

APPENDIX BB

*Comment Letters from Businesses and Non-Governmental
Organizations*

STC101
Stop the Casino 101 Coalition
Sonoma County, CA
www.stopthecasino101.com

URGENT FAX: PLEASE ROUTE TO RECIPIENT IMMEDIATELY
If you have problems with this fax, please call 707-588-9926

DATE: March 6, 2006
TO: Mr. Brad Mehoffy
NEPA Compliance Officer
NIGC
FROM: Marilee Montgomery
Stop the Casino 101 Coalition
Telephone: 707-588-9926

Bcc

re: Emergency Supplemental Information-DEIS,
Graton Rancheria Casino/Resort Project,
Weather Emergency Event Impacts upon Project Site
New information on retail shopping center plans

Page One of Four

This fax is to memorialize the fact that there was flooding again in the project area due to the 2.58 inches of rain that fell in the past twenty-four hours. Rohnert Park Expressway at Rancho Verde Mobile Home Park was closed again, and there large areas of deep, standing water on the casino site again.

In addition, Station Casinos has announced plans to build a retail shopping center on the 25 acres of the Eastern portion of the proposed land acquisition (see news article included with this fax). This shopping center is not mentioned in the Scoping Hearing material. A major retail shopping complex would completely alter the scope and impact of this project. Any failure by the NIGC to address the current shopping center plans in a new scoping hearing, would doubtless only add to the growing list of legal challenges to this project.

I look forward to your prompt reply. My mailing address is 152 Wilfred Avenue, Santa Rosa, CA 95407. My home phone number is 707-588-9926.

pressdemocrat.com

Article published - Mar 6, 2006

RP casino backer plans shopping center

Development could double size of planned Graton Rancheria tribe's resort

By Clark Mason

THE PRESS DEMOCRAT

Station Casinos, which paid a record \$100 million for land to develop a tribal casino next to Rohnert Park, wants to build an adjacent upscale shopping center that would mirror one of its newest casino properties in the Las Vegas area.

Rohnert Park officials say casino company representatives are pushing ahead with plans to develop shopping on the city's westside that could be built even before the casino-hotel resort.

City officials said the shopping center envisioned may be up to 50 acres in size - twice as big as Station Casinos originally said last year when it confirmed upscale retail stores would be part of the mix next to the casino and hotel.

That would make the shopping center slightly smaller than Coddington, but bigger than the Santa Rosa Plaza.

A Station Casinos executive said Friday no decision has been made on the size of the shopping center, or whether the company will buy more land in northwest Rohnert Park to build a bigger retail development.

"We're looking at the market to see what is appropriate to be built there - what type, how much retail, all that sort of thing," said Scott Neilsen, executive vice president and chief development officer for Station Casinos.

City Manager Steve Donley said representatives from the casino corporation told him they are tentatively planning a 50-acre retail development modeled after the Green Valley Ranch Resort in greater Las Vegas.

Rohnert Park Mayor Tim Smith said he was informed by leaders of the Graton Rancheria tribe that their partner, Station Casinos, is looking at Green Valley as a model for Rohnert Park.

The District at Green Valley Resort, as it is called, is a swanky retail area next to one of Stations' newest casinos. It is billed as the first "metropolitan lifestyle center" to open in the Las Vegas area, a place where people live and flock to shop, eat and be entertained.

According to The District's website, it incorporates a pedestrian-oriented "Main Street" ambiance with entrances to shops fronting a tree-lined street. Built in two phases, the first completed phase includes 50 stores and restaurants. It features eateries such as the Cheesecake Factory, Ben & Jerry's and Panera Bread, along with Whole Foods Market.

Other retailers include REI, Pottery Barn, Williams-Sonoma, Sharper Image, Coldwater Creek and Ann Taylor Loft.

Rohnert Park officials welcome the sales tax the shopping center could generate, as well as the cash it would lend to the city, which is defined now by big box retailers and a surfeit of fast food outlets.

"Rohnert Park is shaking off the reputation for maybe not doing the highest quality development in years past. People will soon see we are setting the standard," said Donley.

City officials said a Station Casinos representative indicated the company is looking to expand the 25-acre retail site next to the Graton Rancheria casino and hotel resort on Wilfred Avenue with another 25 acres closer to Highway 101, for a total of 50 acres.

The area where the shopping center could expand is known as the Wilfred-Dowdell specific plan area, a site that has been slated for annexation and commercial development for a decade or so, according to city planner Ron Bendorff.

There are a number of landowners in the specific plan area, including Arco, McDonald's and several individuals. None of the properties has changed hands recently, according to city officials.

Neilsen said his company has not bought more land in that area, but acknowledged some prospective development partners may have approached neighboring landowners.

He said it is premature to say whether a big, high-end retail center will be built, but "we'd love to have it."

Neilsen acknowledged there is a symbiotic relationship between the casino and a shopping area.

"People are attracted to shopping and also gaming, other entertainment, restaurants and so forth. It rounds out the experience for some people and it's another reason for people to come to the area," he said.

Neilsen said the shopping district will not be developed by the tribe, but by Stations Casino and perhaps another partner that specializes in shopping centers.

He said the shopping district will operate "completely independently" from the tribe's casino resort.

The tribal casino has been delayed by a lengthy federal environmental review. A draft report of the study is expected in the next two months, and then will be subject to public comment. Tribal leaders do not anticipate it will be finalized until early 2007, when it is likely to be subject to legal challenge by casino opponents.

Neilsen said the shopping area probably will be built before the casino, but declined to predict a start date for either one.

City officials said another Station Casinos representative indicated the company will submit specific development plans for the shopping area within 30 days.

"We have to move through the local approval process," Neilsen said of the retail development.

"We'd like to go forward as quickly as we can once we determine it makes sense."

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RE-SENDING DUE TO POSSIBLE PROBLEMS WITH FIRST FAX

DATE: March 9, 2006
TO: Mr. Brad Mehaffy
NEPA Compliance Officer
NIGC
FROM: Marilee Montgomery
Stop the Casino 101 Coalition
Telephone: 707-793-2355
cc: Honorable Dianne Feinstein
Honorable Lynn Woolsey
Ms. Andrea Lynn Hoch
re: Graton Rancheria Scoping report

Page One of One

I think I have mentioned this before, but the description of the property found in Section 2-0 Alternatives, under "Figure 2.1", is incorrect with regard to the eastern boundary as follows:

- 1) There is no mobile home on the east; it is on the south.
- 2) There is no business park to the east, it is to the south.
- 3) The east consists primarily of residences, one of which is mine, and some agricultural land, 25 acres of which is part of the project.
- 4) In fact, there are homes directly across Labath Avenue on the eastern boundary, and houses on Dowdell Lane to the east of the 25 acre parcel mentioned above.

This bothers me because, if the description is properly stated, it is obvious that the site is surrounded by well over 300 residences on all sides. In fact, including the newly-constructed apartment building at the corner of Labath Avenue and Rohnert Park Expressway, there are over 600 residences within mere yards of this project.

How can this possibly be a suitable location for a casino?

Please direct Analytical Corp. to correct this information with all due speed.

STE101**Stop the Casino 101 Coalition**

Representing the People of Marin County & Sonoma County, California
www.stopthecasino101.com

June 1, 2006

Mr. Brad Mehaffy
 NEPA Compliance Officer
 National Indian Gaming Commission
 1441 L Street NW, 9th Floor
 Washington, DC 20005

re: **Emergency Supplemental Information-DEIS,
 Graton Rancheria Casino/Resort Project,
 Groundwater Supplies Demonstrated in Court to be in Overdraft**

Dear Mr. Mehaffy:

This letter shall serve to confirm documentation previously submitted during the Scoping period that referenced and documented significant water supply issues at the project site for the above-referenced project. It shall also serve to advise you of a court decision that has upheld the documented evidence submitted to your agency earlier with regard to the regional groundwater supplies.

In Sonoma County's Superior Court yesterday, May 31, 2006, in what is an historic and landmark case in California water law, the first lawsuit brought under California's SB 610, the "Show Me the Water" bill, has resulted in a win for the grassroots group, the O.W.L. Foundation, and a devastating loss for the City of Rohnert Park, which has failed to prove that it has a sustainable water supply for planned future development. (10. 236309 - *O.W.L. Foundation v. Rohnert Park*)

SB 610 makes changes to the Urban Water Management Planning Act to require additional information in Urban Water Management Plans if groundwater is identified as a source available to the supplier. The information required includes a copy of any groundwater management plan adopted by the supplier, a copy of the adjudication order or decree for adjudicated basins, and if non-adjudicated, whether the basin has been identified as being over drafted or projected to be overdrafted in the most current California Department of Water Resources (DWR) publication on that basin. If the basin is in overdraft, that plan must include current efforts to eliminate any long-term overdraft. A key provision in SB 610 requires that any project subject to the California Environmental Quality Act supplied with water from a public water system be provided a specified water supply assessment, except as specified in the law.¹

The site within Rohnert Park's Urban Growth Boundary which was chosen for the Graton project is "ground zero" in the water lawsuit, and sits on a portion of the Santa Rosa Plain Aquifer, the region's main source of groundwater, which is mentioned in the lawsuit as being in serious

¹ The O.W.L. Foundation, "What is SB610?...", http://owlfoundation.net/RP_WSA.html

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06-01-06-24

overdraft. O.W.L. has argued for years that groundwater in the entire south Santa Rosa Plain is in demonstrable overdraft, and in July, 2004, the Sonoma County Grand Jury admonished the County and all of its Cities to implement Groundwater Management Plans pursuant to AB 3030.

The court's findings uphold and confirm the studies done by the O.W.L. Foundation submitted to the NIGC in 2004 and 2005. Only a full study such as was requested by the O.W.L. Foundation in its Scoping Comments could either verify or disprove the O.W.L. study.

However, our experts feel that such a study would only serve to confirm O.W.L.'s findings. That's why Rohnert Park didn't do a proper study; it didn't want its public record to reflect the truth about the city's water supplies. Graton's casino project is in the same position.

The Federated Indians of Graton Rancheria enjoy preferential, federal water rights. There is an inherent danger to the citizens of the region and their governments from the establishment of a federal water right on lands already demonstrated in court to be in substantial groundwater overdraft. If the project goes forward, and if its water supplies go dry or the tribe is drawn into any legal action pertaining to water, then every single person, corporation and agency in Sonoma County faces the very real threat of losing their water rights, as has happened elsewhere in California.

There is inadequate water at the Rohnert Park site to support this project, and the project, if built, would adversely and seriously affect area wells and regional water supplies for Marin County and Sonoma County. Going forward with this project would create an inherently unstable legal climate and jeopardize the water rights of every single stakeholder in Sonoma County, including the Sonoma County Water Agency. The tribe would certainly be drawn into any subsequent legal action over water issues, such as have taken place in this particular region of Sonoma County over the last four years. If that happens, then the U.S. Attorney General will be constrained to appear to defend the tribe's federal water right. Federal involvement will dramatically increase the chance that the entire County is thrown into water adjudication. This aquifer is too important to the region to run that risk.

In a meeting in the Governor's office in March, 2005, Chairman Greg Sarris promised me that if the tribe's project would take water away from any of the neighbors, they would not build it. This statement was made in the presence of Daniel Kolkey, the Governor's chief negotiator. It is time for Chairman Sarris to keep his promise.

In light of the yesterday's court ruling, the project is certainly "fatally flawed", and is also inconsistent with State water law and public policy. In fact, the project is fatally flawed in no fewer than five significant areas. Thus, in fairness to the applicant and investors, it would seem appropriate that the DEIS project be suspended for lack of an environmentally sound and appropriate site, and that the applicant should be encouraged to select an alternative site other than those previously identified by the tribe in the October 19, 2005, Scoping Hearing that are located on or adjacent to, the current project site.

In the absence of the applicant's selection of an alternative site, the BIA should suspend the project and process now, to avoid future costs to the applicant, and future risks of liability and harm to Sonoma County residents, and the expected resultant litigation.

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I look forward to your prompt response. Should you have any questions, please feel free to contact me. My personal contact information is shown below.

Very truly yours,



Reverend Chip Worthington
Pastor, Rohnert Park Assembly of God Church
4695 Snyder Lane
Rohnert Park, CA 94928
Church Phone: 707-584-5673
Email: chip@stopthecasino101.com

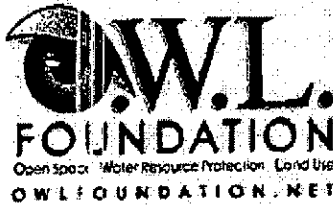
CW/mtn

cc:

- Phillip Hogen, Chairman, NIGC
- The Honorable John McCain, Chairman, Senate Indian Affairs Committee
- The Honorable Barbara Boxer
- The Honorable Dianne Feinstein
- The Honorable Lynn Woolsey
- Ms. Andrea Lynn Hoch, Legal Affairs Secretary, Office of the Governor
- The Honorable Carole Migden
- The Honorable Joe Nation

Bcc

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O.W.L. Foundation

President, H.R. Downs
 Secretary, Deborah Hunt
 Treasurer, Heidi Dieffenbach-Carle R.G.
 Bonnie Kneibler, M.D.
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www.owlfoundation.net

11-10918

8/13/06

Mr. Brad Mehaffy
 NEPA Compliance Officer
 National Indian Gaming Commission
 1441 L Street NW, 9th Floor
 Washington, DC 20005

RE: Proposed Graton Rancheria Casino and O.W.L. v. Rohnert Park

Dear Mr. Mehaffy;

I have kept your office abreast of developments in the litigation between the O.W.L. Foundation and the City of Rohnert Park ("the City") and now bring you the latest and perhaps most important news. This case has concluded and the outcome has profound implications in determining the appropriateness of the site chosen by the tribe to locate a casino.

At issue in the court case was the legal and scientific validity of a single document called a Water Supply Assessment ("WSA") produced to comply with California Senate Bill 610 ("SB 610"). The judge agreed with the O.W.L. Foundation that this document was legally invalid and scientifically incompetent. Please see the attached "Final Judgment Granting Preemptory Writ of Mandate and Complaint for Declaratory Relief".

This is the second lawsuit that Rohnert Park has lost wherein the City has been unable to demonstrate sufficient water supplies. The reason behind this inability is the massive groundwater overdraft conditions under Rohnert Park. Symptoms of overdraft have been documented by federal and state agencies. The City's own hydrology study that appears in Rohnert Park's current General Plan proves groundwater overdraft outright. I have sent all of this voluminous evidence to your office already.

In granting our writ, Judge Knoel Owen noted, among other things, that the WSA: "... didn't consider how much water was used from the basin by those entities using water from the basin." This statement is very important.

Rohnert Park sits in the Santa Rosa Plain Groundwater Basin, a groundwater resource the City shares with Cotati, Santa Rosa, Sonoma State University, numerous private wells and three "emergency"¹ wells operated by the Sonoma County Water Agency ("SCWA"). All of these water consumers must take into account the total accumulated consumption of water in the whole basin if they are to plan ahead and comply with Senate Bill 610. This is a dramatic departure from the way cities assessed water supplies in the past. No longer will looking within city limits be acceptable, rather cities must make a coordinated account of all water withdrawals in the entire basin.

¹ These so-called "emergency" wells have been operating continuously for at least the last five years. SCWA has since changed the name to "production" wells, evidence, some claim, that we are in a *bona fide* emergency.

Mebaffy O.W.L. v. Rohnert Park
Page 2 of 2
8/13/06


Our concern is that the Graton Rancheria, if permitted to proceed, will establish a federal water right, a "super right", in the very middle of this ever-volatile situation. The casino's proposed location sits directly on top of the groundwater cone of depression mapped by the California Department of Water Resources in the 1980's. This casino, if permitted to proceed, would enter an already unstable legal climate, but bringing a federal water right to this mix would be analogous to throwing a lighted match into a gas can. When the smoke clears, this basin would almost certainly find itself adjudicated with everyone's water rights, except the casino, sharply reduced. Such a high-risk move is completely avoidable. Reasoned thoughtfulness argues strongly against introducing a federal water right into an overdrafted groundwater basin.

Please take time to read this historic court document and consider its implication when you review the NEPA process for this ill-conceived project. The writ against the City dramatically underscores the deepening severity of the water crisis here—certainly no one wants to make it even worse than it already is.

We strongly urge you to deny this project in this location. As you know, the O.W.L. Foundation has no policies regarding Indian gaming whatsoever. Our opposition is focused exclusively on the water crisis gripping Sonoma County and the potential harm that this casino would exert in exacerbating this unhappy predicament.

Thank you very much for your continued attention to this very serious matter.

Sincerely,



H.R. DOWLING
President, O.W.L. Foundation

100

**ENDORSED
FILED**

Entered JUL 24 2006

SUPERIOR COURT
COUNTY OF SONOMA

1 Bingham McCutchen LLP
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 11
 12 Attorneys for Intervenors and Real Parties in Interest
 13 University District LLC and Vast Oak Properties L.P.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 COUNTY OF SONOMA

11 O.W.L. FOUNDATION, et al.,
 12 Petitioners and Plaintiffs,

v.

14 CITY OF ROHNERT PARK, et al.,
 15 Respondents and Defendants.

No. 236309

**FINAL JUDGMENT
 GRANTING PEREMPTORY
 WRIT OF MANDATE AND
 COMPLAINT FOR
 DECLARATORY RELIEF**

17 UNIVERSITY DISTRICT LLC and VAST OAK
 18 PROPERTIES L.P.,
 19 Intervenors and Real Parties in Interest.

(Honorable Noel Owen)

21 This cause came on for hearing on April 11 and May 31, 2006, in Department 18
 22 of the above-entitled court, pursuant to court orders. Edward J. Casey and Tammy L. Jones
 23 appeared on behalf of O.W.L. Foundation, Kathleen Haynie, Joan McLain, and Craig Roth
 24 ("Petitioners"). Michelle Marchetta Kenyon and Veronica Ramirez appeared on behalf of the
 25 City of Rohnert Park and its City Council ("Respondents"). Marie Cooper appeared on behalf of
 26 University District LLC and Vast Oak Properties L.P. ("Real Parties"). The cause was briefed
 27 and presented based upon a record of proceedings. The cause having been argued and submitted

wc061514.04

**FINAL JUDGMENT GRANTING PEREMPTORY WRIT OF MANDATE AND COMPLAINT FOR
 DECLARATORY RELIEF**

1 for decision, and the court having issued its decision as reflected in the transcripts attached as
2 Exhibit A, and for good cause shown,

3 **IT IS ORDERED, ADJUDGED AND DECREED:**

4 1. The Petitioners' Petition for Writ of Mandate and Complaint for Declaratory
5 Relief is granted, and judgment is in favor of Petitioners and against Respondents and Real
6 Parties in Interest. The court issues a judicial declaration as stated in the ruling attached as
7 Exhibit A.

8 2. A peremptory writ of mandate, in substantially the form attached as Exhibit B,
9 shall issue commanding Respondents to set aside their resolution adopting the Water Supply
10 Assessment.

11 3. Petitioners shall recover their costs of suit.

12 4. The court retains jurisdiction over any issues relating to attorneys' fees, which
13 are reserved and not addressed by this Judgment.

14 5. Respondents are ordered to make and file a return to the writ by ^{August 15} July, 2006.

15 The clerk is directed to enter this Judgment and issue the above-referenced writ as
16 soon as practicable.

17 Dated: ~~June~~ ^{July} 21, 2006

18 **KNOEL L. OWEN**

19
20 Knoel Owen
Judge of the Superior Court

21 APPROVED AS TO FORM:

22 Dated: June 14, 2006

23 McDonough, Holland & Allen, P.C.

24
25
26 By: 

27 Veronica Ramirez
Attorneys for Respondents

22 Dated: June __, 2006

23 Weston Benshoof Rochefort Rubalcava
MacCuish LLP

24
25
26 By: _____

27 Edward L. Casey
Attorneys for Petitioners

1 for decision, and the court having issued its decision as reflected in the transcripts attached as
2 Exhibit A, and for good cause shown,

3 **IT IS ORDERED, ADJUDGED AND DECREED:**

4 1. The Petitioners' Petition for Writ of Mandate and Complaint for Declaratory
5 Relief is granted, and judgment is in favor of Petitioners and against Respondents and Real
6 Parties in Interest. The court issues a judicial declaration as stated in the ruling attached as
7 Exhibit A.

8 2. A peremptory writ of mandate, in substantially the form attached as Exhibit B,
9 shall issue commanding Respondents to set aside their resolution adopting the Water Supply
10 Assessment.

11 3. Petitioners shall recover their costs of suit.

12 4. The court retains jurisdiction over any issues relating to attorneys' fees, which
13 are reserved and not addressed by this Judgment.

14 5. Respondents are ordered to make and file a return to the writ by July __, 2006.

15 The clerk is directed to enter this Judgment and issue the above-referenced writ as
16 soon as practicable.

17 Dated: June __, 2006.

18
19
20 **Knoel Owen**
Judge of the Superior Court

21 **APPROVED AS TO FORM:**

22 Dated: June 14, 2006

23 McDonough, Holland & Allen, P.C.

24 Dated: June __, 2006

25 **Weston Benschhoff Rochefort Rubalcava**
MacQuish LLP

26 By: _____
27 **Veronica Ramirez**
Attorneys for Respondents

28 By: _____
Edward L. Casey
Attorneys for Petitioners

EXHIBIT A

1 It is the same conclusion DWR reached when they
2 looked at the declining hydrographs and said, "This basin is
3 not in overdraft."

4 So how could it not be consistent with DWR's
5 definition of overdraft and it follows that DWR did it
6 wrong? So if the city did it wrong, then DWR's guidebook is
7 wrong. Thank you.

8 **THE COURT:** Water Code 10910(f) states that

9 "A water supply assessment should
10 include, (at subsection 2) a description
11 of any ground water basin or basins from
12 which the proposed project will be
13 supplied.

14 3: A detailed description and
15 analysis of the amount and location of
16 ground water pumped by the city for the
17 past five years from any ground water
18 basin from which the proposed project will
19 be supplied.

20 The description and analysis shall be
21 based on information that is reasonably
22 available, including but not limited to
23 historic use records.

24 4: A detailed description and
25 analysis of the amount and location of
26 ground water that is projected to be
27 pumped by the city from any basin from
28 which the proposed project will be

Eva L. Popovich, CSR 8578

1 supplied.

2 The description and analysis shall be
3 based on information that is reasonably
4 available, including but not limited to
5 historic use records.

6 And 5, (which is the thrust of the
7 tentative ruling, and the thrust of the
8 arguments today,) an analysis of the
9 sufficiency of the ground water from the
10 basin or basins from which the proposed
11 project will be supplied to meet the
12 projected water demand associated with the
13 proposed project."

14 The petitioners are not really disputing that the
15 respondent complied with sections 2, 3 and 4. The
16 petitioners dispute that the respondent complied with
17 section 5, because the respondent didn't consider the water
18 use of the entire basin or sub-basin.

19 The respondent admits that the study area is not
20 entirely in the SRS sub-basin; it is partly in the Wilson
21 Grove formation, Highlands Basin, and partly in an area that
22 is not part of a ground water basin at all.

23 The respondent's argument on this issue is
24 contained at Pages 9 to 13 of its supplemental brief, citing
25 the administrative record, 338960, 338976 through 80 and
26 338985 to 88, as support for its arguments.

27 Respondent's arguments appear to be saying that
28 the study area was not a sample used to determine anything

Eva L. Popovich, CSR 8578

1 about the entire basin or sub-basin.

2 It seems to be saying it only used the study area
3 to determine the pumpage, or the area from which the
4 proposed project will pump. Respondent also seems to say
5 that it considered trends relating to all the water in the
6 sub-basin and perhaps basin and not just the study area.

7 None of the cited pages from the administrative
8 record seem to address the total amount of water used or
9 estimated to be used in the future from the basin or
10 sub-basin. These pages seem to relate only to the
11 respondent's use of the water from the basin.

12 It doesn't appear that the WSA considered the
13 total amount of water used from the basin or sub-basin. The
14 WSA seems to have considered looking at trends, the amount
15 of water available from the basin, but it didn't consider
16 how much water was used from the basin by those entities
17 using water from the basin.

18 Even if the respondent determined the amount of
19 ground water now available in the basin or the sub-basin and
20 determined the amount of water used by the respondent, this
21 still wouldn't tell the respondent how much ground water is
22 available for the proposed projects, because the respondent
23 did not determine even a reasonable estimate of how much
24 water was being used by all entities that use water from the
25 basin or sub-basin.

26 The Water Code, section 101910(f)5 appears to
27 require a real analysis of the amount of water available,
28 which seems to require a determination of the amount of

1 water being used and expected to be used by everyone who
2 uses the same water supply.

3 Real parties argue that subsection 5 of 10910(f)
4 does not require the respondent to determine the amount of
5 water being use by the everyone, arguing that the plain
6 language of subsection 5 only requires the respondent to
7 determine the amount of ground water available in the basin
8 and whether there is enough in that basin for the proposed
9 projects.

10 It is argued that to require the respondent to
11 determine how much ground water is being used in total, by
12 all that were using the ground water, would be so burdensome
13 as to be absurd.

14 The real parties state that the Santa Rosa basin
15 contains numerous jurisdictions; more than 40,000 private
16 wells; gives the examples of other basins in other
17 jurisdictions, going beyond state and national boundaries.

18 It is also argued that the statute can't be
19 construed to require studies of basins so vast which have
20 many entities drawing ground water from them, referencing
21 the Imperial Valley example.

22 Real parties also argue that in this case a study
23 of the sub-basin would take five years and cost millions.
24 However, there is no evidence offered on that particular
25 point.

26 The petitioner had stated that the Department of
27 Water Resources, most recently in 1982, had performed a
28 sub-basin-wide analysis.

1 Real parties further argue that the language of
2 SB-610 was changed to eliminate any requirement to determine
3 identification of all entities who used the ground water
4 basin and the analysis of the amount they used or projected
5 to use in the future.

6 And there is a request for judicial notice to take
7 notice of the earlier versions of SB-610. It is true that a
8 lot of specific language about analyzing the use of ground
9 water was eliminated from the previous version of 610, but
10 it's not apparent that the language was eliminated because
11 the legislature did not want to require such information for
12 a WSA, or whether the legislature wanted to retain such a
13 requirement but eliminate the specificity so that there was
14 more flexibility on how the analysis could be done.

15 Real party further argue that interpreting
16 subsection (f)5 to require an analysis of the entire basin
17 is inconsistent with subsections (f)2,3 and 4, which require
18 analysis of the city's use, not use by all of the entities
19 using water from the basin.

20 The pages that the respondent cites in the
21 administrative record don't appear to show that the WSA took
22 into consideration the use of ground water in the basin or
23 sub-basin by anyone other than the respondent.

24 The real party in interest -- real parties in
25 interest -- make legitimate points, but a water supply
26 assessment of ground water in their sub-basin does not seem
27 to have a lot of value if it doesn't take into consideration
28 the amount of ground water.

1 This is on the sufficiency argument. This is not
2 an editorial. Whether or not it is sufficient, it doesn't
3 take into consideration the amount of ground water removed
4 from the relevant basin or sub-basin.

5 Also, the plain language of 101910(f)5 seems to
6 require such consideration to prepare an analysis of the
7 sufficiency of the ground water from the basin or basins
8 from which the proposed project will be supplied to meet the
9 projected water demand associated with the proposed project.

10 It's not clear how anyone can tell if the amount
11 of water is sufficient for proposed projects if it is
12 unknown how much is being consumed by existing users or
13 projects that have already been approved.

14 Though, again, the real parties seem to make a
15 very good point about the expense and difficulty of
16 preparing a water assessment study, I am not sure that that
17 is necessarily a burden that has to be taken on by
18 individual developers.

19 I understand the time pressures, as well. But
20 once it has been performed by the entity that can approve
21 CEQA projects, the water assessment can be used by all CEQA
22 projects, it would seem.

23 So it is, again, not clear from the changes to the
24 previous version of SB-610 that the legislature meant to
25 eliminate the need to analyze the use of the ground water
26 basin by all who intend to use it.

27 The requirements of 10910(f)2, 3 and 4 aren't
28 inconsistent with 5. The requirements all seem appropriate

Eva L. Popovich, CSR 8578

1 for determining how much ground water is truly available for
2 new projects; not just to the respondent, but available,
3 given the entire context of all users.

4 There certainly may be better or perhaps more
5 logical parameters for determining sufficiency of water
6 resources for new development.

7 The respondent and real parties in interest
8 suggest an alternative. But it is an alternative. It
9 doesn't address sufficiency as an aggregate, but only as a
10 self-defined apportionment.

11 That doesn't eliminate the remaining distribution
12 taken from the basin or sub-basin.

13 The respondent has assembled a lot of data. Much
14 of it will be and is useful. Some of it, as it has been
15 described, that is beyond -- I think the phrase was "above
16 and beyond," but I think the clearest description is that it
17 is beyond what is necessary, and beyond to the degree that
18 it detracts from, rather than adds to the use analysis of
19 the statutory water supply basin.

20 So, this is not a ruling on the sufficiency of the
21 ground water. I think there are obviously arguments on both
22 sides as to whether it is sufficient.

23 I don't think it has ever even been argued that it
24 is insufficient; it has simply been argued that the WSA does
25 not comply with the ways for finding sufficiency.

26 And this is not a ruling as to whether the city
27 determines whether an overdraft exists. It is a question
28 whether or not the WSA meets the requirements of 10910(f)5,

Eva L. Popovich, CSR B578

1 and the Court finds that it does not.

2 It's not a question of whether or not a study was
3 done of a basin or sub-basin. It is a question of whether
4 or not there is sufficiency in that study.

5 And the Court will confirm its tentative ruling.

6 Thank you.

7 MR. CASEY: Thank you, Your Honor.

8 THE COURT: Court is in recess.

9 --ooc--

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CERTIFICATE OF REPORTER

I, Eva Popovich, do hereby certify that the foregoing transcript, numbered 1 through 23, was reported by me, a Certified Shorthand Reporter, and transcribed by computer under my direction and control, and constitutes a true and complete transcript of said proceedings.

Dated: May 31, 2006, at Santa Rosa, California.


Eva Popovich, CSR No. 8578

Eva L. Popovich, CSR 8578

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA
HONORABLE KNOEL OWEN, JUDGE, DEPARTMENT NUMBER 18

— o o o —

O.W.L. FOUNDATION,
Plaintiff,
vs.
ROHNERT PARK CITY COUNCIL,
Defendant.

SCV NO. 236309

REPORTER'S TRANSCRIPT OF PROCEEDINGS
LAW & MOTION
April 11, 2006

1 motion. I haven't separated it out in terms of just
2 responding to the reply.

3 I can do it now, or I can wait.

4 THE COURT: Well, I was just going to give each
5 side one shot and close with the petitioner.

6 MS. KENYON: Maybe we can start with the
7 petitioner and then respondent and end with the petitioner.

8 THE COURT: Mr. Casey.

9 MR. CASEY: I think it would be better if we try
10 to respond to your questions in your tentative, and then do
11 the petitioner, respondent, petitioner.

12 THE COURT: That's fine. We can do it that way.

13 Where are we on the timing on this? We have 20
14 minutes on the law and motion. Does that sound realistic?

15 MR. CASEY: My presentation is about five minutes,
16 Your Honor.

17 MS. KENYON: My presentation was probably 20
18 minutes, including --

19 THE COURT: We are okay. All right. Well, my
20 tentative comments will deal with the burden of proof; and
21 also whether it was an abuse of discretion to accept the WSA
22 absent referral to the previous studies; and lastly, the
23 city compliance with the plain meaning of SB-610.

24 I think everybody recognizes this is not a hearing
25 on the sufficiency of the ground water; this is a hearing on
26 legal sufficiency of the city council's consideration of the
27 water supply assessment elements under SB-610, in large
28 part.

1 I have read the briefs and reviewed much of the
2 record contained in the bench books. When we are finished
3 here, I will be continuing this until probably around May
4 the 9th, because I am going to request supplemental briefs
5 on one point.

6 And I do want -- as I said, I have reviewed much
7 of the record, but there is much of the record, and I want
8 to go over that one more time.

9 With respect to the burden of proof, water supply
10 assessments are prepared typically or only for CEQA projects
11 and appear to be part of the process which is governed by
12 CCP section 1094.5.

13 However, since no hearing is necessary for the
14 preparation or adoption of a water supply assessment, and
15 1094.5 only governs decisions which require hearings, and
16 the WSA procedure and analysis can be separated from CEQA
17 review, CCP 1085 controls.

18 It does appear that a WSA can involve a number of
19 projects, so the procedure seems less of an adjudication
20 than if the WSA was prepared and adopted just for one
21 project.

22 On the use of conclusions for previous studies,
23 the conclusions and data from previous studies it can't be
24 said. I believe, on that point that the city abused their
25 discretion in accepting a WSA, even though it was prepared
26 without referring to previous studies and the data
27 underlying those studies.

28 The WSA states that the previous studies were

1 outdated, and the petitioners have provided no evidence that
2 the WSA statement in that regard is incorrect; and no
3 evidence that the older studies should have been reviewed.

4 Moving then to the compliance with SP-610, the
5 question is whether or not the city complied with Water Code
6 1094(f)(5) in preparing the WSA, even though the WSA
7 analyzed only a small study area, and not the entire Santa
8 Rosa Valley ground water basin, or even the smaller Santa
9 Rosa Plain sub-basin.

10 And I don't believe that there was compliance,
11 unless the analysis of the, quote, "WSA study area," is
12 sufficient to make a determination about the entire ground
13 water basin, or at least the relevant sub-basin.

14 If it is a sufficient sample, the city should
15 direct the Court to some evidence of this. And I will allow
16 the city to submit supplemental briefs on that issue with
17 response by the petitioners.

18 But I don't think that that correlation has been
19 made sufficiently to bring it within the requirements of
20 SB-610 just on the face of the current WSA language, at
21 least what has been offered here.

22 Lastly, did the city comply with 1094(f) in
23 preparing the WSA, even though the WSA did not define
24 "overdraft" as the term is defined by the Department of
25 Water Resources?

26 And "the Department" is referenced several times
27 in 1094(f)(2), which states that.

28 "The water supply assessment must

1 include information about the Department's
2 determination as to whether the basin is
3 in overdraft."

4 And that question, as to whether or not the city
5 complied with 1094(f) in preparing the WSA, I think the
6 answer is that the city used the Department of Water
7 Resource's definition for, quote, "critical overdraft," not
8 its definition of "overdraft" in the water supply
9 assessment.

10 Because the references to "the Department" appear
11 to be references to the Department of Water Resources and
12 there is an accepted definition of "overdraft" used by the
13 Department, the WSA should use the term as defined by the
14 Department of Water Resources, even though there may be
15 other definitions.

16 So at this point, the tentative ruling is that, on
17 that ground, the Court would be granting the writ. The WSA
18 does not appear to comply with the plain meaning of SB-610,
19 because it does not appear to analyze the ground water basin
20 in which the proposed projects will receive their water,
21 number one, which is the issue that I am soliciting further
22 briefing on; and it also appears that the WSA is required to
23 use the definition of "overdraft" as used by the Department
24 of Water Resources, since they are referenced in the
25 relevant subsection of Water Code 10910.

26 Mr. Casey?

27 MR. CASEY: Thank you, Your Honor. I will try to
28 limit my remarks.

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CERTIFICATE OF REPORTER

I, Eva Popovich, do hereby certify that the foregoing transcript, numbered 1 through 31, was reported by me, a Certified Shorthand Reporter, and transcribed by computer under my direction and control, and constitutes a true and complete transcript of said proceedings.

Dated: April 12, 2006, at Santa Rosa, California.

E Popovich
Eva Popovich, CSR No. 8578

Eva L. Popovich, CSR 8578

EXHIBIT B

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Exhibit B - Form Of Writ Of Mandate

Bingham McCutchen LLP
GEOFFREY L. ROBINSON (SBN 112997)
MARIE A. COOPER (SBN 114728)
DEREK VAN HOFEN (SBN 226880)
1333 N. California Blvd., Suite 210
P.O. Box V, Walnut Creek, CA 94596-1270
Telephone: (925) 937-8000
Facsimile: (925) 975-5390
marie.cooper@bingham.com

Attorneys for Intervenors and Real Parties in Interest
University District LLC and Vast Oak Properties L.P.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SONOMA**

O.W.L. FOUNDATION, et al.,
Petitioners and Plaintiffs,

CITY OF ROHNERT PARK, et al.,
Respondents and Defendants.

UNIVERSITY DISTRICT LLC and VAST OAK
PROPERTIES L.P.,
Intervenors and Real Parties in Interest.

No. 236309
**PEREMPTORY WRIT OF
MANDATE**

(Honorable Knoel Owen)

TO: Respondents City of Rohnert Park and City Council of the City of Rohnert
Park:

Judgment having been entered in this proceeding, ordering that this peremptory
writ of mandate be issued from this Court, YOU ARE COMMANDED to set aside Resolution
2005-24 adopted on January 25, 2005 approving the Final Water Supply Assessment dated
January 2005.

Attest my hand and seal of this court this ___ day of June, 2006.

Clerk or Deputy Clerk of the Court

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PROOF OF SERVICE

I am over eighteen years of age, not a party in this action, and employed in Contra Costa County, California at 1333 N. California Blvd., Suite 210, P.O. Box V, Walnut Creek, California 94596-1270. I am readily familiar with the practice of this office for collection and processing of correspondence for mail/fax/hand delivery/next business day _____ delivery, and they are deposited that same day in the ordinary course of business.

On July 26, 2006, I served the attached:

NOTICE OF ENTRY OF JUDGMENT

(BY FAX) on July 26, 2006, at 4:30 p. m. by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date. The facsimile machine I used complied with California Rules of Court, Rule 2003(3) and the transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

(BY MAIL & EMAIL) by causing a true and correct copy of the above to be placed in the United States Mail at Walnut Creek, California in sealed envelope(s) with postage prepaid, addressed as set forth below. I am readily familiar with this law firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence is deposited with the United States Postal Service the same day it is left for collection and processing in the ordinary course of business.

(EXPRESS MAIL/OVERNIGHT DELIVERY) by causing a true and correct copy of the document(s) listed above to be delivered by _____ in sealed envelope(s) with all fees prepaid at the address(es) set forth below.

(PERSONAL SERVICE) by causing a true and correct copy of the above documents to be hand delivered in sealed envelope(s) with all fees fully paid to the person(s) at the address(es) set forth below.

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Michelle M. Kenyon, Esq.
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Veronica Ramirez, Esq.
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tljones@wbcounsel.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 26, 2006, at Walnut Creek, California.


Joyce E. Aviles

**O.W.L. Foundation**

President, H.R. Downis
 Secretary, Deborah Hunt
 Treasurer, Heidi Dieffenbach-Carle R.G.
 Bonnie Kneibler, M.D.
 Jane Nielson, Ph.D.
 Susan Panttaja, R.G.
 Ray Peterson
 Eric Johnson
www.owlfoundation.net

8/17/06

Philip N. Hogan, Chairman
 National Indian Gaming Commission
 1441 L. Street NW Suite 9100
 Washington DC 20005

RE: Proposed Graton Rancheria Casino and O.W.L. v. Rohnert Park

Dear Chairman Hogan;

I am writing to keep your office abreast of developments in the litigation between the O.W.L. Foundation and the City of Rohnert Park ("the City). The case has concluded and the outcome has profound implications in determining the appropriateness of the site chosen by the Federated Indians of Graton Rancheria to locate a casino. Indeed, the project may now be considered to be fatally flawed because of this ruling.

At issue in the court case was the legal and scientific validity of a single document called a Water Supply Assessment ("WSA") produced to comply with California Senate Bill 610 ("SB 610"). The judge agreed with the O.W.L. Foundation that this document was legally invalid and scientifically incompetent. Please see the attached "Final Judgment Granting Preemptory Writ of Mandate and Complaint for Declaratory Relief".

This is the second lawsuit that Rohnert Park has lost wherein the City has been unable to demonstrate sufficient water supplies. The reason behind this inability is the massive groundwater overdraft conditions under Rohnert Park. Symptoms of overdraft have been documented by federal and state agencies. Indeed, the City's own hydrology study that appears in Rohnert Park's current General Plan proves groundwater overdraft outright. I have sent all of this voluminous evidence to Mr. Mehaffy's office already.

In granting our writ, Judge Knoel Owen noted, among other things, that the WSA: "... *didn't consider how much water was used from the basin by those entities using water from the basin.*" This statement is very important.

Rohnert Park sits in the Santa Rosa Plain Groundwater Basin, a groundwater resource the City shares with Cotati, Santa Rosa, Sonoma State University, numerous private wells and three "emergency"¹ wells operated by the Sonoma County Water Agency ("SCWA"). All of these water consumers must take into account the total accumulated consumption of water in the whole basin if they are to plan ahead and comply with Senate Bill 610. This is a dramatic departure from the way cities assessed water supplies in the past. No longer will looking within city limits be acceptable, rather cities must make a coordinated account of all water withdrawals in the entire basin.

