

COUNTY OF EL DORADO

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January 9, 2024

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

**RE: Notice of Non-Gaming Land Acquisition Applications (Case #40317 & 40447)
Shingle Springs Rancheria Band of Miwok Indians, Shingle Springs (Verona Tract)**

Dear Ms. Dutschke,

Thank you for the opportunity to comment on the two Notices of Non-Gaming Land Acquisition Application, received by the County of El Dorado on November 13, 2023, proposed for the Shingle Springs Rancheria Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California. We have also attached public comments received pertaining to the two applications. The two applications for land acquisition, as further identified below, includes land near the unincorporated town of Shingle Springs off U.S. Highway 50 within the geographic boundaries of the County of El Dorado. The parcels are to the west, northwest, south, and southwest of, and contiguous to, the Shingle Springs Rancheria. The proposed land use for parcels for the separate applications is described as follows:

- A. Case #40317 – identified as Assessor’s Parcel Numbers 319-110-013 (Detwiler), 319-030-054 (Sommers), 319-081-006 (McNamee), 319-081-031 (Lucy), 319-030-052 (Lazenby), 319-020-031 (Donovan), 319-030-021 (Irwin), 319-030-030 (Whitney), 319-081-017 (Pettibone), and 319-081-018 (Armas), approximating 81.718 acres, is to provide additional housing for tribal members for all parcels except the Pettibone and Armas parcels, totaling 16.02 acres, which are proposed to be used for an Event Center;
- B. Case #40447 – identified as Assessor’s Parcel Numbers 319-020-028 (Erickson), 319-110-009 (Sayles), 319-110-014 (Renfro), 319-110-018 (Renfro 2), 319-110-019 (Renfro 3), 319-210-016 (Fong), 319-030-012 (Pirrello), 319-030-020 (Pirrello 2), 319-030-019

(Martin), 319-020-014 (Smith), and 319-020-027 (Bilotta), approximating 107.305 acres, is to provide additional housing for tribal members.

The purpose of this letter is to assist the Bureau of Indian Affairs in its assessment of the impact of the removal of the subject parcels of land from the tax rolls and potential impacts to the County of El Dorado. Based on responses from our County departments, we have compiled responses to the questions in the above-referenced Notices below. One note that the County wants to make on the acreage of the parcels is that the Notice for Case #40317 states the parcels approximate 81.718, however, County databases show the parcels total approximately 81.16 acres and the Notice for Case #40447 states the parcels approximate 107.305, however, County databases show the parcels total approximately 143.52 acres.

Question (1): *If known, the annual amount of property taxes currently levied on the subject property allocated to your organization.*

- A. Case #40317 – The total assessed value of the parcels in 2023 is \$6,900,010. The property tax that would be collected based off of the 2023 assessed value is \$69,000 and approximately \$26,000 of that would be allocated to the County prior to ERAF calculations and other adjustments. However, if the parcels that are proposed for housing and an event center are developed, the assessed value could be higher than it is currently and therefore the property taxes levied would be higher.
- B. Case #40447 – The total assessed value of the parcels in 2023 is \$4,792,559. The property tax that would be collected based off of the 2023 assessed value is \$47,926 and approximately \$19,000 of that would be allocated to the County prior to ERAF calculations and other adjustments. However, if the parcels that are vacant and undeveloped are developed for housing, the assessed value would be higher than it is currently and therefore the property taxes levied would be higher.

Question (2): *Any special assessments, and amounts thereof, that are currently assessed against the property in support of your organization.*

- A. Case #40317 – There are three separate flat rate fees and one special tax assessed on the parcels in the total amount of \$600.
- B. Case #40447 – There are no special assessments assessed against the parcels since they are vacant and undeveloped, however, if the parcels are developed, they would generate \$660 additional in fees and special tax that the County would forego if the parcels are placed in trust.

Question (3): *Any government services that are currently provided to the property by your organization.* County services provided to the parcels identified in both applications include but are not limited to law enforcement services, road maintenance on Green Valley Road, health/ambulance services, and various land use services. Some Tribal resources do exist,

however, to meet the needs of these parcels if placed into trust, including Tribal public safety and the Tribal Health and Wellness Center. Per the Sheriff's Office, "These properties and their reported uses could impact the El Dorado County Sheriff's Office by increasing the service calls to this area and therefore the possible need to staff additional deputies and purchase additional equipment to provide the level of service that our community deserves. With the addition of the Redhawk Casino, we saw a significant rise in calls for service which did require hiring additional deputies to staff. Adding an event center/venue to the casino would most likely require additional personnel to handle the call volume. Adding additional homes would also increase service calls but to a lesser extent than the event center. There is limited information available about the specific plans, so the description of the need is general in nature."

