land is located at the southern shore of the former Kern Lake, home of several Kern Lake Yokuts (Hometwoli) villages before the land was appropriated and the lake drained for agricultural use. The 250,000 sq. ft. casino and subsequent 300-room hotel will eradicate the original village sites. Even if the artefacts are removed to a tribal repository at Bakersfield University (as is proposed), this formerly highly populated and therefore highly important site will be obliterated.

Secondly, still keeping to the issue of archeological importance, the federally recognized Tejon Indian tribe that is proposing this casino has no actual ancestral or cultural ties to the Kern Lake Indian peoples. Another group does, and they need to be allowed a determining voice in what happens to this land.

At least 400 Kern Lake tribal descendants still live around here. We have read Frank F. Latta's book on the Yokuts and we have examined an 1880's map that shows Kern Lake Yokuts-Hometwoli/Halaumne territory (the proposed site of the casino), with Buena Vista Tulamni Yokuts territory to west of it, and Yowlumne Yokuts territory to the east; then, further east, part of a separate language group, is Kitanemuk territory. As we understand it, all these groups (along with many other adjacent settlements) had been forcibly removed to Tejon land by Colonel Beale, but some people escaped and through various causes the numbers became very small, so all the different peoples united into one (analogous to the states uniting within the United States). They negotiated a treaty deed for the Sebastian Military Reservation which was unfortunately not ratified by the Senate. Subsequently, the Reservation was lost to Beale's private ownership; some people stayed and worked for Beale in order to stay on the land. In 1995 the united groups again filed for tribal recognition; one member of the proposed tribe, however, got connected with a Las Vegas investor with deep pockets, and the tribe split. The part that paired with the gambling investors and was subsequently federally recognized as the Tejon

Indian Tribe, identifies as Kitanemuk and has no cultural connection to the Kern Lake Yokuts land that has been chosen for their "reservation" casino. The other part, which is still petitioning for federal recognition as the the Kitanemuk & Yowlumne Tejon Indians, is culturally affiliated with Kitanemuk, Yowlumne & Kern Lake Yokuts, and Emigdiano & Ventureno Chumash. This group is requesting and must be given a deciding voice over the use of this land.

Thirdly, the Millennium Management Group that is promoting the casino apparently is helping fund the factionalization of the Tejon Indian peoples. The faction that favors the casino has had the funding to succeed in its drive for recognition at the expense of the rest of the group who were dropped from possible membership in a more inclusive tribe. The excluded members are suing to gain recognition, and if they achieve it, claims to this land and its use will certainly be contested.

In addition to the above cultural issues, we request that the EIS give a hard look at some important **Environmental Issues**:

1. Increased traffic on the I-5 will add even more air pollution to the already dirty air. Bakersfield consistently ranks at or near the bottom nationally in air pollution --in 2015 it climbed to 3rd worst in the United States, and increased traffic might put it back at #1.
2. A hotel and casino will put great stress on precious water sources.
3. A hotel and casino will create a huge amount of artificial light, which may have an effect on the "dark skies" so valued by astronomers and astral photographers in the Frazier Park area.
4. There may be endangered species on the land. Although the property in question appears to have been disturbed from its natural state, there is some chance that a special status plant or animal species might be present on this land. There are several species with protected status that are found near or have the potential, to be found near the land in question. Besides the cactus, there is the San Joaquin coachwhip (a snake), the burrowing owl and the San Joaquin kit fox. There may be other species. We are just naming the ones we are sure of right now. This land certainly was habitat for most or all of these species before modern disturbance, and all of the above-named species have a good chance of being found within five miles of the land at this time.

In addition, there are also many **Social Concerns** that should be addressed in the EIS. Bakersfield/Kern County social service agencies currently need to solve urgent problems associated with high methamphetamine addiction, high teenage pregnancy rates, and low education rates. Will gambling addiction be added? Although the correlation between casinos and crime is contested, everyone agrees that gambling addiction is a problem exacerbated by casinos. In the words of a PBS *Frontline* program on the subject,

"Experts on pathological gambling have shown that the prevalence of this disorder is linked closely to the accessibility and acceptability of gambling in society. Like alcoholism, just a small percentage of Americans are susceptible. As more people try gambling in its various forms, however, more of those prone to the illness are exposed. So, the more legalized gambling a state makes available, the more pathological behavior is triggered." ("Is there a Cure for America's Gambling Addiction?" at <http://www.pbs.org/wgbh/pages/frontline/shows/gamble/procon/horn.html>).

Bakersfield/Kern County Social Services is already overwhelmed, and now gambling addiction could be added to the list of social problems they must deal with. How will additional social

services and workers be paid for?

Lastly, there is the public health issue of Valley Fever, to which visitors to the casino will be exposed. According to the California Dept of Public Health, over 75% of cases reported in California are from the San Joaquin valley. People contract valley fever by breathing in the *Coccidioides fungusspores* after they are released from the soil. Digging up the soil for construction will disrupt the spores, and people who come to the casino with no natural immunity from growing up in the area will be exposed.

Thank you for including our comments in the scoping documents.
Sincerely yours,

Katherine King, Secretary
The Tri-County Watchdogs
Frazier Park, California 93222

A handwritten signature in purple ink, appearing to read 'Katherine King', with a long horizontal flourish extending to the right.

Comment Letter G-2

From: renee nelson <rdnelson12@gmail.com>

Date: Fri, Sep 11, 2015 at 12:04 PM

Subject: Tejon Tribe NOI Scope comments

To: john.rydzik@bia.gov

Cc: renee nelson <rdnelson12@gmail.com>

Renee Donato Nelson

Clean Water and Air Matter

12430 Backdrop Court

Bakersfield, California 93306

661-345-7321

Mr. John Rydzik

9/11/2015

2800 Cottage Way, Room W-2820

Sacramento, California 95825

Attn: Amy Dutschke

NOI COMMENTS, TEJON INDIAN TRIBE PROJECT

Dear Mr. Rydzik,

Thank you for taking the time to return my phone call and answer my questions. Please find my comments for additional review for the EIS for the proposed Tejon Indian Tribe Casino in Kern County, California.

Areas to be reviewed:

On-site Water quality and reclaimed water use (gray water)

On-site reclamation of waste water – this area has no sewer access

Alternative power generation

Seismic

On-site air quality mitigation measures

Transportation for employees/community

Access from both Mettler Frontage Road and secondary roads (Wildflower)

Community enhancements

Williamson Act contractual obligations

Thank you again.

Sincerely,

Renee Donato Nelson

Stand Up For California!

“Citizens making a difference”

www.standupca.org

P. O. Box 355
Penryn, CA. 95663

VIA OVERNIGHT MAIL

September 11, 2015

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

Re: NOI Comments, Tejon Indian Tribe Project
156A2100DD/AAKC001030/A0A501010.999900 253G

Dear Ms. Dutschke:

Stand Up for California! appreciates the opportunity to provide scoping comments on the August 13, 2015 Notice of Intent to Prepare an Environmental Impact Statement for the Tejon Indian Tribe's Proposed Trust Acquisition and Casino Project in Kern County, California.

The Notice of Intent states that the Tribe has submitted a request for the placement of approximately 306 acres of fee land in trust by the United States for the purpose of developing a gaming facility. The facility would initially be approximately 250,000 square feet, and in a subsequent phase, the Tribe will add an approximately 300-room hotel and banquet space. The proposed fee-to-trust property is located in unincorporated Kern County, immediately west of the town of Mettler, and approximately 14 miles south of the City of Bakersfield.

We are very concerned about the impacts the proposed project could have—both on the surrounding community and statewide. As a preliminary matter, aside from the facts mentioned above, there is very little information available regarding the proposed project. For example, it is unclear why the Tribe needs 306 acres at this time. The casino, hotel, and parking will take up approximately 50-60 acres, and the purpose of the remaining 246-256 acres is unknown. Thus, the comments below constitute an initial response only to the proposed project and focus on identifying both procedural and substantive areas of concern. We anticipate, however, that new issues will arise as more information regarding the Tribe's proposed casino is developed, and we plan to respond to those issues, as needed.

We have identified two general categories of concern: (1) comments relating to the procedure and schedule for the proposed project, and (2) comments specific to the preparation of the EIS. Because these topics are relevant to the BIA's consideration of the proposed casino, we summarize our concerns with respect to each below.

A. Process and Schedule

We have the following preliminary concerns regarding the process and schedule for the proposed project.

1. Contrary to the Discussion at the Scoping Meeting, the Proposed Project Is a Two-Part Determination

At the scoping meeting on September 1, 2015, AES described a review process to the public that is not consistent with our understanding of the applicable procedures. On August 20, 2015, Maria Wiseman, the Associate Deputy Director of the Office of Indian Gaming, informed us that this application is subject to the two-part determination process set forth in Section 20 of the Indian Gaming Regulatory Act, which requires a Secretarial finding of no detriment and gubernatorial concurrence before a final trust decision can be made.¹ Yet, AES described a process where a final trust decision would issue soon after the EIS is completed. We are very concerned that the process AES described was inaccurate and will mislead the public regarding the scope of participatory rights and the decisions that must be made. The Department must provide the public with accurate information; failing to do so is inconsistent with NEPA and the Administrative Procedure Act. The BIA should hold a second scoping meeting to correct the misimpressions that were created during the first meeting.

2. The Anticipated EIS Schedule Is Unrealistic

We also have concerns about the proposed EIS schedule, both because of the review processes that will apply under IGRA and because the schedule set forth in the public meeting is wholly unrealistic. The project website has posted an "Anticipated EIS Schedule."² Under that schedule, the Draft EIS and Public Comment Period are anticipated to occur during "Winter/Spring 2016." Even under a best-case scenario, such a timeline is entirely unrealistic for a project of this magnitude involving so many complex issues.

A more realistic schedule will involve a matter of years, not months. The BIA's website lists its latest decisions on Indian gaming, and the timelines associated with those projects are informative.³ For example, the BIA recently issued a no detriment finding under the two-part process for the 145-acre site in the City of Airway Heights, Washington, for the Spokane Tribe of Indians. In that case, the BIA issued the Notice of Intent in August 2009, the Draft EIS in March 2012, the Final EIS in February 2013, and the ROD in June 2015. Thus, the period of

¹ Stand Up! provided comments that address the inapplicability of the Section 20 exceptions to the Mettler Parcel on April 7, 2015 and July 22, 2015. We hereby incorporate those comments by reference.

² See <http://www.tejoneis.com/anticipated-eis-schedule/>.

³ See <http://www.indianaffairs.gov/WhatWeDo/ServiceOverview/Gaming/index.htm>.

time between the NOI and the ROD approached nearly six years.⁴ In addition, it took the BIA approximately 32 months to prepare the Draft EIS from the NOI. Similarly, the BIA recently issued a ROD for the trust acquisition of the Horseshoe Grande Site in Riverside County, California for the Soboba Band of Luiseno Indians, California. In that case, the BIA issued the Notice of Intent in December 2007, the Draft EIS in July 2009, the Final EIS in November 2013, and the ROD in May 2015—for a total period of time spanning nearly eight years.⁵ Although the period between the NOI and the Draft EIS was shorter—approximately 20 months—the application did not involve a two-part determination.

The schedule provided online, however, suggests that a Draft EIS will be prepared in six to eight months. In light of these recent examples, and the significant and complex issues to be considered as part of this proposed project, a more realistic (while still very aggressive) schedule would resemble the following:

- Scoping Comment Period: August 13 – September 14, 2015
- Scoping Meeting: September 1, 2015
- Scoping Report: Anticipated Fall/Winter 2015
- Draft EIS and Public Comment Period: Anticipated Fall 2017
- Final EIS: Anticipated Spring 2019
- ROD for IGRA Decision: Anticipated Late Spring/Summer 2019
- (assuming no detriment finding) Gubernatorial Consideration – (12 to 18 months) – Anticipated Spring/Summer-Fall/Winter 2020-21
- (assuming gubernatorial concurrence) ROD for Trust Decision – Anticipated Spring/Summer 2021

3. California Voters Strongly Oppose the Expansion of Gaming Off-Reservation

On November 4, 2014, almost 61% of California voters rejected AB 277 (Ch. 51, Stat. 2013), which ratified two compacts between California and, respectively, the North Fork Rancheria of Mono Indians, and the Wiyot Tribe. AB 277 would have allowed the North Fork to operate class III gaming on newly acquired lands and provided the Wiyot Tribe a share of the North Fork's profits. The compacts also exempted certain associated projects from compliance with the

⁴ See Record of Decision for the 145-acre site in the City of Airway Heights, Washington, for the Spokane Tribe of Indians, available at <http://www.indianaffairs.gov/cs/groups/webteam/documents/document/idc1-031452.pdf>.

⁵ See Record of Decision for the trust acquisition of the Horseshoe Grande Site in Riverside County, California, for the Soboba Band of Luiseno Indians, California, available at <http://www.indianaffairs.gov/cs/groups/webteam/documents/document/idc1-030437.pdf>.

California Environmental Quality Act. The outcome in Proposition 48 is an indictment of the Governor's approval of off-reservation gaming.

When 61% of California voters oppose off-reservation casinos, there is simply no basis to conclude that the proposed off-reservation casino would not be detrimental to the surrounding community. The BIA should view Proposition 48 as clear confirmation that California voters consider off-reservation gaming expansion as contrary to the public interest. Unless California enacts laws to govern such decisions, the BIA should not consider any off-reservation proposal in the State of California.

B. Environmental Review Under NEPA

We have the following concerns and comments relating specifically to NEPA and the EIS.

1. The Purpose and Need of the EIS and the Range of Alternatives

The BIA should carefully consider an appropriate purpose and need statement in framing the EIS. The EIS purpose and need statement is critical to compliance with NEPA. "The stated goal of a project necessarily dictates the range of 'reasonable' alternatives . . ." *City of Carmel-By-The-Sea v. U.S. Dep't of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1995) (citing *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 192 (D.C. Cir. 1991)). A deficient purpose and need statement means the EIS will not address an appropriate range of alternatives.

The statement of purpose and need is supposed to "briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." 40 C.F.R. § 1502.13. The BIA must first reasonably and fairly define the project's purpose. *Simmons v. U.S. Army Corps of Eng'rs*, 120 F.3d 664, 666 (7th Cir. 1997) (citing *Citizens Against Burlington*, 938 F.2d at 195-96). Importantly, the BIA, not the project applicant, must "tak[e] responsibility for defining the objectives of an action and then provide legitimate consideration to alternatives that fall between the obvious extremes." *New Mexico ex rel. Richardson v. BLM*, 565 F.3d 683, 711 n.32 (10th Cir. 2009) (quoting *Colo. Env'tl. Coalition v. Dombeck*, 185 F.3d 1162, 1175 (10th Cir. 1999)).

The BIA must also take into account its own statutory mandates, not just the applicant's preferences. See *New York v. Dept. of Transp.*, 715 F.2d 732, 743 (2d Cir. 1983); *Westlands Water Dist. v. U.S. Dept. of Interior*, 376 F.3d 853, 866 (9th Cir. 2004). Here, there are two applicable statutes: (1) the Indian Reorganization Act, which relates to the trust acquisition decision; and (2) the IGRA gaming eligibility determination, which relates to where, when and how gaming is to occur. This NEPA requirement underscores why it is critical to determine the appropriate IGRA process *now*, because the statutory purpose under the two-part process is different from other processes. Here, the relevant "statutory objectives" are the dual findings that the Secretary must make before seeking gubernatorial concurrence under the two-part process: that (1) gaming is beneficial to the Tribe and (2) not detrimental to the surrounding community. 25 U.S.C. § 2719(b)(1)(a).

The BIA's EIS purpose and need statement must incorporate both (1) the need to promote the Tribe's economic development, self-sufficiency, and self-government and (2) the need to avoid detriment to the surrounding community. Properly understood, the purpose and need for the

BIA's proposed action makes clear that alternative locations outside of the proposed project site must be evaluated.

The EIS must also examine a reasonable range of alternatives to the proposed federal action (trust acquisition of the proposed site in Kern County). The "heart" of an EIS is its alternatives discussion, which must "inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts." 40 C.F.R. §§ 1502.1, 1502.14. "The existence of a viable but unexamined alternative renders an [EIS] inadequate." *Westlands Water Dist.*, 376 F.3d at 868 (quoting *Morongo Band of Mission Indians v. Fed. Aviation Admin.*, 161 F.3d 569, 575 (9th Cir. 1998)). Considering only one option is not a "range of alternatives," much less a reasonable range sufficient "to permit a reasoned choice." *Presidio Golf Club v. Nat'l Park Serv.*, 155 F.3d 1153, 1160 (9th Cir. 1998).

Under the two-part determination, BIA must look at alternatives that are not detrimental to the surrounding community. At a minimum, a reasonable range of alternatives must examine several off-reservation locations outside of the proposed area, but still within the Tribe's traditional territory. Each location must be evaluated for both gaming and commercial non-gaming economic development. Different development scenarios for the same location, however, must not be treated as separate alternatives, if the federal actions involved are the same (e.g., different development scenarios for large and small class II gaming operations on the same site do not require different federal actions). Alternative sites must not be chosen in locations that allow them to be rejected out of hand as unsuited for economic development.

The proposed project site is obviously not the only possible location for the Tribe's economic development, nor is it the only off-reservation gaming location that should be considered. The EIS must consider other suitable areas within the Tribe's traditional territory. Further, as discussed below, we are concerned that the proposed project area may actually be within the traditional territory of a different tribe.

Finally, the alternatives analysis in the EIS must consider the possibility of future expansion. There would be nothing preventing the Tribe from building a casino and hotel on the proposed site, and then later seeking to have adjoining land taken into trust to expand operations. The potential for future gaming expansion must be considered in the EIS to avoid improper segmentation of the required NEPA analysis.

2. Cumulative Impacts

The EIS must evaluate cumulative impacts. Under 40 C.F.R. § 1508.7, a cumulative impact is "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time."⁶ Here, the EIS must carefully analyze all past, present, and future other projects in Kern County and surrounding areas, to determine what the cumulative impacts would be.

⁶ 40 CFR § 1508.7.

The BIA must also examine the likelihood of additional trust acquisitions and further development of trust lands that will not be subject to state or local law, BIA approval, or environmental review, including the foreseeable subsequent development of class III gaming at the proposed project site. There is a substantial likelihood that the Tribe will seek to negotiate a compact with the State, if the proposed project site is developed, and if the State refuses, the Tribe may sue the State for failing to negotiate in good faith under IGRA. The BIA must also address the likelihood that the Tribe will seek additional land.

3. Mitigation and Enforceability

Before concluding that impacts are less than significant, the BIA must address mitigation of impacts in the EIS, including whether mitigation measures and project design parameters are actually enforceable. A promise that the Tribe will negotiate a mitigation agreement sometime in the future is not a reasonable basis for concluding that impacts will be less than significant, and relying on such empty assurances renders the NEPA analysis arbitrary and capricious.

Further, while some mitigation measures that might be required under federal law—i.e., Clean Water Act requirements—would be enforceable, until federal approvals are issued, the exact nature of the mitigation required in such federal approvals or permits is uncertain. Such federal approvals should be obtained prior to approval of a trust request. In addition, the BIA cannot reasonably rely on tribal law because tribal law is subject to unilateral change by the Tribe itself, and therefore cannot be considered an independent source of authority to enforce mitigation requirements against the Tribe. Tribal sovereign immunity is a significant limitation on enforcement actions, and the EIS must consider its effect on the enforceability of mitigation measures. Similarly, the EIS must evaluate mitigation measures in any intergovernmental agreements as to enforceability.

No two-part determination has ever been qualified by specific project design parameters, and the BIA has never taken the position that it has the power (or the inclination) to ensure compliance with whatever mitigation measures it chooses to include in an EIS. Accordingly, setting forth a list of mitigation with no discussion of its enforceability would violate NEPA and the Administrative Procedure Act.

4. Specific Impacts

a. Water Resources

California is in the midst of an extreme and historic drought due to a lack of rain and snowfall over three straight years. The state has undertaken substantial and unprecedented actions to address the drought's impacts. In January 2015, Governor Brown declared a drought State of Emergency and directed state officials to take all necessary actions to prepare for water shortages. Further, in his April 1, 2015 Executive Order, Governor Brown instituted a 25 percent mandatory water use reduction for cities and towns across California. In addition, California voters recently approved Proposition 1 on November 4, 2014. It is a \$7.5 billion water bond initiative to fund various state water supply infrastructure projects. The largest portion of funds is devoted to surface and groundwater storage projects, highlighting the importance of groundwater management during drought conditions.

California now has an important new water conservation law that invites tribes to participate on a voluntary basis only. On September 16, 2014, Governor Brown signed new legislation regulating groundwater use.⁷ The new law requires local agencies in fast-depleting basins to draw up and implement groundwater sustainability plans to put groundwater basins on a path to sustainability by 2040.

The fact that tribes are not required to participate under the new law will create significant jurisdictional issues if the land goes into trust. The surrounding communities will have to comply with the new law, but the Tribe will not. State and local jurisdictions will have no oversight regarding the amount of water used on tribal lands, which will be very substantial as a result of the proposed casino and hotel. It will be very difficult for the surrounding areas to comply with California's new sustainability requirements in light of the tribal exemption, absent an enforceable agreement. Accordingly, the Tribe must develop agreements with the surrounding communities to address this issue; otherwise, it cannot demonstrate that the proposed project will not be detrimental.

The EIS must very carefully evaluate the proposed project's impacts on California's already-scarce water resources. The proposed project is substantial in size and will involve significant water usage—during both construction and operation. As just one example, the construction phase of the casino could require the watering down of the areas multiple times daily in order to preserve air quality. These issues will harm the surrounding communities and must be carefully addressed in the EIS.

b. Socioeconomic Impacts

The EIS must evaluate the socioeconomic impacts of the proposed fee-to-trust acquisition of 306 acres, which would affect landowners, businesses, and local and state governmental entities. The creation of federal trust lands for the Tribe would cause a loss of revenue to local and state general funds. Activity on tribal land is exempt from local and state taxation. The Tribe will not pay corporate income tax on its profits, nor will it collect state and local sales taxes on goods and services that are purchased and used or consumed only on the 306 acres. The tribal enterprise will not be required to pay state and local sales taxes on products it uses at the casino, including both big-ticket items (such as slot machines and gaming tables, hotel furniture, ovens and other kitchen appliances) and ongoing purchases (such as cleaning products, office supplies, and worker uniforms). In addition, the EIS should consider the effect of leasing regulations that purport to exempt all non-Indian activity taking place within Indian country from generally applicable state and local taxation.⁸

The EIS must evaluate the fiscal impact to the State of California as well as local jurisdictions. Federal Indian policy providing tax exemptions will significantly impact the local and regional tax revenues, thus affecting public services. The dollars spent at the proposed casino come at the expense of other consumer spending within the state. Net state and local tax revenues are certain to decline. Additionally, following the 2010 decision by the Ninth Circuit Court, *Rincon v. Schwarzenegger*, in which the Court ruled that revenue sharing with the state was an

⁷ The new legislation consists of three separate bills: AB 1739, SB 1168, and SB 1319.

⁸ 25 C.F.R. 162.017 (77 Fed. Reg. 72440, Dec. 5, 2012).

impermissible tax, there can be no revenue share to the state general fund in a tribal state compact between California and any tribe. Thus, future compacts cannot recoup the significant annual loss of revenues to the State.

The creation of new Indian lands for an off-reservation casino creates a significant loss of property taxes, as well as a loss of sales tax and other revenues, resulting in a net decrease in State General Fund revenues. For these reasons, off-reservation gaming is a statewide issue. It directly affects the state's ability to provide or maintain social service programs that many Californians rely upon, regardless of where they live in the state.

The EIS likewise should not assume that the casino's construction and operation would be staffed by the currently unemployed people in the region, as opposed to new workers from outside of the region. Although casino construction and operation can mean job creation and growth, that is not always the case. This issue was examined in an Illinois study, in which, of the 16 regressions run, only three municipalities showed a statistically significant increase in employment or decrease in unemployment.⁹ The same regressions indicated that for every job created, local businesses lost one or more jobs. *Id.* Another study, conducted by the *New York Times*, found that 27 out of 57 counties analyzed experienced a net job loss. *Id.* The relationship between casinos and job creation is complex:

The relationship between casinos and employment involves the location of the casino and the required skill level of its work force. The general premise is that casinos increase employment because a casino's operation requires labor and this labor will come from the local area, thus reducing local unemployment. The question to ask is not only whether casinos decrease unemployment, but also for whom they decrease unemployment. Most casino jobs require some skill, be it accounting, dealing cards, security, or other expertise. If a casino is planning to move to a rural area that has a relatively less-skilled work force, the casino probably will draw skilled labor from outside of the area.¹⁰

The EIS therefore needs to explore whether there is sufficient skilled labor in the proposed project region.

c. Public Health and Safety

The proposed project raises multiple issues and concerns regarding public health and safety, which must be analyzed in the EIS. Numerous studies have shown that casino gambling may be correlated with domestic violence, divorce, bankruptcy, drug and alcohol abuse, risky or illicit sexual behavior (especially prostitution), and problem gambling.

As the *Bakersfield Californian* has noted, a 2006 report by the California Council on Problem Gambling found a high incidence of addictive gambling behavior in areas served by Indian

⁹ http://www.picapa.org/docs/Plan_Reports/2008_2012_plan.pdf.

¹⁰ <http://research.stlouisfed.org/publications/review/04/01/garrett.pdf>.

casinos, and Indian casinos were reported to be the primary gambling preference of problem gamblers by a wide margin. Another concern is that the poor tend to spend a greater percentage of their income on gambling than wealthy people do, and Kern County is among the poorest counties in the nation.¹¹ The town of Mettler in particular is a very low-income area. This potentially raises environmental justice concerns, as well as public health and safety and socioeconomic issues.

Gambling addiction hotline calls from the local 661 area code are currently among the fewest in the state,¹² but that would likely change with the development of the proposed casino. The increase in the number of pathological gamblers is a concerning issue regarding the development of casino gambling, and there are increasing concerns regarding child neglect and family problems associated with casinos.

Some studies have determined that areas in which casino development has occurred have faced growing demands for child protection, marriage counseling, and other social service programs. For example, studies cited by *The Washington Post* determined that casinos “lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violate crime, auto theft and larceny, and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling.”¹³ Looking specifically at the impact of casinos on crime, a 2006 study published in *The Review of Economics and Statistics*, a prestigious academic journal produced by Harvard and MIT, concluded that opening a casino led to local crime increases averaging eight percent.¹⁴ Criminal activity at casinos has been well documented for decades, with casinos becoming a particular hotbed for gangs and the mob.¹⁵ The EIS should review relevant studies regarding the effects of gambling and casinos to determine the likely impacts on crime, the local community, and social service programs. The possible economic uses for medical marijuana should also be taken into account in light of recent legislation.

d. Valley Fever

As a separate issue from the societal ills associated with casinos, Kern County has experienced a recent and concerning spike in Valley Fever. Valley Fever is a serious illness caused by a fungus that is present in the soil in Kern County. People become infected by inhaling fungal spores. The most common symptoms are flu-like, consisting of cough, fever, headache, chest pain, and fatigue. However, complications may occur and can result in death. Anyone who lives, works,

¹¹ “Tejon Casino Would Bring Good and Bad,” *The Bakersfield Californian*, Jan. 7, 2012.

¹² *Id.*

¹³ Dylan Matthews, “Studies: Casinos Bring Jobs, but Also Crime, Bankruptcy, and Even Suicide,” *The Washington Post*, Oct. 30, 2012, available at <http://www.washingtonpost.com/news/wonkblog/wp/2012/10/30/studies-casinos-bring-jobs-but-also-crime-bankruptcy-and-even-suicide/>.

¹⁴ Earl Grinols and David Mustard, “Casinos, Crime, and Community Costs,” *The Review of Economics and Statistics* (2006), available at <http://www.mitpressjournals.org/doi/abs/10.1162/rest.2006.88.1.28?journalCode=rest>.

¹⁵ See, e.g., <http://www.reviewjournal.com/news/crime-courts/shootings-casino-hospital-linked-gang>; <http://www.casinowatch.org/crime/mob.html>; <http://www.cbsnews.com/news/sorting-out-details-of-casino-chaos/>.

plays, or passes through an area where Valley Fever is found is at risk of getting the disease.¹⁶ Therefore, because Valley Fever is known to exist in the soil in Kern County, and the proposed project will involve substantial soil disturbance, the EIS must analyze the potential public health impacts related to Valley Fever, and the potential for exposure not only to construction workers, but also casino employees, guests, and local residents.

e. Traffic and Transportation

The EIS must assess the traffic and transportation impacts. A traffic study should be conducted. Traffic and air quality are already areas of concern in Kern County, and a project of this magnitude could create significant impacts to traffic, during both construction and operation. The proposed project raises concerns such as traffic jams, increased accident potential, increased incidents of drunk driving, parking needs, and generally how large numbers of guests and employees will get to and from a large casino and hotel.

At a minimum, the EIS should (1) evaluate the impacts of special event traffic included weekend and evening peak hours for the casino and hotel complex, as well as the cumulative impacts for any other event venues in the area; (2) evaluate the impacts of commute traffic generated by employees of the casino who do not reside in the immediate area, and how that traffic will affect the casino project when it is operating as well as during construction; (3) identify how transit access or buses will be operated as part of the property; (4) evaluate traffic safety issues related to the project including access to private property in the project area; (5) evaluate the emissions of criteria pollutants from the expected casino and hotel traffic and construction activities and compare to the Regional thresholds; and (6) address traffic noise impacts, during both construction and operation of the project.

f. Housing and School Impacts

Although details about employment at the proposed casino are unknown, a large casino of that size could easily employ several hundred full time-equivalent positions. The subsequent hotel would employ even more. The EIS must consider the impacts of people moving into the area for work and the availability of housing for them, as well as schools for their children. The number of actual full time employees the Tribe will hire is unknown and the effects on housing and schools not understood. In fact, many casino jobs are low wage jobs, and the EIS should consider whether housing—even if available—is affordable. In addition, the EIS must consider the impacts of people moving into the area to work on the proposed project's construction, and the availability of housing for those workers and their families.

g. Visual Resources/Aesthetics

The EIS must consider the impacts to visual resources caused by the proposed casino. The project site appears to be surrounded by largely undeveloped land, and constructing a very sizeable structure consisting of a casino and hotel will dramatically alter the landscape and visual aesthetics, possibly for miles around. Communities supporting casinos often face other visual impacts, including escalation of trash and decline of scenic beauty.

¹⁶ For more information about Valley Fever in Kern County, see <http://kerncountyvalleyfever.com/#>.

Further, as a result of a casino and hotel operating 24 hours a day, 7 days a week, there will be considerable associated light pollution. Again, in an otherwise largely undeveloped area, this light pollution could cause drastic visual impacts. In particular, night lights could significantly impact nearby residents, who may not support the casino but will have to live with its consequences.

h. Noise

Similarly, the EIS must consider the noise impacts of the proposed project. The construction of such a large project in an otherwise quiet area will create substantial noise impacts for local residents and others. Further, once the casino and hotel are in operation, noise impacts from increased traffic, large tourist gatherings, and other causes could be significant and should be analyzed in the EIS. Commercial activity taking place 24 hours a day, 7 days a week will be a new and unusual occurrence for the local community. In particular, the noise impacts occurring at night once the casino is in operation could significantly impact local residents and others.

i. Cultural Resources

The EIS must analyze the potential impacts to cultural resources in the area of the proposed project, especially due to the history of other tribes in the area. According to the 2013 Investigative Report of the Tejon Indian Tribe, research conducted by the OFA in 2007 and 2012 revealed that a number of other groups have potential historical, genealogical, and ancestral claims to the original Tejon Indians.¹⁷

Further, it appears the proposed project area is actually within the historical traditional territory of a different tribe. According to the *Handbook of Yokuts Indians*, historically the northern and western shores of Kern Lake were occupied by the Halaumne Yokuts tribe.¹⁸ Therefore, the EIS must carefully examine the history of the area and the potential impacts to its cultural resources.

j. Air Quality

We are very concerned about the potential impacts of the proposed project on air quality. Kern County already has a serious air quality problem and is currently in nonattainment, and traffic is already heavy in the project area. According to a recent report from the American Lung Association, Bakersfield ranked *third worst in the United States* for three main categories: ozone pollution, short-term particle pollution and annual particle pollution.¹⁹ In that same report, Kern County received an “F” for ozone pollution and poor grades for both short-term and annual particle pollution. *Id.* San Joaquin Valley has some of the most polluted air in the country, putting millions of residents at greater risk of lung cancer, asthma attacks, heart attacks, and premature deaths. *Id.*

¹⁷ Investigative Report of the Tejon Indian Tribe, Jan. 9, 2013, at 3. We have concerns with the reaffirmation of the Tejon Tribe, which we have expressed in previous comments submitted on July 22, 2015. We hereby incorporate those comments by reference.

¹⁸ Frank F. Latta, *Handbook of Yokuts Indians*, at 216.

¹⁹ “American Lung Association: Bakersfield has 3rd worst air in US,” *BakersfieldNow*, April 30, 2014, available at <http://www.bakersfieldnow.com/news/health/American-Lung-Association-Bakersfield-has-3rd-worst-air-in-US-257371041.html>.

Against this backdrop of already terrible air quality, the construction, operation, and increased traffic associated with a casino and hotel of this size will make the problem even worse. The EIS must very carefully analyze air quality impacts and the increased risks for residents, workers, and guests. It should evaluate the emissions of criteria pollutants from the expected casino and hotel traffic and construction activities and compare to the regional thresholds.

k. Biological Resources

The EIS must carefully analyze any impacts to biological resources under the applicable federal and state statutes. We do not currently have any specific information about the species that may be affected by the proposed project, but we are particularly concerned that the proposed project area is within a migratory corridor. Kern County is home to many plant and animal species that are protected under both the California and federal Endangered Species Act, and a project of this magnitude could have significant impacts on those species. Consultation may be required under the Endangered Species Act, and other statutes, such as the Migratory Bird Treaty Act, may be implicated as well.

l. Land Use

The EIS must evaluate potential land use issues associated with the proposed project. Although we do not yet have any information about the proposed project site, it appears from a map to be agricultural land. The EIS therefore needs to examine the land use requirements and other issues associated with converting agricultural land to commercial use. For example, California's Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. Along with other land use issues, the EIS should examine whether the proposed project site is subject to Williamson Act restrictions, and if so, what the financial consequences would be if the land is removed from agricultural use.

