

# ***APPENDIX E***

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Supplemental Scoping Comment Letters



# MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169  
www.marinwater.org

November 4, 2005

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

Dear Mr. Mehaffey:

On behalf of the Board of Directors of the Marin Municipal Water District and our 185,000 customers in southern Marin County California, I would like to offer the following comments on the proposed Environmental Impact Statement for the casino and hotel project to be developed by the Federated Indians of the Graton Rancheria in Sonoma County, California. We are a contractor of the Sonoma County Water Agency (SCWA), which provides a portion of our drinking water supply, via diversions from the Russian River. SCWA also supplies the City of Rohnert Park, which is adjacent to the proposed casino. Both Rohnert Park and SCWA rely on groundwater supplies in the Santa Rosa Plain for portions of their water supplies, which can affect the amount of water available to our District during both normal and dry years.

The Environmental Impact Statement (EIS) for the project should include an analysis of the impacts of the proposed project on water supply and groundwater resources in the area of the City of Rohnert Park, as well as in Sonoma County in general. Groundwater extraction and groundwater levels in the vicinity of the proposed project have both been issues of concern to residents in Sonoma County, as well as to our customers. We request that the Commission include a complete assessment of this topic in the EIS.

Because water supply for Sonoma County, Rohnert Park and our district are so interrelated, and due to the fact that SCWA and our District face limitations on supply that could affect our ability to adequately provide service to our customers, we request that the Commission conduct a hearing on the draft EIS for the project in Marin County, California. We would be glad to assist the Commission in organizing and conducting such a hearing, when the draft EIS is released.

Thank you for the opportunity to provide you with our perspective. Please call me at (415) 945-1460, if you need any additional information.

Sincerely,

Paul Helliker  
General Manager

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GAMING COMMISSION  
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX**

75 Hawthorne Street  
San Francisco, CA 94105

October 31, 2005

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

**Subject:** Scoping Comments for the Proposed Federated Indians of the Graton Rancheria Casino and Hotel Project, Sonoma County, California

Dear Mr. Mehaffy:

The Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published on September 29, 2005 requesting comments on the National Indian Gaming Commission's (NIGC) decision to prepare a Draft Environmental Impact Statement (DEIS) for the above-referenced project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act.

The proposed project includes the development of a resort hotel, casino, and supporting facilities on a 253-acre site. EPA requests consideration of the following issues:

**Scope of Analysis**

The Notice of Intent indicates that supporting facilities will be part of the project but does not identify them. The EIS should identify all potentially connected actions, such as transportation improvements, parking lots and structures, drinking water facilities, wastewater treatment facilities, and other utilities upgrades that are associated with the project. The environmental impacts of these facilities should be evaluated in the EIS (40 CFR 1508.25).

**Air Quality**

The Draft Environmental Impact Statement (DEIS) should provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the project (including cumulative and indirect impacts) for each fully evaluated alternative. Construction related impacts should also be discussed.

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### *General Conformity*

The DEIS should address the applicability of Clean Air Act (CAA) Section 176 and EPA's general conformity regulations at 40 CFR Parts 51 and 93. Federal agencies need to ensure that their actions, including construction emissions subject to state jurisdiction, conform to an approved implementation plan. Mitigation may be available to reduce the project's air emissions, including particulate matter less than 10 and 2.5 microns in diameter (PM10 and PM2.5 respectively), diesel particulate matter (DPM), ozone precursors (oxides of nitrogen (NOx)) and volatile organic compounds.

Portions of Sonoma County are designated as non-attainment for the following NAAQS: 8-hour ozone (marginal), and 1-hour ozone. Because of the air basin ozone nonattainment status, it is important to reduce emissions of ozone precursors from this project. Emissions authorized by a CAA permit issued by the State or the local air pollution control district would not be assessed under general conformity but through the permitting process.

### *Construction Emissions Mitigation*

The DEIS should include a thorough analysis of impacts from the construction of the proposed project alternatives, and emission estimates of all criteria pollutants and diesel particulate matter (DPM), including the federal 8-hour ozone standard and the PM2.5 standard. EPA also recommends that the DEIS disclose the available information about the health risks associated with vehicle emissions and mobile source air toxics (see <http://www.epa.gov/otaq/toxics.htm>). EPA recommends including a Construction Emissions Mitigation Plan (CEMP) for fugitive dust and DPM in the DEIS and adopting this plan in the Record of Decision. The following mitigation measures should be included in the CEMP in order to reduce impacts associated with emissions of particulate matter and other toxics from construction-related activities:

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. Control technologies such as particle traps control approximately 80 percent of DPM. Specialized catalytic converters (oxidation catalysts) control approximately 20 percent of DPM, 40 percent of carbon monoxide emissions, and 50 percent of hydrocarbon emissions.
- Ensure that diesel-powered construction equipment is properly tuned and maintained, and shut off when not in direct use.
- Prohibit engine tampering to increase horsepower, except when meeting manufacturer's recommendations.
- Locate diesel engines, motors, and equipment staging areas as far as possible from residential areas and sensitive receptors (schools, daycare centers, and hospitals).
- Require the use of low sulfur diesel fuel (<15 parts per million sulfur) for diesel construction equipment, if available.

- Reduce construction-related trips of workers and equipment, including trucks. Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Lease or buy newer, cleaner equipment (1996 or newer model), using a minimum of 75 percent of the equipment's total horsepower.
- Use lower-emitting engines and fuels, including electric, liquified gas, hydrogen fuel cells, and/or alternative diesel formulations.
- Implement the following Fugitive Dust Source Controls:
  - Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate, to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
  - Install wind fencing and phase grading operations where appropriate, and operate water trucks for surface stabilization under windy conditions.
  - When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

## **Water Resources**

### *Clean Water Act Section 404*

The topographical map of the site indicates an intermittent stream feature near the southern boundary of the project site. The project applicant should coordinate with the U.S. Army Corps of Engineers (Corps) to determine if the proposed project requires a Section 404 permit under the CWA. Section 404 regulates the discharge of dredged or fill material into waters of the U.S., including wetlands. The DEIS should describe all waters of the U.S. that could be affected by the project alternatives, and include maps that clearly identify all waters within the project area. The discussion should include acreages and channel lengths, habitat types, values, and functions of these waters.

If a permit is required, EPA will review the project for compliance with *Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials* (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the CWA ("404(b)(1) Guidelines"). Pursuant to 40 CFR 230, any permitted discharge into waters of the U.S. must be the least environmentally damaging practicable alternative available to achieve the project purpose. The DEIS should include an evaluation of the project alternatives in this context in order to demonstrate the project's compliance with the 404(b)(1) Guidelines. If, under the proposed project, dredged or fill material would be discharged into waters of the U.S., the DEIS should discuss alternatives to avoid those discharges, such as modifications to the proposed site plan to minimize the impacts of the project footprint to aquatic resources.

### *Clean Water Act Section 401*

Section 401 of the Clean Water Act requires water quality certification for activities that are authorized by a federal permit or license and which could adversely affect the quality of waters of the United States. For projects on tribal lands, water quality certification is obtained from EPA or from tribal governments that have been approved as certifying authorities. In this case, if the project requires a Section 404 permit, EPA would be responsible for issuing a water quality certification. Please contact Michael Monroe of EPA Region 9's Water Division at (415) 972-3453 regarding the water quality certification process.

### *Wastewater Treatment and Disposal*

The Notice of Intent does not specify whether the project will include a wastewater treatment facility or how wastewater will be managed. If a treatment plant will be constructed to handle wastewater flows from the facility, it should be considered a connected action and analyzed in this EIS (40 CFR 1508.25).

Wastewater discharges may be subject to permitting requirements under the federal Safe Drinking Water Act's Underground Injection Control Program and/or the Clean Water Act's National Pollution Discharge Elimination System Program (NPDES). All wastewater effluent disposal methods are subject to EPA Region 9 review prior to construction activities. Please contact Eric Byous of EPA Region 9's Water Division at (415) 972-3531 with questions regarding potentially applicable wastewater treatment and disposal requirements.

### *Nonpoint Source Pollution*

The project applicant should identify ways to minimize the project footprint and reduce impervious surfaces. Runoff from parking areas and roadways should be diverted into stormwater treatment structures such as bioretention areas, infiltration trenches or basins, or filter strips onsite.

### **Biological Resources**

The DEIS should identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. The document should identify and quantify which species or critical habitat could be directly or indirectly affected by each alternative. If threatened or endangered species may be impacted by the proposed project, we recommend that the DEIS include a biological assessment, as well as a description of the outcome of consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

### **Invasive Species and Landscaping**

Executive Order 13112 on Invasive Species calls for the restoration of native plant and tree species. If the proposed project will entail new landscaping, the DEIS should describe how the project will meet the requirements of Executive Order 13112.

## **Cumulative Impacts**

Cumulative impacts analyses are of increasing importance to EPA as they describe the threat to resources as a whole. Understanding these cumulative impacts can help identify opportunities for minimizing threats.

We recommend the NIGC focus on resources that are impacted by the proposed project, before mitigation. The DEIS should identify which resources are analyzed for cumulative impacts, which ones are not, and why. The DEIS should define the geographic boundary for each resource to be addressed in the cumulative impact analysis and describe its current health and historic context. The DEIS should identify all other on-going, planned, and reasonably foreseeable projects in the study area that may contribute to cumulative impacts. Where studies exist on the environmental impacts of these other projects, use these studies as a source for quantifying cumulative impacts. When cumulative impacts are identified, mitigation should be proposed. The DEIS should clearly state NIGC's mitigation responsibilities and the mitigation responsibilities of the Tribe and other entities.

## **Coordination with Land Use Planning Activities**

The DEIS should discuss how the proposed action would support or conflict with the objectives of federal, state, tribal, or local land use plans, policies and controls in the project area. The term "land use plans" includes all types of formally adopted documents for land use planning, conservation, zoning and related regulatory requirements. Proposed plans not yet developed should also be addressed if they have been formally proposed by the appropriate government body in a written form (CEQ's Forty Questions, #23b).

## **Leadership in Energy and Environmental Design (LEED)**

We recommend that NIGC and the Tribe utilize the Leadership in Energy and Environmental Design (LEED) standard for green building. The Tribe should specify in its development contracts that the developer design and construct the facility for LEED certification. More information about the LEED green building rating system is available at <http://www.usgbc.org/DisplayPage.aspx?CategoryID=19&>.

We appreciate the opportunity for early participation in the evaluation of the potential environmental impacts associated with this project. If you have any questions, please contact me at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov).

Sincerely,



Karen Vitulano  
Environmental Review Office  
Communities and Ecosystems Division

cc: Greg Sarris, Tribal Chairman, Federated Tribes of Graton Rancheria  
Bradley Marshall, Environmental Program, Federated Tribes of Graton Rancheria





John Maier  
510-835-8045

**City Council**

- Jake Mackenzie  
Mayor
- Vicki Vidak-Martinez  
Vice-Mayor
- Amie L. Breese  
Armando F. Flores  
Tim Smith  
Council Members

October 26, 2005

Greg Sarris  
Chairman  
Federated Indians of the Graton Rancheria  
320 Tesconi Circle, Suite G  
Santa Rosa, CA 95401

Dear Chairman Sarris:

Stephen R. Donley  
City Manager

Judy Hauff  
City Clerk

Michelle Marchetta Kenyon  
City Attorney

Gabrielle P. Whelan  
Assistant City Attorney

On behalf of the City Council of Rohnert Park, I would like to share a letter of appreciation the City received from S.W. Ornoski, Warden of San Quentin State Prison. Warden Ornoski's letter describes the assistance provided to the prison by the City's canine unit to identify inmates hiding unauthorized and illegal drugs. This letter demonstrates that the City's additional law enforcement resources funded by the Federated Indians of the Graton Rancheria have not only contributed to the safety and welfare of the citizens of Rohnert Park, but additionally serve as a regional law enforcement resource.

Sincerely yours,

Steve Donley  
City Manager

cc: Honorable Mayor Mackenzie and Members of the City Council,  
Director of Public Safety

STATE OF CALIFORNIA - DEPARTMENT OF CORRECTIONS AND REHABILITATION

ARNOLD SCHWARZENEGGER, GOVERNOR

DIVISION OF ADULT OPERATIONS  
CALIFORNIA STATE PRISON - SAN QUENTIN  
San Quentin CA 94964



October 6, 2005

Council:	
Miscellaneous	
Communication	X ✓ 10/20/05 Drm
Agend	
Copy to Personnel file	✓ 10/20/05 61
Copy to	

City of Rohnert Park  
Department of Public Safety  
Thomas Bullard, Director of Public Safety  
500 City Hall Drive  
Rohnert Park CA 94928

Dear Mr. Bullard:

RE: LETTER OF APPRECIATION

I would like to take this opportunity to express my appreciation for the assistance of Rohnert Park Department of Public Safety Officer Frank Higdon and his canine partner, Lex. On Friday, September 30, 2005, a state of emergency was declared at California State Prison - San Quentin. Due to the specific nature of this emergency, San Quentin requested assistance from local canine units to assist in searching the Adjustment Center (Condemned Row Unit) for illegal narcotics.

Specifically, on Friday, September 30, 2005, at about 1630 hours, Officer Higdon and Lex answered that request for assistance. Again, on Saturday, October 1, 2005, at about 2330 hours, Sergeant Jeff Nicks, along with Officer Higdon and Lex, responded to a last minute call for assistance at San Quentin. On both occasions, they assisted the institution in searching for illegal narcotics. They are to be commended for their professional conduct, expertise, and efficiency while searching the Adjustment Center and North Segregation condemned row units. Lex alerted in several cells thus identifying inmates that were hoarding controlled medication and/or suspected of illegal drug use. Their work ethic demonstrates the fact that they are valuable assets to both the community they serve as well as California State Prison - San Quentin. The impact of having Narcotic Canine Units assist in our searches is a major deterrent to future drug activity at San Quentin.

On behalf of the California Department of Corrections and Rehabilitation and California State Prison - San Quentin, we sincerely appreciate the assistance and commitment to duty that was expressed by Sergeant Nicks, Officer Higdon, and Lex in fulfilling this responsibility.

I look forward to working with your department's Canine Unit in the future with additional searches. I hope the experience and training opportunity was, and continues to be, a benefit to your Canine Unit as well as our institution.

S.W. ORNOSKI  
Warden (A)

From: Chad Broussard [cbroussard@analyticalcorp.com]  
Sent: Friday, November 04, 2005 10:10 AM  
To: Jennifer Wade  
Subject: FW: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

Another Graton Scoping comment, attached.

