

Down ticket primary races take shape in Nev.

By Megan Messerly, Las Vegas Sun

If the success of Donald Trump and Bernie Sanders is any indication, this could be the year of the outsider in American politics. But will the anti-establishment sentiment that has fueled their campaigns trickle down to statewide and local elections in Nevada?

That's one of several key questions that will be answered in the run up to the June 14 primary election. Early voting kicked off Saturday, with a number of offices from school boards to Congress hanging in limbo.

The Nevada primary also is expected to be a reckoning over a \$1.4 billion tax package passed by the 2015 Legislature, and some incumbent Republicans already have been fighting to justify their votes in favor. To top it off, the outcome likely will be decided by a fraction of Nevada's electorate; historically poor turnout is expected, so a small number of votes could mean the difference between a candidate's victory or loss.

Read the whole story

Caesars offers to contribute \$4B as part of unit's

bankruptcy plan

By Tracy Rucinski, Reuters

CHICAGO — Caesars Entertainment Corp. has offered \$4 billion in a new plan to help its casino operating unit emerge from Chapter 11 bankruptcy, a lawyer for the unit told a U.S. Bankruptcy judge earlier this month.

Under the new plan, creditors will receive a bigger payout than under an initial framework restructuring agreement, which included a contribution from the Caesars Entertainment parent worth \$1.5 billion.

The initial agreement was widely opposed by creditors of the bankrupt unit, who are collectively owed \$18.4 billion.

Caesars is the parent company of Harrah's and Harveys at Stateline.

Read the whole story

EDC, residents at odds with West Slope tribe



A motocross track went in on tribal land where housing was supposed to go. Photo/Provided

By Joann Eisenbrandt

PLACERVILLE – In early April, the Shingle Springs Rancheria Band of Miwok Indians presented two applications to the Bureau of Indian Affairs to have fee-simple lands that they had purchased put into trust with the federal government. Together, these parcels total just more than 35 acres and are adjacent to or in close proximity to the existing Shingle Springs Rancheria.

Once lands are put into trust, they fall under the tribe's sovereign status. The federal government holds legal title to trust lands, but the tribe holds the right to occupy the land, called "beneficial ownership." The land is under tribal jurisdiction and is exempt from state and local taxes and removed from state and local land use regulations. It is this lack of control that has county residents, especially those living in close proximity to the tribe's trust lands, speaking

out in protest.

“So what about the rights of non-Native Americans who have worked hard and saved for many years to buy land in this county ... the tribe has stated on numerous occasions that they want to be good neighbors, but their actions prove otherwise. What this tribe has done (and plans to do in the future) with their fee-to-trust land severely devalues all neighboring property owner’s investments. The Shingle Springs Tribe has demonstrated that they are unwilling to be good neighbors and that they lack consideration for the health and welfare of the surrounding community.”

– David, Thelma and Matthew White, Joan Fasnacht, Beverly Weston, and Mary West; written comments submitted for the May 24, 2016, El Dorado County Board of Supervisors meeting

The fee-to-trust process

The Indian Reorganization Act of 1934 gave the secretary of the Interior the discretion to acquire trust title to land on behalf of federally recognized Indian tribes. Factors considered in approving fee-to-trust requests include the tribe’s need for the land, the purpose for which it will be used, impacts on the state or county resulting from the removal of the land from the tax rolls, jurisdictional problems and potential conflicts of land use it may cause and its distance from the tribe’s reservation.

Depending on the type of land, its current and future uses, and whether or not federal funds will be used in its development, preparation of environmental documentation under the National Environmental Policy Act (NEPA) may be required. Public entities such as El Dorado County can comment on fee-to-trust requests and federal environmental documents, but they cannot approve or deny them. An administrative appeal may be made to the Bureau of Indian Affairs’ decision to accept lands into trust and if denied, a judicial appeal can be made

to the appropriate federal court.

Current and past concerns

At its May 24 meeting, the Board of Supervisors approved a letter to the Bureau of Indian Affairs (BIA) regarding the impacts the tribe's two current fee-to-trust applications would have on the county and its residents. The board requested an extension of the 30-day comment period in April and was given until May 30 to respond.

The tribe's applications say the lands will be used for tribal housing. The county is concerned that the planned density on one of the residential parcels will be higher than that of surrounding non-Indian parcels. It also worries about the loss of county revenue when all the parcels are removed from the tax rolls as well as loss of future traffic impact mitigation (TIM) fees when they are developed, and the increased service needs and impacts on county roads they will create.