C. Conclusion

We thank you for this opportunity to provide our initial comments and concerns regarding the proposed fee-to-trust acquisition, and we look forward to providing additional comments and input as more information becomes available about the proposed project.

Sincerely,



Cheryl Schmit
Director, Stand Up for California

Comment Letter G-4**PUNJABI AMERICAN SENIOR CITIZENS CENTER**

Non-Profit Organization

EIN #27-2348790

Office: 2600 Wilson Road, Bakersfield, CA 93304

Mailing: P.O. Box 40884, Bakersfield, CA 93384

Email: paseniorcitizencenter@yahoo.com

Phone Number: 661-748-6074



September 14, 2015

John Rydzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, CA 95825

Subject: Oppose of Casino In Kern County

We, the Punjabi-American Senior Citizen Center of Bakersfield, Ca, oppose to the proposed-Casino in Kern County. Creating the Casino would create great problems in our city because it is not good for our community, families, kids and environment. In Kern County, it will affect the air pollution and a waste of water. We are already going through a drought and the air pollution is horrendous here in Kern County. It will create more crime in our community, with the amount of families living here with children; this will create our city to become very dangerous. Bakersfield is already populated enough; we do not need more crowd in the little space we have. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely


General Secretary
Punjabi American Senior Citizen Center
Non-Profit Organization
P.O. Box 40884
Bakersfield CA 93384


Chairman
Punjabi American Senior Citizen Center
Non-Profit Organization
P.O. Box 40884
Bakersfield CA 93384

SIERRA CLUB



KERN-KAWEAH CHAPTER

Kern-Kaweah Chapter
Sierra Club
P. O. Box 3357
Bakersfield Ca 93385

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

cc John Rydzic via e-mail john.rydzic@bia.gov

re: Trust Acquisition and Casino Project, Kern County, California

Dear Ms. Dutschke,

The below comments are in addition to the public statement I made on Sept. 2 at the Veteran's Hall in East Bakersfield, CA. I hope that our USPS date of mailing will be honored. Mr. Rydzic was helpful in providing his e-mail address.

- The location of the proposal is not specifically on the land that was originally the Sebastian Reservation. That land is now controlled by Tejon Ranch Corporation and the Tejon Ranch Conservancy. Why was this particular location chosen? What influence did the Tejon Ranch have in its selection? Are there other parcels that should be analyzed as alternative locations? Is there a demonstrated need for a gambling casino in an area within a one hour drive of another casino?
- Greenhouse Gas Emissions should be addressed. The California Global Warming Solutions Act of 2006 states that "global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California." Even though this is a federal land project it should be in accordance of the jurisdiction of the state surrounding it.
- The San Joaquin Valley where this project is proposed is in a non-attainment status for ozone pollutants. The San Joaquin Valley Air Pollution Control District should be consulted for air quality standards and significance thresholds. Also quantification of project emissions during the building and grading phases should be revealed.
- It appears from the Kern County assessors maps that farm land will be

converted to commercial use. The hamlet of Mettler is now a truck stop for certain crops in season. Will replacement land be offered in a 1x1 ratio to farmland lost?

- Transportation use should be studied per addition miles that will be added with the proposal. The area is and will be covered with many more vehicle trips. This is a corridor for agriculture and trucks transporting their loads to the Los Angeles Metropolitan area. Mettler is now a truck stop for certain crops in season. A circulation study should be initiated.
- Lighting for the project should be fully shielded so that no lighting escapes upward and little escaped horizontally to cause glare. The International Dark Sky Association (www.darksky.org) has guidelines that should be included as conditions of development.
- Water supply and quality should be studied as far as how many gallons can be secured from the well on site and its potable use. Will outside water need to be purchased? There are several creeks nearby such as Pleito Creek. They may be dry in this time of draught but will their stream course need to be altered and permits secured.
- The area is crossed by earthquake faults. Please include that information in the Draft EIS.
- The proposal is very close to the historic Kern Lake Bed. It is assumed that aboriginal peoples settled near water sources. Extreme caution will have to be made not to disturb any "home sites". Will artifacts or bodily remains halt the project? Non-partial (non Tejon Indian) geologists should study the area prior to excavation and during construction..
- Geology and soils should be studied. That is the possibility of flooding on the site.
- Biological Resources are important to this part of the San Joaquin Valley. There need to be studies done to locate T & E Species. Are there migration corridors from the lower Sierra Nevada and Transverse Ranges? What about protected plant species? Many sensitive and special status species have occurred historically in the vicinity of the project site. Many species such as birds of prey and the endangered San Joaquin Valley kit fox make a living along the margins of farmlands. Years ago a BLM employee, as a hobby, was searching for a specific plant (*Atriplex tularenses*) near the drained Kern Lake. Could it still be nearby?
- Most of all you cannot overlook public safety: fire danger, policing, trash and waste disposal. Should a sewage plant be included? It is our personal information that watermelons are traded in Mettler nearby and our many

of the watermelon haulers carry weapons because the crops are traded with cash. What if ultimately a casino were built?. There are evils encountered in gambling and the money that is used.

Please notify us of any future action on this proposal. We were notified verbally by a local resident and no official notification was made to my organization.

Sincerely,

A handwritten signature in cursive script that reads "Lorraine L. Unger". The signature is written in dark ink and is positioned above the typed name.

Lorraine L. Unger
Executive Committee
lorraineunger@att.net

PUBLIC/INDIVIDUAL COMMENTS

WRITTEN COMMENT CARD

Comment Letter P-1

BUREAU OF INDIAN AFFAIRS – PUBLIC SCOPING MEETING
TEJON INDIAN TRIBE TRUST ACQUISITION AND CASINO PROJECT

EAST BAKERSFIELD VETERAN'S BUILDING – BAKERSFIELD, CALIFORNIA

September 1, 2015

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW. WRITTEN COMMENTS ON THE SCOPE OF THE EIS MUST ARRIVE BY SEPTEMBER 14, 2015.

(Please write legibly)

Name: LINDA PETERSON Organization: Tule River Tribal Elder

Address: 31669 INDIAN RESERVATION PORTERVILLE CA 93257

Comment: The so called "Tejon" tribe should not be allowed to build at the proposed site as it is on their lands + there will not be homes built there only casinos. They have excluded other natives that could call themselves "Tejon." There are also cultural sensitive grounds there.

Thank you
Linda Peterson 9/9/15

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Ms. Amy Dutschke, Pacific Regional Director, 2800 Cottage Way, Sacramento, CA 95825. Please include your name, return address, and "DEIS Scoping Comments, Tejon Indian Tribe Trust and Casino Project" on the first page of your written comments.

WRITTEN COMMENT CARD Comment Letter P-2

BUREAU OF INDIAN AFFAIRS - PUBLIC SCOPING MEETING TEJON INDIAN TRIBE TRUST ACQUISITION AND CASINO PROJECT

EAST BAKERSFIELD VETERAN'S BUILDING - BAKERSFIELD, CALIFORNIA

September 1, 2015

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW. WRITTEN COMMENTS ON THE SCOPE OF THE EIS MUST ARRIVE BY SEPTEMBER 14, 2015.

(Please write legibly)

Name: DENNIS FOX Organization: _____

Address: 918 Blossom St, Bakersfield, CA 93306

Comment: Water quality is an actual concern. Not only of chemicals but also mine district runoff. This is a responsibility of the Kern County Water agency which is a marketing organization only.

Air quality would suffer less if located further south @ Loma Linda Lakes etc for parking availability would be a better draw for LA patrons and Kern is a non-attainment area

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Ms. Amy Dutschke, Pacific Regional Director, 2800 Cottage Way, Sacramento, CA 95825. Please include your name, return address, and "DEIS Scoping Comments, Tejon Indian Tribe Trust and Casino Project" on the first page of your written comments.

Comment Letter P-3

From: **Mary Griffin** <maryjo111@yahoo.com>
Date: Thu, Sep 10, 2015 at 3:37 PM
Subject: NOI Comments, Tejon Indian Tribe Project
To: "john.rydzik@bia.gov" <john.rydzik@bia.gov>

From: Mary J. Griffin, 1604 Duke Drive, Bakersfield, CA 93305

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

Re: NOI Comments, Tejon Indian Tribe Project

Dear Ms. Dutschke,

I have concerns about the location of the proposed Tejon Indian Tribe casino near 99 and Maricopa Highways:

1. Light pollution - The building of a casino will not be consistent with the rural character of the area. There has been a great deal public investment to preserve, restore, even enhance the Pacific Flyway. Kern County is a "hot spot" for migratory birds. Many critters here (if not, most, because of the heat) are nocturnal. Pollination is an important component in the Kern County economy. The EIS should delineate light and glare at full build-out for this project.
2. Endangered Species - It is difficult to identify and monitor endangered species here since an ordinance exempts on-going farming operations from the Endangered Species Act.
3. Seismic activity - This area is an earthquake-prone zone. The EIS should identify the faults.
4. Flooding - Floods after downpours occur in this area. The EIS should account for worse traffic conditions and the run-off and debris from the casino's grounds.
5. Dust storms - Frequent dust storms contribute to poor visibility for traffic and bad air quality. The construction phases of the casino will make it worse. The EIS should survey for valley fever spores.
6. Public services - Any deal the County reaches with the Tejon Tribe should be made public to the people of Kern County before this project is approved.
7. Need for project - There are already Indian casinos within easy reach. Many casinos are providing bus service. The EIS should identify any payments the Tejon Indians are receiving since recognition.
8. Alternatives - Is the BIA considering any other sites for a Tejon Indian casino? This is an area known for 'quakes, gully-washers, foul (or no) water, dust and filthy air.

Thank-you for the opportunity to comment. I would like to receive notice of future public meeting and the availability of documents.

Sincerely,

Mary Griffin

EIS -

SACRAMENTO, CA

RE: INDIAN CASINO / KERN COUNTY (NOI)
TEJON INDIAN TRIBE PROJECT
TAKE INTO CONSIDERATION

LOCATION - INTERSTATES I-5 & 99 + 1106
FOOT OF GRADE - INTERCHANG
VOLUMN 18 WHEELERS

PRIVATE VEHICLES
OF COLLISIONS NOW
EXISTING POLLUTION WITH
NO BURN POLICIES

FREEWAY - RECONSTRUCTION
(NOT ON TAXPAYER DOLLAR ?)

WATER - GOVERNORS MANDATORY
25% CUTBACKS ON WATER
LOCAL COMMUNITIES - WELLS DRY
AQUIFERS ALREADY DRY
DROUT - 5-10 YEARS

10 YEARS OF RAIN TO FILL

IT'S JUST NOT THE TIME OR PLACE FOR
THIS INDIAN CASINO.

P.S. ARVIN THE
MOST POLLUTED CITY
IN CALIFORNIA ?
°

GAYLE LUNDBERG
12116 SNOWLINE DR
FRAZIER PARK, CA
93025

1.0.1. Comments, Tion Indian
Tribe Project

To: Army Leutochke: ^{Dec 5}

I am writing to you in
support of the Tion Indian Tribe
gaming casino which has been
proposed near the junction of
Interstate 5 and Highway 99, near
Mettler, Kern County California.

Although, I am not a
gambler, I have been able to
see the benefits a number of
Native American tribes have
derived from operating casinos.

The Yavapai Tribal Nation
adjacent to my hometown of
Prescott, Arizona, is a prime
example. First, a resort was
developed with a casino
included at the far end. Near-
by, but definitely not intrusive.
Later, a second casino was
developed "down the
road". A shuttle connects the
two. Members of the tribe, &
other Prescott residents, have

Learn more about the Lakota (Sioux) culture at sio.org/culture

Ms Catherine Nelson
PO Box 596
Frazier Park, CA 93225

SANTA CLARITA CA 913

11 SEP 2015 PM 5 L



Army Leutochke, Regional
Director,
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California
95825

1.0.1. Comments, Tion Indian Tribe Project

benefited from the job opportunities.

The Sky City development (Acorn) along Interstate 40 in New Mexico, is another good sample. We have often stopped here for lunch between Gallup & Albuquerque.

The proposed Tejon Indian facility will not impact any large communities. It should, however, provide an economic impetus for the Muttler area. The closure of Muttler School encouraged the decline of the Muttler community. It would be a great opportunity to revitalize the community as well as provide gaming opportunities in a somewhat rural area of Kern County.

I support this endeavor of the Tejon Indian Tribe!

Thank you,

Catherine J. Nelson
(aka. Kitty Jo Nelson)

(Registered voter & property owner in Frontier Park, Kern County, California.)

Comment Letter P-6

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

NOI Comments, Tejon Indian Tribe Project

September 13, 2015

Mrs. Dutschke

I am writing you to show my concern about the proposed casino in Mettler for the Tejon Indian Tribe.

1. Drought – California is in a severe drought.
 - a. Casino will impact Agriculture
 - b. Ground water
2. Crime – Bakersfield and Kern County will have an increase
 - a. Casino brings a criminal element into the community
 - b. Local cities will have to increase fire, police and ambulance services
 - c. Increase in crime that comes with Las Vegas
3. Safety – County will have to show an increase in all services to keep our streets safe
 - a. Increase traffic
 - b. Increase drug trafficking
 - c. Increase in fire services
 - d. No increase in funding from Casino
4. Health – building a Casino of this size will increase the Valley Fever spores in the area.
 - a. Visitors coming from other parts of the country have no built up immunities, which will increase the chances of further cases of this deadly disease being spread.

These are only a few of the negative impacts that the casino will have on our communities.

Thank you for your time and consideration of my concerns.

Kim Dodge
902 Crown Pointe Dr
Bakersfield, CA 93312

Comment Letter P-7

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

NOI Comments, Tejon Indian Tribe Project

September 14, 2015

I am writing you to about the proposed casino in Mettler for the Tejon Indian Tribe. Mettler is at the foot of the mountain range that surrounds the south side of the San Joaquin Valley. The proposed site of the casino is near the city of Bakersfield and just southwest of Arvin. This region has one of the worst air quality in the nation and the additional traffic coming from the central valley and southern California will add to our already poor air quality. Please do not allow this casino to make worst the breathable air in the southern San Joaquin Valley. It is already bad for some of our citizens who are sensitive to the air pollution.

Many Thanks,

A handwritten signature in blue ink that reads "Harry Marroquin". The signature is written in a cursive style with a long, sweeping underline.

Rev. Harry Marroquin
4923 Shirley Ln
Bakersfield, CA 93307

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

NOI Comments, Tejon Indian Tribe Project

September 14, 2015

Mrs. Dutschke, I am writing you to about the proposed casino in Mettler for the Tejon Indian Tribe. Mettler is situated very close to the south side of the San Joaquin Valley. The proposed site of the casino is near the city of Bakersfield and just southwest of Arvin, a region that already has the worst air quality in the nation and the additional traffic coming from the central valley and southern California will add to our already poor air quality. Please do not allow the construction of this casino to make the breathable air worse in the southern San Joaquin Valley. I am extremely concerned about our elderly citizens and the citizens who are sensitive to contaminated air.

Sincerely yours

Pastor Jerrickson Ajex Palvannan
[800 Monterey street,
Bakersfield, CA 93305

----- Forwarded message -----

From: **Tom Pavich** <tpavich@aol.com>

Date: Mon, Sep 14, 2015 at 2:28 PM

Subject: Tejon Indian Tribe Project

To: "amy.dutschke@bia.gov" <amy.dutschke@bia.gov>

Cc: "chad.broussard@bia.gov" <chad.broussard@bia.gov>

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

NOI Comments, Tejon Indian Tribe Project

September 14, 2015

Mrs. Dutschke,

I am an organic farmer in the Southern San Jouquin Valley south of Bakersfield. Farming is under assault. We are in the midst of one of the worst droughts in history. Productive farmland and water that is clean and free from contamination is very limited.

I am concerned about the proposed casino in Mettler for the Tejon Indian Tribe. This development is being proposed right in the middle of some of the richest farmland in the world. It will also create a magnet for further development.

This development will add smog and other contamination to the air. Also it will draw it's water from underground water supplies which are already over drafted. By over drafting the water this will increase the concentration of salinity, heavy metals and other pollutants in the remaining water, like what is already happening in the southern end of the Salinas Valley near King City where toxic levels of cadmium are being found in the spinach grown with underground water. Please do not let this happen here.

Sincerely,

Thomas D. Pavich
232 Hermosa Dr.
Bakersfield, CA 93305

Sent from my iPhone

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Comment Letter P-11

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

NOI Comments, Tejon Indian Tribe Project**September 13, 2015****Mrs. Dutschke**

I am writing you to show my concern about the proposed casino in Mettler for the Tejon Indian Tribe.

I have lived in and around Bakersfield my entire life. During this time I have seen many changes good and bad. In California we are currently experiencing a drought. The drought is impacting our farmers, families, businesses and schools. This casino would not only take away much needed agriculture land, it would also use an extremely large amount of water which is a resource that we cannot spare.

These Las Vegas casinos bring an element of crime into a community that only a casino can bring. They have an element of corruption and illegal activities that will spill over into our communities. Our communities are currently dealing with high drug addiction, home robberies and mail theft.

The increase in crime will cause additional stress on our police, fire and medical services. Currently these services do not receive the funding needed to supply what this casino will require.

These are only a few of the negative impacts that the casino will have on our communities. This does not cover the impact on the archeological finds that they will be destroying while building this casino.

Thank you for your time and consideration of my concerns.

**Bob Hurst
1806 Verde
Bakersfield, CA 93304**

Comment Letter P-12

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

NOI Comments, Tejon Indian Tribe Project

September 10, 2015

Mrs. Dutschke

There is a proposed casino in Mettler, CA for the Tejon Indian Tribe. The environmental impacts for a development of this size are huge.

1. We reside in one of the worst air quality regions in the country. The Air quality is a direct cause of cardiovascular disease, asthma, lung disease, cancer and other illnesses from bad air quality. The air quality in Kern County is so bad that any of these groups are daily informed whether it is safe to go outdoors. The days increase each year. Valley Fever is a fungal disease that becomes airborne and the spores are breathed in by us all. This disease is deadly and in Kern County it is in its second epidemic.
2. The drought in California. The Governor has already mandated that there be a 35% cutback statewide. This is directly affecting agriculture to the level of increased prices and lower quality nationwide some communities are out of water many of those are in Kern County and near Bakersfield.
3. The Central Valley produces a large portion of the agriculture products consumed by the people of the United States. This Casino will take needed agriculture land for food production. The farmers that currently farm in and around the proposed site may be forced to leave.
4. Increase in crime, gambling addiction and other social issues will be impacting our children and their safety.

Please keep our county safe and stop the building of this casino.

Breanne Gaona
12404 Great Country Dr
Bakersfield, CA 93312



Community Counseling & Psychological Services
 4900 California Avenue 115-B
 PO Box 82096
 Bakersfield, CA 93380
 (661)326-8167 FAX (661)326-8221
 Communitycounseling.net



September 10, 2015

I am writing to register my request for the Bureau of Indian Affairs not to approve Indian Gambling Casino at the base of the Grapevine in Kern County for many reasons. I was born and raised in Kern County and am also a voting member of the Cherokee Nation. A prime concern must be the crime and moral decline that often accompanies casinos. In the cost-benefit analysis of casino positives and negatives that accrue to the community affected, social impacts should be a critical determinant.

As a Clinical Psychologist the problems brought by this type of Casino do not outweigh the possible benefits advertised by the people who want this Casino. Although administration of Tribal casinos by state and federal government is codified in law, it is often a sidebar in the debate as to whether a casino should be approved in a community.

Casinos are crime magnets with two types of illegal activity: Internal corruption that includes money laundering, organized crime influence, and street crime. It is the increase in crime directly spilling from casino doors that has the most immediate affect on surrounding communities. For nearby neighborhoods, these include DUI-related accidents, home robberies and mail theft. If a precedent is set that Indian casinos are no longer restricted to reservation lands, negatives will impact neighboring areas like never before. Other serious problems with this proposed Casino is Gambling Addictions and increased traffic that will make the Air Quality in Kern County worse.

Please do not approve this Casino.

Sincerely,

M. Dean Haddock, Psy.D.

McCoy Dean Haddock, Psy.D., ABMP, BCFE, BCME, ABDA
 Clinical Psychologist PSY 8536

Diplomate American Board of Medical Psychotherapists and Psychodiagnosticians
 American Board of Forensic Examiners
 American Board of Forensic Medical Examiners
 American Board of Disability Analysts
Life Fellow American College of Forensic Examiners [5845]

cc: file #my doc

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Comment Letter P-14

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

NOI Comments, Tejon Indian Tribe Project

September 10, 2015

Mrs. Dutschke

I am writing you to show my concern about the proposed casino in Mettler for the Tejon Indian Tribe.

Here are a few issues I have with this casino being put near our community:

1. We reside in one of the worst air quality regions in the country and the additional traffic coming from all over the central valley and Los Angeles will add to our already poor air quality. The Air quality is a direct cause of cardiovascular disease, asthma, lung disease, cancer and other illnesses from bad air quality. Currently we are notified daily of the air quality and the recommendations to stay indoors.
2. Valley Fever is a fungal disease that becomes airborne and the spores are breathed in by us all. This disease is deadly and in Kern County it is in its second epidemic.
3. The drought in California is already at a severe level. The Governor has already mandated that there be a 35% cutback statewide. This is impacting agriculture to the level of increased prices and lower quality nationwide...when they don't have to plow up their fields. Several communities are already out of water in the state. Several of those are in Kern County and near Bakersfield.
4. Here in the Valley we produce a large portion of the agriculture products consumed by the people of the United States. Rezoning the large piece of property for this Casino will take needed agriculture land for food production. The farmers that currently farm in and around the proposed site may be forced to leave.

Please do not allow this casino to be built in our county. The increase in social concerns, environmental issues and health issues are real and need to be taken into consideration.

Thank you for your time and consideration of my concerns.

LaDonna Dodge
902 Crown Pointe Dr
Bakersfield, CA 93312

✓
WRITTEN COMMENT CARD Comment Letter P-15

**BUREAU OF INDIAN AFFAIRS - PUBLIC SCOPING MEETING
TEJON INDIAN TRIBE TRUST ACQUISITION AND CASINO PROJECT**

EAST BAKERSFIELD VETERAN'S BUILDING - BAKERSFIELD, CALIFORNIA

September 1, 2015

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW. WRITTEN COMMENTS ON THE SCOPE OF THE EIS MUST ARRIVE BY SEPTEMBER 14, 2015.

(Please write legibly)

Name: Leonard Manuel Sr

Organization: Individual, Tule River Yokuts

Address: 660 N. Reservation Road, Porterville, CA 93257

Comment:

I do not support having their Casino at the current
proposed location as this area is not their traditional
lands. These lands must be protected from development
as it is a culturally sensitive landscape & archeological site.

Thank You

Leonard Manuel Sr

Tule River Tribal Elder

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Ms. Amy Dutschke, Pacific Regional Director, 2800 Cottage Way, Sacramento, CA 95825. Please include your name, return address, and "DEIS Scoping Comments, Tejon Indian Tribe Trust and Casino Project" on the first page of your written comments.

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Tele 0417

September 10, 2015

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

RE: Tejon Indian Tribe Project

To whom it may concern,

I have a serious concern in regards to the proposed casino project in Tejon.

For one thing the proposed size of the development is huge for the area, and will bring a lot more pollution to an area in Kern County that already has one of the worst air quality. Second the valuable water resources that are within the land are not going to be properly regulated, and as you may know there is already a big crisis of lack of water in the Central Valley.

Third and most importantly casinos are never family friendly, it definitely has created an inviting atmosphere for adults that are addicted to gambling and it certainly has been a contributor to problems in marriages. For example, one spouse can be against it and the other can disregard the other. It is not constructive for the whole family unit, for children and grand children.

As a Pastor, I've had to counsel various individuals over the years about the addictive behavior to gambling and how it has caused severe financial problems as well as interfere in family duties. This type of entertainment is no where near family friendly...not constructive at all. Others in our community feel the same way.

Respectfully submitted,

Pastor David Vivas
925 Jefferson St
Delano, CA 93215
661-721-0111

Email: studyitall@yahoo.com

Comment Letter P-17

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

NOI Comments, Tejon Indian Tribe Project

September 13, 2015

Mrs. Dutschke

I am writing you to show my concern about the proposed casino in Mettler for the Tejon Indian Tribe.

1. We reside in one of the worst air quality regions in the country and the additional traffic coming from all over the central valley and Los Angeles will add to our already poor air quality. The Air quality is a direct cause of cardiovascular disease, asthma, lung disease, cancer and other illnesses from bad air quality. Currently we are notified daily of the air quality and the recommendations to stay indoors. These days are increasing as the air quality decreases.
2. The drought in California is already at a severe level. The Governor has already mandated that there be a 35% cutback statewide. Several communities are already out of water in the state. Several of those are in Kern County and near Bakersfield.
3. Here in the Valley we produce a large portion of the agriculture products consumed by the people of the United States. Rezoning the large piece of property for this Casino will take needed agriculture land for food production. The farmers that currently farm in and around the proposed site may be forced to leave. This casino will be using up more of the ground water which in turn will have a negative impact.
4. Gambling addiction is a growing concern for many. In Kern County with the unemployment rates being high, teenage pregnancy in one of the highest in the state, and drug addiction is growing daily we don't need to add gambling.

Please do not allow this casino to be built in our county. The increase in social concerns, environmental issues and health issues are real and need to be taken into consideration.

Thank you for your time and consideration of my concerns.

Teresa Hurst
3325 Starburst
Bakersfield, CA 93309

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

NOI Comments, Tejon Indian Tribe Project

September 10, 2015

Mrs. Dutschke

I am writing you to show my concern about the proposed casino in Mettler for the Tejon Indian Tribe.

The environmental concerns are staggering for a development of this size.

1. We reside in one of the worst air quality regions in the country and the additional traffic coming from all over the central valley and Los Angeles will add to our already poor air quality. The Air quality is a direct cause of cardiovascular disease, asthma, lung disease, cancer and other illnesses from bad air quality. Currently we are notified daily of the air quality and the recommendations to stay indoors.
2. Valley Fever is a fungal disease that becomes airborne and the spores are breathed in by us all. This disease is deadly and in Kern County it is in its second epidemic.
3. The drought in California is already at a severe level. The Governor has already mandated that there be a 35% cutback statewide. This is impacting agriculture to the level of increased prices and lower quality nationwide...when they don't have to plow up their fields. Several communities are already out of water in the state. Several of those are in Kern County and near Bakersfield.
4. The Central Valley is the breadbasket for the county, state and country. Here in the Valley we produce a large portion of the agriculture products consumed by the people of the United States. Rezoning the large piece of property for this Casino will take needed agriculture land for food production. The farmers that currently farm in and around the proposed site may be forced to leave.
5. Developing a Las Vegas style casino will increase crime in a county that already has several prisons, high teenage pregnancy and drug addiction.

Please do not allow this casino to be built in our county. The increase in social concerns, environmental issues and health issues are real and need to be taken into consideration.

Thank you for your time and consideration of my concerns.

Carol Crocker
6420 Easter Lily Ct
Bakersfield, CA 93313-6008

Comment Letter P-19

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

NOI Comments, Tejon Indian Tribe Project

September 10, 2015

Mrs. Dutschke

I am writing you to show my concern about the proposed casino in Mettler for the Tejon Indian Tribe.

The environmental concerns are staggering for a development of this size.

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2. Valley Fever is a fungal disease that becomes airborne and the spores are breathed in by us all. This disease is deadly and in Kern County it is in its second epidemic.
3. The drought in California is already at a severe level. The Governor has already mandated that there be a 35% cutback statewide. This is impacting agriculture to the level of increased prices and lower quality nationwide...when they don't have to plow up their fields. Several communities are already out of water in the state. Several of those are in Kern County and near Bakersfield.
4. The Central Valley is the breadbasket for the county, state and country. Here in the Valley we produce a large portion of the agriculture products consumed by the people of the United States. Rezoning the large piece of property for this Casino will take needed agriculture land for food production. The farmers that currently farm in and around the proposed site may be forced to leave.
5. Developing a Las Vegas style casino will increase crime in a county that already has several prisons, high teenage pregnancy and drug addiction.

Please do not allow this casino to be built in our county. The increase in social concerns, environmental issues and health issues are real and need to be taken into consideration.

Thank you for your time and consideration of my concerns.

Tom Crocker
6420 Easter Lily Ct
Bakersfield, CA 93313-6008

September 11, 2015

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 Memo _____
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To: Amy Dutschke, Regional Director
 Bureau of Indian Affairs, Pacific Region, Department of the Interior
 2800 Cottage Way, Sacramento, California 95825

From: David Laughing Horse Robinson, Chair
 Kawaiisu Tribe of Tejon
 P.O. Box 1547, Kernville, CA 93238

Re: "NOI Comments, Tejon Indian Tribe Project" 80 FR 48559 08/13/2015
 Notice of Intent to Prepare an Environmental Impact Statement for the Tejon Indian Tribe's Proposed
 Trust Acquisition and Casino Project, Kern County, California
 Document Number: 2015-19973 156A2100DD/AAKC001030/A0A501010.999900 253G

This is a request for the no-action alternative in the EIS for these reasons:

- A) The land identified in this NOI 80 FR 48559 is within Kawaiisu Tribe of Tejon Indian Country and Ratified Treaty territory (ceded land maps 285/286).
- B) The land identified in this NOI 80 FR 48559 is the subject of a lawsuit filed by the Kawaiisu Tribe of Tejon that is still in the U.S. Courts and has been since November 2009.
- C) The group identified as the Tejon Indian Tribe is disputable and subject of an APA investigation by the Office of Inspector General initiated January 17, 2012. According to the Office of Inspector General's report about this groups re-affirmation, DOI did not follow the federal statute for recognition authorized by Congress in Section 83.7 of 25 C.F.R. Part 83 to acknowledge the Tejon Indian Tribe. This was arbitrary, capricious, an abuse of discretion, and not in accordance with law under 5 U.S.C. 706 (2)(A).
- D) This group has not yet met the requirement to certify California Indigenous blood quatum of it's members and tribal constitution before any trust land is acquired for a tribe.
- E) This groups membership cannot certify the required amount of Indian Blood to claim benefits under 25 C.F.R. Part 83 and the group of people identifying themselves as the Tejon Indian Tribe are not indigenous to California or the USA.
- F) To go forward on this will be creating another APA violation.

Submitted by:
 David Laughing Horse Robinson
 Chair, Kawaiisu Tribe of Tejon

Page Two: Kawaiisu, 9/11/2015, "NOI Comments, Tejon Indian Tribe Project" 80 FR 48559

CC.

Secretary of Interior Sally Jewell
U.S. Department of the Interior
1849 C St., NW, MS-1349
Washington, D.C. 20240

Kevin K. Washburn
Assistant Secretary-Indian Affairs
MS-3642-MIB
1849 C Street, N.W.
Washington, D.C. 20240

Bureau of Indian Affairs
MS-4606-MIB
1849 C Street, N.W.
Washington, D.C. 20240

Office of Federal Acknowledgment
MS-34B-SIB
1951 Constitution Avenue, NW
Washington, D.C. 20240

Allen Sedik
Bureau of Indian Affairs
Division of Environmental and Cultural Resources Management
1849 C Street, NW
MS-4513 MIB
Washington DC 20240

Comment Letter P-21

From: deedominguez@juno.com <deedominguez@juno.com>

Date: Mon, Sep 14, 2015 at 2:19 PM

Subject: NOI Comments, Tejon Indian Tribe Project

To: john.rydzik@bia.gov

Delia Dominguez

to: John Rydzik, Chief

Division of Environmental, Cultural Resource Management, and Safety

Bureau of Indian Affairs, Pacific Regional Office, Room W-2820

2800 Cottage Way

Sacramento, CA 93825

and:

to: Amy Dutschke, Regional Director

Bureau of Indian Affairs, Pacific Region

2800 Cottage Way

Sacramento, CA 95825

re: NOI Comments, Tejon Indian Tribe Project

I have concerns about the location of the proposed Tejon Indian Tribe casino near Fwy 5, Hwys 99 and 166, Maricopa Hwy. They are as follows:

- 1) The military bases in the Mojave Desert and Antelope Valley in Eastern Kern County and their Fly Zone over the Sierra Nevada, Tehachapi Mountains, and the Coastal Range, conducted for military exercises, and National Security. The site of the proposed development, may have a negative impact on these very necessary and important military exercises.
- 2) Federal Indian Reservations can legally plant, raise and harvest Marijuana on reservation property. The site of the development sits on agricultural zoned land that has had agricultural activities for decades, and is geographically located at the site of 3 major Fwy and Hwys. in the Central Valley. A stipulation must be made specifically whether this of harvesting (Marijuana) for economic development will take place..
- 3) In the Fall of 2012, the Tejon Indian Tribal members visited the site referred in this Scoping, and set aside various home sites for future development. This housing development was not mentioned the Scoping Hearing, nor in the Federal Register. All proposed development, and future development must be specified, but not in piecemeal notice in the future.

Thank you, and I hope you will accept my comments by e-mail, since it is 9/14/2015, any mail I would send would not arrive today. I believe these 3 comments are very important and should be considered.

Sincerely,

Delia Dominguez

115 Radio St
Bakersfield, CA 93305
661 637-1851

**The Tinoqui-Chalola Council of
KITANEMUK & YOWLUMNE TEJON INDIANS**

115 Radio Street, Bakersfield, CA 93305

(661) 637-1851, (626) 339-6785

Decans John R

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

Re: NOI Comments, Tejon Indian Tribe Project

Dear Regional Director,

Our Tribe's families cultural affiliations are of Kitanemuk, Yowlumne and Kern Lake Yokuts, and, Emigdiano and Ventureno Chumash.