-----Original Message-----  
From: Bradley\_Mehaffy@nigc.gov [mailto:Bradley\_Mehaffy@nigc.gov]  
Sent: Friday, November 04, 2005 9:47 AM  
To: cbroussard@analyticalcorp.com  
Subject: FW: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

<<FINAL\_SCWC\_NEPA\_comments.pdf>> <<ATT09443.txt>>

-----Original Message-----  
From: Board  
To: Bradley\_Mehaffy@nigc.gov  
Cc: SCWaterCoalition@yahoogroups.com  
Sent: 11/4/2005 12:20 PM  
Subject: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

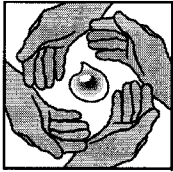
Dear Mr. Mehaffy

We are submitting the attached letter for your perusal signed by our Co-Chair Veronica Jacobi. A hard copy will also be sent to you by post.

Thank you,

Sonoma County Water Coalition  
404A Mendocino Avenue,  
Santa Rosa, CA 95404  
<http://scwatercoalition.org/>  
[info@SCWaterCoalition.org](mailto:info@SCWaterCoalition.org)

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## Sonoma County Water Coalition

404 A Mendocino Avenue, Santa Rosa, CA 95404 SCWaterCoalition@comcast.net  
707-575-5594

11/3/05

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

*RE: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project*

Dear Mr. Mehaffy;

The Sonoma County Water Coalition (SCWC) has 31 participating organizations representing approximately 27,000 concerned California voters. The SCWC is focused exclusively on sustainable water management issues and has no policies for or against Indian gaming. However, SCWC is concerned about a proposed casino complex to be built within an overdrafted part of the Santa Rosa Plain Groundwater Basin. Numerous studies attest to this overdraft.

The Sonoma County Water Agency (SCWA) already has instructed Rohnert Park, and all its other contractors, to rely on conservation, recycled wastewater, and “local sources”—that is, groundwater pumping—to make up for expected shortfalls due to insufficient water supplies in future. A water consumer of the magnitude that the casino proposes would have a pronounced adverse affect on the southern Santa Rosa plain groundwater subbasin’s over-produced groundwater supplies. The overdraft situation is sufficiently advanced to require that the applicant complete a thorough and meticulous groundwater basin study.

The enormous scale of the proposed project, destined for an overdrafted groundwater basin, is worrisome because this casino, after being taken into trust, would hold “federally reserved water rights”, which attach to reservation land. These federally reserved water rights take priority over pre-existing, state-based rights, and are protected against loss, interference, or

injury. Establishing federally reserved water rights in the overdrafted southern Santa Rosa Plain groundwater subbasin would endanger the ability of existing landowners and water purveyors to continue exercising their water rights. In addition, a sovereign Indian Nation would not likely be required to comply with the California Environmental Quality Act, SB 221, SB 610, a groundwater management plan under AB 3030, or any County or local groundwater ordinances.

All of the above-mentioned water management tools can help bring about sustainable water management practices, which the Coalition and other stakeholders actively hope to employ in Sonoma County.

Before taking such a drastic step as placing federally reserved water rights onto an overdrafted groundwater basin, the SCWC urges the NIGC to conduct a strict environmental review under the National Environmental Policy Act, which applies to federal discretionary decisions that may “significantly affect the human environment”. The very least of such actions should be a three-dimensional groundwater model of the southern Santa Rosa Plain groundwater subbasin, using MODFLOW software or an equivalent scientific model. As Lead Agency, the NIGC must select and hire an independent professional hydrology consultant, commissioned at the applicant’s expense, to conduct the groundwater study.

Given that earlier studies showed overdraft conditions, creating a reliable, data-based, 3-D groundwater model of the subbasin is a reasonable precautionary step, sound business practice, and clearly in the applicant’s best interest. The results would provide valuable information regarding the groundwater basin before making any business commitments to construction or groundwater pumping. When complete, the results of the study, including all input and output data and backup documentation, should be available for public scrutiny.

A project of this size would require several scoping sessions—holding only one would be wholly inadequate. NEPA compliance requires that scoping session invitations be sent to all stakeholders. For the Santa Rosa Groundwater subbasin, NIGC should include representatives from: the U.S. Geological Survey, the California Departments of Water Resources and Health Services, the North Coast Regional Water Quality Control Board, the Sonoma County Water Agency, Sonoma County Board of Supervisors, and Rohnert Park, Petaluma, Cotati, Sebastopol, and Santa Rosa, City Council members, as well as SCWC and all of its member organizations.

We look forward to the applicant's written responses to these inquiries.

Sincerely,

A handwritten signature in black ink that reads "Veronica Jacobi". The signature is written in a cursive style with a large, looping initial "V".

Veronica Jacobi  
Co-Chair,  
Sonoma County Water Coalition

# North Bay Construction, Inc.

October 20, 2005

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

Re: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

Dear Mr. Mehaffy,

I attended the October 19, 2005 scoping hearing for the Graton Rancheria Casino/Hotel project but unfortunately was unable to provide my input that evening so I would like to provide you with my comments by way of this letter.

My company, North Bay Construction, Inc. employs roughly 400 people and 90% of those people live in Sonoma County. North Bay Construction and its employees have experienced first hand the economic benefits that are associated with the construction of a Gaming/Hotel facility such as the one being proposed by the Graton Rancheria.

The reason for our first hand experience is due to the fact that North Bay Construction has been the site work Contractor (grading, paving, underground utilities) for the River Rock Casino project in Geyserville, California since it's ground breaking in 2002.

During the past four years, North Bay Construction employees have logged over 150,000 man hours in constructing the building pads, access/entrance roads, parking lots, sewer systems, water systems and drainage facilities. These man hours equate to over \$7.5 million dollars worth of payroll checks issued to our work force on this project.

As I stated earlier, the majority of our work force resides in Sonoma County so all of the \$7.5 million dollars of payroll gets re-invested back into Sonoma County when our employees buy their groceries, gas and other daily products as well as, luxury items such as cars, boats and homes.

Now please keep in mind that North Bay Construction's portion of the River Rock project was only about 25% or less of the total amount of labor spent on the constructing of the project. So you can really appreciate the huge impact this project

431 Payran St., P.O. Box 6004 Petaluma, CA 94953



Telephone: (707) 763-2891 — License No. 857560  
FAX: (707) 765-6417

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# North Bay Construction, Inc.

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October 20, 2005

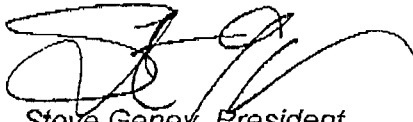
*had on our community when you multiply these man hours and payroll amounts several times over to include all of the other building trades who performed work on this project.*

*Another thing to keep in mind is that the Graton Rancheria project in Rohnert Park, California is a much larger project than the River Rock site so that compounds the economic impacts even more.*

*The bottom line is, this Project has the potential of giving Sonoma County a very large economic boost over the next several years and keeping high paying jobs in our local community is something that needs to happen more often in Sonoma County.*

*Thank you for your time and all of the hard work you are putting into this process and should you need any back up information on anything I have presented in this letter please feel free to contact me.*

*Respectfully Submitted,*  
NORTH BAY CONSTRUCTION, INC.



Steve Geney, President

*Cc; Lesley A. Pittman, Stations Casinos, Inc.*







**O.W.L. Foundation**

President, H.R. Downs  
 Secretary, Deborah Hunt  
 Treasurer, Heidi Dieffenbach-Carle  
 R.G.  
 Bonnie Kneibler, M.D..  
 Jane Neilson, Ph.D.  
 Susan Panttaja, R.G.  
 Ray Peterson  
[www.owlfoundation.net](http://www.owlfoundation.net)

10/19/05

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

DOCUMENTATION SENT:  
 OPS. 129693671239179741  
 8 MINUTES AND TABLE OF  
 CONTENTS DUE - NOV. 15<sup>TH</sup>, 2005

**RE: A casino proposed by the Federated Indians of Graton Rancheria and Stations**  
**Casinos of Nevada near Rohnert Park, California**

The O.W.L. Foundation ("O.W.L.") submits this letter providing written comments pursuant to the National Environmental Policy Act (NEPA) and specifically with regards to a proposed casino complex undertaken jointly by the Federated Indians of Graton Rancheria and Station Casinos ("the applicant"). We feel that the number and length of the scoping hearings for this project are wholly inadequate for an endeavor of such magnitude and especially for such a substantial development destined for a site already suffering profound environmental vitiation. We therefore request additional NEPA scoping secessions to allow more of the public to submit comments and observations.

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O.W.L. Foundation Comments  
Graton Rancheria NEPA compliance  
10/19/05  
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O.W.L.'s mission is to secure the adoption of a program that ensures sustainable management of our water resources in Sonoma County. O.W.L.'s membership is comprised of residents throughout Sonoma County, including residents of Penngrove, who understand that immediate steps must be taken to avoid a disastrous outcome for the County's groundwater supply.

The County's once reliable groundwater supply has been overproduced. O.W.L. has consistently presented undisputable facts about existing and worsening conditions of overdraft in the Santa Rosa Plain Groundwater Basin. In light of the Basin's overdrafted condition, O.W.L. has filed a lawsuit against the City of Rohnert Park alleging the City failed to comply with California Water Supply laws that impose strict requirements on certain development projects. A copy of O.W.L.'s Complaint is attached.

The proposed casino and hotel/retail complex will have a devastating affect on the County's water supply. Under federal case law (the "Winters Doctrine"), when an Indian reservation is established, "federally reserved water rights" attach to the reservation land. These federally reserved water rights take priority over pre-existing, state-based rights, and are protected against loss, interference, or injury. Thus, serious implications could arise from the establishment of federally reserved water rights in the Sonoma County groundwater basin system. These federally reserved rights would further

O.W.L. Foundation Comments  
Graton Rancheria NEPA compliance  
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jeopardize the ability of existing landowners and water purveyors to exercise their water rights. In addition, an Indian Nation would not likely be required to comply with the California Environmental Quality Act, SB 221 and SB 610, a locally enacted groundwater ordinance, or a groundwater management plan due to its status as a sovereign nation. A copy of a recently drafted report entitled "Legal Analysis of Sonoma County's Groundwater Supply and the Adverse Affect of Federally Reserved Water Rights" is attached which will further elaborate on this issue.

The O.W.L. Foundation's primary concern is the location of this proposed project within a basin suffering groundwater overdraft. We are submitting under separate cover copious documentation of not just the overdraft situation surrounding Rohnert Park, and therefore the proposed site.

This more comprehensive picture will help the NEPA process expand to an Area-Wide Plan that includes the Santa Rosa Plain Groundwater Basin. O.W.L. regards an Area-Wide Plan that includes the groundwater basin as necessary, reasonable and appropriate. An Area-Wide Plan can plan ahead 20 years, a timeline that would agree S.B. 610's 20-year timeline.

The O.W.L. Foundation feels that an Area-Wide Plan is justified given the severity of Sonoma County's water crisis. It is in the applicant's best interest to fully comprehend the water crisis before committing to construction or groundwater pumping.

O.W.L. Foundation Comments  
Graton Rancheria NEPA compliance  
10/19/05  
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The applicant would also benefit from understanding the dwindling water supply available to the Sonoma County Water Agency, and hence the region, due to Friends of the Eel River v. Sonoma County Water Agency, Cal.App.4<sup>th</sup>; Case No. AO98118 (appeal filed Sept. 17, 2002 1st Dist.) and the consequences this decision exerts on the Russian River, the Laguna de Santa Rosa, and all contractors of SCWA. All stakeholders in the Santa Rosa groundwater basin share the same finite source of water and it is reasonable for the applicant to plan ahead if the project expects to consume a portion of this limited resource.

As the Casino proposal is dependent on the project site being designated as federal reservation land, O.W.L. advocates for strict environmental review under the National Environmental Policy Act, which applies to federal discretionary decisions that may "significantly affect the human environment".

1. Will the placement of the applicant's federal right in any way expropriate, annex or take water rights away from existing stakeholders? Does it have the potential to do so? If it does, please explain how such reapportionment might happen and why. Under an Adjudicated groundwater basin, will the applicant's water right, in any way, enjoy primacy, preeminence, or superiority over the water rights of neighbors who do not have federal water right protection? If so, please explain how such primacy is determined and what proportion of water resources would be assigned to the applicant by a court-appointed "watermaster" in the event that the groundwater basin is adjudicated.

O.W.L. Foundation Comments  
Graton Rancheria NEPA compliance  
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2. Does the applicant intend to sell water within its property borders? If so, what is the source of this water?

3. Does the applicant intend to bottle groundwater intended for sale?

4. Does the applicant intend to plant vineyards or undertake any agricultural production, including plants considered to be ornamental garden products? If so, how many acre-feet of water will these plants consume in a year? Please describe the irrigation system planned for such use, if any.

5. How many groundwater wells does the applicant intend to drill? Please describe the pumping capacity for each well.

6. To what depth are these proposed wells to be drilled? Please describe the specifications of the casings for these wells.

7. At what depth are these wells to be screened?

8. Where, precisely, within the existing cone of depression will these wells be located?

9. Will the applicant be purchasing water from outside the proposed boundaries of the project? If so, how much water will be purchased per year? From where does the applicant plan to purchase water? Does the applicant have plans to install pipe that cross the project's property lines? If so, where will this pipeline go and to what use will it be put? Will the applicant import water via tanker trucks? Will the applicant import water in the event of unproductive wells? If so, and depending on the duration of

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inadequate yield, where will this tanker water come from, and how much imported water will be imported?

10. Has the applicant performed a three-dimensional groundwater model of the Santa Rosa Plain Groundwater Basin or subbasin using MODFLOW or an equivalent groundwater model? If not, please explain why such a study is missing or not needed. If so, how may O.W.L. obtain these data?

11. How much water does the applicant expect to draw indirectly from the Laguna de Santa Rosa due to underground flows caused by the natural drafting of the applicant's proposed groundwater wells? Will this draw affect the three existing "emergency" wells operated by the Sonoma County Water Agency ("SCWA") located at Todd Road, Occidental Road, and Sebastopol Road? How much water must the three "emergency" wells draw before they have an effect on the applicant's wells?

12. Has the applicant made any plans to contract water from the SCWA? Have any representatives from the applicant spoken with or met with representatives of the SCWA? If there have been no discussions between the applicant and the SCWA, please explain why there have been no discussions and if the applicant plans to rely solely on groundwater extraction.

13. What is the applicant's definition of "groundwater overdraft"? If that definition is different than the definition of groundwater overdraft used in the Bulletin 118 Update by the California Department of Water Resources ("DWR"), prepared as of

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2003, then are those two definitions consistent? If yes, please explain. If not, please explain why they are not.

14. The California Supreme Court in Pasadena v. City of Alhambra (1949) 33 Cal.2d 908, defined groundwater overdraft in terms of the taking of groundwater in excess of "safe yield." What is the safe yield of the Basin? Does the applicant contend that the definition of groundwater overdraft used in the Water Supply Assessment ("WSA") prepared by the City of Rohnert Park is consistent with the California Supreme Court's treatment of overdraft as production of groundwater in excess of safe yield? Please explain how the definitions are consistent or inconsistent.

