



Facts vs. Fiction: The Enterprise Rancheria Project

Building a Better Yuba County, Together! (v. 6/6/12)

INTRODUCTION

The Enterprise Rancheria of Estom Yumeka Maidu has proposed a regional destination entertainment and gaming resort to be built in Yuba County within an existing Sports and Entertainment Zone, a rural area of Yuba County, and the Tribe's historic lands. In response to questions about the project, the Tribe has prepared the following responses as part of its ongoing efforts to inform and educate the community. More information about the Tribe and project is available at www.EnterpriseRancheria.org or *Support Yuba Casino* on *Facebook*.

FOLLOWING THE FEDERAL PROCESS

FICTION: *The Tribe is trying to skirt the law and take advantage of legal loopholes.*

FACT: The Tribe is following the rule and letter of the law for its project. The resort cannot be built until the proposed site is taken into trust and deemed eligible for gaming, until a compact is in place, and the Tribe's management contract is approved. Each of these steps will occur in accordance with the policies and procedures established under existing law. The land will be taken into trust for the Tribe under the Indian Reorganization Act of 1934. Similarly, the land will be determined eligible for gaming and the Tribe's management contract and compact will be approved under the Indian Gaming Regulatory Act of 1988. Finally, the responsible federal agencies will comply with the requirements for environmental review of major federal actions under the National Environmental Policy Act of 1969.

FICTION: *What the Tribe is proposing has never been done before and would require new laws.*

FACT: The Tribe is following a process established under the federal laws described above. No change in federal or state law is required to complete this process. The portion of the process necessary to qualify the land for gaming is known as a Secretarial "two-part" determination. Because a two-part determination requires local input and the concurrence of the Governor, it is generally considered the most difficult for tribes to navigate and has not been widely utilized. Because of its unique historical circumstances and relationship with the local community, the Enterprise Tribe has sought to satisfy the requirements of a two-part determination, and is doing so in a manner consistent with the principles established by the California State Association of Counties (CSAC). These principles call for transparency, mitigation of potential impacts and collaboration with local, state and federal governments toward a common purpose.

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We welcome your questions and feedback. Additional inquiries can be directed to Charlie Banks-Altekruse, Community Relations Director for the Enterprise Rancheria at (559) 877-2461 or caltekruse@caconsult.org

FICTION: The proposed project is a case of “reservation shopping.”

FACT: ‘Reservation shopping’ implies the acquisition of new trust lands for gaming outside of existing reservation and historical lands for purely economic reasons. The term, popularized by the disgraced lobbyist Jack Abramoff in an attempt to smear legitimate projects and pit tribe against tribe, is inapplicable to Enterprise. The Tribe does not have tribally held lands on which to build a viable gaming project and has therefore proposed a site squarely within its historical territory. The Tribe has taken this step in order to develop its tribal economy and help meet the needs of its 800 tribal citizens.

FICTION: Approving the project would open the floodgates for off-reservation gaming.

FACT: State governors have concurred in only five (5) of the approximately fourteen (15) Secretarial two-part determinations since 1988. The evidence does not support the claim that federal approval of the Enterprise project would result in a significant increase in the current approval rate for requests under the two-part process for tribes with existing gaming facilities or otherwise. To the contrary, since 2008 the federal government has added several additional hurdles to the two-part process that resulted in the rejection of several dozen proposals nationwide. Indeed, the Bureau of Indian Affairs recently approved two “two-part” projects at the same time that it rejected two “two part” projects. This 50/50 success rate (among projects that have made it to the final approval stages – many are rejected earlier) hardly constitutes an open floodgate, rubber stamp approval process.

FICTION: This is not what California voters voted for.

FACT: California voters twice affirmed the opportunity for tribal governments to establish gaming enterprises. Propositions 1A and 5—supported by nearly 2/3 of Central Valley voters—were about providing Native Americans a means for economic self-sufficiency, not about determining complex Indian land issues. These propositions supported ***“Indian gaming on Indian lands in accordance with federal law.”*** The Enterprise project, once completed, will be built entirely on ‘Indian land,’ follow federal law, and provide the Tribe an opportunity for economic betterment as envisioned by the voters.

PURSuing ‘RESPONSIBLE DEVELOPMENT’

FICTION: The Enterprise Tribe should build a casino on its own land.

FACT: Competitors would have you think we’re disregarding an opportunity to build a casino on our own land or elsewhere in Enterprise. This ignores the fact that our reservation is small, remote and environmentally unsuitable for a development large enough to make a difference in the lives of our 800 tribal citizens. The Tribe, Federal Government, County, and local community all agree that the YCSEZ is better suited for commercial development of a casino and that land cannot be acquired in the foothills for gaming.

FICTION: The Tribe has no historical ties to the land selected for the proposed development.

