



FORT SILL APACHE

NEW MEXICO

TRIBAL HISTORY

June 28, 2022



TRIBAL HISTORY

The Fort Sill Apache Tribe is a Federally Recognized Native American Tribe and is the legal successor interest to the Chiricahua and Warm Springs Apache's who once lived in southwestern New Mexico, southeastern Arizona, and northern Mexico.



- The southwestern New Mexico Apaches lived in various related groups referred to by the Europeans as the Mogollon, Mimbres, Copper Mine, Gila, Warm Springs and Chiricahua Apache.
- Soon after New Mexico became a territory of the United States, a treaty was entered into in 1852 with the Apaches in Santa Fe. Both parties agreed to treat each party peacefully and to trade with each other.
- The United States agreed to designate, settle and adjust the Apaches' territorial boundaries.

- Due to continued encroachment into the Apaches' territory, hostilities continued to occur in Arizona and New Mexico.
- These bloody conflicts were brought to a close when the last Chiricahua Apache group lead by Geronimo surrendered to U.S. Army troops and Apache scouts in 1886.



Chief Chihuahua



Geronimo



Chief Mangus
(Photograph of Chief Mangus son)



Chief Zele
(with his wife Tsistone)



Chief Loco

- As a final solution to the “Apache Problem,” all of the Tribe’s men, women, and children (hostiles and non-hostile, including the Army scouts) were removed from the southwest and sent to Fort Pickens and Fort Marion in Florida and later transferred to the Mount Vernon Barracks in Alabama as prisoners of war.



Prisoners of War held at Fort Marion, in Saint Augustine, Florida



Fort Marion, Florida

In 1894, after years of population losses due to sickness and illness, the Apache Prisoners of War were transferred to a more temperate climate at Fort Sill Military Reservation in Oklahoma and held as Prisoners of War until their release in 1914.



Captives at Fort Bowie Arizona



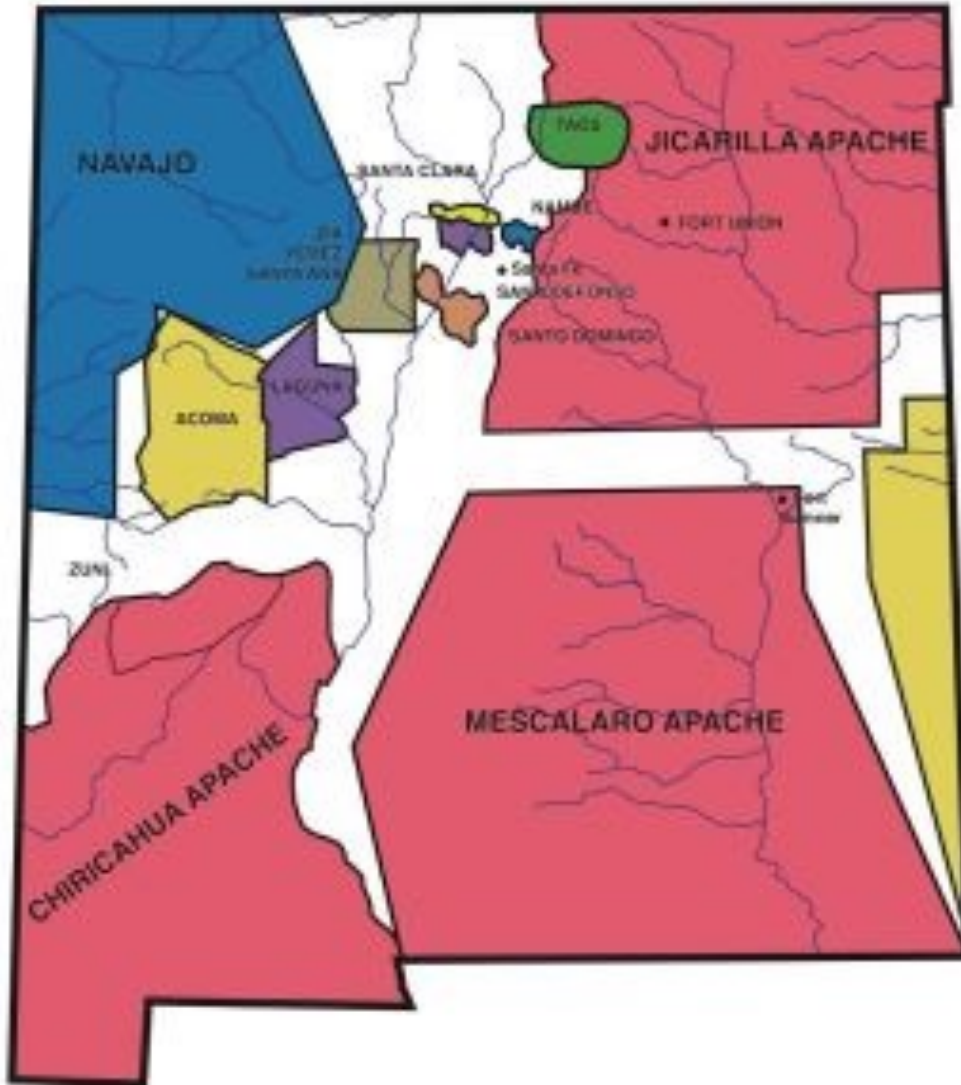
September 1886, reservation people being shipped away as prisoners



- The Federal Government would renege on its commitment to return the Apaches to their aboriginal homeland within two years of their surrender.
- Eventually, 163 of the former Apache prisoners of war were transferred to the Mescalero Apache Reservation and became members of that Tribe.
- The remaining Apache prisoners of war who choose not to join the Mescalero Tribe, were released onto allotments within the former Kiowa, Comanche and Apache (KCA) Reservation and became the Fort Sill Apache Tribe.

LEGAL CLAIMS

- Since being forcibly removed from their tribal homelands in Southwestern New Mexico, the Fort Sill Apache Tribe (the Tribe) has continually sought, to return.
- Initial claims were filed before the Indian Claims Commission (ICC) in 1949 and the Tribe received formal recognition in 1976.
- The ICC determined that the Tribe was the legal successor to the Apaches who had previously occupied 14,806,387 acres of land in New Mexico and Arizona.