15. Please describe all actions and/or programs that the applicant plans to undertake that are designed to contribute to the elimination of the overdraft condition of the basin.

16. DWR Bulletin 118 states that the average annual natural recharge for the Basin for the period 1960 to 1975 was estimated to be about 29,300 acre feet ("af"). Has the applicant determined the annual natural recharge rate for the Basin as of today or more recent years? If so, is that recharge rate greater or less than the recharge rate reported by DWR in Bulletin 118? Please explain any differences between those recharge rates.

17. In a recently prepared document entitled "Santa Rosa Plain Groundwater Study: Cost Allocation Including Contribution for Unincorporated County

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Areas Population and Estimated Usage,” the Sonoma County Water Agency (“SCWA”) estimated that the annual groundwater production from the Basin was 34,333 af. Is that correct? Does the applicant have any information to show that the groundwater production from the Basin as of the current date is less than that amount?

18. Will any portion of the Project area cover any portion of the area designated in DWR Bulletin 118-4 as an area of natural recharge? If yes, what affect will the project have on the annual natural recharge rate for the Basin?

19. DWR Bulletin 118 reported that the average annual groundwater pumping from the Basin during the period from 1960 to 1975 was estimated to be approximately 29,700 af. Has the applicant determined the average rate of annual groundwater pumping from the Basin as of today or more recent years? If so, is that pumping rate greater or less than the pumping rate reported by DWR? Please explain any differences between those two production rates.

20. Various technical reports, including the Rohnert Park WSA and the Environmental Impact Report prepared for the Canon Manor West Project (the “CMW EIR”), indicates that groundwater levels in the Basin have declined since the early 1960s. Has the applicant been informed, through whatever means, that certain landowners with groundwater wells in the Basin have been unable to produce groundwater from those wells over the past five years, and have had to either abandon the well or drill it to deeper



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depths? If so, has the applicant taken any steps to investigate the cause(s) of those landowners' loss of their wells? If so, what conclusions has the applicant reached?

21. Please identify the hydrogeologic boundaries of the Basin.

22. Is any portion of the Basin an unconfined aquifer? If so, please identify.

23. Is any portion of the Basin a confined aquifer? If so, please identify.

24. Please identify or describe the location of the Rodgers Creek fault zone relative to the proposed site. How does that fault affect the flow of water into the Basin? What are the estimated impairments to the applicant's groundwater wells, in acre-feet per year, of possible magnitudes 5.5; 6; and 7 earthquakes occurring within that fault zone?

25. Please describe the geology of the Sonoma Volcanics and Petaluma Formations. Are those geologic formations present east of the Rodgers Creek fault? What are the properties of storage and transmission of groundwater flow through those formations? What information shows that a large fraction of groundwater recharge into the Basin is obtained from groundwater flow outside the subbasin through the Petaluma Formation and Sonoma Volcanics, particularly from areas within or east of the Rodgers Creek Fault Zone? If such transmission exists, how would it affect the applicant's proposed wells?

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26. Has the applicant or any employee of the applicant that has considered the hydrologic impacts of the proposed project reviewed the PES Environmental, Inc. groundwater model that appears in Rohnert Park's 2000 General Plan, or the input and output files used for that model? If not, why not? Isn't that information relevant to the analysis of water supply impacts? If so, who reviewed the data and how may O.W.L. obtain these data?

27. As of December 31, 2003, have groundwater levels at all depths in the Basin returned to the groundwater levels of 1982? If yes, please explain and provide a technical justification. If no, why didn't groundwater levels completely recover during the 1990s given the amount of rainfall during that decade? Did the amount of rainfall from 1990 to 2003 exceed the average amount of rainfall for Sonoma County determined in the WSA?

28. Has the lateral extent of the cone of depression in the Basin below the City of Rohnert Park ("the City"), and the proposed location of the project, increased or extended since 1985? Did the City install new groundwater production wells at the outer edges of its boundaries after 1985? If yes, please identify those wells, including their locations. Since the installation of those new production wells, has the City decreased the amount of pumping from the older groundwater wells at or near the center of the City's boundaries? Would the production of water from newer groundwater wells at the outer edges of the City boundaries and the production of less water from the groundwater wells at the center of the City change the shape of the cone of depression? How will the

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applicant's groundwater wells interact and affect these existing wells? How will the applicant's wells modify the contour of the cone of depression?

29. The WSA assumes that the City's annual groundwater pumping will not exceed the limit of 2.3 million gallons per day ("mgd") or 2,577 af provided in the City's 2004 Water Policy Resolution ("2004 Resolution"). What guarantees has the applicant secured from the City to ensure that that limit will not be exceeded? Does the applicant plan to adopt a groundwater management plan in conjunction with the City and consistent with the State statute known as AB 3030 as a measure aimed at ensuring that the groundwater limits set forth in the 2004 Resolution will not be exceeded? If not, why not? If not, what steps has the applicant taken toward adopting such a plan in the future?

30. The maximum groundwater limits set forth in the 2004 Resolution is similar to the groundwater production limits identified in Section G of the Stipulated Judgment entered in the Court case entitled South County Resource Preservation Committee and John E. King v. City of Rohnert Park, Sonoma County Superior Court, (Case No. 224976). The provisions of Section C of that Stipulated Judgment obligate the City to undertake a groundwater monitoring program. Has the applicant approached the City to ensure that such a groundwater-monitoring program is currently vigilant? If so, where can O.W.L. obtain the results of that monitoring program? Has the applicant prepared current groundwater level contour maps for the Basin, including spring and fall seasons? Has the applicant obtained such maps from the City as they are required by Section C of the Stipulated Judgment and should be in the City's possession? If so,

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where can O.W.L. obtain copies of such maps? Has the City submitted to DWR the type of data described in Section C of the Stipulated Judgment and has the applicant demanded and obtained copies for the proposed project? If so, where can O.W.L. obtain a copy of such information?

31. How is an aquifer defined?

32. What is the source of that definition of the term "aquifer"?

33. Has the applicant determined which of the City's wells experienced a decline in water levels in any zone during the period from 1987 to 2000?

34. Has the amount of annual natural recharge into the Basin decreased since the 1982 DWR Study due to development of various projects on land that had provided natural recharge into the Basin? If yes, what is the amount of that decrease in recharge?

35. DWR well 07N09W26P001M is located near SCWA's Occidental Road Well. The groundwater level decline beginning in 1999 in that well may be due to pumping by Sebastopol Road and Occidental Road wells. Has the applicant accounted for the water level declines in that well? If so, how may O.W.L. obtain these data? If not, please explain why this examination is missing or not needed.

36. DWR well 06N08W26M001M is west of Rohnert Park. Water level elevations in that well between -20.5 and -82.5 feet are far below historic water levels of

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about +70 to +90 feet. Is that correct? What is the applicant's estimated projection of water levels in these wells before the project is built and what are the estimated levels after the project's wells are in full production?

37. DWR well 06NO8W22R001M is located west of Rohnert Park. Water levels in that well are between -23.3 and -59.0 feet elevation, which is far below historical elevations of about +70 to +90 feet. Is that correct? What is the applicant's estimated projection of water levels in these wells before the project is built and what are the estimated levels after the project's wells are in full production?

38. DWR well 06NO7W19E001M is located east of Rohnert Park and shows water levels between -13.4 ft and -55.6 feet in elevation, far below historic water levels of about +100 to +110 feet. Is that correct? What is the applicant's estimated projection of water levels in these wells before the project is built and what are the estimated levels after the project's wells are in full production?

39. The Penngrove Water Company well is located within the Basin immediately east of Rohnert Park. This well shows water level depths of 200 feet below the ground surface in 2004, far below historic water level depths of 5 to 20 feet. The PWC well has experienced a 180-foot drop since 1951. Is that correct? What is the applicant's estimated projection of water levels in this well before the project is built and what are the estimated levels after the project's wells are in full production?

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40. It appears that certain water level contours relied upon in the WSA are improperly drawn. For example, upon closer inspection of Figures 15 and 16 in the WSA, the cones of depression should look deeper in several portions of the City since the contours do not honor low water levels. For Figure 15:

- o Wells 5, 7 and 24 should be below a 20 ft level contour
- o Well 15 should be at a 0 ft level contour
- o Well 38 should be below a 60 ft contour
- o Well 6 should be below a 40 ft contour

For Figure 16:

- o Well 15 should be drawn below a 0 ft contour (no 0 ft contour exists)
- o Well 7 should be drawn at a 0 ft contour (not at 40 ft).
- o Well 2 should be draw below a 20 ft contour (no 20 ft contour exists).
- o Wells 14 and 16 should be drawn below a 20 ft contour.

Is this correct? If not, why not? What is the applicant's estimated projection of cone of depression contour lines for these wells before the project is built and what are the estimated positions of the contour lines after the project's wells are in full production?

41. Does any portion of the Project area or site overlay alluvial fan(s)?

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42. The existing Sonoma County General Plan that was last updated in 1989, accepts that the areas identified by DWR as groundwater recharge areas are in fact groundwater recharge areas. In addition, Sonoma County's General Plan maps show that an even larger area located in and around Rohnert Park is also considered important recharge areas. How much state-identified groundwater recharge lands will the applicant's project cover up? How much water, in acre-feet, will the applicant's project remove from the natural groundwater recharge process?

43. The two new Rainey Collector pumping stations are now completed by the SCWA and are located in the banks of the Russian River for a total of seven wells. The Canon Manor West DEIR Volume 1 states on page 2-18 "...much of the basin recharge occurs due to percolation from the Russian River and other large creeks of Rohnert Park". If Rohnert Park has shifted its reliance on water from City owned wells to increased pumping "upstream" by SCWA wells along the Russian River as well as the three SCWA wells on Todd Road, Occidental Road, and Sebastopol Road, doesn't it mean that Rohnert Park will take water from the Russian River gravel beds that would have otherwise flowed into the Santa Rosa Plain Groundwater Basin that serves Penngrove and other overlying users? Will the applicant's wells be affected by this reduction in underground percolation from the Russian River and from Rohnert Park's creeks? If not, please explain why not.

44. Recently the RWQCB identified that the Sonoma County Dump site, located on Meacham Road just South West of Rohnert Park, has leaking liners that were

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intended to prevent leachate from percolating into area groundwater supplies. Dumping at this site is no longer possible as it was just closed as of September 1, 2005. What are the regional implications of the applicant's ability to safely extract well water? How will the leaking liners at the Meacham Road dump affect the applicant's wells and the applicant's ability to produce potable groundwater?

45. What are the risks of groundwater contamination associated with the Incremental Recycled Water Program that has designated the same state-identified recharge lands to be the holding pond sites for the proposed University District housing site? Isn't it possible the IRWP holding ponds will also leak and contaminate the entire Basin? How has the applicant prepared for groundwater contamination? What alternate source of water has the applicant considered or envisioned?

46. See attached MMWD letter to SCWA and please comment on it's contents and implications for the applicant's project.

47. Page ES-6 paragraph 4 of the Canon Manor West DEIR states that "protection of significant recharge areas would help ensure groundwater supply for future uses". Shouldn't the applicant's project be abandoned to protect recharge lands? Shouldn't groundwater recharge lands be permanently protected?

48. Section 3.5 of the New Master Water Agreement that binds the Sonoma County Water Agency and the prime water contractors in both Sonoma and Marin County talks about what measures will be taken by the cities in case of an emergency or



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impairment. Is it true that under an impairment or emergency the City of Rohnert Park will bring on line all of its wells to supply the needs of both the City and the aqueduct pipeline that serves other water contractors? Has the applicant determined if the agreement allows the City to pump more than the agreed upon amount of 2.3 mgd? Will the Santa Rosa Plain Groundwater Basin decline? At what rate will it decline for every year an impairment or emergency takes place assuming normal years of rainfall? Under abnormal years of rainfall? How will the applicant be affected by Rohnert Park's accelerated pumping rate? Will the accelerated pumping rate exceed the subbasin recharge rate? What contingency plans has the applicant formulated to accommodate accelerated pumping by Rohnert Park in the event that impairment or emergency triggers such pumping?

49. Does the applicant expect to purchase properties adjacent to the proposed project site in the foreseeable future? Could the project expand beyond the present proposed borders in five years? In 10 years? Please estimate groundwater pumping in acre-feet/year for reasonable projected expansion.

50. How does the applicant plan to dispose of sewage and solid waste? Does the applicant plan on becoming party to the IRWP? Will sewage be pumped to a County or city-operated treatment plant? If so, which one? How many gallons of sewage a day does the applicant expect to produce?

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51. If the applicant plans on local package treatment, to what degree will the effluent be treated? Would such a plant utilize reverse osmosis? Nano filtration? UV exposure? How will volatiles be removed? How will pharmaceuticals be removed? How will Phthalates be removed? How will viruses be removed? If any of these contaminants are expected to remain in the effluent, please explain the risk to groundwater contamination and the possible effects on human and animal health as a result of such contamination. Where and in what manner will the effluent be disposed of?

In conclusion, we wish to thank the NIGC and the BIA for this opportunity to submit comments on the proposed project and look forward to the written responses that address the concerns expressed herein.

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

President, H.R. Downs  
Secretary, Deborah Hunt  
Treasurer, Heidi Dieffenbach-Carle R.G  
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Jane Neilson, Ph.D..  
Susan Panttaja, R.G.  
Ray Peterson  
[www.owlfoundation.net](http://www.owlfoundation.net)

B-4

10/27/05

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

RECEIVED  
NATIONAL INDIAN GAMING COMMISSION  
OCT 27 2005  
WASHINGTON, D.C.

**RE: A casino proposed by the Federated Indians of Graton Rancheria and Stations  
Casinos of Nevada near Rohnert Park, California**

In our previous submissions on October 19, 2005 (duplicated herein for your convenience), we informed you that the O.W.L. Foundation ("O.W.L.") would be forwarding to you additional documentation for your consideration pursuant to the above-mentioned project. Below, please find an index to the eight separate binders and 10 maps that accompany this shipment. The documents contain information pertinent to the proposed casino complex under your review for NEPA compliance. It is important that the information contained in these pages is carefully considered during the compliance process because the project at issue, if carried to completion, would exert substantial damage to the water supplies and water quality of the Santa Rosa Groundwater Basin.

Each of the enclosures directly bears on the future thoroughness of the EIS and deserves consideration as the project proceeds. We repeat our previous appeal: As the Casino proposal is dependent on the project site being designated as federal reservation land, O.W.L.

advocates for strict environmental review under the National Environmental Policy Act, which applies to federal discretionary decisions that may “significantly affect the human environment”. The gravity of the water crisis in the Santa Rosa Groundwater Basin and the poor future prognosis argue strongly for careful forethought and reasonable preparation.



