This is not the first time the tribe has had "off-reservation" lands they purchased put into trust. In 2002, nine parcels totaling approximately 104 acres were requested to be put into trust. In that application, the tribe told the BIA that it "intends to use the new trust land for the construction of 1) a much-needed clinic facility for the Shingle Springs Tribal Health Program; and 2) single family tribal housing."

This is not what happened.

The county pointed this out in its May 24 letter.

"Several years after the Department of the Interior accepted the parcels into trust," it says, "the tribe proposed new and decidedly different uses for the parcels. Instead of a health clinic and tribal housing, the tribe proposed to use the parcels for a public shooting range consisting of 29 lanes and a gas station/convenience store."

The shooting range was later downsized and limited to use by tribal members but the land originally targeted for the health clinic has been used for motocross events. Tribal housing was never built and the clinic was constructed on existing Rancheria land instead.

The area surrounding all of these parcels is a rural residential area, and residents have continued to express their concerns about the impacts on their way of life—impacts they cannot control.

In written comments for the May 24 board meeting, Ellen Van Dyke of Rural Communities United echoed the concerns of many area residents. “Being ‘sovereign’ should not mean one has the right to make neighbors fear for their safety, or destroy the quality of life of others. Yet this is exactly what has occurred utilizing bait-and-switch tactics, swapping anticipated beneficial land uses for severely incompatible ones on the existing trust land. Please do not reward bad behavior by approving this application to expand that sovereignty and its abuse.”

Speaking at that same meeting, Carol Louis of the El Dorado Council told the board, “We’ve investigated this tribe and their legitimacy. It has not been a good neighbor policy. They have done everything to undermine the community surrounding them and we expect them to continue that.” Louis asked the board to strengthen their letter to the BIA or even ask for denial of the tribe’s request.

As she later told *Lake Tahoe News*, “I’m concerned. The fee to trust process is broken. We have sent the BIA our response to the trust applications. We are also asking the secretary of the Interior to rescind the approval of the tribe’s earlier applications to put the land on the south side of Highway 50 along Shingle Springs Drive into trust.”

Formed in the early 1990s to inform residents about county

issues, the EDC is focusing now on the Shingle Springs Rancheria. They believe that "off-reservation lands" should not be allowed to go into trust, but should be subject to the same rules and regulations as lands owned by non-Indians.

The board asked the BIA, "In order to avoid future impacts, the county requests that subject parcels be developed as proposed but not acquired to include in tribal trust. If the parcels are accepted into trust, such acceptance could be conditioned upon the parcels being used for residential purposes only as depicted in the environmental assessment for a period of at least 20 years and if the use is to be changed the tribe must comply with county land use regulations for the development of the parcels.

"An additional request of El Dorado County is to require the payment of any and all fees related to development of the subject parcels to help defray the revenues lost by the county through removal of the parcels from the county's jurisdiction."

The question of changing land uses

While the BIA considers a tribe's need for land and the uses they propose for it, the process is not exhaustive nor the criteria very specific. The standards say the land must be necessary to facilitate tribal self-determination, economic development or Indian housing. Proposing a certain use in its application does not restrict a tribe from changing that use once land has been accepted into trust. As Chad Broussard, environmental protection specialist at the BIA's Pacific Regional Office in Sacramento told *Lake Tahoe News*, "The fee-to-trust process is not a development project; it is the creation of 'Indian lands,' and its focus is jurisdictional." If required, subsequent development of trust lands goes through the NEPA process.

Lori Parlin of the Shingle Springs Community Alliance, shared

Louis' concerns that the board's letter did not "paint a clear enough picture for the BIA of what is happening on the ground ... of how the tribe's current trust parcels are impacting the neighborhood." After discussion, District 1 Supervisor and Board Chairman Ron Mikulaco appointed an ad hoc committee consisting of Supervisors Michael Ranalli and Shiva Frentzen to review the county's letter and make any needed changes. The revised letter sent to the BIA included a number of the suggested changes made by the public and the board.

According to Arvada Wolfin, BIA realty specialist in Sacramento, all comments submitted regarding the tribe's applications would be reviewed. This can take from 30 to 60 days and then the BIA decides to go forward with the process, deny the applications or return them to the tribe for additional information or changes. A notice of decision is then published and a 30-day review period follows. It usually takes at least two years, sometimes longer, after approval for the lands to be finally received into trust.