- Map of Indian Claims Commission settled lands
- The Tribe's territory is in the lower lefthand corner



In an agreement with the Tribe in 2007, the Federal Government agreed to the following facts relating to the Tribe's land and connection to its lands in New Mexico:

- The Tribe is a successor-in-interest to the Chiricahua and Warm Springs Apache Tribes
- The United States holds land in trust for the Tribe in New Mexico
- The United States once maintained a government-to-government relationship with the Chiricahua and Warm Springs Apache Tribes
- The Tribe was formally recognized on or about August 16, 1976
- The Tribe has no reservation within the State of Oklahoma as defined by the Secretary of Interior pursuant to 25 U.S.C. § 467
- The Tribe's trust land in New Mexico is located within its former aboriginal and/or Indian Title lands
- The United States agrees to accept and timely process a reservation proclamation on land currently held in trust for the Tribe in Luna County, New Mexico

MODERN NEW MEXICO HISTORY

- In 1998, the Tribe identified a 30-acre parcel located at Akela Flats in Luna County that the Tribe purchased and sought to have that land taken into trust pursuant to a two-part determination as outlined in Indian Gaming Regulatory Act (IGRA) 2719 (b)(1)(A).
- The 30-acre parcel was formerly taken into trust by the Federal Government on behalf of the Fort Sill Apache Tribe in 2002 and granted Reservation of the Fort Sill Apache Tribe in 2011.
- The Tribe has been involved in various legal challenges to a 2009 National Indian Gaming Commission NOV precluding the Tribe from operating a gaming facility on its Akela Flats Reservation.
- The case, which is pending in Federal Court in Washington, D.C., has been stayed pending the Tribe's Section 20 Application to have the land designated for gaming under the Indian Gaming Regulatory Act two-part approval (Governor and Secretary of the Interior) exception.



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FORT SILL SECTION 20 BRIEFING

June 28, 2022

WHY GAMING IS NOT OCCURRING ON THE AKELA FLATS LAND RIGHT NOW

- Congress placed a restriction in the Indian Gaming Regulatory Act (IGRA) to prohibit gaming on Land taken into trust after October 17, 1988.
- The Tribe's land was taken into trust in July 2002.
- IGRA provides several exceptions to October 1988 prohibition in Section 2719 of IGRA for newly recognized tribes; tribal lands located adjacent to or within a former or current reservations; **tribes restored to federal status; and tribes with land claim settlements.**
- Another exception is the Two-Part Process.

TWO-PART DETERMINATION

A tribe may conduct gaming on newly acquired lands under 25 U.S.C. § 2719(b)(1)(A) if:

- The Tribe asks the Secretary of the Interior to make a Secretarial Determination that the tribal gaming establishment is in the **best interest of the Tribe** and its members and **not detrimental to the surrounding community**;
- The Secretary (BIA) **consults with the Tribe and appropriate State and local officials**; conducts an **extensive environmental and socioeconomic review**;
- The Secretary then decides that a gaming establishment is in the **best interest of the Tribe** and its members and **would not be detrimental to the surrounding community**; and
- The Governor of the State in which the gaming establishment is located **concurs in the Secretary's Determination**

REQUIREMENTS FOR A TWO-PART DETERMINATION

- Requirements in 25 C.F.R. Part 292 Subpart C
- Comply with the National Environmental Policy Act (NEPA) 40 CFR, Chapter V, Subchapter A, Part 1500-1508
- Prepare an application that describes the proposed project and outlines impacts to the Tribe and the local community: i.e., jobs, revenue, taxes, crime, traffic, environmental, water, services
- A major part of this review involves consultation:
 1. request comments from the public and government agencies
 2. public scoping process

THE SCOPING PROCESS

- The early and open process for identifying actions, impacts, issues and alternatives that will be addressed in a NEPA document.
- Scoping requires the involvement of the public and governmental agencies.
- Part of the process includes a public meeting where public comments are provided for consideration and inclusion.
- Comments from the public and public agencies will assist in the preparation of the NEPA and Two-Part Application.

CURRENT STATUS

- The Tribe has met with the Governor of New Mexico to gauge support for project.
- The Tribe has met with the Assistant Secretary – Indian Affairs.
- The Tribe has made a formal request to the BIA Albuquerque Regional Office for a Two-Part consideration.
- The Tribe is working with the BIA to complete the Section 20 Application and NEPA review.



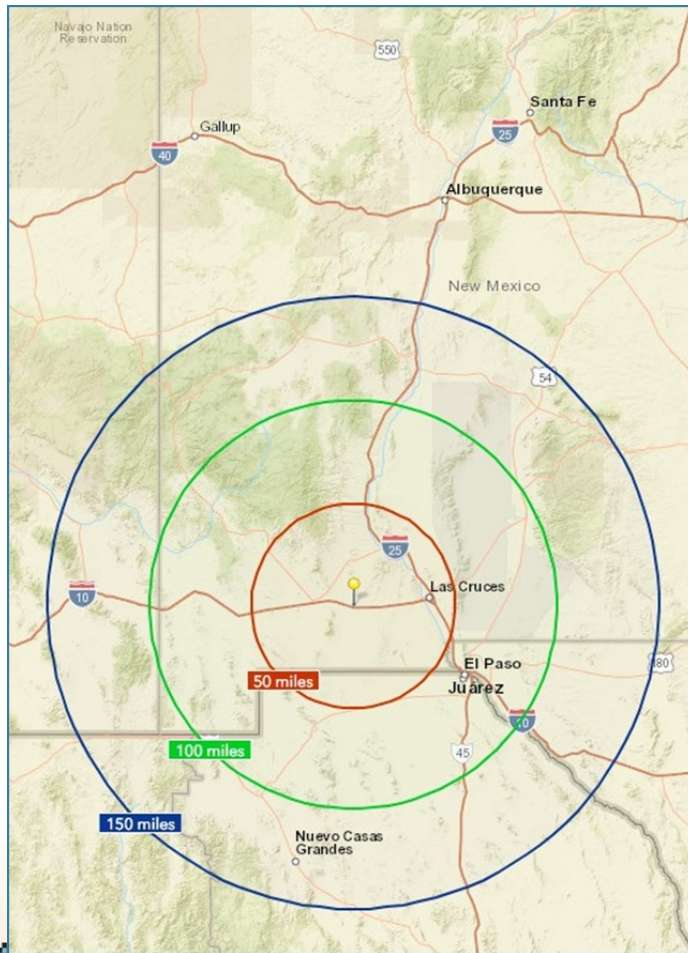
FORT SILL APACHE

NEW MEXICO

PROPOSED PROJECT AND IMPACTS

June 28, 2022

PROJECT LOCATION



- The Project location is in unincorporated Luna County, NM, adjacent to I-10 in the Akela area of the Apache Homelands.
- The closest sizable residential areas to this location are 20 miles west in Deming, and 37 miles east in Las Cruces. El Paso, Texas lies approximately 80 miles to the southeast.
- The Project site is approximately 250 miles southwest of Albuquerque, and 320 miles southwest of Santa Fe. To the west along I-10, the nearest major city is Tucson, Arizona, about 240 miles away.