Generally, these documents include, but are not limited to: maps and diagrams; technical studies and assessments; reports; historical and current environmental impact reports; legal briefs and court opinions; surveys; the entirety of all documents referenced therein; and other pertinent documents. In addition, O.W.L. includes by reference all documents responsive to records requests that it has already submitted to the Cities of Rohnert Park and Cotati, Sonoma State University, the Sonoma County Water Agency and any other entity, including documents still to be provided by the responding agencies. Some documents are represented by cover pages, and by implication are meant to include the rest of those documents in their entirety. We have done this to save both paper and expense; they should be considered in their entirety as forming a part of the official record in this proceeding.

Specifically, O.W.L. hereby submits the following materials for your review:

**CDs**

- 1) Rohnert Park General Plan 2000
- 2) Incremental Recycled Water Program May 2003 disk 1 & 2; IRWP Master Plan; Final EIR
- 3) Sonoma County Water Agency “Emergency” Well groundwater data 2 disks: 1.13.05 & 11.18.04

4) Archive Text Books:

 CanonManorWestSubdivisionAssessment.pdf	12/27/04	9.2 MB
 EIRExcerptsMar04.pdf	12/27/04	9.9 MB
 UrbanWaterMangementlanFeb202001.pdf	12/28/04	1.5 MB
 GroundwaterQualityMo...ProgramMarch2003.pdf	12/28/04	4 MB
 GroundwaterStudyJuly1979.pdf	12/28/04	6.8 MB
 CityofRphnertParkGeneralPlanOct1999.pdf	12/28/04	11.6 MB
 SantaRosaPretreatmentReport2003.pdf	12/28/04	2.7 MB
 RussianRiverBiological...essmentJan122001.pdf	12/28/04	9.6 MB
 RPEnvironmentalImpactreportOct1999.pdf	12/28/04	15.3 MB
 GuidebookFor Impleme...1610and221of2001.pdf	12/29/04	3.8 MB
 PenngroveSpecificPlan.pdf	12/29/04	12 MB
 SonomaMountainAreaPlan.pdf	12/29/04	3.9 MB
 RohnertParkDraftZoningOrdinance2002.pdf	12/29/04	10.9 MB
 UrbanWaterManagementPlanSept1996.pdf	12/29/04	16.3 MB
 SuperiorCourtCase#224976.pdf	12/29/04	790 KB
 SuperiorCourtCase#224976(2).pdf	12/29/04	1.3 MB
 SuperiorCourtCase#224976(3).pdf	12/29/04	2.5 MB
 GeneralPlanMitigation...011990toJun301991.pdf	12/29/04	2.8 MB
 GroundWaterREsources1982.pdf	12/30/04	4.6 MB
 GroundWaterREsources1982Bulletin118_4.pdf	12/30/04	5 MB
 EnvironmentalImpactReportMay2000	12/30/04	--
 part1.pdf	12/30/04	10.8 MB
 part2.pdf	12/30/04	7.5 MB
 GroundWaterResourcesDec1975.pdf	12/30/04	8.6 MB
 GroundWaterResourcesSept1982.pdf	12/30/04	6 MB
 PerformaceControlsForSensitiveLands.pdf	12/30/04	12.7 MB

**Book 1 - Exhibit #**

- 1) Meeting Water Demands in Rohnert Park – Cover Page
- 2) Rohnert Park Draft Environmental Impact Report – Oct. 1999 - Cover Page
- 3) Rohnert Park Revised DEIR May 5, 2000 – Cover Page
- 4) Rohnert Park General Plan – Review Draft – Oct. 1999 – Cover Page
- 5) RP Draft Zoning Ordinance – 2002
- 6) 4 CD's – Incremental Recycled Water Program – Santa Rosa Board of Public Utilities – DEIR, Master Plan, Final EIR – 2004 (In Book Pocket)
- 7) SCWA well data CD – Nov 11, 2004 (back pocket of book 1)
- 8) Canon Manor West Subdivision Assessment District – Initial Study – June 2003 Cover Page
- 9) Canon Manor West Subdivision Assessment District DEIR Volume 1 Cover Page
- 10) CMW Subdivision Assessment District DEIR Volume 2 June 28, 2004 Cover Page
- 11) Santa Rosa Annual Pretreatment Report – 2003 Cover Page
- 12) EIR Excerpts Related To Impacts of Recycled Water Discharge March 1, 2004 Cover Page
- 13) Entrix – Russian River Biological Assessment – January 12, 2001 Cover Page
- 14) Sonoma Mountain Area Plan – Proposed Draft – August – '91 Cover Page

- 15) Urban Water Management Plan 2000 – SCWA Cover Page
- 16) Urban Water Management Plan – SCWA - September 1996 – Cover Page
- 17) Sonoma County General Plan – Amended March 1, 1994 – 2 pages
- 18) Sonoma County General Plan 2020 – CAC Overview Draft – October 28, 2004 Cover Page
- 19) Penngrove Specific Plan – 1984 – Cover Page
- 20) California’s Groundwater Draft – 2003 Cover Page
- 21) California’s Groundwater Bulletin 118 – Update 2003
- 22) Sonoma County Water Agency – Petaluma Presentation – Jan. 10, 2000 Cover Page
- 23) SCWA Preliminary Assessment – Urban Water Reuse – November 1999 Cover Page
- 24) Kleinfelder – Pilot Study of Groundwater Conditions – September 27, 2003 Cover Page
- 25) DWR – 118 Sonoma County – Geologic & Hydrologic Data – December 1975 Cover Page
- 26) DWR – 118 – Evaluation of Groundwater Resources – February 1982 - Cover Page
- 27) DWR – 118 – Petaluma Valley – June 1982 – Cover Page
- 28) DWR – 118 – Santa Rosa Plain – September 1982 – Cover Page
- 29) Performance Controls For Sensitive Lands – Report NOS 307, 308 Cover Page
- 30) Soil Survey – Sonoma County – USDA – May 1972 – Cover Page
- 31) SWRCB – Report To The Governor – March 2003 – Cover Page
- 32) USGS – SWRCB – Groundwater Ambient Monitoring – 1 Page
- 33) USGS – Framework For Groundwater Quality Monitoring - # 03-4166 1 Page
- 34) USGS – Photograph – Land Subsidence – San Joaquin Valley 1977 – 1 Page
- 35) SCWA – Executive Summary – February 20, 2001 – 26 Pages
- 36) Coastal Post – “Big Trouble Coming In Sonoma County” May 1998 –1 Page
- 37) Marin Municipal Water District – Billing Flyer – Oct. 2004 2 Pages
- 38) Canon Manor West Assessment District – Status Report – October 2004 1 Page
- 39) Sonoma County Grand Jury - Got Water? July 1, 2004 – 2 Pages
- 40) BOS Response To Grand Jury Report – September 21, 2004 – 3 Pages
- 41) DWR Questionnaire – Dated Nov. 1997 – 4 Pages
- 42) North Marin Water District – May 20, 1992 – Agreement For Use of Surplus Entitlement – 1 Page
- 43) RP Response To Grand Jury Report – July 27, 2004 – 3 Pages
- 44) City of Cotati Response To Grand Jury Report – October 27, 2004 – 3 Pages
- 45) City of Cloverdale Response to Grand Jury Report – September 22, 2004 – 2 Pages
- 46) City of Cloverdale Letter – Prepared by Assistant City Engineer – September 22, 2004
- 47) City of Windsor Letter – Response To Grand Jury – September 2, 2004 – 2 Pages
- 48) City of Sebastopol Letter – Response to Grand Jury – October 20, 2004 – 2 Pages
- 49) Ad Hoc Committee For Clean Water – Low Flow Petition – July 22, 2004 – 1 Page
- 50) RP – City Ordinance No. 724 – October 12, 2004 – 5 Pages
- 51) RP – City Ordinance No. 723 – October 12, 2004 – 5 Pages
- 52) RP – City Resolution No. 2004-284 – October 26, 2004 – 2 Pages
- 53) RP – Water Supply Assessment – 6 Pages
- 54) Computer Simulated Map Likeness of Well Survey Results Prepared by John King – 1 Page
- 55) SCWA Restructured Agreement – 2 Pages
- 56) Rohnert Park – Letter To Dan Kolkey - Casino – July 15, 2004
- 57) Parsons Engineering WSTSP Evaluation – August 1995 – 3 pages
- 58) RP Well field Drillers Log Summaries – 2 pages
- 59) RP Historical Well field Information – 127 Pages

- 60) City of Cotati – Well field Information – 5 Pages
- 61) Sonoma State University – Well field Letter & Information – 103 Pages
- 62) SCWA - :Public Records Act Request – 84 Pages
- 63) “A White Paper” California Groundwater Resources – March 2003 – 25 Pages
- 64) SCWA – Water Supply Workshop – November 1, 2004 – 43 Pages
- 65) Letter – “Stand Up For California” – November 1, 2004 – 2 Pages
- 66) Canon Manor West DEIR Excerpts – 16 pages
- 67) Senate Bill 610 Analysis – 40 pages
- 68) Senate Bill 221 Analysis – 23 Pages

**Book 2 – Exhibit #**

- 1) SCWA WAC Memo – Expected Future Water Demand - April 1, 2004 – 26 Pages
- 2) Attachment A – Sonoma County Water Agency Letter – August 11, 2003 – 37 Pages
- 3) Restructured Agreement For Water Supply – 44 Pages
- 4) State of California – Temporary Urgency Change – SCWA – Low Flow Russian River – 11 Pages
- 5) Paul Stutrud – Letter – PRMD – August 13, 2004 – 1 Page
- 6) State Water Resources Control Board, Board Meeting, Public Hearing & Workshop – July 22, 2004 – 43 Pages
- 7) Parsons Engineering – Evaluation of Groundwater Supplies – August 1995 – 47 Pages
- 8) John King Letter – CAC – October 14, 2004 – 27 Pages
- 9) Steve Carle Letter – CAC – April 21, 2003 – 78 Pages
- 10) John King Letter – SCWA – February 27, 2003 – 3 Pages
- 11) Index – John King – 4 pages
- 12) County of Sonoma – John King – August 24, 2001 – 2 pages
- 13) John King Letter – April 1, 2002 – 2 Pages
- 14) SCWA Letter – May 14, 2002 – 2 Pages
- 15) John King Letter – May 28, 2002 – 2 Pages
- 16) Santa Clara Valley Water District – Groundwater Management Plan – July 2001 – Cover Page
- 17) SCWA Letter – June 6, 2002 – 1 Page
- 18) CAC Letter – June 24, 2002 – 3 Pages
- 19) Sonoma LAFCO Letter – January 30, 2002 – 55 Pages
- 20) City of Cotati – Historical Groundwater Pumping – 3 Pages
- 21) SCWA – Water Allocation – 1 Page
- 22) SCWA Letter From John King - March 24, 2002 – 2 Pages
- 23) SCWA Letter From John King – April 1, 2002 – 2 Pages
- 24) SCWA Letter – May 14, 2002 – 2 Pages
- 25) SCWA Letter – May 28, 2004 – 2 Pages
- 26) SCWA Letter – June 6, 2002 – 1 Page
- 27) CRWQCB Letter – March 6, 2002 – 2 Pages
- 28) CAC Letter – July 18, 2002 – 4 Pages
- 29) CAC Letter – September 22, 2002 – 5 Pages
- 30) January 7, 2003 – Multiple Addressee Letter – 32 Pages
- 31) Cooper Road & Sebastopol’s Groundwater – January 2000 - 9 Pages

- 32) Well Survey Form – Penngrove – September 12, 2004
- 33) Press Democrat Article – State Blasts County Water Conservation Efforts – November 19, 2004 – 3 Pages
- 34) Rohnert Park – Historical Well & SCWA Water Data – 5 Pages
- 35) Weston Benshoof Letter – O.W.L. Foundation’s Comments To Draft Water Supply Assessment – November 19, 2004 – 21 Pages
- 36) Steve Carle Power Point Charts & Graphs – January 2000 – 13 Pages
- 37) Zander & Associates – Sebastopol Laguna Vista Project – Biological Resource Assessment – June 17, 2003 – 33 Pages
- 38) State Water Resources Control Board – Workshop / Public Hearing Agenda For Sacramento – November 18, 2004
- 39) Photograph – Well Survey Summary Map Prepared By John King / Includes Identifying Penngrove Zip Code Area 94951 – Dated 11/17/2004
- 40) Water Watch in Sonoma County, League of Women Voters – October 2004 - 42 Pages
- 41) O.W.L. Foundation Letter – SCWA – Information Request – November 15, 2004 – 1 Page

**Book 3 – Exhibit #**

- 1) CAC Letter – January 11, 2003 – 152 Pages
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- 3) January 20, 2003 – Multiple Addressee Letter – 156 Pages
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- 5) DWR – Historical Data Map – 1 Page
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- 11) SCWA / Rohnert Park – November 26, 2002 – 1 Page
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- 13) Robert Stires Letter – January 28, 2003 – 1 Page
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- 15) Steve Carle Letter – September 24, 2002 – 14 Pages
- 16) Steve Carle Letter – January 4, 2003 – 320 Pages

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- 4) Engineers Report For Canon Manor – 1 Page
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- 6) Canon Manor Submittal To PRMD – July 14, 2003 – 19 Pages
- 7) Weston Benshoof Letter – July 10, 2003 – 3 Pages
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- 9) SCWA Board of Directors – May 28, 2002 – 3 Pages
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- 11) Penngrove Water Company – May 14, 2002 – 3 Pages
- 12) DWR & Assorted Docs – Submitted August 7, 2003 – 15 Pages
- 13) Rohnert Park City Council Meeting – PRMD – July 17, 2003 – General Plan – April 15, 1996 – 9 Pages
- 14) IRWP – Excerpts – 246 Pages
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- 16) South County Resource Preservation Committee vs. Rohnert Park – 13 Pages
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- 18) Response For Groundwater Management Plan Letter – November 26, 2002 – 1 Page
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- 3) Sonoma County Grand Jury Report – July 1, 2004 – 7 Pages
- 4) BOS – Response to Grand Jury Report – September 21, 2004 – 14 Pages
- 5) BOS – Canon Manor West Subdivision West Assessment DEIR – 3 Pages – July 27, 2004
- 6) BOS – Casino – MOU – October 26, 2004 – 17 pages
- 7) Weston Benshoof / John King Letter – Regulating Groundwater - April 1, 2004 – 4 pages
- 8) California State Water Code – 2 Pages
- 9) SCVWD – Groundwater Management Plan – Submitted April 2, 2003 – 76 pages
- 10) SCWA – Petaluma Watershed Presentation – January 10, 2000 – 21 Pages
- 11) John King Letter – PRMD – Canon Manor DEIR Questions & Comments – 180 Pages
- 12) PRMD – Steve Carle Letter – August 12, 2004 – 36 Pages
- 13) County Public Works – Power Point Presentation – Todd Engineering – July 27, 2004 – 25 Pages
- 14) O.W.L. Foundation Letter – 10 Pages – November 9, 2004
- 15) SCWA Letter – Russian River Diversions – August 11, 2003 – 6 Pages
- 16) Emissions pathways – Climate Change – Impacts on California – August 24, 2004 – 6 Pages
- 17) AB 3030 Plans Northern Region – 12 Pages
- 18) Sonoma County Health Department – LUST Map – 1 Page
- 19) Sonoma County Health Department – Water Contamination Site Map – 1 page
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- 21) CRWQCB – Letter – March 6 2002 – 2 Pages
- 22) Quaker Hill Letter – PRMD – April 30, 2004 – 16 Pages
- 23) Barona Casino Article – September 15, 2002 – 9 Pages
- 24) Barona Casino Article – March 16, 2003 – 5 Pages
- 25) Letter – Hesperia Casino – February 18, 2004 – 5 Pages
- 26) Doctrine of Reserved Water Rights - November 29, 1998 – 2 Pages
- 27) Mojave Basin Area Watermaster – Adjudication – January 13, 2004 – 3 Pages
- 28) Stand Up For California Letter – August 14, 2003 – 4 Pages
- 29) Barona Casino Article – July 24, 2003 – 2 Pages