The changing county and tribe relationship

The other issue in the mix is the county's current memorandum of understanding with the tribe. At the end of the May 24 meeting, District 3 Supervisor Brian Veerkamp cautioned the board to be sure to "keep in mind the MOU we currently have with the tribe because that is legally-binding document. "

The MOU that Veerkamp alluded to only came at the end of a twisting road. In 1999, the tribe entered into a compact with California and received approval from the National Indian Gaming Commission to operate a gaming facility. Because the tribe's Rancheria was landlocked, an overpass to Highway 50 had to be constructed before a casino could be built. In a 2003 position statement on the Shingle Springs casino, the county said it would "degrade the quality of life in El Dorado County in so many ways ... this is a planning nightmare—no rational planner and no sensible public official would ever

approve a commercial project of this magnitude in an area zoned for rural residences.”

The county filed a lawsuit challenging the state’s environmental analysis under CEQA (California Environmental Quality Act) of the impacts of the Highway 50 interchange on traffic. It also challenged the lawfulness of the recognition of the tribe by the BIA. “Under federal law, gaming is only permitted by a federally recognized ‘Indian tribe’ and only on ‘Indian lands,’ that is, land held in trust for an Indian tribe,” the board said in 2003. “Records from the Bureau of Indian Affairs disclose that the two unrelated groups of Indians from Sutter and Sacramento counties, jointly referred to at that time as the ‘Sacramento-Verona Band of Homeless Indians’ for administrative convenience, never functioned historically as a tribe, never had any historic relationship with El Dorado County, and were never formally or properly ‘recognized’ by the federal government as an ‘Indian tribe.’ “

Despite these comments, in September 2006, the county entered into an MOU with the Tribe to settle the litigation. In that MOU, the Tribe asserted their legitimacy and their right to the land they occupy. “Shingle Springs Band of Miwok Indians is a federally-recognized Indian tribe, which is the beneficiary of trust land that is owned by the United States, entitled Shingle Springs Rancheria and located within the geographical boundaries of the county of El Dorado.”

The county agreed to dismiss their federal recognition lawsuit and assist the tribe in winning the CEQA Highway 50 interchange lawsuit against the remaining private petitioner. In return, the tribe agreed to pay the county \$5.2 million annually for 20 years to mitigate the anticipated impacts of the casino. The tribe further agreed to fund construction of a portion of a programmed HOV (high occupancy vehicle) project for Highway 50 from Bass Lake Road to South Shingle/Ponderosa Road. The interchange was subsequently constructed and Red Hawk Casino opened in December 2008.

In 2012, the MOU with the tribe was revised. Instead of using the tribe's payments specifically for HOV lanes, the county would now be able to use the \$5.2 million annual payment for "public improvements," including road improvements and maintenance on a revised map covering a broader area from Cameron Park up to Placerville. The county also agreed to pay the tribe an annual payment of \$2.6 million a year beginning in December 2017, to be applied to the health programs at the tribal health clinic since it serves tribal members and non-Indians.

Concerns have been expressed that the county is putting money ahead of the welfare of its residents. "It's about the people, their quality of life and how they are being impacted," Parlin told *Lake Tahoe News*. "The county tax dollars and MOU dollars should not be No. 1. It should be public safety and the quality of life."

Status of the gas station complex

The final disposition of the tribe's current fee-to-trust applications will take time. The gas station and commercial complex proposed for the southeast corner of Shingle Springs Drive and Highway 50 on land the tribe already holds in trust is currently moving through the environmental review process. The tribe prepared an environmental assessment under NEPA. The comment period for the EA closes June 8. After review of all comments, the BIA will either make a finding of no significant environmental impacts, or a finding that there are impacts that can't be fully mitigated. In the second case, a more comprehensive environmental impact statement will be required.

Residents in the area of this project remain upset and frustrated. A September 2015 letter included in a packet of information the El Dorado Council sent to the BIA, local, state and federal agencies, says, "Our elected officials have a moral obligation to stand up and fight for what its community wants and needs. Our community does not need a

commercial truck stop in a residential neighborhood, next to two elementary schools and a church. Our community doesn't need a 29 lane gun range aimed at our back yards while school children are at recess. We expect and need our elected officials to state in a public forum that this is wrong. Some residents have expressed their view that the tribe is trying to pressure them into selling their land in what they term a tribal land grab."

The county doesn't have a say in the NEPA process but it can conduct a limited CEQA review of the proposed road encroachments needed for access from the gas station complex onto Shingle Springs Drive, and for water, sewer, utilities and storm drain improvements that are in the public right-of-way. It has prepared an initial study and just issued a mitigated negative declaration, saying in effect that any impacts found can be mitigated to less than significant. The 30-day comment period for this document began on May 28 and it will come before the Board of Supervisors on June 28.