MAP LOCATION





PROJECT DESCRIPTION

Thus, the Tribe's proposed project will consist of the following:

- The Tribe is currently constructing a 9,442sf Truck Stop, which will attach to the Tribe's existing 5,856sf facility
- The gaming facility will be located solely within the Tribe's existing 5,856sf building and will include approximately 80 to 100 Class II slot machine style games
- The project will include a minimum of 45 paved parking spaces for customer parking; over 50 RV/truck parking spaces and at least 40 additional spaces for support staff and overflow
- The gaming facility and other tribal governmental offices will employ between 20 to 40 Casino and Tribal governmental employees
- The Tribe will continue to sell cigarettes and alcohol in compliance with Tribal/State laws
- The project will include an enhancement of the Tribe's existing cultural center
- The project will include use of the existing well water and the Tribe is currently constructing a new wastewater treatment facility that is being engineered to recycle wastewater for irrigation and greywater
- The project will purchase natural gas and electricity from local utility companies. The Property will install and maintain onsite natural gas backup generators

PROJECTED MARKET

The Primary A Market (30-minute travel time) includes Deming, New Mexico. The Primary B Market (30 minutes to 1-hour travel time) includes the City of Las Cruces.

**Note - Primary A Market in the chart and graph below - Deming's population is decreasing year-over-year over the next three years. This market needs economic development based on the Environmental System Research Institute (ESRI)

The Secondary market (1- to 2-hour travel time) includes El Paso, Texas. Just across the USA/MEXICO border is Juarez, Mexico, which includes an estimated 1.5 million people. However, Mexican population is not counted in the market sizing due to border-crossing restrictions.

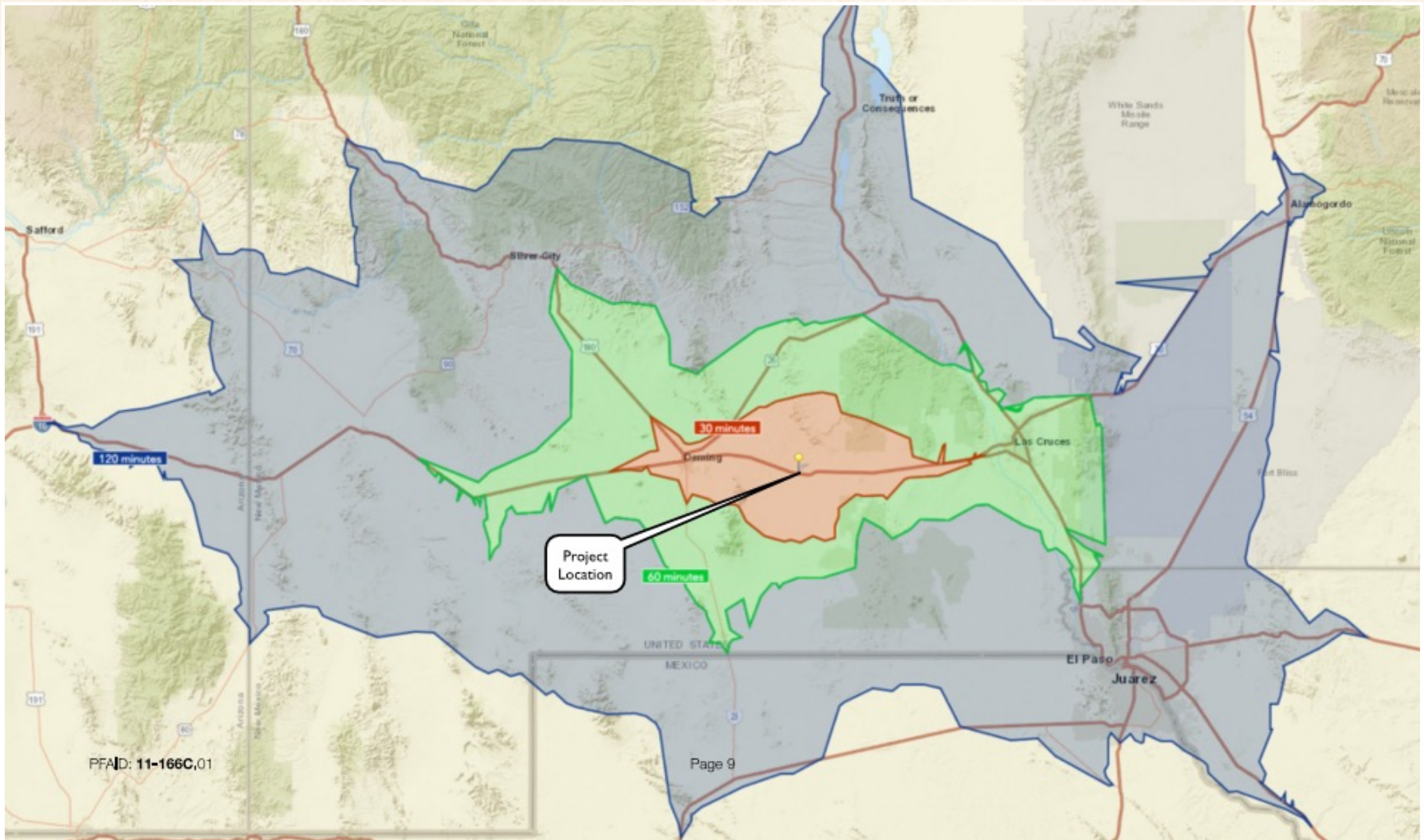
Source: Pro Forma Advisors

Summary of Resident Market

Source: ESH Business Analyst

Market	Distance (minutes)	2020	2025	CAGR	Key Cities
Primary		223,166	230,813	0.68%	
A	30	20,278	19,903	-0.37%	Deming
B	60	202,888	210,910	0.78%	Las Cruces
Secondary		1,007,877	1,045,795	0.74%	
Secondary	120	1,007,877	1,045,795	0.74%	El Paso, TX / Juarez, Mexico*
Total Resident		1,231,043	1,276,608	0.73%	

* Table includes U.S. population only



•Source: Pro Forma Advisors

Primary A Market - Red
Primary B Market - Green
Secondary Market - Blue

PROJECTED ECONOMIC IMPACTS

Chart based on Regional Input-Output Modeling System (RIMS)

RIMS – is the standard to show how One Dollar gets recycled throughout the economy

Direct Impact typically makes up 90% of total economic impact

Indirect Impact makes up around 10% of total economic impact

	Luna and Doña Ana Counties		State of New Mexico	
	Construction One-Time	Operations Annual	Construction One-Time	Operations Annual
Direct				
Output (\$000)	\$13.6	\$11.7	\$13.6	\$11.7
Wages (\$000)	\$7.5	\$2.0	\$7.5	\$2.0
Jobs	161	57	161	57
Indirect/Induced				
Output (\$000)	\$6.8	\$3.7	\$11.3	\$4.7
Wages (\$000)	\$3.1	\$1.0	\$4.4	\$1.4
Jobs	95	27	125	38
Total				
Output (\$000)	\$20.4	\$15.4	\$24.9	\$16.4
Wages (\$000)	\$10.6	\$2.9	\$11.9	\$3.4
Jobs	256	84	286	95

Note: Totals do not add due to rounding



• Economic Impact (Millions) Source: Pro Forma Advisors

www.FortSillApacheNewMexico.com

SUMMARY OF ECONOMIC BENEFITS

Economic Impacts: Construction Impact

The Project's construction is anticipated to create over 160 Jobs with average wages of approximately \$46,600 per job. This spending will create approximately 125 additional jobs in New Mexico. In total, the Project is expected to create \$24.9 million in economic Output, with 286 jobs and \$11.9 million in associated Wages.

