

Stand Up For California!

“Citizens making a difference”

www.standupca.org

P. O. Box 355
Penryn, CA. 95663

April 10, 2013

Honorable Isadore Hall
California State Assembly Member
Chairman of Governmental Organization
State Capitol 3123
Sacramento, CA. 95813
FAX: (916) 319 2164
Assemblymemberhall@assembly.ca.gov

RE: OPPOSE AB 277 – OPPOSE NORTH FORK COMPACT

Dear Assembly Member Hall,

Stand Up for California! is a non-profit public benefit corporation that acts as a statewide community watchdog focusing on gambling issues affecting the State of California. I write on behalf of *Stand Up For California!*'s many supporters throughout the state and the various community groups opposing the off reservation casino of the North Fork Rancheria of Mono Indians. Jointly, we oppose Assembly Bill 277, a bill to ratify a gaming compact with the North Fork Rancheria of Mono Indians. We oppose this compact because it authorizes the operation of an “Off Reservation Casino” on Highway 99 in Madera County.

There are significant legal issues regarding this compact, and many social concerns exist as well. The reality is that this casino is not supported by the local community as demonstrated by a coalition of hundreds of elected officials, residents, business owners, and community groups who have expressed opposition. The extensive list along with many letters of opposition can be found at www.StopTheNorthForkCompact.org. The reality is the revenue supporters continue to tout as a benefit of this project will in fact come out of the pockets of hard-working citizens. In a region with unemployment near 20 percent in some towns, a casino is the last thing that is needed.

This project will also divest the State and the County of jurisdiction over land because placing land in trust takes land out of the regulatory control of the state and local governments. This will mean less property tax, sales tax, possessory tax revenue. This will mean no collection of fees for business license taxes, utility user taxes, and even sales taxes on residences or businesses operating from leased premises on Indian lands into perpetuity for a region that has been devastated by the recent economic recession.

If off-reservation casinos such as North Fork are allowed, there is no limit to where an Indian tribe and its private investors can build casinos within the state. California already has 110 tribes, 67 with casinos and several with casino proposals. Additionally our state has 69 tribal groups that are seeking federal recognition. This number has significantly increased since California legalized tribal gaming on Indian lands. Tribes in marketable areas of Southern California are being bankrolled for recognition with the intent of partnering in a future casino development. Approval of the North Fork Compact signals that California is allowing Indian tribes and their private investor partners to hand pick and build casinos at locations not within Indian lands, but in close proximity to our homes, businesses, churches, and schools, where no one else can.

No state or local governmental official has conducted a California Environmental Quality Act (CEQA) evaluation and public review process regarding the significant environmental impacts that would result from the proposed hotel and casino project. Moreover, the State did not comment in the National Environmental Process Act (NEPA) for this project. Finally, as evidence from our Freedom of Information Act (FOIA) responses shows, there are serious concerns about the nature of the NEPA review conducted and the role the Tribe and gaming investors may have played in the environmental review process.

The Secretary of the Interior in his letters dated September 2, 2011, to the Governor requesting his concurrence referenced the local Memorandums of Understanding (MOU) between the Tribe and the County and City of Madera. These governmental entities entered into negotiations, and later approved MOU's without a CEQA review. This is especially troubling given the magnitude of the casino project, which involves the construction and operation of a massive gaming-resort complex including a 247,180-square foot casino facility, a 200-room hotel, surface and structured parking facilities.

California is in the minority of states that have had the foresight to include the Legislature in the Tribal-State Compact ratification process. Out of 32 states with tribal casinos there is only a handful that has placed into statute the requirement of legislative ratification. This confers a very significant power and responsibility on the Legislature. **The California Legislature has yet to debate when, where and if limitations or restrictions should be placed on the Governor for his concurrence for an off reservation gaming transaction. Or, even if the state should allow off reservation gaming. IGRA did not promise a Las Vegas style casino to every tribe.**

The nature of a governor's concurrence is very different from that of the Secretary of the Interior. The governor of the state has a constitutional obligation to ensure that state laws are enforced and that state gaming policy ensures the welfare of the public and the good operation of government free from corruption. State standards should include serious and thoughtful answers to:

- Is the proposed off reservation casino consistent with established state gaming policy?
- Has California environment law been adhered too?

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- Have the local governments entered into intergovernmental agreements in a manner that is consistent with state environmental law and has abided by a fair, objective and transparent process that has included the affected public?
- Did the affected public have a voice in the approval of the casino, such as a vote as is required in the California Gambling Control Act for the expansion of California Card Clubs?
- Why was this location selected? And what are the interests of external parties influencing the process such as Las Vegas casino company Station Casinos who has no duty to ensure California law is followed?

I urge you to remember when thinking about all of these concerns that it is the Legislature's role to develop state gaming policy and law because the Legislature represents the interests of people of California. The Governor's responsibility is to faithfully uphold and enforce the law. AB 277 presents a compact that is inconsistent with the separation of powers, current state gaming policy approved by the statewide electorate, State Statute and California Constitutional law.

Legislative authorization of gubernatorial concurrence for off reservation casinos should be thoroughly debated and examined prior to the submission of such compacts for ratification.

Please list *Stand Up For California!* as opposed to the North Fork tribal state compact in AB 277.

Sincerely,



Cheryl Schmit, Director
916 663 3207
cherylschmit@att.net
www.standupca.org

CC: Governmental Organization Committee