



A Tradition of Stewardship  
A Commitment to Service



August 21, 2012

The Honorable Edmund G. Brown, Jr.  
Office of the Governor of California  
State Capitol Building  
Sacramento, CA 95814

Re: Two Part Test Determination: Enterprise Rancheria of  
Maidu Indians and the North Fork Rancheria of Mono Indians

Dear Governor Brown:

I am the current Chairperson of the Northern California Counties Tribal Matters Consortium (Consortium) which has provided testimony at various congressional hearings on the critical issue of reservation shopping. These issues come to the fore as you will make a precedent setting decision of whether, under the Indian Gaming Regulatory Act (IGRA), to concur in the Department of the Interior Secretarial determination that off reservation gaming by the Enterprise Rancheria of Maidu Indians and the North Fork Rancheria of Mono Indians "will not be detrimental to the surrounding community." As you know, this issue has taken on critical importance to local governments, such as ours, which are located near lucrative urban population centers and face intense pressures for casino development.

The Consortium is a collaboration between Napa, Solano and Sonoma Counties. It was founded upon the realization that we must work together to respond effectively to the federal legal and policy decisions which often drive tribal development. The Consortium's Policies (attached) reflect the key determinants of whether concurrence should be granted. First, whether a tribe has demonstrated significant historic ties to an area, second, whether there has been close consultation with the local governments involved, and finally, whether the local and regional impacts anticipated from the proposed casinos are adequately addressed through enforceable intergovernmental agreements.

As you know, the general presumption is that land acquired by a tribe after IGRA's enactment on October 17, 1988, is not eligible for gaming. Narrow exceptions to this rule exist and we believe should be used sparingly. A significant exception, rarely if ever used in California, is what is known as the "two-part test," whereby gaming may occur on off-reservation trust lands if the Governor concurs in the Secretary's determination that a gaming establishment would be (1) in the best interest of the applicant tribe and its members and (2) would not be detrimental to the surrounding community. This determination can only come after the Secretary consults with the State and appropriate local officials including nearby Tribes. The Governor must then concur within one year of the Secretary's determination to meet the "two part test."

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Although your determination on its face will only immediately impact the two tribes at issue, its implications will be both far reaching for future tribal proposals; and have unintended effects of spurring additional off-reservation gaming efforts. At a minimum, the Consortium strongly urges a decision that clearly documents full satisfaction of the key Consortium Policies: 1) significant historic ties to the area; 2) close consultation with affected local governments; and 3) county-tribal agreements which address jurisdictional conflicts and insure the mitigation of off-reservation impacts.

Thank you for your consideration of the Consortium's Policies and concerns. If you have any questions or would like additional information, please do not hesitate to contact me or Sonoma County Counsel Bruce Goldstein ((707) 565-6118; Bruce.Goldstein@sonoma-county.org).

Very truly yours,



Supervisor Valerie Brown  
Sonoma County First District  
Chairperson, Northern California Counties Tribal Matters Consortium

Enclosures

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