



Summary Brief on the Enterprise Rancheria Tribe and Project

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1. THE TRIBE AND PROJECT

The Estom Yumeka Maidu Tribe of the Enterprise Rancheria (“Tribe”) is a federally recognized Indian tribe comprised of over 800 Maidu Indians from the Feather River drainage area in the rural northern California counties of Butte and Yuba.

Over the past decade, the Tribe has sought to establish modern governing institutions out of rented office space in order to improve the lives of our Tribal Members, many of whom are desperately poor with only limited access to basic housing, healthcare, employment, and educational services. The Tribe leverages its very limited state and federal grant funding to operate the following tribal programs:¹

- *Social Services* – Administers the Tribal Elders Program, Disability Program, Low Income Heating Energy Assistance Program, Food Vouchers, Child Care, Indian Child Welfare, and Emergency Human Services.
- *Indian Housing Authority* – Rehabilitates existing homes and builds new homes and community buildings for tribal citizens. Administers the down payment assistance program, mortgage assistance, and rental assistance.
- *EPA Department* – Preserves and protects cultural resources and the environment through pollution prevention, restoration, community education, recycle/soild waste programs and state approved cultural site monitor programs.
- *Education* – Provides various programs to assist Tribal Citizens in Higher Education, Adult Vocational Training, Employment Assistance, Tribal Youth Education, among others.

The absence of a viable tribal land base has hindered the Tribe’s ability to engage in economic development for the purpose of adequately funding the services mentioned above and providing for the general welfare of its Tribal Members.

Plans for Economic Development: In 2002, the Tribe filed an application requesting the Secretary of the Interior to take into trust 40 acres of unincorporated land in Yuba County for the construction and operation of a destination resort hotel and casino. The proposed project will serve as an economic catalyst for a region with an agriculture-based economy in need of diversification and currently suffering through one of the worst employment (nearing the 20% rate) and housing slumps in the nation. The project is expected to generate over \$225 million annually in much needed economic benefits and activity through:

- *Good jobs with career advancement opportunities* – over 400 jobs including nearly 2,000 permanent, well-paying jobs with good benefits, 1,300 temporary construction jobs, and 1,000 local indirect spin-off jobs (temporary and permanent)
- *Enhanced business and vendor opportunity and growth* – millions in goods and services purchased, much of it from local vendors

¹ The Tribe also offers programs in conjunction with other regional organizations such as the Feather River Indian Tribal Health Clinic, Hoopa Food Distribution, and California Indian Manpower. Additional information about these programs and the Tribe can be found on the tribal web site at www.EnterpriseRancheria.org.

- *Community investment* –\$5 million per year to Yuba County, the City of Marysville and local communities to fund safety, education, and other public programs
- *Local hospitality services and entertainment options* - a world-class resort featuring a casino floor, food and beverage areas (including a buffet, gourmet restaurant, and bar), conference facilities, guest support services, offices and security area. An eight-story hotel will provide 170 rooms and feature a lobby area, retail space, exercise room, pool and arcade.

2. THE PROPOSED SITE

Proposed Project Site: The 40-acre site is located within a voter-approved sports and entertainment zone approximately four miles southeast of the community of Olivehurst in Yuba County, California. The site lies within the Tribe’s aboriginal territory and its development would be fully consistent with local zoning and land use. The size of the proposed trust land would exactly replace the parcel of land taken from the Tribe to build the Oroville Dam.

3. QUALIFYING THE PROJECT SITE FOR GAMING

Federal Process: The Secretary of the Interior must (i) take the project site into trust for the benefit of the Tribe and (ii) determine the site to be eligible for gaming under the two-part process of Section 20 of the Indian Gaming Regulatory Act (IGRA). Congress established the two-part process to level the playing field by providing tribes without a viable land base, such as the Enterprise Rancheria, the same opportunity as other tribes. The Tribe is adhering precisely to the spirit and letter of the rigorous and lengthy federal review process and expects the Secretary of the Interior to approve the requested actions after completing the environmental review process.

