



OFFICE OF THE GOVERNOR

August 3, 2020

Tara Sweeney, Assistant Secretary – Indian Affairs
United States Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Assistant Secretary Sweeney:

On October 7, 2019, you issued a Secretarial determination pursuant to 25 U.S.C. § 2719(b)(1)(A) of the Indian Gaming Regulatory Act (IGRA), with respect to a 40-acre parcel of land in the City of Porterville, California known as the Airpark Site (Site), owned in fee by the Tule River Tribe of California (Tribe) and purchased for relocating the Tribe's existing casino.

After careful evaluation of the public record, feedback from local and tribal governments and the public, as well as the Tribe's intergovernmental agreements with Tulare County and the City of Porterville, I have concluded that a concurrence with your Secretarial determination is appropriate. This letter constitutes concurrence with the October 7, 2019 Secretarial determination. Today, I have also signed and submitted to the California Legislature a tribal-state compact that will allow for Class III gaming on the Site once it is taken into trust for gaming purposes.

An enumerated core policy of IGRA recognizes tribal gaming as a "means of promoting tribal economic development, self-sufficiency, and strong tribal governments." 25 U.S.C. § 2702(1). These goals were also reflected when California voters chose to enact Proposition 1A on the promise, in the ballot materials, that it would "ensure that Indian self-reliance is protected once and for all." This casino project achieves those aims.

The Tribe currently has almost 2,000 enrolled members, with a growing and young population. The members are experiencing disproportionate unemployment and poverty rates, and unreliable access to water, which has resulted in a housing shortage. While the casino is the Tribe's main source of

government revenue, it is also the largest user of water in the community, contributing further to the local water shortage. The Tribe's ability to address these and other governmental concerns is hampered by the limited revenues it receives from the casino because patrons are reluctant to travel several miles down a winding and dangerous road to reach it.

Relocating the Tribe's casino to the Site will address many of these issues by improving the wellbeing of the community and supporting tribal economic development and self-reliance. It will free up potable water for domestic use, facilitating reliable access to water for tribal members, and provide the ability to build more tribal housing. Additionally, locating the casino at the new Site will provide safe and easier access for patrons, resulting in an increased revenue stream for the tribal government. The increased revenue will also allow the Tribe to support expanded community services such as health care and education. Under the terms of the Tribe's new compact, these increased revenues will also result in greater revenue sharing with the approximately 70 limited and non-gaming California tribes through the Revenue Sharing Trust Fund and the Tribal Nation Grant Fund. The revenue-sharing distributions will contribute to those tribes' ability to provide vitally needed services to their own communities, benefitting tribes across the State.

This proposal is not only beneficial to the Tribe, but also to the surrounding community. The Tribe has partnered with the City of Porterville on plans to develop a water reclamation facility that will further increase the availability of potable water for the City. Through intergovernmental agreements with the City and Tulare County, the Tribe will mitigate the new casino's impacts to infrastructure, traffic and public services. The project is expected to create hundreds of jobs that will pay at or above California minimum wage, as required by the compact, and will result in other positive economic impacts in the community. These results are especially critical because Tulare County consistently has one of the highest unemployment rates of any of California's 58 counties.

The Tribe has a long-standing historical connection with the area. Pictographs located on the Tule River Reservation dated from over a thousand years ago depict the creation story of the Tribe. The Site is approximately 15 miles from the Tribe's current reservation, five miles north of the Tribe's unratified 1851 treaty territory, and approximately five miles southwest of the original Tule River Reservation, which included part of the present-day City of Porterville.

While the project has many benefits, it will likely also create more competition for other tribal casinos in the area, potentially impacting those tribes' revenues. I considered these impacts with the seriousness they deserve,

but taking everything into account, I chose to move forward with the concurrence.

The California Supreme Court has under consideration a challenge to the authority of the Governor under state law to concur with Secretarial determinations. The Court granted the petition for review on January 25, 2017 and held oral argument on June 2, 2020, but the case has not yet been decided. California's legal position is and has been that California law affords a Governor the authority to concur. Due to the Tribe's immediate need to move forward on its casino relocation, and the interconnection between the concurrence and the compact, I felt compelled to concur at the same time that I submitted the compact to the California Legislature for ratification. As the Legislature is having a truncated legislative session resulting from COVID-19, I am obliged to move forward without further delay. I am therefore issuing this concurrence ahead of the Court's decision.

I thank the Office of the Assistant Secretary – Indian Affairs for its thoroughness, and I thank the community, the tribal government and others who have served the public well with their debate on this issue.

Sincerely,



Gavin Newsom
Governor of California