Our concern is that the Graton Rancheria, if permitted to proceed, will establish a federal water right, a "super

¹ These so-called "emergency" wells have been operating continuously for at least the last five years. SCWA has since changed the name to "production" wells, evidence, some claim, that we are in a *bona fide* emergency.

right", in the very middle of this ever-volatile situation. The casino's proposed location sits directly on top of the groundwater cone of depression mapped by the California Department of Water Resources in the 1980's. This casino, if permitted to proceed, would enter an already unstable legal climate, but bringing a federal water right to this mix would be analogous to throwing a lighted match into a gas can. When the smoke clears, this basin would almost certainly find itself adjudicated with everyone's water rights, except the casino's, sharply reduced. Such a high-risk move is completely avoidable. Reasoned thoughtfulness argues strongly against introducing a federal water right into an overdrafted groundwater basin.

Please take time to read this historic court document and consider its implications. The writ against the City dramatically underscores the deepening severity of the water crisis here—certainly no one wants to make it even worse than it already is.

We strongly urge you to deny this project in this location. Please note that the O.W.L. Foundation has no policies regarding Indian gaming whatsoever. Our opposition is focused exclusively on the water crisis gripping Sonoma County and the potential harm that this casino would exert in exacerbating this unhappy predicament.

Thank you very much for attending to this very serious matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'H.R. Downs', with a long horizontal line extending to the left and a large, sweeping flourish to the right.

H.R. Downs
President, O.W.L. Foundation

ov 29 06 10:26a

B-6

STC101**Stop the Casino 101 Coalition**

Representing the People of Marin County & Sonoma County, California
www.stopthecasino101.com

November 20, 2006

The Honorable Dirk Kempthorne
Secretary of the Interior
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

COPY

re: Notice of potential liability
Federated Indians of Graton Rancheria Casino/Hotel Project

Dear Secretary Kempthorne:

The Federated Indians of Graton Rancheria ("FIGR") have proposed to build a huge casino/hotel/resort project ("Project") on land that is currently unincorporated Sonoma County within the City of Rohnert Park's Urban Growth Boundary. The Project would be the largest project in Sonoma County, and one of the largest in Northern California.

It is generally understood that Sonoma County's groundwater supplies are in crisis, and there is not sufficient water to meet the future needs of its citizenry and those of Marin County, which buys water from Sonoma County. There is sufficient evidence to suggest that the entire site chosen for the Project, especially the footprint site, includes an area of the groundwater basin that is overdraft. In fact, the Project would be atop a "cone of depression" in the aquifer.

It is this over-drafted basin that the Project plans to tap with multiple 1,000 to 2,000 foot wells to provide water for what will be a 350,000 sq. ft. or 690,000 sq. ft. facility. There is good reason to believe that this Project's water usage could have an adverse effect on neighboring wells, causing them to run dry, and on Sonoma County's water supply in general, thus threatening the health, safety and well-being of Sonoma County residents.

The Sonoma County Water Agency ("SCWA"), a special district operating under the direction of the Sonoma County Board of Supervisors ("BOS") has recently begun a study of the Santa Rosa Plain water basin in conjunction with the United States Geological Survey ("USGS"). According to published reports, this survey is expected to conclude in 2010. That the County has authorized the USGS water study would seem to indicate that it understands the need for such a study.

Several months ago, the O.W.L. Foundation successfully challenged the City of Rohnert Park's Water Supply Assessment ("WSA") in *O.W.L. Foundation et al v. City of Rohnert Park et al.* which was heard before Superior Court Judge Noel Owen. In his July 24, 2006 decision, Judge Owen states,

"...a water supply assessment of groundwater...does not seem to have a lot of value if it doesn't take into consideration... the amount of groundwater...removed from the relevant ...basin...."

ov 29 06 10:25a

P. 3

"The plain language of 101910(f)5 seems to require...an analysis of the sufficiency of the groundwater from the basin or basins from which the proposed project will be supplied to meet the projected water demand associated with the proposed project.

"It's not clear how anyone can tell if the amount of water is sufficient for proposed projects if it is unknown how much is being consumed by existing users or the projects that have already been approved."

The hundreds of residents whose homes are in unincorporated Sonoma County, within the general vicinity of the Project, rely on private wells as their sole source of water. In fact, the City of Rohnert Park has a municipal well only a few hundred yards from the proposed Project site.


The FIGR's Draft Environmental Impact Statement ("DEIS") may be released in late January, 2007. In view of the fact that the BOS has embarked upon a comprehensive study of the region's groundwater supplies, we believe it would be ill-advised for any DEIS to be released, much less approved by federal authorities, including the Department of the Interior ("DOI") and the Bureau of Indian Affairs ("BIA"), until the USGS groundwater study has been completed. Only then can the government ensure that its citizens' water supplies will not be adversely impacted by the FIGR's casino.

Judge Owen's ruling has had the effect of putting all on notice that "It's not clear how anyone can tell if the amount of water is sufficient for proposed projects if it is unknown how much is being consumed by existing users or the projects that have already been approved." Thus, any release or approval of the FIGR's DEIS that includes usage of Sonoma County water before the County's study has been completed would be undocumented and premature at best, and perhaps reckless and negligent on the part of the federal authorities.

If the federal government facilitates the building of the Project by releasing or approving the FIGR's DEIS prior to completion of the USGS study, and the Project's water usage results in dry wells, then we believe the DOI and the BIA, among others, could be culpable, having had reasonable notice of the area's water supply issues and the potential for problems.

We urge you to suspend the release and/or approval of the FIGR's DEIS until the USGS Santa Rosa Plain water basin study is completed and approved, to best ensure the health and well-being of Sonoma County citizens in jeopardy.

Very truly yours,



Marilee Taylor Montgomery
Stop the Casino 101 Coalition
152 Wilfred Avenue
Santa Rosa, CA 95407

/mtm

cc: Mr. Bradley Mehaffy, NEPA Coordinator, NIGC

April 4, 2007

Mr. Bradley Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW
Suite 9100
Washington, DC 20005

re: Graton Casino/Hotel project DEIS
Request for extended response period

Dear Mr. Mehaffy:

Our rural community is located relatively close to the proposed Graton casino project, easily within distance to feel the strain put on economical and environmental resources and to be of concern to our citizens and property owners, many of whom have lived here for generations. The impacts of this strain would be immediate, irreversible, and continual, possibly forcing us from our homes.

It has taken three years almost to the day for the Project's Draft Environmental Impact Statement ("DEIS") to be released, yet your office has allowed only 74 days to respond. We believe that the response time for this DEIS should be commensurate with the document's preparation time.

We are also asking for an extension because there are salient areas that have not been addressed in the DEIS: one of primary importance to us and inadequately prepared, the traffic study and its full impact. The so called traffic study does not, though it purports to do so, consider alternative feeders or back roads to the alternative casino sites, such as Highway 116 West and Stony Point Road South, both leading to the casino. Both of these "back roads" are our primary transportation routes and would be considerably impacted by traffic seeking alternative paths from Highway 101 to the casino. We already see increased traffic levels from the County Landfill, overflow 101 traffic, and regional rock quarry. The compounded traffic loads from the casino would delay an already slow work commute and interrupt elementary school traffic, making school children late to school on Roblar Road.

And so being, this traffic study is incomplete, ignores multiple impacts, and renders the Draft Environmental Impact Statement fatally flawed.

Therefore, so that the people may have the time needed to review and respond to the DEIS, we request that we be given six months in which to respond.

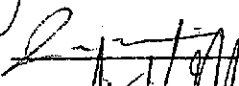
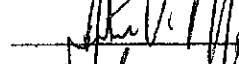
Thank you for your prompt attention to this matter.

Sincerely,

Roblar Area Property Owners
Petaluma, CA 94952
(please see signatures below)

Roblar Road Property Owners

Please Sign Name and Address

1. Kevin Goodano 2755 Roblar Rd 793-1166
2. Michelle Goodard 2755 Roblar Rd 793-1166
3. Michael Becker 2755A Roblar Rd 974-2591
4. Jim Elliott 2990 Roblar Rd 971-0791
5. ~~John Elliott~~ 2992 Roblar Rd 664-0500
6. Jim & Henri Naupha 31640 Roblar Rd 794-0770
7.  4422 Roblar Rd. 792-2284
8.  4422 Roblar Rd 792-2284
9. Berri Messick 4422 Roblar Rd. 792-2284
10. James Huntiker JAMES HUNTIKER 3630 Roblar Rd 795-3348
11. Carolyn Huntiker Carolyn Huntiker 3680 Roblar Rd 795-3348
12. Spencer Crum SPENCER CRUM 3688 ROBLOK RD PET. 664-8028
13. Jacqui McMahon Jacqui McMahon 3690 Roblar Rd 792-6942
14. DENNIS MCMAHON Dennis McMahon 3690 Roblar Rd 792-0552
15. Ann Gilbert Ann Gilbert 4310 Roblar Rd Petaluma 795-1434
16. VIRGINIA GUNDRED Virginia Gundred 4270 Roblar Rd. Petaluma CA 795-1554
17. D. Gundred D. Gundred 4270 Roblar Rd Petaluma CA 795-1554
18. Jim Tunzi 4505 Roblar Rd Petaluma 995-5001
19. Jan Tunzi 4505 Roblar Rd Petaluma 795-5001
20. Halbes J. Purzif 4605 Roblar Rd Petaluma 795-476
21. Linda Manly 4810 Roblar Rd Petaluma 94952

Roblar Road Property Owners

Please Print and Sign Name, Address, and Phone Number

1. BARBARA SHAW (Barbara Shaw) 3730 Roblar Rd, Petaluma
2. Richard Davis 3732 Roblar Rd, Petaluma, Calif 94951 795-9370
3. Laurel Dunston 3738 Roblar Rd Petaluma, CA 94951 795-7205
4. Becky McCulley 3738 Roblar Rd Petaluma CA 95742
5. Veronica Ann Reed 3950 Canfield Rd, Sebastopol 95472
6. Harry Lee Reed 3950 Canfield Rd Sebastopol 95472
7. W. B. Lee 3915 CANFIELD RD, SEBASTOPE, CA 95472
8. Tom Hancock 4000 Canfield Rd, Seb., Ca 95472
9. Melissa Hancock 4000 Canfield Rd Sebastopol CA 95472
10. Harold Lamb 4010 Canfield Rd. Sebastopol CA 95472
11. Susan Lamb 4010 Canfield Rd Sebastopol CA 95472 707-823-7754
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____
21. _____

Roblar Road Property Owners Association

Print Name, Sign Name, Address & Phone

1. Phillip E. Pieri Phillip E. Pieri
5997 Orchard Station Rd. Petaluma
2. Maile Pieri Maile Pieri
5987 Orchard Station Rd Petaluma
3. Bill Rogers - Bill
5987 Orchard Station Rd. Petaluma
4. Jan Shaw Jan Shaw
7120 Orchard Station Rd
5. Nichelle Rourke Nichelle Rourke
7120 Orchard Station Rd
6. BRIAN ROURKE Brian Rourke
7120 Orchard Sta Rd
7. MBoucher Michelle Boucher
7000 Orchard Station Road
8. Robert M. Steele Robert M. Steele
6660 Orchard Station Rd. Sebastopol
9. Teresa L. Steele Teresa L. Steele
6660 Orchard Station Rd. Sebastopol
10. David Gault David Gault
6660 Orchard Station Rd. Sebastopol
11. Margaret A. Hanley Margaret Hanley
7159 Orchard Station Rd. Sebastopol

Print Name, Sign Name, Address & Phone

12. PATRICK HANLEY *Patrick Hanley*
7159 ORCHARD STATION RD. SEBASTOPL, CA 95472

13. Phil Wilson *Phil Wilson*
6050 Orchard Station Rd. Petaluma, CA 94952

14. Linda Peoples *Linda Peoples*
6000 Orchard Station Rd Petaluma, CA 94952

15. Dennis Peoples *Dennis Peoples*
6000 Orchard Station Rd. Petaluma, CA. 94952

16. TOM SCOTT 5130 GILCHRIST ROAD SEB. 95472

17. _____

18. _____

19. _____

20. _____

21. _____

22. _____

23. _____

WRITTEN COMMENT CARD

NATIONAL INDIAN GAMING COMMISSION - DRAFT EIS WORKSHOP & PUBLIC HEARING

FEDERATED INDIANS OF GRATON RANCHERIA - CASINO/HOTEL PROJECT

SPRECKELS PERFORMING ARTS CENTER - 5409 SNYDER LANE
April 4th, 2007

IF YOU WOULD LIKE TO SUBMIT A WRITTEN COMMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Sason Marnick Organization/Tribe/Agency: Roblar Area Property Owners

Address: 9422 Roblar Rd Petaluma CA 94957

Phone/Email: (707) 338-8636, jagene@hotmail.com

Comment: We as a group and area are opposed to a casino in the Roblar Park alternative locations. The casino at the size and scope proposed would add increasingly compounded traffic to our primary transportation routes of Stony Point South and 116 west which have not been considered in the DEIS. For these reasons and more such as increased EMS response times we are asking for a 6 month review extension.

Please give to attendant, drop in Written Comment Box, or mail to: Brad Metalfy, NEPA Compliance Officer, National Indian Gaming Commission, 1441 L Street, NW, Suite 9100, Washington DC 20005. Please include your name, return address, and the caption: "Draft EIS Comments, Graton Rancheria Casino and Hotel Project".

WRITTEN COMMENT CARD

NATIONAL INDIAN GAMING COMMISSION - DRAFT EIS WORKSHOP & PUBLIC HEARING

FEDERATED INDIANS OF GRATON RANCHERIA - CASINO/HOTEL PROJECT

SPRECKELS PERFORMING ARTS CENTER - 5409 SNYDER LANE

April 4th, 2007

IF YOU WOULD LIKE TO SUBMIT A WRITTEN COMMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Justin Meersch Organization/Tribe/Agency: Roblar Area Home owners

Address: 4322 Roblar Rd, Red Bluff, CA 94052

Phone/Email: _____

Comment: Please address the issue of the Sutter University Medical Center closing and what would be done to alleviate the increased demand on emergency health care and will there be a new analysis / study that includes the closing of Sutter University.

Please give to attendant, drop in Written Comment Box, or mail to: Brad Mehaffy, NEPA Compliance Officer, National Indian Gaming Commission, 1441 L Street, NW, Suite 9100, Washington DC 20005. Please include your name, return address, and the caption: "Draft EIS Comments, Graton Rancheria Casino and Hotel Project".

WRITTEN COMMENT CARD

NATIONAL INDIAN GAMING COMMISSION - DRAFT EIS WORKSHOP & PUBLIC HEARING

FEDERATED INDIANS OF GRATON RANCHERIA - CASINO/HOTEL PROJECT

SPRECKELS PERFORMING ARTS CENTER - 5409 SNYDER LANE
April 29, 2007

IF YOU WOULD LIKE TO SUBMIT A WRITTEN COMMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: byron corde Organization/Tribe/Agency: sho the c sni lo

Address: 5732 Dwyer Cir RP

Phone/Email: 707 836-7877

Comment: We don't have enough water for our own town we can't afford to have stations. Casino drink 600 k & take our water. We are in water overdraft. Also my neighbor does not show on your map is needed. There is a water

Please give to attendant, drop in Written Comment Box, or mail to: Brad Mehaffy, NEPA Compliance Officer, National Indian Gaming Commission, 1441 L Street, NW, Suite 9100, Washington DC 20005. Please include your name, return address, and the caption: "Draft EIS Comments, Graton Rancheria Casino and Hotel Project"

Sonoma County Land Rights Coalition

PO Box 2171, Sebastopol, CA 95473

Orlean Koehle, President 707-318-9142

April 5, 2007

RE: The proposed plan to build the Graton Rancheria Hotel and Casino Resort near Rohnert Park

To Whom It May Concern:

I am the President of the Sonoma County Land Rights Coalition, an organization of citizens in Sonoma County concerned about our property rights and water rights because of what is now being proposed called the General Plan 2020.

Part of that plan is the possible metering, monitoring, and perhaps taxing of private wells - Why? Because we are being told there is a water crisis in Sonoma County. We are also being told that is why there will be 100 foot setbacks on anyone who has a creek or stream running through their property - to better take care of the stream beds because of this supposed "crisis."

We are also being told about an endangered "tiger salamander" whose habitat is just where the casino is supposed to be built. Other property owners have to pay an enormous amount of money or trade land to make up for building where that salamander is, what about the casino? All the acres of land that the casino will take up should cost an enormous cost in mitigation fees to compensate for the salamander's habitat.

We are also being told that individual property rights do not mean much anymore. We all have to be thinking of the "public or common good."

If this water crisis is really true in Sonoma County, how could we even be considering allowing such a huge facility as this proposed casino which will be using 165 gallons per minute of water and 300 acre feet of water every day. What is that going to do to the water table of Sonoma County? How will that effect the common good?

If the Board of Supervisors, the Rohnert Park City Council, the Santa Rosa City Council and other elected officials allow this to happen, then we will know that we really don't have a water crisis and all the provisions of the General Plan 2020 concerning water are just "smoke and mirrors" and are not really true.

If our elected officials allow this casino to be built, then we will also know that what they are doing is not for "the common good," but obviously some citizens have more rights than others, because they have more money than others.

Please consider the rights of all of us in making this decision.

Also please delay your decision for another six months so all the above considerations can be better weighed and considered.

Respectfully Submitted:

A handwritten signature in cursive script that reads "Orlean Koehle". The signature is written in black ink and is positioned above the printed name.

Orlean Koehle, President

-----Original Message-----

From: Nathan Botwinik [mailto:CaliforniaRealtor@msn.com]

Sent: Tuesday, April 03, 2007 8:05 PM

To: graton_eis@nigc.gov

Subject: R. Park casino

I would like to help you with your mitigation of wetlands and salamanders. I am a broker

Vernal Pool Technologies, LLC
The Wetland Guy (Biologist)
www.WetlandServices.com
Nathan@WetlandServices.com

Homes and Acreage Realty
Nathan Botwinik (Broker Owner)
www.Homes-Acreage.com
Nathan@Homes-Acreage.com

475 Noonan Ranch Lane
Santa Rosa, California 95403
Office: (707) 569-9404
FAX Line: (707) 569-9488

----- Original Message -----

From: John Herrick <joherri@yahoo.com>

To: graton_eis

Sent: Mon May 14 10:26:12 2007

Subject: dEIS Comments, Graton Rancheria Casino and Hotel Project

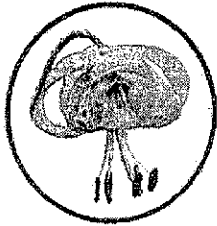
Dear Mr Mehaffy,

Attached you will find Milo Baker Chapter of the California Native Plant Society comments on the dEIS for the Graton Rancheria

Casino and Hotel Project. A copy of the comments will be mailed.

Please contact me if you have questions regarding our attached comments.

John Herrick
Conservation Committee Chairperson
Milo Baker Chapter, CNPS
707/887-8542



California Native Plant Society
Milo Baker Chapter

Via email

May 14, 2007

Brad Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20005

Re: dEIS Comments, Graton Rancheria Casino and Hotel Project

On behalf of the Milo Baker Chapter of the California Native Plant Society, thank you for the opportunity to comment on the draft Environmental Impact Statement for the Federated Indians of the Graton Rancheria Casino and Hotel Project.

We are concerned about the direct and indirect impacts that the project or alternatives will have on special status plant species and impacts to native plant communities occurring on and in the vicinity of the project sites under consideration. We are concerned about the growth-inducing impacts of the proposed project and alternative sites.

We request the opportunity to review the Reduced Intensity-Wilfred Site (Alternative H) prior to the certification of the Final EIS and the Final Conformity Determination.

We prefer the Proposed Project (Alternative A) and the No Action Alternative (Alternative G) that avoid or minimize destruction of existing wetlands, and existing populations and suitable habitat of special status plant species. Project development should be located in or adjoin the City of Rohnert Park Urban Growth Boundary.

We strongly recommend that the proposed project utilize existing water and wastewater utility services. The project should discharge wastewater into the Laguna Subregional Wastewater Treatment Plant. Similarly, the project should obtain water service from the City of Rohnert Park.

Utilizing existing wastewater and water supply utilities will help mitigate growth-inducing impacts. Collaboration with local utilities could make resolving future resource challenges easier. We oppose the construction of the onsite waste treatment plant and well development. We are concerned about ground water drafting. Offering to extend the well depth for property owners affected by the project's water consumption does not mitigate the stress on groundwater resources and could be growth-inducing by providing parcel owners greater groundwater drafting capacity.

We are concerned about the discharge of tertiary treated water into the Laguna de Santa Rosa and prefer that water be conveyed to the Laguna Subregional Wastewater Treatment Plant.

Wet season storage alternatives may adversely impact special status plant species and suitable habitat. Native plant species evolved with winter and spring inundation and dry summer conditions. Summer and fall irrigation applications encourage exotic plant species and degrade native habitat. We do not consider adequate the 50-foot buffer between the proposed spray fields and designated wetlands given the application volume and duration. Should the Graton Rancheria adopt the Wet Season Storage option, we recommend greater buffer distances and swales to confine irrigation water in case of mishap or application error.

We support the on-site wetlands restoration/creation proposed for Alternative A. We recommend that some of the wetlands be contoured to encourage reestablishment of the historic Burke's goldfields (*Lasthenia burkei*) and Sonoma sunshine (*Blennosperma bakeri*) occurrences along Stony Point Road. We recommend that the Graton Rancheria consider utilizing the property west of the Wilfred Avenue development as a possible preserve or mitigation bank consistent with the Santa Rosa Plain Conservation Strategy. We recommend that the designated California annual grassland community and areas formerly under cultivation be managed to establish native plant species dominance.

Sincerely

John Herrick
Conservation Committee Chairperson
Milo Baker Chapter, California Native Plant Society
PO Box 892 Santa Rosa, CA 95402
707/887-8542
johherri@yahoo.com

FAX COVER SHEET

TO	Brad Mehaffy
COMPANY	NEPA/NIGC
FAX NUMBER	12026327066
FROM	Lynn Cominsky
DATE	2007-04-11 14:28:54 GMT
RE	Comments on FIGR DEIS

COVER MESSAGE

Attached are my written comments on the Draft Environmental Impact Statement for the Hotel and Casino Resort Project proposed by the Federated Indians of the Graton Rancheria.



Brad Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street, NW, Suite 9100
Washington, DC 20005

April 11, 2007

Dear Mr. Mehaffy,

I have lived in Sonoma County for over 15 years, and have taught at Sonoma State University (SSU) for the past 20. At SSU, I am now the Chair of the Physics and Astronomy Department, but I offer these personal comments as a long-term resident of Sonoma County. As a scientist, it is important to me to try to carefully consider the data in the Draft Environmental Impact Statement and to analytically consider the arguments that have been presented during these public hearings. After listening to the speakers at the public hearing, and being able to offer a few words, I would like to elaborate on my verbal comments and put some things into perspective that might help people to understand these impacts a bit better and to explain why I strongly support the Tribe's proposed Hotel and Casino Project.

At 252 acres, with 66 acres of buildings, parking lots, etc., the Tribe's plan is comparable in size to the Sonoma State campus (269 acres), which houses 1200 students (many more than will be staying in the planned hotel with 300 rooms). In fact, a smaller percentage of the total land area for the Hotel and Casino Project (about 25%) will be covered with buildings and parking lots than at SSU (about 50%). This means that the overall atmosphere of the Hotel and Casino project will be even more "park-like" than our beautiful campus – often cited as one of the main reasons students choose to attend SSU. The Project will be far less dense than the shopping areas currently adjacent to it, which are almost fully built out and covered in asphalt. The Hotel and Casino will also be separated from the residential Golf Course neighborhood by the 101 freeway, and by those acres upon acres of shopping centers that house Home Depot, Costco, WalMart, etc.. It will also be located in a zone that can legally be used for future commercial and residential development.

True, there are some neighbors in the Wilfred area that would be directly adjacent to the building site, but after searching many other sites in Sonoma county, the Wilfred site was judged to have the least impact on the surrounding environment. And the Tribe is not trying to build "off reservation" – there is no "reservation" that they can build on as the ancestral lands of the Tribe were taken from them many years ago. The area residents who are complaining about building the Hotel and Casino in their backyards should remember that we are all living in what was once the Tribe's backyard. Our beautiful southern Sonoma county lands were historically the lands of these people. And they have every legal right to try to reclaim some of this land to support their tribe members and to preserve their culture. It is the public's job to provide thoughtful comments with respect to the analyses that have been made in this voluminous DEIS, and to point out errors in these analyses.

903 MUSTANG COURT • PETALUMA, CA • 94954
PHONE: (707) 782-9380 • FAX: (800) 848-6369

- 2 -

APRIL 11, 2007

That is why it is called a "draft" – the Tribe is eager to hear thoughtful comments that can help correct the draft, and to consider all mitigations possible in order to minimize the impact on the land, the environmental resources and the neighbors.

As another example, the number of 18,000 additional trips has been frequently quoted from the DEIS. At SSU, we have over 8000 individual students, and over 1600 faculty and staff. If each of these individuals drove to and from campus once per day, that would mean more than 18,000 trips per day. So again, the numbers are comparable. This does not count future events at the Green Music Center, at which 10,000 people would attend for just a few hours, generating at least another 10,000 trips. Yet the visitors to the Hotel and Casino, including those who want to see the shows in the theater, would mostly not occur during regular commute hours, as that is when folks go to work. These trips would be much more likely to occur in the evenings and weekends, when people have time to enjoy recreational activities. Thus, the net traffic impact would actually be less than from the SSU students and faculty, who primarily drive to and from campus on Monday – Thursdays during regular working hours. And recreation is big business in Sonoma County – we spend a lot of money trying to entice people from the Bay Area to come up and visit us on the weekends, to drink our wine and enjoy our scenery, while spending money to enrich our economy. Having a well-designed, attractive Hotel and Casino will simply offer one additional alternative way in which people are free to spend their money.

The issue of water availability and sewage was discussed very often in these hearings. I have lived in Sonoma county long enough to know that until recently, Rohnert Park homes were not required to have water meters! Individual household conservation can help us all preserve our water supply, with or without new building projects. According to the Press Democrat 4/4/07, the City of Rohnert Park is planning on building at least 5000 new homes in the next few years – homes that will require far more water and sewer capacity than will the Hotel and Casino. Recycling water and using low-flow toilets to reduce sewer needs, as the SSU campus has begun to do with each new or newly remodeled building, is already planned for the Tribe's project - another example of the Tribe's willingness to build this project with as little impact as possible, right from the beginning.

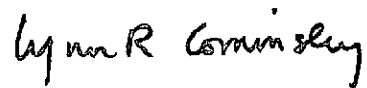
Furthermore, the Hotel and Casino project will bring well paying union jobs to a location that is suffering in the wake of the high-tech collapse, thus additionally helping the local residents and businesses. There is nothing illegal about the types of entertainment that will be offered. Calling gambling "evil" is not a thoughtful response to an environmental impact report, and does not help the NEPA process to address legitimate concerns in possible errors and omissions in the report. The Tribe is eager to hear these types of inputs and to do what it takes to correct the draft report before it becomes final. They want to be good neighbors in Sonoma county, and have tried at every possible opportunity to step forward and show leadership in solving long-standing problems that they did not create – whether it is to help restore the Laguna de Santa Rosa, the broken health-care system in Sonoma county, to improve the responsiveness of local enforcement, or to add to the resources of educational institutions, the Tribe is ready to do what it takes. I only ask that we welcome

- 3 -

APRIL 11, 2007

the Tribe as our neighbors, and to remember whose backyard we are really living in. Thank you for this opportunity to submit these written comments.

Sincerely,

A handwritten signature in black ink that reads "Lynn R. Corninsky". The signature is written in a cursive, slightly slanted style.

Lynn Corninsky
Friend of the Federated Indians of the Graton Rancheria

STC101**Stop the Casino 101 Coalition**

Representing the People of Marin County & Sonoma County, California
 www.stopthecasino101.com

URGENT FAX: PLEASE ROUTE TO RECIPIENT IMMEDIATELY

If you have problems with this fax, please call 707-588-9926

DATE: April 17, 2007

TO: Mr. Phillip N. Hogen, Chairman, NIGC

FROM: Pastor Chip Worthington, Founder, Stop the Casino 101 Coalition
 Telephone: 707-584-5673 (Church Office)
 Email: chip@stopthecasino101.com

re: requests for 6 months DEIS comment period

Page One of Thirteen

The Draft Environmental Impact Statement for the Graton Casino/Hotel Project was released on March 1, 2007, after three full years of preparation. Despite this lengthy preparation period and the complex issues involved, the NIGC has proposed to provide only a 75 day comment period. This short period of time is generally considered to be inadequate to the task at hand.

As a result, Congresswoman Lynn Woolsey (D-CA), State Assemblyman Jared Huffman (D-6th District), the majority of Sonoma County's cities, and the majority of speakers at the DEIS Hearings held on April 4 and 5, have asked that the comment period be a full six months. The County of Sonoma has asked the NIGC for a "90 to 120 day" period, with an additional Hearing at the end of that period. At least two Sonoma County agencies, including the Sonoma County Water Agency ("SCWA") intend to ask for an extension, and more may follow. (At least one County agency, SCWA, was not noticed: their copy of the DEIS was sent to the San Francisco Water Agency, and the mistake was not noticed until just this month.)*

NIGC representatives at the Hearings said that they would consider the requests on a "case-by-case basis", but we feel that is arbitrary and capricious. Speakers at the Hearings were 8 to 1 against the casino, and the NIGC's refusal to grant the community as a whole a six month comment period is considered by many to be an attempt by the NIGC to quash public comment in this matter.

The Scoping Hearing held in this matter allowed a 50 day response period, with no complex paperwork to be studied or prepared, yet the NIGC is offering only 24 more days than that to obtain the DEIS, study it, and prepare measured comments. That is unreasonable.

In view of Graton's special statutory privilege for taking land into trust, this is the only opportunity the community has to speak out against the proposal. Thus, the importance of an adequate response period should not be minimized. It is our understanding that the community of La Center, WA was given the courtesy of a six month comment period. I think it more than reasonable that Sonoma County governments and residents be given the same.

* Included with this fax are those letters in our possession, some of which your office has already received.

CALIFORNIA LEGISLATURE



Jared Huffman
ASSEMBLYMEMBER, 6TH DISTRICT

STATE CAPITOL
Room 4138
SACRAMENTO, CA 95814
(916) 319-2006
FAX (916) 319-2106

DISTRICT OFFICE
3601 Civic Center Drive
SUITE 112
San Rafael, CA 94903
(415) 479-4920
FAX (415) 479-2123

CHAIR, Environmental Safety
& Toxic Materials Committee

COMMITTEES
Appropriations
Business and Commerce
Water Parks and Wildlife

March 28, 2007

Mr. Bradley Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20005
FAX: 202.632.7066

RE: Federated Indians of Graton Rancheria Casino and Hotel Project DEIS

Dear Mr. Mehaffy:

I am writing to formally express my strong support for a six month extension to the public comment period on the Draft Environmental Impact Statement (DEIS) for the Graton Casino "Project" planned in Sonoma County, California.

This project, if built, may have far-reaching, negative consequences for the City of Rohnert Park, and the entire region. As you are well aware, an initial review of the DEIS was released and has identified several areas of concern, including: traffic congestion, the imposition of a federal water right for an area that is already experiencing concerns about its water supply, urban blight, and so on.

Traffic Congestion: The estimated daily rounds vehicle trips to the casino may in fact be unrealistically low. Planned Highway 101 expansion at Wilfred Avenue was never intended to accommodate future commercial development, but only to relieve existing traffic congestion. Therefore, casino traffic might result in negating the planned improvements to Hwy 101.

Existing Water Supply: In a region that faces significant and growing water problems, we must carefully assess the impact of this project on water resources. The DEIS acknowledges that the Project could present a threat to those wells, and offers some compensation should anyone within a specific area have their wells impacted by the Project within a specific period of time. This compensation plan may not be adequate. If resident's wells were to go dry from the casino's impact on the aquifer, they would have limited options. Simply assuming these residents could secure replacement water supplies would be irresponsible, especially given the lack of existing

PAGE 01/02

ASSEMBLY JARED HUFFMAN

075762735

03/29/2007 11:43

supply and infrastructure in the current water delivery system. I see no reason to put area residents' water supplies at risk for this development.

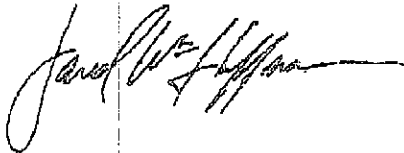
Urban Blight: We know from other communities across California that the impact of tribal casinos have resulted in closed stores, deserted malls, and downtown commercial decay, as people spend their discretionary money on gambling rather than goods and services from their fellow community members, further weakening the region's economic strength.

The people of the 6th Assembly District - my constituents - wish to make a meaningful response to the Project's DEIS. They do not have access to a staff who could review the DEIS for them, but must do it all themselves. The Graton DEIS took three years to produce and I do not feel that an adequate amount of time has been allowed for their analysis and thoughtful comment to be expressed.

Therefore, I am herein requesting that the deadline for response for the Graton DEIS be extended from the current seventy-five days to six months, and that responses be accepted up to and including Friday August 31, 2007.

Again, I urge your careful consideration of this request. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



JARED HUFFMAN
Assemblymember, 6th District

JFH: lb

PAGE 02/02

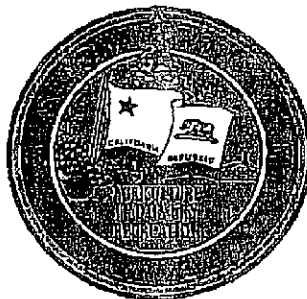
ASM JARED HUFFMAN

03/29/2007 11:43 7075752735

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SANTA ROSA, CALIFORNIA 95403

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March 20, 2007

Via Mail and Fax: (202) 632-7066

Mr. Brad Mehaffy
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, D.C. 20005

Re: Request to extend public comment period and schedule a public hearing
Graton Rancheria Casino and Hotel Project Draft Environmental Impact Statement

Dear Mr. Mehaffy:

The County of Sonoma, Sonoma County Water Agency, Sonoma County Transportation Authority, and Rincon Valley Fire Protection District respectfully request that you extend the public comment period on the Graton Rancheria Casino and Hotel Project Draft Environmental Impact Statement ("DEIS") by 90 to 120 days, and hold an additional public hearing near the end of the revised public comment period. We understand that you have received several requests in this regard, and intend to consider them after the April 4 and 5 public hearings.

We respectfully suggest that the current comment deadline does not provide the public and interested parties with sufficient time to obtain and read the DEIS, consider the project's potential impacts and alternatives, and comment effectively. The DEIS consists of five 3½- to 6-inch binders filled with double-sided text, figures, and charts. It evaluates seven alternatives and eighteen impact categories, and includes twenty-five appendices with highly detailed and technical scientific information. We believe that an extension of the comment period is necessary to allow the public and interested parties a meaningful opportunity to respond to this information.

Indeed, we note that the DEIS comment period is just a few days longer than the 50-day scoping comment period, even though that process did not require the public to review anything resembling the same amount of material. We respectfully submit that the DEIS warrants a substantially longer public comment period than the scoping stage. We further suggest that extending the comment period would evince a commitment to a transparent

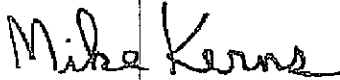
Mr. Brad Mehaffy
March 20, 2007
Page 2

and thorough public review process, and would generate more thoughtful, better reasoned, and more concise public comments.

We also respectfully request that you schedule an additional public hearing near the end of the revised comment period. We appreciate your scheduling of two hearings so far, but note that April 4 and 5 are less than thirty days from your March 9 release of the DEIS. We think it unlikely that the public will be able to obtain and review the DEIS, consider the project, and offer effective oral comments in less than 30 days. Indeed, we suspect that many of the attendees will address the length of the comment period rather than the DEIS itself, defeating the purpose of the public hearings. By contrast, a later hearing date would allow commenting parties to provide brief, focused comments that would be easier to address in the Final EIS.

Thank you for your consideration of our request. Please advise me at your earliest possible convenience when you decide on our request, so we can plan accordingly.

Sincerely yours,



Mike Kerns, Vice-Chair
Sonoma County Board of Supervisors

Petaluma (from city web site)

3.G

March 19, 2007

March 14, 2007

Mr. Bradley Mchaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 "L" Street NW
Suite 9100
Washington, D.C. 20005

RE: Request for an Extension of the Public Comment Period on the Draft Environmental Impact Statement (DEIS) for the Proposed Federated Indians of Craton Rancheria Casino and Hotel Project, Sonoma County, CA

Dear Mr. Mchaffy:

On behalf of the City Council and the citizens of the City of Petaluma, we would respectfully request that the public comment period on the aforementioned DEIS, now scheduled to conclude on May 14, 2007, be extended from its current 77 days (based on the February 27, 2007 date on the letter from Mr. Chad Broussard of Analytical Environmental Services) to a total of 180 days. We understand that our request is not specifically provided for within the National Environmental Protection Act (NEPA) or the applicable procedural regulations of the Council on Environmental Quality governing NEPA (40 CFR Parts 1500-1508). However, the proposed casino/hotel has such potential to create significant environmental impacts for the City of Petaluma and other jurisdictions in proximity to the project that we believe the established comment period is insufficient to adequately understand and thoughtfully comment on the analysis and conclusions in the DEIS. Given the amount of time it has taken to produce and circulate the DEIS for public comment and the complexity of the issues and impacts it describes, we believe that our requested extension of the comment period is not only warranted, but also is in the best interest of full disclosure and public discourse on which NEPA is based.

Thank you in advance for your prompt consideration of and favorable response to this request.

Sincerely,

Pamela Torliatt
Mayor

c: Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, D.C. 20005

Honorable Lynn Woolsey
2263 Rayburn Building
Washington, D.C. 20515

Philip N. Hogan
Chairman
National Indian Gaming Commission
1441 "L" Street NW
Washington, D.C. 20005

Supervisor Mike Kerns
Supervisor Valerie Brown
Supervisor Mike Reilly
Supervisor Paul Kelley
Supervisor Tim Smith

Souoma County Mayors



City of Sebastopol

CITY HALL
P.O. BOX 1776
SEBASTOPOL, CA 95473
(707) 823-1153 PHONE
(707) 823-1135 FAX
www.ci.sebastopol.ca.us
Email: mjourley@sonic.net

MAYOR
Sam Pierce

COUNCIL
Craig Litwin, Vice Mayor
Larry Robinson
Linda Kelley
Sarah Glade Gurney

City Manager
David D. Brennan

March 21, 2007

Mr. Bradley Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW
Suite 9100
Washington, DC 20005

RE: Federated Indians of Graton Rancheria Casino/Hotel Project DEIS
Request for extended response period

Dear Mr. Mehaffy:

The proposed Federated Indians of Graton Rancheria casino project ("Project") has, since the beginning, been a source of concern to the City of Sebastopol. The impact of this Project on regional resources would be significant.

It has taken three years almost to the day for the Project's Draft Environmental Impact Statement ("DEIS") to be released, yet your office has allowed only 74 days to respond. We believe that the response time for this DEIS should be commensurate with the document's preparation time. Therefore, so that we may have the time needed to review and respond to the DEIS, we request that the community be given six months in which to respond.

Thank you for your prompt attention to this matter.

Sam Pierce
Mayor
City of Sebastopol

cf:

Phillip N. Hogen, Chairman,
National Indian Gaming Commission
1441 L Street NW
Suite 9100
Washington, DC 20005

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington DC 20510

The Honorable Lynn Woolsey
6th Congressional District Representative
2263 Rayburn Bldg House Office Building
Washington DC 20515

Sonoma County Board of Supervisors
575 Administration Drive
Room 102A
Santa Rosa, CA 95403

Sebastopol City Council
Sebastopol City Manager
Planning Director

City of Sonoma

Sonoma, Sister Cities:

No. 1 The Plaza
 Sonoma, California 95476-6618
 Phone (707) 938-3681 Fax (707) 938-8775
 E-Mail: cityhall@sonomacity.org



Chambolle-Musigny, France
 Greve in Chianti, Italy
 Kaniv, Ukraine
 Patzcuaro, Michoacán, Mexico

March 22, 2007

Mr. Bradley Mehaffy
 NEPA Compliance Officer
 National Indian Gaming Commission
 1441 L Street NW
 Suite 9100
 Washington, DC 20005

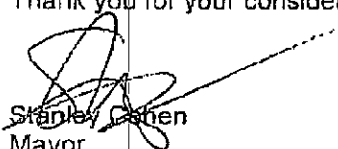
RE: Federated Indians of Graton Rancheria Casino/Hotel Project DEIS
 Request for extended response period

Dear Mr. Mehaffy:

The proposed Federated Indians of Graton Rancheria casino project ("Project") has been a source of continuing concern to residents and local government agencies throughout Sonoma County. The impact of this Project on regional resources would be significant.

