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CALIFORNIA TRIBAL
BUSINESS ALLIANCE
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October 31, 2008

Mr. Dale Morris, Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Dear Mr. Morris:

I am writing to you on behalf of the member tribes of the California Tribal Business Alliance to inform you of our opposition to the trust acquisition of land near Madera on behalf of the North Fork Rancheria of Mono Indians for the tribe's announced purpose of operating a casino on this land, which is not in the historical or cultural territory of the Mono Indians.

Governor Arnold Schwarzenegger recently executed a tribal-state gaming compact with the North Fork Rancheria and linked it to a new *non-gaming* compact with the Wiyot Tribe. He announced that he will only submit these compacts to the Legislature if your agency takes the Madera property into trust for the North Fork Rancheria. Together, the coupled compacts are the Schwarzenegger Administration's latest scheme to balance the state's budget at the expense of the sovereignty of all tribal governments.

The North Fork Rancheria already has land that is eligible for gaming. This is not a landless tribe. The Rancheria is seeking trust land in the historical territory of the Northern Valley Yokuts at Madera, a more marketable location outside the North Fork Tribe's traditional homeland. The Madera site for the proposed North Fork casino is not currently "Indian lands" and it is not eligible for gaming, but the tribe would pay the state more than \$25 million per year under the proposed compact terms.

The Madera property is not land that was within the tribe's reservation prior to termination. Taking this property into trust does not consolidate Indian ownership of land within the reservation boundaries. It is not land on which members of the North Fork Rancheria will "exist." It is not in "close proximity" to the tribe's existing land base. In fact, it is more than an hour's drive from the North Fork Rancheria.

Relocating the North Fork Tribe from its territory undermines a key element in the tribe's legal basis for its sovereign authority over its land and people. Tribes that abandon territorial jurisdiction are giving up an essential ingredient of sovereignty. And, if some tribes are

willing to voluntarily leave behind their traditional homelands, it will become more difficult to defend tribes against being forced from their lands against their will.

Furthermore, when the North Fork Tribe moves into the Northern Valley Yokuts' homeland, they have compromised that tribe's sovereign authority and cultural identity.

Finally, a separate issue for you or the National Indian Gaming Commission to consider is the linkage of the proposed North Fork tribal-state gaming compact with the proposed Wiyot Tribe's *non-gaming* compact. We do not believe that the Indian Gaming Regulatory Act contemplated or authorized a *non-gaming* compact, yet the North Fork compact would not take effect unless the Wiyot compact is also approved. Under the terms of the Wiyot compact, the tribe would give up its right to build a casino on its lands in Humboldt County for 20 years in exchange for payments of between \$3 million to \$5 million per year from North Fork Tribe. Furthermore, the Wiyot *non-gaming* compact includes unprecedented state controls over how the Wiyot tribal government could use its new revenues. While these proposed compacts may not be directly germane to your decision, they are what has driven this application to your agency for approval.

For these reasons, we urge you to reject the North Fork Rancheria's application to take the Madera property into trust.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Smith", written over a large, stylized, looping flourish.

Robert H. Smith, Chairman
California Tribal Business Alliance

cc: George Skibine
Phil Hogen
Penny Coleman