



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
PACIFIC REGIONAL OFFICE  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

IN REPLY REFER TO:  
FOIA BIA 2020-00184

DEC 12 2019

Cheryl Schmit, Director  
Stand up for California  
P.O. Box 355  
Penryn, CA 95663

Dear Ms. Schmit:

The purpose of this letter is to respond to your Freedom of Information Act (FOIA) request dated November 14, 2019. This FOIA has been assigned Control number FOIA BIA-2020-00184; please refer to this control number when referencing this request. Your request included the following information:

“We request all letters of comment replying to implementing regulations found at 25 CFR Part 292 to conduct gaming at the proposed off-reservation casino site near the City of Porterville, Tulare County, CA by the Tule River Indian Tribe. (IGRA, 25 U.S.C. sections 2701-2721).”

“Specifically letters responding to the question of whether or not the proposed project would be detrimental to the surrounding community. We already have a copy of the ROD that has been posted on the AES web site and the letters addressing the environmental issues, please do not duplicate these letters.”

In response to your request, the Bureau of Indian Affairs, Pacific Regional office, has enclosed two letters totaling five (5) pages responsive to your request. Please note, the attachment associated with the County of Tulare is not included as it is included in the letters addressing environmental issues.

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection *would* be greater than the fee collected. *See -43 C.F.R. § 2.37(g)*. Therefore, there is no billable fee for the processing of this request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See U.S.C. §552(c) (2006) & Supp. IV (2010)*. This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation service to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road – OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <http://ogis.archives.gov>  
Telephone: 202-741-5770  
Facsimile: 202-741-5769  
Toll-free: 1-877-684-6448

Should you have any additional questions, please contact Douglas Garcia, Regional FOIA Coordinator, at (916) 978-6052, Janice Whipple-DePina, Alternate FOIA Coordinator, at (916) 978-6077. You also may seek dispute resolution services from our Acting FOIA Public Liaison, Heather Garcia, 1849 C Street NW MS-4658 MIB, Washington, DC 20240, (202) 208-3135, [foia@bia.gov](mailto:foia@bia.gov).

Sincerely,



Regional Director

Enclosures  
cc: FOIA Coordinator

**COUNTY OF TULARE**  
**COUNTY ADMINISTRATIVE OFFICE**



**JASON T. BRITT**  
County Administrative Officer

Reg Dir \_\_\_\_\_ ✓  
Dep RD Trust \_\_\_\_\_  
Dep RD IS \_\_\_\_\_ ✓  
Route FTT \_\_\_\_\_  
Response Required \_\_\_\_\_  
Due Date \_\_\_\_\_  
Memo \_\_\_\_\_ Ltr \_\_\_\_\_  
Fax \_\_\_\_\_

November 15, 2018

Amy Dutschke, Regional Director  
United States Department of the Interior  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

NOV 20 2018  
Rcvd BIA-PRO

Re: Two-Part Determination – Tule River Indian Tribe and Off-Reservation Gaming Activity

Dear Ms. Dutschke:

I am writing on behalf of the County of Tulare, California (the "County") in response to your letter of September 18, 2018 (the "Part 292 Letter") concerning the Tule River Indian Tribe's ("Tribe") proposal to conduct off-reservation gaming activities on property located in Porterville, California (the "Project") under the Indian Gaming Regulatory Act ("IGRA") and its implementing regulations found at 25 CFR Part 292. Your Part 292 Letter recites that prior to taking the subject property into trust for gaming, the U.S. Interior Department Secretary must complete a two-part determination required by section 20 of the IGRA (25 U.S.C. section 2719(b)(1)) to answer (1) would a gaming establishment on newly acquired lands be in the best interest of the Indian tribe and its members, and (2) would a gaming establishment on the newly acquired lands not be detrimental to the surrounding community?

Your Part 292 Letter requests the County's input on the second question. More specifically, you have requested the County provide findings and supporting data on items including, but not limited to, the following:

1. Information regarding environmental impacts on the surrounding community and plans for mitigating adverse impacts;
2. Anticipated impacts on the social structure, infrastructure, services, housing, community character, and land use patterns of the surrounding community;
3. Anticipated impact on the economic development, income, and employment of the surrounding community;
4. Anticipated costs of impacts to the surrounding community and identification of sources of revenue to mitigate them;
5. Anticipated costs, if any, to the surrounding community of treatment programs for compulsive gambling attributable to the proposed gaming establishment; and
6. Any other information that may assist the Secretary in determining whether the proposed gaming establishment would or would not be detrimental to the surrounding community.