It has taken three years for the Project's Draft Environmental Impact Statement (DEIS) to be released, yet only 74 days have been allowed in which to respond to this lengthy document. The significance of the Project to the region requires that sufficient time be provided for review of the DEIS and preparation of a thoughtful and reasoned response. The Sonoma City Council requests that the community be given six months in which to respond.

Thank you for your consideration of this request.


 Stanley Cohen
 Mayor
 City of Sonoma

cc: Phillip N. Hogen, Chairman,
 National Indian Gaming Commission
 1441 L Street NW
 Suite 9100
 Washington, DC 20005

The Honorable Dianne Feinstein
 331 Hart Senate Office Building
 Washington DC 20510

Mr. Bradley Mehaffy
March 22, 2007

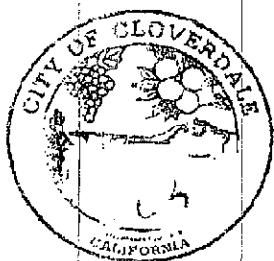
Page 2

The Honorable Mike Thompson
1st Congressional District Representative
231 Cannon Office Building
Washington, DC 20515

The Honorable Lynn Woolsey
6th Congressional District Representative
2263 Rayburn Bldg House Office Building
Washington DC 20515

Sonoma County Board of Supervisors
575 Administration Drive
Room 102A
Santa Rosa, CA 95403

Councilmembers



Telephone (707) 894-2521
FAX (707) 894-3451

City of Cloverdale

P.O. Box 217 • 124 North Cloverdale Blvd. • Cloverdale, CA 95425-0217

March 30, 2007

Mr. Bradley Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 "L" Street NW
Suite 9100
Washington, D.C. 20005

REQUEST FOR EXTENSION OF PUBLIC COMMENT PERIOD ON DRAFT EIS FOR THE FEDERATED INDIANS OF GRATON RANCHERIA CASINO AND HOTEL PROJECT IN SONOMA COUNTY, CALIFORNIA

Dear Mr. Mehaffy:

The purpose of this correspondence is to request an extension of the public comment period on the above document from its current date May 14 2007, to a period of 180 days from the initial release. The environmental analysis is both extensive and complex as indicated by the time required to prepare the draft environmental impact statement. Because this project may have impacts on our community, we need additional time to have our city departments review the report and provide analysis for city council consideration.

There has been extensive newspaper reporting and discussion of this project in the past but less significant publicity recently as the DEIS was being prepared. As a result, additional time is required for us to refocus city staff attention to this matter, review the DEIS and conduct sufficient analysis to provide informed comments.

We hope that you will look favorably upon this request for an extension to the public comment period so that the city council can fulfill its responsibility of participating in the review process. Please notify us of your determination.

Sincerely,

Gus Wolter
Mayor



Discover Cloverdale

Where the Vineyards meet the Restaurants.

Cc: Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, D.C. 20005

Honorable Lynn Woolsey
2263 Rayburn Building
Washington, D.C. 20515

Philip N. Hogan, Chairman
National Indian Gaming Commission
1441 "L" Street NW
Washington, D.C. 20005

Supervisor Mike Kerns
Supervisor Valerie Brown
Supervisor Mike Reilly
Supervisor Paul Kelley
Supervisor Tim Smith

Sonoma County Mayors

April 24, 2007

Mr. Bradley Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW
Suite 9100
Washington, DC 20005

RECEIVED
NATIONAL INDIAN
GAMING COMMISSION
2007 APR 26 PM 4:49

re: Graton Casino/Hotel project DEIS
Request for extended response period

Dear Mr. Mehaffy:

Our rural community is located relatively close to the proposed Graton casino project, easily within distance to feel the strain put on economical and environmental resources and to be of concern to our citizens and property owners, many of whom have lived here for generations. The impacts of this strain would be immediate, irreversible, and continual, possibly forcing us from our homes.

It has taken three years almost to the day for the Project's Draft Environmental Impact Statement ("DEIS") to be released, yet your office has allowed only 74 days to respond. We believe that the response time for this DEIS should be commensurate with the document's preparation time.

We are also asking for an extension because there are salient areas that have not been addressed in the DEIS: one of primary importance to us and inadequately prepared, the traffic study and its full impact. The so called traffic study does not, though it purports to do so, consider alternative feeders or back roads to the alternative casino sites, such as Highway 116 West and Stony Point Road South, both leading to the casino. Both of these "back roads" are our primary transportation routes and would be considerably impacted by traffic seeking alternative paths from Highway 101 to the casino. We already see increased traffic levels from the County Landfill, overflow 101 traffic, and regional rock quarry. The compounded traffic loads from the casino would delay an already slow work commute and interrupt elementary school traffic, making school children late to school on Roblar Road.

And so being, this traffic study is incomplete, ignores multiple impacts, and renders the Draft Environmental Impact Statement fatally flawed.

Therefore, so that the people may have the time needed to review and respond to the DEIS, we request that we be given six months in which to respond.

Thank you for your prompt attention to this matter.

Sincerely,

Roblar Area Property Owners
Petaluma, CA 94952
(please see signatures below)

Dear Sir,
Please add these signatures to our previous submission for an extension of 6 months.

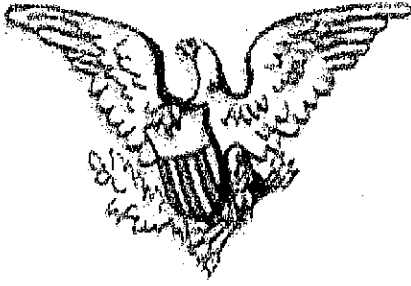
Sincerely,
Jason Merrick

Roblar Road Property Owners

Sign Name and Address

1. Sue Burkett 200 Vlaardingen Ln. Pet CA 94952
2. Ann Adlis 200 Vlaardingen Ln. Pet CA 94952
3. Ronald Norton 400 Vlaardingen Ln. Pet 94952
4. Lu Frasin 500 Vlaardingen Ln Pet 94952
5. Dennis Frasin 500 Vlaardingen Ln. Pet 94952
6. Jan Delf 4983 Canfield Rd Petaluma 94952
7. Kenneth Delf 4983 Canfield Rd. Pet. CA 94952
8. Jan Snow 4995 Canfield Rd, Petaluma CA 94952
9. Ellen Rush 4995 Canfield Rd. Petaluma, CA 94952
10. Alex Rush 4995 Canfield Rd, Petaluma, CA 94952
11. Susan K. Baritell 4995 Canfield Rd. Petaluma, CA 94952
12. Michael H. Mehaffey 4995 CANFIELD RD. PETALUMA, CA. 94952
13. Bary Weinberg 4444 Roblar Rd Petaluma CA 94952
14. Robert Weinberg 4444 Roblar Rd. Petaluma, Ca 94952
15. Alley 4444 Roblar Rd. Petaluma CA 94952
16. Jon Kaiser 4444 Roblar Rd. Petaluma CA 94952
17. _____
18. _____
19. _____
20. _____
21. _____

hweinberg
@gmail.com
enderqma@
gmail.com



EAGLE FORUM OF CALIFORNIA

Education and Legal Defense Fund

E. Orlean Koehle

State President

P.O. Box 5335 Santa Rosa, CA 95402

Web Site: eagleforumofcalifornia.com

Phone and Fax: (707) 539-8393 E-Mail: caleagle@sbcglobal.net

April 30, 2007

Mr. Brady Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street North West, Suite 91000
Washington D.C. 20005

Dear Mr. Mehaffy:

We, the following officers of Sonoma County Eagle Forum, strongly express our opposition to the Indian Gambling Casino, Graton Rancheria, planned for the outskirts of Rohnert Park, CA.

The location is too close to large cities: We are outraged that a casino is being planned so close to large populated areas such as Rohnert Park, Cotati, Santa Rosa, and Petaluma. The combined population of these cities is close to 300,000.

Too close to a college: We are especially concerned that Rohnert Park is a college town, where Sonoma State University is located, and where young, naive students can be easily enticed to start gambling. They will lose much of their hard earned money that was meant to keep them in college. Many of them will probably just have to quit.

The social upheaval that goes along with gambling: In spite of lies and distortions that try to cloud over the truth, the facts still stand that whenever a casino comes close to a city, the rate of traffic problems, crime, prostitution, drug use, alcoholism, gambling addiction increases, and suicide rates go up. Of course this affects the families in that area and the community in general.

Other businesses will be forced to shut down: Since the casino is considered to be on the soil of what is now an Indian nation, the nation does not need to pay taxes to our government and can then afford to have their meals a little cheaper. The various restaurants and hotels in the surrounding areas have a hard time competing with the low costs of the Casino and pretty soon they start to go under. It truly does have a giant impact on the whole area.

Health and environmental concerns: We also are opposed to the casino on the basis of health and environmental concerns. We have had a drought this year in California. The scarcity of water is becoming a major concern, especially in the Rohnert Park area. The

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GAMING COMMISSION
MAY 8 2007

casino would be pumping an enormous amount of water every day out of the ground to furnish all the needs of the guests, restaurants, bathrooms, etc. It would also require much area for sewage, which is also becoming a problem in our county.

The traffic problem is already very serious on Highway 101. The casino would add thousands of cars more.

Shortage of hospitals: We are experiencing a shortage in hospital care because of the closing down of two hospitals. With the rate of crime increasing, surely the rate of those in need of hospitals will increase.

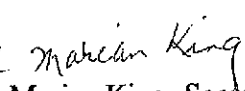
Endangered species violation: Supposedly there is an endangered or threatened species – the tiger salamander – right where the casino is supposed to be built. How could the various environmental agencies allow an Indian tribe to build there when other people are turned away.

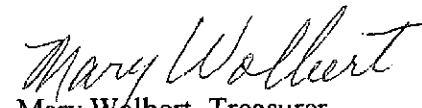
We also ask for a six-month extension while more information is being gathered. For all of the above reasons, we hope you will agree that this location is not feasible and you will consider not allowing it to go forward.

Respectfully,

Officers of the Sonoma County Eagle Forum

 *Orlean Koehle*
Orlean Koehle, President

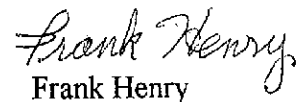
 *Marian King*
Marian King, Secretary,

 *Mary Wolbert*
Mary Wolbert, Treasurer

 *Dick Wolbert*
Dick Wolbert

 *Jennifer Delaney*
Jennifer Delaney,

 *George Bruner*
George Bruner

 *Frank Henry*
Frank Henry

STC101
Stop the Casino 101 Coalition
Sonoma County, CA
www.stopthecasino101.com

URGENT FAX: PLEASE ROUTE TO RECIPIENT IMMEDIATELY
If you have problems with this fax, please call 707-588-9926

DATE: April 18, 2007

TO: The Honorable Byron L. Dorgan, Chairman, Senate Indian Affairs Committee
The Honorable Nick J. Rahall, Chairman, House Resource Committee
The Honorable Barbara Boxer
The Honorable Dianne Feinstein
The Honorable Lynn Woolsey
Governor Arnold Schwarzenegger, c/o Ms. Andrea Lynn Hoch
The Honorable Carole Migden
The Honorable Jared Huffman
Phillip N. Hogen, Chairman, NIOC

FROM: Marilee Montgomery, Public Information Liaison
Stop the Casino 101 Coalition
Telephone: 707-793-2355
Email: marilee@stopthecasino101.com

re: Graton Rancheria casino DEIS/Request for extension of comment period

Page One of

STC101 offers free fax service to anyone wishing to send a message to our federal and state elected representatives, officials, committees and agencies. Below please find the most recent request(s).

- >> From: DVhartwig@aol.com
- >> Date: 2007/04/16 Mon PM 01:32:57 EDT
- >> To: marilee@stopthecasino101.com
- >> Subject: Re: DEADLINE MAY 4!!

- >> Bradley Mehaffy please concenter a six month comment period for the Graton
- >> Casino/Hotel Project's DEIS, allowing comments up to and including August 31,
- >> 2007, so that we may have the time to prepare a meaningful response.
- >>
- >> "The DEIS is seriously flawed in the following areas:"
- >>>>
- >> The traffic data in the DEIS is inadequate and incomplete
- >>
- >> The water component of the DEIS is based on outdated information
- >>
- >> The 12/31/2005 flood is not mentioned in the DEIS
- >>
- >> Thank you for your concenteration.
- >> Mr. & Mrs. Dennis B. Hartwig
- >> 4650 Whistler Ave. Santa Rosa Ca.95407

STC101
Stop the Casino 101 Coalition
Sonoma County, CA
www.stopthecasino101.com

URGENT FAX: PLEASE ROUTE TO RECIPIENT IMMEDIATELY
If you have problems with this fax, please call 707-588-9926

DATE: April 20, 2007

TO: The Honorable Byron L. Dorgan, Chairman, Senate Indian Affairs Committee
The Honorable Nick J. Rahall, Chairman, House Resource Committee
The Honorable Barbara Boxer
The Honorable Dianne Feinstein
The Honorable Lynn Woolsey
Governor Arnold Schwarzenegger, o/o Ms. Andrea Lynn Hoch
The Honorable Carole Migden
The Honorable Jared Huffman
Phillip N. Hogen, Chairman, NIGC

FROM: Marilee Montgomery, Public Information Liaison
Stop the Casino 101 Coalition
Telephone: 707-793-2355
Email: marilee@stopthecasino101.com

re: **Graton Rancheria casino DEIS/Request for extension of comment period**

Page One of

STC101 offers free fax service to anyone wishing to send a message to our federal and state elected representatives, officials, committees and agencies. Below please find the most recent request(s).

From: zeno <zeno@sonic.net>
Date: 2007/04/17 Tue PM 04:06:50 EDT
To: marilee@stopthecasino101.com
Subject: DEIS Graton Casino

I am a 40 year property owner resident of the Cotati and Penngrove area in Sonoma County. I am a retired professor from Sonoma State University and know this area very well. I have seen the Environmental Impact Statement concerning the proposed Graton Casino/Hotel and believe it to be inadequate in many respects. This DEIS is seriously flawed concerning the impact of traffic, is unrealistic and incorrect regarding the information used on water usage and its consequences, also the problems of flooding in regards to sewer treatment is based on outdated information. These are just some of the problems with this report. We need at least a 6 month period up to an including August 31, 2007 to comment and review the serious shortcomings of this DEIS .

Myron Ort

zeno@sonic.net

Dear Government Official,

April 25, 2007

I am writing to express profound concern regarding the construction of a casino in the densely populated college town/bedroom community of Rohnert Park. Not only is the casino propelled by money mongers associated with casino corporations based in Las Vegas which have very little concern for the welfare of Sonoma County, but the process of obtaining permission to legitimize a bogus tribe itself was indeed fraught with large payoffs and continues to portend frequent offers to local entities such as schools and hospitals to "buy them off" and secure final approval to build.

Having a tribal land operating a casino which is not under jurisdiction of local authorities amidst a large community such as Sonoma will cause a blightful toll in terms of unrestricted crime and drunk driving. Sonoma County already suffers from a statistically high amount of accidents from the South on freeway 101 as it approaches RP. In fact, Sonoma County carries the highest numbers of road fatalities in the state of California. The county suffers from a disproportionate number of unlicensed illegal aliens and to add drunk driving with no recourse of Police supervision would be beyond reckless for any governing body to approve.

I am asking for not only an extension to study these issues more factually, but also am asking for a halt completely in this process. The county is not prepared to take on a further epidemic of trauma and fatalities of the nature described. We are losing complete operation of a major Hospital, Sutter Medical Center, Santa Rosa, within the next year and are also losing a county Hospital, Palm Drive to bankruptcy at the same time. The community cannot bear any more stress to a medical care system in high flux at this time.

It would be very appropriate to measure the impact of this proposal on the level of crime and the incidence of traumatic accidents in light of unlicensed aliens and young college students residing not more than 2 miles away. What kind of liability and lawsuits will arise from California families who have sent their promising young adult children to study in California's beautiful wine country, who are then lost on the roadway to drunken casino patrons? A study should also be done to measure how the remaining hospitals can possibly cope with more traumas arising from traffic accidents associated with this proposed casino.

Sincerely,
Gretchen Daniels
545 St Mary drive
Santa Rosa, ca 95409

8h :11 AM 1 - MAY 2007
RECEIVED
NATIONAL INDIAN
GAMES COMMISSION

0

Petition of Sutter Nurses against 101 Casino

"SNAC"

We the Nurses of Sutter Medical Center, Santa Rosa are opposed to the building of a Casino on highway 101 in Rohnert Park. Our organization requests scientific study to be done regarding the impact of such an endeavor on our over burdened healthcare system. The study should include a projection of fatalities and traumas associated with college drivers interacting on the same freeway structures within a five mile radius of a tribally governed casino which by definition, precludes civil government of activities on the property. Our county leads the state in highway fatalities.

(Please sign your name, date, address and phone number or email info)

- Elizabeth Topete RN 4/26/07 200 Flametree Cr. Windsor CA 95492 lamuralla2@aol.com.
- Alma Martinez 4/26/07 326 N. Main St Cloverdale CA 95425
- Ja Vongphakham 4/26/07 2434 Valley View Dr. S R, CA. 95401
- Mary E Smith 4/26/07 PO Box 1123 Guerneville, CA 95446
- Andy Bullard 4/26/07 1203 W. Hill Cr. S R CA 95403
- Joanna Thayer 4/26/07 1711 Zinfandel Dr. Petaluma, CA 94954
- Helen Barui-McMahon 4/26/07 918 Gendul Calle Santa Rosa, CA 95409
- Dante Dujan 4/26/07 595 Los Alamos Rd, Santa Rosa, CA, 95401
- Nancy M. Gundersen 4/26/07 2450 Gads Hill St. Ca 95401
- Melinda Lovelace 4/26/07 2307 Warwick Dr. S.R. 95405
- Antoinette Hdguin 4/26/07 PO Box 238 Sebastopol CA 95472
- Kambra Hader 4/26/07 2724 Magowan Dr. S R 95405 Friend of SNAC
- Orna Lo 4/26/07 3225 Chateau Rd. SR 95404. Friend of SNAC
- Shere Olson 4/26/07 1479 Hawk Crest Dr SE 95409
- Rummy Jones 4/26/07 1812 Trinity Ave Walnut Creek CA 94546
- Rebecca Moore 4/26/07 1731 Palomino Ct. Healdsburg CA 95448
- E. Drumfey 4/26/07 408 Goblet Pl. Windsor, CA 95492
- Lynda Ashley 4/26/07 1235 Redbi Rd. Santa Rosa CA 95407
- Cynthia Jones 4/26/07 5273 Dry Creek Rd Healdsburg, Ca 95422
- Linda Majell 4/26/07 4480 Summit View Ranch Rd. Santa Rosa CA 95404
- Wendy Williams 4/26/07 8551 Loretta Ave. Cotati, Ca. 94931
- St. J. ... 4/26/07 545 St Mary Dr S. Rosa CA 95409

Petition of Sutter Nurses against 101 Casino

"SNAC"

We the Nurses of Sutter Medical Center, Santa Rosa are opposed to the building of a Casino on highway 101 in Rohnert Park. Our organization requests scientific study to be done regarding the impact of such an endeavor on our over burdened healthcare system. The study should include a projection of fatalities and traumas associated with college drivers interacting on the same freeway structures within a five mile radius of a tribally governed casino which by definition, precludes civil government of activities on the property. Our county leads the state in highway fatalities.

(Please sign your name, date, address and phone number or email info)

Mrs. B. P. Smith MD 4/26/07 5730 Ruters Dr. SR 95409 (Friend of SNAC)

Murphy 4/26/07 1301 Summer Creek Dr #11 Santa Rosa CA 95400

Janis R. [unclear] 4/26/07 1803 Palisades Drive, Santa Rosa CA 95405

Karen Clark 4/26/07 812 MONROE St. Santa Rosa, CA 95404

Christina [unclear] 4/26/07 1804 [unclear] Santa Rosa CA 95405

Daniel [unclear] 4/26/07 480 Oak Manor Dr. Fairfax CA 94945

Angela [unclear] 4/26/07 PO Box 2052 Windsor CA 95492

Lu Crystal Barrett 4/26/07 2364 Summer Creek Santa Rosa CA 95404

Ji [unclear] 4/26/07 1400 Technology Ln. #1022 Petaluma CA 94954

[unclear] 4/26/07 3324 Chanate Road SR 95409

[unclear] 4/26/07 212 Lea St. Windsor, CA 95492

[unclear] 4/26/07 470 AZTEC DRIVE #427, SR, CA 95403

[unclear] 4/26/07 4000 Campfield Rd. Sebastopol, CA

[unclear] 4/26/07 2210 SUNLIT AVE SR 95403

[unclear] 4/26/07 5952 Yerba Buena Rd SR 95400

[unclear] 4/26/07 2355 Coppertown Lane Santa Rosa - 95400

Sonoma County Teen Eagles
RE: Graton Casino/Hotel project DEIS

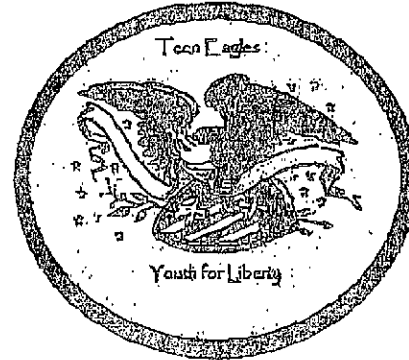
Page 1
5:11:07

County of Sonoma

TEEN EAGLES

1230 Heartwood Drive,
Rohnert Park, CA94928

[707] 585-1332
FAX: [707] 585-1749



May 11, 2007

Via Fax: 202-632-7046

Mr. Bradley Mehaffy
National Indian Gaming Commission
1441 L Street NW
Suite 9100
Washington, DC 20001

Sir:

As representatives of the youth of Sonoma County, the Sonoma County Teen Eagles respectfully requests an extension of public comment period by 180 days and also appeal for another public comment hearing in Sonoma County. To expect concerned citizens to read and sort through a 3,000 page document requires a larger amount of time for comments than has currently been appropriated.

The Sonoma County Teen Eagles urges the National Indian Gaming Commission to reject the Draft Environmental Impact Statement for the Federated Indians of Graton Rancheria Casino and Hotel Project in Sonoma County, California. As a representative of the youth of Sonoma County, Teen Eagles had identified many adverse impacts this project will have on the youth of Sonoma County. Hence we urge the National Indian Gaming Commission to reject the Draft EIS.

The proposed casino/hotel project will destroy Sonoma County's family-friendly atmosphere. As adolescents, we have enjoyed living in a county where efforts are made to maintain an environment which is advantageous to raising a family. This project will destroy our county's goal by increasing crime, air pollution, traffic, water usage and

Sonoma County Teen Eagles
 RE: Graton Casino/Hotel project DEIS

Page 2
 5:11:07

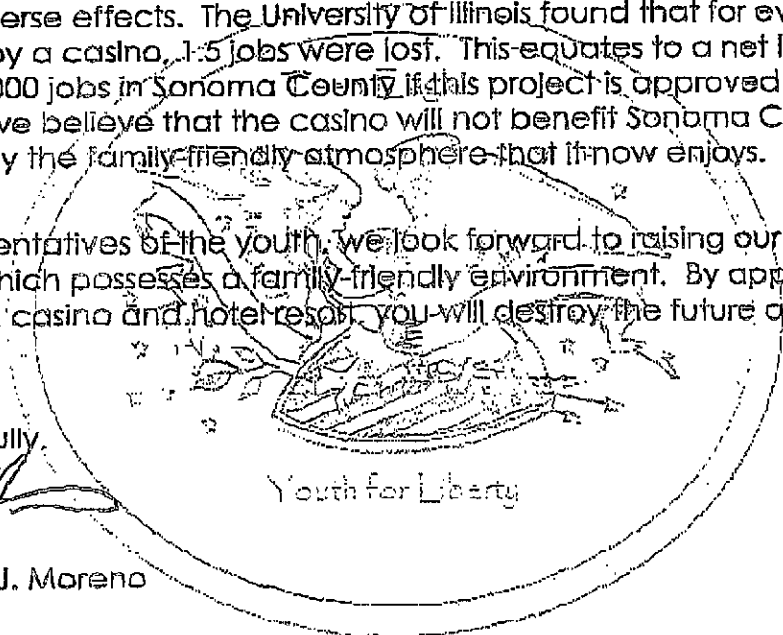
wastewater. Further, as documented by the numerous studies and reports, raising a family is particularly hampered by casinos because of the severe adverse impacts of owning and operating a local small business. Additionally, an empirical study done by the California Highway Patrol, found that incidents of people driving under the influence of alcohol increased by 600% after the opening of a casino. Sonoma County already boasts the largest rate of teenage drunk-driving fatalities in America. This project would exacerbate the situation with thousands more alcohol-related injuries and deaths. Director of the U.S. Gaming Study Robert Goodman found that casinos result in economic loss for local businesses, increase in homelessness, millions of dollars lost in property values, billions of dollars in regional economic loss and many other adverse effects. The University of Illinois found that for every job created by a casino, 1.5 jobs were lost. This equates to a net loss of almost 2,000 jobs in Sonoma County if this project is approved. For these reasons, we believe that the casino will not benefit Sonoma County, but will destroy the family-friendly atmosphere that it now enjoys.

As representatives of the youth, we look forward to raising our families in a county which possesses a family-friendly environment. By approving the proposed casino and hotel resort, you will destroy the future of Sonoma County.

Respectfully,



Anthony J. Moreno
 President



Youth for Liberty

cc: Hon. Lynn Woolsey,
 Hon. Jared Huffman,
 Sen. Diane Feinstein,
 Sec. Dirk Kempthorne

Attached: Petitions signed by members of Teen Eagles supporting the conclusions of this letter.

Name:	Brandon
Address:	3055 Old graven stien Hwy
Phone Number:	(707) 825-6352
Email:	aussiehiicks@juno.com
Signature:	<i>B. Hicks</i>

Name:	Christian Magnell
Address:	17875 Coleman Vly. Rd. Occidental, CA
Phone Number:	874-2583
Email:	t4tacre@sonic.net
Signature:	<i>M</i>

Name:	Robert Raynor
Address:	4944 Ross Rd. Sebastopol CA
Phone Number:	(707) 823-2411
Email:	robert-raynor@gmail.com
Signature:	<i>Robert Raynor</i>

Name:	Aaron Krive for Liberty
Address:	882 Liberty Rd. Petaluma CA
Phone Number:	(707) 763-4584
Email:	a7u1old@gmail.com
Signature:	<i>Aaron Krive</i>

Name:	Royal Magnell
Address:	17875 Coleman Vly Rd
Phone Number:	707) 874-2583
Email:	t4tacre@sonic.net
Signature:	<i>Royal Magnell</i>

Name:	Angel Magnell
Address:	17875 Coleman Vly. Rd. Occ. C.A. 95465
Phone Number:	(707) 874-2583
Email:	to4acres@sonic.net
Signature:	Angel Victoria Magnell

Name:	Amy Krue
Address:	482 Liberty Rd.
Phone Number:	707 763-4584
Email:	a.krue@comcast.net
Signature:	Amy Krue

Name:	DOUG RAYNOR
Address:	4944 Ross Ave
Phone Number:	707-823-7023
Email:	doug@raynor.com
Signature:	Doug Raynor

Name:	Ashley Gates Liberty
Address:	616 McGinnis Cir
Phone Number:	707-745-3778
Email:	Purplegirl7991@yahoo.com
Signature:	Ashley Gates

Name:	Catherine Butcher
Address:	7949 Lynch Rd.
Phone Number:	228-0510
Email:	bsk+billhp34@aol.com
Signature:	Catherine Butcher

Name:	Karol L. Moreno
Address:	1230 Heartwood Dr. Robert Park CA
Phone Number:	(707) 585-1332 94928
Email:	karolmoreno@shoglobe.net
Signature:	K Moreno

Name:	Ann Lorraine Holmes (Magnell)
Address:	17875 Coleman Vly. Road
Phone Number:	707 874-2582
Email:	His annlorraine@yahoo.com
Signature:	Ann Lorraine Holmes

Name:	Caitlin M. Butcher
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(1929 - 2002)

May 14, 2007

Via Facsimile:
202-632-7066

Via Email:
graton_eis@nigc.gov

Via U.S. Mail:
Mr. Brad Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street, N.W., Suite 9100
Washington, DC 20005

Re: DEIS Comments, Graton Rancheria Casino and Hotel Project

Dear Mr. Mehaffy:

Thank you for allowing the Concerned Citizens of Rohnert Park the opportunity to review and comment on the Draft Environmental Impact Statement ("DEIS") for the Graton Rancheria Casino and Hotel Project. The following are comments from the Concerned Citizens of Rohnert Park regarding items that should have been addressed in the DEIS and should be addressed and clarified in the Final EIR:

- The DEIS is deficient due to the lack of discussion on the issue of land status and the legal entitlement to offer gaming by the Federated Indians of Graton Rancheria, a.k.a. Graton Rancheria Tribe. The DEIS should be revised to include an Indian Land Opinion from the National Indian Gaming Commission ("NIGC") pursuant to 25 U.S.C. § 2703 and 25 U.S.C. § 2719 or a full analysis of the restored lands issue.

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Brad Mehaffy, NEPA Compliance Officer
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- The DEIS is deficient due to its lack of discussion regarding the prohibition of gaming on lands acquired after October 17, 1988. (25 U.S.C. § 2719(a)). Pursuant to the Graton Rancheria Restoration Act of 2000 (25 U.S.C. § 1300n-3(b)) real property taken into trust for the benefit of the Graton Rancheria Tribe shall not be exempt under Section 20(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)). 25 U.S.C. Section 2719(b) excepts gaming on Indian lands acquired after 1988, in the following circumstances:
 - (i) the Secretary, after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination (25 U.S.C. Section 2719(b)(1)(A)); or
 - (ii) the lands are taken into trust as part of a settlement of a land claim (25 U.S.C. Section 2719(b)(1)(B)(i)), or, the lands are taken into trust as part of the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process (25 U.S.C. Section 2719(b)(1)(B)(i)); or
 - (iii) the lands are taken into trust as part of the restoration of lands for an Indian tribe that is restored to Federal recognition (25 U.S.C. Section 2719(b)(1)(B)(iii)). The Graton Rancheria Tribe is unable to satisfy or has failed to date to satisfy any of these exceptions and is therefore prohibited from gaming on any land acquired after 1988. The DEIS should be revised to include consideration of this prohibition on gaming.
- 1.1 The Introduction Section states that the Graton Rancheria Restoration Act of 2000 allows the Tribe to establish a reservation in Marin and Sonoma Counties. This restoration of the Tribe is not the same as restoration of *lands* which is required before the Tribe may operate a gaming facility on the acquired land. (25 U.S.C. § 2719). The DEIS should be revised to make this distinction and explain that the project is not on land which has been restored to the Graton Rancheria Tribe. Further, the DEIS should be

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National Indian Gaming Commission
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revised to reflect and analyze the fact that the proposed project has no significant connection to the Graton Rancheria Tribe. The site of the proposed project was chosen based upon the proximity of the land to a major highway and a city. The unstated goal is to establish a casino in a well-developed, urbanized area. This area has been under state jurisdiction since September 9, 1850, when the California Legislature established 27 counties, including Marin and Sonoma, 64 years before Congress appropriated money for the purchase of lands for the benefit of Indians of nonspecific tribal affiliation at the Graton Rancheria.

- 1.2 This Section incorrectly asserts that the consequence of approving the management contract "would be the transfer of the land into trust by the BIA . . . and the development of one of the five casino-hotel resort development alternatives." This assertion is incorrect because before a gaming facility can be allowed, the NIGC must determine whether the lands are considered restored under 25 U.S.C § 2719(b)(1)(B)(3) with an "Indian Land Opinion." The NIGC has yet to issue an Indian Land Opinion and will not be able to support the determination that the lands are restored. The DEIS should be revised so that this Section accurately describes the process and notes that the ability to conduct gaming on the land remains an outstanding issue.
- 1.3 The "Wilfred Site" Section notes that the site is comprised of 11 separate parcels owned in fee by an entity called SC Sonoma Management. The "Lakeville Site" Section notes that the site is comprised of 5 parcels owned in fee by an entity called SC Sonoma Management. This non-Tribe entity ownership violates 25 U.S.C. §2710(b)(2)(A), which requires that the Tribe have "the sole proprietary interest and responsibility for the conduct of gaming activity." The DEIS should be revised to evaluate this apparent statutory violation.
- 1.4 The "Purpose and Need" Section states that the approval of the gaming facility would "effectuate the directive embodied in the Graton Rancheria Restoration Act of 2000." This is incorrect because the Graton Rancheria Restoration Act of 2000 (25 U.S.C. § 1300n-3(b)) specifically limits the real property eligible for trust status to "Indian owned fee land held by persons listed as distributees or dependent members in the distribution plan." The land is currently held by an entity called SC Sonoma

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Development LLC, a subsidiary of Station Casinos of Las Vegas, Nevada and therefore the land is not eligible to be taken into trust. The DEIS should be revised to acknowledge that the approval of the management contract will not require the Secretary to take the land into trust.

- 1.4 The "Purpose and Need" Section states that the approval of the gaming facility would "effectuate the directive embodied in the Graton Rancheria Restoration Act of 2000." This Section fails to address the May 1, 2006 letter from the Office of the Governor of the State of California, which opines that the Restoration Act, at 25 U.S.C. § 1300n-3(a)-(b), is not eligible for trust acquisition. The DEIS should be revised to take into account the effect of the Governor's letter.
- 1.4 The "Purpose and Need" Section states that the gaming facility would be compliant with the "authorization embodied in the Indian Gaming Regulatory Act (IGRA)." This is incorrect because under IGRA, gaming facilities proposed on non-restored land are prohibited unless the land has been federally recognized as restored land through an NIGC Indian Land Opinion. This land cannot be considered "restored" for the following reasons:

(a) The historical documents and factual circumstances surrounding the Graton Rancheria Tribe demonstrate that in 1915 the land comprising the former Graton Rancheria was purchased for the use of "Indians of California," not the Graton Rancheria Tribe nor the Federated Coastal Miwoks. Records from the Reno Indian Agency indicate approximately 453 Indians resided in Sonoma County in 1923. Neither the Graton Rancheria Tribe nor the Federated Coastal Miwoks were among the Indians listed in the records of 1923 as being present in this area of Sonoma County at that time. In 1933, a report was made on the land purchased in 1915. This 1933 report failed to identify any Indians remaining on the land. Therefore, the land of the proposed project can only be *acquired* by the Graton Rancheria Tribe; the lack of historical facts and documents cannot and do not support the conclusion that the land should be designated as *restored* to either the Graton Rancheria Tribe or the Federated Coastal Miwoks.

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(b) In 1959, a distribution plan identified distributees and dependent members of the Graton Rancheria. This distribution clearly identified and assigned restored land located in Graton, California to the members and descendents of the Graton Rancheria Tribe. Therefore, the lands of the Graton Rancheria Tribe have already been restored in Graton, California.

(c) The plain meaning of "restored" is to take back or be put in a former position. Here, the Graton Rancheria Tribe has never before been in possession of the lands subject to this NEPA review. In fact, the Graton Rancheria Tribe never has been in possession of any lands surrounding or near the lands subject to this NEPA review. The Federated Indians of the Graton Rancheria have their historical, archeological, geographical and cultural roots at the Graton Rancheria, located in Graton near Highway 116, South of Forestville and North of Sebastopol, 17 miles away from the proposed site.

(d) In order to be considered restored Indian land, there must be some indication that the land has in some respect been recognized as having a significant relation or connection to the Tribe. (*Grand Traverse Band of Ottawa and Chippewa Indians v. United States Attorney for the Western District of Michigan* 46 F.Supp.2d 689, 701 (W.D. Mich. 1999)). This is the third proposed location of the facility and it is clear that the reason for selecting this location is its proximity to the highway and casino patron accessibility, rather than significant relation to the Tribe. The land does not have any relation to the Graton Rancheria Tribe and, therefore, cannot be considered restored Indian lands.

The DEIS should be revised to include either a NIGC Indian Land Opinion or provide a full analysis of whether the proposed project is on "restored lands."

- 1.21 This Section states that the DEIS has incorporated the issues and concerns summarized within the scoping reports. This is inaccurate because Section 3.2.6 of the Scoping Plan identified the issue of legal entitlement to, and restoration of, lands of the Graton Rancheria Tribe. The DEIS should be revised to include a discussion and analysis of whether the proposed project constitutes "restored lands" of the Graton Rancheria Tribe.

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Brad Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
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- 2.92 This Section refers to the "aboriginal territory" of the Graton Rancheria Tribe. The term "aboriginal territory" is not defined, nor is it consistent with the Cultural Resources Reports included in Appendix M. Appendix M indicates the failure of both the Native American Heritage Commission and a private native lands research consultant to identify the presence of Native American Cultural resources in the immediate project area. The DEIS should be revised to include definition of "aboriginal territory" and support for the term when it is used.
- 3.6-4 This Section states that sites are in a region that "was traditionally controlled by the Coast Miwok, through Rohnert Park." This is an unsubstantiated claim, made without supporting evidence. The Concerned Citizens of Rohnert Park is in the process of conducting further investigation and fact-finding on the historical, geographical, cultural and other issues pertinent to the Federated Indians of the Graton Rancheria and wishes to reserve its rights to submit supplemental comments based on the results of this investigation. The DEIS should be revised to remove or substantiate this information.
- 3.6-4 The Section on the General Setting describes of the history of Indian presence in the general setting for the proposed site. This Section fails to document the historical presence of the Graton Rancheria Tribe. The DEIS should be revised to include historical documentation of the Graton Rancheria Tribe.
- 3.6-9 The Section on Native American Consultation notes that neither the Native American Heritage Commission nor the consulting firm of Tom Origer & Associates found the presence of Native American cultural resources or evidence of the aforementioned assertions of undefined "aboriginal territory" in the proposed project area. Further, this Section does not support the designation of the proposed project as "restored lands" and therefore gaming facilities cannot be permitted on proposed site. The DEIS should be revised to recognize the lack of history and cultural connection between the Graton Rancheria Tribe and the proposed project lands.

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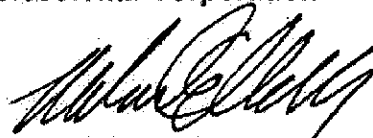
Brad Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
Re: DEIS Comments, Graton Rancheria and Hotel Project
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- The DEIS is deficient as it does not address the May, 2005 Proclamation by Governor Schwarzenegger, which sets forth a general policy on tribal gaming. The DEIS should be revised to include a summary and analysis of how the proposed project can be compliant with this Proclamation.
- The DEIS is deficient for its lack of discussion of an alternative option for locating the proposed gaming facility on the original restored lands of the Graton Rancheria Tribe, in Graton, California. The DEIS should be amended to include this as a project alternative.
- The DEIS is deficient because it fails to discuss the impacts of the proposed project failing to obtain federal recognition for restored lands. The DEIS should be revised to include an analysis of the impacts and alternatives for the proposed project if the lands are determined not to be restored.

Very truly yours,

THE DIEPENBROCK LAW FIRM
A Professional Corporation

By:



Michael E. Vinding, Esq.

MEV/vk

cc: Concerned Citizens of Rohnert Park

From: Maile Pieri <cafarmgal@yahoo.com>
 To: graton_eis
 Cc: cafarmgal@yahoo.com <cafarmgal@yahoo.com>
 Sent: Thu May 31 14:58:32 2007
 Subject: Graton Casino/Hotel project DEIS

Project name (Graton Casino/Hotel project DEIS)
 Maile Pieri
 5987 Orchard Station Rd
 Petaluma, CA 94952

Comments on behalf of the CARRQ (Citizens Against Roblar Rock Quarry) Group.

Our concerns in addition to traffic impact in this response are focused on the lack of fire and police support that would be needed if this casino goes forward.

Traffic Impact

The amount of traffic that would accompany the Graton Casino would increase the back-up on access roads to the 101, affecting the entire Petaluma-Rohnert Park region. These regional access roads are already overcrowded, in addition, to the roads not up to par with the endless pot holes, width of the lanes and some roads lack street markings on them at all. If this casino goes in, it will harm farmers, rural families, many small businesses, and will increase access times for any emergency vehicles across the county.