- 30) Indian Water Rights – April 2000 – 20 Pages
- 31) Petition For Temporary Urgency Change in Russian River Basin – SCWA – 7 Pages
- 32) Sonoma LAFCO – Minutes of October 6, 2004 – Water & Sewer Municipal Service Reviews – 5 pages
- 33) City of Rohnert Park Planning Commission Staff Report – October 26, 2002 – 8 Pages
- 34) Rohnert Park Letter – June 22, 2004 – Evaluation of Substitute Wells – 9 Pages
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- 43) O.W.L. Foundation Letter – April 27, 2004 – 1 Page
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- 45) John King / Rohnert Park Letter – May 13, 2004 – 9 Pages
- 46) John King / Rohnert Park Letter – May 26, 2004 – 24 Pages
- 47) John King / Peter Siggins Letter – October 20, 2004 – 16 Pages
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- 4) North Marin Water District letter – February 15, 1978 – 2 Pages
- 5) SCWA assorted well data and map – 4 Pages
- 6) SCWA memo – September 12, 1977 – 1 Page
- 7) North Marin Water district – August 3, 1977 – 2 Pages
- 8) SCWA memo emergency well operation – August 1, 1977 – 2 Pages
- 9) SCWA emergency well data – December 16, 1979 – 9 Pages
- 10) Rohnert Park letter to Coddling Enterprises – February 15, 1977 – 2 Pages
- 11) Rohnert Park population, production, water use data – February 25, 1998 – 1 Page
- 12) City of Rohnert Park water production report -1982 – 1 Page
- 13) DWR Santa Rosa Plain groundwater model – September 1987 – 5 Pages
- 14) Rohnert Park groundwater facts presentation – June 7, 2004 – 19 Pages
- 15) Rohnert Park General Plan Final EIR – May 1990 – 4 Pages
- 16) PES letter – December 21, 2001 – 11 Pages
- 17) O.W.L. Foundation letter to SSU public records act request – November 17, 2004 – 1 Page
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- 20) Peter Siggins letter from Rohnert Park over Graton Rancheria – July 23, 2004 – 2 Pages
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- 22) SCWA letter – August 11, 2003 – 6 Pages
- 23) Friends of the Eel River vs. SCWA appellate court decision – May 16, 2003 – 25 Pages
- 24) O.W.L. Foundation letter – November 15, 2004 – request for information – 1 Page
- 25) SCWA historical pumping records for three emergency wells – 24 Pages
- 26) South County Resource Preservation Committee Administrative Record – August 28, 2001 – 23 Pages
- 27) SCWA emergency well field historical data – n/d – 2 Pages
- 28) Santa Rosa Board of Public Utilities reclaimed waste water consumption for Rohnert Park – November 16, 2004 – 4 Pages
- 29) Geotechnical Consultants letter to SCWA – January 19, 2000 – 1 Page
- 30) City of Santa Rosa Grand Jury Response – n/d – 3 Pages
- 31) City of Petaluma Grand Jury Response – August 9, 2004 – 3 Pages
- 32) City of Healdsburg Grand Jury Response – July 21, 2004 – 2 Pages
- 33) City of Cotati records request from John King – November 16, 2004 – 1 Pages
- 34) James Rollin Allen master’s thesis - May 2003 – 2 Pages
- 35) SCWA letter – April 1, 2004 – 1 Page
- 36) “White Paper”: Managing California’s Groundwater Resources – March 2003 - 26 Pages
- 37) Santa Rosa Plain Groundwater Study – n/d – 3 Pages
- 38) Rohnert Park well driller’s reports – various dates - 49 Pages
- 39) Overdraft Conditions in California groundwater: Water Resource Center Archive - December 3, 1956 – 21 Pages
- 40) South County Resource Preservation Committee lawsuit settlement agreement – September 5, 2002 - 15 Pages
- 41) Senate Bill 1938 excerpt – n/d – 8 Pages
- 42) California Water Code excerpt – 19 Pages
- 43) Rohnert Park General Plan EIR – May 2000 – 17 Pages
- 44) Rohnert Park historical well production reports – various dates - 77 Pages
- 45) PES letter – December 21, 2001 – 7 Pages
- 46) U.S. Department of the Interior Geological Survey – February 1955 – 4 Pages
- 47) Press Democrat article – November 7, 2004 – 5 Pages
- 48) Press Democrat article – “Reopening Santa Rosa Wells” – August 10, 2004 – 2 Pages
- 49) Implementation of SCB 610 and SB 221 – September 25, 2002 – 84 Pages
- 50) Rohnert Park Groundwater Facts PowerPoint Presentation – April 27, 2004 – 14 Pages
- 51) Groundwater Management in California – 1999- 40 Pages
- 52) DWR state questionnaire – November 14, 1997 – 2 Pages
- 53) Water Quantity Conversion Factor chart – 1 Page
- 54) DWR Division of Planning – 2 Pages
- 55) Geology and Groundwater in the Santa Rosa and Petaluma Valley Areas – 1958 – 1 Page
- 56) WSTSP/SCWA Parson’s Report – August 1995 – 48 Pages
- 57) “Where the Hell is Penngrove” Steve Carle PowerPoint presentation – 2004 – 24 Pages
- 58) Kansas Geological Survey “Managing Water Resources Systems: Why Safe Yield is Not Sustainable” – August 1997 – 1 Page
- 59) DWR Santa Rosa Plain Groundwater Model – September 1987 – 38 Pages

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11. SCWA Memo – SCWA & Rohnert Park Well Drilling Programs – 27 – 53
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13. City of Rohnert Park, Population, Water Production, and Water Use Data – February 25, 1998 – Page 56 - 57
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27. Rohnert Park Power Point Presentation June 7, 2004 – Page 78 – 96
28. PES Environmental, Inc. – December 21, 2001 – Page 97 - 103
29. City of Cotati – John King – 11/23/04 – Page 104
30. City of Cotati – John King – 12/16/04 – Page 105
31. John King Letter – City of Cotati – 12/23/04 – Page 106 – 107
32. City of Cotati – John King – 1/10/05 – Page 108
33. Sonoma State University – Letter – OWL – 12/14/2004 – Page 109 – 115
34. SCWA Memo – Emergency Wells - August 1, 1977 – Page 116 – 118
35. Office of Drinking Water – 5/19/97 – Page 119 – 120
36. Official Rohnert Park Population Figures – Page 121
37. MMWD – Request for additional 5,000 A/F – 12/21/04 – Page 122
38. Historical Distribution of Steelhead – October 2003 – Page 123
39. Petaluma River Watershed – Page 124 – 125
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43. 108 Holdings VS. Rohnert Park – Notice of Appeal – Page 142 - 145
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45. WTAQ – A Computer Program For Calculating Drawdowns – Page 220 – 256
46. Groundwater & Wells – Second Edition – Page 257 – 305
47. Thomas Guide Napa & Sonoma Counties – 2002 – Page 306 – 312
48. CMW – FEIR Notice – Postmarked January 13, 2005 – Page 313
49. Domestic Suitability Report – January 14, 2005 – Page 314
50. Robert Dunne – Letter Challenging CMW FEIR Statement – January 16, 2005 – Page 315
51. Marsha Moore – Mail delivered to Jacobsen Lane, Petaluma Ca – 1/15/05 – Page 316 – 317
52. Press Democrat – Agilent Property – January 15, 2005 – Pages 318 – 320
53. Press Democrat – Lawsuits Target Sewage Districts – Page 321 – 322
54. SCWA/OWL – PRA Request Response– January 5, 2005 – Page 323
55. John King Letter – City of Cotati PRA – January 19, 2005 – Page 324
56. City of Cotati – PRA Data Well fields – Page 326 – 531
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1. Marin Municipal Water District Letter To Sonoma County Water Agency August 24, 2005
2. Rohnert Park Response To California Regional Water Quality Control Board February 7, 2005
3. O.W.L. Foundation Letter To Rohnert Park Planning Commission August 22, 2005
4. John King Packet of various letter and documents to Rohnert Park Planning Commission August 11, 2005
5. Map Overlay of “Location of Faults Surrounding Study Area” fig. 17 “Meeting Water Demands in the City of Rohnert Park, California Department of Water Resources, 1979; Over fig. 3-31 Final Water Supply assessment, City of Rohnert Park, 2005, Steven F. Carle, Ph.D.
6. Map: Geologic Map of the Cotati 7.5’ Quadrangle Sonoma County California: A Digital Database.
7. Map: Geologic Map of the Glen Ellen 7.5’ Quadrangle Sonoma County California: A Digital Database.
8. Map: Geologic Map of the Two Rock 7.5’ Quadrangle Sonoma County California: A Digital Database.
9. Classification of Ground-Water Recharge Potential in three parts of Santa Cruz County, California, K.S. Muir and Michael J. Johnson 1979, (overall page and four pages of close-ups of text).
10. Geology of the Right Stepmover Region between the Rodgers Creek, Healdsburg, and Maacama Faults, Northern San Francisco Bay Region, Robert J. McLaughlin and Andrei Sarna-Wojciki, USGS, Menlo Park, CA, 2003
11. Restructured Agreement For Water Supply Draft; (Section) 3.5 Shortage of Water and Apportionment, 2-28-05 (68040.3), 5 pages.
12. Luhdorff & Scalmanini - Technical Memorandum For Rohnert Park Water Supply Assessment 11/17/04.
13. Canon Manor West Subdivision Assessment District DEIR Volume I 6/28/04.
14. Canon Manor West Subdivision Assessment District DEIR Volume II 6/28/04.
15. Canon Manor West Subdivision Assessment District Final EIR January 2005.
16. Memorandum of Understanding Regarding Water Transmission System Capacity Allocation During Temporary Impairment, (Note: Became effective March 1, 2001), 15

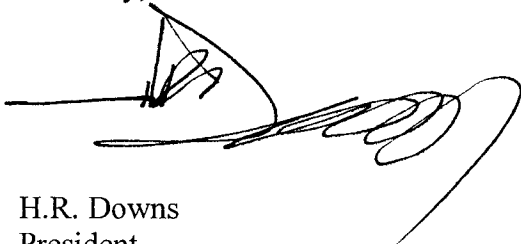
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17. East Rohnert Park Storage Area, Incremental Recycled Water Program, 17 pages
  18. UDSP storm drainage detention analysis Appendix A, May 2004, 13 pages
  19. UDSP storm drainage detention analysis May 2004, 59 pages
  20. Storm Water Quality Management Program, University District LLC Development, Oct 15, 2003, 28 pages
  21. Storm Water Quality Management Program, University District Specific Plan, Vast Oak Property, 42 pages

### Maps

1. Penngrove Specific Plan Zoning Map
2. Laguna Storage Pond Map
3. City of Santa Rosa Wastewater Pipeline Map
4. Sonoma County General Plan Recharge Area Map
5. Sonoma County Diverse Agriculture Map
6. DWR AREAL Geology Map 1975
7. Petaluma River Basin Map
8. Penngrove Zip Code Map 94951
9. Rohnert Park City Wellfield Map
10. James Allen Map

O.W.L. recognizes that all of these materials and documents referenced herein, in full, will constitute a part of the NEPA review's administrative record regarding the proposed casino by the Federated Indians of Graton Rancheria and Station Casinos of Nevada to be located in proximity to Rohnert Park, California and within the Santa Rosa Groundwater Basin. Thank you very much for the opportunity to make these submissions.

Sincerely,

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

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

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**LEGAL ANALYSIS OF SONOMA COUNTY'S**  
**GROUNDWATER SUPPLY AND THE**  
**ADVERSE AFFECT OF FEDERALLY**  
**RESERVED WATER RIGHTS.**

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## **I. INTRODUCTION**

An extremely large development project (Indian casino and hotel/retail center) is slated for an identified region of Sonoma County where groundwater supplies are already being critically overdrafted. *Clearly, a sufficient and sustainable water supply does not exist for the project*, particularly in light of the region's prevailing water crisis and the current and future water needs of local residents. For that reason alone, the project should not be allowed to proceed. However, the Casino project's sovereign status would make matters even worse. For instance, the project may seek to ignore state environmental protection laws and local water management efforts and, in the event of groundwater litigation, the project could unjustly obtain priority over longstanding water rights held and relied upon by local landowners, cities, water agencies, and the County.

For these and other reasons discussed below, the O.W.L. Foundation (Open Space, Water Resource Protection, Land Use) ("O.W.L.") urges that the Casino project should be denied.

## **II. BACKGROUND**

O.W.L. is a non-profit organization headquartered in the community of Penngrove, Sonoma County, California. O.W.L.'s membership is comprised of residents throughout Sonoma County, including residents of Penngrove, who understand that immediate steps must be taken to avoid a disastrous outcome for one of their County's most precious resources – water – groundwater in particular.

Penngrove is situated in the valley floor west of the Sonoma Mountains, roughly between the City of Rohnert Park, to the North, and the City of Petaluma, to the South. Like many communities of Sonoma County, Penngrove has historically relied on local groundwater, including the Santa Rosa Plain Groundwater Basin, to provide a reliable water supply for its residents and agricultural industry. (See Attachment A.) However, in connection with the last two decades of increased urbanization in Sonoma County, that once reliable groundwater supply has been drastically overproduced and woefully undermanaged. In fact, federal, state, and local water agencies have all found that Sonoma County's groundwater resources are in serious jeopardy. Surface water supplies available to the County are equally strained, and a recent Court of Appeal



decision confirmed that Sonoma County's water supply problem extends far beyond any quick-fix.

Notwithstanding this undeniable state of affairs, which could easily result in a complete public fiasco, the Sonoma County Water Agency, the County Board of Supervisors, and various municipalities have turned a blind eye to the County's water crisis and have determined to proceed with a host of new projects – including the Casino project – *without* being able to demonstrate that a sufficient, reliable, and sustainable water supply exists for those projects in light of the County's current and future water needs. (See pp. 12-13, below, regarding the proposed Casino project.)