We are expressing our concerns regarding the proposed development of a 250,000 square foot casino, 300 room hotel, banquet space, etc., on 306 acres on 4 parcels, Assessor's Parcel Numbers 238-204-02, 238-204-04, 238-204-07 and 238-204-14.

Kern Lake, the home of the Kern Lake Yokuts- Hometwoli/ Halaumne, is a culturally sensitive landscape, and known archaeological site. The Kern Lake Yokuts have their own dialect in the Yokuts language family known as Penutian. Well known ethno historian, A. L. Kroeber, with the assistance of Hometwoli speakers, documented the Hometwoli language in his report of 20 Yokuts dialects of the Central Valley.

On June 2, 2015 before the Kern County Board of Supervisors, the Tejon Indian Tribe made a presentation, describing its members as Kitanemuk Indians, and that they no longer use the name Kitanemuk, but rather Tejon, hence the name Tejon Indians.

Kern Lake is surrounded on 3 sides by Hwy 99, Fwy 5, and Maricopa Hwy (166). This site was chosen for its proximity to these Hwys/ Fwy.

The site is not culturally affiliated to the Tejon Kitanemuk Indian Tribe.

The site was not chosen to protect it for the Kern Lake Yokuts- Hometwoli.

It was chosen for 'Personal Financial Gain', of the Tejon Kitanemuk Indian Tribe, whose land base is well known. It is at the Tehachapi Mountains, and over into the Mojave Desert. (1) Map enclosed by A L Kroeber, Handbook of The Indians of California.

I visited California State University, Bakersfield, in late August and spoke with Robert Yohe, Director, Laboratory of Archaeological Science, and Patrick O'Neill. I shared the assessors map from Kern County containing the proposed development site, and expressed my concerns with them regarding the cultural sensitive landscape. Mr. Yohe reviewed his records, and confirmed the proposed site is at the southern shore of Kern Lake, within the archaeological, and, culturally sensitive landscape. (2) Kern County Assessors Map

I have relayed my concerns to Cynthia Gomez, Secretary, of the State of California, Native American Heritage Commission, who has assigned the file to Rob Wood, in the office of the NAHC, with whom I have spoken with and expressed my concerns regarding this site, and the proposed development.

Page 2 of 5

Neither do I find comfort in learning the Tejon Indian Tribe is in the process of developing a Tejon Indian Repository within the framework of Federal Standards. The repository would facilitate any development for storage of all cultural recovery.

Considering the Kitanemuk are not culturally affiliated to the Kern Lake Yokuts-Hometwoli of the Central Valley, should be of greatest concern. As late as 1900, it was well known among the Yokuts, that to enter the Central Valley, a Tribe must first receive permission to enter, as in past years, Elk was hunted in the Valley.

The site should not be disturbed for such intrusive development.

(3) copy of Hometwoli/ Halaumne report from the book the Yokuts, By Frank Latta

The following are concerns we, and the general public, are concerned with in this development.

Secondly, we are concerned with the state of our WATER. We have been, and are currently, in a severe DROUGHT.

Our Governor has mandated 35% cutback statewide of water usage. Several communities, including those in Kern County, and near Bakersfield have no water, wells running dry, or water is hauled in.

Statewide, lawns are allowed to turn brown, with no ramifications per our Governor, in protection for the landowners where beautification of the city is required.

Should our region experience an El Nino winter, it will not end our severe water shortage, it will only alleviate it to a degree. Only cumulative years will replenish our aquifers that are needed for future use.

Thirdly, our AIR, is severely polluted, from fine particulate matter, causing cardiovascular disease, asthma, lung disease, cancer, and other sickness from bad air quality. The American Lung Association keeps a close look at our local air, and keeps us apprised of the dangers.

Some current national statistics are as follows:

2013 Bakersfield #1 - Worst Air
2014 Bakersfield #3 - Worst Air
2015 Bakersfield #3 - Worst Smog.

In our weather news casts are included bad air days, and days recommended to remain indoors.

Fourthly, the TRAFFIC traveling north and south from the Grapevine is very congested and dangerous due to the steep incline and decline with 3 lanes often times crowded with semi trucks.

Page 3 of 5

At any time, day or night, any day of the week, automobiles and semi trucks are traveling thru Fwy 5 and Hwy 99 with all lanes of traffic full.

As traffic congestion increases, travel becomes increasingly unsafe for all.

Fifthly, the Central Valley is a bread basket for our community and county. Rezoning this Agriculture Use Land for development, will reduce the fertile land necessary for the production of food for all people.

Rezoning will also have a negative impact on the agricultural activities surrounding the proposed development, which may force the farmers to leave.

Sixthly, the Biological and Endangered Species affected, I cannot specifically speak on, however, the Migratory Flight Path is a necessary path for all flying species would be negatively impacted, with severe lighting, development, and major increase in human contact.

Seventhly, the increased lighting will also negatively impact 'Dark Skies', where nearby Frazier Park is only 1 of a few places suitable for Star Gazing.

Eighthly, VALLEY FEVER, a fungal disease that starts in the lungs with every breath you breath, you may become a victim of Valley Fever.

Kern County is in a second epidemic since 2000 and is ongoing. Many people believe the fungi (spores) lies in the Native Peoples villages and cemeteries, when uncovered, the spores become exposed and spread.

Sandra Larsen is the Director of the organization to combat Valley Fever.

Ninthly, I have not yet reviewed, but I am advised of a study that was conducted and prepared by the University of Las Vegas, of the negative impacts a Casino brings to neighboring communities of increased crime and social maladies.

However, already in Kern County/ Bakersfield, up to 39% of felony prosecutions are meth related. 30% of emergency visits to Kern Medical Center are meth related. In cases of substance abuse, meth accounts for 50% of all cases.

These statistics are available from KernStopMethNow, Kern County Mental Health Department.

Our County also is home to a great number of local and state prisons, with another slated to be built adjacent to an existing large jail- Lerdo. The new prison will also have a medical facility including mental health care.

The AMTRAK rail system runs from Northern California thru the Prison cities, with the rail system ending at Bakersfield Amtrak station. In order to travel to Los Angeles, any

individuals leaving the prison system must exit the Amtrak train and board the Amtrak bus. This leaves Bakersfield vulnerable to those who do not continue their travel out of Bakersfield.

Bakersfield was recently named as 3rd from the bottom nationwide in education.

Tenthly, at the September 1, 2015 Scoping Hearing, Kathryn Morgan, the Chairwoman, of the Tejon Indian Tribe, described her reasoning for the development of a casino for the benefit of the members of the Tejon Indian Tribe, describing the members as very poor, needy, in need of health care, educational benefits, and other benefits.

However, in reviewing the Memorandum from the California Gambling Control Commission, dated January 24, 2013, the Tejon Indian Tribe received their Revenue Sharing Trust Fund Distribution (RTSF) of \$275,000.00, for the quarter ending December 31, 2012. The memorandum further lists RTSF to Tejon Indian Tribe -

'Distribution Inception to December 31, 2012, \$1,084,890.00'.

The California Gambling Control Commission was organized by then Governor Gray Davis in support for Indian Gaming. The gaming tribes would each disburse a percentage of their profits into the Trust Fund and the State would then make a distribution to those tribes that did not have Indian Gaming.

At the Reaffirmation in January 2012, of the Tejon Indian Tribe, their membership was stated to be approximately 200 members. In December 31, 2012, with RTSF funds totaling \$1,084,890.00, is not poverty.

In addition to the \$1,084,890.00 ending in 2012, those distributions have continued thru 2013, 2014, and currently in 2015.

(4) California Gambling Control Commission Memorandum

Also, our State and County does provide health, education, housing services to all persons and families. Indian services provides health services thru Clinica Sierra Vista, and Tule Indian Reservation provides alcohol abuse services thru their Tule River Alcohol Program (TRAP).

In a letter from Attorney Arlinda F. Locklear, to the California Gambling Control Commission, she states the Tejon Indian Tribe receives funding from various federal agencies, including BIA, Housing and Urban Development and Indian Health Services.

Currently in California, and Nationwide, a phenomenon has occurred. Well established, profiteering Indian Casinos are disenrolling members by the hundreds, whole families at a time. Unfortunately, once disenrolled, there is no appeal.

Page 5 of 5

The most recent disenrollment in California erupted in gunfire inside a well established Casino Resort full of vacationers, gamblers, visitors, hotel guests, and others. It was shut down with an expedited order from a judge.

The Tejon Indian Tribe has had their own disenrollment, however, it occurred prior to the Reaffirmation, by a report prepared by Dr. John Johnson, of the Santa Barbara Museum of Natural History, where he utilized a census stamped received December 18, 1915. The Census of the Indians of El Tejon Band in Kern Co Calif was taken by Special Indian Agent John J Terrell, who had been sent to the Rancho El Tejon to find suitable land to remove the Indians to, at the request of the landowners.

In Dr. Johnson's report, he totals the number of individuals on the Census at 81, and subtracts 36, then subtracts 17, then subtracts 15, then subtracts 2. This left 11 from the original 81 individuals. The descendants of the 11 received notification of the reaffirmation. (5) Patton Boggs/ Dr. John Johnson Report

When this is questioned by Lee Fleming, Director of the Office of Federal Acknowledgement, of the Bureau of Indian Affairs, as he states in the 'Investigative Report of the Tejon Indian Tribe, he was sidelined.

Attorney Arlinda Locklear states in her May 23, 2013 letter to the California Gambling Control Commission that the Investigative Report of the Tejon Indian Tribe is 'biased'.

(6) Investigative Report of the Tejon Indian Tribe, distributed April 30, 2013

(7) Letter dated May 23, 2013, by Arlinda Locklear to California Gambling Control Comm

CONCLUSION

This development is not in the best interest of the Bakersfield/ Kern County Community.

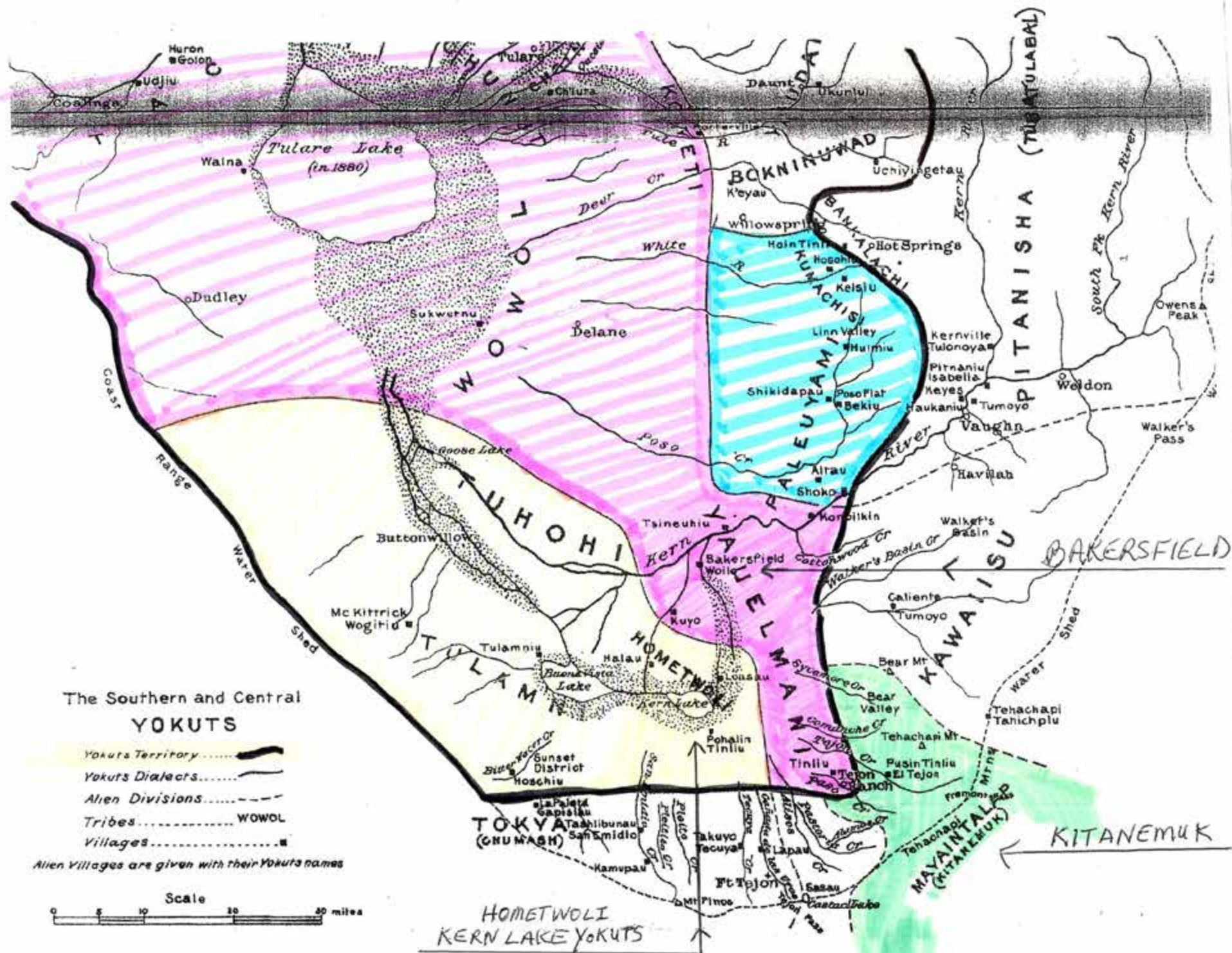
Sincerely,



Delia 'Dee' Dominguez
Chairwoman

Attachments:

- 1) Map by A L Kroeber, Handbook of the Indians of California
- 2) Kern County Assessors Map
- 3) Copy of Hometwoli/ Halaumne report from the book the Yokuts by Frank Latta
- 4) California Gambling Control Commission Memorandum
- 5) PattonBoggs/ Dr. John Johnson Report
- 6) Investigative Report of the Tejon Indian Tribe, distributed April 30, 2013
- 7) Letter dated May 23, 2013, by Arlinda Locklear to California Gambling Control Commiss.



238-20

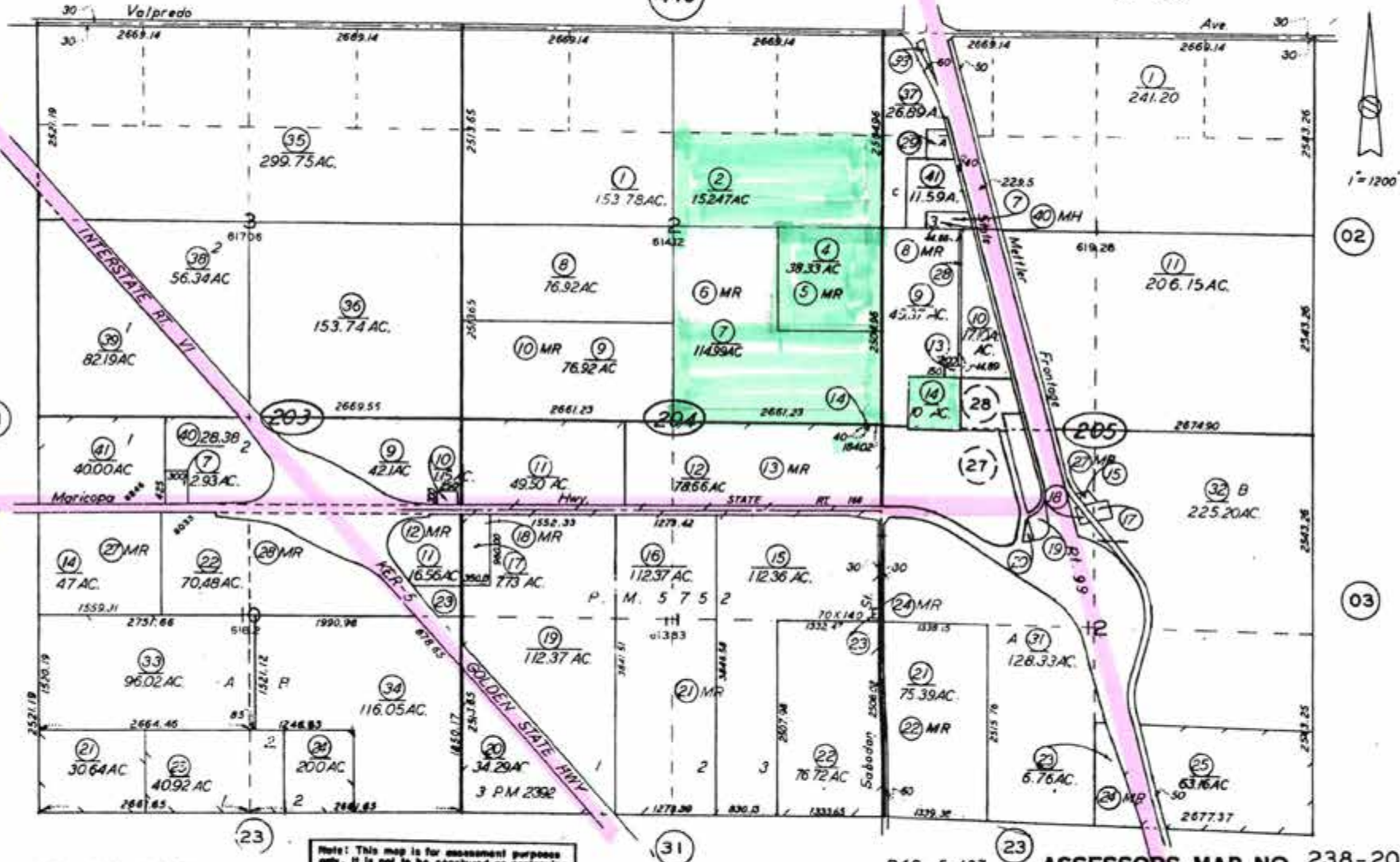
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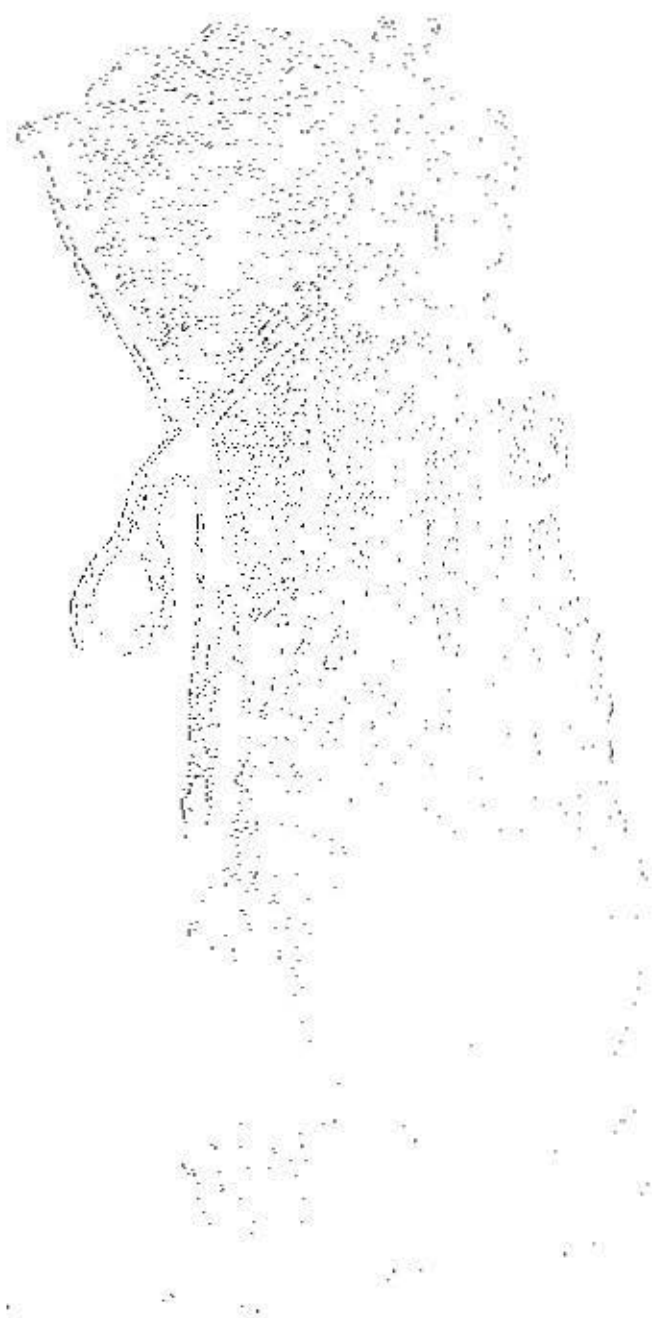


Revised: May 8, 2014

Note: This map is for assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.

R/S 5-137

ASSESSORS MAP NO. 238-20
COUNTY OF KERN



HANDBOOK OF YOKUTS INDIANS

#62. HALAUMNE YOKUTS

The northern and western shores of Kern Lake were occupied by a Yokuts tribe long known as the Hometwole.¹⁸ Certainly, this was not a tribe name and I exhausted what I thought was every possibility of obtaining the correct tribal name before I learned that it was *Halaumne* (Hah-lah-ümne). Four of their village sites are known by name. At least two others are not identified by name. All sites now have been leveled for the planting of crops. Loásau (Lo-áh-sah-oo) was located on an early channel of Kern River, about five miles northwest of Pohalin (Pō-hā-lín), at the eastern end of Kern Lake.

HALAU

Hal-ah-oo¹⁹ was on Old River Channel about where it entered Kern Lake Slough, between Kern and Buena Vista Lakes. *Hala* was the Yokuts name for the sugar cane or dwarf bamboo that once grew along most San Joaquin Valley streams. Halau means place of *Hala*. The Yokuts made arrow shafts from this bamboo. They harvested sugar from a sweet sap that was exuded and dried in globules on the leaves. This was the site of the later Mexican settlement known as El Consuelo (The Consolation). Halau was the old home village of the Halaumne, the place where their Universe was created, the center of their Pahn (World).

Until 1933 this was all I was able to learn about this ancient Sunrise — Sunset Tribe of Yokuts. It was at their old village of Homochu, about eight miles northeast of Halau, that they hosted the southern Yokuts tribes and met the Rising Sun at the end of five days and nights of dancing, singing and crying — crying toward the Setting (Dying) Sun during their annual Mourning Ceremony (Lonewis). The Sun (Oop) once was a person (a Yokuts). After he went to live in the sky he invented the Bow and Arrow. He sent them to the Yokuts by his Messenger (Winatun), the

¹⁸Southerners.

¹⁹The *au* in these Yokuts names was pronounced to rhyme with cow.

Moon (Oopish); messenger because during the night he brings light to the Yokuts for the Sun.

OLD SUNSET

Both the Rising and the Setting Sun, and the Moon were Tripne (supernatural) to the Yokuts. In the 1890s, because of the striking, characteristic colorful sunsets at the "South End" of the San Joaquin Valley, Gringo oil prospectors, operating a few miles to the southwest of Homochu, named their location Sunset and later, *Old Sunset*, a term of endearment. These Sunrises and Sunsets still are blazing, spectacular sights from old Homochu.

To the Yokuts, Sunset (The Dying Day) meant Death. The Yokuts saw their Sun *die* at the end of every day. Yoimut, aged Chunut Yokuts, told of standing as a child at Chawlowin (Alpaugh now) and facing the Setting Sun. Said Yoimut, "We stand there and watch close 'til that last spark is gone. Then we turn back to our camp and my mama say, 'Tówitse ('fów-it-sē) Oop' (The sun is dead)."

When Wátihte (Wā-tih-té),²⁰ the Ground Owl²¹ named for his call and said by the Yokuts to be a Winatun (Messenger) for Tihpiknits (the Keeper of the Hereafter), sent his wailing screech across the West Side Plains at dusk, to the Yokuts it meant that someone had died and was calling to Tihpiknits, the Yokuts St. Peter, for admission to Tihpiknits' Pahn (Land), the Yokuts Hereafter.

So, the souls of their departed people having been safely mourned into Tihpiknits' Pahn, their sorrow gone, the mourners ran toward the Rising Sun, which signified New Life, laughing and splashing, into Kern Lake, to be washed and dressed in new

²⁰Wátihte in the Chunut Yokuts dialect: Peek-ook in the Choinumne dialect. Peek-ook is the greeting he gives when he stands by his squirrel-hole home and bows to you: from Yoimut, Wahumchah and others and from personal observation during the first fifty years of my own life.

²¹Billy owl to us on the West Side Plains.

HANDBOOK OF YOKUTS INDIANS

clothes by their Tumlus (Toomloose, Attendant) and free to wash their faces, to let their hair grow and to eat and bathe every morning.

This description of the Lonewis Ceremony at Old Homochu was furnished in 1927 by Wahumchah, Lawhawseh, and Chaamsah when I had them together at Tule River Reservation. All three had attended two Lonewis at Homochu in the early 1870s when they were boys. They agreed that these were the last meetings held there. On the journey to Homochu all accompanied their parents in horse-drawn spring wagons. Wahumchah's father came from his job of herding sheep at the Jewetts' Rio Bravo Ranch on Kern River. Chaamsah's parents came from a like job at the Huey Ranch south of Deer Creek. Lawhawseh's parents came from the Tule River (Monache) Indian Reservation on Tule River.

DUMBLE BROTHERS

In 1916 in Bakersfield I interviewed both William (Bill) Dumble and his older brother, Herman. In 1850 their grandparents, the Glass family, located on the north shore of Kern Lake, about six miles northwest of where Kern River entered Kern Lake.²² There they saw the Halaumne Yokuts trapping fish. They stayed there until 1856, when they moved to the site of later Bakersfield where they built a log house near what now is the intersection of Sixth Street and Chester Avenue.²³ I continued to interview both Dumble brothers until each passed away. Through statements made to them by both their parents and grandparents they were the best informed persons I found²⁴ concerning conditions on Kern Lake, Kern Slough, Buena Vista Lake and Buena Vista Slough during the early 1850s. Both were close observers, of excellent intellect and were reliable and interested informants. Both had traveled over the above described area all of their lives

²²East side of S7. 32:28.

²³If date is correct, then this house and not the Bohna House (1859), is the first white man's house on the site of present Bakersfield.

²⁴Almost the only informed white persons.

in their duties at pump and water well maintenance for Carr and Haggin (later the Kern County Land Company).

In later years data furnished by the Dumbles was corroborated in part by William Barnes whose parents, and uncles, the Harris brothers, located on the north shore of Buena Vista Lake before 1860. Barnes was born at the Ávila Headquarters²⁵ in 1863. Barnes' sister, Mrs. Elizabeth (Barnes) Lewis, repeated her brother's account. From Tule Joe (Wahumchah): Timoteo and María; John, Louis and Robert Broder, I heard the same accounts of fishing by means of weirs in the Goose Lake, Adobe Holes and adjoining slough areas.²⁶ Also, Mollie García, aged Tache Yokuts of Santa Rosa Rancheria south of Lemoore, verified the Mayfield account which was identical with that furnished by the Dumble brothers.

One of the interesting accounts related in my presence by both W. R. and Herman Dumble concerned this fishing on the north shore of Kern Lake by local resident Indians.²⁷

FISH WEIRS AND CORRALS

In 1927 William Dumble guided me to the site where his grandparents had seen the Indians fishing. This was on the north shore of Kern Lake, west of the site of the old Halaumne Yokuts village of Loásau. The ground was almost level. "At the west end of this flat," said Dumble, "the Indians built a corral — drove willow stakes in the mud where the water was about a foot deep and wove willow branches back and forth between them. From an opening in the corral near the shore at the east end they ran a wing of the same construction to the southeast out into the lake at an angle with the shore. All of the Indians waded into the lake outside of the corral and the wing, almost shoulder to shoulder and herded the fish into the angle behind the brush wing. They kicked their feet and slapped the water with willow branches and yelled

²⁵Formerly Pūhāln Tīnlēu.

²⁶This was Tuhoumne Yokuts country.

²⁷Halaumne Yokuts.

HANDBOOK OF YOKUTS INDIANS

and ran the fish into the corral. Then they closed the opening in the corral and used the trapped fish as they needed them. They gave my grandparents all the fish they could use.

"To catch the fish they used a larger wicker, funnel-shaped basket with no bottom. They would wade around and slap the big end of the basket down over a fish, reach in through the open small end and catch it."²⁸

KROEBER'S HOMETWOLE

Wrote Kroeber, 1925, 478: "On Kern Lake were the Hometwole This name means 'southerners' and is a variant of the common term Homtinin applied by any Yokuts to those of their neighbors who live to the south. The true tribal designation has been forgotten. [In this last, he was mistaken.]

"They inhabited at least three principal sites: Halau near the entrance of Kern River into the channel connecting Kern and Buena Vista Lakes²⁹; Loásau, somewhere on the north side of Kern Lake; and Pohalin Tinliu³⁰ in Yauelmoni, or Sihetal Daal³¹ in Hometwole dialect itself on the south shore."

This is where I began in 1927 when I received my copy of Kroeber, 1925. I then was living in Tulare. I began work by taking my new book to "Bill" Dumble, long-time Superintendent of Kern County Land Company shops in Bakersfield.

Bill had keys for the gates to all Land Company fields. He accompanied me entirely around the old dry shores of Kern Lake Slough, Kern and Buena Vista Lakes. I had a large-scale contour map of that area. It showed all high points where Indian mounds

²⁸With the additional statements by Mayfield, Mollie Garcia, Barnes, Elizabeth Lewis and the Broders this method of fishing is known to have been the common practice of all lake and slough Yokuts tribes. In 1925 William Dumble gave almost the same account to Gifford and Schenck, 1926, 111, 112.

²⁹Kern Lake Slough.

³⁰Meaning Place of Ground Squirrel Holes.

³¹Se-heh-tahl Dáh-ahl.

were located. We criss-crossed over the dry beds of the lakes. This required several weekends.

VILLAGE NAMES

Dumble had dug into most of the old cemeteries of the Halaumne, Tuhoumne and Tulumne. He was thrilled to learn the names of these tribes and their names for their old villages. And it was a thrill for me to have him identify the sites of the old villages with the names supplied by Kroeber. Immediately Bill took me to Halau — close by the road from Bakersfield to Rancho San Emigdio. Separately and later Billy Skinner and J. J. López accompanied me to old Halau and told me what *they* knew about the old place. Both Skinner's mother³² and he had been born there. As Superintendent of Tejon Ranch in the 1870s and '80s, López had hired Indians living at Halau to work on the ranch.

Halau lay on both sides of Kern Lake Slough on high ground not far from the high water mark of the east end of Buena Vista Lake. When the Indians left the site, probably taken to Mission Santa Barbara or La Purisima, Spaniards took Indian wives from the missions and moved to San Emigdio.³³ There, about 1806, they took water from San Emigdio Creek and irrigated little *milpas* or gardens of peas, beans, watermelons, chili and corn. When water failed in Arroyo San Emigdio, they moved down north to the site of old Halau. There they took water from Kern Slough by damming the slough and raising the water high enough to flood their gardens.

OLD RIVER CHANNEL

In 1862 Kern River changed its course at the foot of the bluffs, above where present Bakersfield is located, from what always has been known as South Fork, and ran in an earlier

³²Full blood Halaumne Yokuts.

³³Skinner, López, Valencia and Emerson.

HANDBOOK OF YOKUTS INDIANS

channel toward the east end of Buena Vista Lake into Kern Slough where old Halau was located. In doing this Kern River was duplicating a situation that had existed at some time in the dim past. From then until 1868 water was taken from Kern River itself. Then Kern River again changed its course just below the bluffs and went into another old channel now known as New River where it is today (1975).

All of this time, during times of water failure in Arroyo San Emigdio, the Spaniards and Mestizos at San Emigdio went to the site of old Halau to raise emergency crops.³⁴ Because of this the place became known as El Consuelo, The Consolation. And so it was known as long as any of the original Spanish settlers, or their descendants, remained in Kern County. In 1927, when Dumble, López and Skinner separately accompanied me to the site, remains of the old milpas and two adobes were visible.

When Kern River last changed its course, in 1868, and the lakes dried, a road was built south out of Bakersfield almost directly across the old Spanish dam to San Emigdio. The present road is almost on that identical old route.

This complex of waterways formed a fertile, subirrigated area. When in a state of nature, it was overgrown with hala, the native sugarcane or dwarf bamboo. The Yokuts established a village there and named it Halau. To this name the resident Yokuts tribe added their -mne sound and the result was Halaumne, the name of the tribe living there when the Spanish first visited that locality.³⁵

In the above manner originated many Yokuts place and group names. Not all of the names ending in -mne were the names of tribes. The fact is that in a number of localities several -mne ending names occurring in a small area indicate they only were village groups. Only *ethnographic* data can resolve questionable cases.

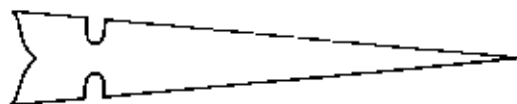
³⁴At other times, the prevalence of mosquitos kept them away from the place.

³⁵From Wah-hum-chah, a full blood Yowlumne Yokuts and Law-haw-seh, a half-blood Tulumne Yokuts.

Dumble guided me to all of the old sites in Halaumne territory. By means of Kroeber, 1925, we were able to identify four of the village sites by name: Halau, Loásau, Pohalin³⁶ and Pohalin Tinleu. Also, we visited several that Kroeber neither named nor located.

LOÁSAU

Loásau was found easily. It was on a comparatively high, sandy, dry knoll. When first I saw it in 1927 it covered an area of about three acres, broken by weathered piles of earth that had been shoveled from adjoining Yokuts grave pits by white diggers. At that time a winter had passed since anyone had gleaned the area, which was littered with broken human bones, including pieces of skulls, beads and pieces of projectile points. Dumble guided me around the place. We picked up about fifty beads each, all made of semi-flat sections from the lip of periwinkle shell. Also, we picked up fragments of arrowpoints.³⁷ Dumble found one beautiful complete point of tan-colored, semi-transparent material, two and one-half inches in length, one-half inch across at the base, notched at each side and sharp as a silver or broken glass.



Above is a drawing of the point described, made when we arrived back in Bakersfield and when I had it in front of me. At one time Dumble had more than fifty such points from Loásau and

³⁶Correct form probably Pohālu.