Question (4): *If subject to zoning, how the intended use is consistent, or inconsistent, with current zoning.*

- A. Case #40317 – The current zoning of the parcels in this application is Residential, Estate with minimum lot sizes of 5 or 10 acres. The proposed use of all but two parcels for tribal housing is consistent with the residential zoning and the low-density residential land use as long as lot sizes for the residences are a minimum of 5 or 10 acres. Existing conditions indicate that there are currently single-family dwelling units on all parcels. The application indicates that the residences will continue to be used for tribal member housing for all but two parcels and the County does not oppose the stated use of the parcels for tribal member housing. However, the proposed use of the Pettibone and Armas parcels for an event center is wholly inconsistent with the current zoning. Indoor entertainment is an allowed use within Commercial and Recreational zone districts, not within Residential zone districts. The County is not supportive of the use of residential parcels for economic development.
- B. Case #40447 – The current zoning of the parcels in this application is Residential, Estate with minimum lot sizes of 5 or 10 acres. The proposed use of the parcels for tribal housing is consistent with the residential zoning and the low-density residential land use as long as lot sizes for the residences are a minimum of 5 or 10 acres. Existing conditions indicate that the parcels are vacant and undeveloped and the application states that the parcels are to be used for tribal member housing. The County does not oppose the application with the stated use of the parcels for tribal member housing.

The County of El Dorado, ultimately, is supportive of the use of the subject parcels for tribal housing that is consistent with the existing zoning due to the current need within the tribal community. The County would like to see a commitment from the Tribe that the parcels intended for tribal housing, if placed into trust, would remain designated as tribal member housing as stated in the application and for the Tribe to provide notification and outreach to the surrounding neighborhood of proposed development on the parcels as part of its Good Neighbor Policy. It is important that the development of parcels for housing maintains compatibility with the residential character of the area surrounding the Rancheria lands. If the Tribe has the need to use the parcels for anything other than tribal housing, the County would like to engage in open

and transparent conversations with the Tribe to determine what impacts the changes in use may have to the County services provided and how the Tribe and the County could work together to mitigate those impacts. It is important to note, the parcels in the two applications are currently accessed through private, gated roads that are maintained by a private road association, North Buckeye Rancheros Owners Association (NBROA). Placing these parcels into trust would reduce the revenues available to the NBROA for road and culvert maintenance.

With respect to the event center proposed use for the Pettibone and Armas parcels, the County cannot be supportive of the incompatible use of residential parcels. An alternative that the County would support is that if the event center was developed on the existing Casino parcel or if the Tribe would engage the neighbors in exploring the use of the 40-acre parcel that was previously Bureau of Land Management property in order to minimize the impacts to the residential neighbors. The County would like a commitment from the Tribe that no matter where the event center is developed, ingress and egress to the event center is restricted to the Casino's current ingress and egress via Highway 50. It is of the utmost importance that the residential roads near the Casino are not used for commercial activity.

The County does have concerns about the Fee-to-Trust process and how the nearby residents and general public are not notified nor engaged in the process. As shown in the public comments attached to this letter, there are possible negative impacts to surrounding neighbors and communities when lands are placed into trust and no longer subject to County zoning, community standards, and/or participation in private road associations. Engaging the neighboring residents and general public would allow for open and direct communication between the BIA, the Tribe, and the public which would prevent the creation of an adversarial environment. The County would like to see outreach to the neighboring communities be a part of the process for the Bureau of Indian Affairs and the Tribe to ensure open communication and the development of goodwill between the Tribe and neighboring residents. A great example of the collaboration between the Tribe and neighbors surrounding the Tribe's land was the gas station project. Tribal leaders engaged and sought feedback from the local residents through multiple meetings to receive input on the project.

As we said in our previous comment letter, the County and the Tribe have formed a collaborative relationship over the past few years and the County is committed to continuing the relationship into the future. It is important to the County to ensure safe, healthy, and vibrant communities, while respecting the Tribe's sovereignty and identity. The County of El Dorado Board of Supervisors thanks you for your consideration of our comments. Should you have any questions regarding these comments, please contact Alison Winter, Principal Management Analyst, at (530) 621-6765 or alison.winter@edcgov.us.

Sincerely,

Wendy Thomas, Chair

Ms. Amy Dutschke
December 12, 2023
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Board of Supervisors
County of El Dorado

cc: Regina Cuellar, Chairwoman, Shingle Springs Band of Miwok Indians

Enclosure:
Public Comments received by the County of El Dorado Board of Supervisors