### **III. WATER RESOURCE MANAGEMENT IS A PUBLIC RESPONSIBILITY**

O.W.L. has stepped in and asked these public agencies to take a hard look at the consequences of their actions. For years, O.W.L. members have attended town hall forums, commission meetings, and city council hearings to voice their concerns about the looming water scarcity and about the impacts that local decision-making has on Countywide water resource management. O.W.L. has consistently presented an abundant variety of undisputable facts about existing and worsening conditions of groundwater basin overdraft and overall County water supply. (The entirety of reports, charts, maps, diagrams, and other relevant water supply information submitted by O.W.L. are not included with this letter, yet copies of that information can be provided upon request.)

#### **A. Existing Groundwater Overdraft Must be Addressed and Resolved**

##### **1. Basin Overdraft is a Serious Problem**

Groundwater basin overdraft occurs when the rate at which groundwater is produced from a basin exceeds the average annual amount by which the basin is replenished by rainfall and percolation from other natural water sources. Overdraft is often defined as the condition resulting from the continual lowering of the level and gradual reducing of the total amount of stored water, the accumulated effect of which, after a period of years, renders the supply insufficient to meet the needs of the public. Prolonged overdraft can cause numerous long-term detrimental economic and environmental impacts. When a groundwater basin is in overdraft, groundwater users must often deepen their wells and install more powerful pumps to extract a sufficient supply of water from ever-greater depths of the basin. To that end, overdraft can also

result in land subsidence, loss of surface vegetation and wetlands habitat, and severe degradation of groundwater quality. Perhaps most notably, however, overdraft causes injury to existing water rights and often leads to complicated and protracted litigation to adjudicate a basin's water supply.

2. Areas of Natural Recharge Must Be Protected

Groundwater overdraft can be corrected by taking steps to replenish a depleted basin and protect areas of natural recharge. For the most part, groundwater basins are recharged by natural percolation, where rainfall and other waters are allowed to collect and percolate down into the basin. This process typically occurs through stream beds or areas of open space with porous soil known as "areas of natural recharge." When areas of natural recharge are developed and covered by buildings, streets, sidewalks, and other non-permeable surfaces, natural basin replenishment cannot occur and groundwater overdraft is exacerbated. Once the recharge areas are gone, they cannot be replaced.

3. O.W.L. has Shown that Severe Overdraft Exists in the County and that Areas of Natural Recharge are Being Lost at an Alarming Rate

O.W.L. members have used publicly available information to show the County, the County Water Agency, and local municipalities that the Santa Rosa Plain Groundwater Basin and other adjoining groundwater basins are seriously overdrafted and further threatened by the continual loss of areas of natural recharge.

With regard to overdraft, O.W.L. has pointed to reports prepared by these agencies' own consultants to show the extent of the County's groundwater crisis. For example, in the southern portion of the Santa Rosa Plain Groundwater Basin encompassing the cities of Rohnert Park, Cotati, and northern Penngrrove (Attachment B), annual recharge is approximately 1.6 million gallons per day ("mgd"), yet annual production in that area exceeds 5.0 mgd. This drastic overdraft of the basin has caused local groundwater levels to drop by as much as 150 feet. (See Attachments B and C.)

Indeed, in 2002, the Sonoma County Water Agency pumped 5.4 mgd from three nearby "emergency wells" (enough to supply about 30,000 urban customers) even though the Agency has not declared that any emergency exists. Even worse, the Agency produces this groundwater from rural areas of Sonoma County and sells and exports a

substantial portion of that water to fuel urban growth in Marin County. As a result, rural Sonoma County residents near Sebastopol are beginning to voice concerns that numerous recent dry wells in their area are being caused by the Agency's excessive pumping from the "emergency wells."

Information published by the State Department of Water Resources ("DWR") clearly supports the conclusion that the region has fallen into serious overdraft. DWR indicates that the annual rate of groundwater production in the Santa Rosa Plain between 1960 and 1975 was *barely* in balance with the rate of groundwater replenishment for that same period (which is consistent with the City of Rohnert Park's EIR assessment for its General Plan, above; See Attachment C, Figure 4.10-2.) Similarly, as early as 1972, the United States Geological Survey ("USGS") characterized the majority of the Sonoma County groundwater basin complex as "marginal" or "inadequate" for municipal uses. However, by 1999, the City of Rohnert Park had increased its groundwater production to an annual average of 4.3 mgd in the Santa Rosa Plain Groundwater Basin, while recharge remained unchanged at an average 1.6 mgd. (See Attachments B and C.) Moreover, in 2002, the Sonoma County Water Agency increased groundwater pumping in the same region from zero to 5.4 mgd.

Equally telling, the U.S. Department of the Interior ("DOI") recently published a map in May 2003 of the Western United States entitled "Potential Water Supply Crises by 2025." The map identifies areas where "existing supplies are not adequate to meet water demands for people, for farms, and for the environment." The DOI concludes that Sonoma County has a "substantial conflict potential" over water supplies and ranks the County's water resource crisis in the same category as the Klamath Basin, where farmers, tribes, and the federal and state government are locked in a bitter feud over limited water supplies and competing water rights.

With regard to areas of natural recharge, O.W.L. has pointed to maps prepared by DWR and USGS which specifically designate various lands in Sonoma County as being critical to groundwater recharge. The Sonoma County Planning Department uses these same maps to describe such lands as dedicated "areas of natural recharge." (See Attachment D.) The bed of the Russian River is also a key source of groundwater recharge for the County. Notably, DWR recently issued the following

statement as number 4 on its list of 10 “Major Recommendations” in its 2003 Bulletin 118 Update:

- Groundwater management agencies should work with land use agencies to inform them of the potential impacts various land use decisions may have on groundwater, and to identify, prioritize, and protect recharge areas.
- Local planners should consider recharge areas when making land use decisions that could reduce recharge or pose a risk to groundwater quality.
- Recharge areas should be identified and protected from land uses that limit recharge rates; such as paving or lining of channels.
- Both local water agencies and local governments should pursue education and outreach to inform the public of the location and importance of recharge areas.

O.W.L. advocates for responsible growth and adheres to the simple proposition that development and transformation of dedicated recharge lands prevents basin replenishment and substantially limits the amount of groundwater supply available for residents’ existing and future needs.

**B. A Key Community Group Successfully Litigated Against the City of Rohnert Park for the City’s Failure to Adequately Assess Groundwater Impacts**

A key community group (which evolved into O.W.L.) first stood ground in 2002 when it filed a lawsuit against the City of Rohnert Park for violating the California Environmental Quality Act (“CEQA”) through its failure to adequately analyze the impacts that City’s General Plan Update would have on groundwater resources. The lawsuit resulted in a stipulated judgment which restricts the City’s land use approvals in relation to existing overdraft conditions. For instance, the Judgment requires that any CEQA document prepared by the City for a project located outside of its 1999 boundaries must include (1) a determination of the project’s water demand, (2) an analysis of whether the total projected water supplies available to the City during normal, dry, and multi-dry years during a 20-year projection will meet the projected water demand associated with the project, and (3) an identification of the water supply that is proposed to serve the project. The City is also prohibited from approving any project

outside its 1999 boundaries whose net consumptive water use impact on the City's water supply will contribute to the City exceeding an average annual groundwater pumping rate of 2.3 mgd (half of the City's mean pumping rate between 1984 and 1999.) Notably, even this amount of groundwater production is at odds with the City's own General Plan concept of "safe yield" which clearly recognizes that the groundwater subbasin is only replenished at the average rate of 1.6 mgd.

Further, the 2002 Judgment required the City to amend its sphere of influence to remove 170 acres of land within the Penngrove Specific Plan that were previously added to the City's sphere. The City had intended to re-zone those lands from one home per 20 acres (which would still permit natural groundwater recharge) to various new zoning designations that would allow high density residential, commercial, and industrial development (which would transform the open permeable soil to impermeable hardscape and prevent groundwater recharge).

**C. O.W.L. Convinced Sonoma County Representatives to Include Key Water Management Objectives and Policies in the County's General Plan Update**

In 2003, O.W.L. participated in the public review process conducted by a Sonoma County Citizens Advisory Committee ("CAC") to accept comments on and develop a draft "Water Resources Element" for the County's General Plan Update for the year 2020. While that process is still underway, O.W.L. was instrumental in guiding the CAC to develop key policies and objectives that are protective of existing groundwater resources and recharge lands and aimed toward responsible management of water resources generally on a Countywide basis. Some of the more critical provisions of the Water Resources Element are:

- The general objective of using only sustainable water supplies to satisfy future growth.
- The general objective of protecting existing recharge areas.
- The policy of denying discretionary development applications if cumulative development will cause or exacerbate groundwater overdraft.
- The policy of requiring study of proposed development projects and their potential impact on overdraft, land subsidence, and saltwater intrusion.

**IV. A SERIES OF RECENT DEVELOPMENTS HIGHLIGHT SONOMA COUNTY'S CONTINUING WATER CRISIS**

Numerous recent developments illustrate that the water resource crisis in Sonoma County has finally come to a head.

**A. The Eel River Decision**

In a May 2003 decision, the First District Court of Appeal held that the Sonoma County Water Agency did not comply with CEQA and overturned an EIR that the Agency prepared for its Water Supply and Transmission System Project to divert additional water from the Russian River for distribution to Sonoma County cities and other water purveyors. The Court determined that the Agency failed to account for a possible loss of Russian River water that may occur if PG&E's pending application to divert less water from the Eel River for its hydroelectric power plant is granted by a federal agency. Since such water diverted from the Eel River, in turn, feeds into the Russian River, less water will be available in the Russian for the Agency to take and distribute if PG&E takes less water from the Eel River.

The Court of Appeal stated that “[Sonoma County Water Agency’s] failure to consider the impact of the potential curtailment of water from the Eel River has resulted in an EIR that fails to alert decisionmakers and the public to the possibility that the Agency will not be able to supply water to its customers in an environmentally sound way.” As a result of the Eel River decision, the Agency’s plans to divert additional surface water from the Russian River are indefinitely on hold.

**B. The Sonoma County Water Agency Admits that it Does Not Have an Adequate 20-Year Supply**

In response to the Eel River decision, the General Manager for the Sonoma County Water Agency issued a letter in August 2003 stating that water suppliers (including local municipalities) that have contracts to receive water from the Agency should not rely on the delivery estimates contained in the Agency’s 2000 Urban Water Management Plan, which indicated that water supplies available to the Agency would be adequate over the next 20 years. Unfortunately, many of the local municipalities had already approved development projects and land use plans in reliance on the information contained in the 2000 Urban Water Management Plan. In light of requirements under

California's new water supply laws (SB 221 and SB 610; *See discussion below*), the Agency also issued the following admonishment:

“[M]anagers of all public water systems relying on water diverted under the Agency's water rights must work together with local planning agencies to determine the extent to which additional supplies are available to each system for proposed new developments, given existing demand, existing approved development, the water remaining under the Agency's 75,000 afy limit and other supplies that each public water supplier may have available.”  
[The Agency's delivery estimates before the Eel River decision were set in excess of 100,000 afy.]

The Agency also recommended that each water purveyor take certain steps to provide a meaningful assessment and monitoring of water demand, including: (1) immediately evaluate the expected future water demands for existing and approved development projects and provide the Agency and other Agency contractors with that information; (2) identify the source of water for those projects; and (3) evaluate the future water demands anticipated from proposed, but not yet approved, development projects.

Clearly, this admission by the largest surface water supplier in Sonoma County that it does not have a sufficient 20-year supply means that municipalities and water purveyors will look to increased groundwater production to serve the growth that may have already been sanctioned under local general plan processes. However, as set forth above, that groundwater supply is already overdrafted.

C. **The County of Sonoma Permit and Resource Management Department has Acknowledged Existing Groundwater Overdraft**

In November 2002, the County's Permit and Resources Management Department (“PRMD”) determined that unmitigated groundwater impacts would be caused by a particular development project proposed by the City of Rohnert Park. PRMD disapproved of the proposed project on three separate grounds, including:

- The water balance shows that this portion of the Santa Rosa Basin is in overdraft (recharge is estimated at 1900 afy, the City of Rohnert Park is removing 5,040 afy, and this project may remove as much as 193 afy).

- The estimated overdraft situation is confirmed by the City of Rohnert Park's General Plan 2000 which acknowledges a lowering of the water table in this area by 100 to 150 feet. (See Attachments B and C.)
- The Revised Rohnert Park General Plan speculation that the City will reduce its groundwater removal by up to 50% is unsupported by purchase contracts for more imported surface water.

These comments clearly illustrate the disharmonious relationship between the Eel River decision, the admission by Sonoma County Water Agency that available surface water supplies will be less than anticipated, and the looming trend by local municipalities to further rely on an already overdrafted groundwater supply.

**D. The Kleinfelder Report**

In September 2003, the "Kleinfelder Report" was issued. The Report was commissioned by the County Board of Supervisors and confirmed the long-foregone conclusion that particular study areas of the County's groundwater basin complex are experiencing serious water scarcity. The Kleinfelder Report concludes, in part, that "[a]dditional groundwater extraction is likely to increase the rate of overdraft and result in further decline of the groundwater levels. ... Levels will continue to drop as long as extraction exceeds recharge."

PRMD reported to the County Board of Supervisors that the findings in the Kleinfelder Report will need to be considered in connection with any new discretionary applications in the study areas (e.g., subdivisions or use permits) because "at a minimum, the Report will constitute 'substantial evidence' under CEQA that a cumulative groundwater impact may exist ..."

**V. VARIOUS WATER MANAGEMENT TOOLS ARE AVAILABLE TO ALLEVIATE THE COUNTY'S WATER CRISIS**

While California does not have a statewide regulatory system for surface and groundwater management, various methods are available to protect and preserve those resources, including new water supply legislation, groundwater ordinances, and water management plans. If used properly, these tools can address and alleviate the water crisis in Sonoma County.



**A. SB 221 and SB 610 Promote “Responsible Growth”**

Effective since January 2002, California’s water supply laws (commonly referred to as SB 221 and SB 610) impose strict requirements on certain development projects. Generally, projects subject to SB 221 and SB 610 are those containing 500 or more residential dwelling units, commercial or industrial projects that fall within certain size parameters, and projects that would have a water demand equivalent to a residential development project with 500 units or more.

In general, for any project subject to SB 221 and/or SB 610, the project cannot be approved unless the project proponent can provide verification from the local water purveyor that a sufficient water supply is available during normal, single-dry, and multiple-dry years within a 20-year projection that will meet the projected demand created by the project in addition to existing and planned future uses, including agricultural and industrial uses. Particularly relevant to Sonoma County, if the water supply for the proposed project includes groundwater, the purveyor must consider and analyze multiple factors concerning the condition of the supplying groundwater basin and its rights to extract such groundwater among other competing users.