³⁷That area, since about 1860 had been used as horse, hog and cow pasture. The ground was very smooth and hard. The hoofs of the stock broke most of the arrow points and many of the beads that were on the surface.

HANDBOOK OF YOKUTS INDIANS

as many more from old Halau. Such fine work was typical of the four southern Yokuts tribes, Yowlumne, Tuhoumne, Tulumne and Halaumne. Kern County Museum once possessed more than one hundred of them, all of this efficient design or of a leaf-shaped design, of expert workmanship and all from Tuhoumne territory.

The old cemetery of Loásau lay about three hundred feet north of a well-eroded steep north beach of old Kern Lake, about six feet down the slope and from one to two feet vertically. The camp midden that Dumble pointed out was near the remains of at least one house — a depression about sixteen feet across and twelve inches deep. This area lay to the southeast of the cemetery and about thirty to forty feet from and north of the old lake shoreline.

POHALIN TÍNLEU

From the 1840s to about 1885 Pō-hā-līn Tin-lē-oo was the location of the Ávila Horse Camp. The Ávilas developed a well from a springy place by digging to a depth of about ten feet and curbing the hole. This well water was used by travelers along the south shore of Kern Lake and by vaqueros working stock in the area. It was better water than that from the lake, as the almost daily afternoon west, and periodic north winds kept the shallow lake water riled for a distance of a quarter of a mile from the south shore.

The Ávilas had the resident Yowlumne build a small pole corral, a tule-covered shelter for their saddle animals and a half-dugout one-room tule-covered shelter for themselves. In 1928, when first I visited the site with Billy Skinner, the remains of the Indian village of Pohalin Tinleu surrounded these old fallen-in Ávila improvements. There drifted across the surrounding area, small, scattered dunes formed of sand, blown from the lake shore during times of low water and northwind. The depression where the dugout had been remained covered with sand until about 1934, when J. J. López guided me to the place. At that time I picked up a nice arrow point, but smaller than the one found in 1927 at Loásau by Dumble. Other remains of Indian occupation were scattered about the surface. South to Wheeler Ridge (then called Monte de las Ávilas), east of the Sinks of Tejón Creek and west to

SOUTH VALLEY YOKUTS — #59 THROUGH #63

the site of Old Sunset, with the single exception of Rose Station, was barren desert — not a board was on end.

López stated that old Indians had told him their people had used the spring at Pohalin Títleu long before white men came to the country and that as late as 1873 he had seen living near the site an Indian family native to the country. He hired the head of this family to herd sheep at Rancho El Tejón.

As far as I know, the cemetery at Pohalin Títleu never was discovered. Peace to the ashes.

About 1955 I last visited the site, taking friends with me. I had been there and picked up beads about two weeks previously. When we arrived where the old ruins and small dunes should have been, as far as we could see, the area had been graded as smooth as a table top. There was no sign of any of the old improvements. In a few days a half million dollars worth of land-levelling equipment had cleared the area.³⁸

SOUTH END

In addition to the three village sites already described, there was on the north shore of old Kern Lake a site covering an area larger than any of them. It was about two miles west and one-half mile north of the Kern County Land Company improvements at Tulefield Ranch. Wahumchah, Lawhawsah and Chaamsah contributed information regarding this old place or we would know nothing about it. As boys they had attended two lonewis (mourning ceremonies) there.³⁹

Among other facts concerning this ancient site, they stated that it was a regular lonewis grounds for the four southern Yokuts tribes and that a number of the more northerly tribes met

³⁸Data on this site, also Halau (Hsh-lah-oo, El Consuelo), were from Billy Skinner, J. J. López, Henry Emerson, A. B. Robinson, Mrs. Mary (Cuddy) Barnes, Porfirio Valencia, Wahumchah and Wm. Dumble. Data for Loásau was from Dumble only.

³⁹See *A Yowlumne Autobiography*, recorded and edited by F. F. Latta.

HANDBOOK OF YOKUTS INDIANS

there with them. They all gathered there to dance and sing and cry and to burn offerings for the benefit of their dead.

One of the great interests the site offered to everyone was the seemingly inexhaustible supply of beads scattered on the surface of a smooth area covering at least five acres. Over a period of about five years, Mrs. Latta, our four children and I picked up more than 20,000 beads in that space, also many small projectile points and many more pieces of points. Upon showing some of our gathering to our neighbor, Mrs. F. E. Borton, she brought out a shoebox half full of beads and points that she and her three children had gathered thirty years earlier on the same site while picnicking and Mr. Borton was hunting ducks at a nearby gun club. Bill Dumble showed me at least a pint of beads and probably fifty fine small projectile points.⁴⁰ Marion Stockton told me that he and other members of that family had picked up beads and points there over a period of many years. Undoubtedly many others had this same experience. Such was not the situation to such an extent at any other known location in Yokuts Land.⁴¹

Why were so many beads there?

Wahumchah told us why.

LONEWIS OFFERINGS

As the mourners danced and sang and cried and the Ahanich (paid singers) sang, the people (Yokuts) threw beads and Tripne (supernatural) projectile points on the dance ground as payment to Tihpiknits (Yokuts St. Peter) for the spirit of their departed to cross the last river on the way to Tihpiknits' Pahn (the Yokuts

⁴⁰These may not have been arrow points, as they were small and the tribes in that area used atlatis for throwing darts.

⁴¹Incidentally, I know of not one glass or other white man's bead, ornament, or article of any kind to be found within the limits of the Halaumne or Tuhoumne lands, except at Pohalin Tinleu, where the Avilas had their horse camp.

SOUTH VALLEY YOKUTS -- #59 THROUGH #63

Hereafter), located somewhere in the direction of the setting sun.

In 1952, while I was Director of Kern County Museum, I took a crew of county prisoners to the old lonewis site to make what I expected to be a final cleanup of the grounds. The large museum truck, a dozen stable brooms, scoop shovels, a dozen laborers and a thousand empty cement sacks were taken to the site. About three acres of the smooth surface was swept into heaps, shoveled into the sacks, hauled to the Museum and the contents sorted by the laborers. Sampling of an additional area among the salt weed and at least twice the size of that swept showed almost as many beads to the square foot as did the three acres swept. At least 150,000 beads were recovered. (During the earthquakes of 1952, when the Museum quarters were badly damaged and were vacated temporarily, these beads were lost and at last accounts had not been recovered.)

The number of beads taken from this old lonewis grounds by all parties mentioned surely totaled more than 500,000. And that was not all. During the winter of 1952-'53 rains uncovered a new layer of beads and points. Many testholes revealed that beads existed in vast numbers to a depth of six inches. Removing the 500,000 beads had not disturbed the original surface to a depth of more than one-half inch. Surely, several million beads had been scattered over the area.

About 1958 the entire village site and lonewis grounds were leveled for the purpose of planting crops. Later, in looking over the places where irrigation water had flowed, in less than one hour I picked up more than sixty beads.

HOMOCHU

Now, the name: Wahumchah remembered the Yowlumne Yokuts name for this old lonewis grounds. It was known as Southend Place, or End of Yokuts Land: Homochu (Ho-mo-choo). Taking Wahumchah to Tule River Indian Reservation with me, we found that Wahumchah, Lawhawseh and Chaamsah verified the

HANDBOOK OF YOKUTS INDIANS

name.⁴² While the three were together I reminded them that Pohalin Tinleu, not Homochu, was the most southern Yokuts village. They agreed to this, but said, "It did not count. It was a Yowlumne village and Homochu belonged to the Halaumne." Probably to us this was not a logical reason; it was, with their greater knowledge of the area, logical to them.⁴³ Population estimated at 500.

#63. TULUMNE YOKUTS

The south, west, and north sides of Buena Vista Lake were occupied by the *Tulumne* (Too-lum-ne). These people ranged as far northwest as the divide west of McKittrick, near where the village of Wogiteu (Wo-gih-te-oo) was situated. They bordered the Tuhumne on the west. At Bitter Water Creek near Taft was the Tulumne village of Hóscheu (Hós-che-oo). At the southwestern point of Buena Vista Lake was their main village, known as Tulúmneu (Too-lúm-ne-oo), meaning Tulumne Place.

This last place is well known as the site excavated in 1933-'34 by the Smithsonian Institution.⁴⁴ Buena Vista Lake was known by the same name as the Buena Vista Hills and the village between the hills and the lake Tulúmneu. The area between Buena Vista Lake and San Emigdio, Santiago Bitter Water and Lodoso Creeks to the south was occupied by the Tulumne. They also ranged up San Emigdio Creek to a point about two miles above where the Rancho San Emigdio headquarters was located.⁴⁵ Population estimated at 450.

⁴²All had attended Lonewis ceremonies there.

⁴³According to Chaamsah, Wahumchah and Lawhawseh, the residents of both Lodsau and Pohalin Tinleu were intermarried Yowlumne and Halaumne and they did not know which tribe claimed them.

⁴⁴Details of this work are covered in Bulletin 130, Bureau of American Ethnology, titled *Archaeological Investigations at Buena Vista Lake, Kern County, California*, by Waldo R. Wedel, under the direction of Dr. Winslow Walker.

⁴⁵From Lawhawseh, Wahumchah, López and Skinner.

CALIFORNIA GAMBLING CONTROL COMMISSION

Address: 2399 Gateway Oaks Drive, Suite 220 • Sacramento, CA 95833-4231
Phone: (916) 263-0700 • FAX: (916) 263-0452

*Memorandum*

DATE: January 24, 2013

TO: Chairman Lopes
Commissioner Conklin
Commissioner Hammond
Commissioner Schuetz

FROM: TINA M. LITTLETON
Executive Director

SUBJECT: Revenue Sharing Trust Fund Report of Distribution of Funds to Eligible Recipient Indian Tribes for the Quarter Ended December 31, 2012

All eligible Tribes will receive a total of \$275,000.00, which consists of \$146,748.10 from license fees and interest income and \$128,251.90 from shortfall funds that have been transferred into the Revenue Sharing Trust Fund (RSTF) from the Special Distribution Fund (SDF) as shown in Exhibit 1.

License fees of \$10,544,093.00 and interest income of \$28,821.30, for a total of \$10,572,914.30, was received into the RSTF for the quarterly period ended December 31, 2012. A portion of the interest income is allocated to previously approved distributions held in the RSTF on behalf of two (2) Tribes in the amount of \$7,051.10. The quarterly amount of the shortfall in payments to all eligible recipient Indian Tribes for the quarter totals \$9,234,136.80.

Staff recommends that the distribution to the California Valley Miwok Tribe be allocated but withheld. The issue of whether the Assistant Secretary's decision to recognize the five members of the Sylvia Burley faction as the tribe was valid is still pending resolution before the U.S. District Court for the District of Columbia. The matter has been submitted to Judge Roberts who could issue a decision at any time.

Staff also recommends allocating but withholding the distribution to the Iipay Nation of Santa Ysabel. While there has been some activity in both the state and federal litigation, neither court has answered the question of whether the distributions should be paid to Yavapai Apache Nation due to a judgment recognized in their favor in Sacramento Superior Court or the Iipay.

4

A listing of the amount of revenue received from each Compact Tribe is attached as Exhibit 2. The receipts are equally distributed to seventy-two (72)¹ of the eighty-eight (88) Tribes listed in Exhibit 1 as eligible recipient Tribes (pending receipt of outstanding eligibility certification forms, if any).

At the end of the calendar quarter, the amount of outstanding license fee payments due into the RSTF from one (1) Tribe was \$78,750.00. If the total license fee payments due at the end of this quarter had been paid into the RSTF, each recipient Tribe would have received \$1,093.75 in additional RSTF money with this quarter's distribution in lieu of an equal amount of SDF transferred shortfall funds. Total outstanding and due license fee payments for the quarter ended December 31, 2012, are summarized in the following Table 1:

Table 1		
Indian Gaming Revenue Sharing Trust Fund License Fee Payment Aging Schedule as of December 31, 2012		
Period(s) in Arrears²	Number of Tribes	Amount of License Fees Due
One (1) Quarter (Section 4.3.2.3)	1	\$78,750.00
Exceeds 30 days after the calendar quarter (Section 4.3.2.2)	0	.00
Totals	1	\$78,750.00

A fund condition statement for the RSTF through December 31, 2012, for the fiscal year 2012-13 is attached as Exhibit 3.

¹ Distribution to the California Valley Miwok Tribe is withheld pending resolution of Tribal leadership dispute and Lipay Nation of Santa Ysabel is withheld pending federal court litigation.

² Periods in Arrears are categorized according to the applicable Compact provisions of either 4.3.2.2 or 4.3.2.3.

Attachments:

- Exhibit 1 – RSTF Distribution List
- Exhibit 2 – RSTF Received From Compacted Tribes
- Exhibit 3 – RSTF Fund Condition Statement

Exhibit 1**Revenue Sharing Trust Fund Distribution****Total Amount of Distribution for the Quarter Ended December 31, 2012**

	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to December 31, 2012
1	Alturas Indian Rancheria	146,748.10	128,251.90	\$275,000.00	\$12,238,385.42
2	Augustine Band of Cahulla Indians ²	.00	.00	.00	1,238,385.42
3	Bear River Band of the Rohnerville Rancheria	146,748.10	128,251.90	275,000.00	12,238,385.42
4	Big Lagoon Rancheria	146,748.10	128,251.90	275,000.00	12,238,385.42
5	Big Pine Paiute Tribe of the Owens Valley	146,748.10	128,251.90	275,000.00	12,238,385.42
6	Big Sandy Rancheria of Western Mono Indians of California	146,748.10	128,251.90	275,000.00	12,238,385.42
7	Big Valley Band of Pomo Indians of the Big Valley Rancheria	146,748.10	128,251.90	275,000.00	4,950,000.00
8	Bishop Paiute Tribe	146,748.10	128,251.90	275,000.00	12,238,385.42
9	Blue Lake Rancheria ²	.00	.00	.00	1,788,385.42
10	Bridgeport Indian Colony	146,748.10	128,251.90	275,000.00	12,238,385.42
11	Buena Vista Rancheria of Me-Wuk Indians of California	146,748.10	128,251.90	275,000.00	12,238,385.42
12	Cahto Tribe	146,748.10	128,251.90	275,000.00	12,238,385.42
13	Cahuilla Band of Mission Indians of the Cahuilla Reservation	146,748.10	128,251.90	275,000.00	12,238,385.42
14	California Valley Miwok Tribe ¹	146,748.10	128,251.90	275,000.00	12,238,385.42
15	Campo Band of Diegueno Mission Indians of the Campo Indian Reservation ²	.00	.00	.00	538,034.21
16	Cedarville Rancheria	146,748.10	128,251.90	275,000.00	12,238,385.42
17	Chemehuevi Indian Tribe of the Chemehuevi Reservation	146,748.10	128,251.90	275,000.00	12,238,385.42
18	Cher-Ae Heights Indian Community of the Trinidad Rancheria	146,748.10	128,251.90	275,000.00	12,238,385.42
19	Chicken Ranch Rancheria of Me-Wuk Indians of California	146,748.10	128,251.90	275,000.00	12,238,385.42
20	Cloverdale Rancheria of Pomo Indians of California	146,748.10	128,251.90	275,000.00	12,238,385.42
21	Cold Springs Rancheria of Mono Indians of California	146,748.10	128,251.90	275,000.00	12,238,385.42

Exhibit 1**Revenue Sharing Trust Fund Distribution****Total Amount of Distribution for the Quarter Ended December 31, 2012**

	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to December 31, 2012
22	Colorado River Indian Tribes of the Colorado River Indian Reservation	146,748.10	128,251.90	275,000.00	12,238,385.42
23	Cortina Indian Rancheria of Wintun Indians of California	146,748.10	128,251.90	275,000.00	12,238,385.42
24	Coyote Valley Reservation	146,748.10	128,251.90	275,000.00	8,250,000.00
25	Death Valley Timbi-Sha Shoshone Tribe	146,748.10	128,251.90	275,000.00	12,238,385.42
26	Dry Creek Rancheria of Pomo Indians of California ²	.00	.00	.00	1,513,385.42
27	Elm Indian Colony of Pomo Indians of the Sulphur Bank Rancheria ¹	146,748.10	128,251.90	275,000.00	12,238,385.42
28	Elk Valley Rancheria	146,748.10	128,251.90	275,000.00	12,238,385.42
29	Enterprise Rancheria of Maidu Indians of California	146,748.10	128,251.90	275,000.00	12,238,385.42
30	Ewilaapaay Band of Kumeyaay Indians	146,748.10	128,251.90	275,000.00	12,238,385.42
31	Federated Indians of Graton Rancheria	146,748.10	128,251.90	275,000.00	11,817,594.03
32	Fort Bidwell Indian Community of the Fort Bidwell Reservation of California	146,748.10	128,251.90	275,000.00	12,238,385.42
33	Fort Independence Indian Community of Palute Indians of the Fort Independence Reservation	146,748.10	128,251.90	275,000.00	12,238,385.42
34	Fort Mojave Indian Tribe of Arizona, California & Nevada	146,748.10	128,251.90	275,000.00	12,238,385.42
35	Greenville Rancheria	146,748.10	128,251.90	275,000.00	12,238,385.42
36	Grindstone Indian Rancheria of Wintun-Wailaki Indians of California	146,748.10	128,251.90	275,000.00	12,238,385.42
37	Guidiville Rancheria of California	146,748.10	128,251.90	275,000.00	12,238,385.42
38	Habematolel Pomo of Upper Lake	146,748.10	128,251.90	275,000.00	12,238,385.42
39	Hoop Valley Tribe	146,748.10	128,251.90	275,000.00	12,238,385.42
40	Hopland Band of Pomo Indians of the Hopland Rancheria ²	.00	.00	.00	441,306.53

Exhibit 1**Revenue Sharing Trust Fund Distribution****Total Amount of Distribution for the Quarter Ended December 31, 2012**

	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to December 31, 2012
41	Ilipay Nation of Santa Ysabel ¹	146,748.10	128,251.90	275,000.00	12,238,385.42
42	Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation	146,748.10	128,251.90	275,000.00	12,238,385.42
43	Ione Band of Miwok Indians of California	146,748.10	128,251.90	275,000.00	12,238,385.42
44	Jamul Indian Village of California	146,748.10	128,251.90	275,000.00	12,238,385.42
45	Karuk Tribe of California	146,748.10	128,251.90	275,000.00	12,238,385.42
46	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	146,748.10	128,251.90	275,000.00	12,238,385.42
47	La Jolla Band of Luiseno Indians	146,748.10	128,251.90	275,000.00	12,238,385.42
48	La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation	146,748.10	128,251.90	275,000.00	12,238,385.42
49	Lone Pine Paiute-Shoshone Tribe	146,748.10	128,251.90	275,000.00	12,238,385.42
50	Los Coyotes Band of Cahuilla and Cupeno Indians	146,748.10	128,251.90	275,000.00	12,238,385.42
51	Lower Lake Rancheria	146,748.10	128,251.90	275,000.00	11,817,594.03
52	Lytton Rancheria of California	146,748.10	128,251.90	275,000.00	12,238,385.42
53	Manchester Band of Pomo Indians of the Manchester Rancheria	146,748.10	128,251.90	275,000.00	12,238,385.42
54	Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation	146,748.10	128,251.90	275,000.00	12,238,385.42
55	Mechoopda Indian Tribe of Chico Rancheria	146,748.10	128,251.90	275,000.00	12,238,385.42
56	Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation	146,748.10	128,251.90	275,000.00	12,238,385.42
57	Middletown Rancheria of Pomo Indians of California ²	.00	.00	.00	482,578.08
58	Northfork Rancheria of Mono Indians of California	146,748.10	128,251.90	275,000.00	12,238,385.42

Exhibit 1**Revenue Sharing Trust Fund Distribution****Total Amount of Distribution for the Quarter Ended December 31, 2012**

	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to December 31, 2012
59	Pala Band of Luiseno Mission Indians of the Pala Reservation ²	.00	.00	.00	482,578.08
60	Paskenta Band of Nomlaki Indians of California ²	.00	.00	.00	688,385.42
61	Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation ²	.00	.00	.00	482,578.08
62	Picayune Rancheria of Chukchansi Indians of California ²	.00	.00	.00	1,513,385.42
63	Pinoleville Pomo Nation	146,748.10	128,251.90	275,000.00	12,238,385.42
64	Pit River Tribe (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias)	146,748.10	128,251.90	275,000.00	12,238,385.42
65	Potter Valley Tribe	146,748.10	128,251.90	275,000.00	12,238,385.42
66	Quartz Valley Indian Community of the Quartz Valley Reservation of California	146,748.10	128,251.90	275,000.00	12,238,385.42
67	Quechan Tribe of the Fort Yuma Indian Reservation ²	.00	.00	.00	7,838,385.42
68	Ramona Band of Cahuilla	146,748.10	128,251.90	275,000.00	12,238,385.42
69	Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California	146,748.10	128,251.90	275,000.00	12,238,385.42
70	Resighini Rancheria	146,748.10	128,251.90	275,000.00	12,238,385.42
71	Rincon Band of Luiseno Mission Indians of the Rincon Reservation ²	.00	.00	.00	441,306.53
72	Round Valley Indian Tribes, Round Valley Reservation	146,748.10	128,251.90	275,000.00	12,238,385.42
73	San Pasqual Band of Diegueno Mission Indians of California ²	.00	.00	.00	482,578.08
74	Santa Rosa Band of Cahuilla Indians	146,748.10	128,251.90	275,000.00	12,238,385.42

Exhibit 1**Revenue Sharing Trust Fund Distribution****Total Amount of Distribution for the Quarter Ended December 31, 2012**

	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to December 31, 2012
75	Scotts Valley Band of Pomo Indians of California	146,748.10	128,251.90	275,000.00	12,238,385.42
76	Sherwood Valley Rancheria of Pomo Indians of California	146,748.10	128,251.90	275,000.00	12,238,385.42
77	Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract) ²	.00	.00	.00	7,563,385.42
78	Smith River Rancheria	146,748.10	128,251.90	275,000.00	12,238,385.42
79	Susanville Indian Rancheria	146,748.10	128,251.90	275,000.00	12,238,385.42
80	Tejon Indian Tribe	146,748.10	128,251.90	275,000.00	1,084,890.00
81	Torres Martinez Desert Cahuilla Indians	146,748.10	128,251.90	275,000.00	12,238,385.42
82	Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California ²	.00	.00	.00	482,578.08
83	United Auburn Indian Community of the Auburn Rancheria of California ²	.00	.00	.00	1,513,385.42
84	Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation	146,748.10	128,251.90	275,000.00	12,238,385.42
85	Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)	146,748.10	128,251.90	275,000.00	12,238,385.42
86	Wilton Rancheria	146,748.10	128,251.90	275,000.00	3,919,505.49
87	Wiyot Tribe	146,748.10	128,251.90	275,000.00	12,238,385.42
88	Yurok Tribe of the Yurok Reservation	146,748.10	128,251.90	275,000.00	12,238,385.42
	Total	\$10,565,863.20	\$9,234,136.80	\$19,800,000.00	\$877,063,642.30

Footnotes:

¹ Distribution to the California Valley Miwok Tribe is withheld pending resolution of Tribal leadership dispute and Ilpay Nation of Santa Ysabel is withheld pending federal court litigation.

² No longer an eligible recipient Tribe, however previously received RSTF distributions.

Exhibit 2**Revenue Sharing Trust Fund****Amount of Revenue from Each Compact Tribe Received by the Commission through the Quarter Ending December 31, 2012**

	Compact Tribe	Revenue Received Fiscal Year to Date	Revenue Received Inception to Date
1	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation	\$1,000,000.00	\$14,327,953.20
2	Alturas Indian Rancheria	0.00	375,000.00
3	Augustine Band of Cahuilla Indians	45,000.00	631,741.27
4	Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation	368,175.00	9,297,175.27
5	Bear River Band of the Rohnerville Rancheria	0.00	0.00
6	Berry Creek Rancheria of Maidu Indians of California	97,200.00	1,228,270.68
7	Big Sandy Rancheria of Western Mono Indians of California	0.00	0.00 ¹
8	Big Valley Band of Pomo Indians of the Big Valley Rancheria	22,500.00	568,171.23
9	Blue Lake Rancheria	0.00	568,250.00
10	Buena Vista Rancheria of Me-Wuk Indians of California	0.00	0.00 ¹
11	Cabazon Band of Mission Indians	1,030,612.50	13,759,781.91
12	Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria	180,000.00	1,165,808.22
13	Cahto Tribe	0.00	0.00
14	Cahuilla Band of Mission Indians of the Cahuilla Reservation	0.00	125,000.00
15	Campo Band of Diegueno Mission Indians of the Campo Indian Reservation	22,500.00	568,171.23
16	Chemehuevi Indian Tribe of the Chemehuevi Reservation	0.00	0.00 ¹
17	Cher-Ae Heights Indian Community of the Trinidad Rancheria	0.00	0.00
18	Chicken Ranch Rancheria of Me-Wuk Indians of California	0.00	0.00
19	Dry Creek Rancheria of Pomo Indians of California	667,500.00	16,855,746.58
20	Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria	0.00	0.00

Exhibit 2**Revenue Sharing Trust Fund****Amount of Revenue from Each Compact Tribe Received by the Commission through the Quarter Ending December 31, 2012**

	Compact Tribe	Revenue Received Fiscal Year to Date	Revenue Received Inception to Date
21	Elk Valley Rancheria	0.00	62,500.00
22	Ewilaapaayp Band of Kumeyaay Indians	0.00	2,437,433.22
23	Hoop Valley Tribe	0.00	0.00
24	Hopland Band of Pomo Indians of the Hopland Rancheria	0.00	3,368,042.68
25	Jackson Rancheria of Me-Wuk Indians of California	571,400.50	10,704,216.86
26	Jamul Indian Village of California	0.00	0.00
27	La Jolla Band of Luiseno Indians	0.00	0.00
28	Manchester Band of Pomo Indians of the Manchester Rancheria	0.00	0.00
29	Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation	0.00	0.00
30	Middletown Rancheria of Pomo Indians of California	0.00	437,500.00
31	Mooretown Rancheria of Maldu Indians of California	63,500.00	2,169,632.22
32	Morongo Band of Mission Indians	1,000,000.00	9,452,104.14
33	Bishop Paiute Tribe	0.00	0.00
34	Pala Band of Luiseno Mission Indians of the Pala Reservation	1,000,000.00	29,375,896.37
35	Paskenta Band of Nomlaki Indians of California	63,000.00	683,523.48
36	Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation	157,500.00	6,219,911.71
37	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation	1,000,000.00	11,506,120.11
38	Picayune Rancheria of Chukchansi Indians of California	1,102,500.00	27,895,869.86
39	Pit River Tribe (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias)	0.00	0.00
40	Quechan Tribe of the Fort Yuma Indian Reservation	0.00	0.00
41	Redding Rancheria	50,625.00	1,827,647.64
42	Resighini Rancheria	0.00	0.00

Exhibit 2**Revenue Sharing Trust Fund****Amount of Revenue from Each Compact Tribe Received by the Commission through the Quarter Ending December 31, 2012**

	Compact Tribe	Revenue Received Fiscal Year to Date	Revenue Received Inception to Date
43	Rincon Band of Luiseno Mission Indians of the Rincon Reservation	768,750.00	22,493,229.46
44	Robinson Rancheria of Pomo Indians of California	0.00	337,500.00
45	San Manuel Band of Mission Indians	1,000,000.00	16,298,240.41
46	San Pasqual Band of Diegueno Mission Indians of California	1,537,500.00	21,358,366.84
47	Santa Rosa Indian Community of the Santa Rosa Rancheria	1,272,150.00	32,124,401.51
48	Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation	657,750.00	16,609,539.04
49	Sherwood Valley Rancheria of Pomo Indians of California	0.00	0.00
50	Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract)	2,300,000.00	18,481,194.25
51	Smith River Rancheria	0.00	0.00
52	Soboba Band of Luiseno Indians	432,525.00	10,346,605.59
53	Susenville Indian Rancheria	0.00	0.00
54	Sycuan Band of the Kumeyaay Nation	1,169,925.00	29,543,010.21
55	Table Mountain Rancheria of California	584,625.00	14,762,982.53
56	Tule River Indian Tribe of the Tule River Reservation	357,450.00	10,130,874.04
57	Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California	355,705.00	3,544,083.02
58	Twenty-Nine Palms Band of Mission Indians of California	689,250.00	17,404,978.77
59	United Auburn Indian Community of the Auburn Rancheria of California	1,000,000.00	21,950,312.20
60	Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation	1,000,000.00	18,694,230.34
61	Yocha Dehe Wintun Nation	1,000,000.00	20,137,524.18
	Totals	\$22,567,643.00	\$439,836,540.27
	Interest	111,941.48	9,136,206.38
	Grand Totals	\$22,679,584.48	\$448,972,746.65

Footnotes:

1. Prepayment receipts were returned to payor Tribes for the return of unused putative gaming device licenses issued by Sides Accountancy Corporation. Licenses in equal number were issued by the Commission on September 5, 2002 resulting in \$2,137,500 in prepayment fees to the Fund.

EXHIBIT 3
CALIFORNIA GAMBLING CONTROL COMMISSION
0366 - INDIAN GAMING REVENUE SHARING TRUST FUND
FUND CONDITION STATEMENT
For the Six Months Ended December 31, 2012
Cash Basis

BEGINNING BALANCE	\$ 33,848,201.52
REVENUES AND TRANSFERS	
Revenues:	
150300 Income from surplus money investments	111,941.48
216900 License fees held in trust	22,567,643.00
Transfer from the SDF to the RSTF for shortfall per Item 0855-111-0367, Budget Act of 2012	<u>33,500,000.00</u>
Totals, Revenues	<u>56,179,584.48</u>
Totals, Resources	90,027,786.00
EXPENDITURES	
Disbursements to Eligible Indian Recipient Tribes	<u>38,500,000.00</u>
Totals, Expenditures	<u>38,500,000.00</u>
FUND BALANCE, prior to distribution	51,527,786.00
Pending distribution	19,250,000.00
Disbursements held on behalf of the California Valley Miwok Tribe pending identification of Tribal government	8,763,001.99
Disbursements held on behalf of the Ilipay Nation of Santa Ysabel	825,000.00
Interest due to Tribes ¹	420,769.21
Assembly Bill No. 673 (Chapter 210, Statutes of 2003) and Government Code Section 12012.90 reserve pending resolution	275,000.00
FUND BALANCE, after distribution²	\$ <u>21,994,014.80</u>

Footnotes:

¹ Accrued interest on previously held distributions in the amount of \$420,247.17 and \$522.04 as of Quarter Ending December 31, 2012 for California Valley Miwok Tribe and Ilipay Nation of Santa Ysabel, pending distribution.

² The fund balance represents the cash basis balance as identified by the Commission since inception of the Fund. This balance may not agree with the State Controller's fund balance, which is reported on an accrual basis. Additional reconciling items may exist that have not been identified.

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ASIA-OFA

October 27, 2006

Director R. Lee Fleming
Office of Federal Acknowledgment
United States Department of the Interior
MS 34B-SIB
1951 Constitution Avenue, NW.
Washington, DC 20240

Re: October 11, 2006 Letter Requesting Additional Materials Relating to Tejon Tribe Request
for Confirmation of Status

Dear Lee:

Thank you for taking the time to discuss with me your October 11, 2006 letter requesting additional information and materials relating to the Tejon Indian Tribe's Request for Confirmation of its Status as a federally recognized tribe. I understand that you already have received from Chairwoman Morgan copies of most of the documents requested on the first page of your letter (to the extent they are available) (see letter from Chairwoman Morgan dated October 17, 2006).

As we discussed during our phone calls and as explained in Chairwoman Morgan's letter, the Tribe has been working to locate and provide Chief Lozada's death certificate, documents regarding Magdalena Olivas, and documents relating to Chairwoman Morgan's descent from one of the signatories to the Treaty of Tejon. Today I am enclosing a copy of Chief Lozada's death certificate, and soon we will be able to provide additional responsive documentation regarding Magdalena Olivas and Chairwoman Morgan's descent.

As I mentioned last week, the scope of the Department's request for documents contained on the second page of the October 11th letter is of some concern to us. We understand that such information typically is requested in the context of a review of a Documented Petition pursuant to 25 C.F.R. Part 83. Because the Tribe is requesting confirmation of its existing status (as opposed to requesting review of a Part 83 Petition), we suggest that the most appropriate and efficient approach for evaluating the Tribe's Request would be to confirm the authenticity of the historical documents provided and to confirm that the members of the modern-day Tejon Tribe descend from the Tejon Indians identified on the census of the Tejon Band compiled by Special Indian Agent Terrell in 1915.

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Director R. Lee Fleming

October 27, 2006

Page 2

Regarding your request that we provide you with additional citation information for documents listed as exhibits to the Tribe's Request for Confirmation, we are very happy to do so. However, some guidance (informally over the over the telephone would be fine) as to what citations you find to be incomplete would assist us in complying with your request.

To the extent that it is necessary to examine additional information to confirm that the Tejon Indian Tribe, and not other petitioners who may be claiming some similar historical connections or genealogical relation to the Terrell census, is the core group descended from the historic Tejon Tribe identified in the Terrell census, we are enclosing a memorandum based on information prepared by Dr. John Johnson. We would be happy to provide the Department with additional genealogical information if you find that is necessary for completion of the Department's genealogical analysis.

As Chairwoman Morgan indicated in her letter, at some point prior to the Tribe's November 1st meeting, we would like to get together to discuss the status of the Department's review of the Tejon Tribe's request, as well as any remaining requests or concerns that you may have. Please let me know if you would prefer a conference call or some other form of communication. Finally, we also have received your letter of October 26, 2006, and we will be responding to it shortly.

We very much appreciate the hard work and attention that your office is giving to the Tejon Tribe's request for confirmation of its status as a federally recognized Indian tribe. As always, please feel free to call with any questions.

