

North Fork tribe gets court OK to build casino along Highway 99

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WASHINGTON - A federal judge on Tuesday rejected what she termed a “scorched earth” and wide-ranging legal challenge to the North Fork Rancheria’s proposed casino just north of Madera city limits.

In a [sprawling 170-page decision](#), U.S. District Judge Beryl Howell dismissed an array of arguments raised by casino opponents who have been fighting the controversial project for years.

“While the plaintiffs’ many concerns about the impending casino development are understandable, the law is not on their side,” Howell wrote.

Howell’s decision, unless appealed, clears a key hurdle to construction of a project that, in the judge’s summary, could include up to “2,500 gaming devices, six bars, three restaurants, a five-tenant food court, a 200- room hotel tower, and 4,500 parking spaces on a 305.49-acre parcel of land” adjacent to Highway 99.

“The casino will undoubtedly have a significant impact on the people and the land in that county, with the hope that it will benefit economically the Indian tribe undertaking its development,” Howell stated.

“To meet its need for economic development, self-sufficiency, and self-governance, and to provide its quickly growing tribal citizen population with employment, educational opportunities and critically needed social services, the North Fork Tribe has sought to construct and operate a gaming establishment on the Madera Site.” Judge Beryl A. Howell.

The North Fork Rancheria’s tribal headquarters is in the foothills about 36 miles east of the Madera County site purchased for development of the casino.

The project’s opponents include an organization called [Stand Up for California!](#), several Madera-area church-related groups and the Picayune Rancheria of the Chukchansi Indians, whose members own the Chukchansi Gold Resort and Casino on reservation lands about 30 miles from the Madera County site.

They challenged multiple federal decisions, going back to the Interior Department’s September 2011 approval of the North Fork Rancheria’s proposal to conduct gaming operations at the Madera County site.

“To stop the casino from coming to fruition, they have initiated both state and federal litigation as well as statewide political efforts over the last seven-plus years, setting, in their own words, ‘high legal and political hurdles,’ ” Howell noted.

A former federal prosecutor, appointed to the bench by President Barack Obama, Howell currently serves as chief judge of the U.S. District Court for the District of Columbia. The legal challenges she dismissed Tuesday were initially filed in 2012.

The underlying casino controversy, though, goes back many more years, with the North Fork Rancheria formally applying in 2005 to have the Madera County land taken into trust by the Interior Department.

Underscoring the intense passions surrounding the casino proposal, on both sides, the Interior Department counted 101 speakers at a public hearing held in March 2008.

In the years since, a highly complicated sequence of legal, political and bureaucratic events have transpired. Most recently, in July, [the Interior Department](#) announced approval of a federal gaming compact with the tribe.

The multi-pronged lawsuit dismissed Tuesday was one of the biggest obstacles to the project proposed for construction about seven miles north of the [city of Madera](#).

Citing the “historical record,” which includes a treaty completed in 1851, Howell rejected the Picayune tribe’s argument that the North Fork Rancheria of Mono Indians lacked any historical connection to the Madera County site.

Howell likewise upheld as reasonable the Interior Department’s conclusion that any “negative impacts” from casino construction “would not be, overall, detrimental to the surrounding community.”

A North Fork Rancheria spokesman did not reply immediately to a request for comment.

Read more here: <http://www.fresnobee.com/news/local/article100238737.html>