The larger issue

The issue of federally recognized tribes putting lands into trust is not just an El Dorado County or California issue. It has raised concerns nationwide. Sen. John Barrasso of Wyoming, chairman of the Select Committee on Indian Affairs, introduced a bill to address what he sees as the ongoing problems with the Department of the Interior's existing fee-to-trust land acquisition process.

Rural County Representatives of California (RCRC), an association of 34 rural California counties which work together on a variety of issues, including land use, has been involved in this issue. California has 100 federally-recognized Indian tribes, and many of them are located in RCRC representatives' counties. El Dorado County's representative to RCRC is Supervisor Ranalli. The trust lands in question are in his district. *Lake Tahoe News* made repeated attempts to

contact Ranalli on this issue, but he did not respond.

In an Aug. 27, 2015, letter to Barrasso, the RCRC said, "The existing fee-to-trust process is opaque, cumbersome, lengthy, and uncertain for all parties involved. More than one-quarter of the Tribes in California have applied for fee-to-trust lands within the past four years. These applications comprise 10,314 acres of land, approximately equal to the number of acres taken into trust in California in the previous 10 years. During that period, 100 percent of the fee-to-trust applications were approved by the Bureau of Indian Affairs. We recommend that land use be a required element of an application and that relevant mitigation be legally enforceable. Any change in land use, particularly in cases where there is no cooperative agreement, must be subject to review by the public and contiguous jurisdictions, otherwise, there is no accountability in the process at all."

Truckee youth accused of setting 2 fires

An 11-year-old is accused of setting two fires in Truckee.

On May 29 at about 7:35pm Truckee Fire, CalFire and U.S. Forest Service units responded to a small brush fire in the area of the Henness Flats apartments off Henness Road in Truckee. Firefighters were able to knock down the fire before it spread to any structures. Winds were light, but they pushed the fire in several directions, allowing it to spread rapidly.

USFS arson investigators quickly determined it was an intentionally set fire.

Truckee police officers and an arson investigator with the Truckee Fire Protection District continued the investigation and identified an 11-year-old boy who they believe was responsible for intentionally setting the fire. The juvenile was not cooperative when originally interviewed, but did admit to setting another fire two days prior in the same area that was put out by a neighbor.

– Lake Tahoe News staff report

Calif. law would allow people to smash car windows to rescue pets

By Jeremy B. White, Sacramento Bee

By the time Sharie Lesniak finished her errand at the bank, the dog she had noticed waiting in a car on her way in had started panting and showing signs of distress.

So Lesniak called 911. Before the authorities arrived to free the animal, the owners showed up. They weren't pleased.

As the founder of mydogiscool.com, a website devoted to guarding against dogs overheating in cars, Lesniak was accustomed to explaining the law against endangering animals by leaving them in hot vehicles. She knew she could call the authorities.

But a new bill would give her another option, allowing Californians to smash car windows and break imperiled animals out of vehicles that are too hot or cold without facing a civil lawsuit.

Read the whole story

Smartphones could fuel Internet gambling

By Wayne Parry, AP

Internet gambling has tremendous growth potential in the United States as ever-greater percentages of the public use smartphones, participants in a major gambling conference said Wednesday.

At the East Coast Gaming Congress and iGaming Institute in Atlantic City, casino and online gambling executives said the online gambling market has shown encouraging growth, but is still a fraction of what it could be.

They also said nearly three years of experience has shown that Internet gambling is not cannibalizing their existing brick-and-mortar casinos, but rather bringing in new customers, many of whom then visit the physical casinos as well.

“We’re seeing huge growth in mobile phone and tablet play,” said Luisa Woods, executive director of Internet marketing for Atlantic City’s Tropicana casino. “And we’re seeing huge cross-flows between players who visit the casino and then go home and continue to play online.”

Internet gambling brought in \$160.7 million in 2015 in the three U.S. states that allow it. New Jersey is by far the largest market, at \$148 million. Delaware brought in \$1.8 million last year, and Nevada, which stopped reporting its

Internet winnings publicly, is estimated at about \$10 million in their poker-only market, said Eugene Johnson, senior vice president of Spectrum Gaming Group, an Atlantic City-area consulting firm.