Best regards,



Suzanne R. Schaeffer

cc: The Hon. Kathryn Montes Morgan

The Modern Tejon Tribe's Relationship To the Historic Tejon Tribe

John R. Johnson, PhD

October 27, 2006

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ASIA-673

I have been asked to describe the relationship of the historic Tejon Tribe (as it was identified by federal Indian Special Agent John J. Terrell in BIA's 1915 census) to the modern Tejon Tribe (identified by the Office of Federal Acknowledgment (OFA) as "Petitioner 230"). I also have been asked to describe the relationship of the historic Tejon Tribe to other modern-day tribal groups currently petitioning OFA for acknowledgement, some of which apparently claim descent from the historic Tejon Tribe.

I have analyzed these questions both from the 1915 Terrell census looking forward, and from the present-day Tejon membership looking backwards. As described below, from either perspective the genealogical evidence makes clear that the modern Tejon Tribe is directly descended from the historic Tejon Tribe, and equally clear that none of the other modern-day Tribes identified by OFA¹ would be able to claim to be the modern successor to the historic Tribe.

Note: the data on which I have relied for the analysis below is articulated in more detail in the analysis provided at Table 1, Exhibit 68 of the Tejon Tribe's June 30, 2006, submission to the Department of the Interior. That information is incorporated here by reference.

1. Analysis Looking Forward: How the Descendants of the Historic Tejon Tribe Relate to Members of the Modern-Day Tejon Tribe

On BIA's 1915 census Special Agent Terrell counted 81 individuals in the historic Tejon Tribe. Thirty-six of these individuals have no known modern descendants, largely because of the historically high mortality rate for children born in rural Indian communities.

Total historic Tribe members identified in 1915:	81
Historic Tribe members with no known modern descendants:	- 36
Historic Tribe members with descendants:	45

Of the 45 individuals on the Terrell list who have known descendants, 28 have descendants on the modern-day Tejon Tribe membership list. Stated another way, of those individuals on the 1915 Terrell census who have descendants, 62% have descendants who are members of the

¹ See October 19, 2006 fax from Mr. Lee Fleming (OFA) to Ms. Suzanne Schaeffer

Marcelina Cardero family
Mauricio + Isabel Gomez family
Guana Encinas family
Petra Martinez family
Maria + ... family

modern-day Tejon Tribe. This demonstrates a strong nexus between the historic Tejon Tribe and the modern-day Tejon Tribe.

Total Historic Tejon Tribe members with descendants: 45

Total Historic Tejon Tribe members with descendants in
modern-day Tejon Tribe: 28 (or 62%)

It is important to consider as well the subsequent history of the seventeen members of the historic Tejon Tribe whose descendants today are not evident in the modern-day Tribe's membership. To the best of my knowledge, fifteen of the seventeen moved away from Tejon and have since lost all affiliation with any Indian community.²

GOMEZ - 7 people
Cordero -
4 people

This leaves only two members of the Historic Tejon Tribe who have ancestors who today are affiliated with other Tribes. These two are (1) Petra Gomez and (2) Marcelina Cordero. Ms. Dominguez organized her immediate family as a separate entity and is known to OFA as Petitioner 165. It should be noted that Petra's parents, Mariano and Isabel³ Gomez, have descendants among the modern day Tejon Tribe through their other children. Marcelina Cordero Kern Valley Indian Community and her descendants now are affiliated with that community (Petitioner 047). Hence, of the 45 Tejon Indians identified on the 1915 Terrell census who have descendants, only 2 (or approximately 4%) have descendants that are today affiliated with other tribal groups.

Total Historic Tejon Tribe members with descendants: 45

Total Historic Tejon Tribe members who have descendants,
but whose descendants are not affiliated
with the modern-day Tejon Tribe: 17

Total Historic Tejon Tribe members with descendants
who appear to have abandoned all tribal
affiliations: 15

Total historic Tribe members with descendants
in modern-day Tribes other than Tejon: 2 (or approx. 4%)

2. Analysis Looking Backward: How the Modern-Day Tejon Tribal Members Relate to Members of the Historic Tejon Tribe

Currently there are 212 individuals enrolled in the modern-day Tejon Tribe. Each of these individuals meets the Tribe's enrollment criteria, which include that: (1) the member must be a lineal descendant from the historic Tejon Tribe (i.e., effectively must be able to trace his/her

² These were the Juana and Adolf Encinas family and the Maria Ignacia family. I know these families' descendants and believe that they no longer participate in any Indian community.

³ Special Agent Terrell misspelled the name Isabel as "Isabel" on the 1915 census.

ENCINAS - 7 people
4837288 IGNACIA - 8 people²

ancestry back to someone listed on the 1915 Terrell census), and (2) the member must be able to demonstrate at least 3/8 blood quantum.

In addition to the 212 individuals already enrolled, based on interview and genealogical data I believe that there are approximately 110 additional individuals who would be eligible for membership in the modern-day Tribe (i.e., who have an ancestor on the Terrell census and meet the minimum blood quantum requirement) but who for one reason or another are not currently enrolled with the Tejon Tribe.⁴ Hence, there is a universe of approximately 312 (212 current members plus approximately 110 unenrolled but eligible persons) who meet the criteria for membership in the modern-day Tejon Tribe.

The 212 current enrolled tribal members therefore constitute more than two-thirds (approximately 68%) of the total universe of the 312 individuals eligible for enrollment. In fact, six of the 110 unenrolled individuals have petitioned for enrollment. Once their petitions have been duly processed, the total enrollment will be 218, elevating the percentage of enrollment among eligible individuals to nearly 70%.

It should also be noted that the strong nexus between the members identified on the Terrell list and the members of the modern day Tejon Tribe evidences community, not just individual descent. Table 3 of the Tejon Tribe's June 30, 2006 submission shows that modern-day Tejon members typically have multiple ancestors on the Terrell list, with 65% of them having seven or more ancestors on the Terrell list. This is due to the lateral as well as lineal connections between most members of the modern-day Tribe and members of the historic Tribe, with most modern members being two or less generations removed from the Tejon Indians identified on historic list.

3. The Historic Origins of Other Petitioning Tribes

Information about the known origins of the seven other petitioning Tribes identified by OFA is consistent with the data analyzed above. Five of the seven groups have no historic or genealogical connection to the historic Tejon Tribe as listed on the 1915 Terrell census at all:

1. *Fernandeno/Tataviam Tribe, Petitioner 158*: This tribe's ancestors were affiliated with Mission San Fernando and not Tejon; they never resided on the Sebastian (Tejon) Reservation, and none of their ancestors appear on the Terrell census.
2. *San Fernando Band of Mission Indians, Petitioner 163*: This tribe's ancestors were also affiliated with Mission San Fernando and not Tejon; they never resided on the Sebastian (Tejon) Reservation, and none of their ancestors appear on the Terrell census.

⁴ Of the 110 eligible individuals, six have applied for membership in the Tejon Tribe; another six are known to be associated with Petitioner 163 (see discussion above concerning Delia Domínguez and her siblings); and four are affiliated with Kern Valley Indian Community (see discussion above concerning Marcelina Cordero).

3. *Sierra Foothill Wukachi Yokuts Tribe, Petitioner 209*: This tribe's ancestors appear to be affiliated with the Monachi and the Sierra Foothills Yokuts; to the best of my knowledge they never resided on the Sebastian (Tejon) Reservation and none of their ancestors appear on the Terrell census.
4. *Monachi Indian Tribe, Petitioner 283*: This tribe's ancestors lived in the Sierra Nevada foothills, geographically distant from the Tejon, to the best of my knowledge they never resided on the Sebastian (Tejon) Reservation and none of their ancestors appear on the Terrell census.
5. *Chumash Council of Bakersfield, Petitioner 294*: This tribe's ancestors were from the San Luis Obispo Chumash Tribe and none of their ancestors appears on the Terrell census. I have heard that some of their members may have been employed by the Tejon Ranch as cowboys, but they were not part of the historic Tejon Tribe.

Only two of the petitioning tribes identified by OFA have any relationship to the historic Tejon Tribe, and both of these already have been discussed in more detail above.

The first is the group which has been organized by Delia Dominguez [REDACTED] and which is known to OFA as *Tinoqui-Chalola Council of Kitanemuk and Yowlumne Tejon Indians, Petitioner 165*. This group descends entirely from a single individual listed on the Terrell census and its membership appears to be limited only to offspring of that individual. As a result membership in that group is quite small (to the best of my knowledge, there are no more than six individuals with a minimum 3/8's Tejon blood quantum in that group).

The second group is the *Kern Valley Indian Community, Petitioner 047*. This group is primarily composed of Kawaiisu and Tubatulabal Indians, although the group does include one family that has a single Tejon ancestor. As discussed above, this one family descends from Marcelina Cordero, who left Tejon after she had been counted on the Terrell census because she married a Kawaiisu Indian. Her descendants are, however, primarily affiliated with her husband's community at Kern Valley.

Conclusion

The modern-day Tejon Tribe, known to OFA as Petitioner 230, is so strongly genealogically tied to the historic Tejon Tribe that there can be no question but that it constitutes the solid, modern-day core of the same community as was identified by Terrell in 1915. It is equally clear that there is no other tribal group that could make this same claim.

news of the Indians of El Tejon Band in Kern Co., Calif.

Juan Lozada, 56, wife Mary 48 (children all dead, Lozada is Chief)	2.
Agripino 32, wife Loreta 40, stepson Pedro Gomez 28, wife Mariela 25, 3 children, Pedro 7, Bruno 6 and Elvira 3,	5.
Ramon Gomez 75, wife Michelina 40, have 6 children, Lola 18, Martha 16, Vidal 9, Diego 6 and David 5,	8.
Apolito Fracas 28, wife Guina 29, 5 children, 3 by first husband & 2 by 2nd. Frank Subriar 15, T.O. Subriar 13, Paul Subriar 10, own, Carmelita 4 and Isadora 2,	7. 121571
Rafael Sanchez 22, Domingo Duarte (said to be 130 years old)	2.
Mariano Gomez 62, wife Izabell 45, have 3 children, Refugia 18, she has 2 children, Viviana 4, & Baby girl 9 mo., Petra 12, and Izabell 5,	2.
Peter Cordero 22, wife Francisco 19, have 2 ch. Marcelina 5 and Ramon 4,	4.
Ramon Hininio 55, wife Rosa 62 (no Children) Frank Hininio 47,	3.
Jose Olivaes 62, wife Magalina 70, have 4 children, Izabell- married Marcelino 36, Angelo 34-married- Inacio Montes 40, wife Angela 34, have 4 children, Agustin 20, Vicente 22, Dolores 8 and Virginia 3,	9.
Mrs. Josefa Cordero 62, has 5 children, Victor 20, Josefa 18, Arelia 15, J.F. Montes and wife Sacramento 24, have 3 chil- dren, Francisco 7, Juanita 5 and Rebarco 2,	9.
Pedro Manuel 34, wife Candelaria 32, have 3 children, Guiter 19, Gregorio 14 and Modesta 10,	5.
Pedro says claims to be 100 years old, Jim Montes 65 (widower)	2.
Mrs. Eugena Denley claims to be 125 years old,	1.
Mrs. Sebastiana Hingenio 65, Jose Cirildo 40, Felix Leno 25,	3(3)
Mrs. Maria Inacia 25, daughter Rosenda 45-married to an Italian, mother of 6 children, 3 by a Mexican and 3 by the Italian, Francisco 23, Willie 25, Marie 31-by the Italian, Irene 17, Benito 14 and Juana 12-married, to white man	7.
Frank Leita 19, wife Francis 16, (no Children)	2.
Alfred Yuka 18, Refugia 15 and Izabell 10,	3.
Total,	79.

Respectfully submitted,

John J. Farrell
Special Indian Agent.

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Investigative Report of the Tejon Indian Tribe

Report Date: January 9, 2013
Date Posted to Web: April 30, 2013

This is a version of the report prepared for public release.

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SYNOPSIS

The Office of Inspector General initiated this investigation on January 17, 2012, after receiving information that Larry Echo Hawk, then-Assistant Secretary-Indian Affairs (AS-IA), "reaffirmed" the Tejon Indian Tribe of California (Tejon Tribe) without going through the acknowledgment process set forth in 25 C.F.R., Part 83, "Procedures for Establishing That an American Indian Group Exists as an Indian Tribe."

We found that several American Indian groups, including the Tejon Tribe, submitted petitions requesting reaffirmation by the AS-IA. These petitions were outside the Part 83 acknowledgment process, which is administered by the AS-IA's Office of Federal Acknowledgment (OFA). We could not find any discernible process used by Echo Hawk and his staff in selecting the Tejon Tribe for recognition above the other groups.

We found, moreover, that Echo Hawk and his staff did not consult with OFA or with Bureau of Indian Affairs (BIA) leadership before deciding to recognize the Tejon Tribe. Because OFA was not consulted, other American Indian groups with historical, genealogical, and ancestral claims to the original Tejon Indians were left out of the process. Not involving BIA leadership caused budgeting and operational difficulties for BIA, which in turn slowed down the process for providing Federal services to the Tejon Tribe. The AS-IA also denied subsequent requests by BIA for additional fiscal year 2013 funding, which was necessary to provide services for the newly recognized Tribe.

Our investigation did not reveal any apparent financial, business, or personal connection between Echo Hawk or his staff and the Tejon Tribe, its legal representative, or its financial backers.

BACKGROUND

Part 83: A Process for Acknowledging American Indian Tribes

Part 83 of 25 C.F.R. sets forth procedures for establishing that an American Indian group can be classified as a Federally recognized Indian tribe,¹ making the group eligible for U.S. Government benefits, protection, and services. The Assistant Secretary-Indian Affairs' (AS-IA) Office of Federal Acknowledgment (OFA) implements the Part 83 process.

Part 83 requires that an Indian group petition the AS-IA in order to be officially acknowledged (that is, recognized) as an Indian tribe by the U.S. Government. The process begins when a group submits a letter of intent to be acknowledged through Part 83. The group next submits a petition for acknowledgment, accompanied by historical documents supporting its request. OFA evaluates the petition and supporting documents and then makes a recommendation to the AS-IA, which decides whether to acknowledge the group. When the AS-IA approves OFA's

¹ Until a group of American Indians is Federally recognized, it is not referred to as a "tribe" by the U.S. Government. For the sake of simplicity, we will refer to the group at issue as the Tejon Tribe, or the Tribe, throughout this report.

recommendation, a notice is published in the Federal Register, where it can be viewed by the petitioning group, State and local governments, or other interested parties.

Section 83.7 of Part 83 establishes seven mandatory criteria for Federal acknowledgment. These criteria must be satisfied by documentation included in the group's petition:

1. The group must have been identified as an American Indian entity "on a substantially continuous basis" since 1900.
2. The main portion of the group must have existed as a distinct community from historical times until now.
3. The group must have autonomously maintained political influence or authority over its members from historical times until now.
4. The group must supply a copy of its present governing document, including its membership criteria. If the group does not have a written document, it must provide a statement fully describing its membership criteria and governing procedures.
5. The group members must be descended from a historical Indian tribe or from historical tribes that combined and functioned as a single autonomous political entity.
6. The petitioning group must be composed principally of people who are not members of any acknowledged American Indian tribe.
7. Neither the petitioning group nor its members can be the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

The acknowledgment process can take years to complete under Part 83. At various times, however, AS-IAs have recognized American Indian groups as tribes without following the Part 83 process, using a practice known as "reaffirmation." Reaffirmation has been used to recognize tribes when a perceived administrative error has resulted in the tribe being left off the Federal Register's official list of Federally recognized tribes. The Department's authority for such reaffirmations is not, however, defined in law or regulation, and we have not located any Departmental Manual provisions or other published policy memoranda governing the practice.

In the past, two AS-IAs, Ada Deer and Kevin Gover, have reaffirmed Government-to-Government relationships with the Lower Lake Tribe of California, the Shoonag' Tribe of Alaska, the King Salmon Tribe of Alaska, and the Lone Tribe of California without the tribes completing the Part 83 process. On December 30, 2011, then-AS-IA Larry Echo Hawk officially reaffirmed the Tejon Tribe of Bakersfield, CA, without following the Part 83 process.

The Tejon Tribe's Request for Reaffirmation

In July 2000, the Tejon Tribe submitted a letter of intent to the AS-IA to be Federally acknowledged through the Part 83 process. At that time, the group consisted of 211 members who claimed to be descended from Indians living in the area of Tejon Ranch, CA. The group did not, however, file a petition for acknowledgment as required under § 83.6 of Part 83.

In 2005, an executive from Cannery Casino Resorts of Las Vegas, NV, became acquainted with members of the Tejon Tribal Council. The casino, intending to enter into a gaming agreement with the Tribe, offered financial assistance to help the Tribe achieve Federal recognition. The

Tribe used the funds it received to hire a legal representative to assist it in its effort to be Federally recognized.

Based upon the legal representative's advice, in June 2006 the Tribe submitted a "Request for Confirmation of Status," asking that its status as a Federally recognized tribe be confirmed. According to the request, the group had been left off an official 1978 list of Federally recognized Indian tribes due to an unspecified administrative error. The Tribe claimed that some of its members appeared on a 1929 Indian census roll or were descended from persons on that roll, and that some members were descended from people counted in previous Indian censuses. In addition, the Tribe claimed an un-ratified 1851 treaty existed between its ancestors and the U.S. Government, and that the Tribe had received Federal services in the past. Carl Artman, the AS-IA at the time, decided not to take formal action to reaffirm the Tribe, but did approve certificates of degree of Indian blood for 35 Tribe members.

On December 30, 2011, when Echo Hawk reaffirmed the Tejon Tribe, there were six other American Indian groups requesting Federal acknowledgment or reaffirmation through other than the Part 83 process. Those groups were the Sandy Lake Band of Chippewa Indians in Minnesota; the Gabrielino-Tongva Tribe of California; the Mishewal Wappo Tribe of the Alexander Valley, CA; the Tsi-Akim Maidu Tribe of California; the Muwekma Tribe of California; and the Burt Lake Band of Chippewa of California.

Effects of Bypassing the Part 83 Process on the Tejon Tribe, Other Indian Groups, and BIA

In addition to not following the Part 83 process, Echo Hawk and his staff did not consult with OFA or with Bureau of Indian Affairs (BIA) leadership before deciding to reaffirm the Tejon Tribe. This decision had a direct impact on several Indian groups with ties to the Tribe, on the Tribe itself, and on BIA.

Because OFA did not have the opportunity to provide input, other American Indian groups that can claim ties to the Indians who originally lived in the area of what is now Tejon Ranch, just north of Los Angeles, CA, were left out of the recognition process. Research conducted by OFA in January 2007 and February 2012 revealed that the following groups have potential historical, genealogical, and ancestral claims to the original Tejon Indians:

- Tinoqui-Chalola Council of Kitanemuk and Yowlumne Tejon Indians (Petitioner #165);
- Kern Valley Indian Community (Petitioner #47);
- Fernandeno/Tataviam Tribe (Petitioner #158);
- San Fernando Band of Mission Indians (Petitioner #163);
- Sierra Foothill Wuksachi Yokuts Tribe (Petitioner #209);
- Monachi Indian Tribe (Petitioner #283);
- Chumash Council of Bakersfield (Petitioner #294);
- Tubatulabals of Kern Valley (Petitioner #318);
- Kawaiisu Tribe of the Tejon Indian Reservation; and
- Chumash Native Nation of Bakersfield.

Some of these groups had previously submitted their own petitions for acknowledgment through the Part 83 process. After Echo Hawk's decision to reaffirm the Tejon Tribe, the Tribe offered some members of these groups the opportunity to apply for membership in the Tribe.

In addition, according to BIA leadership, not involving them in the decisionmaking process caused budgeting and operational difficulties for BIA, thus slowing down the process for providing Federal services to the Tejon Tribe. Federal regulations require that newly acknowledged tribes receive funds for administrative and operational startup costs such as leasing and furnishing office space, hiring administrative personnel, and establishing basic tribal functions. The BIA budget for fiscal year (FY) 2012 did not plan for, or contain sufficient funding for, the Tejon Tribe's startup costs. A request by BIA to increase its proposed FY 2013 budget by including startup costs for the new Tribe was denied by the AS-IA's then-chief of staff, Paul Tsosie.

Besides startup costs, newly acknowledged tribes can receive Federal funding for services including basic education and healthcare. The amount of Federal funds a tribe can receive is determined by the number of enrolled members it has, and the members are usually identified as part of the tribe's petition for acknowledgment under Part 83. Because Echo Hawk bypassed the Part 83 process for the Tejon Tribe, the Tribe's members were not identified in advance. Therefore, the identification process is still going on as of the date of this report, leaving the Tribe without access to Federal funding for education and health services.

DETAILS OF INVESTIGATION

We initiated this investigation on January 17, 2012, after receiving information that Larry Echo Hawk, then-AS-IA, reaffirmed the Tejon Tribe of California without going through the acknowledgment process set forth in Part 83 of 25 C.F.R.

AS-IA Officials' Decision To Reaffirm Tejon Tribe

To understand the decision to reaffirm the Tejon Tribe, we interviewed AS-IA officials who were closely involved in the decisionmaking process. We spoke with Larry Echo Hawk; Paul Tsosie, then-Chief of Staff to Echo Hawk; and an AS-IA attorney advisor.

How the Decision Was Made To Reaffirm Tejon Rather Than Follow the Part 83 Process

We asked Echo Hawk why he decided to reaffirm the Tejon Tribe rather than follow the Part 83 process. He explained that the Tribe had been "previously recognized" by the U.S. Government, and that it did not appear on the 1978 list of Federally recognized tribes due to an administrative error. According to Echo Hawk, he had the legal authority to reaffirm the Tribe, and it was not required to go through the Part 83 process.

Echo Hawk also admitted that as early as his U.S. Senate confirmation hearing, certain Senators had complained about the Part 83 process in general. According to Echo Hawk, some Senators and members of Congress were displeased with the process, saying that it took too long, cost too much, and led to "unjust results." Echo Hawk said he was asked to reform the regulation.

Part 83 is the official administrative process for recognizing a tribe. It includes transparency provisions, including public notice, opportunity for public comment, and an appeals process, as required by the Administrative Procedures Act, 5 U.S.C. § 551, et seq. We asked Echo Hawk if there might be a perceived lack of transparency when the Part 83 process is not used for acknowledgment decisions. He agreed that it was possible but did not think it should have been a concern in the case of the Tejon Tribe because, in his view, the Tribe should not have been left off the Federal Register's list of recognized tribes. Echo Hawk said it was not fair to require Indian tribes that should have been recognized to go through the "onerous" Part 83 process.

When asked about the process he followed or criteria he considered in making the Tejon decision, Echo Hawk said he did not get deeply involved in the details of the decision. He could not remember the names of the attorneys from the Office of the Solicitor's Division of Indian Affairs (SOL/DIA) who worked on it, but he did recall discussing it with Patrice Kunesh, Deputy Solicitor for Indian Affairs, and her predecessor, Pilar Thomas. He said he relied primarily on Tsosie and the AS-IA attorney advisor to advise him.

The attorney advisor said he first started working on the Tejon decision around the end of 2010 and worked predominantly on it throughout 2011. He said that Echo Hawk and Tsosie asked for his opinion concerning the decision, but his primary responsibility was collecting and compiling background information on the Tribe and working with SOL/DIA. He acknowledged preparing the December 30, 2011 memorandum in which Echo Hawk reaffirmed the Tejon Tribe, but he did not recall whether he knew Echo Hawk's decision in advance of the memorandum.

We asked the attorney advisor if Echo Hawk had used or applied a definitive process or criterion to make his decision. He told us that Echo Hawk had consulted with SOL/DIA solicitors Patrice Kunesh and Michael Berrigan, and that a similar reaffirmation decision made in 2000 by then-AS-IA Gover may have influenced Echo Hawk.

During our interview with Tsosie, we asked if he supported the Tejon Tribe's request for reaffirmation. He answered: "I recommended that [Echo Hawk] do it. . . . It seemed like the right thing to do." He explained that Part 83 was a long and expensive process, and he disagreed with the general principle of requiring Indian groups to spend large amounts of money in legal fees "to prove to the Federal Government that they are Indian."

Moreover, Tsosie said, he believed the Tejon decision was within Echo Hawk's discretion, based upon precedent set by previous AS-IAs. He also said he thought that the Tejon Tribe had once been on the 1978 list of Federally recognized tribes, but were later left off due to a U.S. Government error. Tsosie later admitted, however, that he could have been mistaken about this. (Research by the Bureau of Indian Affairs [BIA] revealed the Tejon Tribe had never appeared on the list of Federally recognized Indian tribes.)

We asked Tsosie to explain any criteria used by Echo Hawk to determine if an administrative error had left the Tejon Tribe off the list of recognized tribes. He said that Kunesh and the attorney advisor examined documents and determined there had been a negotiated treaty that established a Federal relationship with the Tribe. Tsosie was unsure, however, of the types of

documents they reviewed and the origin of those documents, acknowledging that he did not examine them himself.

Tsosie also told us the leaders of the Tejon Tribe called him on various occasions over the years, asking if a decision had been made about their status. He said he told them that the solicitors were evaluating the request and it was taking a long time because they were conducting a thorough review. Tsosie said he felt at the time that the solicitors were taking too long, adding: "I didn't really care about the merits of the decision. I just wanted a decision."

Why Tejon Was Selected for Reaffirmation Over Other Tribes With Similar Requests

We asked Echo Hawk, Tsosie, and the AS-IA attorney advisor if other tribes have requested reaffirmation, and if so, why Echo Hawk chose to acknowledge the Tejon Tribe before them. Echo Hawk told us that Tejon had "pressed their issue forward." When asked how the Tribe had "pressed their issue" over the other tribes, Echo Hawk responded: "They probably just submitted a letter . . . and they [came] in and they [met] with people in our hallway here and they put forth their case."

Echo Hawk said that he knew of only one other group, the Gabrielino Tribe of Los Angeles, CA, that had made a request similar to Tejon's. The attorney advisor confirmed that Echo Hawk had also expressed an interest in reaffirming the Gabrielino Tribe, but he did not know why.

Tsosie also told us he knew other tribes had requested reaffirmation based on administrative error. We asked why Echo Hawk chose to reaffirm the Tejon Tribe first, and Tsosie told us the Tribe "seemed the most ripe—the most ready." Tsosie acknowledged that he had been influenced by the number of telephone calls he received from members of the Tribe, saying: "This was one of the tribes that was calling me off the hook. So I was, like, saying: 'Just give them an answer.'"

We also asked about the possibility that the Tejon Tribe might establish gaming casinos, and whether this influenced Echo Hawk's decision. Echo Hawk stated that gaming had no influence on his decision, but acknowledged that obtaining Federal recognition was the first step in the process toward tribal gaming. The attorney advisor said he did not know if the potential for gaming and casinos influenced Echo Hawk's decision. He denied discussing the topic with Echo Hawk, but admitted that land acquisition and gaming regulations had been discussed with Indian Affairs officials. Tsosie admitted he had concerns about the Tribe's potential future involvement in gaming, but said gaming would happen later in the process. Tsosie also told us he did not know the Tribe was receiving financial assistance from Cannery Casino Resorts; he said that the Tribe's legal representative told him she was representing the Tribe for free.

Echo Hawk, Tsosie, and the attorney advisor denied having a personal or financial relationship with the Tribe's legal representative or with any member of the Tribe. Echo Hawk acknowledged that the legal representative had worked for the Native American Rights Fund (NARF) and that a relative of Echo Hawk's was an NARF executive; however, he denied that the legal representative's employment at NARF influenced his decision.

The AS-LA Did Not Involve BIA Leadership or the Office of Federal Acknowledgment in the Decisionmaking Process

We asked whether BIA leadership were consulted during the Tejon decisionmaking process. Echo Hawk could not recall having any specific meetings with BIA officials on the matter. Other than meeting with the Tejon Tribe's representatives and their lawyers, he said, the decision was internal. Tsosie told us he called Amy Dutschke, Director, Pacific Region, BIA, 1 week before the decision was made, and she recommended they acknowledge the Tejon Tribe; he said he did not speak to anyone else in BIA. The AS-LA attorney advisor did not know whether Echo Hawk consulted with BIA leadership concerning the Tejon decision, or whether BIA directors supported the decision.

In addition, Echo Hawk could not recall at first if OFA historians, genealogists, and anthropologists were asked to review the documents provided by the Tribe to support its reaffirmation claim. He later acknowledged that OFA was not involved in the Tejon decision.

We asked Echo Hawk why OFA, as the office responsible for reviewing the validity of claims for acknowledgment, was left out of the decisionmaking process for the Tejon Tribe's reaffirmation. He answered: "Let's just stop right here. Now, what does the Office of Federal Acknowledgment do? They recognize tribes that have been unrecognized. . . . So why would you require a tribe that is recognized, or should have been recognized all along, to apply? . . . I don't think I have to ask the Office of Federal Acknowledgment to do legal analysis. Guess what? They don't have a lawyer."

Echo Hawk also stated that the Department's solicitors and SOL/DIA lawyers were responsible for determining if treaties had been signed and services provided to tribes, and so he believed they were "fully capable" of examining the Tejon Tribe's supporting documents.

The attorney advisor recalled reviewing documents indicating that OFA was involved in the Tejon decision around 2007 and 2008 and had provided information to Carl Artman, the AS-LA at that time. In these documents, the attorney advisor said, OFA opposed waiving the Part 83 process and reaffirming the Tribe. He was not aware of any involvement by OFA in the Tejon decision since late 2010. He was also unsure whether Echo Hawk consulted with OFA before he decided to reaffirm the Tribe. He was not aware of any genealogists, anthropologists, or historians—other than those assigned to OFA or employed by the Tejon Tribe—who had examined the historical documents submitted in support of the Tejon Tribe's request.

We asked all three men if they believed Echo Hawk's decision was based on the law or on historical evidence. Echo Hawk felt that it was a legal decision. Tsosie, however, said it was a policy decision. The attorney advisor said he believed it was a policy decision that took legal analysis into account.

Echo Hawk told us about a memorandum that his staff was preparing that would explain his decisionmaking process, address the issues concerning the Tejon Tribe's reaffirmation, and instruct Dutschke, the BIA regional director, on how to implement his decision. He said the memorandum had not been prepared prior to his decision because SOL/DIA recommended he

not provide details of the decision in his December 30 reaffirmation letter. When asked why he did not provide advance instructions to the regional director who would be tasked with implementing the decision, Echo Hawk told us that because other groups were coming forward with ties to Tejon, the process was becoming more complicated. The memorandum, "Reaffirmation of Federal Recognition of Tejon Indian Tribe," was issued on April 24, 2012—almost 4 months after the reaffirmation letter.

The Role of SOL/DIA Solicitors in the Decisionmaking Process

We interviewed current members of the SOL/DIA staff to establish their roles in the Tejon decisionmaking process. Patrice Kunesh, Deputy Solicitor, said that she was "very involved" with the Tejon decision, stating that it was one of the first issues she worked on from Echo Hawk. She said she worked closely with former Associate Solicitor Edith Blackwell on the issue and then, after Blackwell left DIA, with Associate Solicitor Michael Berrigan. Kunesh said she had also discussed the Tejon decision with two SOL/DIA attorneys.

"Alternatives to Part 83" Memorandum Issued in 2010

In 2009, SOL/DIA was tasked with preparing a memorandum in response to Echo Hawk's request to reaffirm the Tejon Tribe. Two SOL/DIA attorneys helped Edith Blackwell prepare a draft memorandum, which was presented to Echo Hawk by Pilar Thomas, then-Deputy Solicitor of SOL/DIA, in a meeting in March 2010. The two SOL/DIA attorneys were present during that meeting, as well as Paul Tsosic and George Skibine, Deputy AS-IA.

One of the two SOL/DIA attorneys told us that Thomas explained to Echo Hawk that he did not have the authority to waive the Part 83 regulations for the Tejon Tribe. Both attorneys agreed that Part 83 should not be waived, but Echo Hawk and Tsosic made it clear that they wanted to waive the regulations and reaffirm the Tribe. One of the attorneys said that Echo Hawk was "upset with Pilar for . . . not giving him the result that he wanted."

After the meeting, the memorandum was changed from a legal analysis to a description of various "options," one of which was reaffirmation. The final memorandum, titled "Possible Alternatives to Part 83 for Establishing Tribal Status," was issued by SOL/DIA to Echo Hawk on August 9, 2010. One of the attorneys described the atmosphere at the time as "uncomfortable," saying that pressure was being put on Thomas: "It was clear that [Echo Hawk] wanted to put Tejon on the list, and so the role of the Solicitor's Office was to make it happen." The attorney said she felt as if all of their jobs may have been at risk.

When we spoke to Kunesh about the "Alternatives to Part 83" memorandum, she told us that one of the first things Echo Hawk asked her to do as the SOL/DIA deputy solicitor was to take a "fresh look" at the memorandum. Kunesh implied that Echo Hawk wanted her to "see if there [was] any room around the edges" concerning the memorandum. She said the memorandum urged Echo Hawk not to reaffirm the Tribe and advised him to encourage it to go through the Part 83 process. When asked if Echo Hawk agreed with the memorandum, Kunesh replied that Echo Hawk was concerned that the memorandum did not fully reflect his "policy authority" as AS-IA.

We asked Kunesh what legal advice she provided to Echo Hawk concerning the "Alternatives to Part 83" memorandum and the Tejon Tribe. She did not consider the decision to reaffirm the Tejon Tribe to be a waiver of Part 83 because of the 1978 administrative error that had resulted in the Tribe being left off the list of recognized tribes. Kunesh said that based on historical documents provided by the Tejon Tribe, the Tribe's relationship with the U.S. Government had never been terminated. Kunesh said the documents she reviewed included a 1915 census conducted by BIA, a series of censuses conducted in the 1930s, and a Supreme Court decision regarding the title and ownership of the Tejon Ranch on behalf of the Tejon Tribe.

Kunesh and Michael Berrigan both said that Echo Hawk had the authority to reaffirm the Tejon Tribe based on the legal precedent set by the two previous AS-IAs; Berrigan added: "The courts, when they looked at this, had recognized that it was possible to do it under the Assistant Secretary's authority to waive regulations."