As presented in the past, focusing solely on California and the impact of gambling on its counties, two economists from California State University, Sacramento conducted a study in 2004 on the impact of Native American casinos on California counties. In conducting this cross-sectional analysis of California counties in 2000, the study found that those counties with a greater casino presence (more slot machines and/or more gaming tables) had much higher crime rates. Aggravated assaults and violent crime were two categories of crime that were strongly related to casino presence.

Emergency Care Impact

The increase in the temporary population caused by casino visitors, staff and increased traffic will lead to a growth in medical care needs (e.g. first aid), EMS ambulance responses, and visits to emergency departments (EDs). Other communities with gaming casinos noted an increase in volume of first aid, EMS, ED and police enforcement needs. With some of the Sonoma County hospitals possibly closing, this would have a huge impact on where to take those injured.

The roads used in case of emergency will be congested beyond belief, as well as the backroads used by farmers and locals. What will that mean to those who may require medical treatment? Increased time getting through traffic for the response teams.

This is a serious issues, our traffic problems and even more serious when it comes to police and fire traffic.

Fire/Police Impact

The average time from dispatch to a scene and return to service in Sonoma County ranges from 15 to 30 minutes and for transports it can be upwards of 1 hour. This is today, think of what that increase will be if this casino goes in. The need for EMS and ED services will spike during the peak casino hours which are predicted to be during the weekends, afternoons and early evening hours. A significant increase will also occur during holidays and long weekends.

Our community is already burdened with severe traffic hazards, lack of fire and police support. We do not need this casino in Sonoma County, nor it is wanted. The negative affects from casinos out weight any possible positive contributions to our community.

The bottom line is that this proposal has not demonstrated that it is good for Sonoma County. No matter what dollar amount is suggested, the negative affects from casinos would conflict with our community plan, our well being, our life style and our needs.

Thank you,
Maile Pieri
on behalf of CARRQ Group.

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June 1, 2007

Via Email, Facsimile, U.S. Mail & Federal Express

National Indian Gaming Commission
 Attn: Mr. Bradley Mehaffy
 1441 L Street NW, Suite 9100
 Washington, DC 20005

Re: Rancho Verde Mobile Home Park Comments on Draft Environmental Impact Statement (DEIS) for the Graton Rancheria Casino and Hotel

Dear Mr. Mehaffy:

I represent Rancho Verde Mobile Home Park ("Rancho Verde") together with Richard Close of this office. Rancho Verde lies southwest and downgradient of the proposed Federated Indians of the Graton Rancheria Casino and Hotel Project (the "proposed project"). We have hired Todd Engineers to work with us to review the Draft Environmental Impact Statement (the "DEIS") for the proposed project and to consider the sufficiency of the analysis and proposed alternatives and mitigation. We are writing to express our serious concerns with the inadequate analysis of the DEIS as well as the insufficiency of the proposed mitigation.

Based on the current storm water management plan, the proposed project will have a significant adverse effect, both individually and cumulatively, on Rancho Verde. Rancho Verde is currently subject to periodic flooding, and the proposed project will make flooding conditions worse. The DEIS understates the severity of existing flooding and cumulative impacts from surrounding projects, ignores the insufficiency of existing drainage facilities, and proposes mitigation measures that will not adequately address all impacts caused by the proposed project individually and cumulatively. In the entire, three-volume DEIS, less than one page is devoted to drainage issues. We call on the National Indian Gaming Commission (the "Commission") to revise the DEIS to include a full discussion of the conditions raised in this letter and to impose appropriate and sufficient mitigation measures, including those measures set forth in this letter.

1. **The DEIS fails to recognize cumulative impacts from surrounding projects and understates the severity of the existing local flooding potential.**

Similar to Rancho Verde, the Martin Avenue Industrial Complex, located north of Hinebaugh Creek, has undergone periodic flooding.

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The contributing watershed area of the Martin Avenue Industrial Complex was first estimated by Winzler & Kelly (August 4, 2006) and covers about 57 acres. This area includes all of the development accessed along Labath Avenue and Martin Avenue, as well as the undeveloped area east of Labath Avenue, which was once a minor league baseball field. The undeveloped area is currently being considered for a new mixed residential and commercial development. Review of the City's subdivision maps/plans (obtained from the City of Santa Rosa's GIS website) and a field inspection conducted on April 26, 2007 confirmed the watershed boundaries for the industrial complex and surrounding areas and the outlets to Hinebaugh Creek (i.e. no additional runoff flows into the Martin Avenue Industrial Complex).

Although the subdivision located north of the industrial complex does not contribute additional runoff to the Martin Avenue Industrial Complex, as-built drawings indicate three underground storm drain pipes (each 60-in in diameter) in the northern subdivision. The storm drain pipes lie beneath Business Park Drive, continue along the northern and western edge of the subdivision, and discharge to Labath Creek, which then discharges at the apex of Hinebaugh Creek (northern point of Rancho Verde). Any stormwater discharge from these pipes would exacerbate the flooding problem at Rancho Verde.

Cumulative contributions to stormwater impacts will be significant. The peak runoff from the Martin Avenue Industrial Complex during a 100-year storm event (129 cfs, Winzler & Kelly) represents 5 percent of the flow capacity of Hinebaugh Creek at flood stage (using Winzler & Kelly's estimate of 2,552 cfs; or 6 percent using the City's estimate of corrected for siltation and vegetation growth 2,070 cfs).

2. **The DEIS fails to take into account the City's Martin Avenue Pump station, which will add overall volume flow as well as peak flow to Hinebaugh Creek.**

In addition to the cumulative impacts identified above, the City's proposed Martin Avenue Pump will exacerbate the situation. Specifications for this system, Project 2006-3, indicate that either one larger or three smaller permanent pump(s) will be installed along Martin Avenue. Connecting with the existing stormdrain system, the permanent pump system is intended to divert with positive force stormwater runoff from the industrial complex to Hinebaugh Creek when the stormwater drainage system is overwhelmed by local flooding. This will have a significant adverse impact.

The fact that the City has already set up a temporary pump system makes the Martin Avenue Pump system all the more certain. Site visits confirmed that two temporary pumps were installed along Martin Avenue by mid December 2006 and were removed by late March 2007. The two temporary pumps were fitted with outflow pipes connected to Hinebaugh Creek. The estimated design capacity of the two temporary pumps was between 13 cubic feet per second

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(cfs) (pers. comm. Darren Jenkins, City Engineering Department, March 6, 2007) and 21 cfs (Winsler & Kelly, August 4, 2006, pg 5. Temporary Pump Installation).

3. **Existing stormwater facilities cannot handle additional stormwater runoff. For example, the storm drain system for the Martin Avenue Industrial Complex has insufficient capacity, especially when it's needed most.**

The storm drain system servicing the industrial complex right now cannot adequately convey the storm water during periods of heavy flooding. As a result, the storm drains back up resulting in flooding at the industrial complex.

The existing storm drain system capacity for the industrial complex was estimated by Winzler & Kelly to be 129 cfs. Based on preliminary calculations following guidelines in the Sonoma County Water Agency (SCWA) Stormwater Design Manual, Todd Engineers believes that under normal operating conditions, the storm drain system for the industrial complex can accommodate a 100-yr storm event (equivalent to a peak stormwater discharge rate of about 120 cfs). However, because the storm drain system is gravity operated, its system's capacity is compromised when Hinebaugh Creek reaches its flood stage and thus is reduced during/after large rainfall events.

4. **The DEIS fails to take into account the significant reduction in Hinebaugh Creek flow capacity as a result of sedimentation and vegetation growth.**

According to the City, the design capacity of Hinebaugh Creek near Rancho Verde is about 3,000 cfs (pers. comm. Darren Jenkins, City Engineering Department, March 6, 2007). This estimate is generally in agreement with Winzler and Kelly's estimate of 2,552 cfs (Hinebaugh Creek at Petaluma Road, upstream of Rancho Verde). However, preliminary cross-sections through Hinebaugh Creek (prepared by Todd Engineers based on creek surveys at three locations near Rancho Verde in 2003) indicate that the cross-sectional area of the channel has been reduced by up to 31 percent due to sedimentation and vegetation growth. This condition reduces the City's estimate from 3,000 cfs to 2,070 cfs.

5. **Mitigation measures proposed by the DEIS do not address downgradient flooding conditions.**

The currently proposed stormwater detention basin will address only peak stormwater flow rates, but not overall stormwater runoff volumes. Although the basin may attenuate the increase in peak flow that would result from site development, the volume of stormwater runoff will undoubtedly increase and exacerbate flooding conditions downgradient (e.g. at Rancho Verde).

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6. **Additional stormwater mitigation measures are both necessary and feasible.**

To address the existing flooding potential at RVMHP, other mitigation measures for stormwater management are required in addition to the currently proposed stormwater detention basin that discharges into Labath Creek. Alternative measures include the following:

(a) Lower the western levee bank of Hinebaugh Creek adjacent to Rancho Verde and direct high-flow water to the undeveloped portion of land located west of the Hinebaugh Creek (called "Southeast Drainage Area" in Appendix C, pg. 19 of the DEIS). This area could store 356 acre feet (AF) of water if wetland ponds were created;

(b) Construct a direct, high-water overflow channel from Hinebaugh Creek to the Wilfred-Bellevue Channel. This alternative is similar in concept to the comment made by the City of Rohnert Park regarding Page 2-8 [should be Page 2-9], Section 2.2.6 of the DDEIS (City of Rohnert Park Comments on DEIS for the Graton Rancheria and Casino, May 14, 2007, pg. 2). The City's comment recommends an alternative whereby stormwater runoff from the Casino site discharges directly to the Wilfred-Bellevue Channel through a constructed channel. Todd Engineers' alternative recommends that stormwater runoff discharge to Labath Creek and Hinebaugh Creek and then be directed through a constructed channel to the Wilfred-Bellevue Channel near the northern apex of Hinebaugh Creek adjacent to RVMHP;

(c) Construct berms/walls around the perimeter of Rancho Verde and install pump stations to prevent flow into Rancho Verde. The pump stations could be retrofitted to the existing storm drains in a manner similar to the City of Rohnert Park's Martin Avenue Flood Abatement Project (City of Rohnert Park Project No. 2006-3); and

(d) Excavate/dredge accumulated silt and unplanned vegetation in Hinebaugh Creek in the vicinity of Rancho Verde. Preliminary cross-sectional surveys indicate that the flow capacity of Hinebaugh Creek has been reduced by as much as 31 percent.

One or a combination of the abovementioned four alternative measures could be funded in whole or in part (depending on cost) by the Tribe's contributions to the City of Rohnert Park for stormwater management (Memorandum of Understanding (MOU) dated October 14, 2003, pgs. 10-11). The contributions include:

(a) Up to \$700,000 after the construction date to implement mitigation measures mutually agreed upon to address the pre-existing stormwater flooding problem at Rancho Verde and the Martin Avenue industrial complex; and

National Indian Gaming Commission
Attn: Mr. Bradley Mehaffy
June 1, 2007
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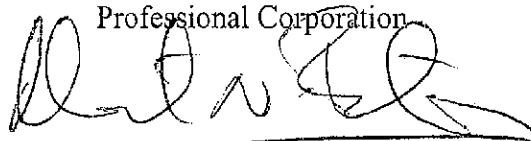
(b) \$50,000 annually to the City of Rohnert Park to be "used solely to address storm water drainage matters". The last sentence of first paragraph under heading, "Recurring Contributions" (Page 2-24 of the DDEIS) should say "...the Tribe has agreed to *make an annual contribution of \$50,000* to the City..." as stated in the MOU.

We envision that these alternatives would be coordinated with proposed efforts by the Sonoma County Water Agency to reduce the existing flooding potential of Hinebaugh Creek in the vicinity of RVMHP.

Thank you for the opportunity to comment on the DEIS. We look forward to receiving the Final EIS.

Very truly yours,

GILCHRIST & RUTTER
Professional Corporation



Martin N. Burton
Of the Firm

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cc: Mr. Ray Will
Mr. Edwin Lin
Mr. James Goldstein
Richard H. Close, Esq.
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B-25

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June 4, 2007

Mr. Brad Mehaffy
National Indian Gaming Commission
1441 L Street, NW, Suite 9100
Washington, DC 20005

Re: DEIS Comments
Graton Rancheria Casino and Hotel Project

Dear Mr. Mehaffy:

I write on behalf of Artichoke Joe's, a licensed cardroom in San Bruno, California to submit comments on the draft EIS for the proposed Graton Rancheria Casino and Hotel Project.

In California, state licensed cardrooms, like Artichoke Joe's, are restricted to the play of poker-style table games, and cannot offer slot machines. The Graton Indians are attempting to purchase land outside Rohnert Park which has been under state jurisdiction since the state was formed and to operate slot machines on it, claiming that the land would be Indian land exempt from state law. However, this land is not Indian land, and even if placed in trust for the Graton Indians would remain under state jurisdiction. Unless the state ceded jurisdiction over the land, the Graton have no jurisdiction over it, the Indian Gaming Regulatory Act would not allow gaming there, and the NIGC would not have jurisdiction to take the action requested. Therefore, the EIS is improper and should not move forward.

NIGC, as a Threshold Inquiry, Must Determine Whether it Has Jurisdiction

The Graton Indians have asked NIGC to approve a management contract, but NIGC only has jurisdiction to approve the contract if the subject land is or will be Indian land under the jurisdiction of the tribe.

NEPA requires that where an agency is contemplating certain action, environmental information must be available to the public officials and to the public. 40 CFR 1500. However, this rule assumes that the agency has power to take the contemplated action. Here, we previously have questioned whether NIGC has the power to take the requested action, and that is a threshold issue which must be resolved.

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National Indian Gaming Commission
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Failure of NIGC to determine jurisdiction as a threshold inquiry has previously resulted in judicial nullification of agency action. In *Citizens Against Casino Gambling in Erie County, et al. v. Kempthorne*, ___ F.Supp.2d ___ (WDNY 2007)(WL 108466), the court voided NIGC approval of a gaming ordinance because the Commission failed to determine jurisdiction over a tribe's land before approving the ordinance. The court held that NIGC's jurisdiction is limited to oversight of gaming on Indian lands, and does not extend to gaming on non-Indian lands. "Whether proposed gaming will be conducted on Indian lands is a critical, threshold jurisdictional determination of the NIGC. Prior to approving an ordinance, the NIGC Chairman must confirm that the situs of proposed gaming is Indian lands." (at p. 41 of slip op.) If the subject land is not (or will not be) Indian lands, the NIGC has no jurisdiction.

Similarly, here, NIGC has been asked to approve a gaming management contract between the tribe and a proposed manager, but NIGC has jurisdiction to approve the management contract only if the casino which is the subject of the contract will sit on Indian land under the jurisdiction of the tribe. To date, NIGC has not made such a finding, and the EIS process should not proceed until the threshold jurisdictional determination has been made.

The Subject Land Are Not Indian Lands and NIGC Has No Jurisdiction Over Them

The Graton Indians lack jurisdiction over the subject site under Constitutional, statutory and common law, and therefore the proposed site is not Indian land under NIGC jurisdiction.

Under the U.S. Constitution, a state has primary jurisdiction over all land within its borders, and the federal government has only those powers specifically granted to it. The federal government cannot unilaterally divest the state of jurisdiction and vest jurisdiction in an Indian tribe. The federal government can obtain jurisdiction only with the state's consent. In this case, the land purchased by the tribe has been under state jurisdiction since the state was formed in 1850, and neither purchase of the parcel by a tribe, placing of the property in trust, or declaring it reserved for the tribe divests the state of jurisdiction.

The Constitution contains no explicit recognition of Indian sovereignty within the country's borders. Rather, that doctrine developed in common law. In 1832, the Supreme Court recognized tribal sovereignty based on treaties which pre-existed the State of Georgia. *Worcester v. Georgia*, 31 U.S. 515, 557. Similarly, in certain states, Acts of Admission exclude Indian lands from state jurisdiction. In both those cases, Indian sovereignty survived the state's formation. In this case, however, the land being purchased by the Graton was neither subject to a treaty, nor was excluded from the California Act of Admission.

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Aside from Constitutional limitations, case law has established at least three elements necessary for the recognition of Indian sovereignty over a parcel of land. First, the tribe must have historically retained sovereignty when the state was formed. "The powers of Indian tribes are, in general, 'inherent powers of a limited sovereignty which has never been extinguished.'" *United States v. Wheeler*, 435 U.S. 313, 322-323 quoting from F. Cohen, *Handbook of Federal Indian Law* 122 (1945). More recent cases have referred to the power as "inherent powers retained by the tribe." *Montana v. United States*, 450 U.S. 544, 564 (1980).

In this case, the Graton Rancheria was not occupied by a tribe when the state was formed. The history of California rancherias began in 1906 when Congress commissioned a report on the condition of California Indians and hired C.E. Kelsey, an attorney and leader in an Indian advocate group, the Northern California Indians Association. Kelsey found the condition of Indian communities to be destitute, and suggested that small parcel of 5 to 10 acres be assigned to individual families. Since most state lands were already settled, he noted that Congress would need to purchase settled lands. (Indian reservations had always been on unsettled lands.) Kelsey specifically stated that he was not recommending the creation of reservations. "Your special agent is inclined to object strongly to anything in the nature of reservations for these people. The day has gone by in California when it is wise to herd the Indians away from civilization..." Rather, rancherias would be in settled communities where the residents could work. Kelsey did not envision that these lands would be under Indian sovereignty. At the time, Indian sovereignty was largely a lost concept, and reservations were marked by dependency, not sovereignty.

The history of the Graton Rancheria contains no evidence of sovereignty. The land was purchased in 1921 from non-Indian settlers after being under continued state jurisdiction for many years, and it sat vacant for 16 years, the whole time under state jurisdiction. At its peak in 1952, the rancheria had only three adult assignees, one of whom was a Karok Indian from Siskiyou County. The residents of the rancheria never acted as a collective body, never organized a tribe government and were never recognized as a tribe. The Senate Report for the 1958 legislation to distribute the Graton Rancheria explicitly states, "The group is not organized, either formally or informally." Senate Report No. 1874, 85th Congress, 2^d Session, p. 24.

As a second element, the tribe must have continuously exercised sovereignty over the land. In a recent case, the Supreme Court held that a tribe's reservation land which was sold by the tribe 200 years ago and then recently repurchased by them would not revert back to the tribe's sovereignty. *City of Sherrill v. Oneida Indian Nation*, 544 U.S. 197 (2005). By passage of time, the long-standing assumption of jurisdiction by the state, the inaction of the tribe, the lack of an Indian population, and the settled expectations of the residents and landowners in and around the area and of state and local governments, the tribe lost its sovereignty.

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If settled expectations of residents and state and local governments precluded land within a former reservation from claims of Indian sovereignty when repurchased by the tribe in *City of Sherrill*, all the more so in Rohnert Park where this land was never part of a reservation, and where recognition of Indian sovereignty would be inconsistent with the settled expectations of residents, businesses, and state and local governments.

As a third element, case law has required that an Indian community exist as a separate, distinct political community to be considered sovereign. By definition, a sovereign rules over a separate distinct territory, and this requirement applies to tribal sovereignty. In the first case to recognize Indian sovereignty, Chief Justice Marshall wrote, "The Indian nations had always been considered as distinct, independent, political communities, retaining their original natural rights..." *Worcester v. Georgia*, 31 U.S. 515, 557 (1832). He further justified Indian sovereignty based on the fact that Indian territory was "completely separated from that of the states."

The separation is not just conceptual; it is also physical. Thus, in 1864, when Congress established the first four reservations in California, Congress provided that the land "shall be located as remote from white settlements as may be found practicable...." 13 Stat. 40.

The separateness of Indian communities became a primary justification for tribal sovereignty in *U.S. v. Kagama*, 118 U.S. 375, 381-382 (1886). *Kagama* described the Indians "as having a semi-independent position when they preserved their tribal relations; not as states, not as nations, not as possessed of the full attributes of sovereignty, but as a **separate people**, with the power of regulating their internal and social relations, and thus far not brought under the laws of the Union or of the state within whose limits they resided." (Emphasis added.) Recitation of the Indian's separateness became a mantra of the court in the 1970s and 80s in numerous cases concerning Indian sovereignty.

The subject parcel does not and will not form in any way a separate political community. It is in the middle of a commercial area, almost adjacent to Highway 101. The location was chosen and purpose in order to be in the middle of existing non-Indian commercial activity. It will be served by the same utilities, the same roads and the same emergency services which now exist and which serve the whole community. This is not an attempt to establish a separate tribal community, but is just so called "reservation shopping."

Any assertion that the site is a separate community is an artifice and a sham to evade state law applicable to all others in this community. To allow such would be to condone abuse of the notions of Indian sovereignty and to create inequities. In *Washington v. Confederated Tribes*, 447 U.S. 137, 155 (1980), the Supreme Court wrote: "We do not believe that principles of federal Indian law, whether stated in terms of pre-emption, tribal self-government, or otherwise,

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authorize Indian tribes thus to market an exemption from state taxation to persons who would normally do their business elsewhere." Similarly, here, principles of federal Indian law do not allow a tribe to feign sovereignty over a parcel in the middle of urban areas merely to gain an exemption from the states's gambling laws applicable on all surrounding lands.

IGRA is consistent with the Constitution and with common law. IGRA provides that class III Indian gaming is allowed only on "Indian lands" and only if authorized by "the Indian tribe having jurisdiction over such lands." 25 USC §2710(d). Similar rules apply to class II gaming. 25 USC §2710(b). Since the Graton do not have rightful jurisdiction over the subject land, neither class II nor class III gaming would be allowed on the land under IGRA.

IGRA contemplates that the federal government can restore land to a restored tribe (sec. 2719(b)), but IGRA never claims that all restored tribes have jurisdiction over their restored lands. While the federal government can "restore" tribal recognition for purpose of federal benefits, and while a tribe can buy land, a tribe's sovereignty could be "restored" only with the consent of the state. The state could cede sovereignty to the federal government and the federal government could recognize tribal sovereignty. The State of California has given no indication it would cede jurisdiction to the subject land.

The Graton Restoration Act is also consistent with the Constitution and common law. That Act purported to "restore" the Graton Indians to recognition and required the Secretary to accept into trust for the tribe any land in Marin or Sonoma Counties. It further provided that any such property would be considered part of the tribe's reservation. (Omnibus Indian Advancement Act, Sec. 1405) However, nothing in the Graton Restoration Act claimed that such trust land would be under the jurisdiction of the tribe or would be subject to NIGC jurisdiction. Given that the Graton had no sovereign rights when the state was admitted to the Union, and no sovereign jurisdiction over the rancharia land, there is no basis for considering the subject land to be under the jurisdiction of the Graton Indians.

The subject land is not Indian land, and even if taken in trust for the tribe by the federal government, will continue to be under state jurisdiction.

Over the past few years, concerns have been raised about tribes engaging in "reservation shopping," trying to locate casinos on newly purchased lands near urban areas and transportation corridors. IGRA was passed to reign in Indian gaming, and it limited Indian gaming to Indian lands over which the tribe exercised jurisdiction. Tribes, often prompted by outside investors, have begun to push limits and to establish casinos on new lands that were never under Indian

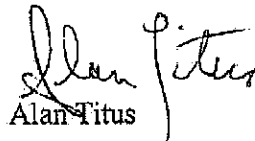
Mr. Brad Mehaffy
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jurisdiction. The failure of NIGC to determine jurisdiction appears to be an attempt to allow this abuse of IGRA to continue.

NIGC should evaluate whether the subject site is Indian land, and since the site does not qualify as Indian land under the Constitution, statutory law or common law, the NIGC should simply deny the pending application for approval of the management contract.

Thank you for your consideration of these comments.

Sincerely,


Alan Titus

cc. Senator Dianne Feinstein
Congresswoman Lynn Woolsey
Governor Arnold Schwarzenegger
Legal Affairs Secretary Andrea Hoch
State Assemblyman Jared Huffman
County of Sonoma District Attorney Steven Woodside
City of Rohnert Park City Attorney Michelle Kenyon



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April 30, 2007

Mr. Brad Mehaffy, NEPA Compliance Officer
National Indian Gaming commission
1441 L Street NW, Suite 9100
Washington, DC 2005

RE: COMMENTS ON THE FEDERATED INDIANS OF GRATON RANCHERIA CASINO AND
HOTEL PROJECT DEIS

Dear Mr. Mehaffy;

We have reviewed the Draft Environmental Impact Statement ("DEIS") with considerable dismay. Despite having provided your office with voluminous documentation that records in detail Sonoma County's serious water crisis, the DEIS appears to have off-handedly ignored the clear implications of these data. Worse, the DEIS disingenuously relies on a Water Supply Assessment ("WSA") produced by the City of Rohnert Park that has been ruled legally invalid by a trial court.

A legally invalid document becomes a cornerstone

The WSA is a deeply flawed study notable only in that it is the only study of the hydrologic conditions in the Santa Rosa Plain Groundwater Basin since 1982 to find sufficient supplies of water. The WSA contradicts findings by the California Department of Water Resources (DWR, 1982) that groundwater pumping exceeded recharge in the Santa Rosa Plain based on data from 1960-1975. The WSA denies adverse effects caused by a massive and growing groundwater cone of depression in the 1980's that extended well beyond Rohnert Park City Limits as mapped by the California Department of Resources (DWR, 1987). The WSA refutes the City's own detailed and localized groundwater modeling study (City of Rohnert Park, 2000) indicating that the City's pumping exceeded recharge by a factor 2.5 to 1 between 1984 and 1999. Unlike these previous groundwater modeling studies, the WSA contains no quantitative numerical modeling analysis calibrated to groundwater water level data. A recent groundwater study by

Todd Engineers (2004) performed on the same watershed as analyzed by the WSA concluded that the groundwater pumping in the vicinity of Rohnert Park has reversed groundwater flow direction historically to the north toward Laguna de Santa Rosa and captured groundwater flows historically to the south in the Petaluma Valley Basin. The WSA conveniently coined its own definition of "overdraft" to avoid the true definition which has been defined by the State of California as: "overdraft is characterized by groundwater levels that decline over a period of years and do not fully recover, even during wet years". The WSA manufactured "potential" recharge areas outside the subbasin and largely east of the Rodgers Creek Fault Zone. The WSA completely ignored previous studies indicating that the WSA's newly found recharge areas are situated over basement rocks known to be of poor transmissivity. The WSA presented absolutely no groundwater level data or other substantial evidence how groundwater could actually be transmitted through basement rocks and across the Rodgers Creek Fault Zone finally subbasin. The WSA relied completely on subjectivity and deception to avoid the truth: the Santa Rosa Groundwater Subbasin is historically overdrafted. Numerous scientifically sound studies have shown this groundwater basin to be overdrafted, damaged, depleted or otherwise suffering from a demonstrable imbalance resulting from more water being extracted than recharges. The DEIS minimizes these damages and implies that the casino project could be built in the proposed area and that the additional damage caused by it would be acceptable. This conclusion is fatuous and highly provocative especially when based on an invalid study.

A serious breach of professional ethics or utter incompetence

The decision to rely on a legally invalid study is either evidence of professional incompetence on the part of the consultants who produced this document or it is proof of willful distortion of scientific fact to make the DEIS fit the whims of the applicant. Either way the DEIS is wholly inadequate and the authors should be considered suspect of professional malfeasance.

With these suspicions in mind, we have registered official complaints with the California State Board of Geologists and Geophysicists decrying this utterly inappropriate behavior. We have asked the State of California Department of Consumer Affairs, California Board of Geologists and Geophysicists to investigate and review the licenses of the following individuals:

Principal in charge:	David Zweig
Project Manager:	Chad Broussard
Technical Staff:	Tim Armstrong
	Gary S. Arnold
	Pete Connelly
	Doug Edwards

Susan Engelke
Dana Hirschberg
Lisa Worall

Your office, as the guiding agency in this matter, should similarly withdraw support for this firm, Analytical Environmental Service, and ban the above-named individuals from any and all future employment with the federal government. Anything less would be a tacit condoning of professional wrongdoing dangerously approaching collusion.

DEIS digital distribution intentionally disabled

Many important features of the digitized version of the DEIS distributed on disk in PDF format were intentionally disabled making the document unnecessarily opaque. In Document Properties, we read:

1. Content Copying: Not Allowed
2. Content Copying for Accessibility: Not Allowed
3. Page Extraction: Not Allowed
4. Commenting: Not Allowed

Also not allowed are global searches due to the intentional dismemberment of individual chapters (and even smaller divisions) into separate, discreet files. Several files are actually made up of a single page. This disunion of the digital DEIS document automatically prevents comprehensive search functions and forces the public to perform the same search on approximately 264 separate files, rather than perform one search on one file, as is the custom in the digital world. This intentional maiming removes from the public the preeminent ability, if not the chief advantage, of digital media. This intentional dismemberment of a single document into hundreds of separate documents has undercut the promised transparency of the DEIS. This peculiar impairment hampers the public's ability to rapidly absorb the information it contains and puts the public at unfair advantage.

It appears that the author, Dana Hirschberg, has intentionally subverted the ease of access customarily associated with digital media and has created instead an obstacle to transparency. Had the public been granted substantially more time to review the DEIS, as was requested and not the one month granted, perhaps some of these impedimenta might have been mitigated by the extra time it takes to perform the extra work. This is a very uncooperative way to conduct business and does not reciprocate the openness expressed by the public.

Water supply will not increase

The DEIS and numerous individuals associated with this project have alluded to the possibility of obtaining increased water supplies from the Sonoma County Water Agency ("SCWA"), the City of Rohnert Park or by increased groundwater extraction. Such hopes are pure fantasy.

Water is a finite resource, yet our demands on this fixed resource have been rising for decades. The problem is that we cannot make water. Water is an element. And demand on this fixed element has reached crisis proportions.

It is important to bear in mind that if this project had never been proposed at all, Sonoma County will not have sufficient supplies of water for existing stakeholders. This profound shortfall was evident as far back as August 11, 2003 when, in a letter to contractors, Mr. Randy Poole the General Manager and Chief Engineer of SCWA, flat out stated that SCWA will not have enough water to supply existing customers. More perceptive observers recognized an emergency even earlier than that date because the so-called "emergency" wells operated by SCWA in the Laguna de Santa Rosa began running full bore for more than five years. Indeed, the Agency has changed the name from "emergency" wells to "production" wells. These three wells now account for fully 9% of SCWA's total output.

Since that August 11, 2003 letter, matters have worsened. In fact, it is safe to say that there is no place in the entire county that would be worse to place this casino/hotel project than on the outskirts of Rohnert Park. Once, the area under Rohnert Park was the most water-rich area in Sonoma County, but not today. Today the Santa Rosa Plain Groundwater Basin suffers demonstrable groundwater overdraft conditions.

A legally unstable climate

The damaged water supply has already sparked numerous water-related lawsuits in the Santa Rosa Plain Groundwater Basin. One particularly dangerous problem with this proposed casino is the federal water right that it would enjoy. Knowingly permitting a federal water right to be established on an overdrafted groundwater basin is reckless and irresponsible. Proceeding with this project in this specific overdrafted groundwater basin automatically creates an unstable legal climate that would encumber the tribe in costly

lawsuits and strip all other stakeholders of their water rights. Permitting this casino to build in this location is a virtual death sentence to years of efforts by the Sonoma County Grand Jury, the O.W.L. Foundation, the Sonoma County Water Agency and Supervisor Valerie Brown to implement voluntary groundwater management plans for all of Sonoma County's groundwater basins. If a federal water right, a so-called "super right", is allowed to implant itself in this damaged basin, it will be the natural instinct of the federal water right holder to protect its right through adjudication, thereby undermining alternate, voluntary plans under AB 3030.

California has only 22 adjudicated groundwater basins, but more than 167 AB 3030-style groundwater management plans. The tribe could not possibly have chosen a more dangerous location to consider building a casino than within the overdrafted Santa Rosa Plain Groundwater Basin.

However, both the tribe and the agencies of the federal government assisting it do not seem to be aware of this. We may clearly place the blame for this breath-taking oversight on AES. Both the tribe and your office have been grossly underserved by incompetent consultants who have downplayed the prognosis of locating within this overdrafted groundwater basin. The tribe and your office would be better served by examining the detailed scientific studies that the O.W.L. Foundation has already supplied previously whereby you may come to realize the majority opinion regarding this massively overdrafted region.

References previously submitted to your office:

City of Rohnert Park, 2000, Revised Draft Environmental Impact Report.

DWR, 1982, Evaluation of Groundwater Resources Sonoma County Volume 2: Santa Rosa Plain, Bulletin 118-4.

DWR, 1987, Santa Rosa Plain groundwater model, unnumbered report, 318p.

Todd Engineers, 2004, Canon Manor West Subdivision Draft Environmental Impact Report, Volume II

Again, thank you for your time and the opportunity to comment on this project.



H.R. Downs
President

June 3, 2007

Mr. Bradley Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW
Suite 9100
Washington, DC 20005

re: Graton Casino/Hotel project DEIS

Dear Mr. Mehaffy:

Our rural community is located relatively close to the proposed Graton Casino Rohnert Park and project alternatives, easily within distance to feel the strain put on socioeconomic, public, and environmental resources and to be of concern to our citizens and property owners, many of whom have lived here for generations. The impacts of this strain would be immediate, irreversible, and continual, possibly forcing us from our homes.

We are utterly opposed to the idea of additional gaming in Sonoma County – an existing River Rock Casino - and it's inherent malicious consequences, especially in the area of Rohnert Park, a bedroom community built with the intent of providing a safe and attractive environment for working-class families to live and interact. It was not intended to be nor is it a hot-bed for Bay Area gambling and the Vegas style resort envisioned in Rohnert Park. The casino is out of place and out of character, to say the least.

Sonoma County does not need the so called "economic stimulus" provided by the Casino, with few areas of economic blight. And in fact, local businesses within Rohnert Park, including restaurants, retail, and spa services would be directly harmed by large subsidized services within the casino-resort. The casino and its attendant resort/entertainment services would circumvent the same tax burden as local businesses, placing them at a competitive disadvantage. Patrons to the casino would be encouraged to shop onsite through casino retention programs and spend little if no actual dollars in the surrounding community.

Below are questions challenging the validity and thoroughness of the Draft Environmental Impact Statement (DEIS) and are split into two categories: Impacts on the Roblar Community and General Impacts. Please include these in the official record and heed our unified opposition to the Graton Casino.

Roblar Area Impacts:

The traffic study does not consider Stony Point Road South of 116 leading to the City of Petaluma North with multiple 101 connections. This extension of Stony Point is Highway 101's primary alternative route to Rohnert Park coming from the greater Bay Area and our community's primary transportation route. This route would be considerably impacted by traffic seeking alternative paths from Highway 101 to the casino. We already see increased traffic levels from the County Landfill, overflow 101 traffic, and the rock quarry located just North of the Stony Point / Roblar Road. The compounded traffic loads from the casino would delay an already inadequate and overburdened commute road system.

What is the expected total impact on this section of Stony Point Road from the Graton Casino including total vehicle trips and traffic delays during peak hours?

Is there money set aside for the county for improvements on this section of Road and how does the casino expect to improve traffic delays and road degradation?

Vernal pool land is set aside for endangered species protection along Stony Point Road. How does Graton Casino expect to improve traffic delays if Stony Point cannot be widened along this section?

What are the expected elementary school traffic delays for Dunham School on Roblar Road during peak hours? And what are the impacts to the Roblar Road and Stony Point Road intersection? An intersection that is not lighted and has experienced many major traffic accidents.

What is the expected traffic load on Stony Point from construction activities including waste disposal, large aggregate, cement, worker commutes, and materials?

We live in an agriculturally based community with working farms, ranches, and dairies openly visible along Roblar Road. What are the expected impacts socially and economically to our agricultural community from the enormous scale of the project including traffic delays, public avoidance due to traffic delays, crime, and unforeseen consequences?

Will air quality be compromised from construction operations (asbestos, other toxic contaminants), demolition, traffic, diesel engines, gardening, maintenance/repair, and sanitation smells carried along wind currents?

What is the expected delay to emergency service to our community due to increased traffic on Highway 116, Stony Point, and 101?

General Impacts:

What type of rock will be used as fill at the Casino project site?

Where is the rock coming from that will be used as fill for the Casino Project Site?

How much rock will you need to raise the site 3" and pave the site?

How will you manage the dust on this site during off loading of rock and construction?

How will you mitigate the Greenhouse emissions created during transport for the rock?

How will Graton Casino mitigate impacts to endangered species Tiger Salamander's natural territory on site if human engineered substitutes are found inadequate?

The DEIS states there will be no direct on-site noise impacts yet there is a planned separate entertainment venue. How will the noise levels from this venue be mitigated?

How will the tribe guarantee completion of mitigation measures when they are an autonomous body with no regulatory oversight to enforce their implementation? Are they willing to give up partial autonomy to a local committee to ensure their enforcement?

In mitigation efforts for infrastructure renewal, what happens if property owners refuse to comply and sell their property? Will the casino attempt to brandish eminent domain through tribal sovereignty or local jurisdiction?

In the Traffic Summary of Alternative A, how can the DEIS claim the same cumulative impact as Alternative D, an alternative of smaller size and scope?

Appendix N states there will be at least a doubling of problem and pathological gambling due to the casino. As a result increased divorces and home foreclosures are likely. How will Graton Casino mitigate these impacts in addition to the \$125,000 for other social ills?

Properties values surrounding the casino and along highly trafficked routes are likely to experience devaluations. How will the Casino compensate property owners?

Will targeted ads and marketing campaigns focus on Sonoma State Students and their discretionary spending?

What safeguards are there to ensure Graton Casino does not attempt to add land and space to its original purchase to increase commercial and retail activity, further burdening the local infrastructure?

Is the Graton Casino willing to enter into binding agreements with local inter-industry businesses i.e. janitorial services, landscaping? If not, what assurances are there that the Casino will not go out of area for more cost efficient business services?

If the majority of employees will come from local cities and county, how will additional revenue be generated as Appendix N purports? Will starting wages be guaranteed at hire rates than the median County wage?

Sonoma County enjoys a low unemployment rate. Will the Casino cannibalize from local businesses to add employees or go out of County to add help and increase traffic congestion?

Thank you for your time.

Sincerely,

Roblar Area Property Owners
Representatives: Jason Merrick and Sue Duxton
4422 Roblar Rd.
Petaluma, CA 94952

STC101**Stop the Casino 101 Coalition**

Sonoma County, CA
www.stopthecasino101.com

URGENT FAX: PLEASE ROUTE TO RECIPIENT IMMEDIATELY

If you have problems with this fax, please call 707-588-9926

DATE: June 4, 2007

TO: The Honorable Dirk Kempthorne, Secretary of the Interior
The Honorable Byron L. Dorgan, Chairman, Senate Indian Affairs Committee
The Honorable Nick J. Rahall, Chairman, House Resource Committee
The Honorable Barbara Boxer
The Honorable Dianne Feinstein
The Honorable Lynn Woolsey
Governor Arnold Schwarzenegger, c/o Ms. Andrea Lynn Hoch
The Honorable Carole Migden
The Honorable Jared Huffman

cc: Phillip N. Hogen, Chairman, NIGC

FROM: Pastor Chip Worthington, Founder
Stop the Casino 101 Coalition (STC101)
Telephone: 707-58-5673 (Church Office)
Email: chip@stopthecasino101.com

re: Graton Rancheria Casino/Hotel Project, Sonoma County, CA

Page One of

Included in the body of this fax is a current editorial from the Petaluma (CA) Argus Courier. This editorial is being sent to you to affirm STC101's long-standing position that there is no community support for the casino proposed for the Rohnert Park, CA area by the Federated Indians of Graton Rancheria (FIGR) and its partner, Station Casinos, Inc., a multi-million dollar Las Vegas gambling concern.

We urge you to take all necessary steps to halt this completely unsuitable project.

From the Petaluma Argus Courier, May 30, 2007

Casino threat draws closer

Plans by an Indian tribe and powerful Las Vegas gaming firm intent on ramming a gargantuan casino complex onto farmland west of Rohnert Park demonstrate how bad laws, money and political influence are overwhelming, and ultimately ruining local communities in California.

Whether this troubling statewide trend can be stopped or slowed before it wreaks havoc on southern Sonoma County is unknown, but it's worth fighting to prevent this beautiful piece of the North Bay from being transformed into a traffic-choked gambling Mecca.

Well-intentioned efforts by Congresswoman Lynn Woolsey helped open the door to this prospective debacle seven years ago. Woolsey was coaxed into authoring legislation that would restore tribal

status to a handful of Coast Miwok Indian descendants, providing federal funds to help these Native American constituents qualify for health, education and housing benefits through the Bureau of Indian Affairs. The "no-gaming" clause originally included in Woolesey's draft legislation, which would have prevented a casino operation, was later scrapped in order to gain full congressional approval in 2000.