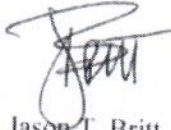
In answer to the specific questions in your Part 292 Letter, the County provides the following findings and supporting data:

1. As to the environmental impacts on the surrounding community and plans for mitigating those adverse impacts, the County recently provided comments to you on the Draft Environmental Impact Statement for the Project. I have attached another copy of those comments for your consideration. The comments and the attached correspondence detail the adverse environmental impacts of the Project on the surrounding community and the plans and costs of mitigating those impacts.
2. As to the anticipated impacts on the social structure, infrastructure, services, housing, community character, and land use patterns of the surrounding community, please see our comments on the Draft Environmental Impact Statement for the Project;
3. As to the anticipated costs of impacts to the surrounding community and identification of sources of revenue to mitigate them, please see our comments on the Draft Environmental Impact Statement for the Project; and
4. As to the anticipated costs to the surrounding community of treatment programs for compulsive gambling attributable to the proposed gaming establishment, please see our comments on the Draft Environmental Impact Statement for the Project.

The County has and continues to support the Project, provided that the Tribe and County are able to arrive at an agreement providing for the satisfactory mitigation of potential adverse impacts from the Project on the County and surrounding community. The County and Tribe continue to negotiate the details of such a mitigation agreement and we remain hopeful that a final agreement can be reached in the coming months.

I hope that this information is responsive to your request. Please let me know if you have questions or need anything else on this matter. Thank you.

Sincerely,

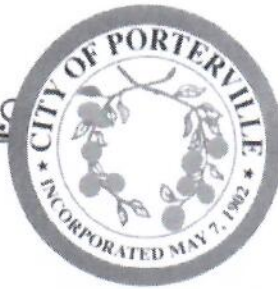


Jason T. Britt  
County Administrative Officer

Attachment: November 5, 2018 Letter from County to BIA regarding comments on DEIS/TEIR

cc: Tulare County Board of Supervisors  
County Sheriff  
County District Attorney  
County Fire Chief  
County Probation Director  
County Public Defender  
Director of County Resources Management Agency  
Director of County Health and Human Services Agency  
Carrie Monteiro, Board Representative  
Eric Coyne, Deputy CAO  
County Counsel  
Neil Peyron, Chairman, Tule River Indian Tribal Council  
John Lollis, City Manager, City of Porterville  
Cathy Christian, Esq.  
Stephen M. Hart, Esq.  
Julia M. Lew, Porterville City Attorney

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Reg Dir \_\_\_\_\_  
Dep RD Trust \_\_\_\_\_  
Dep RD IS \_\_\_\_\_  
Route Realty \_\_\_\_\_  
Response Required \_\_\_\_\_  
Due Date \_\_\_\_\_  
Memo \_\_\_\_\_ Ltr \_\_\_\_\_  
Fax \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

November 19, 2018

Ms. Amy Dutschke, Regional Director  
United States Department of the Interior  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, California 95825

Re: Indian Gaming Regulatory Act, Section 20, Part 2 – Tule River Indian Tribe

Dear Ms. Dutschke:

Please accept this correspondence on behalf of the City of Porterville, California (Tulare County) in response to your letter dated September 18, 2018, requesting input whether the gaming establishment on newly acquired land by the Tule River Indian Tribe would be detrimental to the surrounding community.

1. The City has reviewed the draft Environmental Impact Statement (“DEIS”) for the Tule River Tribe’s proposed Fee-to-Trust and Eagle Mountain Casino Relocation Project (“Casino”) and agrees that the evaluation of potential environmental impacts and proposed mitigation measures meets the standard of review for NEPA under the Bureau of Indian Affairs implementation policies. As a local agency in California, any action taken by the City of Porterville is further subject to the California Environmental Quality Act (“CEQA”). To that end, the City anticipates initiating supplemental documentation and noticing efforts in order to assure CEQA compliance as needed to address this agency’s involvement in the project. Without independent evaluation, the City has nothing more to add to the identified potential environmental impacts.
2. The City is in negotiations with the Tribe to mitigate potential impacts of the Casino to the community, especially the increased needs of law enforcement and fire safety. The relocation of Casino will impact the existing roadways due to the increased traffic circulation surrounding the area. Those impacts were identified in the DEIS, as well as the proportional share and have been reviewed and agreed upon by the City.