We asked Kunesh and Berrigan if Echo Hawk ever clearly indicated that he intended to reaffirm the Tejon Tribe. Kunesh confirmed that it had been one of Echo Hawk's priorities, and Echo Hawk wanted to see if it could be legally accomplished. Berrigan noted that Echo Hawk and his staff were primarily concerned with the legality of the decision, and Berrigan felt that his responsibility was to implement Echo Hawk's decision. Kunesh also commented that when she was interviewed by Echo Hawk for the position of deputy solicitor, he made it clear that he preferred solicitors who provided legal advice and allowed the final decisions to be made by policymakers.

SOL/DIA's Role in the Tejon Decision

Kunesh said she was not aware of a process used by Echo Hawk and his staff to determine which tribe to consider first for reaffirmation. She confirmed there were other groups with ties to the Tejon Tribe that were applying for recognition through the Part 83 process, but said they were not considered for reaffirmation because they had not submitted reaffirmation requests. Kunesh did not know whether Echo Hawk had considered the other Tejon groups when making his decision to reaffirm the Tejon Tribe.

Kunesh also said she did not have a personal or financial connection with the Tejon Tribe and was not aware of Echo Hawk or his staff having any such connections. Kunesh was not aware that the Tribe was receiving financial assistance from Cannery Casino Resorts and told us that the issue of gaming was not considered during the Tejon decisionmaking process.

Berrigan did not know of any legal requirement for the documents in the Tejon Tribe's 2006 request for reaffirmation to be examined by anthropologists, genealogists, or historians. He also did not know whether anybody in SOL/DIA had examined the Tribe's documents and determined that the Tribe had entered into a treaty with the U.S. Government. He explained that since the treaty had been negotiated but never ratified, it was not an actual treaty with the U.S. Government. Berrigan also did not know if anyone in SOL/DIA told Echo Hawk about the claimed administrative error concerning the Tejon Tribe. He later said, though, that Kunesh may have informed Echo Hawk of the possible error.

Berrigan told us he did not personally research the Tejon Tribe's request for reaffirmation. He said that the AS-IA attorney advisor helped to assemble the Tribe's documents, but he did not know who—if anyone—had actually examined them to determine their authenticity and the validity of the Tribe's request.

Berrigan also told us he assigned an SOL/DIA attorney advisor to help with the follow-up of the Tejon decision. He had the two SOL/DIA attorneys who had worked on the draft "Alternatives to Part 83" memorandum, both of whom had experience working with OFA, to assist. Berrigan knew that the two attorneys did not agree with Echo Hawk's decision to waive the Part 83 regulations and reaffirm the Tejon Tribe; they believed in following Part 83 because of the risk of litigation. We asked Berrigan if he agreed with them. He admitted that he probably would not have made the same decision, but said that it was not the attorneys' role to disagree with Echo Hawk—their job was to provide their legal opinion.

SOL/DIA was reorganized in October 2011 and the two attorneys were reassigned, thus removing them from the Tejon decisionmaking process. We asked Berrigan if the reorganization was done to take them out of the process. He said: "No—well, not intentionally anyway." On why the two attorneys in his section who had the most experience with, and knowledge of, the Tejon Tribe and Federal acknowledgment were removed from the Tejon decisionmaking process, he said that their views about the decision and the Part 83 process affected their ability to give an unbiased legal opinion: "They were not receptive to doing what the client [Echo Hawk] decided to do, and doing what lawyers do, which is to support the client's decision."

During our interview with one of the two SOL/DIA attorneys, he said he made it clear to Echo Hawk that he did not agree with reaffirming the Tejon Tribe. He explained that he did not agree with Echo Hawk's decision because Part 83 is the process by which acknowledgment should occur. He said that the solicitors had also advised against reaffirmation in the decisions by previous AS-IAs to reaffirm tribes.

The attorney told us that Echo Hawk decided to reaffirm the Tribe early in his term as AS-IA. He believed that Echo Hawk intended to reaffirm tribes from the time he came into office. He said that members of Congress were pressuring Echo Hawk to speed up the acknowledgment process. When asked if he felt Echo Hawk's decision was based on the law or on historical evidence, he thought it was "a gut policy issue."

We asked the attorney which members of Echo Hawk's staff worked on the Tejon decision. He said that Tsosie "was very much into it," along with the AS-IA attorney advisor. He confirmed that Echo Hawk did not consult with the BIA Director or Deputy Director before deciding to reaffirm the Tejon Tribe. We asked him if previous AS-IAs had consulted with BIA leadership before issuing their reaffirmation decisions, and he said that AS-IA Gover had given BIA the opportunity to consult with and provide information to him. The attorney also thought that the previous AS-IAs consulted OFA before making their decisions.

The attorney confirmed that other American Indian groups had been requesting reaffirmation at the same time as the Tejon Tribe, and stated that the Tribe was not at the "top of the list." He did

not think that Echo Hawk was aware that other tribes were requesting reaffirmation, but said: "He should have been. . . . It was all through the documentation."

We asked the attorney if gaming was discussed during a meeting held with the Tejon Tribe's attorneys in 2006. He said he did not believe that the Tribe was only interested in reaffirmation so that it could receive Federal housing services, as it claimed, because a tribe in California can receive trust-fund distributions from gaming casinos even if it does not have a casino itself. He believed the gaming industry was financing the attorney fees for the Tejon Tribe. He did not think, however, that gaming influenced Echo Hawk's decision to reaffirm the Tribe.

The attorney felt the Tejon Tribe would have been acknowledged if it had gone through the Part 83 process, and that "at the end of that process we would have known who the members were, who the leaders were, and what their membership standards were." He explained since the process was not followed, the members of other groups who might have ties to the Tejon Tribe were not identified.

When we interviewed the other SOL/DIA attorney, she told us that after she and her colleague prepared the draft "Alternatives to Part 83" memorandum, they were "cut out" of any further meetings on the Tejon decision. Like her colleague, she pointed out that the decision to reaffirm the Tribe did not include any mention of the other groups that claimed to be a part of the Tribe, something that would have been researched and settled if the Part 83 process had been followed.

The attorney said that when the SOL/DIA section that she and her colleague worked in was reorganized in October 2011, they were sent to different sections and her colleague was no longer a manager. After the Tribe was reaffirmed, however, the two were asked to help Echo Hawk prepare the April 2012 memorandum explaining his decision. She believed this was because the attorneys who had replaced them to work on the Tejon Tribe issue were not as experienced in the matter as she and her colleague were.

The attorney stated that she did not believe Echo Hawk had the authority to make the decision to reaffirm the Tejon Tribe. She acknowledged that former AS-IA Gover had reaffirmed tribes, but she said those decisions were "interpreted by a court as an implied waiver," did not "expressly waive the regulations," and were not in the best interest of the Indians.

We asked the SOL/DIA solicitors if Echo Hawk's decision was influenced by the reputation and persistence of the Tejon Tribe's legal representative. Kunesh stated that other tribes had legal representatives who were just as well known and persistent. About her own relationship with the Tribe's legal representative, Kunesh said she knew her by reputation but had never worked with her. Berrigan did not know why Echo Hawk chose to reaffirm the Tejon Tribe over other tribes, but he also stated that the Tribe's legal representative was well known. The two SOL/DIA attorneys both believed the legal representative was influential in Echo Hawk's decision to reaffirm the Tribe. One of the attorneys also mentioned that Larry Echo Hawk's relative was an executive with the legal representative's former employer, NARF.

Lack of Coordination With OFA

We interviewed Robert "Lee" Fleming, Director, OFA, who said he had 15 years of experience as a genealogical researcher and the director of OFA. Fleming described the AS-IA's lack of coordination with OFA on the Tejon decision.

Fleming said he received an email from Paul Tsosie on December 29, 2011—the day before Echo Hawk issued the Tejon decision—indicating that Echo Hawk was considering waiving the Part 83 process and reaffirming the Tejon Tribe. Attached to the email was a draft letter addressed to the Tribe informing its members that Echo Hawk had decided to reaffirm the relationship between the U.S. Government and the Tribe. Tsosie indicated in the email that he wanted Fleming's input on the decision within a "couple of weeks," and asked Fleming to "keep your input close hold."

Based on this email, Fleming believed he had 1 or 2 weeks to research the matter and prepare OFA's response, but Echo Hawk issued his decision to reaffirm the Tribe the next day and did not give OFA the opportunity to provide in-depth analysis. Fleming felt that the December 29 email was intended to mislead him into believing he had several weeks to prepare a response to the proposed Tejon decision. Fleming said he did not know why Echo Hawk made the decision, especially since OFA probably would have asked him why he was attempting to bypass the Part 83 process.

Fleming also told us he was not aware of any other genealogists, anthropologists, or historians consulted during the decisionmaking process. Fleming said that Echo Hawk obtained legal guidance from SOL/DIA solicitors and from the AS-IA attorney advisor, but he felt the attorneys lacked the necessary expertise.

We asked Fleming if any other American Indian groups had ever requested reaffirmation based on evidence that they had been previously omitted from the Federal list of tribes. He said he knew of only three instances, when former AS-IA Gover asked OFA for advice on and recommendations for three Indian groups. OFA reviewed the requests and recommended that the AS-IA deny them and require the groups to go through the Part 83 process. Gover, however, disagreed and reaffirmed each group.

Fleming told us there were several possible repercussions of Echo Hawk's decision to reaffirm the Tejon Tribe. He indicated that numerous American Indian groups were interested in reaffirmation, and some of them had already submitted their letters of intent. He believed that after learning of the Tejon decision, the Department would receive numerous FOIA requests from Indian groups. He also anticipated that some of these groups might take legal action because the Tejon Tribe was allowed to avoid the Part 83 process and thus appeared to receive preferential treatment.

The Role of BIA Leadership in the Decision To Reaffirm

To ascertain the extent to which BIA leadership was involved in the Tejon decision, we interviewed three BIA officials: Michael Black, Director, Michael Smith, Deputy Director for

Field Operations; and Amy Dutschke, Director, Pacific Region. Only Dutschke was contacted by AS-LA staff prior to the Tejon decision.

BLA Regional Director Contacted the Day Before the Decision Was Issued

Dutschke told us that she received an email from Paul Tsosie on December 29, 2011—the day before the Tejon decision was issued. The email contained two draft memoranda concerning the reaffirmation. She explained that she had a short telephone conversation with Tsosie immediately afterward and told him she supported the reaffirmation.

Tsosie asked her what the reaction of the tribes in California would be if the Tejon Tribe was reaffirmed. Dutschke cautioned him that some California tribes might not support attempts by the Tejon Tribe to engage in the gaming business. According to Dutschke, that was the first time she was involved in the decision to reaffirm the Tejon Tribe, and she assumed there would be further discussions.

The following week, on January 3, 2012, Dutschke received another email from Tsosie asking her to join a conference call with Echo Hawk concerning reaffirming the Tribe. She assumed they would be discussing the draft memoranda sent the week before, and she was surprised when the Tribe joined the conference call and Echo Hawk announced his decision to reaffirm it.

Dutschke felt that Echo Hawk and Tsosie should have discussed the matter with her, Black, and Smith before they made the decision to reaffirm the Tejon Tribe. She did not know why Echo Hawk chose to reaffirm the Tejon Tribe when there were other tribes with similar requests, and stated that there was no formal process by which the AS-LA selected tribes for reaffirmation.

We asked Dutschke to comment on the April 24, 2012 memorandum from Echo Hawk to her explaining the reaffirmation of the Tejon Tribe. She explained that the memorandum delegated to her office the responsibility for identifying all Indian groups under the “umbrella of Tejon.”

BLA Director and Deputy Director Not Consulted in Advance

Both Michael Black and Michael Smith told us that Echo Hawk did not consult with them about the decision to reaffirm the Tejon Tribe. Black said he remembered seeing a few emails regarding the Tribe before the decision was made, but he could not recall their content (see Attachments 28 and 29).

Smith told us that when previous AS-LAs made reaffirmation decisions similar to Echo Hawk’s, they had consulted with BIA and OFA beforehand and had involved them in the decisionmaking process. Smith said, however, that neither OFA nor BIA was consulted during the Tejon decision. When asked what process Echo Hawk used to make his decision to reaffirm the Tejon Tribe, Smith responded: “I don’t know. . . . I don’t think it’s [the] normal [process].”

Repercussions of the Tejon Decision

We asked Smith about any possible repercussions of Echo Hawk's decision to reaffirm the Tejon Tribe. He explained that Echo Hawk did not appear to know about the other American Indian groups with ancestral and genealogical ties to the Tejon Ranch. According to Smith, this created confusion for the BIA employees tasked with identifying whom Echo Hawk had actually reaffirmed and subsequently providing the required Federal services for them.

Smith and Black also explained the budgetary challenge to BIA that resulted from Echo Hawk's decision. The Tejon Tribe had not been considered when BIA prepared its FY 2013 budget. According to Smith, BIA did not have sufficient funding in the budget to provide the required services for the Tribe. Smith said when he asked Tsosie to modify BIA's 2013 budget to add funding for the Tejon Tribe, Tsosie told him they would have to wait until they developed the FY 2014 budget, saying: "We've got our neck out there too far."

The Tribe's Legal Representative, Council Chairwoman and Members, and Financial Backer

We interviewed the Tejon Tribe's legal representative since 2005 to get more information about the process that led to the Tribe's reaffirmation. We also spoke with the chairwoman of the Tejon Tribal Council, as well as several Council members, about the decisionmaking process. In addition, we interviewed an executive with Cannery Casino Resorts to learn more about why he chose to support the Tribe financially.

Legal Representative Advised Tribe To Seek Reaffirmation

When asked to comment on the Part 83 process in general, the Tejon Tribe's legal representative said that while she had initially hoped the process would be fair, it had become "badly bogged down." She added that the process also relied on "ambiguous" criteria for consideration, making it more and more difficult for groups to achieve acknowledgment. She felt that both the regulation and the manner in which OFA managed the process needed to be changed.

The legal representative told us the Part 83 regulations "don't apply to tribes that already have a Federal relationship." She said the Tejon Tribe had had a continuous relationship with the U.S. Government from the date of the un-ratified 1851 treaty until 1962, when the relationship lapsed because the land the Tribe occupied was restored to the public domain.

The chairwoman of the Tejon Tribal Council explained that based upon advice from its legal representative, the Tribe discontinued pursuing acknowledgment through the Part 83 process and submitted its petition for reaffirmation in 2006. The chairwoman confirmed that the Tribe did not contact OFA and request assistance until it submitted its reaffirmation request.

Tribe Made "Persistent" Contact With AS-LA Staff During Decisionmaking Process

The Tribe's legal representative and various members of the Tribe said that over the years, they would meet periodically with AS-LAs Artman and Echo Hawk and with members of their staffs,

including representatives from OFA. She explained that in addition, she and key members of the Tribe would telephone and email Echo Hawk and his staff asking about the status of their request.

According to the legal representative, Echo Hawk told her that reaffirming the Tribe was "a top priority" for him. In September 2010, she said, Echo Hawk told her a decision would be made within 30 days. She added, however, that Echo Hawk was getting "pushback" from his staff and so the decision was not made during that timeframe. She acknowledged that in the summer of 2011 she prepared a letter to Echo Hawk on behalf of the Tribe. The letter indicated that the Tribe intended to take legal action against the Department if he did not make a decision.

The legal representative confirmed that Echo Hawk was aware of other tribes requesting reaffirmation based on administrative error, indicating the matter was discussed during meetings she attended with Echo Hawk and his staff. She believed, however, that Echo Hawk chose to reaffirm the Tejon Tribe over the other tribes due to the Tribe's "persistence" and "compelling" history.

We asked the legal representative if she was familiar with one of the SOL/DIA attorneys who had worked on the draft "Alternatives to Part 83" memorandum. She said: "Yes, he considers himself the principal author of the acknowledgment regulations. There are other people who dispute that. . . . That's kind of his bureaucratic baby." She confirmed that he opposed reaffirming the Tejon Tribe, recommending that it go through the Part 83 process. She acknowledged that she complained to his supervisor, Patrice Kunesh, with whom she had a professional relationship, about him and his opposition to the Tribe's reaffirmation.

We asked if the legal representative's personal relationship with the NARF executive who was related to Larry Echo Hawk might have influenced Echo Hawk's decision concerning the Tejon Tribe. She denied ever discussing the Tejon case with the NARF executive and said she did not have a personal relationship with Larry Echo Hawk or anyone on his staff.

The chairwoman of the Tejon Tribal Council confirmed that she and other Council members met with Echo Hawk and members of his staff in Washington, DC. She told us she was frustrated because the Tribe had been required to submit a second petition and supporting documents after AS-LA Artman chose to issue certificates of Indian blood rather than reaffirm the Tribe. When asked why Echo Hawk selected the Tribe for reaffirmation when other tribes were making the same request, she told us the evidence in the documents supported the Tribe's claim, and added: "Because we're so persistent, and we kept calling him and knocking on his door, sending him emails."

We also interviewed the vice chairman of the Tejon Tribe, who said that the Tribe did not receive much assistance from BIA with its request for reaffirmation. Around 2008 or 2009, the vice chairman encouraged the Tribe members to send individual emails to Echo Hawk and Paul Tsosie in order to "flood their email" with questions about the status of the Tribe's petition for reaffirmation. He had a subsequent phone conversation and a meeting with Echo Hawk, who indicated he intended to reaffirm the Tribe within just a few months. He told us that Echo Hawk wanted to reaffirm the Tribe, but the process of drafting a letter that would meet departmental

approval was taking a long time. He said that the SOL/DIA attorney and Lee Fleming of OFA opposed the reaffirmation and felt the Tribe should go through the Part 83 process.

A member of the Tejon Tribal Council told us he traveled with other members of the Tribe to Washington, DC, on two occasions to meet with AS-IA representatives. The Council member could not remember the date, but on the second trip he made to Washington, they met with Echo Hawk and the Tejon Tribe's legal representative presented "the history of the Tribe." When asked how Echo Hawk responded to the presentation, The Council member said: "I thought he was pretty interested in our history."

The Council member described the process the Tribe went through to obtain Federal acknowledgment as slow. He told us the Council chairwoman had been working for acknowledgment for 14 years. He said he thought OFA and members of Echo Hawk's staff disagreed about the acknowledgment process, and that the process would have been faster if AS-IA and Department personnel would "work together" to help American Indian groups with the process.

Another member of the Tejon Tribal Council said the Tribe had been seeking recognition for many years, primarily to obtain medical and housing services for the elderly Tribe members. This Council member also attended a Washington, DC, meeting between the Tribe's legal representative, members of the Tribe, and Echo Hawk. She could not recall the date of the meeting, but remembered it was several years before the reaffirmation. She said that during the meeting, Echo Hawk implied that he intended to reaffirm the Tejon Tribe and gave them the impression it would occur within the next "60 or 90 days." When asked why the reaffirmation took several more years, she, like the other Tribe members, explained that some SOL/DIA solicitors opposed the reaffirmation and felt the Tribe should go through the Part 83 process.

The Tribe's Connection to Cannery Casino Resorts

The Tejon Tribe's legal representative said that the financial support the Tribe received from the Cannery Casino Resorts executive "was really the only opportunity for the Tribe to get the backing it needed to pursue its recognition." She did not know how the Tribe became affiliated with the casino, but said that the Tribe and the company intended to engage in some type of gaming or casino venture.

The chairwoman agreed that the financial backing made it possible to afford the costs associated with the reaffirmation process. Of the executive's decision to provide financial assistance to the Tribe, she said: "He's a good man and he knows that there was a big wrong done, and he saw it and he wanted to help us." She declined to provide any specific details of the financial arrangement with the executive, citing a confidentiality agreement, but she did acknowledge that the Tribe intended to engage in the gaming business and that Cannery Casino Resorts would manage it. She said she was introduced to the executive in Los Angeles, CA, by a man affiliated with United Technologies of Hartford, CT.

We interviewed this individual, who said that in 2001, he went to California to assess the possibility of building power plants on American Indian reservations and became familiar with

the history of the Tejon Tribe and its pursuit of Federal recognition. According to the individual, in 2005 he contacted the Cannery Casino Resorts executive to see if he would be interested in providing financial assistance to the Tejon Tribe in return for future gaming opportunities. He said that the executive expressed interest in the arrangement and initially paid him an \$80,000 fee for his efforts.

We also interviewed the Cannery Casino Resorts executive, who confirmed that that this individual introduced him to the Tejon Tribe. He was, the executive told us, "just a guy who was working in Indian Country," who had researched the history of the Tribe.

The executive said that around 2005 he met with representatives of the Tejon Tribe at the law office of White & Case, Los Angeles, CA, where they discussed the Tribe's history. He explained that he thought the Tribe's story "sounded very compelling," and so he decided to offer financial assistance so that it could continue to pursue Federal recognition. Due to the confidentiality agreement with the Tribe, he declined to say how much money his company had invested, but he admitted that he had invested his own funds—"less than \$1 million"—in the Tribe. He acknowledged that the Tribe intended to engage in the gaming business with Cannery Casino Resorts as its partner.

The executive admitted this was the first time his company had invested in an Indian tribe that had not been Federally acknowledged. He reiterated that the investment was a business decision and said it was based solely on the Tribe's historical Government-to-Government relationship with the United States and its history of being "disenfranchised from the rights that they should have." He said that he did not know Echo Hawk or any of his staff and did not have a personal or financial relationship with them or with the Tribe's legal representative.

Other Groups With Ties to the Tejon Tribe

We asked the Tribe's legal representative to comment on its genealogy. She told us its present membership was based on an early Indian census and that all of the Tribe's current members could trace their ancestry back to the American Indians who appeared on that census. When asked if other Indian groups could legitimately belong to the Tejon Tribe, she responded there was only one, the Tinoqui-Chalola Council of Kitanemuk and Yowlumne Tejon Indians, and that this group's representative was a relative of the chairwoman of the Tejon Tribal Council.

The chairwoman acknowledged that her relative was a descendant of the original Tejon Indians and that this relative had petitioned separately for Federal acknowledgment for her group. The chairwoman said that her relative could rightfully become a member of the Tejon Tribe, but she had never returned the membership application the Tribe sent her. The chairwoman did not know why Echo Hawk did not include this relative's group when he reaffirmed the Tejon Tribe.

Another member of the Tribal Council also acknowledged that the group this relative represented had ancestral ties to the Tribe. We asked the Council member why Echo Hawk did not include this group when he reaffirmed the Tejon Tribe. She replied that if this relative wanted to be known as a Tejon Indian she could apply for membership to the Tribe, but she could not do that and still be a member of "whatever satellite tribe that she decided she is."

The vice chairman of the Tribe confirmed there were other American Indian groups with genealogical ties to the Tribe. Like the other members of the Tribal Council, however, he made it clear that his was the only legitimate Tejon Tribe.

SUBJECT(S)

1. Larry Echo Hawk, former Assistant Secretary-Indian Affairs.
2. Paul Tsosie, former AS-IA Chief of Staff.

DISPOSITION

We are forwarding this matter to the Secretary of the Interior for any action deemed appropriate.

Arlinda F. Locklear, Esquire

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facsimile (202) 237-0382

4113 Jenifer Street, NW
Washington, D.C. 20015
(202) 237-0933
May 23, 2013

Richard J. Lopes, Chairman
California Gambling Control Commission
2399 Gateway Oaks Drive, Ste. 220
Sacramento, CA 95833-4231

RECEIVED MAY 20 2013

Dear Chairman Lopes:

The Tejon Indian Tribe ("Tribe") and I as counsel for the Tribe have been copied on a letter to you from the California Indian Legal Services on behalf of the self-designated Tinquichalola Council. This "Council" requests that the Commission suspend gaming revenue sharing distributions to the Tribe.

According to this "Council," it represents the Tejon Indian Tribe, not Chairwoman Morgan, who was duly elected in accordance with the long-standing Constitution of the Tejon Indian Tribe. There is nothing in the events leading up to the federal reaffirmation of the Tejon Indian Tribe, the authority cited by the "Council," or the recently published Inspector General Report dated January 9, 2013, that justifies the extreme action proposed by the "Council."

The events leading up to the 2012 federal reaffirmation demonstrate that Chairwoman Morgan is, indeed, the leader of the political entity with whom the federal relationship was reaffirmed. The Assistant Secretary - Indian Affairs began his memorandum to the Regional Director on his reaffirmation decision with the following: "On June 30, 2006, the Tejon Indian Tribe (Tribe), *through Chairwoman Kathryn Montes Morgan*, submitted information demonstrating that it has been officially overlooked for many years by the Bureau of Indian Affairs (BIA) even though its government-to-government relationship with the United States was never terminated." (emphasis supplied.) The 2006 submission by Chairwoman Morgan included, among other things, the Tribe's Constitution under which she was then and has been since duly elected as the Tribal Chair. From 2006 to the reaffirmation decision in 2012, Chairwoman Morgan led the Tribe's long and strenuous efforts to obtain the reaffirmation decision. For nearly six years, she led that effort, with the expenditure of countless hours and other resources. During this period, the "Council" made no effort to assist, object, or otherwise participate in the work that led to the reaffirmation decision. As a result, the Assistant Secretary concluded in his 2012 decision, "By my December 30, 2011, letter to Chairwoman Morgan, I reaffirmed recognition of the Tejon Indian Tribe as an independent tribal governmental entity."

Since the 2012 reaffirmation decision, the Tejon Indian Tribe has been added to the list of Indian Entities Recognized and Eligible to Receive Services From the Bureau of Indian Affairs, 77 Fed. Reg. No. 155, Aug. 10, 2012. And the BIA has continuously dealt with Chairwoman Morgan as the authorized representative of the reaffirmed Tejon Indian Tribe. Even the "Council" admits that the BIA deals with Chairwoman Morgan as the Interim Chair of the Tribe. As such, Chairwoman Morgan has received interim funding from federal agencies, including the BIA, Housing and Urban Development, and Indian Health Services. None of those federal agencies has suspended funding to Chairwoman Morgan.

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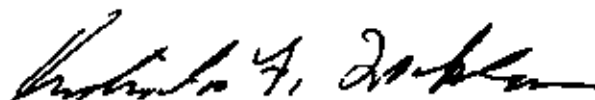
Because there has been no suspension of relations between Chairwoman Morgan and the BIA, the authority relied upon by the "Council" simply does not apply here. There, the BIA had decided to suspend the Miwok Tribe's eligibility to receive federal benefits under the Indian Self-Determination and Education Assistance Act of 1975. Based upon this action by the BIA, the Commission determined that "there is no recognized tribal government with which to take action on behalf of the tribe..." *California Valley Miwok Tribe v. California Gambling Control Commission*, 2012 WL 6584030 (Cal.App. 4 Dist.), p. 2. Obviously, the "Council" is making every effort to disrupt the Tribe's relationship with the BIA, but it has not succeeded.

Finally, there is nothing in the Inspector General report on the reaffirmation decision that justifies the action proposed by the "Council." The Tribe believes that this report is biased and does not fairly describe the process used by the BIA in making the reaffirmation decision. For example, it is untrue that the Office of Federal Acknowledgment had no opportunity to review or opine upon any relationship between the Tribe and other groups that claim Tejon ancestry. Aside from these factual issues, though, the limitations of that report must be noted. The report criticizes the process used by the BIA to make the reaffirmation decision. The report does *not* criticize the merits of the decision to reaffirm the Tribe. The report was referred to the BIA for any action deemed appropriate in January 2013. But no action has been deemed appropriate based on the report. In other words, the report has not had and cannot have any impact upon the reaffirmation decision, including the plain acknowledgment of Chairwoman Morgan as the leader of the reaffirmed tribal entity.

In the end, the "Council" is nothing more than a collection of individuals who claim to be Tejon and, as such, claim the right to lead the Tribe. There may be individuals in this group who are eligible for membership in the Tribe. This cannot be determined since these individuals, even though having every opportunity to do so, have declined to apply for membership. Instead, they prefer to dispute the clear leadership of the tribal government that worked for years to obtain and actually succeeded in obtaining reaffirmation of the federal relationship. This is truly unfortunate but must be seen for what it is, an attempt by individuals who have demonstrated no connection or commitment to the Tribe but merely seek to appropriate to themselves the hard work and leadership of others.

Should the Commission have any questions about any of these issues, the Tribe would appreciate an opportunity to meet with you to discuss them.

Sincerely,



Arlinda F. Locklear

cc: Chairwoman Morgan
Jasmine Andreas, CILS

FORM LETTERS

Comment Letter F1-1

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name: Kamaljit Dhillon

Address: 9421 Conner Island dr
Bakersfield, CA 93311

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name: Chan Breet Smith

Address: 2314 MCWIRECT

BAKERSFIELD - CA

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name:

Jagdeep S. Ghewal

Address:

1701 JACKSON Ridge Ave...

Bakersfield CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, 

Name: Hardeep Singh

Address: 6012 Hawk Creek

dr Bakersfield CA 93313

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Joginder Singh.

Name: *Joginder Singh.*

Address: *85100 Silver Lanes AVE 93313*

BAKERSFIELD, CA

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Lakshvir Singh

Name: LAKHVIK SINGH

Address: 5100 SILVER CLOVER AVE 93313

93 BAKERSFIELD CA.

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Navinder Kaur

Name: NAVINDER KAUR

Address: 5100 SILVER CLOVER AVE

BAKERSFIELD, CA 93313

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *Mahinder Singh*

Name: *Mahinder Singh*

Address: *2409 S. P. St*

Bakersfield Ca 93304

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Balsinder Singh Ra

Name: BALSINDER SINGH RA

Address: 8907 Wheat Grass Ave

Bakersfield - ca 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,

Haham S-Buttor

Name: Haham singh Buttor

Address: 3409 Fendragon st

Bakers fd.

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,

Name: SUKHJIT SINGH

Address: 5911 VERDANT HILLS CT

Bakersfield CA 93313

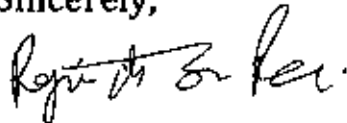
September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: RAJINDER S. Ravi

Address: 1118 Santa-Domingo Ct

Bakersfield CA - 93313

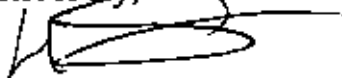
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: HARINDER SINGH

Address: 5100 SILVER CLOVER AVE

BAKERSFIELD, CA 93313

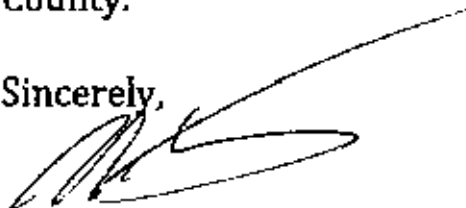
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: Mandip Singh Kang

Address: 12611 Warden Avenue Dr

San Rafael CA 94331

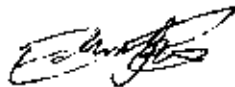
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: Edward Bee

Address: 10421 Moorpark Ave Unit A
Bakersfield Ca 93307

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name: Sukhwinder Kambh

Address: 1412 Brookline woods dr

Bakersfield CA 93312

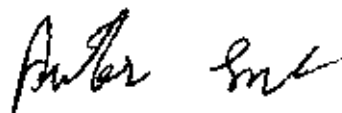
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

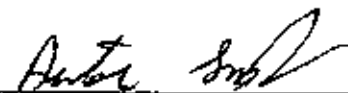
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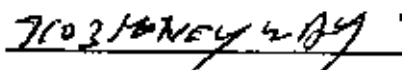
Sincerely,



Name:



Address:



September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name: DEVINDER GILL

Address: 9911 SHERBORNE APT-C

BAKERFIELD CA 93311

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Charan Singh

Name: CHARAN SINGH

Address: 511 HASWELL ST
93312

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name: RATINDER PAL SINGH

Address: 5115 VISTA RICA CT

BAKERSFIELD CA 93311

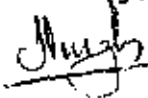
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: JASPAL S MAJHI

Address: 5334 VISTA DEL MAR AVE

BAKERS FIELD CA 93311

Comment Letter F1-22

September 12, 2015

John Rzdziak

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the Idea of Casino in Kern County.

Sincerely Sukhwinder Kaur

Name: SUKHWINDER KAUR

Address: 21574 Oldcastle Ave

BAKERSFIELD C.A.

93313

Comment Letter F1-23

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino In Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely

Amrjit Kaur

Name:

AMBRJIT KAUR

Address:

8000 Big Bear St
Bakersfield - CA.

93307

Comment Letter F1-24

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely

Harbinder S. Grewal

Name:

HARBINDER S. Grewal

Address:

11311 Tea Tree Ct
BAKERS FIELD CA

93304

Comment Letter F1-25

September 12, 2015

John Rdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely

Jatinder S

Name:

Jatinder Singh

Address:

4570 old Carle Hill

B AIRERSFIELD CA 93373

September 12, 2015

John Rzdziak

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful If you dismiss the idea of Casino in Kern County.

Sincerely

Nahmattar Gill

Name:

NAHMATTAR GILL

Address:

*1570 Oldcastle Ave
BAKERSFIELD - CA*

93373

Comment Letter F1-27

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the Idea of Casino in Kern County.

Sincerely HARBINDER Singh Gull

Name: Harbinder Singh Gull

Address: 8000 Big Bear St
BAKERSFIELD CA 93311

Comment Letter F1-28

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino In Kern County

I oppose the proposed-Casino In Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good In Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino In Kern County.

Sincerely

Farvinder Kaur Gill

Name: FARVINDER KAUR GILL

Address: 41510 CINDY ST. E AVE
BAKERSFIELD CA 93313

Comment Letter F1-29

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because It is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely

Pargeat Singh

Name:

Pargeat Singh

Address:

4514 Oldcastle Ave
Bakersfield C.A. 93313

Comment Letter F1-30

September 12, 2015

John Rdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely

Quapreet K. Gill

Name:

QUAPREET K. GILL

Address:

8000 Big Bear
Bakersfield CA 93307

September 12, 2015

John Rdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely

Inderjeet Singh

Name:

INDERJEET SINGH

Address:

1410 BFL BOA DR
BARBERSFIELD CA

93301

Comment Letter F1-32

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

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Sincerely *Jangmohan Singh*

Name:

JUNGMOHAN SINGH

Address:

*11110 BALBOA DR
BARKERSFIELD CA
93301*

Comment Letter F1-33

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

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Sincerely Manjeet Singh

Name: MANJEET SINGH

Address: 15124 Old castle drive
Bakersfield C.A.