That same year, state voters approved Proposition 1A, allowing Indian tribes the right to operate Las Vegas-style gambling casinos in California, and the floodgates were opened for the subsequent invasion into California by Nevada gaming interests.

The Federated Indians of Graton Rancheria and their tribal leader, Greg Sarris, saw a golden opportunity to make a small mountain of cash by partnering with gambling kingpin Lorenzo Fertitta, president of Station Casinos Inc., a billion-dollar gambling enterprise that operates several casinos in and around Las Vegas.

Sarris and his well-heeled partners have since hired a host of powerful lobbyists who are walking the hallways in Sacramento and Washington, D.C., quietly greasing the skids for what would become the single largest development in Sonoma County history. They have also cultivated the support of many powerful business and community leaders here in Sonoma County, who have formed a separate non-profit organization to lobby for the casino development. Several of these folks became supporters of the casino development once the tribe and Station Casinos started throwing money around in the form of donations. Example: Dan Schurman, executive director of the Laguna de Santa Rosa Foundation, a wetlands preservation group, decided to say nothing about the massive environmental degradation the development will cause after the tribe handed him a check for \$100,000 to fund wetlands education efforts.

On Monday, June 4, the public comment period will close on an environmental report under review by the Indian Gaming Commission that is supposed to study the environmental impacts of the project before approving it. If approved at the federal level, the tribe would then be allowed to put the land into federal trust, after which it would seek a California state gaming compact.

Both the city of Petaluma and county of Sonoma have weighed in with letters of opposition citing a huge array of highly negative and permanent impacts that would forever change this area for the worse.

The 760,000-square-foot complex is expected to dump an additional 18,000 daily car trips onto Highway 101, most of them through Petaluma. In addition to the massive traffic jams and increased accidents on that already severely congested roadway, the casino development would significantly worsen Petaluma's shortage of affordable housing; suck up to a quarter-million gallons of water daily from already strained underground aquifers; increase crime and air pollution; and heighten demand for mutual aid from Petaluma's fire and police departments.

Nearly 80 percent of Petalumans voted last year to oppose another casino project proposed by a competing Indian tribe for property just south of town. While that project is still in limbo, the Graton Rancheria casino project is rapidly moving toward final approval.

To add your comments to the report under review, e-mail graton_eis@nigc.gov, or mail National Indian Gaming Commission, attn: Brad Mehaffy, 1441 L St., NW, Suite 9100, Washington, D.C., 20005.

Last changed: May 29, 2007 © Argus Courier 2007

May 6, 2007

Mr. Bradley Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW
Suite 9100
Washington, DC 20005

RE: Graton Casino/Hotel project DEIS for the
Federated Indians of the Graton Rancheria

Dear Mr. Mehaffy,

It is with serious constraint that I write to express my disgust about the severe trivialization inflicted upon the community of Rohnert Park contained within the Draft Environmental Impact Statement of February 2007. It is quite clear that a tunnel-vision approach, minimizing or ignoring significant impacts upon adjacent residents and the entire community was the preferred strategy by consultant(s) hired by the National Indian Gaming Commission (NIGC). Below are some overarching themes that characterize the major flaws of the above-noted DEIS: and render it deficient and fatally flawed.

Please be advised legal action may be required, if you do not comply with Federal Law in all the following areas.

Basic Approach. Consultants' analysis in terms of formulating or feigning mitigations presumes that FIGR is as accountable by federal and state agencies or courts, as any John Doe developer. To assume that a separate tribal government, unaccountable to most federal, state or local regulations or agencies will just jolly-well do whatever is penciled in as a mitigation is sheer folly. For example, most mitigation comments begin with, "The tribe will..." or "the tribe shall..." In each of the mitigation narratives, consultants fail to identify a single agency or individual responsible to ensure that the tribe actually *will* or *shall* do what is identified as a mitigation.

A more honest and realistic approach consultants should have considered is that the FIGR is a very unique applicant as a tribal government, with a project abhorrent to a young family-oriented community. FIGR is legally accountable to few, and this failure to consider the governmental nature and freedoms of the applicant is a major analytical oversight of the consultants that transforms the DEIS into little more than a fairytale.

The applicant is at best, utterly indifferent to the surrounding community, is under no enforceable legal obligation to implement a single mitigation, and cannot be held

accountable in federal or state court by local governments or citizens for failure to implement a mitigation.

Respecting every single mitigation consultants should have considered: "What if the Tribe doesn't..." What if the Tribe won't..." complete a mitigation? What recourse does an adjacent property owner, an affected resident, the City of Rohnert Park or Sonoma County have if and as the Tribe just *shall* not or will *not* complete a mitigation (inadequate as each mitigation is within the DEIS)?

Will the tribe entirely waive its sovereign immunity and submit to the same level of accountability as "John Doe Developer?" To illustrate, the applicant proposes to install dual-pane windows in adjacent homes of neighboring property owners to reduce off-site project noise. What if they don't? What if a non-tribal neighbor goes to the tribe to say, "I haven't received my dual-pane windows?" He/she is likely to hear, "Sorry; sue us." And of course, they cannot. Failing to factor the fundamental "exempt" status of an Indian tribe into the DEIS has been a sheer waste of everyone's time.

Inherent Conflict of Interest. It is further clear that the relationship between the NIGC and the Tribal applicant presents an inherent conflict of interest in terms of producing a fair and unbiased report that takes into consideration "community detriment," and the needs of the surrounding community. To ensure objectivity, FIGR should have been its own lead applicant at arms length from the NIGC and BIA. The National Environmental Policy Act (NEPA) requires that the agency completing the process be neutral and capable of taking a "hard look" at all of the interests effected by the proposed major federal action. NIGC is not neutral regarding gaming, and the DEIS miserably fails any "hard look" test.

Exacerbating this circumstance is the fact that neither NIGC nor BIA have revised internal NEPA regulations regarding the taking of land into federal trust for purpose of gaming, to comply with the U. S. Supreme Court ruling of the *City of Sherrill v. Oneida Indian Nations* (March 2005) ensuring that "well settled communities have a "justifiable expectation" to not be parceled into separate tribal "patches." The FIGR project proposed for Rohnert Park is clearly a separate tribal "patch" inserting itself into a well-settled urban community.

The *Sherrill* ruling addresses the disruptive component of tribal sovereign lands that are the equivalent of spot-zoning an incompatible project that fails consistency with the Sonoma County General Plan 2020 Update, or the General Plan of Rohnert Park. The *Sherrill* ruling came down from the U. S. Supreme Court in March 2005. It is now two years later, May 2007. NIGC should have provided updated internal regulations accommodating the principles and provisions of *Sherrill* to the consultant and FIGR. Had this been done, perhaps thousands of reasonable and legitimate public comments would not have been so entirely ignored.

The combination of inherent conflict of interest between NIGC and its gaming applicant, the failure to address "community detriment" in accordance with IGRA Section 20 and the *Sherrill* case, contributed to the hefty false start that is the present DEIS.

The National Environmental Policy Act (NEPA) and Public Comments. NEPA requires that:

"all agencies of the Federal Government shall...include in every recommendation or report on...major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official." 42 U.S.C. § 4332(2)(c). When enacting NEPA, Congress: "recogniz(ed) the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognize(ed) further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, (and) declare(d) that it is the continuing policy of the Federal Government, in cooperation with the State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." 42 U.S.C. § 4331(a).

NEPA call for agencies to seek comments on a draft EIS and to respond to those comments in the final version. See 40 C.F.R. §§ 1503.1, 1502.9(b). Response to public comments gathered at public hearings during October and November of 2005 should have reflected in the Draft, but the draft is silent as to all public comments. The people of Rohnert Park have dedicated substantial hours, studied issues thoroughly, provided articulate comments, and have received a voluminous thumb in the eye from NIGC, AES and FIGR for such efforts. Shame on all of you.

The NIGC and Analytical Environmental Services (AES) consultants on behalf of the Federated Indians of Graton Rancheria (FIGR) received literally thousands of thoughtful, measurable environmental comments and questions from agencies and citizens throughout the Rohnert Park, Santa Rosa and Sonoma County region, but no mention is even given that such comments were received, nor any response to the comments provided in approximately 7,500 pages of useless, inadequate boilerplate.

Paper poundage in terms of five three-ring binders containing over 1,500 pages each, does not a valid argument make. Refusing to extend a comment period simply validates my point that "community detriment" is apparently irrelevant to the NIGC and FIGR, but I would have hoped that some ethical effort among the AES consultants and their subcontractors who claim to be professionals would have made some slight effort to comply with NEPA. AES has failed both FIGR and Rohnert Park citizens, and equally

important, they have sacrificed professional planning standards and ethics held in high regard by the American Planning Association, for a few pieces of casino silver. The consultant's objectivity or any former excellence in practice, is completely missing in the DEIS.

Competing Mitigations, Internal Inconsistencies and Glaring Omissions. The document has numerous competing mitigations reducing Significant "S" impacts to Less than Significant "LTS." As example, a mitigation for reducing impacts of lighting for nighttime bird migrations includes darkening all exterior lights and dimming interior lights. In another section of the DEIS regarding public safety, parking lot lighting must be substantial. Both of these mitigations cannot be simultaneously accomplished. Pick one. They both cannot be reduced to LTS (which I call, based upon the contents of the DEIS, "Laughable to Scientists").

Air. Within the Air Quality section of the DEIS are internal inconsistencies. Section 4.4 of the draft identifies air quality impacts as less than significant, but within Section 4.12 the same air quality impacts are deemed significant. Air quality impacts fail to adequately address the realistic quantity of emissions from long-idling busses that will be running air-conditioners through the most fragile months where air quality in Sonoma County is at or near maximum thresholds. A narrowed and grossly inadequate traffic analysis also contributes to the inadequacy of air quality discussion in the DEIS.

Housing and Schools. There is absolutely nothing within the DEIS that addresses two vital components of the adjacent community: housing and schools. A projected casino workforce of at minimum, 2,400 employees, will have a severe and escalating impact upon both housing and schools. Affordable housing availability within Rohnert Park is seriously constrained, and it is very unlikely that all casino employees will be hired from the existing residents within dwellings in Rohnert Park. What is more likely is multiple families doubling up in single homes that will cause rapid deterioration to the community's housing stock and quality of life in its neighborhoods.

Severe housing shortage, housing stock deterioration, overcrowded schools, new school bus systems, multi-lingual teaching staff and curriculum requirements—all of these substantial impacts are associated with a large tribal casino workforce. The DEIS is stone silent here.

Water. I will leave to the experts the discussion of complete unavailability of water to the project site, but must note an interesting water mitigation proposed in the DEIS. Should the applicant choose to drill its own wells in a manner that affects wells of adjacent landowners, the applicant will "repair" or "improve" neighboring wells. Two questions come to mind: 1) What if the Tribe *won't* make such repairs or improvements? 2) How does the Tribe deplete water from adjacent wells and then "repair" them back to full water capacity—absent the availability of any water?

Traffic. Again, I will leave to the experts the discussion of inadequate traffic studies and mitigations. However, I do note that the consultant traffic studies were severely

narrowed to a quarter-mile, or half-mile within the project site. Traffic studies and mitigations did not address enormous daily traffic that will be traversing arterials through the entire community of Rohnert Park.

Community Detriment. The greatest harm to the community of Rohnert Park is the tone of utter indifference to the community's existence in the DEIS. It sets the foreboding tone of continued disregard and indifference exhibited by FIGR, by the consultants, and the NIGC. The unique neighborhoods of this first planned community in California that was incorporated in 1962 are configured such that each child living within the 250 homes per neighborhood can walk just two blocks to a school or a pool. A community that holds its values and standards to such a high threshold will not be ignored by a separate tribal government or anyone foisting such an abhorrent project upon the environment of Rohnert Park.

Conclusion. I have studied, researched and outreached with communities and citizens throughout Sonoma County for the past four years. I can assure you that the "preferred site" is preferred only by FIGR and Stations Casino. Likewise, there is not a single Alternative site, whose scope, configuration or location are adjacent to and acceptable to any community in Sonoma County. Further, the federal recognition of the FIGR has been thoroughly researched and found flawed and wanting.

The deeper local researchers probe the casino project and applicant, the more legally fragile both appear. It would seem a wiser financial investment for Stations Casino and FIGR to seek a site in an area that is unquestionably welcoming of a tribal casino, or adjacent to the FIGR reservation. While I would not wish this project on any community that does not desire such a facility, I strongly encourage Stations Casino and FIGR to go somewhere else, soon.

The citizens of Rohnert Park are completely committed to vigorously defend themselves for however long it takes, and through whatever processes are required, to be spared such a financial and moral parasitic travesty inflicted upon Rohnert Park. You are quite welcome to continue ignoring our comments. We will absolutely not ignore you, and a tribal casino will not open in Rohnert Park, California. We have the full right to be left alone and no further harassed.

I have promised my grandchildren, my congregation and my community that no casino will harm Rohnert Park, and I stand among thousands of community members who have made the very same solid, lifetime pledge.

Sincerely,

Chip Worthington,
STOPTHECASINO101
4695 Snyder Lane
Rohnert Park, 94928

May 27 , 2007

Mr. Bradley Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW
Suite 9100
Washington, DC 20005

RE: Graton Casino/Hotel project DEIS for the
Federated Indians of the Graton Rancheria

Dear Mr. Mehaffey,

The DEIS is deficit in the following areas. Please answer me in writing as to the needed actions you and your agency will take to correct these violations of law.. Please be advised unless you comply with the law, we may be forced to take legal action against you ,your agency and AEIS.

Our entire county is outraged by your failure to comply with envirmetal law and procedures.

I have documented migratory birds on all sites by photographs and videos.

The DEIS is incomplete in that it does not address two areas of potential impacts as specified in Executive Orders.

Executive Order 13186 addresses "Responsibilities of Federal Agencies to Protect Migratory Birds" and was issued on January 10 of 2001. This order requires that any "Federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations" must issue an MOU with the US Fish and Wildlife Service. These MOUs are intended to provide guidance when agencies issue new contracts, take new actions, etc.

In particular, the MOUs must provide that agencies:
Section 3:

...
(6) ensure that environmental analyses of Federal actions required by the NEPA or other established environmental review processes evaluate the effects of actions and agency plans on migratory birds, with emphasis on species of concern;
...

(8) minimize the intentional take of species of concern by: (i) delineating standards and procedures for such take; and (ii) developing procedures

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for the review and evaluation of take actions. With respect to intentional take, the MOU shall be consistent with the appropriate sections of 50 C.F.R. parts 10, 21, and 22;...

On page 4.5-6, the DEIS states that any potentially significant impacts will be reduced to insignificance by mitigations in Section 5.2-4.

Measure f under mitigation of biological impacts addresses impacts upon general bird nests. But no mitigation is offered specific to migratory birds, nor are such impacts specifically discussed in Chapter 4.

The represents two failures. The first is to apply the MOU of the NIGC and/or BIA adopted in compliance with this Executive Order. The second is a failure to maintain internal consistency within the EIS relative to addressing migratory bird impacts, Section 4 makes passing reference to migratory bird issues, but simply defers to Section 5.2-4 for unspecified mitigations. As noted, Section 5 then makes no reference to or offers mitigations specific to migratory bird impacts, consistent with the very specific standards of EO13186.

Executive Order 13423 regarding "Strengthening Federal Environmental, Energy, and Transportation Management" as issued on January 24 of 2007. This requires that each Federal Agency set standards for acquisition of materials based upon "sustainable environmental practices (Sec. 2-d), that each Agency shall ensure that new construction of agency buildings comply with specified federal sustainable standards (Sec. 2-f), that each Agency shall adopt sustainable practices regarding a number of issues, including but not limited to energy efficiency, water conservation, pollution prevention, hazardous chemicals, construction/lease/operation of buildings (sec. 3-a), and that Agencies

(e) ensure that contracts entered into after the date of this order for contractor operation of government-owned facilities or vehicles require the contractor to comply with the provisions of this order with respect to such facilities or vehicles to the same extent as the agency would be required to comply if the agency operated the facilities or vehicles;

Again, the DEIS not apply the standards adopted by the NIGC and/or BIA in compliance with this Executive Order, nor does the DEIS even address the applicability of this EO to the Project.

For example, Section 4.9 discusses impacts regarding public services. This includes both energy consumption and solid waste generation. Executive Order 13423 clearly encompasses both of these issues and requires establishment of policies and practices to be implemented by all Federal Agencies to reduce impacts associated with greenhouse gases and energy use and waste generation, among others. Yet the DEIS fails to even discuss this issue, much less apply the required standards of EO 13423 to this Project.

And EO 13423 is clearly applicable, since the Project encompasses Federal Agency involvement in activities that include construction of buildings, contracting for services with third parties, and use of materials and goods in on-going activities.

To be comply with NEPA in properly addressing and mitigating impacts associated with the Project, the DEIS must address the requirements of these two Executive Orders, discuss the implementing standards adopted by the pertinent Federal Agency, apply those standards to the Project in the context of identifying potentially significant impacts, and then mitigation any such impacts that are identified.

Sincerely Yours

Chip Worthington
STOPTHECASINO101



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SONOMA GROUP

P.O. Box 466, Santa Rosa, CA 95402-0466
(707) 744-7651 Fax: (707) 544-9861

Brad Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street, N.W, Suite 9100
Washington, D. C. 20005

June 2, 2007

Re: DEIS Public Comments, Graton Rancheria Hotel and Casino Resort Project

Dear Mr. Mehaffy;

The Sonoma Group of the Sierra Club is very concerned about the environmental impacts of the proposed Casino Resort Project. The probable negative effects of this huge development on local air and water pollution, overdraft of the underlying aquifer, traffic and endangered wildlife are significant and can't be mitigated. We have many comments and questions, but the following are of the utmost importance and have not been answered by the Draft Environmental Impact Statement:

Groundwater Supply: Evidence from wells in the area around Rohnert Park indicates that groundwater levels are dropping. The most recent professional study of groundwater in the area has been deemed faulty by the courts. The DEIS must point out that new data is necessary to make accurate predictions of the effects of Casino groundwater pumping and the major impact the Project may have on groundwater levels. California legislation SB 610 requires that new projects verify an adequate water supply, but even a background inventory of groundwater supplies for the Rohnert Park area hasn't yet been made. The impact of the large amount of water that the Casino Resort will need to pump from onsite wells cannot have been adequately addressed by the DEIS, since important studies have not been done.

Increase of Pollution in the Aquifer: Appendix Y of the DEIS discusses MTBE gas leaks that have been found at three gas stations near the sites proposed for wells that will supply water to the Casino. The DEIS does not adequately analyze the question of how pumping on the aquifer will affect the MTBE pollution plumes - whether pumping could cause the plumes to move further into the groundwater supply. Could Casino activities also cause this pollution to migrate into the Laguna and then into surface waters?

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Water Pollution in the Laguna de Santa Rosa: The Wilfrid and Stony Point sites proposed for the Casino are in a sensitive location for both ground and surface water. Drainage from these properties is into the Laguna de Santa Rosa, which is already the most polluted water body in the county. Sediment from fill and construction activities, treated wastewater, parking lot pollution, and landscaping chemicals will drain into the Laguna and from there into the Russian River.

The recently adopted Laguna de Santa Rosa Restoration Management Plan calls for no fill within the 100-year flood plain in which the proposed Wilfrid Ave. site is located, yet the plan for this site is that a large part of it will be filled to raise it above the flood plain. Artificial drainage systems will change the hydrology of the Rohnert Park sites, even in the areas that are meant to stay in a 'natural' state. This will surely degrade the on-site wetlands.

Air Pollution and Greenhouse Gas Emissions: The very large increase in vehicle trips associated with this Project – first in building the Casino and Resort and then with visitors, will create air pollution and greenhouse gas emissions. The Federal Government now recognizes global warming as a major problem, and the state of California is working actively to reduce greenhouse gas emissions. The huge, unavoidable increase in GHG emissions, traffic congestion, and air pollution from the Casino Project, a development which contributes to the well-being of only a small number of county residents, are a step in the wrong direction. Much more effort must and can be put into avoiding these emissions if this project is to go ahead.

Wetlands, Community Separators and Wildlife Habitat Destruction: After rapid population growth and development in the 1980's and 1990's, Sonoma County has made increasing efforts over the last decade to control land uses in the county in order to preserve the natural areas that are left. Conversion of land has been especially rapid in the Santa Rosa Plain, leaving only about 10% of the original wetlands and vernal pools.

Urban Growth Boundaries have been established around all of the cities in the Plain, the County General Plan has designated community separators to protect some of the last undeveloped areas between cities and development is now discouraged from occurring in flood plains. Casino Project Alternatives are all on sites that would have been protected from development for one or more of these reasons. The proposed Lakeville site is even less suited for an urban-style development than the Rohnert Park sites, since it is in a rural, scenic area, and presently is agricultural and wetlands.

The County and Cities are now developing an endangered species recovery plan for the California Tiger Salamander and four endangered plant species which will conserve the last areas of vernal pools in the Plain. The Wilfrid and Stony Point Casino Project sites, although not within a California Tiger Salamander Conservation Area, are in the corridor between two of them. This is a buffer zone intended by the U.S. Fish & Wildlife Service to have no major change in use. It is very important for the success of this recovery plan that habitat be as unfragmented as possible – and the most injurious land use for CTS is urban development.

We sincerely hope that the final EIS will address these issues and conduct all the necessary studies and related tests. It should then become apparent that the proposed Casino Resort has too great an environmental impact to be suitable for any of the proposed sites.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Jana Selph". The signature is written in a cursive style with a large, looping flourish at the end.

Jana Selph
Chair, Sonoma Group of the Sierra Club

STC101**Stop the Casino 101 Coalition**

Sonoma County, CA
www.stopthecasino101.com

URGENT FAX: PLEASE ROUTE TO RECIPIENT IMMEDIATELY

If you have problems with this fax, please call 707-588-9926

DATE: May 23, 2007

TO: Honorable Dirk Kempthorne, Secretary of the Interior

cc: Honorable Byron L. Dorgan, Chairman, Senate Indian Affairs Committee
 Honorable Nick J. Rahall, Chairman, House Resource Committee
 Honorable Barbara Boxer
 Honorable Dianne Feinstein
 Honorable Lynn Woolsey
 Governor Arnold Schwarzenegger, c/o Ms. Andrea Lynn Hoch
 Honorable Carole Migden
 Honorable Jared Huffman
 Phillip N. Hogen, Chairman, NIGC

FROM: Marilee Montgomery, Public Information Liaison
 Stop the Casino 101 Coalition
 Telephone: 707-793-2355
 Email: marilee@stopthecasino101.com

re: **Sonoma County Comments**
Graton Rancheria casino DEIS

Page One of

Included with this fax is an article from today's Press Democrat outlining Sonoma County's objections to the proposed Graton Rancheria Casino/Hotel project.

Of special note is the fact that the site and its alternatives are all within County jurisdiction, and thus, as the article says, "No matter what agreement the casino has with the city of Rohnert Park, the Wilfred Avenue site lies in county jurisdiction."

Some of our elected officials have been confused on this point, believing that Rohnert Park was the governing body of the site, and giving too much credence to the MOU Graton has with the City of Rohnert Park. Graton Rancheria has no agreement with the County, other than a very limited MOU that sets forth terms of future negotiations for mitigation. The County's comments clarify this point once and for all, and we hope there will be no more confusion on this pivotal issue of the MOU.

There is no support for this project in Sonoma County. In fact, based on the increase of visits to our web site and the number of signing up to our group each week, we feel that the opposition to the project continues to grow, and is growing almost daily.

The County's comments are available on our web site at www.stopthecasino101.com Click on NIGC Hearings & DEIS Information in the Navigation Bar, and scroll down to find the comments.

Here is the article, copied and pasted from the Press Democrat web site at www.pressdemocrat.com

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<<Back Article published - May 23, 2007

County lists 200 objections to casino

Floods, compulsive gambling, traffic, threat to salamander among potential problems

By BLEYS W. ROSE

THE PRESS DEMOCRAT

An Indian tribe's gaming casino near Rohnert Park would bring nightmare scenarios of traffic congestion, floodwaters in residential areas and destruction of endangered species habitat, according to a draft of Sonoma County's assessment of a Graton Rancheria proposal.

Calling the proposed casino "the single most intensive development project ever undertaken" here, county officials say the eight-story casino and 300-room hotel would have far-ranging impacts. "It is in a flood-prone area. It is in an urban separator. It has Las Vegas style night lighting," said Jeff Brax, deputy county counselor drafting the official response to a casino proposal by the Federated Indians of the Graton Rancheria.

Officials with the Indian tribe declined comment because the county's official response hasn't been released.

Leaders of the Stop the Casino 101 Coalition welcomed the county's assessment, saying it would buttress their impending court challenge to the casino's environmental report. They said their legal challenge will center on environmental issues as well as the tribe's right to conduct gambling on the site.

"It would cripple the overburdened transportation system relied upon by the county's residents, visitors and regional commerce, and aggravate demands for health, safety, and other crucial public services," according to the draft prepared by Brax.

Sonoma County's legal staff is finessing the wording of a document listing 200 specific objections to the casino to be filed by the June 4 public comment deadline established by the National Indian Gaming Commission. The commission must certify that it studied the environmental impact of the proposed casino before approving the project.

"There is a huge potential impact for a development this size that will impact this county for all time," said Supervisor Tim Smith, noting it would dwarf the residences as well as the commercial development on Wilfred Avenue near Home Depot.

County officials say the gaming commission's draft environmental impact statement is deficient because it failed to properly address issues such as traffic congestion, police and fire protection, compulsive gambling of patrons, land use and tiger salamander habitat.

Among its objections, the county review said:

The casino would generate 18,250 vehicle trips daily, or the "traffic equivalent to an entire lane of Highway 101 all by itself." The commission's report incorrectly assumes improvements on a Wilfred Avenue exit on Highway 101 will be complete next year, when 2011 or 2012 is more likely.

An influx of 28,000 casino patrons daily would generate social problems with compulsive gambling and drunken driving, as well as put increased demand on ambulance and public safety services.

The casino site lies within a flood-prone area with considerable risk of flooding because of flat topography and slow storm water percolation. County officials say the casino plan makes the situation worse by proposing nearly 23,000 truckloads of fill to lift the site above flood level.

"The proposed project would place a massive amount of fill on the site and engineering calculations are necessary to demonstrate that the fill would not adversely affect drainage on nearby properties," the county's draft statement says.

No matter what agreement the casino has with the city of Rohnert Park, the Wilfred Avenue site lies in county jurisdiction.

"The project would be the antithesis of the county's plan for this land, which includes only agricultural and scenic open space uses," the county statement notes.

Finally, county officials object that the endangered tiger salamander "is likely to be seriously harmed" because the casino site sits in the middle of the species habitat that stretches from Cotati to western Santa Rosa.

You can reach Staff Writer Bleys W. Rose at 521-5431 or bleys.rose@pressdemocrat.com.
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DEIS Comments
GRATON CASINO/HOTEL PROJECT

Marilee Montgomery
152 Wilfred Avenue
Santa Rosa, CA 95407

**Federated Indians of Graton Rancheria
Supplemental Report**

Revised April 26, 2007

Prepared by

**Stop the Casino 101 Coalition
Sonoma County, CA**



Federated Indians of Graton Rancheria Supplemental Report

Revised April 26, 2007

There are seven basic tenets upon which the Federated Indians of Graton Rancheria ("FIGR") have based their claim for restoration. They are as follows:

1. That the Graton Rancheria was designated as a "village home"¹ for the "for the collective benefit of the homeless Indians of Bodega, Tomales, Marshall, Sebastopol, and vicinities thereof"².
2. That the Indians who lived on the Rancheria were all of Southern Pomo or Coast Miwok stock³ from Bodega, Tomales, Marshall and Sebastopol
3. That this action described in item number 1 above created a "*de facto* tribe"⁴.
4. That the Graton Rancheria was "was purchased and placed in federal trust for the Tribe in 1920 (*and*) did serve as a "reservation" for the Tribe"⁵
5. That the "land was then removed illegally from trust in 1958"⁶ by the unethical actions of the federal government, as indicated in Number 6 (below).
6. That Indian Agents derived their information on who was living at the Graton Rancheria at the time of the Termination Act from "three old guys who couldn't even speak English"⁷
7. That the "group's federal status as a recognized tribe was terminated in 1966 under the California Rancheria Act of 1958".⁸

The archival record does not support any of these claims.

¹ Chairman Greg Sarris, Letter to the Editor, *The Community Voice*, January 26, 2007

² "FEDERATED INDIANS OF GRATON RANCHERIA, Our History as a Federally Recognized Indian Tribe September 27, 2006

³ *Our People*, FIGR web site at <http://www.gratonrancheria.com/ourpeople.htm>

⁴ *Ibid.*

⁵ Chairman Greg Sarris, Letter to the Editor, *The Community Voice*, January 26, 2007

⁶ *Our People*, FIGR web site at <http://www.gratonrancheria.com/ourpeople.htm>

⁷ Statement of FIGR Chairman Greg Sarris in "*California's Lost Tribes*", a documentary by Jed Riffe

⁸ "*Tribal Spirit*", *The North Bay Bohemian*, March 9-15, 2000

1. Was Graton Rancheria a "Village Home"? The intent of the United States Government in purchasing the Graton Rancheria was to provide a rent- and/or mortgage-free living situation "for the use and occupancy of the Marshall and Sebastopol bands of homeless Indians"⁹

The FIGR has often cited as their source for the "village home" claim to be Special Indian Agent John J. Terrell, who was working in California to buy the plots of land that became known as Rancherias. But here is what Terrell actually said in his June 14, 1920, letter to the Commissioner of Indian Affairs in Washington, DC:

"While the enclosed proposal to sell (*the land that became Graton Rancheria*) by Mr. Corda and wife designates the 'Marshall & Sebastopol Indians', really I have in mind that this 15.45 acre tract should be set aside, in event of purchase, for the village home of the Marshall, Bogeda (*sic*) and Tomales Bay Indians."¹⁰

Note that Terrell's letter confirms that it was Washington's original intent to use this land for landless or homeless Indians from the vicinity of Marshall and Sebastopol, not as a "village home".

Terrell's suggestion was never acted upon by Washington. That "village home" verbiage was never found before Terrell's letter and is never again found in the archives after his letter. Subsequent letters use only the verbiage "Marshall and Sebastopol" Indians repeatedly, signifying not only the intent of the government, but the actual circumstances of Graton Rancheria - up to, that is, 1937, when all restrictions for residency at Graton were lifted by the federal government.

In 1937, because no one had as yet moved onto the Rancheria since its purchase in 1921, local Indian Agency Superintendent Walter McConihe asks Washington for permission to open the Graton Rancheria to *any* homeless California Indian, saying,

"In 1921 there was purchased a tract of 15.45 acres...The purchase was intended 'for use and occupancy by the Marshall and Sebastopol bands of homeless California Indians', but said bands never occupied the tract, nor has any Indian ever lived on the tract from date of purchase up to now...The question I want settled is: Am I limited to Indians of the Marshall and Sebastopol bands, or their descendants? I think decision should be that any landless Indians may be located on these unused California tracts."¹¹

⁹ Letter to Walter McConihe, Superintendent of the Round Valley School (i.e., area Indian Agency) from E. B. Merritt, Assistant Commissioner, Department of the Interior, Office of Indian Affairs, July 6, 1920

¹⁰ Letter from John J. Terrell to the Department of the Interior, United States Indian Service, Commissioner of Indian Affairs, June 14, 1920, regarding "Marshall-Indians"

¹¹ Letter from Sacramento Indian Agency Superintendent Roy Nash to Washington, DC, the Commissioner of Indian Affairs, Attention Land Division, June 9, 1937

In his reply to McConihe dated July 6, 1937, Assistant Commissioner of Indian Affairs William Zimmerman, Jr., writes from Washington that

“The records show that the deed conveying the property to the United States does not contain any limitation or provision as to what Indians should be settled thereon. The land was paid for out of an appropriation made by Congress for the purchase of lands for landless Indians of California. While the land was purchased primarily for the occupancy and use of the Marshall and Sebastopol Bands, there is no limitation or reason why other landless Indians may not be settled thereon”.

This 1937 letter could not be more clear. There was never any intention on the part of the government to establish with the purchase of the Graton Rancheria, a “village home” for any specific Indians, and even the intent to house “Marshall and Sebastopol” Indians was rescinded by Zimmerman’s decision.

As a result, the first resident of the Graton Rancheria was Andrew Sears, from the town of Sonoma in Eastern Sonoma County, who moved there with his wife in 1937..

2. What Indians lived at the Graton Rancheria? Occupancy at the Graton Rancheria was not limited to Coast Miwok and Pomo Indians of Marshall, Bodega, Tomales, and, Sebastopol, all of which are located in Western Sonoma County. The first California Indian to take up residence on the Graton Rancheria, Andrew Sears, was a 4/4 Pomo man from the town of Sonoma in Eastern Sonoma County, who, with his wife, Nora Maximillian Sears, moved onto the Rancheria in 1937¹² as the first official assignee.

In 1945, Mrs. Laura Faber from Lake County lived at Graton briefly, then moved to Santa Rosa. Mrs. Faber’s son, Art, was an employee of the Indian Agency. Over the next two decades, a handful of people lived on Graton briefly, then moved off. There were never more than three residences on the property at any time, whether in the form of platform tents or small homes.

In 1950, Frank Truvido, along with his wife and child, took up residence on Graton Rancheria with an unofficial status. Mr. Truvido claimed 1/4 Indian blood on his August 21, 1952 application for Graton Rancheria residency. His application does not state his lineage. The record indicates that Mr. Truvido’s wife was Ramona Cordova, but her application is not in our possession. The application for Frank’s daughter, Gloria Truvido (now *Armstrong*), gives no blood quantum or lineage at all.

In 1951, John Frederick Evrill (as Fred spelled it, but is sometimes spelled “*Everill*” or “*Everal*”) moved in with Andrew Sears, whose wife had died. Mr. Evrill was 1/4 Shasta Indian. As noted on his 1952 application, Mr. Evrill’s father, John Evrill, was an Englishman from Cornwall and his mother, Louisa Offield Evrill, was 1/2 Shasta Indian and 1/2 White. Mr. Evrill

¹² Letter to Andrew Sears from Roy Nash, Superintendent of the Sacramento Indian Agency, March 19, 1937

was originally from Hamburg in Siskiyou County, CA, where his brother, Charley, still lived at the time. (Information on the Evrill family was derived from archival records and from a Shasta Indian who is researching Shasta Indian families, including the Evrills. Fred's brother Charley was well-known in their hometown of Hamburg, and is even mentioned in local history, with his name misspelled as "Everal")

Another application from 1952 was for Violet Bellman, whose grandfather was a White man from Ohio. Her parents are shown to be from the Covelo (Round Valley) reservation (established in 1856), whose residents are descendants of the Yuki, Concow Maidu, Little Lake and other Pomo (most likely Northeast Pomo), Nomlaki, Cahto, Wailaki and Pit River peoples.¹³ Mrs. Bellman does not give either her blood quantum or lineage.

Her husband, Lawrence Bellman, also applied (unsuccessfully) for an assignment at Graton in 1952. He was the son of a White man whose mother was 4/4 Native American. In interviews with Graton residents Andrew Sears, Frank Truvido and Fred Evrill taken in August 1952, the men say clearly that they "resent" Mr. Bellman, but would withdraw their objections if the Director approved his application. Mr. and Mrs. Bellman's applications were not approved.

Clearly, the residents and those few who (futilely) applied for residency at Graton Rancheria in 1952, were a mixed bag, and clearly, they were not limited to those Coast Miwok and Pomo Indians from Bodega, Tomales, Marshall and Sebastopol. The record shows that at the very least, Pomo (Southern or otherwise), Coast Miwok, Shasta, and Round Valley Indians from various locales either lived on Graton at some time, or applied to live there in 1952.

3. Was Graton a "de facto tribe"? It stands to reason that, if there were never any intention on the part of the government to establish with the purchase of the Graton Rancheria, a "village home" for any specific Indians, and if, sixteen years after its purchase, the Rancheria was opened up to any California Indians, then no "de facto tribe" could have been established, nor was any intended to be established.

In fact, in two memos from the Office of Tribal Services ("OTS") on the matter of the two incarnations of the Graton Restoration Act, H.R. 4434 (1998) and H.R. 96 (1999), make the point in a crystal-clear fashion. The 1998 memo states in conclusion that

"We would generally support a tribe requesting restoration of federal recognition when there is documentation to prove that the group is significantly tied to the terminated tribe. We have not seen any such evidence in regards to the Graton Rancheria and therefore cannot recommend support of this bill (H.R. 4434) at this time."¹⁴

¹³ "Round Valley Indian Reservation History. http://www.covelo.net/tribes/pages/tribes_history.shtml

¹⁴ Memo to Director, Office of Congressional and Legislative Affairs, from Director, Office of Tribal Services, September 8, 1998

A subsequent OTS memo in 1999 on H.R. 946 reiterated this position, and there is nothing in the record that we have found that indicates the FIGR was ever able to submit sufficient evidence to assuage the OTS's qualms. Further, there is no indication that the OTS ever changed its position on Graton. Indeed, their misgivings were read into the record by BIA Director Kevin Gover in the May 16, 2000, Hearing on H.R. 946 before the House Resource Committee.

4. Was the Graton Rancheria trust land held as a reservation for a tribe? No, it was not. Although there are a variety of ways in which land can be converted to and held in trust for individual Indians or for tribes, Graton Rancheria was held in fee.¹⁵ Dr. Stephen Beckham of Lewis and Clark College is a renowned expert in West Coast Indians. Dr. Beckham says,

"There appears to be widespread misunderstanding in California about rancherias. They were federal fee lands (not reservations) where homeless Indians (and others) lived without paying taxes. The Rancheria Termination Act ended the non-taxed status and distributed the land and assets to residents. It is possible to argue that "restoration" of the rancherias was nothing more than restoring the non-tax status of the former federal fee lands."¹⁶

There is absolutely no record of this property ever having been placed in trust at any time. There is no basis in fact for this claim made by the FIGR.

5. Was the land "removed illegally from trust in 1958"?: Since the Graton Rancheria was never held in trust, it could not have been removed from trust, illegally or otherwise. The fact is that all three of Graton Rancheria's sole residents, Frank Truvido, Fred Evrill and Andrew Sears, not only voted in favor of the termination of the Rancheria, but Mr. Truvido wrote a thank you note to the Indian Agency, saying,

"I have written (*Congressman*) Scudder that we are in favor of the Termination Bill, and we are hoping (*sic*) that the Bill passes this January. All the members of this Rancheria signed this letter to Mr. Scudder."¹⁷

The men's ballots voting in favor of the Termination Act are in the record.

It took eight years from the vote at Graton on the Rancheria Termination Act to the final implementation of the Act in 1966, when the government passed title to Graton's sole surviving resident, Frank Truvido. During that eight year period, *no one* claiming to be either an individual resident of Graton Rancheria or a tribal government of Graton Rancheria, stepped forward to

¹⁵ Deed executed September 17, 1920, and recorded in Liber 395, Page 54, Sonoma County Records.

¹⁶ Email to Marilee Montgomery from Dr. Stephen Beckham, September 9, 2006

¹⁷ Letter from Frank Truvido to Mr. Lowe of the Sacramento Indian Agency, and received by them on November 20, 1959

challenge either the vote on the Termination Act, or even who was able to vote in the matter of the Act.

6. The myth of the “three old guys who couldn’t even speak English”: The “three old guys who couldn’t even speak English” were Frank Truvido, Andrew Sears and Fred Evrill. On August 21, 1952, a field interview was conducted by the Indian Agency’s Field Agent and Graton Rancheria residents Frank Truvido, age 42, Andrew Sears, age 58. and Fred Evrill, the only *bona fide* “old guy” at age 75.

The purpose of the 1952 interview was to determine who was living at Graton Rancheria. ALL of the information about Graton’s residents was obtained from these three gentlemen, including the original resident, Andrew Sears, who had by then lived there continuously for fifteen years.

But what about their English skills? The comment that they couldn’t speak English would presuppose that these three men were on the order of elderly Indians who had lived on remote reservations, and who had little or no schooling and/or little opportunity to speak English, but the record paints a different picture.

In John Terrell’s June 14, 1920 letter, one of his comments on the local Indians was that “Most of these Marshall Indians are bright, energetic, speak good English, and far above average.”. Beyond Mr. Terrell’s observation, though, is the fact that

1. Frank Truvido attended St. Vincent’s Catholic school from “age 6 to age 18”¹⁸. His handwritten note referenced earlier indicates that his command of English was excellent.

