

*The Tinoqui-Chalola Council of*  
**KITANEMUK & YOWLUMNE TEJON INDIANS**  
115 Radio Street, Bakersfield, CA 93305  
(661) 637-1851, (626) 339-6785

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.

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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.

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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 3<sup>rd</sup> 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 Urgan 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.

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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 descendents 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.

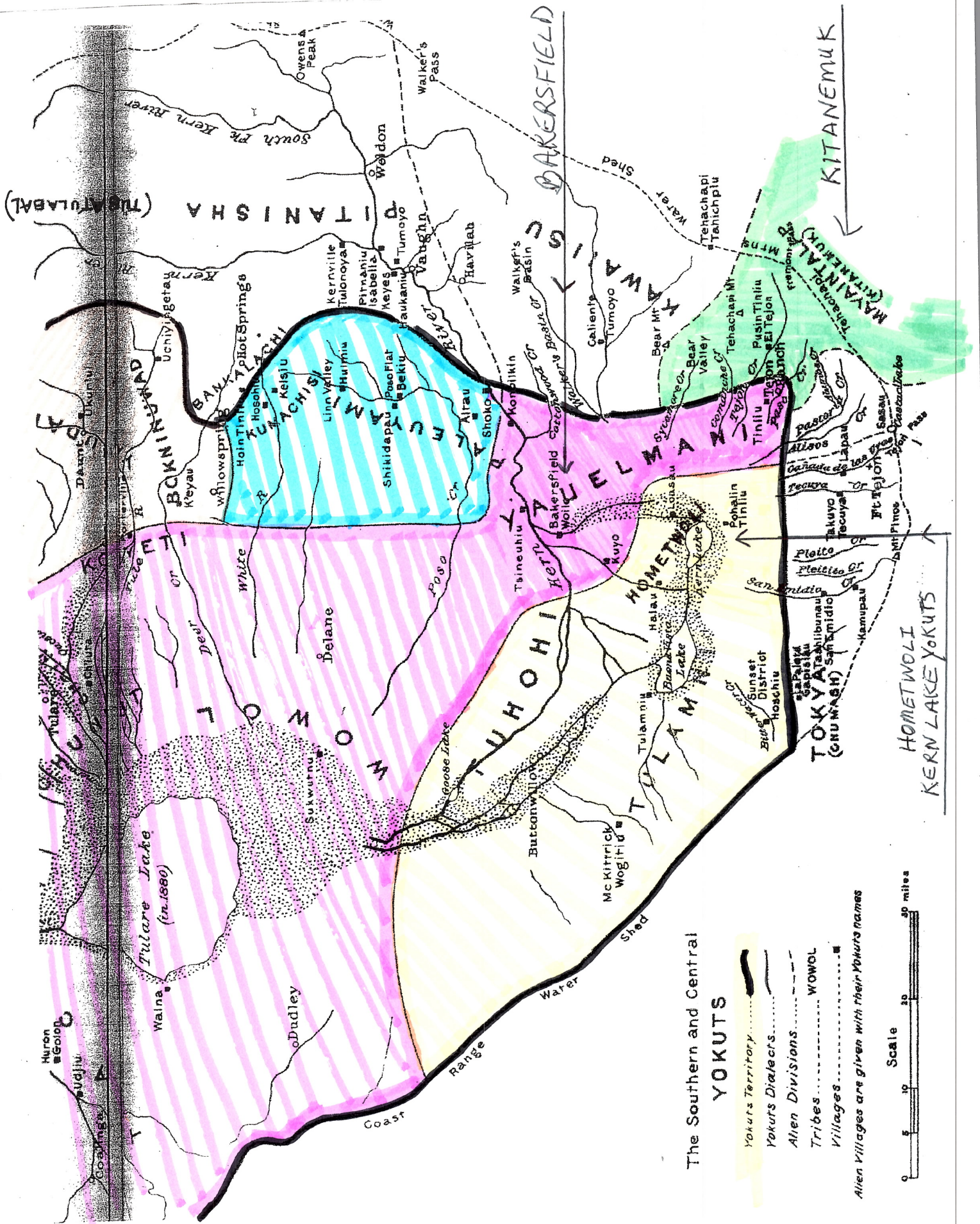
Sincerely,



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
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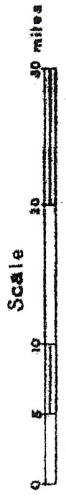


The Southern and Central YOKUTS

YOKUTS

- Yokuts Territory.....
- Yokuts Dialects.....
- Alien Divisions.....
- Tribes.....
- Villages.....