Annual Impacts of Operations

The Project's operation is anticipated to create approximately 60 Jobs, with an average wage of approximately \$34,100 per job. This spending will create approximately 40 additional Jobs in New Mexico. In total, the Project is expected to create \$16.4 million in economic Output with approximately 95 jobs and \$3.4 million in associated wages.

Tax Revenue Impact

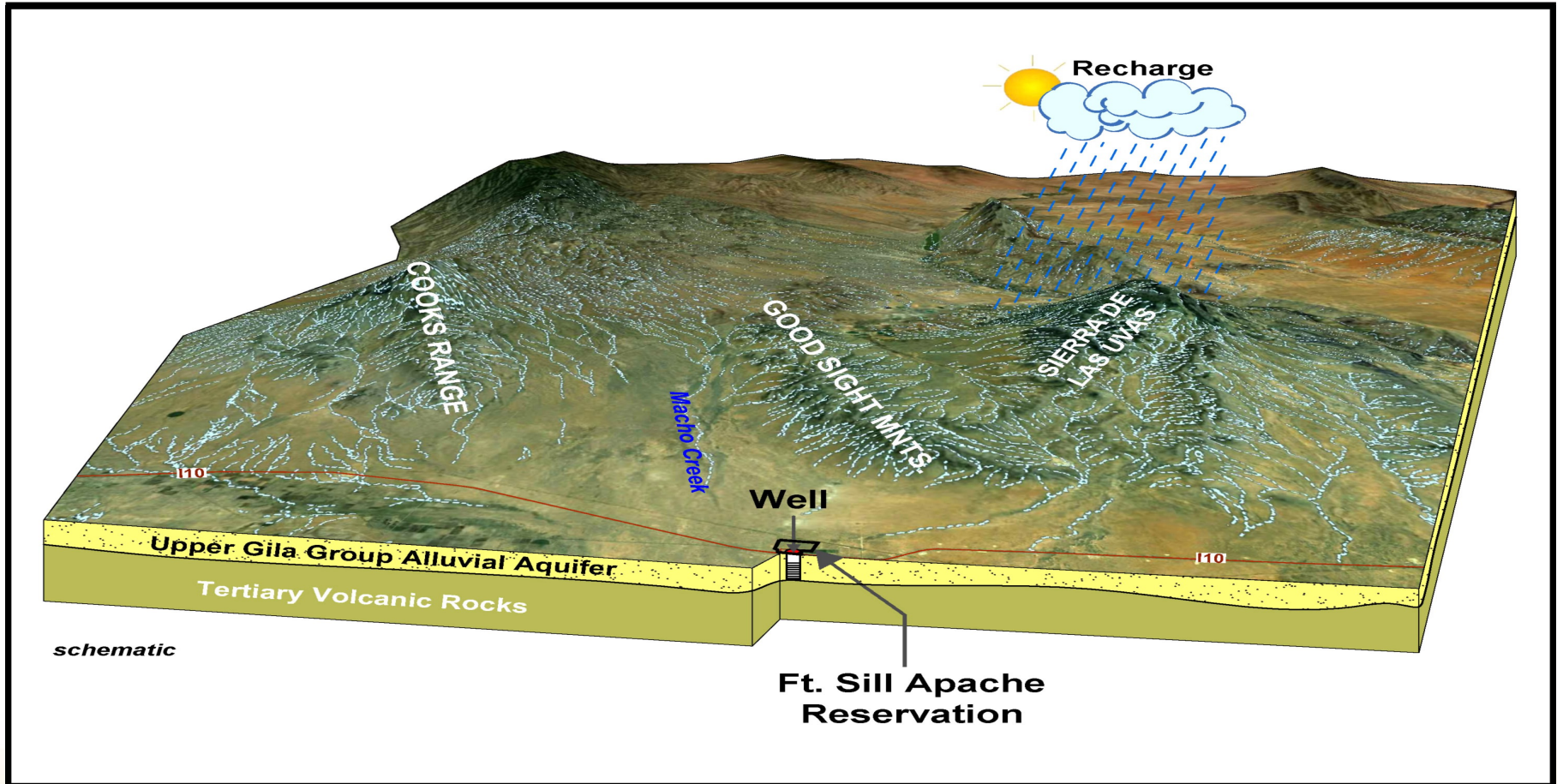
The Project is estimated to produce approximately \$1.1 million in new gross receipts tax revenue from income tax, gross business tax, and unemployment savings to the State of New Mexico on an annual basis.

Local Impacts

Luna County and Doña Ana County are used to estimate the impacts on the local economy. Based on the study, 100 percent of the direct jobs, approximately 90 percent of the total construction jobs, and 88 percent of the total operational related jobs will occur in the local economy. As of February 2022, New Mexico ranked as having the second highest unemployment rate in the nation. As such, the project creates essential job opportunities for local residents. Furthermore, the majority of spending will occur within the local economy as a result of the new Project and employee spending.