2. Andrew Sears was born and raised in the town of Sonoma, as were his parents, a town where English is largely spoken. We know from the record that Mr. Sears was a valued employee of local farmer Pete Gregori, and he was also known to the Sheriff. There is no indication from either of these sources that he could not speak English. Indeed, he apparently speaks clear English to the Field Agent on August 21, 1952, who had no trouble understanding any of the men. In addition, according to Probate Court records, Mr. Sears, upon executing his will, went to the local tavern to have the owner witness his signature. The tavern owner, Louis Mauc, testified under oath at the Hearing on the will that “He (*Mr. Sears*) asked me if I could be a witness.”¹⁹. Mr. Mauc also testified that he was not an Indian, so it’s probably safe to assume that Mr. Sears’ request was made in English, as Pomoan languages were and are not widely spoken, especially not by White men..

3. Fred Evrill was 3/4 White. His White father was an Englishman from Cornwall, and his mother was 1/2 White and 1/2 Shasta. Mr. Evrill grew up in the town of Hamburg in Siskiyou County. There are good records that indicate his brother, Charles, spoke English, so it’s

¹⁸ *Indian Agent’s Field Notes, August 21, 1952*

¹⁹ *Testimony of Mr. Louis Mauc, Owner of “Louie’s Place”, from Court Transcript from Hearing in the Matter of the Estate of Andrew Sears (Garcia), Unalotted Pomo Indian, Santa Rosa, CA, August 31, 1961*

reasonable to assume that Fred Evrill also spoke English. Certainly, if Mr. Evrill couldn't speak English, then he could not have easily communicated with his father, mother and brother.

The logical conclusion, based on the record, is that Andrew Sears, Frank Truvido and Fred Evrill spoke normal, conversational English.

7. Was the group's federal status as a recognized tribe terminated in 1966? This assumes that there was a federally-recognized tribe at Graton to begin with. There was simply no tribe at Graton from its inception in 1921 to its termination in 1966, as the memos from the OTS make clear. There exists not one single letter or document of any kind that even remotely indicates the presence of a tribal entity or tribal government on Graton Rancheria at any period in its history.

Conclusion: California's Native Americans have a tragic history, which no one disputes. The information in this paper is based on the record of the facts surrounding the Graton Rancheria and the Graton Restoration Act.

In the matter of the Graton Rancheria, it is clear that the recorded history of Graton Rancheria differs markedly from that which has been presented by Graton and its spokesmen to the media, to the public and to government officials. The concerns expressed by the Office of Tribal Services (that the FIGR didn't appear have ties to a terminated tribe) were apparently well-founded.

It was Chairman Sarris who told Congress that after Graton Rancheria was purchased, "Seventy-five members moved on (*the Rancheria*) in 1920"²⁰, which is certainly not true, and even the FIGR's own 1997 report submitted to the government doesn't make that claim. In fact, the FIGR submitted very few historical or archival documents on the Graton Rancheria to the federal government. There is good evidence that the FIGR's lead genealogist, Sylvia Thalman, utilized the National Archives. There is mention in the FIGR's 1997 report of two or three letters from the National Archives to and from local Native American Tom Pete about the Rancheria. The vast body of archival record on the Rancheria, however, is missing from Graton's submissions made in support of restoration.

When examined in the context of the historical record, the claims made by the FIGR in its quest for restoration not only are not confirmed, but are contradicted at every turn of the page.

²⁰ *Hearing before the House Resource Committee on H.R. 946, The Congressional Record, pg. 55, May 16, 2000*

(Marshall-Indians)

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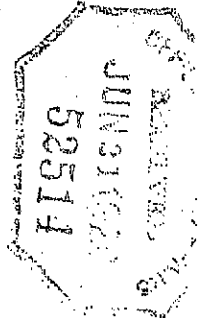
C.S.

DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN SERVICE

Sacramento, Calif., June 14, 1920.

Commissioner Indian Affairs,
Washington, D. C.



Dear Sir:

Herewith I have the honor to inclose "Proposal For Sale Of Lands" by Mr. Joseph Corda and his wife, Mrs. Louisa Corda, and attached rough sketch, wherein it will be observed they propose to convey to the United States for the use and occupancy of the "Marshall & Sebastopol Indians" their 15.45 acres of land for the sum of \$2100.00, being a small fraction less than \$136.00 per acre.

This land is situated about 3½ miles northwest from the rich and fast growing town of Sebastopol, Sonoma County, California, in the heart of the fruit and berry industry of the county. The population of this modern and thriving little city is about 2000.

That the Office may the better understand why lands in the fruit and berry parts of said County are so high in prices; therefore, difficult to secure lands for the village homes of the landless Indians, also have inclosed some news papers' clippings, among them Mr. Corda's ad to sell the said 15.45 acres, which I happened to note on yesterday morning, also "The Home Of The Gravenstein Apple"

This 15.45 acres are entirely surrounded by fruit orchards and berry farms, same being in the very heart of "The Gold Ridge Fruit Belt". Every inch of this tract, except a very small part taken up by a small spring branch that runs through same near its northern boundary and near the public highway, is just such land when improved by being put in fruit or berrys, when offered for sale, brings from \$350 to \$1000.00 per acre; in fact when highly developed and improved with good homes, even as high as \$1200.00 to \$1500.00 per acre.

Mr. Corda informed me that he sold 7 acres adjoining this 15.45 acres about two years ago, unimproved, at \$200.00 per acre. This spring branch runs the year round, being excellent water. The tract is fenced with a 4 strand barbed wire; has between 50 and 75 beautiful pine trees of from 6 in. to 18 in. at stump, besides quite a quantity

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(2)

persuaded her husband to sell. In event persuasion was necessary, this land is only 1/2 miles west on the public highway from the nearest station on the Electric Ry. Line running out for several miles from Sebastopol.

At first I offered \$2000.00 for the land, which they virtually agreed to accept, but when I explained that they would be required to furnish at their expense an abstract of title, the old man balked, insisting that likely an abstract would cost not much less than \$100.00. Realizing, comparing the land with all other lands of like quality to be found in said "Fruit Belt", was very cheap, and being every way excellently suited for the location of an Indian village, had to say to him that I would raise my offer from \$2000.00 to \$2100.00 so as to cover the probable outside cost of the abstract.

While the inclosed proposal to sell by Mr. Corda and wife designates the "Marshall & Sebastopol Indians", really I have in mind that this 15.45 acre tract should be set aside, in event of purchase, for the village home of the Marshall, Bogeda and Tomales Bay Indians.

I do not have with me my original files wherein early in my services, beginning in the summer of 1915, I furnished the Office with census of these three remnant bands of Indians. At that time the census of the Marshall band, being considerably the larger, consisted of over 100, counting 1/2, 3/4 and full bloods.

I spent day-before yesterday and following night at Marshall and find that quite a number of the Indians of that locality have left there and have secured employment within "The Gold-Ridge Fruit Belt", that most, if not all, of those remaining desire to leave the coast country and desire that their village homes be secured in said "Fruit Belt". They informed me that they have been unable to earn their living out of the waters of Bay as formerly, in that the white people, mostly foreigners, come out from the "City" San Francisco, and materially interfere with their former industry; besides they claim that clams, their main source of a living, have grown so scarce as that they are unable longer maintain themselves on the Bay.

I have been assured by the leading Indians met that they all will be much pleased to be located, most anywhere within the "Fruit Belt".

From this proposed purchase the Indians will always be able to secure employment sufficiently close to always live at home, have good gardens, chickens, turkeys, etc. Most of these Marshall Indians are bright, energetic, speak good English and far above the average, especially in their desire to have nice little homes and helpful environments.

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(3)

It will be noted that only my name appears as a subscribing witness to the signatures of Mr. and Mrs. Corda. This is the result of the fact that only the three named were present at the home of the proposed seller.

Noting the add to sell this land I answered same on Sunday morning, taking the electric car to nearest station-Berlow- and from there walked out through a very heavy mist and rain $1\frac{1}{2}$ miles finding only the two at home. Inasmuch as both Mr. and Mrs. Corda are quite anxious to sell, suppose that it is not absolutely necessary for further witness to their signatures?

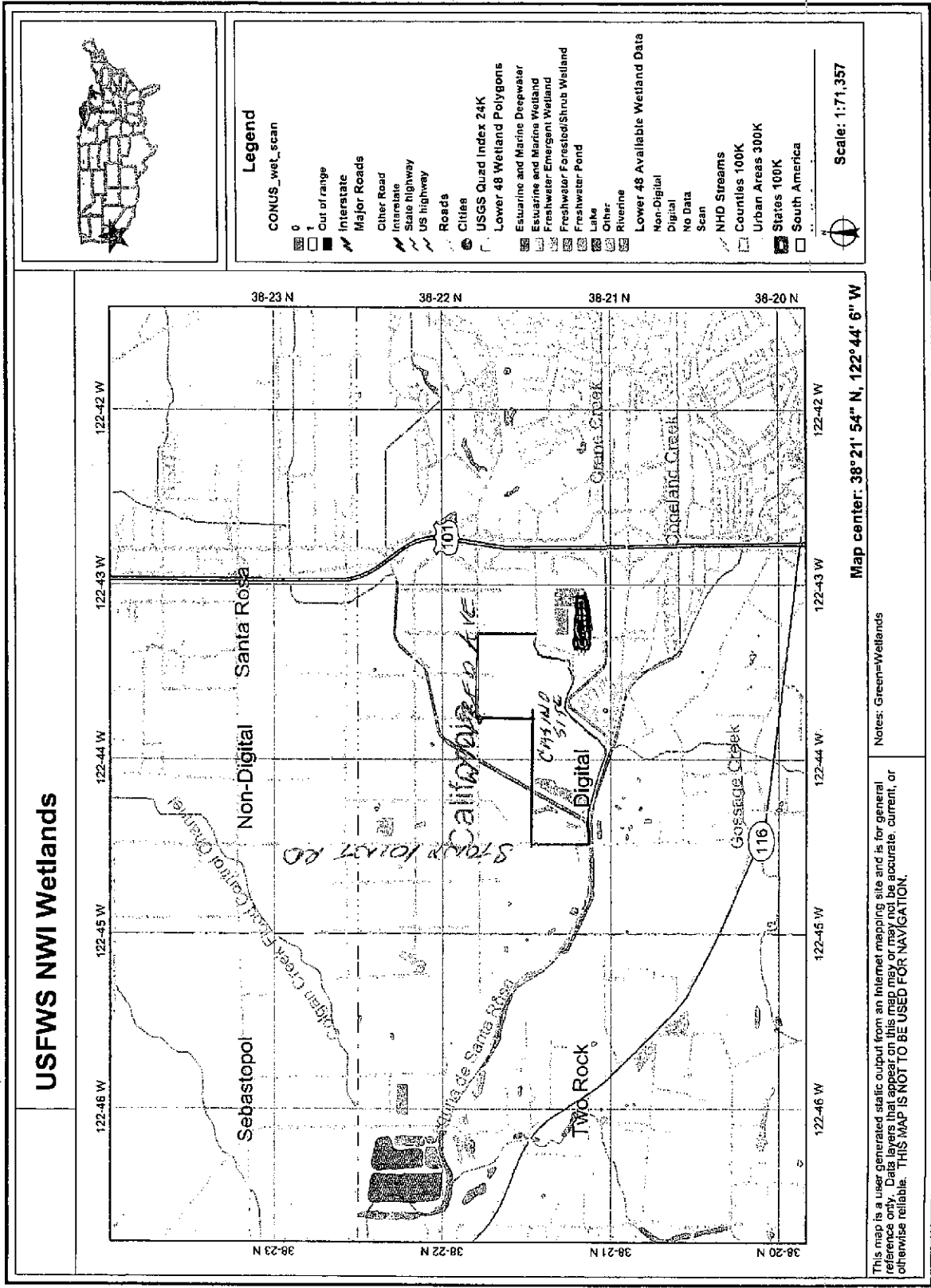
I should have further stated in connection with the location of the Bogeda, Tomales and Marshall Indians that, have been unable to find available land anywhere along the Bay. The lands now and were the past, entirely are owned in large holdings and by cooperative societies who will not sell, except their entire holdings, being entirely out of the reach of the Government under any appropriation heretofore made: Also another reason assigned, and a most essential one, for their desire to leave the waters of the Bay, is that they have found the almost constant heavy fogs and dews, most of the year very cold, is that most all of them suffer more or less with rheumatism and kindred troubles.

The Office should have no hesitancy in asking the Department of the Interior to approve of Mr. and Mrs. Corda's proposal to sell.

There will never be a time, in my judgment, when this land would sell at quite an advance over the proposed purchase price.

Respectfully submitted,

LEIS COMMENTS
GRATON CASINO/HOTEL PROJECT



Marilee Montgomery

From: [REDACTED]
To: [REDACTED]
Sent: Friday, March 23, 2007 9:33 AM
Subject: Dry Creek wastewater pact nullified by court order(HealdsburgTribune)

Marilee Montgomery
152 Wilfred Avenue
Santa Rosa, CA 95407

<http://www.sonomawest.com/articles/2007/03/22/healdsburg/>

Dry Creek wastewater pact nullified by court order

Opponents said lawsuit uncovered "Trojan horse"

By Barry Dugan, Managing Editor
March 22, 2007

A pact between a group of Dry Creek Valley property owners and the Sonoma County Water Agency, which could have forced grape growers to use 1.5 billion gallons of wastewater per year in place of fresh water pumped from the valley and Dry Creek, has been nullified by a judge who agreed with opponents that such an agreement must undergo environmental review.

Opponents of the plan say their lawsuit uncovered a "Trojan horse" scenario that would have brought billions of gallons of treated wastewater into one of the world's premiere growing regions, endangering world-class soils and threatening groundwater quality.

The agreement between the SCWA and the Dry Creek Agricultural Water Users would have obligated the group to use up to 6,000 acre feet of wastewater per year through the year 2022.

The successful legal challenge by the Landowners for Water Rights, comes at a time when the SCWA is releasing a draft EIR on the proposed North Sonoma County Agricultural Reuse Project, a massive system of pipelines and reservoirs that would bring billions of gallons of wastewater from the Santa Rosa Geysers pipeline to the Dry Creek and Alexander valleys.

At the same time, Santa Rosa is reviewing similar plans to store millions of gallons of wastewater in the north county for agricultural use and discharge into the Russian River.

The Water Agency's stated goal in the agreement was to resolve competing water rights issues and "better manage the water resources in the Dry Creek Valley," according to an agency release last year.

Healdsburg Attorney Edwin Wilson, who represents the Landowners for Water Rights in the lawsuit against the Water Agency, said water rights are not the issue at all. "They say they are getting water rights, but the agency is not getting any water rights at all," he said.

"The Agency has slipped a Trojan Horse into the agreement," Wilson argued in his court document, in which "Members are contractually obligated to take and use 'substitute water' (which includes wastewater) in lieu of fresh Dry Creek water."

3/24/07

The ruling last week by Judge Elaine Rushing agreed with Wilson's argument that the SCWA pact with the Dry Creek Agricultural Water Users, Inc. was subject to the California Environmental Quality Act because the agreement "may cause a direct or reasonably foreseeable indirect physical change in the environment," and therefore qualifies it as a "project" under the law.

"If (wastewater) gets into the groundwater, it is, for all practical purposes, there forever," said Wilson. "It is very difficult to try and reverse that. The Dry Creek Valley has Class I soil ... the finest agricultural soil in the world. What we're playing with is our two most precious commodities, soil and water ... to take our most precious commodities and put them at risk is unacceptable."

Jill Golis, an attorney with the County Counsel's office, said "I'm disappointed with the ruling."

Golis, who said it is too early to say if county officials will appeal the ruling, disagreed with the judge's opinion. "There was nothing in the Dry Creek agreement that required the water agency to move forward with any recycled water project," she said, and therefore it did not require a CEQA review.

Fred Corson, who represents the Landowners for Water Rights, believes the Water Agency has a larger agenda than resolving water rights. "To me, the agenda is very clear," said Corson. "The more wastewater they can force on ag users and gain control of water they are pumping, the more water they have available to sell to their urban customers."

The SCWA supplies water to more than 600,000 customers in Sonoma and Marin counties. It controls the water released from Lake Sonoma that flows down Dry Creek and to the Russian River, eventually being diverted above the Wohler Bridge. Diversions by landowners in Dry Creek Valley "is of concern because the Agency is required to maintain certain minimum streamflows" in Dry Creek.

Pam Jeane, deputy, chief engineer with the SCWA, said the agency is awaiting direction from the Board of Supervisors as to whether a new agreement will be considered.

Wilson believes the Dry Creek water agreement "is the last piece in the waste water puzzle. There is plenty of waste water being produced in the area, but no place to dump it ... this would have allowed anyone to bring waste water in ... it's pretty clear that they want to make Dry Creek Valley the poster child for its waste water plans."

Jeane said the agency doesn't share that view. "We see the agreement as being one that says we are going to cooperate with the landowners in the Dry Creek Valley and work together to manage the water resources in the Dry Creek Valley."

She said the judge's decision to nullify the agreement is not good for those landowners who were involved. "That agreement provided certainty to those landowners ... they no longer have that certainty that if they participated that we would not contest their water use."

In addition to requiring landowners to take wastewater in lieu of fresh water, the proposed agreement forbid them from opposing the Water Agency's efforts to develop groundwater or wastewater in the Dry Creek Valley.

Corson said the wastewater being proposed for irrigation meets only minimal quality regulations, and contains numerous potentially dangerous contaminants. "In my opinion, a minimum expectation is that contamination of both surface waters and groundwater will occur,"

he wrote in a letter to the Board of Supervisors last year.

Jeane said that the agency considers the use of recycled wastewater to be safe and its use for irrigation and frost protection falls within the guidelines established by the state Department of Health Services.

Corson also pointed out that the SCWA and Dry Creek water agreement would have constituted about a third of the North Sonoma County Agricultural Reuse Project, which is undergoing an environmental impact report. "If that project requires CEQA review then so must this contract," he wrote.

Wilson said Corson's vigilance in detecting the impacts of the wastewater plan were critical for the future of the North County. "Now there's not going to be a Trojan Horse anymore," he said. "Everyone is going to be watching.

With water supply becoming a critical issue, Wilson said "from now on and into the foreseeable future. we're going to have the water wars. Everybody is running out of water."

NEPA DEIS COMMENTS FOR THE GRATON CASINO & HOTEL PROJECT

FORWARD: My Scoping Comments of 10/25/2005 contained detailed questions. Not only has the DEIS failed to answer many of those questions in the detail requested, in some instances, it has failed to answer them at all. The applicant and its representative, Analytical Environmental Services (AES), cannot pick and choose which Scoping Comments will be answered and which will not; they must all be answered in detail and in writing.

I herein formally protest this negligence on the part of AES and the lack of oversight by the National Indian Gaming Commission in the preparation of the Graton DEIS. I further request that my Scoping Comments of October, 2005 be thoroughly reviewed, and in any instance where my Comments were ignored or not answered fully, then I demand that my Comments be given a full and adequate response in the DEIS.

PURPOSE & NEED:

For the record, according to official government records, Graton Rancheria was never set aside as a "village home" for any Indians of any area or tribal affiliation. This information is incorrect, and needs to be removed from the official document. The "village home" phrase appears to be a distortion by the FIGR of a casual suggestion made by Special Indian Agent John Terrell, in his letter (attached) of June 14, 1920, to the Indian Agency in Washington, DC. It was never the intent of the United States Government to establish the Graton Rancheria as a village home, and the government never acted upon Agent Terrell's suggestion.

The record shows that Graton Rancheria was established in 1921 for the use of the "Marshall and Sebastopol" homeless Indians, but in 1937, because no one had lived on the Rancheria since its purchase in 1921, it was opened up to any homeless California Indian. The first resident thereon was from the town of Sonoma. All three residents of the Rancheria at the time of the Termination Act voted in favor of termination. Of the Distributees of the Graton Rancheria at the time of its termination, one was 3/4 White and 1/4 Shasta. (See the attached "Federated Indians of Graton Rancheria Supplemental Report", Revised April 26, 2007)

The Federated Indians of Graton Rancheria (FIGR) have received, to date, in excess of \$1.5 million from the State Revenue Sharing Trust Fund established for non-gaming tribes. Since the FIGR has no infrastructure to support and apparently very modest overhead, it would appear that \$200,000 per quarter plus any grants and awards paid for by our tax dollars would be sufficient for any entity in the same position. We submit that Graton has not proved its economic need for a multi-million dollar casino.

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RECEIVED
NATIONAL INDIAN
GAMING COMMISSION

LOCATION OF SITE & RELATIONSHIP TO GRATON RANCHERIA:

The Project site is 15.3 actual miles from the old Graton Rancheria at 10091 Occidental Road in Sebastopol, about a 30 minute drive. The Project is considered by the Bureau of Indian Affairs Trust Services to be an “off-reservation” casino, and may not meet current and/or future BIA requirements.

GLOBAL WARMING:

We have entered an era of anticipated global environmental change, yet the DEIS contains no discussion of the effect of the Project on global warming. This omission is contrary to Governor Schwarzenegger’s environmental policy and emerging federal environmental policy, including the recent Supreme Court decision. The DEIS must be re-worked to include the impact of the Project on global warming, and the impact of global warming on certain aspects of the Project. This data should include, but not be limited to, regional water supplies and flooding, and the removal of agricultural land from crop production.

MEMORANDUM OF UNDERSTANDING (MOU) with ROHNERT PARK:

The FIGR does not have an MOU for any of the Project sites being considered in this DEIS. The only site mentioned in the MOU is the original site located at the Northeast corner of Stony Point Road and Wilfred Avenue in unincorporated Sonoma County. This site has been abandoned, and the MOU with Rohnert Park has **not**, to date, been amended to include the new site at the Northwest corner of Labath Avenue and Wilfred Avenue, which includes almost 6.46± acres of city property.

*Furthermore, the majority of the property proposed to be placed in trust is **not** under the governance of the City of Rohnert Park.* With the exception of approximately 6.46± acres within city limits, the proposed trust acquisition land, including the casino footprint site, is in unincorporated Sonoma County, under the control of the Sonoma County Board of Supervisors (BOS). The FIGR does not have an MOU with the County of Sonoma, except for a limited MOU for the purpose of setting forth the terms of mitigation negotiations. (This MOU was deemed necessary by the BOS because early negotiations attempted by the BOS with the FIGR were unproductive due to the FIGR’s refusal to cooperate in any meaningful fashion. The BOS was forced to withdraw from those first negotiations as a result.)

The land in question is currently fee land owned by non-tribal developers identified as SC Sonoma Development LLC, a California LLC, and as such, is subject to the California Environmental Quality Act, the Sonoma County General Plan 2020 Update and

the Rohnert Park General Plan, which this Project violates. For the purposes of environmental review, this property and its Project is subject to CEQA. The consulting firm, AES, is negligent in that it is treating the property as though it were already in trust, and not subject to California's environmental laws.

SCOPE OF DEIS IN RELATIONSHIP TO ENTIRE ACREAGE PROPOSED FOR TRUST ACQUISITION:

The DEIS is woefully deficient with regard to including the majority of the acreage proposed for trust acquisition in its findings. The DEIS focuses almost entirely on the 66 acre footprint site, but only touches on the remaining bulk of the site in a few small areas, when in fact, the entire acreage proposed for trust acquisition is extremely sensitive, is home to endangered species, is necessary to Sonoma County's agricultural industry, and appears to be the location of the industrial applications (sewage and water treatment plants) from the Project. More work needs to be done to fully explore the impact of the Project on the entire proposed trust acquisition land. The following issues regarding the entire site need to be examined in detail:

The acreage proposed for trust acquisition, including the Project's footprint site, is currently designated as "Farmland of Local Importance", which is defined as "land that is either currently producing crops, has the capability of production, or is used for the production of confined livestock" (California Department of Conservation, 2005). The Project would result in conversion of this Farmland to a non-agricultural use, which would create urban uses that could threaten agricultural activity on adjacent properties. Areas of Prime Farmland are located west and southwest of the Project site. What would the net cumulative effect of the loss of this farmland be on county agriculture and food supplies?

The proposed trust lands include Community Separator land that appears to be earmarked for industrial use, i.e., a sewage treatment plant and/or water treatment plant. This industrial use along this corridor would block views of the mountains and create an intense urban form. The proposed project will generally convert lands that are currently rural in character to an urban and even industrial condition, and this visual change is considered a potentially significant impact. Such a change in character would impact the existing visual character of the site and create new sources of light and glare. This is not adequately addressed in the DEIS, nor is the impact of removing the Community Separator from control of the people of Sonoma County, nor are any guarantees to preserve the Community Separator with an accompanying enforcement mechanism to ensure the FIGR will keep any guarantees given.. This subject was addressed in my Scoping Comments of 10/25/2005, but the DEIS has not only failed to answer those questions in detail, in some instances, it has failed to answer them at all.

TRAFFIC:

Sonoma County is the motor vehicle accident (MVA) capitol of California, yet no information on the impact of casino traffic on the MVA rate is included. Please provide

complete and accurate traffic projections for this Project and the impact on Sonoma County's MVA rate. What will be the effect of any increase in MVA's on the County's emergency and health care delivery system countywide? What increase in MVA's is anticipated in MVA's amongst high school-age and college-age students -

AIR QUALITY:

Operations and maintenance of the Project have the potential to violate air quality standards or contribute substantially to an existing or projected air quality violation.

The Project has the potential to result in a cumulatively considerable increase in criteria pollutant concentrations for PM10 and ozone for which the region is in non-attainment status related to traffic at intersections. The Project has the potential to expose sensitive receptors to substantial pollutant concentrations related to traffic at intersections. Information contained in the DEIS on air pollution is inadequate, as the traffic projections are incomplete. This section needs to be redone using the completed traffic data, and including projected increases in asthma and heart disease among women.

PROJECT WETLANDS:

There are drainage ways, swales and streams on and near the Project site. The DEIS does not adequately address how the Project will affect these features. Although the Project proposes to channel stormwater runoff into Labath Creek, it does not discuss how such use would affect flooding in Labath Creek or the health of the creek, including the impact on steelhead trout and the Northwestern Pond Turtle. Labath Creek is presently an engineered channel in the Project area. The DEIS does not discuss how the Project's plans will affect California's current policy of restoring creeks and wetlands to their natural state, presently being undertaken in the Water Quality Control Plan (Basin Plan) for the North Coast Region to Improve Protection of Stream and Wetlands Systems. The proposal to fill 1.6 acres of Wetlands of Importance is significant, and is not compliant with the President's Wetlands Initiative of 2004, which committed our government to move beyond the no net loss of wetlands to having an overall increase of Americas' wetlands over the next five years. Although this Initiative is covered in my 10/25/2005 Scoping Comments, it is not addressed in the DEIS.

There are large vernal pools and at least three wetlands of importance on the proposed trust site, including, perhaps, land now proposed for sprayfields. Construction could result in substantial loss of known and potential vernal pools, vernal swale, and wetland habitat within grassland areas. The site is one of only two habitat connectivity corridors in the entire county. New roads in areas of known or suspected wildlife movements such as existing vernal pools, wetlands and other low-lying drainage areas could provide a barrier to wildlife migration within the Project area. Daily or seasonal movement of wildlife may

be adversely affected by such barriers. The net cumulative impacts of these features is not adequately addressed in the DEIS.

The Project is located within a wetland designated on a National Wetlands Inventory map of the Department of Interior (DOI). This Project will not comply with current wetlands conservation efforts, as there is no guarantee in the form of a unlimited waiver of sovereign immunity on the part of the FIGR. Once the land has been taken into trust, the FIGR may use the property in whatever way it chooses. therefore, it is of primary importance that the issue of the wetlands on the property proposed for trust acquisition not be minimized. For example, how will the location of the catchment pond or the very construction and existence of the pond itself affect the wetlands on the property as indicated in the National Wetlands Inventory Map (attached)? What is the net cumulative effect?

The Project does not comply with Executive Order (E.O.) 11990, Protection of Wetlands, which discourages federal funding of new construction or filling in wetlands and compliance is required with the wetlands decision-making process (§ 55.20 of 24 CFR Part 55). The applicant should use Part 55 published in the Federal Register on January 1, 1990 for wetland procedures). The wetlands on the property are part of the Laguna de Santa Rosa, the largest freshwater wetlands complex on the North Coast. It is the largest tributary of the Russian River. It is 14 miles long, running north from Cotati to the Russian River near Forestville. Its flood plain is more than 7,500 acres. It drains a 254-square-mile watershed, including most of the Santa Rosa Plain. yet there is do detailed description of the net cumulative effect the Project will have on this most important regional wetlands.

There are waters of the United States as defined by 33 CFR part 328 and associated guidance, as well as drainage ways, stream, rivers, waterways, or channels that are connected to the Pacific Ocean on the property, yet there is no detailed information on how the Project will affect said features, including the health of the Pacific Ocean, which could suffer negative impacts from the discharge of 354,000 gallons per day of wastewater into the Laguna de Santa Rosa. Please provide this information.

There are engineered water ditches on or adjacent to the property, yet the ditches, essential to the drainage of the properties in the area, and under the control of California Fish and Game as well as the County of Sonoma, are barely mentioned in the DEIS. The Project footprint site currently acts as an overflow for the Wilfred Avenue and Labath Avenue ditches that adjoin it. If that portion of the property is paved over or altered in any way from its present state, what will the potential for flooding be on properties upstream? Further- more, the Project proposes to fill the site to a level of five or six feet. How will this affect the ditches, the drainage and the potential for flooding of the area's various private properties?

FLOOD MANAGEMENT:

The DEIS states that the Project is located outside a 100 year floodplain, but that is partial information, perhaps intended to deceive the public. In fact, the Project site includes a 500 year floodplain as designated on current FEMA flood maps. However, FEMA has not updated its maps in this area since 1991. In the intervening years, there has been substantial new development as a result of Hurricane Katrina, FEMA is in the process of redrawing its flood maps, and the DEIS 's floodplain information is based on outdated FEMA maps. FEMA has not yet re-drawn the flood plain maps in this area, and any inclusion of any outdated FEMA maps in the DEIS is reckless, and it is premature to include flood map information at this time. The DEIS should be suspended until FEMA's maps for the area have been updated to reflect the present situation.

On December 31, 2005, the entire Project area and all of the adjacent property included in the trust application were under several feet of water. The result was a lake as far as the eye could see. This was not the result of a 100 or 500 year flood, nor was it even the result of a significant rain event. Nevertheless, the creeks spilled their banks, overflowing onto the entire proposed trust land acquisition, clearly indicating that this area is a vital Urban Flood Plain, the loss of which has the potential to create flooding upstream.

The NIGC was notified of the flood event, and was provided with photographs of the site as well as video. The NIGC was asked to include this information as 'Emergency Supplemental' information for the preparation of the DEIS. The 12/31/2005 flood event is not mentioned in the DEIS. The NIGC and AES is negligent in their failure to include the 2005 flood event in the DEIS.

Urbanization of the watershed of these drainages and development immediately adjacent to the stream banks would result in disruption of and increased, storm flows. The increased volume of runoff could contribute to additional depth or area of flooding along the Laguna de Santa Rosa, making it necessary to modify portions of the channels downstream from the Project Area.

Given the events of the 12/31/2005 flood, it is easy to see how this simplistic proposed solution of a catchment pond could quickly become overwhelmed, and could itself overspill its banks, forcing stormwater runoff into the surrounding ditches, waterways and properties. The entire trust acquisition site is itself a "catchment" area for the Watershed. This area is at the foot of a system that drains thousands of square miles. It receives water from the North, East and West. To the North and the East, the area has become heavily developed. The flood storage plan is in conflict with the Laguna de Santa Rosa Foundation Restoration Management Plan. What would the net cumulative impact of loss of this area as an Urban Flood Plain be to the surrounding communities and properties?

Urbanization has an irreversible impact on natural drainage patterns and flows in the receiving water bodies impacted by urban development. Uncontrolled development or past development in the flood plain that did not consider the impacts on hydrology, flood

plain encroachment, morphology and ecology of the receiving water body system have had detrimental effects on the receiving water body, flood plain development and downstream uses of the water body.

Flow that was a 100-year flood in the pre-development period is today a high flow occurring on average every three to four years and could become an annual high flow when the watershed is fully developed. The increased magnitude and frequency of high flows have several major adverse effects on the community located near the water course, on the floodplain, and on the ecology of the urban stream. This is the mechanism that caused the 12/31/2005 flood, and the casino Project will have a serious impact on the flood situation in both Rohnert Park and the area proposed for the Project.

With increased urbanization, several conditions develop:

1) *The frequency of flooding inside the floodplain, i.e., the Project site, increases.* Under natural conditions, a channel overtops about once every 1½ to two years (Leopold, Wolman and Miller, 1992), but as a result of urbanization, it can soon be overtopped several times each year.

2) *Peak flows during storm events are increased.* Since surface flow moves faster, the time of concentration is decreased. This is why parts of the City of Rohnert Park flooded for the first time in the city's history on 12/31/2005.

3) *The magnitude and frequency of all runoff events of all sizes increases.* This outcome is especially important for rainfalls of smaller and medium magnitudes, such as that of 12/31/2005. . Before urbanization these smaller rainfalls mostly infiltrated into soil and the flows in the stream were smaller and could be easily contained in the natural channels of the stream. After urbanization the same medium rainfall could result in a flood.

5) *Channels become unstable and more erosive (degrading)* as a result of increased medium floods (Booth and Jackson, 1997). This outcome has an adverse impact on habitat.

6) *Imperviousness of the watershed impedes recharge of shallow groundwater aquifers.* This outcome diminishes the base flow contributions. Some streams may become ephemeral or effluent dominated.

7. *More flow moves on the surface, and with a faster velocity.* This outcome increases the volume of surface runoff contribution.

Ecological impairment and flooding caused by the urbanization of the watershed and the risk of increased flooding from the Project development is not adequately addressed in the DEIS. Any mitigation proposed for the Urban Flood Plain that is the Project site should include all planned development on the watershed, as this will directly affect the Project site, and it should use the accepted formula used to determine the effect of urbanization on the watershed and its subsequent effect on the Urban Flood Plain.

Worst-case scenarios such as the 12/31/2005 event, or of the El Nino events of the 1980's and 1990's need to be included in any proposed mitigation measures, and they are not.

The reasonable result of the fill plan and other development of the Project site is that flooding will increase. This flooding can be expected both on and around the Project site, as well as upstream, including Rohnert Park and Santa Rosa, and downstream towards Sebastopol, including in the area of the LLano Road Sewage Treatment Plant.

“Scientists forecast an increase in climatic extremes, of both severe droughts and intense storms. Compounding this, local changes in the patterns of development will increase the rate and quantity of surface water flows and erosion. The combination of these factors means that indices like the 100-year floodplain elevation will change position on the elevational gradient; that is, the elevation for which there is a 1/100 chance of flooding is going to shift. (The DEIS does not address this)

“The December 31, 2005, flooding within the cities of Rohnert Park and Cotati tested the area's flood control channels. Modifying these channels to increase capacity and flow could prevent a recurrence of such floods, but doing this may increase risk of flooding at the Laguna Treatment Plant, which would have drastic impacts to downstream water quality; moving water more rapidly past the Laguna Treatment Plant potentially increases flood risks to the City of Sebastopol; and moving water rapidly past Sebastopol increases flood risks to property owners downstream all the way to the Russian River.

“Watershed models are essential for evaluating flood protection options, including the feasibility of constructing sediment catchment basin or reservoirs on the east side of the Santa Rosa Plain, or increasing holding capacity in open areas of the flood plain. risks can further be reduced by: protecting the floodplain from fill and encroachment; restricting construction, and in some cases removing or redesigning infrastructure, such as bridges and ponds, situated in flood-prone areas; The D-GP2020 has similar policy recommendations for limiting flood damage and related hazards, including: a shift of emphasis from flood control structures to flood plain management, and promotion of interagency coordination for surface water management.

“Many of these solutions involve complex or otherwise sensitive land use decisions, and will need the best possible information in order to make wise planning decisions. Currently, the 76-foot iso-elevation line is used to define the 100-year floodplain for much of the Laguna watershed, and the FEMA flood insurance rate map is closely correlated to this.... The danger with construction in low-lying areas is that the location of the 100-year floodplain is not static. Increased sedimentation, changes in rainfall patterns and intensity associated with global climate change, and a net increase in impervious surface area will continue to alter the pattern and severity of flooding. Wherever feasible, construction should be restricted from areas near the floodplain ...At a minimum, FEMA designated flood zone maps need to be regularly updated....

“As a general rule, it is best to restrict development in flood-prone areas. Flooding in residential and industrial areas can lead to serious water pollution as well as costly flood damage to buildings and equipment. Although many existing structures were sited and built at elevations above the 100- year floodplain, there are a number of reasons why flood conditions are changing in the watershed. Global climate change is predicted to increase the intensity of weather events, potentially bringing more rain in shorter time periods. Sea levels are also predicted to rise, and tidal factors already influence the height of Laguna floodwaters.

“Sedimentation rates are predicted to increase with human development in the upper watershed. Although sediment source control measures are currently in the evaluation and planning stages, it will be a number of years before most can be implemented; meanwhile, the Laguna floodplain continues to lose capacity. Finally, development on the Santa Rosa Plain will increase the rate of runoff., increasing the crest of flood events.”¹

Because the casino would have a significant effect on the Laguna de Santa Rosa and regional flooding, the DEIS needs to be re-worked to address all of the above issues.

CULTURAL/HISTORICAL:

There is the potential for the project during construction activities to encounter any previously undiscovered or unidentified cultural finds, which would require mitigation. Further, the Project site was the aboriginal territory of the Konhomtara, the Bitakomatra and the Kataictemi, which in total controlled some 350 square miles of land surrounding the Laguna de Santa Rosa. The FIGR is not only unable to confirm any ties to these three groups, but, according to the Office of Tribal Services (see memos attached), the FIGR been able to confirm ties to any terminated tribe. Thus it would appear that the FIGR may not have a right to acquire this land in general.

HAZARDOUS MATERIALS:

The Project proposal does not include a full inventory and assessment of all hazardous materials associated with the Project.

There are unresolved hazardous materials issues at the proposed site that the federal government (the DOD) could be determined to be a potential responsible party.

There is the possibility of unexploded munitions, shells, bombs or other ordnance on the trust acquisition lands, either on the Project site and/or the adjacent remainder of the property.

Both of these concerns have been voiced by the Department of Toxic Substances Control (Cal/EPA) which notes the possibility of unexploded ordnance on the Project site, as well as possible toxic contamination, in two letters sent to the U.S. Army Corps of

¹Laguna de Santa Rosa's Restoration and Management Plan

Engineers in 2004 and again in 2005. (See letters attached) It is negligent of the NIGC and AES to fail to include this information.

There is no information on whether or not the applicant proposes to handle or sell explosives (fireworks) or propose to store fire-prone materials such as liquid propane, gasoline, or other storage tanks above or below ground. This question was asked in my 2005 Scoping Comments. It is negligent of the NIGC and AES to fail to include such information.

SEWER, SANITATION AND WASTE DISPOSAL:

The DEIS has based its section on wastewater disposal largely upon outdated or incomplete information.

Within five years, wastewater discharge into the Laguna de Santa Rosa may no longer be allowed. This information from 2006 is not included in the DEIS, and must be.

A recent (March 22, 2007) court ruling has put 1.5 million gallons per year of treated wastewater back into the Sonoma County sewage system, instead of being used for irrigation in Dry Creek as planned. Additional wastewater from the Project could overwhelm the infrastructure. This new information is not considered in the DEIS, and must be.

The MOU with Rohnert Park explicitly states that the City will not be involved with - or responsible for - any utility services for the Project, including conveyance of sewage. Thus, those portions of the DEIS that state the possibility of using Rohnert Park utility services are invalid. Certainly, any such services provided by the City would be subject to CEQA.

The Project may require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Further, any expansion of existing facilities would be subject to a full CEQA review, thus, inclusion of such information in the DEIS is premature, as the Project cannot be reliant on the use of existing facilities until a CEQA review has been completed.

What long-term written assurances will the applicant provide for the ongoing monitoring of wastewater needs of the applicant and the proposed Project in relationship to the currently identified and future wastewater needs and rights of adjacent landowners, the municipality and county over the next twenty years?

Name the landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs that the Project shall use should it fail to be able to utilize existing wastewater treatment facilities.

MISCELLANEOUS:

The Project does not exist in a bubble. It will have significant impacts which may be individually limited, but are cumulatively considerable to the region as a whole.

“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. This is not adequately addressed in the DEIS. In fact, there is no data given on the impact this Project would have on future projects. The cumulative effect on the region, including that of global warming, is not adequately addressed in the DEIS or is trivialized. This area needs to be reworked.

