



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

OCT 12 2018

Mr. Niels Holch, Esq.
Holch & Erickson LLP
400 North Capital Street, NW.
Suite 585
Washington, D.C. 20001

Dear Mr. Holch:

Thank you for your letters dated February 4, 2018, and April 3, 2018, in which you requested that the Department of the Interior (Department) review, reconsider, and withdraw from the Memorandum of Agreement (MOA) with the Death Valley Timbi-sha Shoshone Tribe (Tribe) dated January 19, 2017. Your comments have been included in the record. Additionally, the letters dated July 24, 2016, and March 17, 2017, from your clients Ricky Fielding and Michael Neel, which contain a similar request, have been included in the record. Among the issues raised in your and your clients' letters is a concern that the MOA circumvents local governments' participation in the Department's trust acquisition process. Further, you and your clients question the potential for local citizen and government input into the Tribe's planned use of the Ridgecrest property.

After careful consideration and review of the Tribe's request and the Timbisha Shoshone Homeland Act of 2000¹ (Homeland Act), the Department entered into the MOA with the Tribe to address the process by which the Tribe and the Department would mutually agree on a substitute parcel as authorized by Section 5(d)(2) of the Homeland Act. The MOA establishes how the Department would process the Tribe's application for trust acquisition of the Ridgecrest property.

The Tribe has taken steps to involve local governments. Due to the Tribe's actions, the City of Ridgecrest (City), which has jurisdiction over the Ridgecrest property, has been, and remains, involved in the Department's trust acquisition process. Further, the City was instrumental in the selection of the Ridgecrest property, which it owns. The City Council voted to support the Tribe's efforts on June 1, 2016, and again on March 21, 2018. In June 2016, the City and the Tribe entered into a Municipal Services Agreement (MSA) to facilitate the development of a gaming facility at the Ridgecrest property. The MSA provides for the provision of municipal services to the Ridgecrest property. It addresses a number of potential impacts to the City and its residents, and provides for an ongoing cooperative relationship between the City and the Tribe. Additionally, the Tribe has initiated a Tribal Environmental Impact Report and has invited the City and Kern County to participate in the process. Therefore, while the Department is not required to engage in analysis under the National Environmental Policy Act because the Homeland Act mandates acquisition of land for the Tribe, the Tribe has consistently involved local governments in the environmental review process and the application process.

¹ Pub. L. No. 106-423, 114 Stat. 1875 (2000).

The Department's interpretation of the Homeland Act and our position on the MOA remain unchanged. The Department will not withdraw from the agreement with the Tribe and will continue processing the Tribe's application for trust acquisition of the Ridgecrest property in accordance with the Homeland Act and the MOA.

If you have any further questions or comments, you may contact Ms. Paula Hart, Director, Office of Indian Gaming, at (202) 219-4066.

Sincerely,



John Tahsuda

Principal Deputy Assistant Secretary – Indian Affairs