**B. Local Groundwater Ordinances Offer Solutions for Overdraft**

Cities and counties in California have the authority to adopt groundwater ordinances pursuant to their police powers to protect the public, health, safety and welfare in areas that are not already regulated by the state. As California does not have a uniform groundwater regulatory scheme, nearly half of its counties, and many cities, have adopted local groundwater ordinances.

The general intent of groundwater ordinances is to protect and preserve the viability of the existing groundwater supply. To that end, many groundwater ordinances focus on restricting projects insofar as they may adversely affect groundwater supplies, propose to export groundwater outside of the basin or county boundaries, degrade groundwater quality, or cause land subsidence. However, other groundwater ordinances have a broader scope, and are also geared toward managing groundwater resources for existing needs and planned growth.

Ordinances are typically implemented in connection with groundwater extraction permits, and center on whether the basin is operating within its “safe yield.”

Generally, safe yield is the amount of water that can be produced from a groundwater basin under a certain set of circumstances, over a given amount of time, without causing basin overdraft and without causing other adverse impacts.

O.W.L. has proposed the idea of using groundwater ordinances to the County Board of Supervisors, the County Water Agency, and various municipalities as a potential means of addressing and alleviating the impending water crisis in Sonoma County. To date, however, those agencies have not taken steps to craft or implement a new groundwater ordinance.

**C. Groundwater Management Plans Can Harmonize Countywide Efforts to Preserve and Protect Water Resources**

In 1992, the State Legislature adopted the “Groundwater Management Act” which is commonly referred to as AB 3030. (The Act is set forth by California Water Code Sections 10750 to 10755.4.) AB 3030 begins with the following proclamation by the Legislature concerning the protected status of groundwater:

“The Legislature finds and declares that groundwater is a valuable natural resource in California, and should be managed to ensure both its safe production and its quality. It is the intent of the Legislature to encourage local agencies to work cooperatively to manage groundwater resources within their jurisdictions.”

A groundwater management plan under AB 3030 may be adopted by any local agency, including municipalities, that provides water service, flood control, groundwater management, or groundwater replenishment. Pursuant to AB 3030, groundwater management plans address a wide range of management issues, including, but not limited to: (a) controlling saline water intrusion; (b) identifying and managing wellhead protection areas and groundwater recharge areas; (c) regulating migration of contaminated groundwater; (d) administering well abandonment and well destruction programs; (e) mitigating the effects of groundwater overdraft; (f) replenishing groundwater extracted by producers; (g) monitoring groundwater levels and water storage; (h) facilitating conjunctive use operations; (i) identifying well construction policies; (j) constructing and operating groundwater contamination cleanup, recharge, storage, conservation, recycling, and extraction projects; (k) developing relationships

with state and federal regulatory agencies; and (l) reviewing land use plans and coordinating with land use planning agencies to assess activities that create a reasonable risk to groundwater resources and management.

O.W.L. has strongly advocated for the Sonoma County Water Agency to develop and implement a groundwater management plan. Recently, as part of its process to restructure the entitlement contracts to Lake Sonoma water in response to the Eel River decision, the Agency has more openly acknowledged the need to prepare such a plan. However, successful water management requires cooperation and “buy in” from surrounding agencies concerning efforts to moderate water production and conserve resources. That type of approach could easily be scuttled by the proposed Casino project.

**VI. THE PROPOSED CASINO NEAR THE CITY OF ROHNERT PARK  
CONTRAVENES ALL ABOVE-MENTIONED PRINCIPLES OF WATER  
RESOURCE MANAGEMENT**

Now that O.W.L. and other concerned members of the public are beginning to make progress with County and local decision-makers regarding water resource management, a new proposal is being made to locate a Las Vegas-style Indian gaming casino and hotel/retail complex just outside the city limits of Rohnert Park. Aside from the environmental impacts that this project would cause to various other County resources (i.e., wetlands, endangered species, growth inducing impacts), the proposed Casino would drive a galvanized nail into the coffin of Sonoma County’s water supplies.

Under federal case law (the “Winters Doctrine”), when an Indian reservation is established, “federally reserved water rights” attach to the reservation land for purposes of supporting the purposes and livelihood of the Indian Nation for which the reservation was created. The Winters Doctrine illustrates that federally reserved water rights enjoy powerful priority over pre-existing, state-based rights, and are protected against loss, interference, or injury. Indian water rights are protected pursuant to the trust relationship that exists between the federal government and Indian Nations. The federal government has an affirmative duty to protect the viability of these water rights and is subject to liability for failure to do so. Examples exist statewide of multi-million dollar

settlements in favor of claims by Indian Nations that injury has been caused to their federally reserved water rights.

In light of the foregoing, serious implications could arise from the establishment of federally reserved water rights in the Sonoma County groundwater basin system. Given the groundwater overdraft and surface water problems that already prevail in the southern portion of the Santa Rosa Plain Groundwater Basin (*see discussion above*; Attachments B and C), those federally reserved rights would further jeopardize the ability of existing landowners and water purveyors to exercise their water rights. For instance, the well-documented overdraft in the Rohnert Park area already contributes to degradation to local water quality and has required surrounding water users to drill deeper wells. Water extracted for the Casino project would only magnify those problems. Moreover, overdraft conditions may result in a groundwater adjudication, where rights to produce groundwater now and in the future would be divided among landowners, cities, and other water agencies according to legal priority. Given the heightened priority that is afforded to federally reserved water rights, local landowners and agencies that have relied upon County groundwater for generations could be subject to enormous and irreparable harm.

In addition to those concerns, an Indian Nation would not likely be required to comply with CEQA, SB 221 and SB 610, a locally enacted groundwater ordinance, or a groundwater management plan due to its status as a sovereign nation. Thus, despite whatever solutions may be crafted to address the County's water resource crisis, the Casino could be permitted to turn a blind eye and continue groundwater production, depletion, and mismanagement of the local groundwater basin.

As the Casino proposal is first dependent on the project site being designated as federal reservation land, O.W.L. has advocated for strict environmental review under the National Environmental Policy Act ("NEPA"), which applies to federal discretionary decisions that may "significantly affect the human environment." O.W.L. has argued that, at a minimum, the factors of (1) a critically overdrafted groundwater basin, (2) the Countywide surface water limitations under the Eel River decision, (3) the current Williamson Act designation of the proposed Casino site, and (4) the existence of

multiple endangered species issues at the proposed site give rise to the need for thorough federal NEPA review before the proposed site is designated as a federal reservation.

## **VII. CONCLUSION**

Many other groups and local citizens are objecting to the proposed Casino project on various legal, social, and environmental grounds. While supporting and concurring with many of those objections, O.W.L. is focused on the key point that any invitation to create a federally reserved water right in the local, overdrafted basin is an ill-conceived idea that would exacerbate the existing water crisis and contravene the water-related interests of the County, its cities, and all Sonoma County residents.

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

11 O.W.L. FOUNDATION, a non-profit  
12 organization, KATHLEEN HAYNIE, an  
13 individual, JOAN McLAIN, an individual, and  
14 CRAIG ROTH, an individual,

14 Petitioners and Plaintiffs,

15 v.

16 CITY OF ROHNERT PARK, CITY COUNCIL  
17 FOR THE CITY OF ROHNERT PARK, and  
18 DOES 1 through 25, inclusive,

19 Respondents and Defendants.

Case No.: SCV 236309

VERIFIED FIRST AMENDED PETITION  
FOR WRIT OF MANDAMUS AND  
COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF

[FILED AS A MATTER OF RIGHT  
PURSUANT TO CODE OF CIVIL  
PROCEDURE §472 – NO RESPONSIVE  
PLEADINGS ON FILE]

1 **I. INTRODUCTORY STATEMENT**

2 1. Water is our most precious natural resource. Our ever growing  
3 population and the increasing threats to water quality posed by that growth heighten the need  
4 to carefully manage our water resources. That management should take place at the local  
5 level since the water demands and supplies of each community are truly unique.

6 2. Such a careful and prudent assessment of a community's water demands  
7 and supplies is the overriding objective of a new State statute commonly known as SB 610.  
8 This new law requires local agencies to assess its water supplies and demands for the next  
9 twenty years, during both dry and wet water years, *before* approving significant new  
10 development projects. Respondents and defendants City of Rohnert Park ("City") and its  
11 City Council ("Council") failed to perform that critical assessment when it adopted  
12 Resolution No. 2005-24 (the "WSA Resolution"). That resolution approved a "water supply  
13 assessment" that turns a blind eye to the City's ever worsening water supply. In addition to  
14 the egregious act of planning for growth based on water that does not exist, the City  
15 recklessly embraced the WSA Resolution as part of its grandiose plan to annex at least five  
16 new development projects into City territory. These projects could bring over 4,000 new  
17 residential units and almost 2 million square feet of new commercial uses, and the City's  
18 General Plan calls for even more growth.

19 3. At the very least one would assume that the City would develop a  
20 management plan for its water resources if it plans to so dramatically increase its territory  
21 and population. Indeed, that is the exact recommendation recently made by the Grand Jury  
22 for the entire County of Sonoma. Yet, the City and the Council failed to heed the call of the  
23 Grand Jury, failed to comply with the mandate of SB 610, and failed to protect our most  
24 valuable natural resource -- water. Accordingly, petitioners and plaintiffs O.W.L.  
25 Foundation ("O.W.L."), Kathleen Haynie, Joan McLain and Craig Roth (collectively, the  
26 "Plaintiffs") are forced to bring this lawsuit.

27 ///

1 **II. THE PARTIES**

2 4. O.W.L. is a non-profit organization comprised of residents of the City  
3 as well as the County of Sonoma ("County"). O.W.L.'s mission is to secure the adoption of  
4 a program that ensures sustainable management of the water resources in Sonoma County.<sup>1</sup>  
5 Plaintiffs Haynie, McLain, Roth and O.W.L.'s Board members and donors own land in the  
6 County and/or the City, pay property taxes, pay water assessments charged by the City  
7 and/or other water purveyors, own and operate groundwater wells, and/or have lost  
8 groundwater wells due to declining water levels in the groundwater basin at issue herein.

9 5. Plaintiffs are informed and believe, and on that basis allege, that the  
10 City is a municipal corporation located in the County of Sonoma, and is organized and exists  
11 under the laws of the State of California. The Council is the elected body which governs the  
12 City.

13 6. Plaintiffs are currently unaware of the true names and capacities of the  
14 defendants and respondents named herein as Does 1 through 25, inclusive, and therefore sue  
15 those parties by fictitious names. Plaintiffs will seek leave to amend this petition and  
16 complaint to state the true names and capacities of such fictitiously named parties when the  
17 same has been ascertained. Plaintiffs are informed and believe, and on that basis allege, that  
18 each of the defendants and respondents designated as a Doe is legally responsible for the  
19 events, happenings and actions alleged herein. (The City, City Council and Does 1 through  
20 25 shall be referred to herein collectively as the "Defendants".)

21 7. Plaintiffs are informed and believe, and on that basis alleges, that at all  
22 times mentioned herein, each of the Defendants was the agent and/or representative of one or  
23 more of the other Defendants, and, as such, was acting within the course, scope and authority  
24 of such agency, and that each Defendant has ratified, authorized or otherwise approved the  
25 acts of such agents and/or representatives.

26  
27  
28 <sup>1</sup> O.W.L. is an acronym standing for Open Space, Water Resource Protection, and Land Use, in Sonoma County.



1 **III. THE ENACTMENT OF SENATE BILL 610 AND ITS MANDATORY**  
2 **REQUIREMENTS**

3 8. One of the causes of action alleged in this Petition arises under Senate  
4 Bill 610 (“SB 610”) (Cal. Water Code Sections 10910 - 10912). The State Legislature  
5 enacted SB 610 effective as of January 1, 2002. Prior to that legislative act, a number of  
6 California appellate courts had rendered decisions invalidating environmental impact reports  
7 (“EIRs”) prepared under the California Environmental Quality Act (Cal. Public Resources  
8 Code Sections 21000 et. seq.) due to inadequate analyses of impacts on local water supplies.  
9 In particular, the courts held that local agencies had failed to determine, prior to approving  
10 new development, whether a sufficient water supply would be available to meet the needs of  
11 all existing and future water users. In the words of one appellate court, “Thus, where land  
12 use planning determinations can be made on the basis of entitlement rather than real water,  
13 development can outpace the availability of water, leading to detrimental environmental  
14 consequences, excessive groundwater pumping, and pressure to develop additional water  
15 supplies.” (Planning and Conservation League v. Department of Water Resources, 83  
16 Cal.App.4<sup>th</sup> 892 (2000).)

17 9. In light of these judicial decisions, the Legislature enacted SB 610.  
18 Ensuring sustainable water resources is the driving objective of SB 610. That statute  
19 requires legal agencies, before approving certain development projects, to determine whether  
20 an adequate water supply will be available. In particular, SB 610 requires that the following  
21 information be provided in a “water supply assessment”:

22 (a) Whether the total projected water supplies, for normal, single  
23 dry, and multiple dry water years over a 20-year period, will meet the projected water  
24 demands associated with the proposed project, in addition to existing and planned future  
25 uses, including agricultural and manufacturing uses.

26 (b) Substantial evidence confirming the adequacy of the water  
27 supply, including evidence of water rights, water supply contracts, capital improvement  
28

1 plans and budgets, permits and all necessary regulatory approvals.

2 (c) If groundwater is a source of water, additional requirements must  
3 be satisfied including:

4 (i) A description of the groundwater basin or basins from  
5 which the proposed project will be supplied. For basins that have not been adjudicated by a  
6 court, information must be supplied as to whether the basin is overdrafted or is projected to  
7 become overdrafted, and any efforts being undertaken to eliminate the long-term overdraft  
8 condition.

9 (ii) A detailed description and analysis of the amount and  
10 location of groundwater pumped by the public water system for the past five years from the  
11 groundwater basin from which the proposed project will be supplied.

12 (iii) A detailed description and analysis of the amount and  
13 location of groundwater that is projected to be pumped by the public water system.

14 (iv) An analysis of the sufficiency of the groundwater from the  
15 basin from which the proposed project will be supplied to meet the projected water demand  
16 associated with the proposed project.

17 10. In the instant action, there is no dispute that SB 610 applies to the City's  
18 actions. The dispute centers around the City's failure to comply with all of the mandatory  
19 requirements of SB 610.

20 **IV. THE UNIQUE NATURE OF CALIFORNIA GROUNDWATER LAW**

21 11. SB 610 imposes these additional requirements when groundwater is a  
22 source of the subject water supply because of the unique nature of California groundwater  
23 law. California is one of the few states in the country that do not impose a state-wide  
24 regulatory or permitting system on the production of groundwater. Thus, while groundwater  
25 is deemed a public resource owned by the State for the people, entities can acquire "water  
26 rights" to the use of groundwater based on common law. Under that body of common law,  
27 an entity's groundwater rights can be reduced by a court when the groundwater basin is in a  
28

1 state of “overdraft”. According to the California Department of Water Resources (“DWR”),  
2 overdraft is defined as “the condition of a groundwater basin or subbasin in which the  
3 amount of water withdrawn by pumping exceeds the amount of water that recharges the  
4 basin over a period of years, during which the water supply conditions approximate average  
5 conditions. Overdraft can be characterized by groundwater levels that decline over a period  
6 of years and never fully recover, even in wet years. If overdraft continues for a number of  
7 years, significant adverse impacts may occur, including increased extraction costs, costs of  
8 well deepening or replacement, land subsidence, water quality degradation, and  
9 environmental impacts.”