The Project could interfere with emergency response plans during construction and , especially in the event of a disaster. The influx of thousands of vehicles departing from one site (the casino) onto Highway 101 in the event of an extreme emergency such as earthquake or a terrorist attack would be catastrophic. It would have a profound effect on emergency vehicles and response teams attempting to use this area’s side roads, and has the potential to completely block all area roadways with panicky casino patrons, causing a risk to human life. Further, the Project is adjacent to undeveloped areas, and could potentially increase the risk of loss of human life in the event of a wildfire. This is not addressed in the DEIS. Please address this concern in full. Also, provide an emergency plan in the event of a terrorist attack - now mandatory for federal projects.

The Project has significant potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, and reduce the number or restrict the range of a rare or endangered plant or animal, yet the net cumulative effect on these issues is not adequately addressed in the DEIS.

The Project will cause significant environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly. The adverse effects include, but are not limited to, air pollution, asthma, heart disease, water shortages, removal of acreage from crop production, global warming and the degradation of our groundwater supplies from heavy wastewater spraying on the subject property. It also includes impacts related to aesthetics, air quality, biology, noise, public services, recreation and transportation.

Aspects of the DEIS normally mitigatable in non-tribal projects become unmitigatable in this Project, as the casino will be a 24 hour operation, open seven days a week, and will not have to abide by local law, despite the fact that it impinges on local residents. Sunday afternoons, Christmas, Thanksgiving, Easter - all the days Americans anticipate will be quiet and peaceful, will be adversely affected, as casino traffic will not only continue on holidays, it will increase. There is strong indication that the imposition of such a Project

on this rural area could increase the stress levels of area residents, resulting in stress-related disease. This is not discussed in the DEIS.

These impacts on humans were not adequately evaluated in the EIR. In fact, humans are rarely mentioned in the DEIS. Instead the DEIS trivializes these impacts with incomplete data in almost all areas, including traffic, air pollution, increased chronic health conditions, water and tertiary water and with inadequate proposed mitigation, such as that proposed for dry wells. You cannot minimize the loss or degradation of a drinking water supply, the impact on one's health and the loss of crop production that would result from this Project.

The formation of embankments or uneven topography, the effects of machinery, and the removal of vegetation can increase erosion rates in this area's soils. Instances of erosion are likely during construction. Spreading straw to control erosion, as proposed in the DEIS, is not only an old fashioned approach to erosion control, it is not suitable as a solution for erosion because of the Project's proximity to sensitive wetlands and creeks, and the important habitat provided therein. The proposed mitigation needs to go back to the drawing board, as construction could have a significant effect on sedimentation, degradation of wildlife habitat, and other associated problems.

Grading activities on the site for foundations, structures and parking lots could adversely affect downstream water quality through erosion, the transport of sediments and dissolved constituents entering the natural receiving waters and increasing turbidity and contaminant load. Recharge of shallow aquifers, some as shallow as 40 feet, from which private wells draw water, would potentially be affected by development in new areas. These aquifers are recharged by penetration of stormwater into the ground. During the construction period, soils at the site could be exposed to the erosive forces of wind and storm runoff to a potentially significant degree. The DEIS minimizes these effects.

Increases in impermeable surfaces would increase the total amount of surface runoff that currently leaves the Project site. This increase in runoff would have significant impacts at locations where drainage capacity problems exist. Increased runoff from additional impermeable surfaces within the Project area could lower the quality of stormwater runoff. Between rainstorms, materials accumulate on these surfaces in a variety of ways, such as debris dropped or scattered by individuals, wastes and dirt from construction, commercial and industrial products, and dirt, oil, tire and exhaust residue from automobiles. What would the effect on the interconnected waterways, including the Laguna de Santa Rosa, the Russian River and the Pacific Ocean, be?

Reaches of drainage-ways downstream from the Project area that carry stormwater runoff to the Laguna de Santa Rosa, and eventually to the lower reach of the Russian River, would be subject to water quality deterioration. It is not clear from the DEIS whether or not the proposed catchment pond would be used as flood control, stormwater runoff or both. Worst-case scenarios such as the 12/31/2005 event, or of the El Nino

events of the 1980's and 1990's need to be included in any proposed mitigation measures in this area, too, but they are not.

The proposal to buy area residents double-paned windows to cut down on noise impacts will only work if the Project developers also buy the residents air conditioning units, as it is unreasonable to expect people to close their new double-paned windows and shut themselves up in hot houses just to escape the noise, dust and air pollution created by the project. It's clear that people don't matter to the Project developers, only the almighty dollar matters.

TRAFFIC & TRANSPORTATION:

The proposed Project, along with cumulative traffic growth, would have a significant impact (LOS E or worse) on U.S. 101, Rohnert Park Expressway, Golf Course Drive-Wilfred Avenue, and Petaluma Hill Road. Congested traffic conditions on U.S. 101 would be a result of the cumulative impacts of new land use development in Rohnert Park, adjacent cities and unincorporated areas of Sonoma County. The proposed project could increase demand for transit trips because of growth and development. The traffic projections in the DEIS are incomplete by any standards.

The Project is reliant in large part upon the construction of the Wilfred Avenue Overpass and its components. However, that Project may not go forward, or may not do so in the now-projected time frame, as a legal challenge to the Overpass project's Negative Declaration has begun. The Overpass is expected to deliver an LOS of E or worse. One of the proposed alternates to the Wilfred Overpass that will most likely be included in the impending legal action would move the Overpass several hundred yards North of Wilfred Avenue, with Millbrae becoming the punch-through. How would that affect traffic to the Project? None of this information is found in the DEIS. The DEIS cannot be finalized until the Wilfred Overpass issue has been decided either in court or out.

Planned Highway 101 expansion was never intended to accommodate future development, but only to relieve existing congestion. This is on record with the Metropolitan Transportation Agency and the Sonoma County Transportation Agency. The addition of casino traffic to the 101 corridor will have the effect of negating planned Highway 101 improvements, some of which are currently underway. The Project DEIS fails to take into account the effect of casino traffic on future planned development nor does it consider the net cumulative impact on the region, including Marin County.

ENVIRONMENTAL JUSTICE - THE OPPRESSED HAS BECOME THE OPPRESSOR:

Rancho Verde Mobile Home Park, which adjoins the casino site, is primarily occupied by low-income residents and/or those on fixed incomes, such as senior citizens, the

disabled and families with young children. These people would bear a disproportionate amount of the negative impacts of this Project. Amazingly, Rancho Verde, like Rancho Feliz Mobile Home Park and the several apartment complexes in the immediate vicinity of the Project that are low-income developments either in part or in their entirety, is barely mentioned. Please provide information on the impact of this Project on these closest low-income neighbors to the Project.

The DEIS failed to identify low-income individuals and housing within 1 to 10 mile radii as requested in my Scoping Comments of 10/25/2005. It also failed to provide data on drug, alcohol and gambling addiction amongst Sonoma County's low-income residents within the requested radii, and the racial makeup within the requested radii. Instead, it relied on previously-prepared data, rather than fresh data specific to my request.

The purpose of my request for such information was two-fold: I wanted to (1) compare risks to Sonoma County's low-income residents based on the University of Buffalo's 2005 study linking high rates of problem gambling with low-income neighborhoods, and (2) I wanted to examine the potential increase in the asthma rates amongst low-income children that might result from the air pollution caused by the Project's traffic. Please refer to my October, 2005 Scoping Comments, and provide the detailed information requested in the Environmental Justice portion.

No data is included for asthma or heart disease among women that could be caused by the Project's traffic projections. I personally know of at least four low-income housing developments within a 1/4 mile radius of the Project site. Low-income children suffer disproportionately high rates of asthma, yet no data is provided as to the effect of the increased air pollution on this target group. This is also a violation of Executive Order 12898 - Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994.

Asthma in low-income children and heart disease among women from the increased air pollution caused by casino traffic cannot be mitigated and should not be tolerated. It is negligent on the part of the NIGC and AES to fail to include this data. Please refer to my October, 2005 Scoping Comments, and provide the information requested in the Environmental Justice portion.

Further, the Project contains a potential sewage treatment plant, which could create objectionable odors affecting a substantial number of people, including those living in the Rancho Verde Mobile Home Park, a primarily low-income mobile home park located immediately adjacent to the Project, and home to families with young children, the elderly and the disabled. ***This cannot be mitigated.***

The DEIS does not include hard figures on pathological and problem gambling, the anticipated increase in crime, including violent crime and property crime, in a town that is relatively safe. The DEIS glosses over these impacts, stating only that "the literature suggests", despite two 2006 reports on gambling in California, one from the

California Gambling Control Commission, the other from the California Attorney General's office, and the seminal study done by Grinols, Mustard and Dilley, and commissioned by Congress. The DEIS not only does not mention these reports, it fails to provide figures for the projected increases in crime rates, and does not include projected increases in problem gamblers. Given the close proximity of several low-income housing developments to the Project, the impact on crime, domestic violence, child neglect, suicide and bankruptcy on the area's low-income families and individuals needs to be determined. Please refer to my Scoping Comments of October 25, 2005, and the aforementioned reports, and provide the information required.

It is unconscionable that the FIGR would even consider imposing such situations as increased risk for asthma, crime, domestic problems and even noxious odors upon the poorest and most fragile of our populace. Neither AES, the FIGR or the NIGC should ignore the impact of the Project on the low-income families in this area by pretending they do not exist.

CONCLUSION:

In general, the DEIS appears to be completely inadequate in almost every area. AES and the NIGC has failed its burden to the public. Even the Scoping Comments from area residents were not answered either in full or in part, and that is a violation of NEPA: you cannot pick and choose which questions you will answer, and which you will not.

The burden is upon the applicant in the NEPA process. The data included in a NEPA study such as this should be germane, specific to the task, and complete in all areas. I think the NIGC and AES has underestimated Sonoma County's citizenry. We are, by and large, well-educated, articulate, and very much involved in environmental issues. The poor quality of the work in the Project DEIS would indicate a degree of, if not scorn, then certainly, disregard for the very real issues surrounding this casino about which Sonoma County's citizens and governments are very much concerned. I ask that you go back and do it right this time.

AM MAIL

Marilee Montgomery
152 Wilfred Avenue
Santa Rosa, CA 95407

Sacramento Indian Agency
California

June 9, 1987

To: Commissioner of Indian Affairs
Attention Land Division

Subject: Sebastopol Rancheria, Sonoma County, California

Sir:-

In 1921 there was purchased a tract of 15.45 Acres in Sonoma County from the fund "Purchase of land for landless Indians in California, 1921".

The purchase was intended "for use and occupancy by the Marshall and Sebastopol Bands of homeless California Indians"; but said bands never occupied the tract, nor has any Indian ever lived on the tract from date of purchase up to now.

It is, however, a swell homesite with many fine redwoods and a small perennial trickle of water, located in the heart of a fine fruit district and with a hard-surface road along one boundary. I have several families eager to locate.

The question I want settled is: Am I limited to Indians of the Marshall and Sebastopol bands, or their descendants? I think decision should be that any landless Indians may be located on these unused California tracts.

Sincerely,

Ray Nash, Superintendent

REFER IN REPLY TO THE FOLLOWING:

I-A
37199-37
108465-14
Pt. 21

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

ADDRESS ONLY
COMMISSIONER OF INDIAN AFFAIRS

307.2.40
RECEIVED
JUL 11 1937
Clark

DL-37

Mr. Roy Nash

Supt. Sacramento Agency

My dear Mr. Nash:

The receipt is acknowledged of your letter of June 8, with regard to a tract of 15.45 acres in Sonoma County, California, purchased in 1921 for the occupancy and use of the Marshall and Sebastopol Bands of homeless Indians in California.

You state that the above named bands have never occupied the tract since its purchase. You therefore raise the question as to whether Indians other than these bands or their descendants, may be settled thereon.

The records show that the deed conveying the property to the United States does not contain any limitation or provision as to what Indians should be settled thereon. The land was paid for out of an appropriation made by Congress for the purchase of lands for landless Indians of California. While the land was purchased primarily for the occupancy and use of the Marshall and Sebastopol Bands, there is no limitation or reason why other landless Indians may not be located thereon.

Sincerely yours,

William J. Zimmerman
Commissioner

Marilee Montgomery
152 Wilfred Avenue
Santa Rosa, CA 95407

Marilee Montgomery
152 Wilfred Avenue
Santa Rosa, CA 95407

APPLICATION FOR ENROLLMENT
California Indian Reservation

Date August 21, 1952

Ganton Reservation

Name Erville John Fredrick
Last Name, Middle Name, First Name

Date of Birth May 12, 1877

Maiden Name _____

Other Names used or known by, if any _____

Place of Birth Richardson County, Nebraska

Permanent Address 1861 Beechstone Road, Berkeley, Calif.

Degree of Indian Blood 1/4

Give full names of your family	Date of Birth	Place of Birth	Degree of Indian Blood	Reservation	If living, give permanent address	If deceased give date of death
John Erville (full name of father)	?	Born in Berkeley, England	None	None	Old Jackson Co	?
Erville (full name of mother)	?	Richardson Co Berkeley, Calif.	1/4	None	Humboldt Berkeley, Calif.	1923
All names of brothers & sisters: Marilyn Erville	1879	Do	1/4	None	Berkeley Co Humboldt, Calif.	
Erville Marilyn Erville Marilyn Erville						
Paternal grandparents: Pat Erville	?	?	?	?		Deceased
Maternal grandparents: Do	?	?	?	?		"
Do	?	?	?	?		"
Do	?	?	?	?		"

Marilee Montgomery
152 Wilfred Avenue
Santa Rosa, CA 95407

I UNDERSTAND THAT THIS IS ONLY AN APPLICATION AND I AM NOT ENROLLED UNTIL I RECEIVE FINAL NOTICE THROUGH THE BUREAU OF INDIAN AFFAIRS. I SOLEMNLY SWEAR THAT THE FOREGOING STATEMENTS MADE BY ME ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Frederick John Overnell
Signature of Applicant
Box 106 / Occidental Road
Address

Alvaston
Signature of Parent, Guardian or Other Person
Responsible for Applicant. *Alviston*
Relationship to Applicant

Subscribed and sworn to before me this _____ day of _____, 1952.

Address

Recommended for approval by Enrollment Committee, if any:
disapproval

Enrolling Agent, Postmaster, or Notary Public

Name

Title

Date

Address

This will certify that the foregoing application for enrollment at the _____

(Reservation)

was approved by the

governing body of the Reservation by virtue of authority vested in it by the Regulations governing Enrollment on

the _____

(Reservation)

approved by the Secretary of the Interior and Commissioner of Indian Affairs pursuant

to Act of June 30, 1919, (25 U.S.C., S. 163).

Approved:

Name

Title

Address

Area Director for California

Marilee Montgomery
152 Willard Avenue
Santa Rosa, CA 95407

At what Reservation do you claim membership? Sanaton Are you now living on this Reservation? yes
How long have you lived on this Reservation? None on Sanaton Res. in the house at this
Andrew bears for the past year.

If you were allotted land, on which reservation were you allotted? None Allotment No. —

If you were not allotted, on which Reservation should you be eligible for allotment? Sanaton

Give full names of any relatives who have received allotments on the Reservation at which you claim enrollment:

Name	Date of Birth	Place of Birth	Degree Indian Blood	Reservation	If living, give permanent address	If deceased, give date of death
1. <u>None</u>						
2.						
3.						
4.						

If you claim membership by adoption, give date of adoption: —

(If you claim membership by adoption, to certain you submit resolution or certification of adoption)

Were you ever a member of any other tribe, band or group? None Are you still a member of that tribe, band, or group?

Family Status: Single Married Divorced Separated Deceased Uncovered Maiden Name None You married 12/17/10

If married, to what tribe does your wife or husband belong? to 1/2 Sanaton, 1/2 by your self from Sanaton

Present Marriage: Date and Place had one child by the name of Andrew in 1951 born in 1951

Additional Information: and John remains in Sanaton on 1/2 Sanaton and 1/2 by your self from Sanaton

was born in Sanaton on 12/17/10 and lived at Sanaton

until 1929. If you have been living near Sanaton please explain to Robert Lopez

where 1948 moved to Sanaton about 6 miles from Sanaton. He is a

Sanaton until 1951. In 1951 moved into home with Andrew born

Sanaton. He, Andrew, John now own home. He is present and

present of land now and presently an allotment. He and his

parent in fee at Sanaton Res. Wants to build house. dies under law in 1951



DO NOT REFER TO

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240

SEP 8 1992

Memorandum

To: Director, Office of Congressional and Legislative Affairs

From: Director, Office of Tribal Services

Subject: H.R. 4434, Graton Rancheria Restoration Act

The following are our comments on H.R. 4434, "A Bill to restore Federal recognition to the Indians of the Graton Rancheria of California." Our comments do not address the land issues.

Section 3. Definitions.

(2) The term "Tribe" means the Indians of the Graton Rancheria of California. The term "Tribe" as used in this instance does not identify a specific tribe. Is this definition to include those individuals who reside on the Rancheria, individuals who live in the general vicinity, or individuals who have ties to the Rancheria as it existed before termination?

(4) The term "member" means an individual who meets the membership criteria under section 6(b). Comments regarding the membership criteria are found under Section 6.

Section 4. Restoration of Federal Recognition, Rights, and Privileges.

(2) Relation to Other Laws. Clarification is needed for this provision as we are unsure of the intent of this provision. Each Federal program has its own eligibility requirements, which may limit the services received from another program.

Section 6. Membership Rolls.

(a) Compilation of Tribal Membership rolls.

This provision requires the Secretary to compile a roll for the tribe. In keeping with the doctrine of self-determination, determining membership is a responsibility of the tribe. In past recognition bills, tribes were required to submit a membership roll consisting of all individuals currently enrolled in the tribe in accordance with their governing document. The Secretary reviewed the rolls and made corrections in consultation with the tribes, if necessary. The rolls were then approved by the tribes' governing bodies. The Secretary then published notice that the rolls had been received and approved.

Marilee Montgomery
152 Wilfred Avenue
Santa Rosa, CA 95407

(b) Criteria for Membership. This subsection lists the criteria for membership in the Rancheria.

Subsection 6(b)(1) prohibits dual enrollment for any individual to be placed on the Rancheria's roll.

(A) This subsection states that those individuals listed on the Graton Indian Rancheria distribution list shall be placed on the roll if, they are still living and are not enrolled with another tribe. There were four individuals listed on the distribution list, 4 adults and 1 dependent. On September 21, 1978, the Secretary published notice in the FEDERAL REGISTER, that those individuals who were listed as dependents on the distribution rolls were considered un-terminated, that they retained their status as Indians under Federal law, and they were entitled to Federal services in accordance with the decisions in *Eddie F. Knight, et al., v. Thomas S. Kleppe, et al.*, and *Ambrose Duncan, Jr., et al. v. Thomas S. Kleppe, et al.*, Nos. C-74-005 and C-73-0034, U.S. District Court, Northern District of California. This decision restored recognition to one individual.

(B) This subsection states the individuals who met the requirements of being listed on the distribution list but were not listed are to be placed on the roll. The criterion for being included on the distribution list was defined in Public Law No. 85-671. Individuals who felt they were unfairly treated were given the chance to appeal to the Secretary and a revised plan would be made. The Distribution Plan for the Rancheria was final on September 17, 1959, when accepted unanimously by the distributees named therein. Notice of Termination of Federal Supervision Over Property and Individual Members was published on February 18, 1966. Does the tribe plan to review the records at the time of termination to verify that individuals were left off the distribution list?

(C) This subsection states that individuals identified as Indian from the vicinity of Graton, Marshall, Bodega, Tomales, or Sebastopol, California, are to be placed on the roll. This section is very broad as to who can be placed on the roll and what kind of record can be used. As written it does not require possession of the tribal blood which would show descendancy from past members of the Rancheria, or California Indian blood, which would show ties to the area, if not the Rancheria as it existed before termination. Any individual who lives in one of these vicinities, and has documents stating he or she possesses Indian blood would be eligible to be placed on the Rancheria's roll.

(2) This subsection states that membership will be governed by the tribe's constitution. We have not seen the Rancheria's constitution. Are the requirements for membership found in the Rancheria's current constitution consistent with the language of the Act?

(c) This subsection conflicts with Section 6(b)(a)(C) as it restricts evidence establishing "Graton Indian ancestry" to three sources:

1. information contained in the census of Indians from Graton, Marshall, Bodega, Tomales, or Sebastopol, California, vicinities, prepared by or at the direction of Special Indian Agent John J. Terrell;

2. any other roll or census of Graton Indians prepared by or at the direction of the BIA; or
3. the Graton Indian Rancheria distribution list compiled by the BIA.

Throughout the Act, there has been no mention of a specific tribal affiliation. John J. Terrell was a Special Indian Agent (sometimes titled as Inspector) assigned to locate lands for home sites for landless bands of California Indians under a series of acts and arrange for the purchase of these lands. The first appropriation for landless California Indians was in 1906 (33 Stat. 333), with subsequent ones in 1908, 1914, 1915, yearly between 1916 and 1929, and in 1937 (House of Representatives 1953, 42).

Typically, he produced a report and a list of members of the band. Presumably this is what the bill refers to. There may be more than one census made of the group at about this time. Terrell began service in 1915, but was preceded by two other agents who may have also produced records concerning the band.

Records in the possession of the directorate have identified the Graton Rancheria as a band of Pomo Indians, a general classification equivalent to Sioux in breadth. Sebastopol is an alternative name for the band and the Rancheria. The Rancheria was established in 1917.

There appears to have been two other bands in the immediate vicinity of Sebastopol, besides the Graton group that were being considered by the Special Agents (they considered more groups than eventually got land). It is not entirely clear who is being referred to in the reports. Terrell's correspondence refers to Indians at or near Marshall and Tomales Point, distinguishing them from the Indians at Bodega Bay. A 1927 report gives the population at Sebastopol (meaning the Rancheria) as 76, and distinguishes that group from those at Bodega Bay. A 1914 report identified 46 Indians as Sebastopol, and 34 at Bodega. As far as we can tell, a proposed rancheria purchase for Bodega was not completed.

Section 7. Interim Government. The Rancheria will be governed by an interim tribal council pursuant to its constitution adopted on May 3, 1997. No comment.

Section 8. Tribal Constitution.

(a) Election/ Time, Procedure. The Secretary is required to call and conduct an election in accordance with the Indian Reorganization Act (IRA) to ratify the Rancheria's constitution. Is this to imply that the Rancheria will organize under the IRA?

(b) Election of Tribal Officials; Procedures. The Secretary is required to call and conduct the election of tribal officials in accordance with (a) except where the procedures conflict with the Rancheria constitution. The election of officers should be the responsibility of the Rancheria.

We would generally support a tribe requesting restoration of Federal recognition when there is documentation to show that the group is significantly tied to the terminated tribe. We have not seen any such evidence in regards to the Graton Rancheria and therefore cannot recommend support of this bill at this time.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240



IN REPLY REFER TO:

MAR 26 1999

Memorandum

To: Director, Office of Congressional and Legislative Affairs

From: Acting Director, Office of Tribal Services /S/ Robert R. Jaeger

Subject: H.R. 946, Graton Rancheria Restoration Act

H.R. 946, now being considered in the 106th Congress, 1st Session, is the same bill as H.R. 4434, "A Bill to restore Federal recognition to the Indians of the Graton Rancheria of California." H.R. 4434 was introduced in the 105th Congress, Second Session. Since no changes have occurred, our comments for the H.R. 4434 are applicable to H.R. 946.

This office provided comments on H.R. 4434 on September 8, 1998, and we enclose a copy of these comments. In our previous comments on H.R. 4434, we stated that "we would generally support a tribe requesting restoration of Federal recognition when there is documentation to show that the group is significantly tied to the terminated tribe." We further stated that "we have not seen any such evidence in regards to the Graton Rancheria and therefore cannot recommend support of this bill at this time."

In relation to H.R. 946, however, we would like to further comment that we would like the opportunity to review such evidence in order to make further recommendations.

cc: Surname [REDACTED] 400; Hold
RLFleming; 3/26/99; x2785; K:/SHARE/OTS/BAR/CORRESP/Lee/HR946

Marilee Montgomery
152 Wilfred Avenue
Santa Rosa, CA 95407

Law Office Of
MAURICE FREDERICKS
 6950 Commerce Boulevard, Rohnert Park, California 94928
 Telephone: (707) 795-5485 ♦ Fax: (707) 795-5486
 June 4, 2007

Brad Mehaffy, NEPA Compliance Officer
 National Indian Gaming Commission
 1441 L Street NW, Suite 9100
 Washington, DC 20005

Re: FEDERATED INDIANS OF GRATON RANCHERIA
 CASINO AND HOTEL PROJECT DEIS.

Dear Mr. Mehaffy:

The Draft Environmental Impact Statement ("DEIS") is substantially inadequate in many respects. One of the inadequacies which we wish to point out is the mistaken reliance the DEIS places on the Memorandum of Understanding ("MOU") the tribe negotiated with the City of Rohnert Park in October of 2003 (Rohnert Park City Resolution 2003-233). This MOU was adopted by the Rohnert Park City Council upon findings of fact which are not supported by the evidence available and are frankly untrue.

The findings of fact supporting the MOU refer to a "Non Binding Preliminary Term Sheet," authorship of which is not specified, and which was made available to the public and press and which was the subject of many media articles and reports. This Preliminary Term Sheet in Recital (ii) states that the "--- United States acquired a parcel of land in Sonoma County *in trust* for the Tribe which became known as the Graton Rancheria." This statement is untrue. The land commonly known as the "Graton Rancheria" was acquired by the United States in fee simple and was never held by the government in trust for any Indian tribe or any person, persons or entities. It was acquired for the avowed purpose of providing land that could be allotted to individual homeless Indians and Indian families. Several persons of Indian heritage did accept allotments and established residences on the land. One of these persons was associated with a tribe with historic affiliation with, and a reservation in, Humboldt County, California. There is no evidence of there ever being a social order of even a primitive nature on this so called "Rancheria." There is no evidence that these residents ever even got together for a few beers and a barbecue on Saturday afternoon.

Therefore the MOU was negotiated on a mutual mistake of fact and is not enforceable (California Civil Code §1577)¹. If this mistake was not mutual, there could be an ugly situation of fraud in inducing the city to enter the contract.

¹ CC§ 1577 Mistake of Fact. Mistake of fact is a mistake, not caused by the neglect of a legal duty on the part of the person making the mistake in:

1. ---
 2. Belief in the present existence of a thing material to the contract, which does not exist, or in the past existence of such a thing which has not existed.

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 NATIONAL INDIAN GAMING COMMISSION
 07 JUN -8 PM 3:44

Brad Mehaffy, NEPA Compliance Officer
June 4, 2007
Page 2

Likewise, the Graton Rancheria Restoration Act passed by Congress in 2000 is suspect. The US Congress is certainly a very powerful body, still Congress cannot restore something that never existed. It appears that Congress was duped. Even our omnipotent God cannot re-create something that He hadn't already created. The possibility that a Congressional oversight committee may question this Act, and rescind it, is a distinct possibility.

Certainly, the DEIS is inadequate in that it doesn't address the contingency that the Memorandum of Understanding negotiated between the FIGR, a mythical Indian Tribe, and the City of Rohnert Park is unenforceable and that the Graton Rancheria Restoration Act itself is of doubtful authority.

It is unfortunate that the CD containing the DEIS does not contain a search engine, thus forcing a slow and deliberate reading of the thousands of pages in the draft to determine where the draft relies on the MOU in concluding that the MOU mitigates specific adverse environmental effects of this proposed hotel casino project. The burden of finding and specifying other mitigating aspects that do not rely upon the MOU is placed on the firm producing the draft, as it appears that the failure to include a usable search engine leads credence to a claim of bias on the part of its drafters, who were undoubtedly hired by the proponents of the casino project.

Thank you for your attention to this matter.

Yours sincerely


Maurice Fredericks

mf
Certified Mail

June 4th, 2007

Mr. Brad Mehaffy
National Indian Gaming Commission
1441 L Street, NW, Suite 9100
Washington, DC 20005
Re: DEIS Comments; Graton Rancheria Casino and Hotel Project

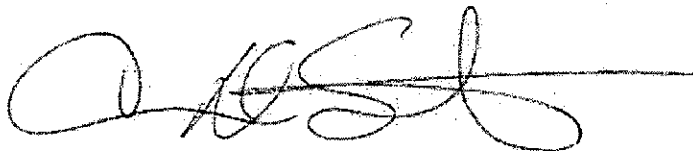
Dear Mr. Mehaffy:

I write on behalf of the East Bay Coalition Against Urban Casinos with comments on the draft EIS for the Graton Rancheria and Hotel.

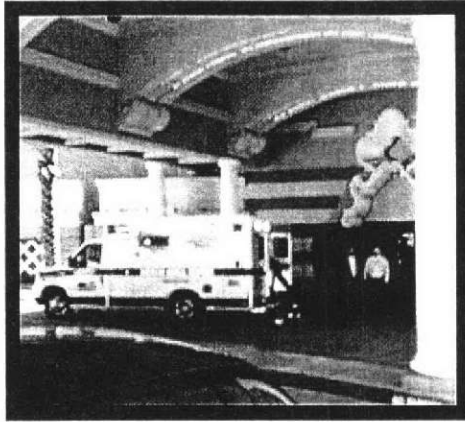
The EIS claims that crime can be mitigated. The report claims that measures would be implemented to reduce the impacts on crime and law enforcement to a "less than significant level." This contravenes empirical evidence. In January 2007 we compiled crime statistics in San Pablo since Casino San Pablo installed slot machines in August 2005. Since the introduction of the machines the City of San Pablo increased its police force by nine sworn officer positions. Notwithstanding such increase in police, crime has increased at the Casino by 300%. We enclose a copy of a report released in March, 2005. There is no reason to expect that the experience in Rohnert Park would be any different than the experience in San Pablo.

The EIS also claims that social and economic effects can be mitigated "to [a] less than significant level." This also contravenes numerous studies, including one prepared specifically on Casino San Pablo by Professor William Thompson of UNLV, a copy of which is also enclosed. Prof. Thompson found that introduction of casino gaming into urban neighborhoods will have significant negative social effects. This is consistent with many existing studies. Contrary projections in the EIS are without basis. Thank you for taking time to review these documents and to consider the accuracy of EIS claims that the negative effects will be mitigated to insignificant levels.

Sincerely,



Andrés Soto
Chair, East Bay Coalition Against Urban Casinos



Gambling with Our Future:

Casino San Pablo's Impact on Local Communities
One Year After the Introduction of Slot Machines

Prepared by
The East Bay Coalition Against Urban Casinos
www.StopUrbanCasinos.org

Introduction

The Lytton Band of Pomo Indians first installed slot machines into Casino San Pablo in August of 2005. They argued that these machines would not create the criminal, social and societal problems about which the casino's opponents were concerned. The findings of this report clearly refute all claims of little or no negative impacts from the introduction of slot machines to the casino. Since the 2005 introduction of slot machines there have been increases in police and ambulance calls to the casino as well as increases in crime both at the casino and within the surrounding neighborhoods. These negative effects on the local communities began to occur very rapidly, and according to studies conducted on other casino communities, additional problems may become visible in the near future.

Key Findings

The installation of slot machines at Casino San Pablo has resulted in a significant rise in calls for emergency service to the casino and has led to increases in specific crimes within the communities surrounding the casino. This report provides a brief history of the casino's use of gaming devices, and utilizing data from police and dispatching records, details the net increases in both emergency calls and crime.

These increases have led to a larger negative impact to the surrounding communities than can be captured by numbers. A scan of 2005 & 2006 news coverage discovered several stories of crime related to the casino, two of which are highlighted at the end of this report. These examples underscore the fact that the remarkable raw data gathered cannot portray a comprehensive picture of the increases in criminal activity. The data provides quantifiable evidence of crime increases; however, the ripple effect within these communities extends far beyond what the numbers explain.

In their report, *The Social and Economic Impact of Urban Casinos*, William Evans and Julie Topoleski found that four years after a casino opens bankruptcy rates, violent crime, auto thefts and larceny rates increase 10% in counties with a casino.¹ Furthermore, a 2006 study released by Attorney General Bill Lockyer suggests that incidents of rape, murder and other types of violent crimes increase in communities with casinos.² The data included in this report supports Lockyer's contention that the introduction of casinos and slot machines results in negative impacts on the neighborhoods in which they are located.

Emergency Dispatch Calls to Casino San Pablo: 2004-2006

Emergency calls to casino increased: 341%

Ambulance calls to the casino increased: 233%

Increase in trespassing calls near casino: 343%

*Data obtained from City of Richmond
Emergency Dispatch, City of San Pablo
Police Department, and Contra Costa Health
Department*

¹ Evans, William. Topoleski, Julie, *The Social and Economic Impact of Urban Casinos*. The National Bureau of Economic Research. No. 9198. September 2002.

² Simmons, Charlene. *Gambling in The Golden State: 1998-Forward*. California Research Bureau. May 2006.

The communities of San Pablo and Richmond have had to contend with increases in crime, traffic and medical emergencies as a result of the casino. The potential negative impact of building two additional, Las Vegas-size casinos in North Richmond and Pointe Molate combined with the continued expansion of Casino San Pablo would further exacerbate the negative consequences for East Bay communities.

Background

Casino San Pablo operated as a non-tribal card room until October of 2003 when control of the site was transferred to the federal government in order to be held in trust for the Lytton Band of Pomo Indians. The Lyttons had originally planned to place 5,000 slot machines, convention center and hotel into the casino. After objections were raised and the state legislature refused to allow large scale casino operations in the Bay area to be run by tribes with no historical land claims, that attempt failed.

On August 1, 2005, the Lytton Tribe installed 500 slot machines in Casino San Pablo. The number of machines was increased to 800 machines in early 2006, then to 1,048 machines in September of 2006. The Lytton Tribe argued that these slot machines operate as Class II bingo games under federal law and therefore can be operated without a state compact. The decision to install the Class II slot machines has resulted in a lack of regulation, no payments to the state, removed the requirement of community impact reviews and allowed the casino to operate without state and local approval.³

The opacity of a Class II slot machine definition in the law has led to problems regulating these machines and prompted concerns on the federal level, provoking the National Indian Gaming Commission (NIGC) to consider reforming the laws that govern the machines. These proposed regulations would stipulate that the machines being operated at Casino San Pablo are not class II gaming devices and cannot be legally operated without a compact. Casino San Pablo's use of these machines has fundamentally changed the environment both in the Casino and in the surrounding urban areas.

Methodology

The data for this report comes from two primary sources: the City of San Pablo Police Department and the City of Richmond's dispatching center. The documents obtained were made available through requests for public information and have been supplied in total by the above mentioned law enforcement agencies. The data being utilized extends from 2004 through 2006, allowing examination of both a year before and a year after the inception of the new gaming devices.

Results

³ Rose, Nelson. *Bingo or A Casino? Class II Gaming Machines in San Pablo*. 2005. Pg 4.

The data for this section is divided into three subcategories. The first examines the increases in the number of calls for emergency service to both law enforcement and for emergency medical care. These drastic increases result in a higher demand on the public service agencies in the communities of Richmond and San Pablo. The second shows the increases of specific crimes at the casino. The third section utilizes dispatching history to document the increases in crime within the neighborhoods surrounding the casino.

Emergency Responses at Casino

Police, Fire and EMS responses *increased* after the installation of the slot machines (2004-2006).

Emergency calls increased from 203 in 2004 to 895 in 2006. Ambulance calls increased from 24 in 2004 to 80 in 2006.

*See Chart 1 & 2

Increases in Emergency Calls to the Casino: 341%

Increases in Ambulance Calls to the Casino: 233%

Crimes Occurring at Casino

Increases in specific types of crime *at* Casino San Pablo (2004-2006):

Vehicle theft increased from 14 in 2004/2005 to 53 in 2005/2006; Disturbance calls increased from 36 in 2004/2005 to 115 in 2005/2006; Burglary calls increased from 7 in 2004/2005 to 24 in 2005/2006.

*See Chart 3

Crime Increases at the Casino:

Vehicle Theft:	279%
Disturbance:	219%
Burglary:	243%

Crime in Neighborhoods Surrounding Casino

Increases in crime *at* the casino *and the* surrounding areas 2004-2006:

This section examines the increases in police calls both to Casino San Pablo and the communities adjacent to the casino. The data was provided in the form of crime reports from the San Pablo Police Department and from dispatch information from the Richmond Police Department. The geographic regions were selected based on a one mile or less proximity to Casino San Pablo, which includes North and East Richmond and Southern San Pablo.

Crime Increases at the Casino and in Surrounding Areas:

Trespassing:	343%
Drunk in Public:	100%
Drug Possession:	200%

Trespassing calls increased from 14 in 2004 to 62 in 2006; public drunkenness calls increased from 14 in 2004 to 28 in 2006; Drug possession calls increased from 6 in 2004 to 18 in 2006.

*See Chart 4

News Highlights

November 15, 2006 - "2 years for Sacramento woman in ID theft cases"

News reports by Henry Lee of the *San Francisco Chronicle* outline how a Sacramento woman became involved in an extensive identity theft scheme and used Casino San Pablo to gather cash advances using stolen credit cards.⁴ Penisha Cherie Williams used stolen financial information to receive credit cards and obtained between \$30,000 and \$70,000 in cash advances, credit purchases and withdrawals from banks and casinos.⁵

June 26, 2006 - "Arrest in bank robbery spree"

As reported by the *Marin Independent Journal* in June of 2006, a man described by the FBI as a "serial bank robber" and suspected of more than a dozen bank robberies in the Bay Area was arrested at the Casino San Pablo.⁶ James Moffit was taken into custody after officers recognized his picture on surveillance photos. Suspected of 15 bank robberies throughout the Bay Area, Moffit was captured as he entered the casino at 4 a.m.

October 3, 2005 - "Woman loses casino winnings in ATM robbery"

According to the *Fairfield Daily Republic* a woman was robbed of her winnings from Casino San Pablo she tried to deposit it in an ATM Sunday morning following a long night of gambling at the casino. According to Fairfield police, the woman was likely followed from inside the casino and later assaulted and robbed at a more isolated location. The woman's wrist was injured in the attack.

All three of these cases provide examples of how the casino fundamentally alters the environment in which it is located. The casino provides a myriad of opportunities for criminal activity and has the potential to attract a larger segment of the criminal population, increasing the possibility of economic, property and violent crimes to occur.

⁴ Lee, K. Henry. *2 Years for Sacramento Woman in ID Theft Cases*. *San Francisco Chronicle*. November 15, 2006.

⁵ McGregor W. Scott. *Sacramento County Woman Plead Guilty to Aggravated Identity Theft*. United States Attorney Eastern District. September 12, 2006, News Release.

⁶ Wolfcale, Joe. *Arrest in Bank Robbery Spree*. *Marin Independent Journal*. June 24, 2006.