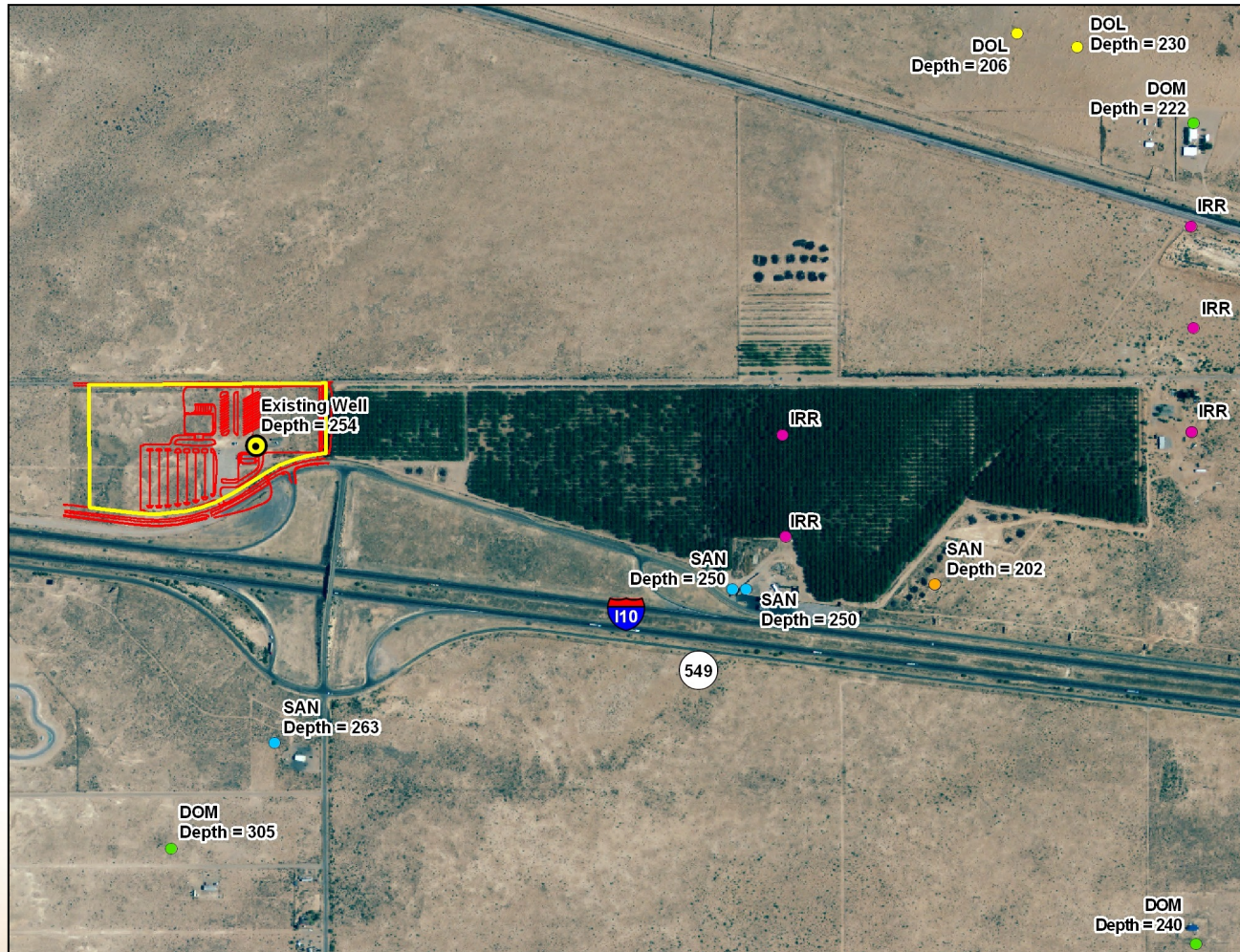
- Source: Pro Forma Advisors

POTENTIAL DEVELOPMENTAL IMPACTS



Conceptual Overview of Hydrogeology

SURROUNDING WELLS

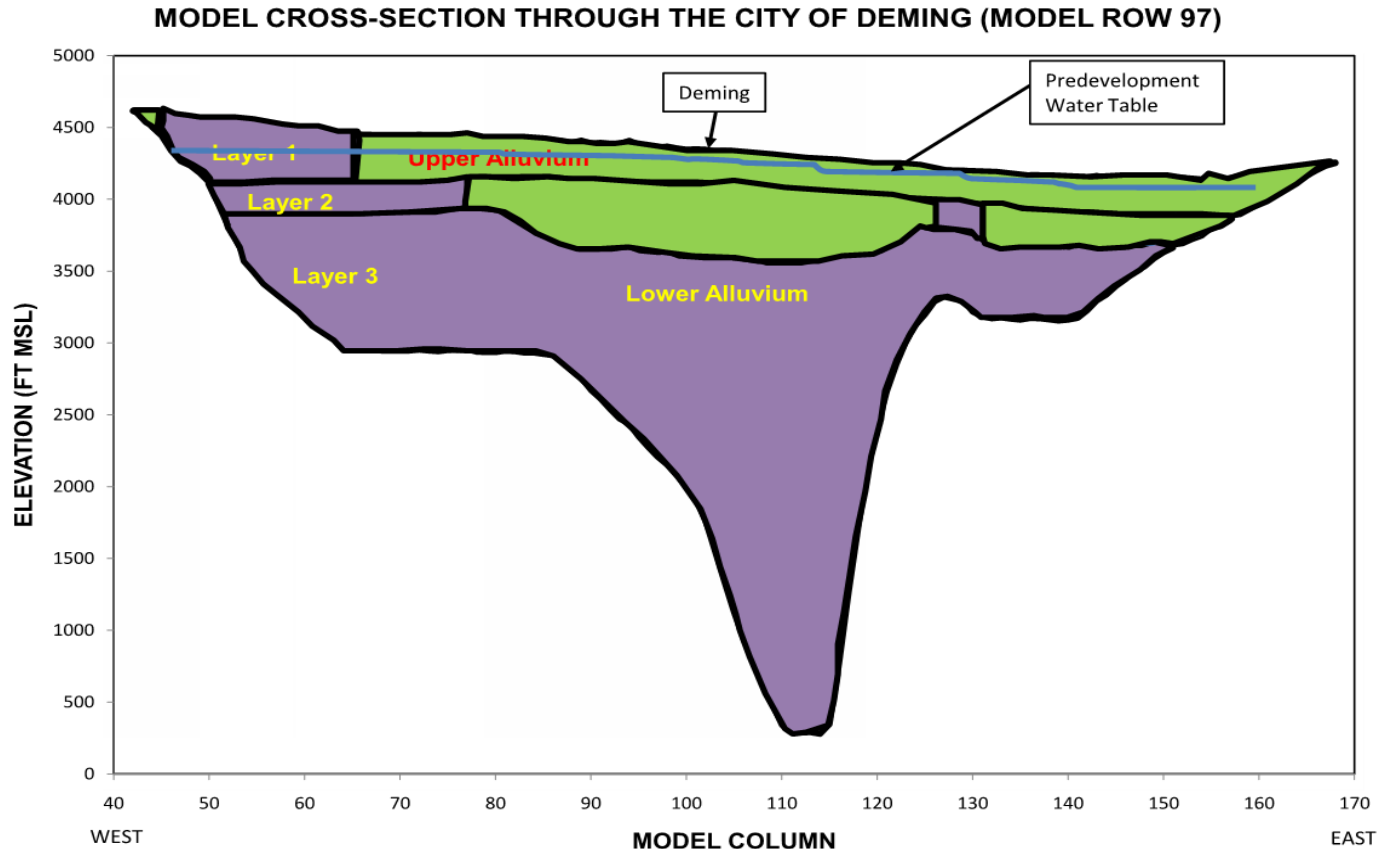


PROJECTED WATER REQUIREMENTS

- New Truck Stop and current Apache Homelands Café/Smoke Shop is estimated to use 7.8 gpm or 12.5 acre feet per unit
- The proposed casino project looks to add an additional 2.2 gpm
- This equates to less than 20 acre-feet/year
- Impacts to surrounding wells are not expected

