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Administrative Operations
Engineering, Surveying and Permit Services
Planning and Community Development
Roads

September 9, 2014

Board of Supervisors
Kern County Administrative Center
1115 Truxtun Avenue
Bakersfield, CA 93301

**Request For Letter of Support for Tejon Tribe's Preliminary Interest for Trust
Acquisition for Tribal Land and Casino/Hotel in Kern County**
(Fiscal Impact: none) S.D. 2 and 4

This matter is a request for a Letter of Support to the Department of Interior and Bureau of Indian Affairs for the Tejon Tribe's preliminary discussions for transfer of land from private ownership to Trust jurisdiction as Tejon Tribal Land. As reported in the media, the Tribe is proposing a headquarters complex, housing for tribal members, a Casino and Hotel. This matter has been coordinated with the CAO office and discussed with County Counsel.

On January 3, 2012, the Tejon Tribe was issued a final determination that they are, once again, a federally recognized tribe. The tribe entered into a treaty with the United States government in 1851, but was later dropped from the register of recognized tribe. Staff notes the original petition for recognition was filed in 2000. Renewed federal recognition enables the tribe to establish a tribal role and to receive federal health, education, and welfare benefits, in addition to a variety of other rights, but does not reclaim land ownership. To date, the Tejon Tribe is now the only federally recognized Native American Tribe in Kern County. There are no established reservations in Kern County or tribal lands in Trust and therefore, no Indian Casinos. The Tejon Tribe is in negotiations for property in their ancestral area in the southern portion of the county in District 2 and 4 near the Interstate 5 corridor into the County. It is not on Tejon Ranch lands and an exact parcel has not been provided to Staff, however, the Tribal Leader has confirmed it is not in, adjacent or near any incorporated cities.

The process for the tribe to establish tribal lands is through the Secretary of the Interior in Washington D.C. and the process is detailed in the regulations including the requirement for a review under the National Environmental Policy Act (NEPA). The Indian Gaming Regulatory Act of 1988, 25 U.S.C Section 2719, prohibits gaming on off-reservation lands acquired in trust after 1988, unless the Governor of the affected state concurs and the Secretary determines that gaming would not be detrimental to the surrounding community. Your Board has designated the Planning and Community Development Department through the Home Rule Resolution to provide comments on State and Federal regulations and actions that affect businesses, industries and the CAO as point on coordination of discussions for impacts on public services. In consultation with the CAO, staff provides the following information for your consideration.

Once the tribal lands are designated for the Tejon Tribe, they will have complete authority over the management and land use of those lands as a sovereign nation. However, the intention of the consultation focus on gaming by Congress is to encourage cooperative discussions and

fiscal agreements to cover County concerns regarding roads, public safety and other public health concerns. These discussions will occur over the next year and an agreement will be presented to your Board for final consideration.

To provide context for today's request Staff has provided a study and PowerPoint from Beacon Economics "2014 California Tribal Gaming Impact Study". The report concludes that, on average, a California Tribal Casino contributed \$63 million per tribe to the local economy for advertising, food, drink and other administration functions and that 90% of the workforce is non-tribal with an average wage of \$14.80 per hour with many of these jobs not requiring high levels of education. A typical casino with hotel employs more than 2,000 people, with hundreds of independent contractors. The largest Indian Casino Resort in California, Pechanga Resort and Casino in Temecula, employs over 4,100 people. Additional direct contributions are made to local governments for public services such as roads and law enforcement as well as charitable contributions. As well, Indian employees living off the reservation pay state and local taxes.

The proposed project, transfer of land into trust for the construction and operation of a potential administration building, housing, casino and related hotel, like all projects, will have impacts on the environment. The Bureau of Indian Affairs will act as the Lead Agency under NEPA and prepare a full Environment Impact Statement (EIS) which will be circulated for public comment and consultation with all county, state, and federal agencies. This will be in addition to the cooperative agreement the Tribe seeks with your Board outlining fiscal and construction contributions to offset impacts from the project.

Therefore, IT IS RECOMMENDED that your Board approve letter of support; and authorize Chairman to sign.

Sincerely,



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

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Attachments

cc: County Administrative Office
County Counsel
US Department of Interior, Assistant Secretary Indian Affairs
Congressman Kevin Mc Carthy
Senator Dianne Feinstein
Senator Boxer
Tejon Tribe
Development Services Agency
Grand Jury