Appendices

Chart 1:

911 Calls to Casino San Pablo

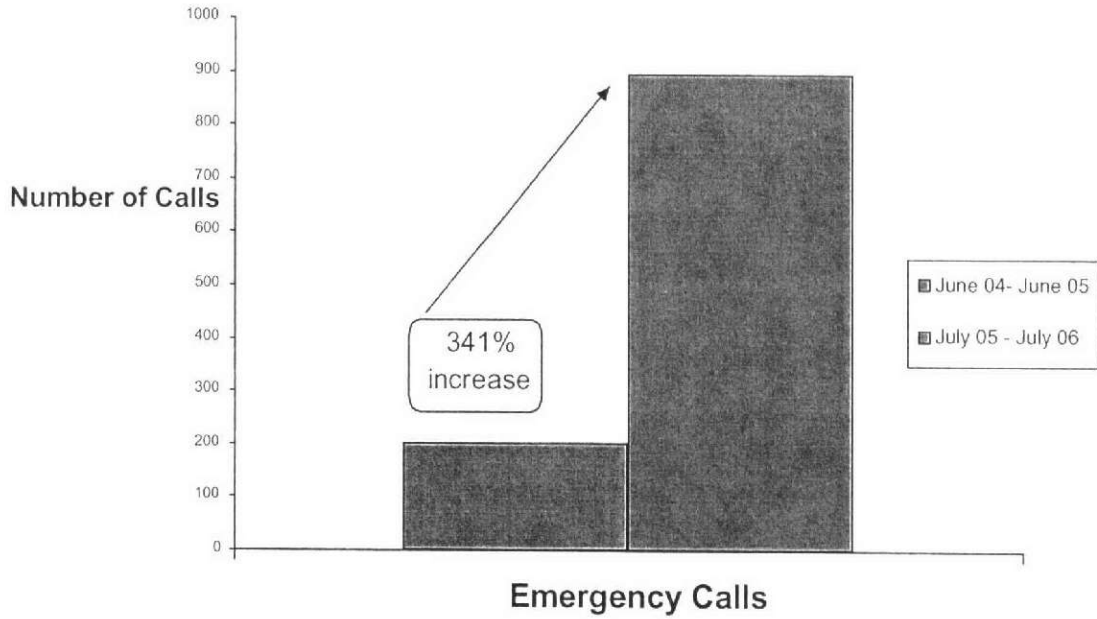


Chart 2:

Ambulance Calls to Casino San Pablo

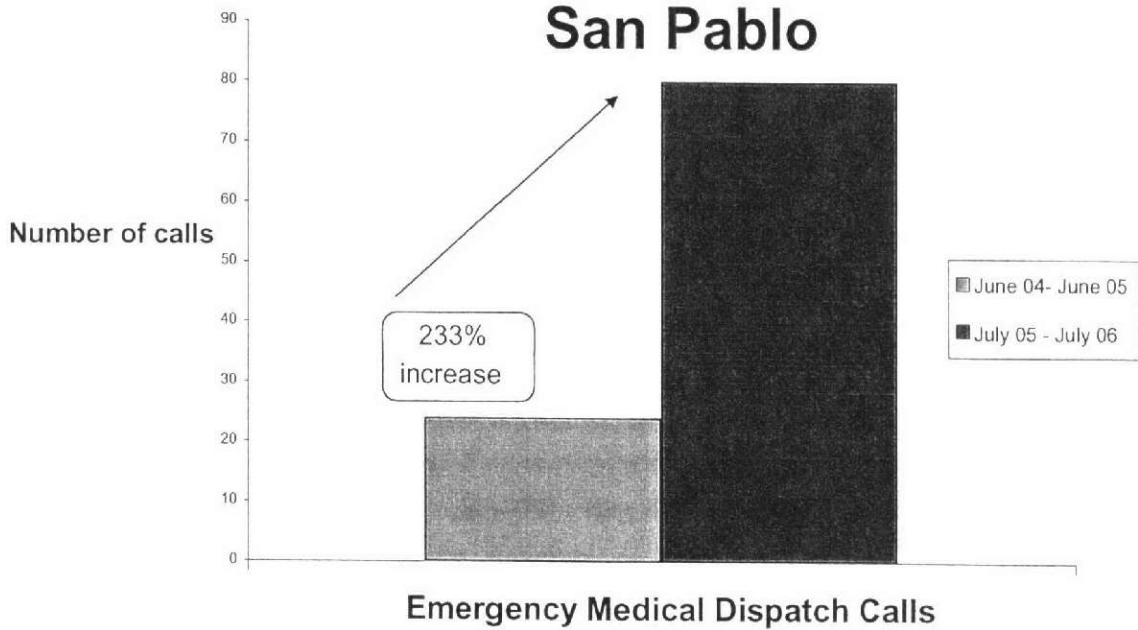


Chart 3:

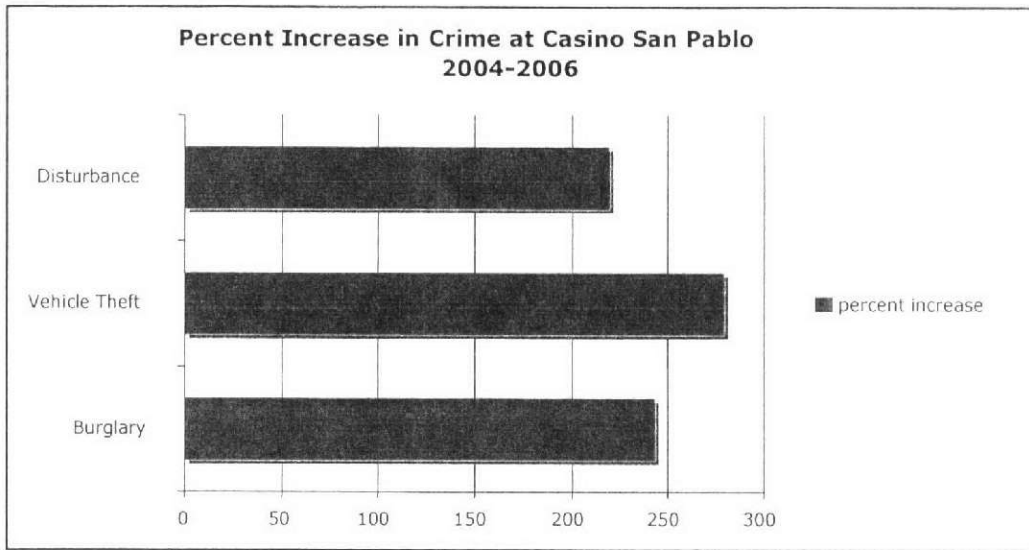
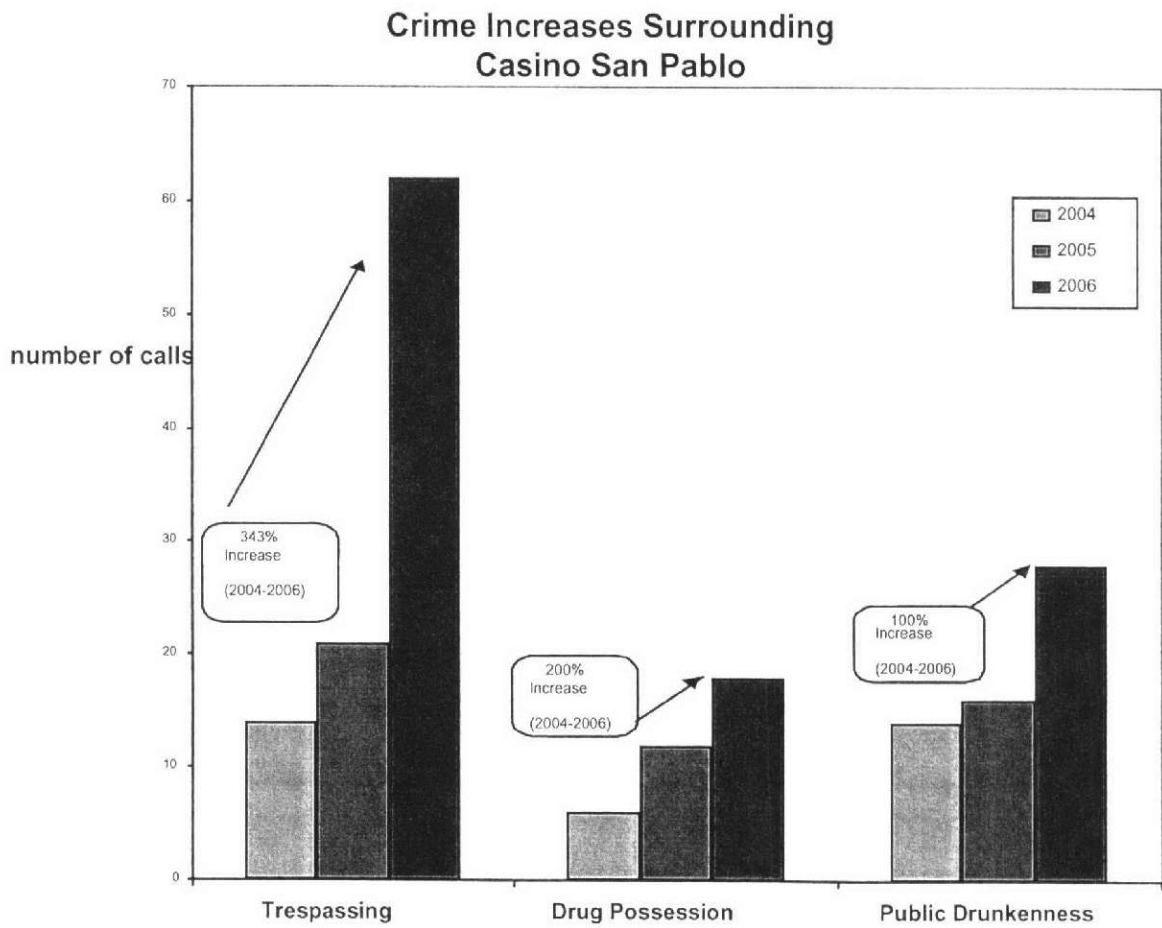


Chart 4:



A Casino For San Pablo:
A LOSING PROPOSITION

AN ANALYSIS OF REVENUES AND EXPENDITURES FOR
A PROPOSED CASINO FOR SAN PABLO, CALIFORNIA

William N. Thompson, Ph.D.

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Introduction

The Lytton Band of Pomo Indians and Governor Arnold Schwarzenegger have agreed to a compact that would allow the Lytton to turn their existing card room in San Pablo into a casino. As the legislature considers whether or not to ratify the compact, it is important to consider the impact that the casino will have on the local and regional economy.

For the purposes of discussion, a local area will be defined as the East Bay counties of Contra Costa and Alameda and the regional area will include the remainder of the Bay Area counties: Napa, Sonoma, Solano, Marin, San Francisco, San Mateo, and Santa Clara. The report will analyze economic impact in two parts.

The first will look at economic flows, including revenues brought into the casino (player losses), as well as casino expenses such as employment, advertising, building support, supplies, and state and federal taxes. The flows also include distribution of profits.

The second analysis will consider the economic impact created by an increase in problem and compulsive gambling behavior due to the casino's opening.

SUMMARY OF FINDINGS

The proposed casino with 2,500 slot machines and 100 table games would receive \$499,028,000 in gaming revenues annually. Of this, 81% will come from the slot machines and the remainder will come from table games.

These revenues will come from 4,980,319 visits from casino patrons who will lose on average \$100.20 per visit. The vast majority of these visitors will come from the Bay Area, specifically the East Bay. Visitors from Contra Costa and Alameda Counties will provide 55% of casino revenues. The remainder of the Bay Area counties will provide an additional 35% of visits and revenues. 10% of visits and revenues will come from outside the Bay Area.

Casino revenues are redistributed out of the casino as various expenses are met, including the 25% of revenue that will be shared with State and local governments. In total, casino expenses will be \$329,514,000. Of this total, just 47% will remain

in the East Bay and an additional 17% will remain in other parts of the Bay Area. 37% will leave the Bay Area.

After expenses, the casino will enjoy a net profit of \$169,514,000. Out of this amount, only 0.10% will remain in the East Bay. 60.4%, most of the tribal share in profits, will stay in other parts of the Bay Area. The remaining 39.5% will leave the Bay Area.

A comparison of the flows of money into and out of the casino finds a direct economic loss of \$138,220,365 to the Bay Area.

Additional economic losses will result from an increase in compulsive gambling behavior due to the casino's opening. We found that the proposed casino will create 10,341 new compulsive gamblers and 12,065 new problem gamblers.¹ Each compulsive gambler creates direct costs of \$10,053. Problem and compulsive gamblers inflict economic harm on a community due to their actions outside of a casino. We project that the economic harm caused by the new problem and compulsive gamblers created by the San Pablo casino will be \$54,899,128. These costs are only felt in the local area, defined here as the East Bay counties of Contra Costa and Alameda.

The total economic loss to the East Bay is projected to be - \$173,131,033 with an additional loss from the other Bay Area counties of - \$19,988,460. Total economic loss to the Bay Area is \$193,119,493, while a net total of \$138,220,365 will be sent out of the Bay Area.

¹ These numbers represent the low estimate, using projections from the National Gambling Impact Study Commission. Using projections from the American Gaming Association would raise the numbers to 19,648 compulsive gamblers and 48,258 problem gamblers.

TOTAL NET BENEFIT/LOSS FROM THE SAN PABLO CASINO - ANNUAL

figure 1

EAST BAY	
LOSSES FROM ECONOMIC FLOW	-\$118,231,905
LOSSES FROM COMPULSIVE GAMBLING ACTIVITY	-\$54,899,128
TOTAL ECONOMIC LOSS	-\$173,131,033
OTHER BAY AREA COUNTIES	
LOSSES FROM ECONOMIC FLOW	-\$19,988,460
LOSSES FROM COMPULSIVE GAMBLING ACTIVITY	NOT CALCULATED
TOTAL ECONOMIC LOSS	-\$19,988,460

TOTAL ECONOMIC LOSS TO THE BAY AREA: -\$193,119,493

Economic Flows Into And Out Of The Casino

ASSUMPTIONS

The exact size of the casino is not firmly established, yet an assessment of the economic flows does depend upon the size of the project. Therefore, the assessments reported here will be based upon a basic assumption that the casino will have 125,000 square feet of gambling space, and that space will be filled with 2,500 gambling machines and 100 gambling tables. For purposes of comparison, it can be noted that the Thunder Valley casino (east of Sacramento in Roseville, 85 miles from San Pablo), has 2,700 machines and 98 tables.

PROJECTED REVENUES FROM PLAYER LOSSES

To accurately analyze the economic flows, we will determine what the revenue levels at the casino will be and where they will come from. To calculate gambling revenues, we have looked at per machine and per table revenues at other similar casinos. While no existing casino operates in an identical environment, some similarities permit an analysis with comparable revenues.

This analysis will use the Chicagoland-area casinos in Illinois as a basis. These casinos serve populations similar to, but marginally larger than the San Francisco Bay Area. The larger population, though, is served by a larger numbers of machines spread across ten casinos. The Bay Area would have just one large casino (at San Pablo), although there is a smaller Native American casino near Santa Rosa, and a major casino in Roseville about 85 miles from San Pablo.

TABLES AND MACHINES

In Illinois, there are ten casinos with a total of 9,252 machines serving a population of 13 million adults. However, the casinos compete with other casinos on the State's borders. Machines exist one hour from the State's northern border, and just minutes from borders to the east and west. The greater Chicagoland area (which extends into Indiana) has 7.5 million adults and is served by just over 12,000 machines. For this reason, it is expected that a monopoly casino at San Pablo that has a limited number of machines (2,500) will find per unit revenues at least as great as those found in Illinois — and in actuality, probably much greater.

Per machine revenues in Illinois range as high as \$540, \$641, and even \$854 at specific casinos — the highest being the casino at Elgin. Statewide, the Illinois casinos win an average of \$442 per day for each machine. More is won from tables — an average of \$2622 for each table per day. We will use these averages in our projections.¹

¹ It should be noted that using numbers from Illinois is a conservative choice. For more discussion on per table and per machine winnings in other casinos, please see Appendix A.

Assuming that the San Pablo casino will have 2,500 machines and 100 tables. We predict total annual gambling revenues to be \$499,028,000.

DAILY & ANNUAL CASINO WINNINGS

figure 2

	DAILY	ANNUAL
PER MACHINE	\$422	\$403,325,000
PER TABLE	\$2622	\$95,703,000
TOTAL	\$3064	\$499,028,000

VISITATION AND PLAYER LOSSES

The next step in our analysis is determining where the gambling revenue will come from.

While there are no existing statistics to project the number of visits to casinos for Bay Area residents, the leading authority (Jason Ader) suggests that without this casino, the average California adult would make 3.2 visits and the Bay Area adult would make 3.0 visits to a casino each year, with losses of \$69 per visit.

It is expected that when a casino is placed into a community, residents within 50 miles will increase their number of casino visits. In Illinois, each adult within 50 miles of a casino makes an average of 3.5 visits per year to casinos, and loses just under \$95 per visit. For the purposes of this report, we will assume that East Bay residents will make 3.5 visits per year, as those who live close to the Illinois casinos do, and that persons living in the remainder of the Bay Area will make 3.2 visits per year.

In assessing visitation to a San Pablo casino we must also consider visitation from persons living beyond the local area. In this report, we will assume that 10% of casino visitors will come from outside the Bay Area. Similarly, we will assume

that 10% of casino visits from within the Bay Area represent gambling trips that otherwise would have gone to a casino outside the region.

POPULATION

The East Bay area of Contra Costa and Alameda Counties has a population of 2,462,166 that equates to 1,723,516 adults (we will consistently use a 70% of full population factor for determining adult population).

The greater Bay Area consisting of Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties have 4,384,300 in full population and 3,069,010 adults.

As noted above, we project East Bay residents will make 3.5 visits, while there will be 3.2 visits from the rest of the Bay Area. We will assume that East Bay players will devote 50% of their annual casino visits to the San Pablo casino, while Bay Area players will make 20% of their annual visits to the San Pablo casino.

figure 3

CASINO VISITS	TOTAL
EAST BAY RESIDENTS	3,016,153
BAY AREA RESIDENTS	1,964,166

However, as indicated above, 10% of casino visits will be from outsiders and 10% of regional visitors will be substituting a visit to the San Pablo casino for a planned visit to a casino outside the region.

Considering this 10% factor, for the purposes of our economic analysis, we will assume that total casino visits would be:

“Each player will lose an average of \$100.20 per casino visit.”

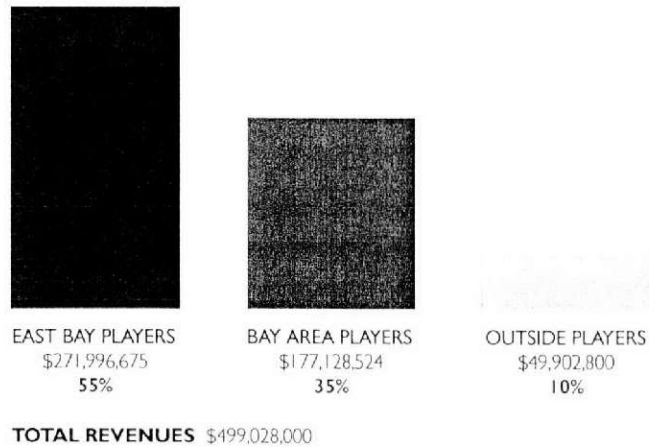
figure 4

CASINO VISITS	TOTAL
EAST BAY RESIDENTS	2,714,538
BAY AREA RESIDENTS	1,767,750
OUTSIDE BAY AREA	498,032
TOTAL VISITS	4,980,319

Given expected casino revenues of \$499,028,000, we can expect each player to lose an average of \$100.20, just over five dollars more than actual losses in Illinois (\$94).

REVENUES

figure 5



Expenses And Place Of Distribution

There are a variety of expenses that will be incurred by the casino as it collects gambling losses from players.

The compact signed by Governor Schwarzenegger and the Lytton Band calls for a cap of 25% of gaming revenues to be shared between San Pablo, Contra Costa County, CalTrans, and the State of California in a formula yet to be determined. San Pablo officials have publicly stated that they would like to continue receiving 5.4% of gaming revenues. We will utilize this figure for the purposes of this report. Additionally, we will assume that Contra Costa County will receive an equal amount. The remaining 14.2% will be allocated to the State with the understanding that, in reality, some will in fact go directly to CalTrans. The economic effects should not differ though.

STATE REVENUE SHARING (14.2%)

It is assumed here that the State of California will take 14.2% of the gambling revenues. This is inclusive of the CalTrans share. All of the money will go out of the region to Sacramento. However, it is realized that the State returns services to local areas. While the Sacramento bureaucracy will absorb a significant portion of the State tax money, we will simply assume that money is returned to the local areas in proportion to their population (vis-à-vis the State population). As the East Bay (Contra Costa County and Alameda County) has 6.9% of the State's population we see a return of 0.98% of revenues returned to the East Bay; the rest of the Bay Area has 12.5% of the population, and therefore gets 1.78% of the full revenue returned in State services. Hence 11.45% of the casino gambling revenues are lost out of the region via State taxation.

SAN PABLO REVENUE SHARING (5.4%)

The exact amount of gaming revenues that San Pablo will receive will be spelled out in a municipal service agreement to be negotiated after a compact is signed. San Pablo city officials have stated publicly that they expect to receive at least 5.4% of gaming revenues.

CONTRA COSTA COUNTY REVENUE SHARING (5.4%)

The exact amount of gaming revenues that Contra Costa County will receive is to be negotiated as part of a municipal service agreement to be negotiated after a compact is signed. For the purposes of this report, we will assume they Contra Costa County will also receive 5.4%.

LABOR (16%)

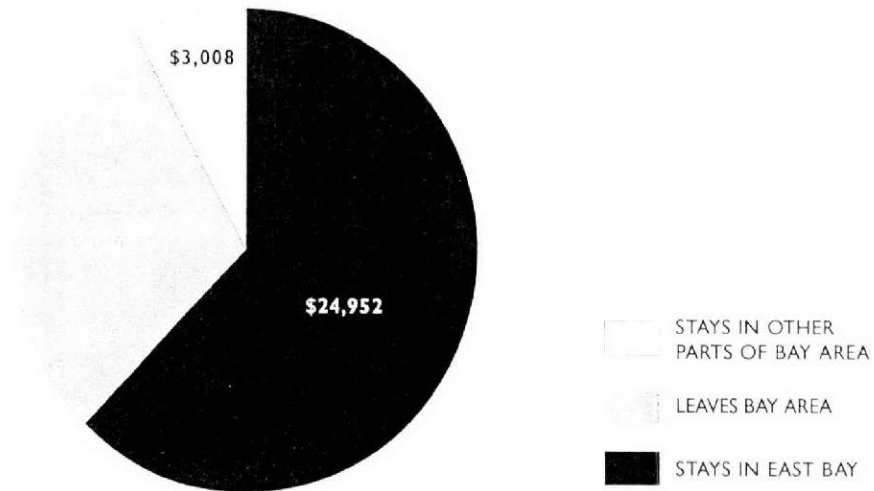
We will assume that a 2,500 machine casino will have 2,000 employees. The per-employee cost will be \$40,000 per year, or \$80,000,000 total.

The base salary on average will be \$32,000, with fringes of 25% or \$8,000 (which include Social Security and Medicare — 7.2% from the casino — \$2,304). The employee will have to pay 4% (\$1,280) in State income taxes, 20% (\$6,400) in federal income taxes, and 7.2% (\$2,304) in Social Security and Medicare. The employee retains \$22,016. The extra fringes are worth \$5,696.

It is assumed that all employees live in the East Bay. Hence the East Bay retains \$22,016 per employee. The East Bay keeps 6.9% of State taxes, or \$88 per employee, while the rest of the Bay Area keeps \$160 of this amount, and \$1,032 leaves the Bay Area for Sacramento and the rest of the State. The East Bay and the greater Bay Area lose the \$6,400 in federal taxes, and the \$4,608 in Social Security and Medicare. Fringes are divided with half — \$2,848 staying in the East Bay area, and half going to other parts of the Bay Area.

DISTRIBUTION OF AVERAGE SALARY

figure 6



DISTRIBUTION OF AVERAGE SALARY OF \$40,000

ADVERTISING, COMPLIMENTARY SERVICES, AND ENTERTAINMENT IN CASINO. 7%

While complimentary services are a major cost in Nevada casino (about 13% of revenue), in Nevada many of the costs are tied to bringing in outside high-rollers, and furnishing them with not only transportation, but also rooms and high priced entertainment. The casino at San Pablo will cater to only drive-in customers. Costs here will include meals and drinks for the most part, but also some limousine services. We suggest a 4% factor for San Pablo is appropriate. Another 2.5% will go for advertising, and .5% for entertainment inside the casino. This combined 7% will be spent mostly within the Bay Area. We assign 3% of the expense to the East Bay, 3% to the greater Bay Area, and 1% to sources (media, bands, etc.) outside the Bay Area.

BUILDINGS AND UTILITIES (4%)

The large Nevada casinos have large, sometimes massive, hotels representing major real estate investments. About 8% is spent on buildings, mortgages and utilities. We assume that without massive hotel investments and space requirements, investments at San Pablo for buildings and utilities should be about 4% per year. As all construction and financial services are not likely to be made locally, we will assume that one half the expense will remain in the East Bay and the other half will go to the greater Bay Area.

GAMING SUPPLIES (4%)

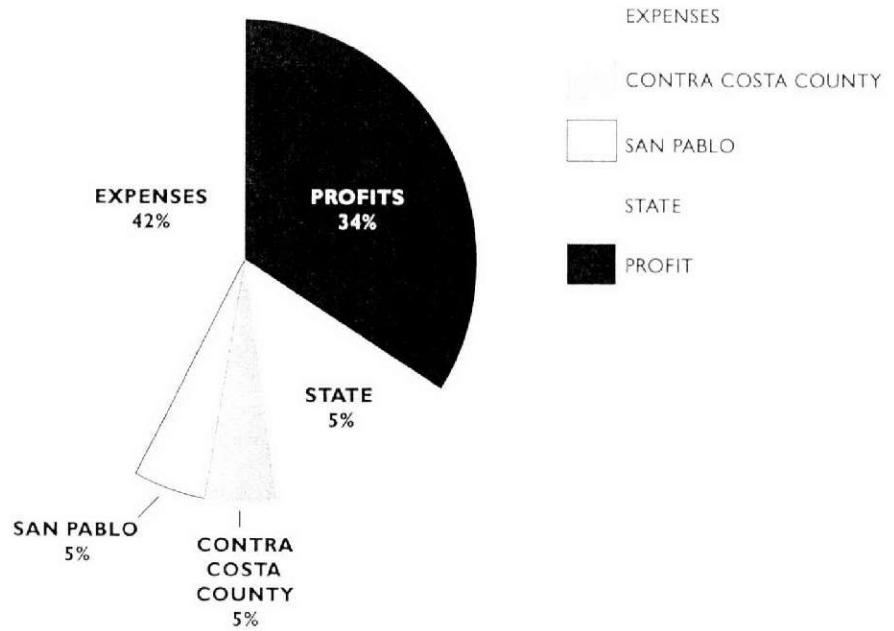
All this money will leave the Bay Area. Machines cost \$14,000 each, with a three-year life — or a cost of \$4,667 per year. For a 2,500 machine casino, this means \$11,667,500 per year being sent to manufacturers — all of whom are outside California (mostly in Nevada). Others gaming supplies are also made outside the State. Gaming supplies will consumer, on average, 4% of gaming revenues.

OTHER SUPPLIES AND GENERAL ADMINISTRATIVE EXPENSES (10%)

As the managers of the facility will be out-of-State firms, much of these expenses will end up in out of State hands. We will assume that 4% stays locally, 3% stays within the Bay Area, and 3% leaves to the outside.

DISTRIBUTION OF REVENUE

figure 7



Profits

Profits will be distributed to the tribal community and to the casino managers.

- The Managers' share will be 30% of the net profits (Revenues minus all expenses). This money will be sent outside the Bay Area.
- The tribal share will be 70% of net profits. Of this amount, 60% (42% of net profits) will go to tribal government support. This money stays in the Bay Area as the tribal community is north of Santa Rosa in Windsor, California.

Tribal members will take 40% of the tribal share (28% of net profits) in per capita distributions. This amount will be reduced by 30% (8.4% of net profits) that will leave the region to the federal government in income taxes, and 5% that goes to State taxes (80.6% of this — or 1.12% of net profits remains outside of Bay Area, .18% of net profits goes to region, and .10% of net profits stays in local area). The retained per capita distribution equaling 19.4% of the net profits stay in the Bay Area.

Of net profits flowing through the tribe, .10% goes to the East Bay, 60.38% to the greater Bay Area, and 39.52% leaves the Bay Area.

GAMING REVENUE DISTRIBUTION

figure 8

TOTAL REVENUE	100%	\$499,028,00
STATE	14.2%	\$70,861,976
SAN PABLO	5.4%	\$26,947,512
CONTRA COSTA COUNTY	5.4%	\$26,947,512
LABOR	16%	\$80,000,000
ADVERTISING, ENTERTAINMENT, AND COMPS	7%	\$34,931,960
BUILDING AND UTILITIES	4%	\$19,961,120
GAME SUPPLIES	4%	\$19,961,120
OTHER SUPPLIES AND GENERAL ADMINISTRATION	10%	\$49,902,800
TOTAL EXPENSES		\$329,514,000
NET PROFIT		\$169,514,000

THE ANALYSIS: INPUTS — OUTPUTS — NET RESULTS

figure 9

EXPENSES	EAST BAY	BAY AREA	OUTSIDE	TOTAL
STATE	\$4,889,476	\$8,857,747	\$57,114,753	\$70,861,976
SAN PABLO	\$26,947,512			\$26,947,512
CONTRA COSTA COUNTY	\$26,947,512			\$26,947,512
LABOR	\$49,904,000	\$6,016,000	\$24,080,000	\$80,000,000
ADVERTISING, ENTERTAINMENT, COMPS	\$14,970,840	\$14,970,840	\$4,990,280	\$34,931,960
BUILDING AND UTILITIES	\$9,980,560	\$9,980,560		\$19,961,120
GAMING SUPPLIES			\$19,961,120	\$19,961,120
OTHER SUPPLIES AND GENERAL ADMINISTRATION	\$19,961,120	\$14,970,840	\$14,970,840	\$49,902,800
TOTAL EXPENSES	\$153,601,020	\$54,795,987	\$21,116,993	\$329,514,000
PROFITS	\$163,751	\$102,344,078	\$67,006,172	\$169,514,000
TOTAL MONEY COMING INTO THE CASINO	\$271,996,675	\$177,128,525	\$49,902,800	\$499,028,000
TOTAL MONEY LEAVING THE CASINO (EXPENSES + PROFITS)	\$153,764,771	\$157,140,065	\$188,123,165	\$499,028,000
BALANCE	\$(118,231,905)	\$(19,988,460)	\$138,220,365	

“The Bay Area will feel a direct regional economic loss of \$138 million per year.”

The direct economic losses that will result from the presence of a major Las Vegas style casino in San Pablo with slot machines and house banked table games will result in over \$118 million a year leaving the Contra Costa and Alameda County areas each year. An additional \$20 million will leave the surrounding regional counties, for a total direct regional economic loss of \$138 million a year. But these are only the direct losses from flows of money into and out of the casino. Additional indirect losses will flow outward because of the multiplier factor, and more losses will come from externalities, namely compulsive gamblers' behaviors, as will be explored in the next section.

Economic Costs Associated With Negative Gambling Behaviors

Stories of compulsive gamblers are not just anecdotes and conversation matters that we all can lament. The stories are about a complex set of behaviors that also inflict economic damage upon communities. When a new casino is placed into a community, the number of problem and compulsive gamblers in that community increases drastically- as does the economic harm that they bring. These costs must be considered along with the economic flow of actual dollars into and out of the casino. In this report, we will consider the economic impact brought on by the increase of problem gamblers in the East Bay (Contra Costa and Alameda Counties).

Compulsive gambling is a progressive behavior disorder in which a person has a uncontrollable preoccupation and urge to gamble. A person is diagnosed as a compulsive gambler if they meet five or more criteria set forth the American Psychological Association. There are ten criteria altogether, ranging from preoccupation to loss of control. Problem gamblers, while not meeting the criteria of compulsive gamblers, gamble to an extent that it has negative consequences on their life, their family, place of employment, or community.

To determine the costs of problem and compulsive gamblers, we have taken advantage of existing research identifying the cost per problem and per compulsive gambler. In addition, we have taken advantage of research findings from the National Gambling Impact Study Commission. The NGISC found that the number of compulsive and problem gamblers DOUBLE when a casino is placed in their community (specifically within 50 miles of their home). Here we exclude some in this category- for instance in San Mateo — but recognize also that a small portion of the core population may be within 50 miles of the casino near Santa Rosa, albeit a much smaller casino than the one proposed for San Pablo.

SOCIAL AND ECONOMIC COSTS

This analyst has made many surveys to determine the social costs of compulsive and problem gambling. The methodologies used in the most recent survey in Nevada have also been used in a 1996 study in Wisconsin and by other studies in Connecticut, South Carolina, and Nevada. Others have applied the methodology

“The number of compulsive and problem gamblers doubles when a casino is placed in their community.”

in Illinois and Louisiana. The National Gambling Impact Study Commission utilized the methodology in its study of costs of compulsive gambling, though they did not use all the categories, nor did they make a cumulative cost finding.

The Nevada study was based upon questionnaire responses from 99 members of local Gamblers Anonymous groups.

The survey identified and quantified the costs associated with compulsive and problem gamblers. Some of the costs identified are merely imposed upon others (social costs); whereas, matters such as missed work and government expenditures represent economic losses for a community. The costs are broken out as follows:

COSTS BY CATEGORY: Economic (E), Government (G), and Social (S)

figure 10

CATEGORY	COST	E	G	S
Cost of Missed Work	\$2364	•		•
Cost of Quitting Jobs	\$1092	•		
Cost of Fired Jobs	\$1581	•		
Cost Unemploy Comp	\$87		•	•
Debt/Bankruptcy	\$9493			•
Costs of Thefts	\$3379			•
Cost Civil Suits	\$777	•	•	•
Costs of Arrests	\$95	•	•	•
Costs of Trials	\$85	•	•	•
Costs of Jail Time	\$80	•	•	•
Costs of Probation	\$170	•	•	•
Costs of Food Stamps	\$50		•	•
Costs of Welfare	\$84		•	•
Costs of Treatment	\$372	•		•
TOTAL COST	\$19711			
ECONOMIC COST	\$6616 (33.6%)			
GOVERNMENT COST	\$1428 (7.2%)			
SOCIAL COST	\$17036 (86.4%)			

Westphal's research demonstrated that the costs of a pathological gambler in treatment are higher than those for one not in treatment. He indicates that the "on the street" gambler's costs are 51% of the average compulsive gambler in treatment. Therefore, we will only consider 51% of the costs outlined above, or \$10,053. Also, research sponsored by the National Gambling Impact Study Commission found that problem gambler costs were 49% of the costs of pathological (compulsive) gamblers; hence we consider the costs to be \$4,926.

HOW MANY GAMBLERS ARE IMPOSING COSTS

There are 1,723,516 adults in the East Bay.

Rates of Compulsive and Problem gambling have been presented in the work of the NGISC as well as by the casino industry (American Gaming Association). The AGA found in its sponsored research that 1.14% of adults were compulsive gamblers, and 2.80% were problem gamblers.

The NGISC found .6% were pathological-compulsives, while .7% were problem gamblers.

We will use both sets of numbers, assuming the veracity of the NGISC study that the rates will DOUBLE with the San Pablo Casino. Hence, an extra number of people will become compulsives and problem gamblers. We will therefore have a range of costs for the local society.

figure 11

	LOW RANGE (NGIC)	HIGH RANGE (AGA)
NUMBER OF NEW COMPULSIVE GAMBLERS	10,341	19,648
NUMBER OF NEW PROBLEM GAMBLERS	12,065	48,258

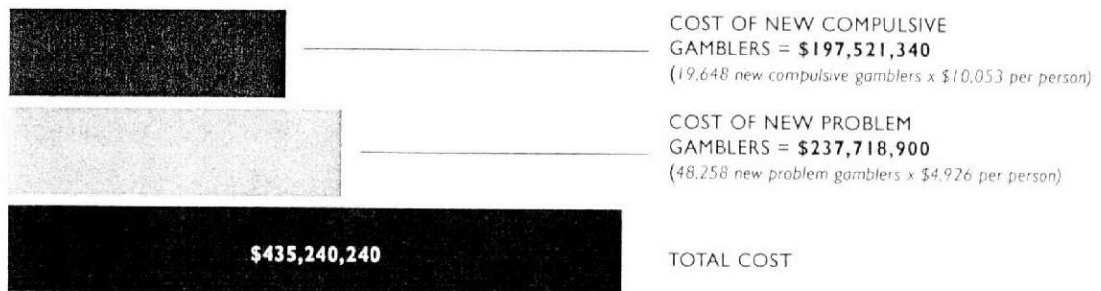
ESTIMATED COST OF NEW GAMBLERS

figure 12

LOW RANGE
NGISC



HIGH RANGE
AMERICAN GAMING ASSOCIATION



RANGE OF ECONOMIC COSTS — LOSSES

figure 13

	LOW	HIGH
RANGE OF ECONOMIC COSTS: 33.6%	\$ 54,899,128	\$146,240,721
RANGE OF GOVERNMENTAL COSTS: 7.2%	\$11,764,099	\$31,337,297
RANGE OF SOCIAL COSTS: 86.4%	\$141,169,187	\$376,047,567

Summary of Economic Analysis

To determine the full economic impact of the proposed San Pablo casino, we should look at both the economic flow model and the economic costs associated with problem and compulsive gamblers.

TOTAL NET BENEFIT/ LOSS FROM THE SAN PABLO CASINO

figure 14

EAST BAY	
LOSSES FROM ECONOMIC FLOW	-\$118,231,905
LOSSES FROM COMPULSIVE GAMBLING ACTIVITY	-\$54,899,128
TOTAL ECONOMIC LOSS	-\$173,131,033
OTHER BAY AREA COUNTIES	
LOSSES FROM ECONOMIC FLOW	-\$19,988,460
LOSSES FROM COMPULSIVE GAMBLING ACTIVITY	NOT CALCULATED
TOTAL ECONOMIC LOSS	-\$19,988,460

TOTAL ECONOMIC LOSS TO THE BAY AREA: -\$193,119,493

Money that is lost to the local economy is money that otherwise would have been spent on other goods and services within that economy. There is a ripple effect associated with losing money that otherwise would have circulated through an economy. This effect is commonly referred to as a multiplier effect. To further consider the impact of the proposed casino to the local and regional economies, we will use a simple, conservative multiplier of two.

DIRECT AND INDIRECT LOSSES

figure 15

DIRECT AND INDIRECT LOSSES	(USING MULTIPLIER OF 2)
CONTRA COSTA AND ALAMEDA COUNTIES	-\$346,262,065
BAY AREA REGION	-\$386,238,985

Effect on Local Employment

Economic losses of the magnitude described above will have a pronounced “trickledown effect,” resulting in significant job loss to the region. Money pulled out of the community correlates to less money local businesses will receive to employ workers. It is important to recognize that the San Pablo Casino will not operate as a destination casino along the lines of those on the Las Vegas Strip or in more remote areas of California. Money spent by casino patrons – overwhelmingly comprised of local area residents – displaces money that would otherwise be spent on alternative activities, goods and services.

If one assumes that each dollar lost to the local economy will eventually be one less dollar towards local payrolls, we can get a sense of the job less potential. Using the more conservative figure previously cited for projected economic losses of roughly \$193 million and a salary baseline of \$37,000, a net job loss of 5,219 is projected. Net loss means that if 2,000 new jobs are created at the casino, 7,219 jobs will be lost elsewhere in the economy creating a net loss for the region of 5,219.

Conclusion

Placing a 2,500 slot machine casino in San Pablo will have drastic impacts on the economies of the East Bay and the greater Bay Area. The casino will act as a vacuum, taking money from the local community and distributing it elsewhere. The total economic loss to the Bay Area would be at least \$193,119,493 annually, which would more than erase any positive impacts created by new casino jobs and related economic activity.

Placing a casino in a dense urban environment will create large numbers of new problem and compulsive gamblers. In addition to the economic losses brought on by these persons, there are immense personal costs associated with compulsive gambling that cannot be calculated. Studies have shown that compulsive gamblers are involved in higher rates of domestic abuse, divorce, and suicide.

In short, the proposed casino threatens the economic and social vitality of an entire region. The negative impacts of sizeable net job losses — combined with other immense economic and social costs — will be substantial and will ripple throughout the Bay Area.

Appendix A

FURTHER DISCUSSION ON PER MACHINE REVENUES

It should be noted that by offering Illinois revenues as comparables, this analysis is being conservative. The numbers suggested may be considered reasonable but certainly at the lower range of expectations. In contrast the casino near Roseville is producing per machine wins of \$570 per day. Such a casino would win \$520,125,000 from 2,500 machines which with the table revenues projected from Illinois data (\$95,703,000) would yield total gambling revenues of \$615,828,000. This amount is 23.4% higher than the figure (\$499,028,000) being used for economic flows here.

Other jurisdictions do not offer attributes near to the San Pablo model of one casino in an intense urbanized area. Therefore we reject using machine revenues of places such as Missouri, Louisiana, or Colorado, where larger numbers of machines serve smaller populations. Las Vegas and Nevada are not examples that will be duplicated in San Pablo, as these are tourist intense areas with grossly oversupplied numbers of machines. The same can be said to a degree for New Jersey.

For the record machine revenues in different jurisdictions on a daily basis (year 2002-3) are:

DAILY MACHINE REVENUE, 2002-3 (A)

figure 16

ROSEVILLE, CA	\$570
ILLINOIS	\$442
MICHIGAN	\$293
INDIANA	\$248
LOUISIANA	\$234
IOWA	\$190
MISSOURI	\$176
MISSISSIPPI	\$155
COLORADO	\$124
SOUTH DAKOTA	\$47

The commercial casino gambling states find a wide range of revenues for table games. The seven states considered here report revenues (2002-3) as followed per table:

ANNUAL REVENUES (B)

figure 17

ILLINOIS	\$2622
MICHIGAN	\$1750
INDIANA	\$1418
LOUISIANA	\$1484
MISSISSIPPI	\$1120
MISSOURI	\$943
IOWA	\$790
COLORADO	\$376*
SOUTH DAKOTA	\$300*

^A Source: North American Gaming Almanac 2003, Bear Sterns, Jason Ader, Editor

^B Source: Other states information from North American Gaming Almanac 2003, Bear Sterns, Jason Ader, Editor

* ESTIMATED