



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

JAN 08 2021

The Honorable Gavin Newsom  
Governor of California  
Sacramento, California 95814

Dear Governor Newsom:

On October 24, 2018, the Tejon Indian Tribe (Tribe) submitted an application to the Bureau of Indian Affairs (BIA), requesting that the Department of the Interior (Department) acquire in trust approximately 320.04 acres of land (Mettler Site) in Kern County, California, for gaming and other purposes. The Tribe also requested that the Secretary of the Interior determine whether the Tribe is eligible to conduct gaming on the Mettler Site pursuant to the Indian Gaming Regulatory Act. The Tribe proposes to construct a casino-resort, including a hotel, recreational vehicle (RV) park, and a joint fire/sheriff station on the Mettler Site.

Section 20 of the Indian Gaming Regulatory Act (IGRA) generally prohibits Indian gaming on lands acquired in trust after October 17, 1988, subject to several exceptions. One exception, known as the Secretarial Determination or Two-Part Determination permits a tribe to conduct gaming on lands acquired after October 17, 1988, where the Secretary of the Interior (Secretary), after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that:

1. A gaming establishment on the trust lands would be in the best interest of the tribe and its members; and
2. The Secretary also determines that gaming on the trust lands would not be detrimental to the surrounding community.

Under this exception, the Governor of the State in which the gaming activity is to be conducted must concur in the Secretarial Determination before the applicant tribe may operate gaming on the proposed site.

I have completed my review of the Tribe's application and determined that the proposed gaming establishment at the Mettler Site would be in the best interest of the Tribe and its members and would not be detrimental to the surrounding community. I have set forth the reasoning for my decision in the Secretarial Determination and request your concurrence in this Determination pursuant to 25 U.S.C. § 2710(b)(1)(A). I will make a final determination on the Tribe's request to acquire the Proposed Site in trust pursuant to the Indian Reorganization Act, 25 U.S.C. § 5108, following final action by you on the Secretarial Determination.

I based my decision on the analysis set forth in the attached Secretarial Determination and accompanying Record of Decision. As you will see from the analysis, the Tribe needs a stable revenue source to begin funding economic development and essential governmental services.

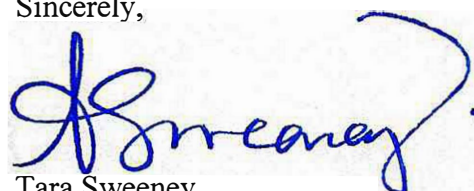
Without a revenue source, the Tribe has a very limited capacity to provide for the social welfare and other needs of its members. The Tribe has a current population of over one thousand members with more than 60 percent of members living in Kern County. The Tribe is in the early stages of developing the governmental infrastructure required to meet the needs of the tribal members. The Tribe has no source of revenue and must rely on the federal government and the Revenue Sharing Trust Fund to operate a few basic programs and perform governmental functions.

I note the support of Kern County as evidenced by the intergovernmental agreement it entered with the Tribe. I am encouraged by the Tribe and County's cooperation and believe that the Proposed Project will benefit the Tribe and the local community.

Much of the information relied on in the Secretarial Determination contains the Tribe's commercial and/or financial information which is customarily and actually treated as private by the Tribe and which was submitted to the Department under an assurance of privacy. The Department will withhold this information in its entirety from the public because it is *confidential* within the meaning of Exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552 et seq., and our regulations at 43 C.F.R. §§ 2.23 and 2.24. See *Food Mktg. Inst. v. Argus Leader Media*, 139 S. Ct. 2356 (2019). I request that this information be similarly withheld by the State under equivalent provisions of the California Public Records Act, CAL. GOV'T CODE § 6250, et seq.

I respectfully request your concurrence in this Secretarial Determination, pursuant to 25 U.S.C. § 2719(b)(1)(A), within one year of the date of this letter. After one year this Secretarial Determination will no longer be valid in accordance with the Department's regulations at 25 C.F.R. § 292.23(c). If you need additional time, or at the request of the Tejon Tribe, the Department's regulations at 25 C.F.R. § 292.23, permit me to grant an extension of 180 days. I look forward to your response and thank you for your time and attention to this matter.

Sincerely,



Tara Sweeney  
Assistant Secretary – Indian Affairs