93313

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

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Sincerely

Sukchan Singh

Name:

SUKCHAN SINGH

Address:

8000 Big Bear St
Bakersfield CA.
93307

Comment Letter F1-35

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

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Sincerely Charnjeet Kaur

Name: CHARNJEET KAUR

Address: 4514 Oldcastle Blvd
Bakersfield CA

93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely, Mohinder Kaur Brar

Name: Mohinder Kaur Brar

Address: 3410 Kimmracche/

Bakersfield, CA 93313

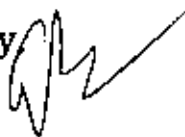
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

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Sincerely



Name: Emanuel S. Bar

Address: 5521 Rockview Dr.

ROKE CA. 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, ਹਰਭਜਨ ਸਿੰਘ

Name: ਹਰਭਜਨ ਸਿੰਘ

Address: 8801 Lima Rd
Bakersfield, CA 93313

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Name: Jamer Singh

Address: 11900 Walden

Park Pl. Bakersfield Ca

Comment Letter F1-40

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

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Sincerely,

Name: Jagjit S Bhat

Address: 5212 Ridgeview DR

Bakersfield.

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,

Name: HARPAL SINGH

Address: P.O. Box 42897

BAKERSFIELD 93384 CA

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, B. K

Name: BALVINDER KADZ

Address: 8014 Stone Rd

Bakersfield ca 93313

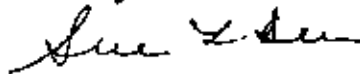
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name: Sue L. Lee

Address: 3801 Artimus St.
Bakersfield, CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *K. K*

Name: *Kulwinder Kaur*

Address: *8014 St. Rte Rd*

Buhl *CA* *93313*

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *Balraj Singh*

Name: *Balraj Singh*

Address: *2409 S. P ST*

Bakersfield Ca 93303

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *Rupinder Sidhu*

Name: *Rupinder Sidhu*

Address: *7915 Prism Way*

93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name:

Surjit S. Langia

Address:

1307 Badger Pass AL
Bakersfield, CA 93307, U.S.A

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *S Gurleen Longia*

Name: *Gurleen Kaur Longia*

Address: *1307 badger pass AV
bakersfield CA 93307, USA*

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely, *Harman Sandhu*

Name: Harman Sandhu

Address: 1147 Evidencia Rd

93207

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, Janjit Rai

Name: Janjit Rai

Address: 4112 Rio Viejo Dr

93313

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

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Sincerely, Gursharanpreet Singh

Name: Gursharanpreet Singh

Address: 8100 Stine Rd.

Bakersfield CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely, *Gurpreet Singh*

Name: Gurpreet Singh

Address: 8809 Lima st

Prakersfield, CA 93313

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name:

Gurdeep Singh

Address:

11900 Walden

Park Pl. Bakersfield CA

Comment Letter F1-54

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *Rajinder K. Lambhara*

Name: *Rajinder K. Lambhara*
Address: *1227- Hader Rd*
Porterville CA

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Som Nath

Name: SOM NATH

Address: 2511 GRAWD HAVEN LN

BAKERSFIELD, CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name: Balpreet Randhawa

Address: 2600 Paradise

Point Pl Bakorsfel 93308

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name:

Rasna/singh

Address:

11900 walden Park Pl

BARBERSIDE CA 93311

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name: ARTAK BINGHAM PANNU

Address: 5407 ROCKWELL DR.

BEKERSFELD C.A.-U.S.A

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Lakhbir Singh

Name: LAKHBIR SINGH

Address: 5501 Ridge Lake CT.

Bakersfield CA 93313

Comment Letter F1-60

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name: Jagjit Bora.

Address: 8915 Tropicana dr

Bakersfield CA - 93311.

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

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Sincerely, Lakhuir Kaur

Name: Lakhuir Kaur

Address: 11900 Walden Park

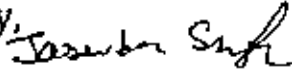
PO 9311 Bakersfield CA

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, 

Name: JASWINDER SINGH

Address: 6212 HAWK CREEK DR

PAKEMFIELD CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, 

Name: 

Address: M 301 BELLE TERRE C

Bakersfield, CA 93309

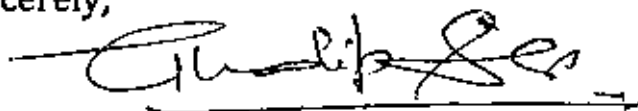
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: GURDIP SINGH

Address: 9107 Trobriant
Harvis Road Bk.

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name:

Jagjit Singh Gill

Address:

891 Iron Tree w
Buena Vista CA 93302

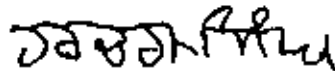
September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: HARCHARAN SINGH

Address: 5511 White Wheat Ave

Bakersfield, CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely, DARSHAN S

Name: DARSHAN SINGH
H300 Shine Rd
Address: BKF CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name:

Paul Minder Esq

Address:

1423 Engel Fern

Beck CA 9367

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

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Sincerely, *M.S.D*

Name: *Mohinder Singh Dhalwal*

Address: *9913 OK DR CREN*

Bakersfield Ca 93311

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, Rajwant Kaur

Name: RAJWANT KAUR

Address: 4813 Rydzong Dr

Bakersfield CA, 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: Vinod Singh

Address: 11710 CHRISTMAS ROSE DR.

Bakersfield CA 93311

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: Syman Randhawa

Address: 4707 Whiteoak
Ave 93813 Bakersfield CA

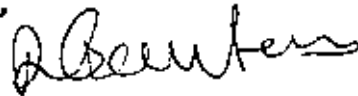
September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

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Sincerely,



Name: Rob Graubert

Address: 2511 Grand Haven Lane
Bakersfield CA 93313

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

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Sincerely, *Harinder Singh*

Name: *Harinder Singh*

Address: *11900 Walden Park Dr*

Bakersfield CA

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *Sukwinder Kaur*

Name: *Sukwinder Kaur*

Address: *11900 Walden Park*

Pl, Bakersfield, Ca

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely, 

Name: Jason Singh

Address: 11900 Walden Park

Pl, Bakersfield Ca

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *Japneet*

Name: *Japneet Kaur*

Address: *11900 Golden Park*

Pl, Bakersfield Ca

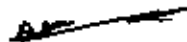
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

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Sincerely,



Name: Amaik Singh

Address: 520 LANSING DR # 9

BAKERSFIELD / CA 93309

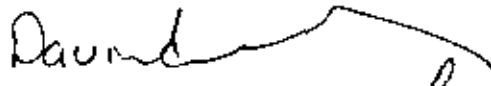
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John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

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Sincerely,



Name:

Davinder Singh

Address:

8116 Leffrechaun Way
Bakersfield, CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: GURMAIL SINGH

Address: 6630 RIVERIDGE WAY,

93313,

661-717-6512.

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Name: PARDEEP Singh

Address: 6007 Woodard Ridge

Bakersfield, CA

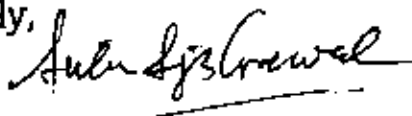
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

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Sincerely,



Name: AVTAR SINGH GREWAL

Address: 4603 BASQUE ST

Bakersfield CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely, *HSJL*

Name: Harbans Singh

Address: 4610 Jonesock Ave
Bakersfield CA

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *Gurpreet*

Name: Gurpreet Preet

Address: 3900 Corbin CT

93813

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Name: KULWINDER J

Address: 2600 PARADISE Point PL

Blossfield

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name: Jasbir Singh

Address: 244 P Chorn


Hb No 8/13 BAK CA 93304

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely, 

Name: SANKARAS RADHAN

Address: 3500 GRANITE CREEK CT

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Name: PRADEEP SINGH

Address: 5400 DOVEFIELD

CA 95304

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, 

Name: Chhimda R P. Singh

Address: 2915 99 new melons

dr Bala ca 93313

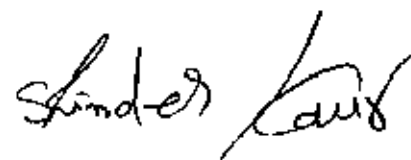
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name: SHINDER KAUR

Address: 4106 SERENE OAK DR

BAKERS FIELD CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: JAGRAJ S SIDHU

Address: 7815 PRISM WAY

BAKERSFIELD CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, राज सिंह

Name: BALRAJ SINGH

Address: 8601 MARQALO AVE

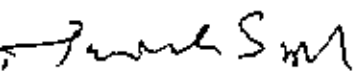
BAKERSFIELD, CA- 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely, 

Name: GURDEEP Singh

Address: 4115 SEREN OIKOR

BORENSFIELD CA 92312

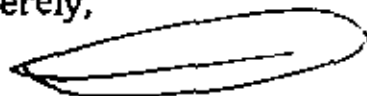
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: ARJINDER SINGH

Address: 3030 2~~nd~~ Kern. St

Bakersfield Ca 93309

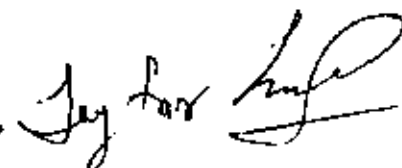
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: JAGTAR SINGH

Address: 9308 COBBLE MOUNTAIN RD

BAKERSFIELD, CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



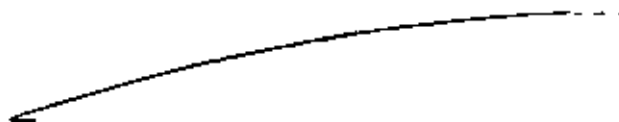
Name: _____

Sandra L. Giv

Address: _____

1107 E. Addison Rd.

AKFS CA-93307



September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name: AJMER S. Dhillon

Address: 2502 Lacorte Pl.

Bakersfield, CA 93313

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *Ramanpreet Kaur*

Name: KAMANDJEET KAUR

Address: 4666 IDLE ROCK AVE.

BAKERSFIELD, CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Name:

Address:

7850 White Ln
Bakersfield, CA 93309

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *Sukhdeep Kaur.*

Name: SUKHDEEP KAUR

Address: 4616 TIDE ROCK AVE

BAKERSFIELD CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name: SUKHVIR S RAI

Address: 6118 SANTO DOMINGO CT

BAKERSFIELD CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Name:

Address:

1102 Blenheim Way
Robertsville CA 93312

Comment Letter F1-103

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.



Sincerely,

Name: LAKEVIEWER. SINHA

Address: 8100 - STINE

BAKERSFIELD 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,



Name:

Jeff K.

Address:

2308 Kelso Road
Bak. Ca. 93304

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *K.K.*

Name: Kartar Kaur

Address: 11900 Walden Park

Pl. 9311 Bakersfield CA

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, John Rydzik

Name: John Rydzik

Address: 2311 Plumz Rd
Bakersfield Ca 93306

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Patricia K. Smith
Sincerely,

Name: Patricia K. Smith

Address: 10615 Villa Monterey Dr

Bakersfield Ca 93314

Comment Letter F1-108

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful If you dismiss the Idea of Casino in Kern County.

Sincerely

JAGDISH SINGH

Name: JAGDISH SINGH

Address: 5407 Upton Ave
Bakersfield Ca 93313

Comment Letter F1-109

September 12, 2015

John Rzdziak

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because It is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely

BALWINDER KAWA

Name: BALWINDER KAWA

Address: 5407 UPTON AVE
BAKERSFIELD CA 93313

Comment Letter F1-110

September 12, 2015

John Rzdziak

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely

KULBIR KAUR
Name: KULBIR KAUR
Address: 5407 Wftm Ave
Bakersfield Ca 93313

Comment Letter F1-111

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

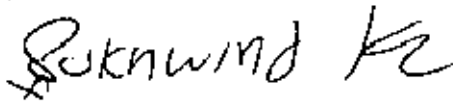
2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

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Sincerely



Name: SUKHWINDER Kaur Dhoot

Address: 5407 Lipton Ave
Bakersfield Ca 93313

Comment Letter F1-112

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful If you dismiss the idea of Casino in Kern County.

Sincerely

Gurcharan Singh

Name: GURCHARAN SINGH

Address: 1013 Parzwell CT Barbours Field CA 93307

Comment Letter F1-113

September 12, 2015

John Rdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely

Harpneet Singh

Name: HARPREET SINGH

Address: 5209 Silver Jewel Ln
Bakersfield, CA 93313

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely

Jarnail Singh

Name: JARNAIL SINGH

Address: 5209 SILVER JEWEL LN
BAKERS FIELD, CA 93313

Comment Letter F1-115

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the Idea of Casino in Kern County.

Sincerely

Manpreet Singh

Name: MANPREET SINGH

Address: 5209 Silver Jewel Ln
Bakersfield, CA 93313

Comment Letter F1-116

September 12, 2015

John Rzdilk

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely

Name:

H. K. 612 L

Address:

7513 GLITTER WAY
BAKERSFIELD CA. 93313

Comment Letter F1-117

September 12, 2015

John Rdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County It will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely

Jagwinder Kaur

Name: Jagwinder Kaur

Address: 7513 GLITTERWAY

BAKERSFIELD CA. 93313

Comment Letter F1-118

September 12, 2015

John Rzdziłk

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

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Sincerely

Name:

SUKHWINDER KAUR

Address:

7513 GLITTER WAY

BAKERSFIELD CA. 93313

Comment Letter F1-119

September 12, 2015

John Rzdziak

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino In Kern County

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Sincerely

Amandeep Kaur

Name: AMANDEEP KAUR MAAN

Address: 5209 Silver Jewel Ln
Bakersfield, CA 93313

Comment Letter F1-120

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

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Sincerely

Jaswinder Singh

Name: JASWINDER SINGH

Address: 5209 Silver Jewel LN
BAKERSFIELD, CA 93313

Comment Letter F1-121

September 12, 2015

John Rdzik

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

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Sincerely

Kulwinder Kaur

Name: KULWINDER KAUR

Address: 5204 Silver Jewel Ln
Bakersfield, CA 93313

Comment Letter F1-122

September 12, 2015

John Rzdziak

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

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Sincerely

G.K

Name: GURJIT KAUR

Address: 5209 Silver Jewel LN
Bakersfield, CA 93313

Comment Letter F1-123

September 12, 2015

John Rzdzik

Bureau of Indian Affairs

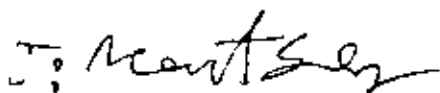
2800 Cottage Way

Sacramento, Ca 95825

Subject: Oppose of Casino in Kern County

I oppose the proposed-Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect Air pollution and water. We are already going through drought and Air pollution is not good in Kern County. It will create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely



Name: MALKIAT SINGH

Address: 5209 Silver Jewel LN
Bakersfield CA 93312

September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, GURDIP Kaur

Name: GURDEEP KAUR

Address: 3412 Loyalty Ave Apt D


Bakersfield Ca 93311

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely, 

Name: Harmail Rifin

Address: 3715 WYED HAN AVE

BEKERS FIELD CA

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,

Name: 

Address: 9115 2A Ave 

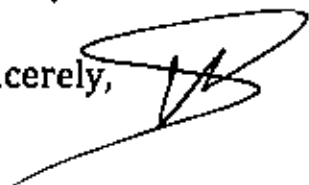
September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

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Sincerely,



Name: CHARANjit RING

Address: 5700 BOXHILL

Box Hill - CA 93284

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, CHARAN SINGH

Name: 

Address: 2310 Treeline Ave

Bakersfield, ca 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Name: 

Address: 

2636 River Blk
B Me Briced CM

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *Smith Bir Singh Sandel*

Name: *Smith Bir Singh Sandel*

Address: *1506 KIRKWOOD AVE*

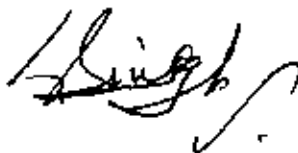
BAKERSFIELD CA 93307

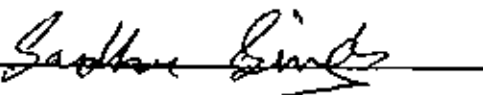
September 13, 2015


John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

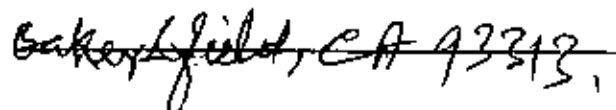
Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, 

Name: 

Address: 



September 13, 2015

**John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825**

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, *Kurwalee Pannu*

Name: *Kurwalee Pannu*

Address: *1000 County Line
rd 207 Palmdale Ca*

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

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Sincerely, *BS*

Name: Balwinder Singh

Address: 3900 Capin CT.


93313.

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely, 

Name: Rasbinder Singh

Address: 4610 Lomax Ave
Bakersfield CA 93313

September 13, 2015

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Opposition of Casino opening in Kern County

I oppose the proposed Casino in Kern County because it is not good for our community, families, kids and environment. In Kern County it will effect air pollution and water. Going through drought and air pollution is not good in Kern County. The casino will also create more crime in our community. We will be very thankful if you dismiss the idea of Casino in Kern County.

Sincerely,

Name: Joshua Kooner

Address: 4301 green rock

ave 93313

APPENDIX C

SCOPING MEETING TRANSCRIPT

SCOPING MEETING

(Revised)

Tejon Indian Tribe Trust Acquisition

And Gaming Project

September 1, 2015

6:00 P.M.

Reported by: Kelli R. Russell, CSR No. 7172

APPEARANCES

U.S. Department Of The Interior
Bureau Of Indian Affairs
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Analytical Environmental Services
Ms. Bibiana Alvarez
Project Manager
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Suite 100
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(916) 447-3479
Balvarez@analyticalcorp.com

Bakersfield, California

Tuesday, September 1, 2015

East Bakersfield Veteran's Hall

(6:00 P.M.)

---oooOooo---

MR. BROUSSARD: Okay. We are going to go ahead and bring the hearing to order. If I could have everyone's attention. I just have some brief introductory remarks and we will get going with the presentation and then public testimony.

So Bureau of Indian Affairs welcomes you to this public scoping hearing for the proposed Tejon tribe deed trust and casino project environmental impact statement, also referred to as EIS.

My name is Chad Broussard and I'm an environmental protection specialist with BIA, Pacific regional office. BIA is a bureau within the United States Department of the Interior. I will be your facilitator at this evening's public hearing.

At the table with me is Bibiana Alvarez with Analytical Environmental Services, the BIA's EIS consultant, and Pete Bontadelli, also with AES.

And also attending tonight's hearing is Hillary Renick in the audience who is an environmental

1 protection specialist as well with the BIA Pacific
2 regional office.

3 I want to thank everyone for taking the time
4 to come out. We have -- the restroom is located just
5 around the corner back here and we have emergency exits
6 along the side and the back and at entrance up front
7 here.

8 We are here tonight to conduct public scoping
9 for the EIS that will be prepared for the proposed deed
10 of trust land acquisition south of the City of
11 Bakersfield and the subsequent proposed development of
12 a casino for the Tejon effectively recognized tribe.

13 The location of the proposed deed of trust
14 property can be seen on the large information boards
15 that you saw in the front as you came in.

16 If the BIA approves that deed of trust
17 acquisition it will hold the property in trust for the
18 tribe allowing for the development of a gaming facility
19 on site.

20 However, the National Environmental Policy
21 Act, which is also known as NEPA, requires that the BIA
22 conduct an environmental review before deciding whether
23 or not to accept the land in the trust.

24 And we're at the very beginning of this
25 required environmental review starting with the process

1 known as scoping.

2 The purpose of the scoping process is to
3 determine the scope of the environmental review and
4 what it should be, the geographical scope, the
5 timeframe of the analysis, the number of environmental
6 topics to study, the intensity of analysis for each
7 topic, any issues of concern to focus on and a number
8 of alternatives.

9 Those types of issues have to be determined at
10 the beginning of the analysis process. And the purpose
11 of this hearing is to provide information on the
12 process and the actions, the proposed action, and also
13 to solicit input from the public related to the scope
14 of the EIS.

15 For example, relevant input might include
16 concerns about specific types of impacts that may
17 result, information on historic environmental
18 conditions in the area or suggestions on alternatives
19 to the proposed action.

20 With that in mind, I want to be clear that
21 tonight's hearing is not a question-and-answer period
22 nor is it a forum for debate. I will not be responding
23 to any questions, nor engaging in any debate.

24 Instead this is your opportunity to tell us
25 before we start working on the EIS what you think

1 should be analyzed, how the analysis should take place
2 and what environmental issues you're most concerned
3 with.

4 So the outcome of the scoping process is a
5 document called a Results of Scoping Report. And the
6 results of scoping report will summarize the comments
7 made during the scoping period. It will summarize the
8 environmental issues that will be analyzed in the EIS.
9 It will identify the cooperative agencies that will be
10 cooperating during the NEPA process. It will describe
11 the alternatives that are proposed to be analyzed in
12 the EIS and it will summarize the remaining NEPA
13 process.

14 The results of scoping report will be
15 published on a CD and it will be made available to the
16 public.

17 Notice of the availability of this report will
18 be sent to you if you're on the mailing list. And you
19 will be on the mailing list -- if you signed in on the
20 sign-in sheet you will automatically be added to the
21 mailing list for this project.

22 Now, we've asked our EIS consultant to provide
23 you with a brief Power Point presentation on the
24 proposed deed of trust property, the proposed action
25 and the EIS process.

1 First, please turn your cell phones off or put
2 them on vibrate if you wouldn't mind.

3 So if you wouldn't mind, go ahead and proceed
4 with the presentation.

5 MR. BONTADELLI: Thank you, Chad.

6 Can everyone hear me in the back?

7 PUBLIC SPEAKER: Yes.

8 MR. BONTADELLI: Okay. When is NEPA required?
9 Basically whenever a federal action -- major federal
10 action is proposed a document must be prepared under
11 the National Environmental Policy Act. And the purpose
12 of that document is information so that the lead
13 agency, in this case the BIA, has the information they
14 need to make a decision knowing full well what all the
15 issues are and mitigations, if any, that are going to
16 be required.

17 In this case the proposed major federal action
18 is the request by the Tejon Indian Tribe to take 306
19 acres of land in Kern County near the City of Mettler
20 into trust.

21 The NEPA process itself is a process basically
22 going through and figuring out which direction and what
23 is going to happen.

24 Essentially the proposed action was evaluated
25 and it was looked at and determined that it did not fit

1 any of the exemptions for areas for categorical
2 exemption.

3 A quick environmental assessment was run and
4 determined very quickly that, yes, there were
5 significant issues, which takes us over to the
6 environmental impact statement which is required and
7 that's the process that will be applied.

8 The Notice of Intent was formally published
9 about 15 days ago. The scoping meeting, which --
10 scoping, which includes the public meeting that you are
11 at tonight, following that the report that Chad
12 referred to, following the -- a due diligence of
13 everyone looking at the information that we have
14 available to us, doing the research, a draft
15 environmental impact statement will be issued.

16 Again, there will be a public review which
17 includes a public meeting.

18 The final environmental document EIS will be
19 prepared.

20 And 30 days after that has been noticed to the
21 public the BIA was able to issue a record of decision,
22 or a ROD, and then take the formal action.

23 The proposed action is essentially the trust
24 acquisition of approximately 306 acres within Kern
25 County.

1 The Tejon Indian Tribe proposes to develop on
2 that trust land a gaming facility, hotel, parking,
3 other related support activities.

4 The 306 acre site is located south of
5 Bakersfield within Kern County's jurisdiction. The
6 proposal has gaming facility, hotel, restaurants and
7 parking.

8 Generally you can see that the site is located
9 almost immediately to the west of the city
10 unincorporated area of Mettler, just to the west of 99,
11 slightly east of Interstate 5, and just north of
12 Highway 166.

13 The actual aerial photograph of the site shows
14 that the land is today agricultural. You can see it's
15 proximity both to 99, the exits and entrances to 99,
16 and the City of Mettler.

17 The Notice of Intent was formally published on
18 August 13, which begins the scoping process. During
19 this 30 days formal is a formal request to the public
20 to provide input so that the document that is prepared
21 by our firm for BIA addresses all of the appropriate
22 issues.

23 Scoping is the process for which lead agencies
24 solicit the input from the public so that we have
25 identified and know exactly what needs to be evaluated.

1 The scope of the document will include the
2 extent of the action, will discussion a range of
3 alternatives, the types of impacts to be evaluated.

4 To date the issues that appear to be those
5 that are going to require analysis are: Land
6 resources, water resources, air quality, noise,
7 biological resources, cultural resources, resource use
8 patterns, traffic and transportation, public health and
9 safety, hazardous materials, public services and
10 utilities, socioeconomic, environmental justice,
11 visual resources or esthetics, and then the cumulative
12 impacts and the direct/indirect and growth inducing
13 effects of the project.

14 Scoping comments period ends September 14th,
15 2015. So after tonight if you find there's something
16 you know you want to say or feel you need to provide to
17 help the scoping process along, feel free to provide a
18 written comment.

19 Scoping comment period includes this scoping
20 meeting, gives the public the opportunity to comment on
21 the scope of the upcoming EIS.

22 All scoping comments, whether written or
23 spoken here tonight, will be considered equally by BIA
24 and will be incorporated in the scoping report.

25 After the close of the comment period the BIA

1 will prepare the scoping report, which Chad referred to
2 earlier, summarizing the comments received during the
3 scoping period. Each comment letter received and
4 transcript of this meeting will be included in the
5 scoping report.

6 BIA will then use the scoping report to help
7 draft -- complete the draft of the EIS.

8 The draft EIS will be prepared by BIA and will
9 analyze all of the environmental impacts of proposed
10 actions along with a reasonable range of alternatives.

11 The draft EIS will be made available to the
12 public once completed for at least a 45-day review and
13 comment period.

14 Another public meeting will be held during
15 that time and, again, public review and comment will be
16 solicited.

17 After public review and comment period on the
18 draft EIS is closed, the BIA will prepare a final EIS.
19 The final EIS will include responses to all substantive
20 comment received on the draft EIS.

21 When completed the final EIS will be made
22 available to the public for review.

23 At least 30 days after the publication of the
24 final EIS the BIA will issue its record of decision or
25 ROD and this includes a decision of whether or not to

1 approve the proposed action to take the land into
2 trust.

3 The ROD basically marks the end of the NEPA
4 process.

5 You may mail, hand carry or fax written
6 comments to Amy Dutschke the regional direct or Bureau
7 of Indian Affairs, the Pacific regional office, 2800
8 Cottage Way, Sacramento, California.

9 If you have further information as needed,
10 John Rydzik the Bureau of Indian Affairs, will be
11 available and his phone number is listed there for your
12 review.

13 That basically concludes the presentation that
14 we have.

15 And Chad.

16 MR. BROUSSARD: Okay. Thanks, Pete.

17 I will Just go over the procedure a little bit
18 before we get started with the comments.

19 So both spoken and written comments will be
20 accepted at tonight's hearing. If you have a written
21 letter that you would like to submit, please hand it to
22 me or to a representative at one of the tables in the
23 front.

24 We also have cards available for you to make
25 handwritten comments. Those are written comment cards

1 and they're at the tables there. So you just fill it
2 out. Grab a card, fill it out and put it in one of the
3 comment card boxes and we will consider those comments
4 along with all of the other comments received.

5 If you would like to make a spoken comment at
6 the hearing tonight, please fill out one of the speaker
7 cards, these little yellow cards that are at the
8 tables. Fill one out and hand them in to one of the
9 representatives. And please write as legibly as
10 possible so I don't butcher your name too badly, which
11 I apologize in advance. I will probably butcher your
12 name anyways, so please bear with me.

13 We will take speakers in the order that I
14 received the speaker cards. Everyone will be given
15 three minutes to make their remarks in order to ensure
16 that we have enough time for everyone to speak.

17 If there is additional time after all the
18 speak verse given their comments, I will provide an
19 additional three minutes if you would like additional
20 time to make a comment.

21 So a public hearing is not the best forum for
22 lengthy comments due to the constraints of time. If
23 you have a lengthy comment, we encourage you to submit
24 a written letter.

25 All comments will receive equal weight, as

1 Pete said. Whether they're spoken or written, we will
2 consider them all equally.

3 We have a stenographer here that will record
4 your spoken comments word for word. So they will be
5 considered fully as comments on the record.

6 With that said, we will ask you to please
7 restate your name for the record before you give your
8 comment and please speak as clearly as possible so that
9 the stenographer can understand and accurately document
10 your words.

11 Please understand that the purpose of
12 tonight's hearing is not, again, to have a
13 question-and-answer session or debate of any kind. We
14 will not respond to questions or engage in debate. We
15 are here to listen and document your comments.

16 We will then carefully consider your spoken
17 and written comments sent by the close of the comment
18 period, which is September 14th, 2015.

19 Now, I would like to ask the Tejon
20 chairperson, Kathryn Morgan, to give an introductory
21 statement and comment.

22 MS. MORGAN: Thank you.

23 My name is Kathryn Morgan and I am the
24 Chairwoman of the Tejon Indian Tribe.

25 On behalf of more than 800 members of our

1 tribe -- 809 actually -- I went to express the tribe's
2 appreciation to the representatives of the Pacific
3 region of the Bureau of Indian Affairs for organizing
4 and conducting this hearing tonight in Bakersfield to
5 solicit public comment on the scope of the
6 environmental review for our project.

7 Tonight's hearing is an important first step
8 in rigorous review process, which we believe will
9 eventually and finally result in establishing a land
10 base for our tribe.

11 Right now the Tejon Indian Tribe is landless.
12 For more than 100 years the tribe and the United States
13 have tried to confirm the land base for the tribe its
14 aboriginal territory.

15 In 1851 the tribe signed a treaty with the
16 United States that would have established a reservation
17 for the tribe, but the senate never ratified that
18 treaty.

19 In 1920 the United States filed a lawsuit on
20 the tribe's behalf to confirmed the tribe's continuing
21 aboriginal title to a portion of the territory, but
22 this lawsuit failed because the United States had
23 waited too long to file it.

24 For years now -- for years after 1920 the
25 United States attempted to purchase a portion of the

1 Tejon ranch which covers much of Tejon tribe aboriginal
2 territory.

3 When the ranchers refused to sell any land,
4 eventually the tribe was forced off of aboriginal
5 territory, but never left the area.

6 The tribe's federal relationships was
7 reaffirmed in December 2011. Since that time the tribe
8 has worked with its business partners to locate an
9 appropriate parcel of land from which the tribe can
10 rebuild.

11 This parcel would be the first starting point
12 for the tribe's territory and the project we propose on
13 the partial -- parcel would be the economic engine to
14 rebuild tribal members health and welfare.

15 This parcel is located in an unincorporated
16 area of Mettler. The parcel is rendered cultivation by
17 a farmer under a year-to-year lease. It has been
18 farmed for many years. And it is in the vicinity of
19 light commercial use, such as a nearby truck stop and
20 is also within the area that would have been the
21 tribe's reservation under that 1851 treaty.

22 It is as close as the tribe can get to the
23 canyon where the tribe of Tejon has been for
24 generations, since the Tejon Ranch now holds title to
25 that area and we no longer have access to.

1 We can stand on this parcel today and
2 tomorrow, look across Highway 99, and see our homeland.
3 And it is a place today for where our ancestors are
4 buried.

5 The Tribe wants our neighbors to know that we
6 intend to proceed in a responsible way to develop the
7 project in a respectful way with other affected
8 governments.

9 In particular, the Tribe is committed to a
10 government-to-government relationship with Kern County,
11 one where we address and resolve our mutual interests
12 and concerns in a productive way through agreement.

13 The Tribe strongly believes that this
14 development can and should be done in a way that
15 benefits all, Indians and non-Indians alike.

16 This project is essential to the
17 revitalization of our Tribe. The needs of our tribal
18 members of are great. Some of our elders live in
19 substandard housing, some of our families struggle to
20 feed their children, and our young people cannot afford
21 higher education.

22 As a Tribe we do what we can to meet these
23 needs. We have accessed and have a few housing
24 programs available for non-trust lands. We run a small
25 food pantry for our tribal members and we provide

1 limited scholarships for our students, but we are a
2 poor tribe and we cannot possibly meet our members'
3 needs.

4 With this project we can dramatically increase
5 the ability to do all these things.

6 Our people are excited about this project, but
7 they are more excited about the opportunities it will
8 present to us to develop and fund services for our
9 people and to contribute to the development of the
10 entire local community.

11 Thank you for the opportunity to express the
12 Tribe's support for the project and hopes for the
13 future. Thank you.

14 MR. BROUSSARD: Thank you. Now we will
15 proceed with the public comments. Remember, all
16 comments will be limited to three minutes. We have a
17 light timer right here you might not be able to see if
18 you're not up front.

19 And, by the way, thank you, Ms. Morgan, for
20 your comments.

21 Everyone, please, if you could try and speak
22 into the microphone as much as possible so that
23 everyone can hear and also so the stenographer can hear
24 what you're saying word for word.

25 This light timer will be -- the green light

1 will be on at the beginning of the three-minute period.
2 When there's one minute left, the green light will
3 start blinking. When it goes down to 30 seconds, then
4 the yellow light will come on. And then when it goes
5 down to zero, there will be a beep and the red light
6 will come on and I will ask you to please wrap up your
7 comment. So that's how the light timer system works.

8 Please remember to state your name before
9 speaking and speak as clearly as possible.

10 Also, to best participate in this hearing
11 process I offer the following ground rules and
12 suggestions:

13 First, summarize your main points within your
14 three-minute public speaking period. Be as specific as
15 you can. Only comments that relate to the scope of the
16 EIS will be useful to us in preparing the EIS.

17 Second, please avoid personal attacks. We
18 understand there may be strong feelings pro and con
19 regarding the proposed action. The best opportunity to
20 state your views convincingly is through a brief
21 factual presentation.

22 Third, it's okay to disagree. The key is to
23 do it in a manner of mutual respect.

24 I will require you not to make any noises that
25 would distract from the stenographer's ability to

1 record anyone's comments.