Alien Villages are given with their Yokuts names



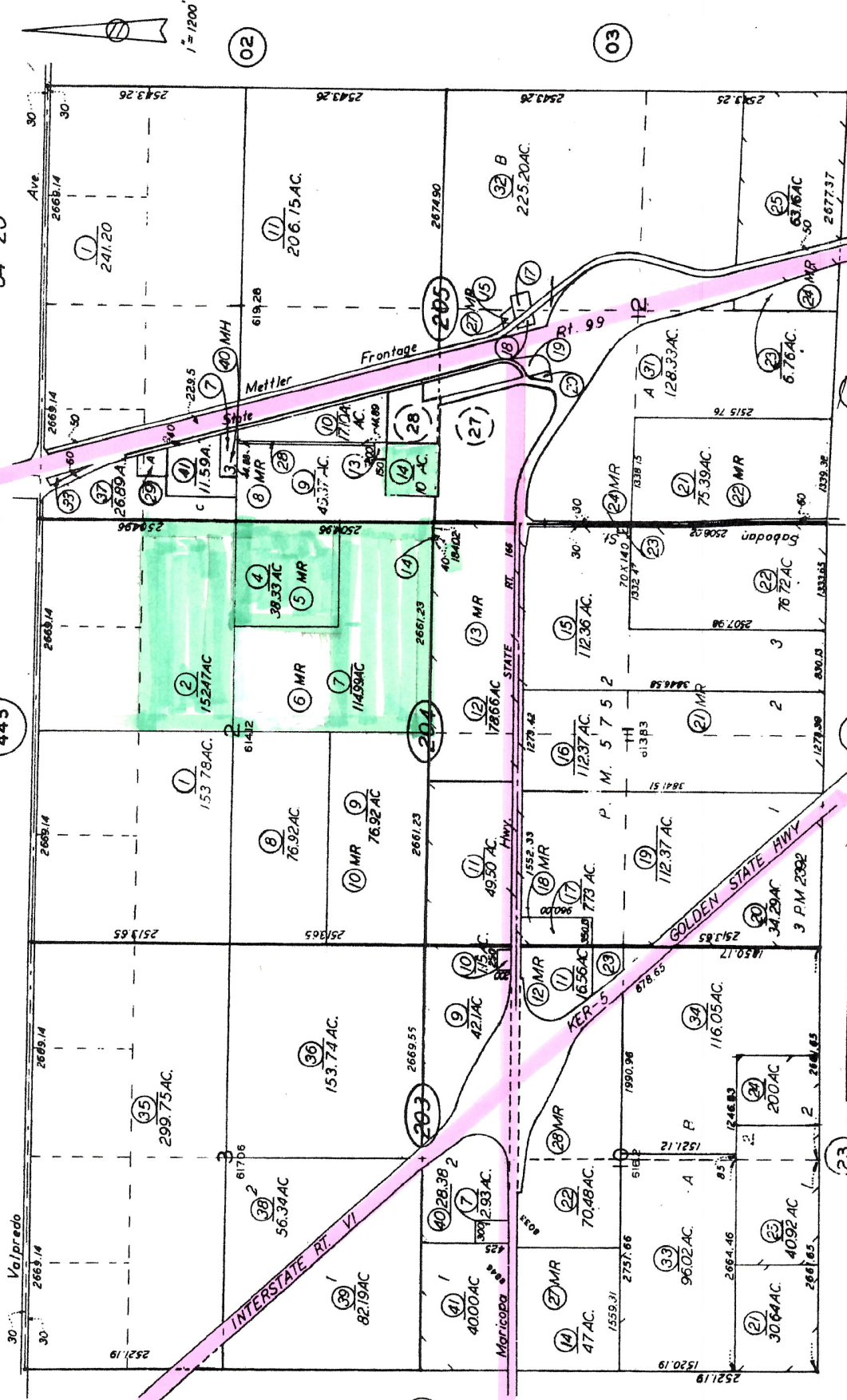
238-20

T.11N.R.20W.

BK. 445

SCHOOL DIST. 84-3  
84-9  
84-20

238-20



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

Revised: May 8, 2014

R/S 5-137

ASSESSORS MAP NO. 238-20  
COUNTY OF KERN