WATER AVAILABILITY

- The aquifer is 250 - 300 feet thick in the vicinity of the proposed facility
- The healthy pecan orchard located next door shows that groundwater is relatively plentiful (water right ~300 acre-ft/year)



• Source: New Mexico
Office of State Engineer
of Hydrology Bureau
Technical Report 11-1

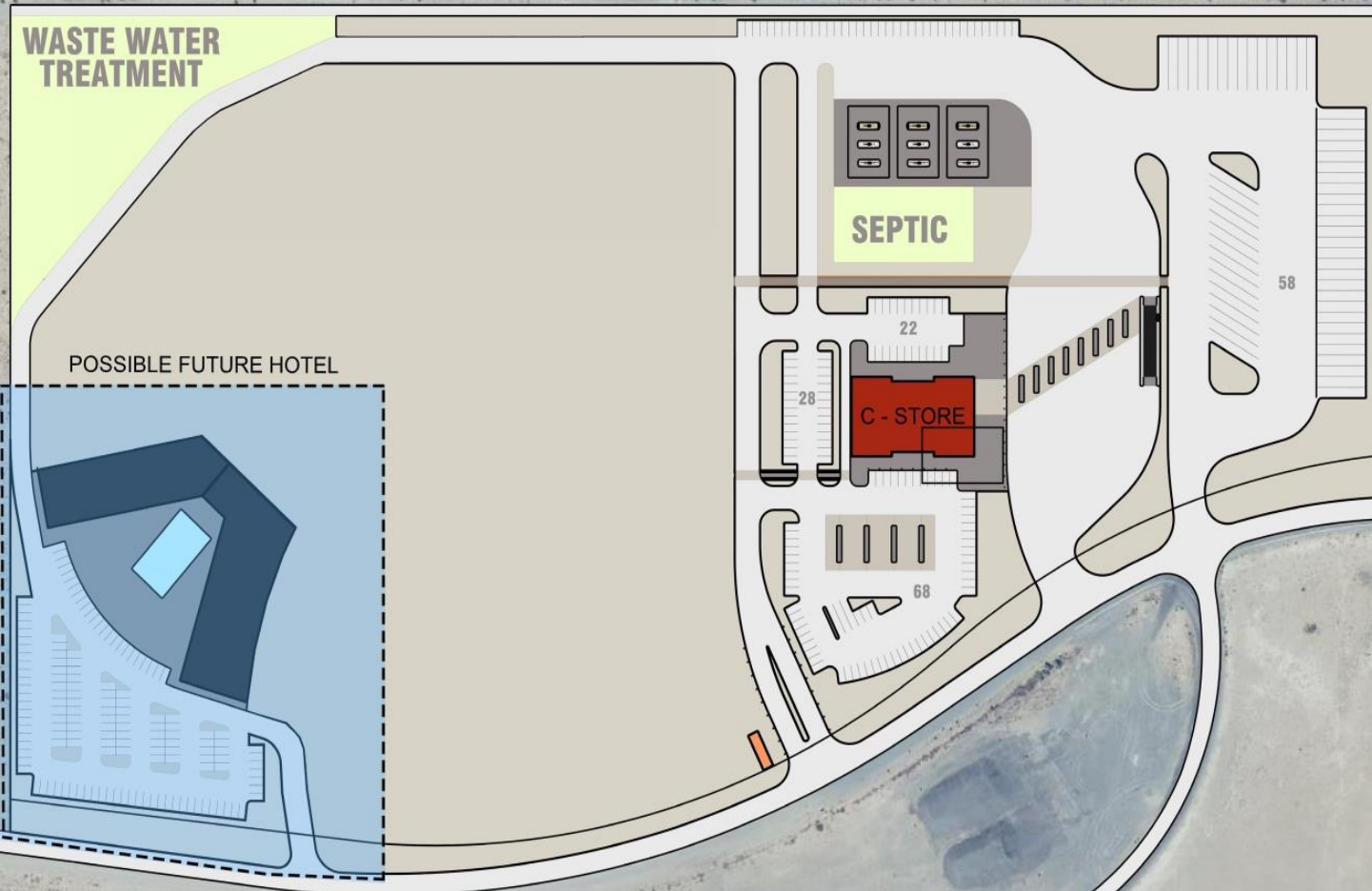
APACHE HOMELANDS CAFÉ AND SMOKE SHOP BUILT IN 2008