FACT: Tribal citizens of Enterprise Rancheria and our ancestors have had a continuous historical connection to the lands of the present-day Yuba County near the proposed site. Our people have played an important role in establishing and growing many of the defining and enduring institutions and industries of the region to this day.

FICTION: The land is in an urban area.

FACT: The proposed site for the destination hotel and casino resort is in an unincorporated area between the communities of Wheatland and Olivehurst. The site is in a rural area/county within the Tribe's historic land and was specifically chosen because it was not near schools, homes or churches. The Governor's 2005 Indian gaming proclamation does not consider the site in or near an urban area.

FICTION: The project will overburden existing infrastructure such as roads, water, and law enforcement.

FACT: Unlike some Indian gaming projects, the Enterprise project is consistent with the zoning, economic development, and land use plans of Yuba County. The site was selected in part to avoid overburdening the existing infrastructure. Although the project may result in some environmental impacts, the Tribe has negotiated model agreements with key jurisdictions and governing agencies to mitigate such impacts and, in many instances, to improve existing infrastructure and services.

The Memoranda of Understanding (MOUs) with Yuba County and City of Marysville provide more than \$86 million over 20 years for these communities for spending in public safety, education, economic development, housing, job training, parks and recreation, air and water conservation, infrastructure investment, and charitable contributions to local communities. Final infrastructure impacts have been addressed in the environmental impact statement, which is the most rigorous level of environmental review under federal law. It makes complete sense to build this project within the voter mandated sports and entertainment zone and a transportation artery in the Valley capable of handling any increased loads.

LOCAL SUPPORT AND PARTNERSHIPS

FICTION: There is little community support and significant local opposition to the project.

FACT: The voters of Yuba County have repeatedly voted in favor of Indian gaming in statewide propositions by margins of nearly two to one. The proposed Enterprise Rancheria development has received support from the two largest home county jurisdictions and business chambers as well as individual endorsements over 3,000 local citizens, businesses, leaders and civic groups. Opposition has been limited primarily to those who oppose all forms of gambling and a few outside politicians and local gaming tribes fearing competition and willing to bankroll expensive negative campaigns.

FICTION: The Tribe's development partner, Jerry Forsythe, is not from Yuba County.

FACT: The Tribe is from Yuba County and retains ultimate control over the project as required by federal law. Yuba County is one of the most economically distressed counties in the region. At a time when local, state, and federal funding is disappearing, it seems hardly legitimate to question the source of private investment money.

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SOCIAL AND ECONOMIC IMPACTS

FICTION: The proposed facility will increase social problems such as pathological gambling, crime, and prostitution and will destroy families.

FACT: Numerous studies on Indian gaming show positive social and economic contributions to tribes and surrounding communities with little negative impacts. Tribal governments take social problems such as problem gambling very seriously. Indeed, tribal casinos remain the primary source for public problem gambling programs in the state—not the Lottery, card rooms, racetracks, private games, or Internet sites. Crime tends to follow growth of any kind, yet the Butte County Sheriff is on record saying there was no increase in crime or illegal activity with the arrival of tribal gaming facilities in that community. The Lincoln, CA community certainly seems to embrace the positive impacts of that project in nearby Placer County.

FICTION: The project will hurt more than help Yuba by detracting from local businesses and tourism.*

FACT: The Enterprise Rancheria project has been carefully crafted to benefit a region in the midst of a serious economic, fiscal, and housing crisis. In addition to the MOU mitigation efforts cited above, the Enterprise Rancheria project will bring much-needed jobs, business/vendor opportunity, private investment, and entertainment and hospitality options to the region. The project will generate nearly \$281 million each year—or nearly \$700,000 each day—in economic activity and benefits for the region as well as nearly \$86 million over 20 years in local MOU community and public funding. Working together with other local tourism resources (including other gaming tribes), the Enterprise Rancheria hopes to create a regional destination tourism marketplace at the gateway to the Sierras and the Lake Tahoe area. The Tribe has already invested heavily in the region in housing, education, environmental and health care programs. The project will greatly aid the Tribe in its dream of economic self-sufficiency and providing assistance to its 800 tribal citizens many of who live, work, and spend locally.

*** Note:** Even before the current economic recession, states and local communities have counted on tribal gaming as major sources of revenue. According to the National Indian Gaming Association, in 2006 tribal gambling generated 670,000 jobs nationwide (direct and indirect jobs created by Indian gaming's multiplier effect), \$8.6 billion in Federal taxes and revenue savings (including employer and employee social security taxes, income taxes, excise taxes, and savings on unemployment and welfare payments), \$2.4 billion in state taxes, revenue sharing, and regulatory payments (including state income, sales and excise taxes, regulatory payments and revenue sharing pursuant to Tribal-State compacts), and more than \$100 million in payments to local governments.

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