



## OFFICE OF THE GOVERNOR

June 13, 2022

Bryan Newland, Assistant Secretary - Indian Affairs  
U.S. Department of the Interior  
1849 C Street, N.W. MS-4660-MIB  
Washington, D.C. 20240

Dear Assistant Secretary Newland:

On January 8, 2021, former Assistant Secretary – Indian Affairs Tara Sweeney requested my concurrence by January 8, 2022, in the determination pursuant to 25 U.S.C. § 2719(b)(1)(A) (Secretarial Determination) that a gaming establishment proposed by the Tejon Indian Tribe (Tribe) on approximately 320 acres of land known as the Mettler Site would be in the best interest of the Tribe and its members and would not be detrimental to the surrounding community. On December 20, 2021, my office requested an additional 180 days to respond. You granted that request on January 7, 2022, and stated that the U.S. Department of the Interior stands behind the Secretarial Determination.

Though I am reticent to allow gaming on land that is not currently eligible for gaming, after careful consideration I have decided to concur in the Secretarial Determination based on the Tribe's unique circumstances. Today, I have also signed a tribal-state class III gaming compact that will allow the Tribe to operate gaming on the Mettler Site once it is taken into trust for gaming.

A core policy goal of the Indian Gaming Regulatory Act is to promote tribal economic development, tribal self-sufficiency, and strong tribal governments. (25 U.S.C. § 2702.) When California voters considered and approved Proposition 1A to permit tribes to lawfully operate slot machines and banked and percentage card games on Indian land, they were asked in the ballot materials to approve the measure to “ensure that Indian self-reliance is protected once and for all.” Gaming by the Tribe at the Mettler Site will further these goals.

The Mettler Site is located in unincorporated Kern County, approximately four miles southwest of a 10-acre parcel held in trust for the Tribe and used as a government and community center. It is within the boundaries of a 763,000-acre reservation that would have been established had the United States ratified an 1851 treaty negotiated with the Tribe and other signatory tribes. It is also within 10 miles of the Tribe's former villages and an area referred to by federal officials, but never formally established, as the Tejon reservation.

The Tribe has over 1,200 enrolled members, nearly a third of whom are under 18 years old. Over half of the Tribe's members live below the federal poverty line. One-third of Tribal households receive support from the Supplemental Nutrition Assistance Program for needy families. The Tribe's governmental services are drastically underfunded and heavily reliant on volunteers. The Tribe's ability to provide for critical welfare needs of its members, such as employment, education, health care, housing, and social services, is severely hampered by the lack of a stable revenue source. Revenue from the Tribe's proposed gaming establishment will help support a fully functioning Tribal government and bolster the Tribe's self-sufficiency and self-reliance. The proposed gaming establishment would be in the best interest of the Tribe and its members. Through the Tribe's contributions to the Revenue Sharing Trust Fund and the Tribal Nation Grant Fund under the terms of its new compact, the proposed gaming establishment will also foster stronger tribal governments and self-sufficiency for non- and limited-gaming tribes.

The Tribe's proposal for gaming on the Mettler Site benefits not only the Tribe, but also the surrounding community. More than 60 percent of the Tribe's members are residents of Kern County, which supports construction of the gaming establishment on the Mettler Site. The Tribe has signed an intergovernmental agreement with Kern County that will fully mitigate all impacts of the Tribe's gaming and create broader public safety benefits through the construction of a joint fire/law enforcement substation. Kern County experiences higher than average unemployment rates and the Tribe estimates its proposed gaming establishment will create over 1,000 construction and 2,000 permanent high-wage, high-benefit jobs, drawing heavily from the local workforce. The project is supported by local public and law enforcement representatives, labor unions, and a diverse array of community and business groups. I have concluded that gaming by the Tribe at the Mettler Site would not be detrimental to and will benefit the surrounding community.

In my review, I seriously considered the potential negative impact of the Tribe's gaming establishment on the gaming revenues of other tribes in the area. I also considered the project's expansion of tribal gaming to new lands. These issues are of immense concern to me. Based on the unique and exceptional

circumstances regarding the history of the Tribe, the Mettler Site's proximity to the Tribe's historic villages and unratified reservations, and the benefits of gaming on the site to the Tribe and the surrounding community, I chose to concur in the Secretarial Determination.

I would like to thank the U.S. Department of Interior, Indian Affairs for its review of the Secretarial Determination and the numerous tribes, local governments, labor, business, and community groups, and others who have provided information to help inform my decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Gavin Newsom", with a long horizontal flourish extending to the right.

GAVIN NEWSOM

cc: Honorable Octavio Escobedo III, Chairperson  
Tejon Indian Tribe