City Manager’s Office  
291 North Main Street, Porterville, California 93257  
(559) 782-7466 Fax (559) 715-4013 Email: mgr-Office@ci.porterville.ca.us

The City of Porterville's 2030 General Plan foremost challenge was to evaluate the planning area in order to support sustainable development that would meet the needs of future generations. In 2008, the General Plan established projected growth patterns and proposed an ultimate population of 107,300, and included evaluation of necessary housing units. The City has significantly underachieved the population and growth assumptions provided in the General Plan. Due to this, any increase in population and subsequent housing from the Casino project would have a negligent impact to the anticipated growth evaluated in the General Plan.

The subject parcels are within the City limits of Porterville and are zoned IA (Airport Industrial). In addition to the IA zoning, the property is located within the Airport Environs Overlay District. Standards and regulations in the AE Overlay district modify and supplement the underlying zoning district regulations. The specific purposes of the Employment Districts are to: (a) provide appropriate areas of the city where employment uses can locate and operate without significant conflicts with other land uses; (b) strengthen the city's economic base and provide employment opportunities for residents of the city; and (c) ensure the provision of services and facilities needed to accommodate planned population densities. The project is not anticipated to have a negative effect and is compatible to the land use pattern, both existing and as identified in the Porterville General Plan and Zoning Ordinance.

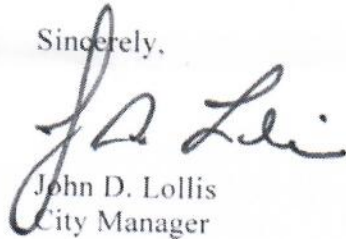
3. The City concurs with the DEIS that the relocation of the Casino to the city limits of Porterville will have a positive economic impact to the region. The existing Casino currently employs approximately 400 people, many of whom reside in the Porterville area. The development of the Casino at the Airpark Site approximates 790 new full time equivalent positions. In a region where the unemployment rate is typically higher than other areas (12.6% Porterville; 9.9% statewide), this opportunity to provide full-time, year-round employment at a living wage will be of great benefit to the community, as the high unemployment rate is frequently attributed to the seasonal local agricultural base. Based on Census tract data, the median income in the City of Porterville is \$38,456 versus the State of California median household income of \$61,818. The opportunity for gainful employment would be beneficial to the community by increasing the household income and decreasing the poverty base. In addition to the direct impact, there are anticipated indirect beneficial impacts.
4. The City is in negotiations with the Tribe to mitigate potential impacts of the Casino to the community, especially for the increased needs of law enforcement and fire safety. Such impacts are estimated at less than \$1 million annually, which the City and Tribe are negotiating in lieu fees to address.

Ms. Amy Dutschke  
United States Department of the Interior  
Bureau of Indian Affairs  
November 19, 2018  
Page 3

5. The City of Porterville does not provide treatment programs for compulsive gambling and would be unable to quantify the anticipated costs, if any, particularly considering the existing Casino is located nearby, 17 miles south east of the city.
6. In its over 22 years of existence, the Eagle Mountain Casino has played an integral role in the Porterville community, in addition to a robust and collaborate relationship that exists between the City of Porterville and Tule River Indian Tribe. The Casino is currently one of the largest employers in the Porterville area, and given its close proximity to the city, the City does not anticipate its proposed relocation within City limits to have a detrimental effect upon the community. A significant portion of the gaming playership is from out of the area, which is expected to increase with its relocation, further benefitting the local community.

Thank you for the opportunity to respond to your correspondence, and your time and attention to the information provided. Please let me know how we can be of any further assistance in this matter.

Sincerely,



John D. Lollis  
City Manager

cc: Mr. Neil Peyron, Chairman, Tule River Indian Tribal Council  
Ms. Julia Lew, City Attorney, City of Porterville  
Mr. Jason T. Britt, CAO, County of Tulare