Ironically, due to an oddity in the federal laws governing tribal gaming, it has been far more difficult for the Tribe to acquire new lands for gaming than neighboring tribes that were terminated and later restored, because the Tribe cannot avail itself of the more common Section 20 ‘restored lands’ exception used by neighboring tribes such as the United Auburn, Mooretown, and Paskenta Rancherias.²

Two-Part Decision: On September 2, 2011, the Assistant Secretary of Indian Affairs, Mr. Larry Echo Hawk, issued a favorable two-part determination on the Enterprise Rancheria’s proposed gaming project. Specifically, the Assistant Secretary determined that gaming on the proposed site would be in the best interest of the Tribe and not detrimental to the surrounding community (or tribal casinos).

² A further irony is that one of the two 40-acre parcels of land originally purchased by the government on behalf of the Tribe in 1915 was taken in the 1960s to become part of Lake Oroville. That left the Tribe with an extremely remote, single 40-acre parcel known as the “Enterprise 1” Rancheria, which until recently was thought to be owned by a few members of the Maidu band that comprise the Enterprise Indians. In fact, the land is actually held by the United States in trust for the Tribe and, as detailed in the draft EIS, is wholly inappropriate for large-scale development. The confusion over the status of Enterprise 1 resulted in an unsuccessful attempt some years ago by a few individuals to split our Tribe in two. The vast majority of our tribal members resisted this attempt, and today our Tribe is comprised of 812 members descended from the beneficiaries of both the Enterprise 1 and the flooded Enterprise 2 tracts of land.

This decision is important for several reasons. First, it is the product of a nearly decade long review and analysis in the rigorous federal process to take land into trust for purposes of tribal-government gaming. Second, it reaffirms several important policy issues related to gaming on newly acquired lands as expressed by counties and tribes (in tribal consultations with the BIA) across the nation, including historical ties to the proposed trust lands, distance from existing reservations, and the impacts on local tribes and communities, among others.³

Environmental Review: The environmental impacts of the project have been studied extensively, first through an environmental assessment, and then later through an environment impact statement (EIS) -- the most rigorous level of review under the National Environmental Policy Act (NEPA). The draft EIS was published on March 21, 2008 and publication of the final EIS occurred in August 2010.

Tribal-State Compact: The Tribe expects to enter into a compact with the State of California in order to engage in Class III gaming under IGRA. As of 2011, the Legislature had ratified over 70 tribal-state compacts and there are roughly 55 casinos operated by 54 tribes in California. As of 2006, tribal-government gaming in California has generated throughout the State nearly 55,000 jobs, \$100 million for local governments, between \$200-500 million annually for State funds, and \$3.4 billion in additional household income. Indian gaming has alleviated poverty, provided higher standards of living, improved tribal/local government relations, and reduced reliance on state and federal assistance.⁴

4. LOCAL SUPPORT AND AGREEMENTS

Transparent and Collaborative Approach: The Tribe's proposed gaming project is distinguished by the presence of strong local support and thoughtfully negotiated agreements with local governments. The Tribe has taken pains to ensure transparency and to mitigate any possible significant impacts of the project in keeping with principles relating to Indian gaming set forth by the California State Association of Counties (CSAC). Members of the public and state and local jurisdictions have been provided multiple opportunities to learn about and comment on the project since December 2002.

Local Intergovernmental Agreements: The Tribe has voluntarily entered into separate enforceable agreements with Yuba County (12/02) and the City of Marysville (8/05). These comprehensive agreements call for over \$75 million in contributions over 15 years to fund an array of local public safety, education, infrastructure and parks, housing, economic development, employment, and other local projects. In addition, the Tribe has agreed to mitigate possible impacts of the project through multiple environmental and socio-economic safeguards detailed in the draft EIS.