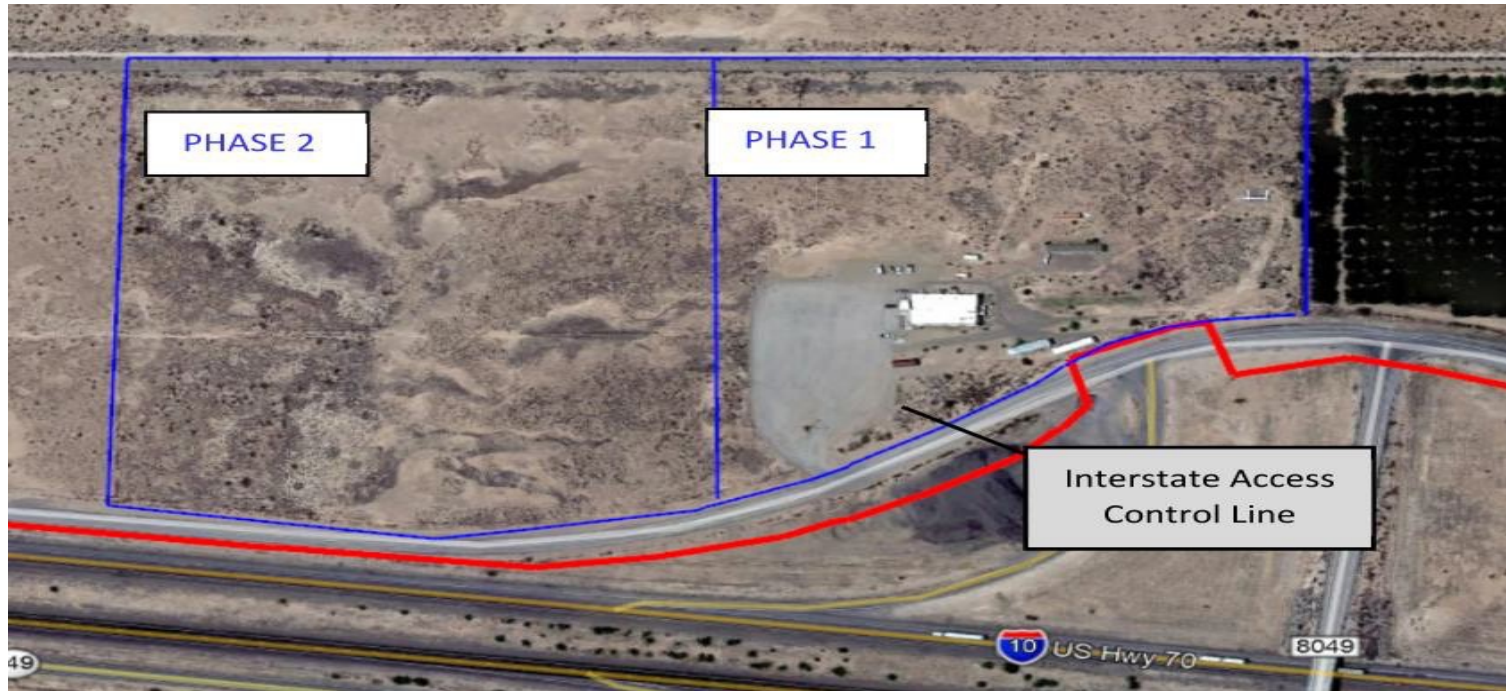




FORT SILL - CHIRICAHUA - WARM SPRINGS - APACHE TRIBE AKELA DEVELOPMENT



PHASING PLAN



Phase 1 – Akela Development Project: Convenience Store and existing café and smoke shop. Wastewater treatment plant is also part of phase 1

Phase 2 – Master plan explored several development options such as: retail, restaurant, RV park, event center, housing, cultural center, hotel, etc.

Traffic Impact Study (TIS) March 2020

HIGHWAY INFRASTRUCTURE

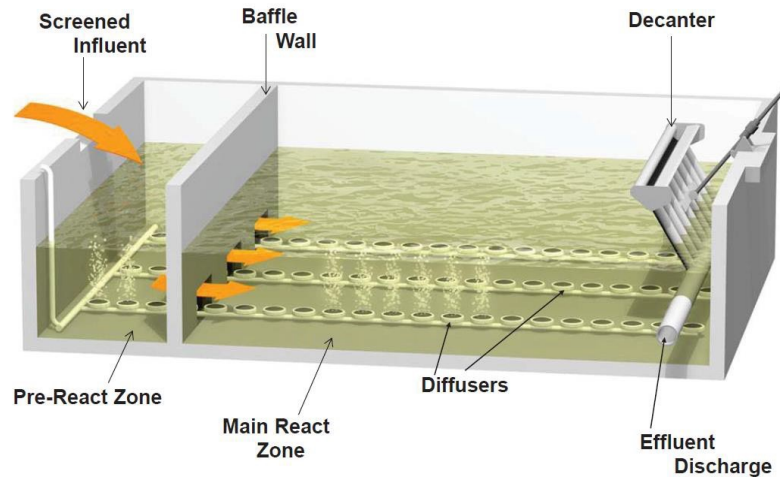
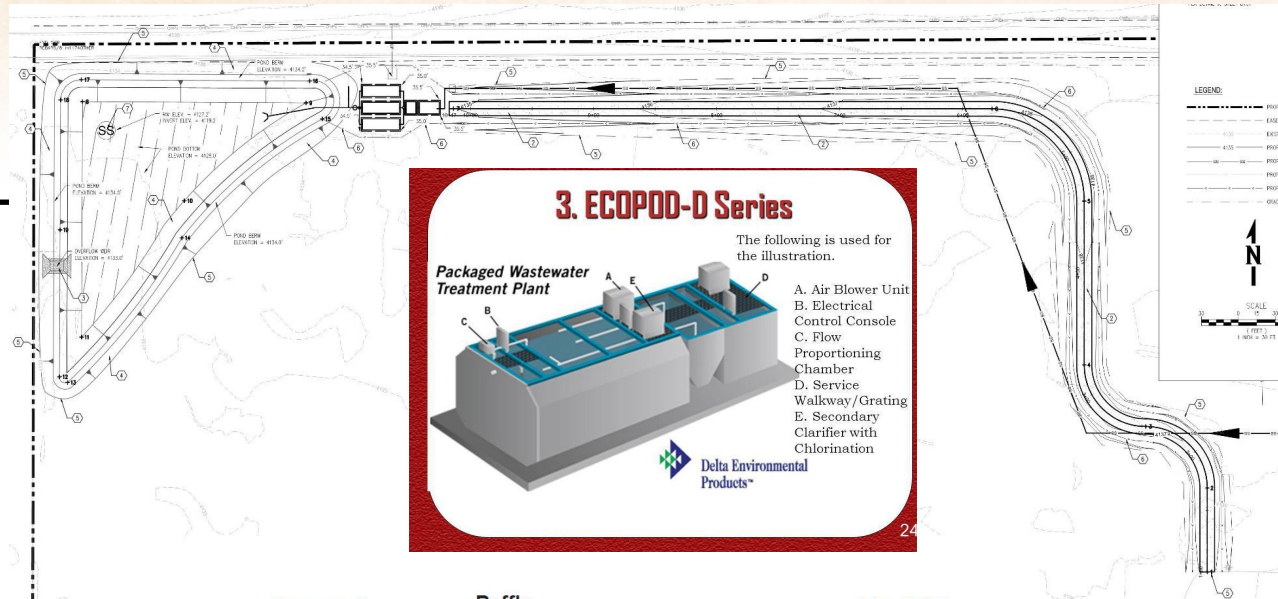
Traffic Impact Study concluded that Phase I and well over 90% of phase 2 exploration development does not have an adverse impact to the adjacent transportation system for the Akela Development Project.

Phase II only showed minimal adverse affects in our 40-year model when an event center was added to the master plan.



