

## **FACT SHEET: NORTH FORK RANCHERIA POSITIVE TWO-PART DETERMINATION**

### **Decision**

- The Assistant Secretary – Indian Affairs has reviewed the North Fork Rancheria’s off-reservation gaming application under the Indian Gaming Regulatory Act (IGRA) and determined that:
  - Gaming on the proposed site would be in the best interest of the Tribe and its members; and,
  - Gaming on the proposed site would not be detrimental to the surrounding community.
- The application now goes to the Governor of the State of California for concurrence in this determination. The Governor has one year to concur. Upon concurrence, the Tribe will be able to conduct gaming on the lands when they are acquired in trust.

### **Background**

- The Tribe is located in Madera County, California (northeast of Fresno), and has 1,750 members. It currently has only 80 acres of land in trust, located in the Sierra Nevada foothills, 4 miles east of the town of North Fork, CA. Those lands are currently used for residential purposes.
- The Tribe is proposing to operate a gaming facility on 305 acres of land in Madera County, California – 36 miles southwest of the Tribe’s headquarters in North Fork, and 38 miles from its existing trust lands (driving distance). The proposed gaming site is approximately 30 miles north of Fresno, CA.
- The Tribe originally submitted its application in 2005. The proposed scope of the facility would include 2,500 machines, and a 200-room hotel.

### **Overview of Analysis – Best Interest Determination**

- The gaming facility would result in annual net revenues of \$53.8 million by year 7, with \$19 million in cash available to the Tribe’s government in year 7.
- The gaming facility would allow Tribe to provide jobs to its members. More than 60% of tribal members live within 50 miles of the proposed site. Gaming revenues would allow the Tribe to increase its service-delivery to tribal members, and allow the Tribe to develop a land-base.
- The gaming facility would only be 36 miles from its government headquarters, allowing the Tribe’s government to exercise governmental power over the gaming site.

- The Tribe has submitted documentation demonstrating that it has a significant historical connection to the proposed gaming site, including the fact that the Site is within territory ceded by the Tribe's predecessors by an ungratified treaty.
- Development of gaming at the proposed site is an appropriate alternative to gaming on existing trust lands, which are limited (80 acres), difficult to access (narrow, dirt roads), and currently used for tribal member housing. In addition, the Tribe's existing trust lands are located near Yosemite National Park, and within the Sierra National Forest – making gaming on other lands an appropriate alternative.

### **Overview of Analysis – Not Detrimental to the Surrounding Community**

- The Tribe has entered into a Memorandum of Understanding with Madera County, which will require payments to the county to mitigate impact of gaming. Under its MOU with Madera County, the Tribe will issue a one-time contribution of up to \$17.9 million to mitigate potential one-time costs incurred due to the Resort. The Tribe will also make annual payments to Madera County and local foundations of up to \$4.03 million.
- The Tribe has entered into a Memorandum of Understanding with the City of Madera, which is the closest municipal government to the proposed gaming facility. Under its MOU with the City of Madera, the Tribe will make a one-time contribution to the City of up to \$10.3 million to mitigate such potential one-time impacts as law enforcement expansion and road improvements. The Tribe will also make annual contributions of up to \$1.075 million to mitigate recurring costs to the City as a result of the Resort.
- The gaming facility would be located in an undeveloped area, and the gaming facility footprint would only cover 55 acres of the 305-acre parcel, creating a buffer between adjoining properties.
- The Picayune Rancheria is not a “surrounding community” under IGRA, meaning the Department is not required to determine whether the North Fork Rancheria's proposed gaming facility would be detrimental to the Picayune Rancheria. Despite not be required to do so, the Assistant Secretary did consider the Picayune Rancheria's objections. AS-IA determined that Picayune's existing gaming facility, more 30 miles from the proposed North Fork facility, has been successful in a competitive gaming market and the tribe would not suffer a detrimental impact.