³ The two-part qualification process remains a high and demanding administrative hurdle to overcome. The cost and protracted and uncertain nature (the recent DOI decision included two negative as well as two favorable decisions) of the process likely reduces such applications. A 6/13/11 memo from Assistant Secretary Echo Hawk of the Interior Department states: "The "off-reservation" exemption...offers tribes a limited opportunity to conduct gaming outside of their existing reservations where appropriate. Local communities have several meaningful opportunities to contribute to the Secretary's review of a tribe's application for off-reservation gaming. In addition, a state's governor must concur in all gaming proposals under the "off-reservation" exemption as well as execute a tribal-state gaming compact with the tribe. Due largely to the multiple layers of this review process, the off-reservation exception has proven difficult to satisfy since the enactment of IGRA. Since 1988, only five tribes have received final approval from both the Secretary and the state governor in order to successfully establish an off-reservation gaming facility."

⁴ See UC Riverside, Center for California Native Nations Collaboration, *An Impact Analysis of Tribal Government Gaming in California*, 2006. Available at the Center's website at www.ccmn.ucr.edu

Labor: The Tribe has demonstrated its commitment to workers' rights and to providing good paying jobs with benefits by voluntarily entering into separate enforceable agreements with the Mid-Valley Building and Construction Trades Council (1/09) and UNITE HERE International Union (4/09).

Local Support: Yuba County is a rural but fast growing region where education, employment and income levels typically lag behind much of the rest of the State. Over the past several years, the Tribe has met with numerous service organizations, ethnic groups, media outlets, business organizations, industry groups, and employee/trade associations throughout the Sacramento North Valley to discuss the project and how it will benefit local communities and government. Broad support for the project is evidenced by the following:

- The local intergovernmental agreements cited above (Yuba Co. and City of Marysville MOUs).
- Formation of the Local Leaders Group, a coalition of independent business and community leaders who lend their support for the proposed Enterprise Rancheria project.
- Submission of over 3,000 personal endorsements by local citizens.
- Support from the leading local civic and business organizations, including the Yuba Sutter EDC, the 900-member Yuba Sutter Chamber of Commerce, Marysville Business Improvement District, North Valley Hispanic Chamber of Commerce, Alliance for Hispanic Advancement, and Yuba City Downtown Business Association.
- Support for Indian Gaming in Yuba County. The June 2000 Proposition 1A allowing Indian Gaming in California passed by 61% or nearly 2 to 1 countywide. Support from roughly half the voters and 3 of the 5 districts in the County, including the districts closest to the proposed site, in the 2006 Measure G initiative; a non-binding, local advisory vote conducted to gauge the level of local support for the project.
- January 2009 telephone poll conducted by an independent research facility yielded local support for the project running nearly 2 to 1 in favor (53 percent 'support' versus 30 percent 'oppose,' 17 percent 'undecided'). That support quickly jumped to 72 percent of respondents voicing support for the casino project, 24 percent opposing, and only 4 percent remaining undecided once the economic benefits of the project were explained.
- March 2009 online poll conducted by the local newspaper (Marysville Appeal Democrat) of 1,061 respondents yielded a support rate of 76 percent (805 favorable responses) versus opposition rate of 24 percent (unfavorable responses).

5. SUMMARY: A JUST OUTCOME & WIN-WIN PROPOSITION FOR ALL

The federal process that the Enterprise Rancheria has engaged to take land-into-trust for gaming purposes will restore an equal amount of tribal land lost through the creation of Lake Oroville, provide jobs for Tribal Citizens, generate revenues to strengthen tribal government, programs, and services, improve the quality of life for local citizens, lessen the Tribe's dependence on federal funds, and provide investment to diversify its future economic development. These goals were and remain the original promise of Indian gaming as supported by the citizens of the Central Valley and California.

The Maidu, like other Indians throughout the state and nation, have weathered physical conquest, epidemic diseases, poverty, and loss of land, family, and traditional ways. Yet the Maidu are a strong, resilient, and proud people. Today we Maidu walk on two roads. One is the road of modern society with all its technology and scientific advances. The other road is the living history and rich traditions of a people with an ancient legacy that still serves to guide and strengthen us for our role in present-day society.

For additional information, please contact the Tribe.

Thank you. – *The Enterprise Rancheria Tribal Council, January 2012.*