WASTEWATER TREATMENT PLANT

Maximizing Natural Resources



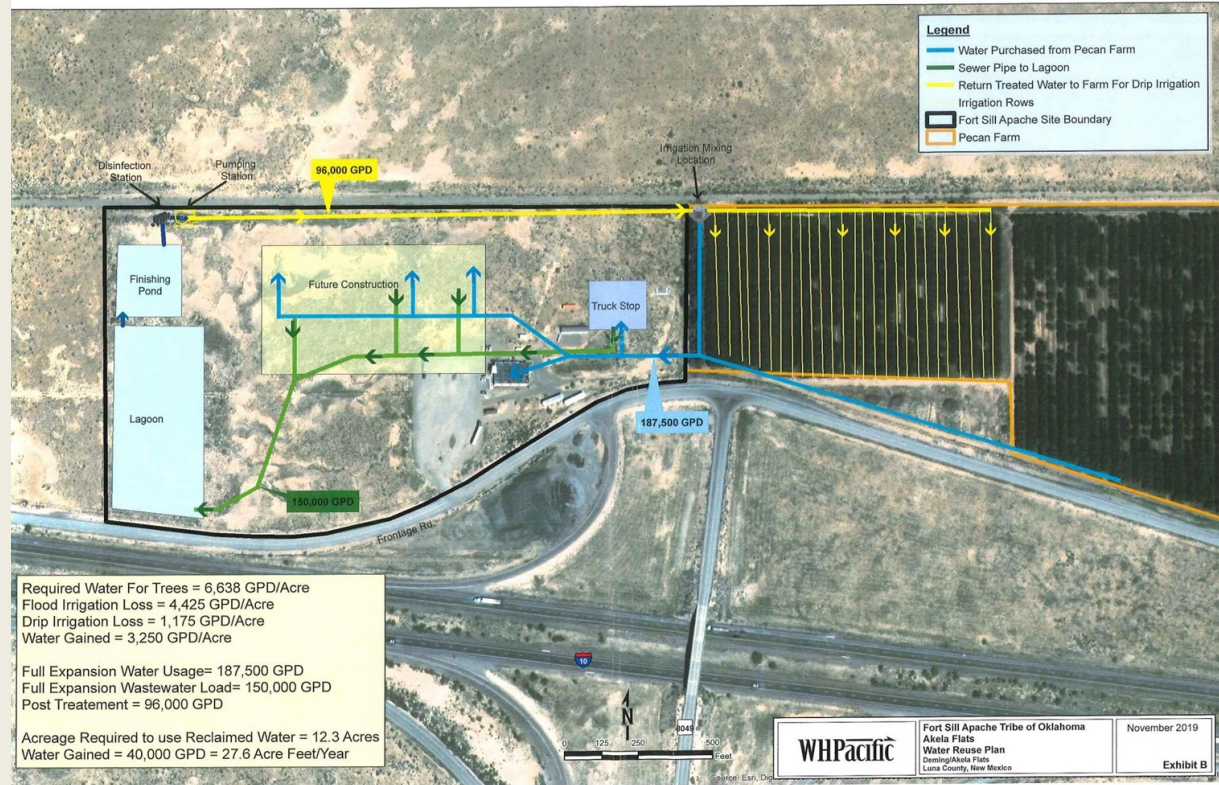
Critical Infrastructure

- Water Supply
 - Lifeline for Tribal development and growth

“Reduce, Reuse, & Recycle”- Our wastewater treatment plant is designed to adapt and grow with our needs and will allow us to treat and recycle grey water for irrigation and non-potable water needs.

The Design is engineered to expand to accommodate additional treatment methods for agricultural use with our neighbors or ourselves.

Current Design also exceeds all State, Federal, and local specifications.



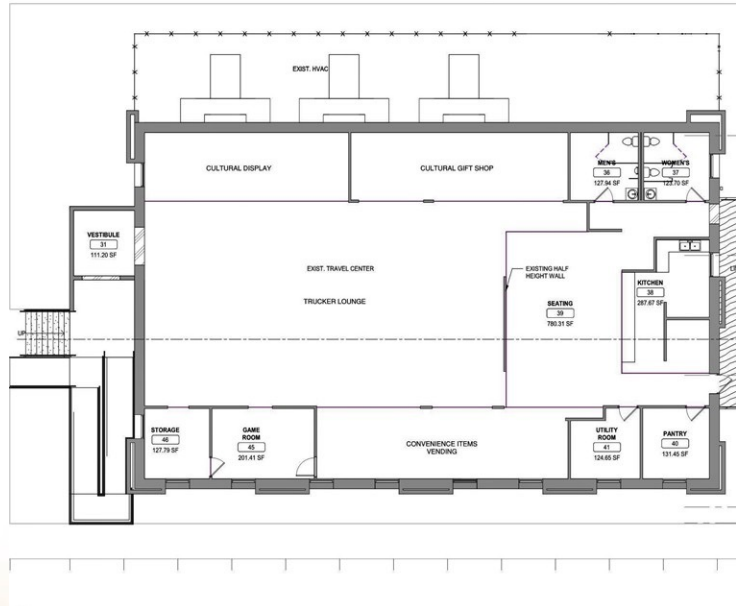
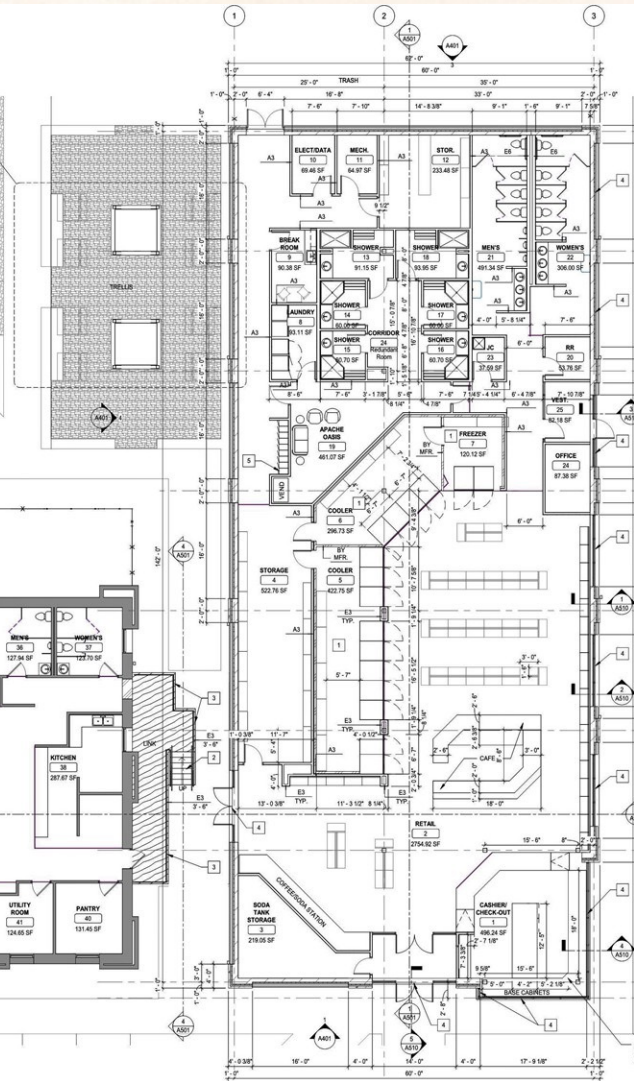
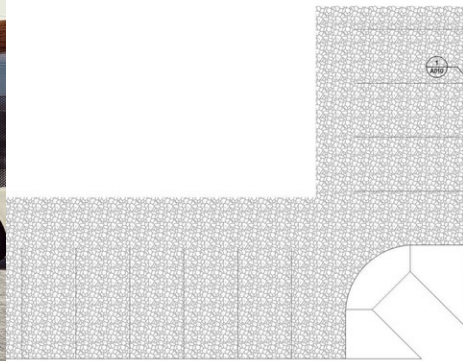
AKELA DEVELOPMENT

UNDER CONSTRUCTION

OPENING - QUARTER 4 of 2022









Electric vehicle
recharge point



Design includes multiple charging stations and infrastructure for electric vehicles.







Keeping Our Homeland Dreams Alive