2 If I cannot hear a speaker's comments because
3 of side bar conversations or other disturbances such as
4 booing or clapping, I will stop the hearing until order
5 is restored.

6 Fourth, I will require you to address me
7 specifically with your comments so that I hear what
8 you're saying, so that the stenographer can accurately
9 record your words.

10 If you don't address me directly, I will ask
11 the stenographer to stop recording and require you to
12 relinquish the microphone to the next speaker.

13 Finally, the hearing -- it's not a referendum.
14 We are not hear to count the number of people that are
15 for or against the project.

16 The purpose of this hearing is solely to
17 collect comments on the scope of the EIS and all
18 comments will consider -- be considered equally no
19 matter how many times they're made.

20 So please limit the substance of your comments
21 accordingly. And if someone ahead of you has already
22 made your point, there's really no need to repeat it.

23 So we have some seats reserved up front. We
24 don't have that many commenters lined up right now, so
25 I will just call everyone up individually at this

1 point. If we have a lot of people start filling out
2 speaker cards, then I will start calling several people
3 up to sit and wait their turn.

4 But for now, why don't we go ahead and start.
5 And the first speaker will be Craig Murphy.

6 MR. MURPHY: How is that? Can you hear me? I
7 didn't think so. How about that?

8 My name is Craig Murphy. I'm the division
9 chief of the Kern County Planning & Community
10 Development Department.

11 So I don't have any specific comments right
12 now to offer regarding the EIS other than to state that
13 we are committed to working with the BIA as a local
14 agency in whatever process is appropriate under NEPA
15 and the governing body as it relates to the land
16 adjacent to where the proposed project is located and
17 that we look forward to learning more about the project
18 as it goes through.

19 And whatever help you guys need in terms of
20 information related to adjacent land uses, projects
21 that are being processed, things along those lines, we
22 would be happy to provide that and, again, assist in
23 any way we can as a local body adjacent to the project.

24 MR. BROUSSARD: Thank you, sir.

25 The next speaker is Delia Dominguez.

1 MS. DOMINGUEZ: My name is Delia Dee
2 Dominguez. I'm the chairwoman of the of Kitanemuk and
3 Yowlumne Tejon Indians.

4 Our tribe's family cultural affiliation is of
5 Kitanemuk, Yowlumne and Kern Lake Yokuts, Emigdeano and
6 Ventureno Chumash.

7 I'm here to voice our concerns of the proposed
8 development. Kern Lake, the home of the Kern Lake
9 Yokuts, is a sensitive cultural landscape and known
10 archeological site.

11 The Kern Lake Yokuts had their own dialect in
12 the Yokuts language family and assisted ethnohistorian
13 A.L. Kroeber in his compilation of 20 Yokuts dialects
14 of the Central Valley.

15 On June 2nd, 2015 before the Kern County board
16 of supervisors the Tejon Indian Tribe made a
17 presentation describing its members as the Kitanemuk
18 Tribe and that they refer to themselves in today's time
19 as Tejon Indians.

20 Kern Lake is surrounded on three sides by
21 Highway 99, Freeway 5 and Maricopa Highway. This was
22 chosen for its proximity to these highways.
23 and freeways.

24 The site is not culturally affiliated to the
25 Tejon Indian Kitanemuk Tribe. The site was not chosen

1 to protect it for the Kern Lake Yoguts.

2 It was chosen for personal financial game of
3 the Kitanemuk Indians Tejon Indian Tribe whose landbase
4 is well-known. It is at the Tehachapi mountains and
5 over into the Mojave desert.

6 As with the general public, we are also
7 concerned about water. We are in a very severe
8 drought.

9 Air, nationwide in 2013 Bakersfield was number
10 one worst air quality, 2014 Bakersfield was number
11 three in worst air quality, 2015 Bakersfield was number
12 three in worst smog.

13 Traffic, Grapevine pass, 99 and 5 are already
14 over congested.

15 Ag land rezone would be lost.

16 Biological endangered species, we have a
17 migratory flight path. We will have the loss of
18 habitat and more human contacts to our site.

19 Increased lighting may inhibit Frazier Park,
20 one of the few sites suitable for star gazing.

21 Valley Fever, a fungal disease at epidemic
22 proportions at this time since 2000 and ongoing. Some
23 people believe spores lie in the village sites and
24 cemeteries. When uncovered the spores are spread.

25 We will have more crime, drug use and

1 addiction. Social services in our county are already
2 spread thin.

3 Thank you.

4 MR. BROUSSARD: Thank you very much.

5 The next speaker will be Annie Ortega-Chavez.

6 MS. ORTEGA-CHAVEZ: Good evening. Thank you
7 for being here and giving us all this opportunity to be
8 here tonight. I appreciate that.

9 My name is Annie Ortega-Chavez. I don't
10 believe that any further plans for a casino or anything
11 else for that matter should proceed until the Tribe as
12 a unity can come together.

13 As a little girl I remember having tribal
14 meetings at my house. I remember visiting family in
15 other towns that were nearby coming to our tribal
16 meetings in our home.

17 And I know we are cutting it short, so I will
18 get to the point. At the time now I am not recognized.
19 And, food for thought. How can you proceed with
20 something that its core itself unstable. Thank you.

21 MR. BROUSSARD: Thank you. The next speaker
22 is Thomas Edmonds.

23 MR. EDMONDS: Thomas Edmonds. I am a retired
24 homicide and robbery investigator from the Los Angeles
25 area.

1 And I think that plan reeks of crime. It will
2 bring L.A. gang bangers, Bloods and Crips, there. They
3 really like casinos.

4 We've had casino robbery in Bakersfield
5 already.

6 The follow-home robberies, clients win money,
7 head back to Bakersfield, and they get jacked up by the
8 robbers that have been watching who wins in casinos.

9 I did this for 37 and a half years and I
10 worked in the Bell Gardens casino and the Gardena Card
11 Park Palaces reeked of follow home robberies. And in
12 Gardena there were a few shootings that I heard about.

13 But the biggest thing is in receivers of
14 stolen crime go there to do their dope deals and
15 receive stolen property from burglaries.

16 And I think it brings undesirable people to
17 Kern County that we did not need. We have enough home
18 grown ones without importing more.

19 So I would like a real consideration on the
20 health and public safety aspect that's not due to this
21 project.

22 Thank you very much for your attention and
23 review.

24 MR. BROUSSARD: Thank you, sir. So we don't
25 have any more speakers signed up. Did anyone that

1 spoke, would anyone like more time?

2 MS. DOMINGUEZ: My name is Delia Dee Dominguez
3 and I forgot one last thing when I spoke about the bad
4 quality of air.

5 These are the medications that I take. There
6 are a lot of people that take these medications.

7 When I go to see my doctor I see so many
8 families with children that can hardly breathe.

9 This is daily. This is when it gets really
10 bad and this is when I can hardly breathe. When this
11 doesn't work, I have to go see my doctor.

12 And I know when I go there, as I just
13 mentioned, that there's so many children that I have
14 never seen before before we had this bad air. We
15 cannot afford to have more bad air in our area. Thank
16 you.

17 MR. BROUSSARD: Okay. Is there anyone else
18 that would like to make a comment?

19 Sir, if you wouldn't mind, fill out a card and
20 we will get you in. Thank you, sir.

21 MR. MECHELIN: I want to speak on behalf of
22 Frazier Park residents. This whole casino thing was
23 sort of a fast tracked and sort of dropped on
24 everybody's lap.

25 All of a sudden now it's gone from what I read

1 in the papers, it's a few members, to now this is like
2 gonna happen. This is like a done deal. This is like
3 let's get the comments out of the way so we get done,
4 but I do have a specific concern that I want to add to
5 the reports.

6 We already talked about the drug dealers, the
7 money sharks and the gangs that come, but there's
8 another element that happens at casinos. I've been in
9 casinos for 20 years.

10 The other element is business owners, people
11 with families, people that pay mortgages, that get
12 caught up in the gambling and they're not paying their
13 taxes, they're not paying their business expenses,
14 they're running up credit cards and they're letting
15 their businesses go under because they get caught up in
16 these casinos.

17 You know, we have Las Vegas. We have Lake
18 Tahoe and we have Commerce Casino and there's several
19 other casinos down south, hour and ten minutes from
20 Frazier Park.

21 That's a pretty big concern with Frazier Park
22 and the Frazier mountain communities is what about
23 withdrawal, what about the addiction and the lure.

24 It's not just the money. It's not the gang
25 bangers and the drug deals. It's regular people that

1 have jobs and they get caught up. It's an easy lure.
2 There's no clocks in the casino, the lights are
3 flashing, beautiful women come up wearing the short
4 skirts with the candy carts and cigarettes. It draws
5 you in. It draws you in and it draws in doctors,
6 lawyers, not just the low elements.

7 There's a negative side to this and I haven't
8 heard any of it and I want that bought up in the
9 reports.

10 People that have gambling addiction, it's not
11 -- there's a lot of professionals that have the
12 addiction. There's a lot of school teachers can get
13 caught up into it, people that work in the government.
14 I have personal experiences and I know two friends that
15 lost businesses, that lost homes, because of addiction.

16 So how is that going to be addressed in the
17 casino? All I've heard is what, we're putting a casino
18 in.

19 I would also like to know more of the positive
20 benefits. The first person that spoke talked about
21 housing and things. All I've heard is casino. Are
22 they going to put homes next to the casino for the
23 Tribe members? Is there going to cultural centers?

24 I picture a casino as a parking lot next to
25 the freeway to capture the traffic of the people trying

1 to go on vacation or going somewhere else. They're
2 going to stop and drop a bunch money.

3 Where is the money going from the casinos?
4 How much is going to build housing for Tribe members?
5 What goes to the California state commerce? Where does
6 this money go? Why isn't this information out in the
7 public? What percentage of each dollar is going to go
8 to what and is there anything set aside?

9 This is an important point for the gambling
10 addiction. What money is going to be set aside so that
11 there will be programs?

12 Because the gambling casino is only presented
13 as a positive -- lights, beautiful people work in
14 casinos, bells ringing, whistles, beautiful carpet
15 floors, but where is the actual positive benefit?

16 That's all I got.

17 MR. BROUSSARD: Thank you, sir. The next
18 speaker is Linda Peterson. Ms. Peterson.

19 MS. PETERSON: Hi. Thank you for the
20 opportunity to speak. I'm Linda Peterson from the Tule
21 River Tribe. I'm speaking for myself though and not
22 for my Tribe.

23 And what I don't like about this whole deal is
24 the Kitanumek or Tejon people seems like they really
25 isolated and focused on just a certain amount of people

1 that are allowed to be in their Tribe and they are
2 pushing away people that are actual Kitanumek families
3 and -- and to me that's wrong.

4 And, like, at the Chachanski and it's family
5 groups against family groups because they all -- some
6 of them are saying that you're not Indian enough or
7 you're not part of this Tribe and I hate that, that
8 that is happening down here.

9 And my family history, we are from the Kern
10 river area, but we settled up in Tule and we have no
11 claim to anything down here, but what I don't like is
12 the way of tearing up Indian families. And that's my
13 biggest complaint that I have against the casino.

14 And besides that, I understand it's in a
15 culturally rich area where the proposal -- proposed
16 casino is and I do, you know, have feelings about that.
17 That for those reasons I would be against the casino.
18 Thank you.

19 MR. BROUSSARD: Thank you. Next speaker is
20 Jacquie Sullivan.

21 MS. SULLIVAN: Thank you very much. Yes. I
22 am Jacquie Sullivan, a long time city council member.
23 I really have not yet read a lot of information about
24 this project, but I feel strongly that this would not
25 be good for our county and certainly not be good for

1 our area.

2 Bakersfield, of course, is the ninth largest
3 city in California. We have 11 -- total of 11 cities.
4 We know that, to be very clear, that a casino would
5 bring a very bad element that we already have and that
6 we don't need.

7 And just the, you know, just the thought that
8 someone would be getting rich quick, that that is a
9 lure and, you know, it just -- it's just -- it's just
10 something that is not good for our community and I just
11 feel the poor will get poorer. So I'm very strongly
12 opposed.

13 Certainly our city staff, if there's any way
14 we can contribute as far as information is concerned, I
15 know that we would be happy to do that. So please do
16 not hesitate. You can call me personally, but our
17 staff is certainly very able and willing to help.

18 But my guess is that we as a council, we --
19 individually we would not be in support of this type of
20 project. Thank you.

21 MR. BROUSSARD: The next speaker is Lorraine
22 Unger. Ms. Unger, speak -- if you could, please
23 restate your name and speak right into the microphone.

24 MS. UNGER: My name is Lorraine Unger, like
25 hunger without an H.

1 I'm speaking for myself today. I'm known as
2 blind to the local organizations. I'm just -- this is
3 my first contact with this development. I have no
4 knowledge of it other than it's going in.

5 I do know they have -- you have to meet all
6 the NEPA requirements. One of the rumors I've heard is
7 that there is a well there. The qualities of the water
8 there, how potable it is, whether there are
9 requirements that it be shared with others because of
10 the water shortages, I don't know. I don't know what's
11 going on now.

12 There's also the loss of farm land, whether
13 it's prime or not prime farmland should be looked at.

14 One of the qualities on this paper that we
15 were just given is also waste, hazardous and otherwise.

16 Are you going to have a sewer facility there?
17 You have a lot of -- you would predict a lot of people
18 using the gambling area. And will they be using
19 recycles? Will they be throwing things away? What are
20 they going to do with proponents in terms of the waste
21 that are being generated, including food waste.

22 We know are being asked statewide to use our
23 food waste and either give them to people who are needy
24 or in the end compost.

25 So what does -- what do the proponents have in

1 mind for that kind of thing?

2 All the different qualities. Air we know as
3 one lady went over.

4 Transportation is hard. We're at sort of a
5 bottleneck where 5 and 99 come together.

6 There's a whole laundry list of NEPA
7 requirements and I hope you go through every one,
8 including biological.

9 At the base of the Gravevine there are elk
10 that have been released. Are there any migration
11 corridors through there from the Tejon Ranch?

12 Just a myriad of things that need to be looked
13 at. Thank you.

14 MR. BROUSSARD: Thank you.

15 Is there anyone else that would like to speak
16 or that that has already spoken and would like more
17 time?

18 Okay. One more time. Was there anyone else
19 that would like to speak or that's already spoken and
20 would like more time for comments? Okay.

21 So then that concludes our list of individuals
22 that have signed up to share their comments.

23 And I really want to thank everyone for coming
24 and also particularly those that had comments.

25 That will conclude the public scoping hearing

1 for the Tejon deed of trust and proposed casino
2 project.

3 As Pete mentioned earlier, there will be
4 another public hearing after the draft EIS has been
5 published and will be taking public comment at that
6 hearing as well.

7 And you've probably seen the website. All of
8 the information for this project will be at
9 TejonEIS.com.

10 Thank you again for your participation and
11 everyone please have a safe drive home and have a good
12 evening.

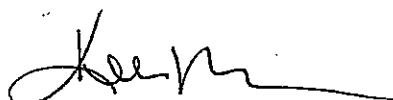
13 (6:50 P.M.)

14 ---oooOooo---

1 State of California)
2 County of Kern) ss.
3)

4 I, Kelli R. Russell, a Certified
5 Shorthand Reporter for the State of California, hereby
6 certify that I was present and reported in stenotypy
7 all the proceedings in the foregoing-entitled matter;
8 and I further certify that the foregoing is a full,
9 true, and correct statement of such proceedings and a
10 full, true and correct transcript of my stenotype notes
11 thereof.
12

13 Dated at Bakersfield, California, on
14 Thursday, September 10, 2015.
15

16 
17 Kelli R. Russell, CSR No. 7172
18
19
20
21
22
23
24
25

APPENDIX D

COOPERATING AGENCY LETTERS

TEJON INDIAN TRIBE



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

SEP 18 2015

Tejon Indian Tribe
Attn: Kathryn Montes Morgan, Chair
1731 Hasti Acres Drive, Suite 108
Bakersfield, CA 93309

Subject: NEPA Cooperating Agency Invitation – Tejon Indian Tribe Trust Acquisition EIS

Dear Ms. Morgan:

The Bureau of Indian Affairs (BIA) is preparing an Environmental Impact Statement (EIS) to analyze the potential environmental consequences of the Tejon Indian Tribe (Tribe's) application for a 306-acre fee-to-trust transfer and casino project. The proposed project site is located in unincorporated Kern County, immediately west of the town of Mettler and approximately 14 miles south of the City of Bakersfield. The proposed project may include, but is not limited to, a casino, hotel, parking, and other associated facilities.

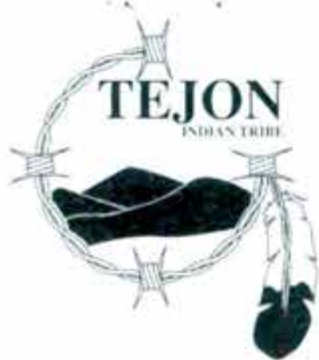
The BIA is serving as the Lead Agency for National Environmental Policy Act (NEPA) compliance. At this time we are extending an invitation to the Tribe to participate in the EIS process as a Cooperating Agency. Please inform this office by October 19, 2015 of your willingness to accept this role.

If you have any questions or need additional information, please contact John Rydzik, Chief, Division of Environmental, Cultural Resource Management, and Safety, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Room W-2820, Sacramento, CA 95825; Phone (916) 978-6051

Sincerely,

Signed/Kevin Bearquiver

Acting Amy Dutschke
Regional Director



TEJON
INDIAN TRIBE
A 11:42

Reg Dir	<input checked="" type="checkbox"/>
Dep RD Trust	<input checked="" type="checkbox"/>
Dep RD IS	<input checked="" type="checkbox"/>
Route	<u>DECISIONS</u>
Response Required	_____
Due Date	_____
Memo	_____ Ltr. _____
Fax	_____

US Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
Amy Dutschke, Regional Director
2800 Cottage Way
Sacramento, CA 95825

March 9, 2018

Re: Tejon Indian Tribe Project, Request for Cooperating Agency Status

Dear Ms. Dutschke,

Thank you for your notification of the proposed Environmental Impact Statement ("EIS") for the Tejon Indian Tribe's application for fee-to-trust for a 300+ acre parcel located in unincorporated Mettler, Kern County, California. The application was authorized by the Tribe's Resolution No. T2014-30 and is the subject of the Notice of Intent, 80 Fed. Reg. 48559, Aug. 13, 2015.

The Tribe hereby requests Cooperating Agency status for the EIS. The undersigned, as Chairman, will be the Tribe's contact on this matter. You can reach me at the email address and phone number listed above.

The Tribe looks forward to working with your office on this important matter.

Sincerely,

Chairman Escobedo

cc: Craig Murphy, Division Chief, Kern County Planning & Community Development Dept.
David Zweig, AES



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

MAR 20 2018

Tejon Indian Tribe
Attn: Octavio Escobedo, Chair
1731 Hasti Acres Drive, Suite 108
Bakersfield, CA 93309

Subject: NEPA Cooperating Agency – Tejon Indian Tribe Trust Acquisition EIS

Dear Chairman Escobedo:

The Bureau of Indian Affairs (BIA) is in receipt of your March 9, 2018 letter requesting Cooperating Agency status during the National Environmental Policy Act (NEPA) compliance review of the Tejon Indian Tribe (Tribe's) application for a fee-to-trust transfer and casino project. As the Lead Agency, the BIA finds that the Tribe meets the criteria necessary for designation as a Cooperating Agency (43 CFR 46.225) and agrees to confer this designation on the condition that the Tribe agrees to maintain the confidentiality of documents and deliberations during the period prior to the public release by the BIA of any NEPA documents. Upon receipt of a letter from the Tribe agreeing to this maintenance of confidentiality, the Tribe will be considered a Cooperating Agency pursuant to NEPA.

We look forward to working with you. If you have any questions or need additional information, please contact Chad Broussard, BIA Pacific Region, 2800 Cottage Way, Room W-2820, Sacramento, CA 95825; Phone (916) 978-6165.

Sincerely,

Amy Dutschke
Regional Director



Pro BIA
10 AM 16 PM 3:12

Reg Dir _____
Dep RD Trust _____
Dep RD IS _____
Route _____
Response Required _____
Due Date _____
Memo _____ Ltr _____
Fax _____

March 28, 2018

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

Re: NEPA Cooperating Agency – Tejon Indian Tribe Trust Acquisition Environmental
Impact Statement

Dear Director Dutschke:

Thank you for your letter dated March 20, 2018, confirming the Tribe as a Cooperating Agency pursuant to NEPA for the BIA's preparation of the EIS. The EIS will evaluate the environmental impacts concerning the Tribe's fee-to-trust application for gaming and homeland purposes as well as all related federal actions. In response to your March 20, 2018 letter, the Tribe agrees to maintain the confidentiality of all non-public NEPA documents and deliberations during the period prior to the public release by the BIA of any NEPA documents.

As the BIA moves forward with preparation of the EIS, please feel free to contact me directly should you have any questions.

Thank you for your public service.

Sincerely,

Octavio Escobedo
Chairman
Tejon Indian Tribe

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

SEP 21 2015

United States Environmental Protection Agency
Environmental Review Office
Attn: Kathleen Goforth, Manager
75 Hawthorne Street
San Francisco, CA 94105

Subject: NEPA Cooperating Agency Invitation - Tejon Indian Tribe Trust Acquisition EIS

Dear Ms. Goforth:

The Bureau of Indian Affairs (BIA) is preparing an Environmental Impact Statement (EIS) to analyze the potential environmental consequences of the Tejon Indian Tribe (Tribe's) application for a 306-acre trust acquisition and casino project. The proposed project site is located in unincorporated Kern County, immediately west of the town of Mettler and approximately 14 miles south of the City of Bakersfield. The proposed project may include, but is not limited to, a casino, hotel, parking, and other associated facilities.

The BIA is serving as the Lead Agency for National Environmental Policy Act (NEPA) compliance. At this time we are extending an invitation to the United States Environmental Protection Agency (USEPA) to participate in the EIS process as a Cooperating Agency. Please inform this office by October 19, 2015 of your willingness to accept this role.

If you have any questions or need additional information, please contact John Rydzik, Chief, Division of Environmental, Cultural Resource Management, and Safety, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Room W-2820, Sacramento, CA 95825; Phone (916) 978-6051.

Sincerely,

A handwritten signature in cursive script, reading "Amy Dutschke", is positioned above the typed name.

Amy Dutschke
Regional Director



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

October 19, 2015

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

Subject: Request for Cooperating Agency Participation for the Proposed Tejon Indian Tribe's Trust Acquisition and Casino Project Environmental Impact Statement, Kern County, California

Dear Ms. Dutschke:

We are in receipt of your letter dated September 21, 2015 inviting the U.S. Environmental Protection Agency (EPA) to serve as a cooperating agency for the subject EIS. Since the EPA is the permitting authority for the Clean Water Act stormwater permit required for the project, we accept your invitation. Resource constraints may limit our involvement to the review of selected administrative documents, with a focus on our area of jurisdiction - in this case, impacts to water resources.

This letter serves to document the role that the EPA will have in the preparation of the EIS, per EPA policy. In addition to reviewing and providing feedback to the Bureau of Indian Affairs on the water resources sections of the Preliminary Draft Environmental Impact Statement (PDEIS), we will review other sections of the PDEIS as time and resources allow, and participate in scoping. The latter was accomplished with the submittal of our scoping comments dated September 3, 2015. Please be aware that EPA's status as a cooperating agency does not affect our independent responsibilities under Section 309 of the Clean Air Act to review and comment publicly on all Draft EISs. Participation as a cooperating agency does not imply endorsement of the proposed project, nor can it be used to obligate or commit funds or as the basis for the transfer of funds. Please reference or incorporate this acceptance letter into the Draft and Final EIS.

We appreciate the Bureau of Indian Affairs' interest in working with the EPA. If you have any questions, please contact Karen Vitulano, the lead reviewer for this project, at (415) 947-4178 or vitulano.karen@epa.gov.

Sincerely,


For Kathleen Martyn Goforth, Manager
Environmental Review Section

cc: Kathryn Morgan, Chairwoman, Tejon Indian Tribe

NATIONAL INDIAN GAMING COMMISSION



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

SEP 18 2015

National Indian Gaming Commission
Attn: John Hay
1441 L Street NW, Suite 9100
Washington, DC 20005

Subject: NEPA Cooperating Agency Invitation – Tejon Indian Tribe Trust Acquisition EIS

Dear Mr. Hay:

The Bureau of Indian Affairs (BIA) is preparing an Environmental Impact Statement (EIS) to analyze the potential environmental consequences of the Tejon Indian Tribe's (Tribe's) application for a 306-acre fee-to-trust transfer and casino project. The proposed project site is located in unincorporated Kern County, immediately west of the town of Mettler and approximately 14 miles south of the City of Bakersfield. The proposed project may include, but is not limited to, a casino, hotel, parking, and other associated facilities.

The BIA is serving as the Lead Agency for National Environmental Policy Act (NEPA) compliance. At this time we are extending an invitation to the National Indian Gaming Commission (NIGC) to participate in the EIS process as a Cooperating Agency. Please inform this office by October 19, 2015 of your willingness to accept this role.

If you have any questions or need additional information, please contact John Rydzik, Chief, Division of Environmental, Cultural Resource Management, and Safety, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Room W-2820, Sacramento, CA 95825; Phone (916) 978-6051.

Sincerely,

Signed/Kevin Bearquiver

Acting

Amy Dutschke
Regional Director

CALIFORNIA DEPARTMENT OF TRANSPORTATION



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

SEP 18 2015

California Department of Transportation
District 6
Attn: Sharri Bender Ehler, Director
1352 W. Olive Avenue
P.O. Box 12616
Fresno, CA, 93778-2616

Subject: NEPA Cooperating Agency Invitation – Tejon Indian Tribe Trust Acquisition EIS

Dear Ms. Ehler:

The Bureau of Indian Affairs (BIA) is preparing an Environmental Impact Statement (EIS) to analyze the potential environmental consequences of the Tejon Indian Tribe's (Tribe's) application for a 306-acre fee-to-trust transfer and casino project. The proposed project site is located in unincorporated Kern County, immediately west of the town of Mettler and approximately 14 miles south of the City of Bakersfield. The proposed project may include, but is not limited to, a casino, hotel, parking, and other associated facilities.

The BIA is serving as the Lead Agency for National Environmental Policy Act (NEPA) compliance. At this time we are extending an invitation to the California Department of Transportation (Caltrans) to participate in the EIS process as a Cooperating Agency. Please inform this office by October 19, 2015 of your willingness to accept this role.

If you have any questions or need additional information, please contact John Rydzik, Chief, Division of Environmental, Cultural Resource Management, and Safety, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Room W-2820, Sacramento, CA 95825; Phone (916) 978-6051.

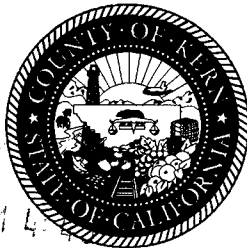
Sincerely,

Signed/Kevin Bearquiver

Amy Dutschke
Regional Director
Acting

KERN COUNTY

Lorelei H. Oviatt, AICP, Director
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2323
Phone: (661) 862-8600
Fax: (661) 862-8601 TTY Relay 1-800-735-2929
Email: planning@co.kern.ca.us
Web Address: <http://pcd.kerndsa.com/>



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Planning
Community Development
Administrative Operations

PACIFIC REGIONAL
OFFICE

September 1, 2015

US Department of Interior
Bureau of Indian Affairs
Pacific Regional Office
Amy Dutschke Regional Director
Attn: John Rydzik
2800 Cottage Way
Sacramento, California 95825

For Dir	_____	aid	✓
Deputy Dir	_____	T	
Regional Dir	_____		
File	PERMS	File: Tejon Tribe	
		BIA EIS	
For	_____		
Deputy	_____		
Manager	_____		
Tolson	_____	Chief	

RE: Tejon Tribe Project - Request for Cooperating Agency Status for Kern County

Dear Ms. Dutschke,

Thank you for the notification of the proposed Environmental Impact Statement (EIS) for the application for a fee-to-trust and gaming facility for the Tejon Tribe in Kern County.

The Kern County Board of Supervisors on June 3, 2015, considered a request from the Tribe to begin negotiations and was briefed on the pending application with the Bureau of Indian Affairs (BIA) and the cooperating agency consultation process. The Board has a standing resolution (attached) for direction to the Kern County Planning and Community Development Department to request Cooperating Agency Status on Federal actions of importance and interest to Kern County.

Kern County requests Cooperating Agency status and has identified the Kern County Planning and Community Development Department as the coordinating agency for the EIS.

Craig M. Murphy, Division Chief, will be your staff contact on this matter and can provide any coordination assistance and guidance you may need with other county departments as well as existing environmental information about Kern County. He can be contacted at 661-862-8739 or Murphyc@co.kern.ca.us.

Sincerely,

A handwritten signature in cursive script that reads "Lorelei H. Oviatt".

LORELEI H OVIATT, AICP, Director
Kern County Planning and Community Development Department

cc: CAO
County Counsel
Clerk of the Board
Tejon Tribe – Kathy Morgan

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF KERN, STATE OF CALIFORNIA**

In the matter of:

Resolution No. 2002-241
Reference No. _____

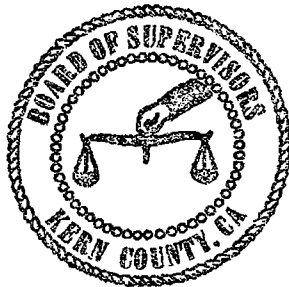
**REQUEST TO AUTHORIZE PLANNING DIRECTOR
TO SEEK COOPERATING AGENCY STATUS ON
APPROPRIATE CASES UNDER THE NATIONAL
ENVIRONMENTAL POLICY ACT (NEPA)
WITH FEDERAL AGENCIES**

I, DENISE PENNELL, Clerk of the Board of Supervisors of the County of Kern, State of California, hereby certify that the following resolution, on motion of Supervisor Parra, seconded by Supervisor McQuiston, was duly and regularly adopted by the Board of Supervisors of the County of Kern at an official meeting thereof on the 25th day of June, 2002, by the following vote and that a copy of the resolution has been delivered to the Chairman of the Board of Supervisors.

AYES: McQuiston, Perez, Patrick, Vacant, Parra

NOES: None

ABSENT: None



DENISE PENNELL
Clerk of the Board of Supervisors
County of Kern, State of California

Judy A. Denny
Deputy Clerk

RESOLUTION

Section 1. WHEREAS:

(a) The Board of Supervisors are concerned about the adverse impacts on the economy, private property rights, resources and land use within the County arising from plans, programs and decisions of Federal Agencies, including, the Bureau of Land Management, U.S. Forest Service, U.S. Park Service, U.S. Bureau of Reclamation and U.S. Fish and Wildlife Service; and

(b) The National Environmental Policy Act (NEPA) of 1969 establishes an environmental policy for the nation, provides an interdisciplinary framework for environmental planning by federal agencies and contains action-forcing procedures to

ensure that federal agency decision makers take environmental factors into account (42.U.S.C 4321; 40 C.F.R. 1500.1); and

(c) The Council on Environmental Quality has established the following six fundamental objectives for NEPA: 1) supplemental legal authority, 2) procedural reform, 3) disclosure of environmental information, 4) resolution of environmental problems, 5) fostering of intergovernmental coordination and cooperation, 6) enhancing public participation in government planning and decision making; and

d) The Council on Environmental Quality has provided clear direction to federal agencies to actively consider granting local governments cooperating agency status;

Section 2 NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Kern, State of California, as follows:

1. That all of the above facts are true and that this Board has jurisdiction over the subject mater of this Resolution.

2. This Board authorizes the Planning Director to send appropriate correspondence to federal agencies that have a proposal subject to review under NEPA, that involves issues and concerns consistent with the Home Rule Program, requesting the federal agency extend Kern County cooperating agency status for that project.

3. The Clerk of the Board shall also cause copies of this Resolution to be sent to the following:

- (a) County Administrative Office
- (b) County Counsel
- (c) Director Planning Department
- (d) Senator Barbara Boxer,
U.S. Senate
112 Hart Senate Office Building
Washington, D.C. 20510-0505
- (e) Senator Dianne Feinstein
U.S. Senate
331 Hart Senate Office Building
Washington, D.C. 20510-0504
- (f) Congressman Calvin Dooley
U.S. House of Representatives
1227 Longworth House Office Building
Washington, D.C. 20515-0520

- (g) Congressman William Thomas
U.S. House of Representatives
2208 Rayburn House Office Building
Washington, D.C. 20515-0521
- (h) Bureau of Land Management, California State Office
2800 Cottage Way, Room W-1834
Sacramento, CA 95825-1886
- (i) Bureau of Land Management, California District Office
6221 Box Springs Blvd
Riverside, CA 92507
- (j) Honorable Gale Norton, Secretary of the Interior
U.S. Department of the Interior,
1849 C Street, NW
Washington, D.C. 20240
- (k) Honorable Ann Veneman, Secretary of Agriculture
14th & Independence Avenue SW
Room 200A, Washington, D.C. 20250
- (l) Arthur L. Gaffrey, Forest Supervisors
Sequoia National Forest
900 West Grant Avenue
Porterville, CA 93257

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<i>6-27-02 ja</i>



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

SEP 10 2015

Ms. Lorelei H. Oviatt, AICP, Director
Kern County Planning and Community Development Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2323

Attn: Craig M. Murphy

Dear Ms. Oviatt:

In response to your letter, dated September 1, 2015, and pursuant to 40 CFR 1501.6 and the Bureau of Indian Affairs NEPA Handbook, 59 IAM 3, I am extending Cooperating Agency status to Kern County in the preparation of the Environmental Impact Statement for the proposed 306 acre fee-to-trust land acquisition for gaming in unincorporated Kern County, California. The Bureau recognizes Kern County's jurisdiction by law and special expertise regarding the proposed land acquisition.

The Bureau looks forward to working with the County as we move forward in the Environmental Impact Statement process.

If you have any questions, please contact Chad Broussard, Environmental Protection Specialist at (916) 978-6165 or John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS) at (916) 978-6051.

Sincerely,

/s/ Amy L. Dutschke

Regional Director

J. Rydzik 9/9/2015