The industry still needs to do a better job of marketing itself, many participants agreed. Itai Pazner, senior vice president of 888 Holdings, said when customs questioned him at Newark Liberty International Airport on his way to the conference, he told them he works for an Internet gambling company.

"Is that legal in New Jersey?" the agent asked Pazner.

"A lot of people are confused," he told the conference at Harrah's Waterfront Conference Center. "They don't know if it's legal, if it's illegal, if it's good, if it's bad. We need to educate people."

There was no mention at the conference of perhaps the greatest threat to the fledgling Internet gambling industry: the avowed opposition to it from casino billionaire Sheldon Adelson, who has promised to spend as much as it takes to enact a legislative ban on it in the United States.

Another major challenge is getting additional states to approve Internet gambling. Because only three states now offer it, the prize pools for online poker are small, and that is holding the industry back, participants agreed.

"Poker without enough liquidity isn't viable," Pazner said. "The markets are still relatively small. The U.S. needs more states (to legalize Internet gambling) and we need them urgently."

He said Europe has more readily embraced Internet gambling, adding, "There is huge potential growth on both sides of the ocean."

George Rover, deputy director of New Jersey's Division of Gambling Enforcement, said unlicensed offshore sites still pose a major problem for legal Internet gambling sites by siphoning away customers and revenue to unregulated sites with no customer protections.

He said the state has been formulating plans to deal with such sites, promising a development on the issue soon.

Thomas Winter, vice president of Internet gambling for the Golden Nugget casino in Atlantic City, said his casino has seen good growth across its Internet platforms. But he said some customers still need to be assured of the integrity of Internet gambling.

Hiring hurdle: Finding workers who can pass a drug test

By Jackie Calmes, New York Times

SAVANNAH, Ga. — A few years back, the heavy-equipment manufacturer JCB held a job fair in the glass foyer of its sprawling headquarters near here, but when a throng of prospective employees learned the next step would be drug testing, an alarming thing happened: About half of them left.

That story still circulates within the business community of this historic port city. But the problem has gotten worse.

All over the country are struggling to find workers who can pass a pre-employment drug test.

That hurdle partly stems from the growing ubiquity of drug testing, at corporations with big human resources departments, in industries like trucking where testing is mandated by federal law for safety reasons, and increasingly at smaller companies.

But data suggest employers' difficulties also reflect an increase in the use of drugs, especially marijuana – employers' main gripe – and also heroin and other opioid drugs much in the news.

Read the whole story

Study: Antidepressants aren't just for depression

By Melissa Healy, Los Angeles Times

Antidepressants didn't get to be the third-most commonly prescribed medication in the United States for nothing. In fact, says a new study, the medications taken by more than 10 percent of American adults may be so ubiquitous because they are used to do so much.

Depression medication, a study suggests, has become a “do something” drug for primary care physicians to offer when a patient's complaints may only be vaguely related to depression.

In a study reported in the Journal of the American Medical Association on Tuesday, researchers reported that close to three in 10 antidepressant prescriptions written between 2006 and 2015 by general practitioners in Quebec, Canada, were for

conditions for which the medications have not been approved by the U.S. Food & Drug Administration.

Read the whole story

Nev. top court to hear school choice challenge

By Trevon Milliard, Reno Gazette-Journal

The Nevada Supreme Court has scheduled a hearing for the last remaining challenge to Nevada's new school choice program, putting a decision within sight for the 6,000 students seeking payment for private school.

The hearing, tentatively scheduled for July 8, will allow both sides to present their cases to the Nevada Supreme Court at the Regional Justice Center in Las Vegas at 10am. The state is defending its new school choice program against a group of seven parents who claim it's unconstitutional.

The court could issue its ruling as soon as a week after the hearing. A favorable ruling for the state would lift a court-ordered injunction and allow Nevada to start funding students' education savings accounts for next school year.

Read the whole story

Sandoval's energy task force works on renewables

By Daniel Rothberg, Las Vegas Sun

For Nevada's energy sector, the legislative session started early.

Representatives from the energy industry and lawmakers on an energy task force Thursday recommended several pieces of legislation that ranged from eliminating outdated statutes to grandfathering pre-2016 rooftop solar customers under prior rates. It asked the governor to reconsider the way regulators plan for the future. And it sought to give regulators more leeway in how NV Energy is incentivized.

These were some of the ideas that the New Energy Industry Task Force asked Gov. Brian Sandoval to consider in the next two months, as he mulls over what proposals he wants to forward to the Legislature.

Yet on several systemic issues, the task force punted.

Read the whole story