10 12. The groundwater basin at issue in this case -- the South Santa Rosa  
11 Plain groundwater subbasin (“Basin”) -- is in an overdrafted condition.

12 13. An overdrafted condition can be alleviated through a variety of legal  
13 and institutional mechanisms. For example, a person possessing groundwater rights can file  
14 a complaint for a judicial adjudication, which would seek a judicial solution to the overdraft  
15 condition and a complete determination of all parties’ groundwater rights for future use.  
16 Such judicial proceedings are often time-consuming and costly.

17 14. Another legal mechanism available to local water agencies is the  
18 adoption of a groundwater management plan pursuant to another State statute commonly  
19 known as “AB 3030.” (Cal. Water Code Sections 10750 - 10755.) Such a management plan  
20 can eliminate the need for a judicial adjudication. The adoption of a groundwater  
21 management plan was expressly advocated by the Sonoma County Grand Jury in its report  
22 dated July 1, 2004. Yet, Defendants herein have repeatedly refused to adopt such a  
23 management plan. Compounding this problem, the only County-wide water agency, the  
24 Sonoma County Water Agency, has also refused to adopt any type of groundwater  
25 management plan.

26 15. Accordingly, the Basin herein is both overdrafted and unmanaged  
27 (whether judicially or statutorily). Such a groundwater basin cannot be relied upon to  
28

1 provide a sustainable water supply for the City's tens of thousands of residents for the  
2 twenty-year period prescribed by SB 610.

3 **V. THE PROPOSED DEVELOPMENT PROJECTS THAT THE CITY SEEKS**  
4 **TO ANNEX**

5 16. The City is already one of the largest cities in the County, with over  
6 42,000 residents, and operates one of the largest municipal groundwater well fields in the  
7 County. Despite that size and recent growth, the City seeks to annex massive new  
8 development projects into the City's boundaries. For example, the following projects are  
9 proposed for annexation by the City:

10 (a) University District SPA -- The University District project  
11 consists of 20 parcels on approximately 300 acres. A Specific Plan Application has been  
12 submitted, which application requests 1610 residential units and approximately 250,000  
13 square feet of commercial land uses. The entire plan area has the potential for 1,610 units  
14 and 350,000 square feet of commercial space under the City's General Plan.

15 (b) Northeast SPA -- The Northeast project consists of 36 parcels on  
16 approximately 264 acres. A Specific Plan Application has been submitted covering 122  
17 acres and 11 of those parcels. The application requests 559 residential units. The entire plan  
18 area has the potential for 1085 units under the City's General Plan.

19 (c) Southeast SPA -- The Southeast project consists of two parcels  
20 on approximately 80 acres. A Specific Plan Application has been submitted, which requests  
21 499 residential units and 20,000 square feet of commercial use.

22 (d) Northwest SPA -- The Northwest project consists of  
23 approximately 170 acres. A Specific Plan Application has been submitted for the southern  
24 portion of this project covering approximately 102 acres on sixteen parcels. The application  
25 requests 495 residential units and 495,000 square feet of commercial/industrial use. The  
26 entire plan area has the potential for 900 units, 480,000 square feet of commercial space,  
27 260,000 square feet of office space and 560,000 square feet of industrial space under the  
28

1 City's General Plan.

2 (e) Wilfred Dowdell SPA -- The Wilfred Dowdell project consists of  
3 approximately 25 acres, located between the existing City limits and the Northwest SPA.  
4 The future land uses include approximately 300,000 square feet commercial space.

5 17. These proposed development projects represent just the tip of the  
6 iceberg. As expressly stated in the City's General Plan of 2000, the City anticipates  
7 approving almost 4,500 new residential units, 5 million square feet of new commercial uses,  
8 and the annexation of over 1,000 acres of land into City territory.

9 18. Growth in the populace overlying the Basin is not limited to growth in  
10 the City. For example, the Graton Rancheria Indian tribe seeks to develop a massive casino  
11 complex just outside the City limits and plans to produce groundwater to serve that project.  
12 (Despite that tribe's plans to use groundwater that is much needed by existing City and  
13 County residents, the City still approved an agreement with this tribe whereby the City  
14 supports the project in exchange for millions of dollars from the tribe.) In addition the  
15 County recently approved the Canon Manor West project, which lies within the City's sphere  
16 of influence. This project would add hundreds of new homes, with the source of water being  
17 additional groundwater pumped from the Basin. Further, the City of Cotati and Sonoma  
18 State University anticipate significant expansion in the years to come, with, again, the source  
19 of water for that growth being groundwater.

20 **VI. EVENTS LEADING UP TO THE CITY'S ADOPTION OF A LEGALLY**  
21 **INADEQUATE WATER SUPPLY ASSESSMENT**

22 **A. Groundwater Supply**

23 19. Prior to the City's adoption of its Water Supply Assessment ("WSA")  
24 on January 25, 2005 for the aforementioned development projects, a number of studies were  
25 performed that analyzed the Basin. For example, in 1982, the California DWR, experts in  
26 the field of water resources, completed a detailed study that concluded that the amount of  
27 annual production of groundwater out of the Basin *equaled* the amount of annual recharge of  
28

1 water back into the Basin. Yet, in the ensuing twenty years, groundwater production has  
2 significantly increased due to the water demands of a burgeoning population while the  
3 amount of annual recharge has, at best, remained constant. On the demand side, the City's  
4 groundwater production alone has increased over four-fold from 1982 to 2002 as compared  
5 to the study period examined in the DWR 1982 study. Indeed, in an earlier report prepared  
6 in 1979, DWR had already observed a "gradual lowering of water levels beneath the City of  
7 Rohnert Park." On the supply side, annual groundwater recharge has likely decreased since  
8 projects have been built over open space and natural recharge areas. In short, urbanization  
9 has increased the demand for groundwater while decreasing its supply.

10           20. Then in 2000, the City prepared an update to its overall General Plan.  
11 In connection with that endeavor, the City commissioned the preparation of an EIR by a  
12 consulting company called PES Environmental ("PES"). That analysis was based on a  
13 sophisticated computer model (called MODFLOW) developed by the U.S. Geological  
14 Survey (USGS). PES inputted a host of data into that computer model, and also drew upon  
15 prior studies performed for the Basin, including the study completed by DWR in 1982.  
16 Using that model, PES examined the recharge rate for a *larger* portion of the Basin than was  
17 examined in the WSA. Therefore, the recharge rate in the WSA study should be less than  
18 the rate calculated by PES.

19           21. PES concluded that the natural recharge rate is 1,792 acre feet per year  
20 ("afy"). Yet the total amount groundwater pumping just by the City alone was 2.5 times  
21 greater than that recharge rate, with overall cumulative pumping in the Basin being even  
22 greater. Given that significant imbalance between annual recharge and annual production,  
23 PES concluded that the basin was in overdraft. Accordingly, in its written responses to  
24 comments on that EIR, the City acknowledged that groundwater production by the City  
25 would continue to outstrip natural recharge until the City receives -- if ever -- its full  
26 allotment of water from the Sonoma County Water Agency ("SCWA"). Indeed, recognizing  
27 this severe groundwater condition, the City's General Plan called for the virtual elimination  
28

1 of groundwater pumping by the City as of 2010, with additional water from SCWA serving  
2 as the replacement of that supply of groundwater. Yet, as detailed later below, the City  
3 cannot plan on receiving that additional SCWA water. Consequently, the Basin will remain  
4 in a continuing state of overdraft.

5           22. The conclusions so meticulously reached by PES were so significant  
6 that litigation ensued, in an action entitled South County Resource Preservation Committee,  
7 et al. v. City of Rohnert Park, et al., Case No. 224976 (the “General Plan Lawsuit”). Judge  
8 Antolini presided over that General Plan Lawsuit. After extensive briefing by the parties to  
9 that action, Judge Antolini presided over the entry of a Stipulated Judgment in 2002. A key  
10 term of that Judgment provides that:

11           “The City shall not approve any discretionary project outside of  
12 the City boundaries whose net consumptive water use impact on  
13 City’s 0water supply will contribute to the City exceeding an  
14 average annual groundwater pumping rate of 2.3 mgd from  
15 municipal wells and any private wells permitted by the City  
16 subsequent to the entry of Judgment. This provision shall not be  
17 interpreted as a determination or an agreement that pumping at  
18 2.3 mgd at any point in time is, or is not, safe yield.”

19           **B. SCWA Water Supply**

20           23. Groundwater from the Basin is not the only water source in doubt in this  
21 action. The other water source available to the County is imported water delivered by the  
22 SCWA. SCWA diverts water from the Russian River and delivers that water to the City and  
23 seven other entities (collectively known as “Contractors”) and a number of other entities,  
24 including water agencies *outside Sonoma County*. With respect to just the Contractors,  
25 SCWA supplies water to those entities pursuant to written supply contracts, which establish  
26 the maximum amount of water that each Contractor can receive. The governing contract  
27 binding all these entities is the Eleventh Amended Agreement For Water Supply. Under that  
28

1 contract, the City's maximum annual entitlement to SCWA water is 7,500 afy.

2 24. However, SCWA's existing water delivery system and related  
3 infrastructure is not capable of delivering that amount of water to the City. As SCWA has  
4 stated in its Urban Water Management Plan, until new infrastructure is built, "deliveries by  
5 the Agency to its water contractors will be limited to the capacity of the transmission  
6 system." Accordingly, SCWA and the Contractors entered into the Memorandum of  
7 Understanding Regarding Water Transmission System Capacity Allocation During  
8 Temporary Impairment (the "Impairment MOU"). That Impairment MOU effectively limits  
9 the City's maximum entitlement of SCWA water to 6,476 afy.

10 25. Perhaps recognizing that shortfall in its water supply, SCWA installed  
11 three "emergency" groundwater production wells in the Basin over 25 years ago. Since 1998  
12 SCWA has almost continuously pumped groundwater from these wells, and at an alarmingly  
13 increasing rate. For example, from 1998 to Fall 2004, SCWA increased its groundwater  
14 pumping from 1,879 afy to 5,051 afy from those three wells.

15 26. SCWA has proposed a project (commonly called the "WSTSP") that  
16 would increase the delivery capacity of its system and increase its diversion of water from  
17 the Russian River. However, in May 2003, an appellate court invalidated the EIR prepared  
18 by SCWA for that project. In that decision, the Court of Appeal held that SCWA's EIR  
19 failed to analyze the possibility that PG&E may divert *less* water from the Eel River to the  
20 Russian River due to PG&E's proposed operational change at its hydroelectric facility. If  
21 PG&E diverts less water from the Eel River, then less water is diverted to the Russian River,  
22 and there is less water in the Russian River for SCWA to divert.

23 27. The Eel River decision led the General Manager of SCWA to issue a  
24 letter dated August 11, 2003 to all Contractors. In that letter, the General Manager stated,

25 "With the Court of Appeal decision in *Friends of the Eel River*  
26 litigation, the Agency cannot implement the WSTSP at this time.

27 Thus, it is inappropriate for water suppliers relying on water  
28



1 diverted under the Agency's water rights to anticipate water  
2 deliveries based upon diversions of 101,000 afy, or to rely on the  
3 delivery estimates in the Agency's Urban Water Management  
4 Plan 2000. . . ."

5 28. Three key developments loom for the Russian River, which could  
6 dramatically decrease the amount of water available to SCWA. First, the Federal Energy  
7 Regulation Commission (FERC) recently approved PG&E's request to divert 15% less water  
8 from the Eel River. Various parties have filed lawsuits challenging FERC's decision,  
9 including one lawsuit seeking a *greater* reduction in diversions from the Eel River.  
10 Therefore, the amount of reduced flow from the Eel River to the Russian River is still  
11 uncertain.

12 29. Second, the State Water Resource Control Board recently approved  
13 reductions from Lake Mendocino to the Russian River in July 2004. That reduction was  
14 necessitated by the need to "slow down" the flow of water through the River to protect fish.  
15 That reduction in flow, however, could significantly reduce the amount of Russian River  
16 water available for human consumption.

17 30. Finally, the regulated flows for the Russian River are also being  
18 scrutinized by various federal and state agencies involved in a "Section 7" consultation  
19 process. Under that process, a variety of biological issues are examined and a "Biological  
20 Assessment" must be produced, which may take years to complete.

21 **VII. THE CITY'S ADOPTION OF A LEGALLY INVALID WSA**

22 31. Against this backdrop of significant events affecting the City's long-  
23 term water supply, the City retained a consultant to prepare the WSA. Curiously, however,  
24 the City did not retain PES, the consultant who prepared the water supply study for the  
25 General Plan EIR. Nor did the City's new consultant use the federally-approved computer  
26 model in preparing the WSA, even though the City's prior consultant (PES) used that type of  
27 computer model for its water supply study. And perhaps for good reason, given the  
28

1 dramatically differing conclusions reached by the City's new consultant in the WSA.

2           32. In late October 2004, the City released its draft of the WSA for public  
3 review. That draft clearly failed to satisfy the mandatory requirements of SB 610. Among  
4 other deficiencies, the draft WSA failed to comply with various aspects of DWR's  
5 Guidelines for compliance with SB 610, including defining the boundaries of the  
6 groundwater basin, using readily available information concerning other producers in the  
7 Basin, and assessing past and future water demands for the subject region. In addition, the  
8 draft WSA relies on highly selective presentation of technical data, including inadequate  
9 description and analysis of hydrological barriers, groundwater levels, and well production  
10 data. In short, the draft WSA sought to re-write hydrological history, history confirmed in a  
11 host of prior reports on the basin, including but not limited to DWR's reports of 1979 and  
12 1982, the PES study in 2000, and many others. In light of those legal and technical defects,  
13 O.W.L. submitted a letter to the City dated November 19, 2004 that detailed many of those  
14 deficiencies. (A true and correct copy of that letter, excluding exhibits, is attached hereto as  
15 Exhibit A.) The City scheduled a public hearing on the draft WSA for November 23, 2004.

16           33. Apparently recognizing the deficiencies in the draft WSA, the City and  
17 its new consultant submitted a new document entitled "Technical Memorandum" at the City  
18 Council's hearing on November 23, 2004. The public had not had an opportunity to review  
19 this new document before that hearing. The Technical Memorandum provided new  
20 information and analyses. For example, in the Technical Memorandum, the City's new  
21 consultant desperately tries to prove that the Basin is not in overdraft and that PES's prior  
22 conclusion that the Basin is in overdraft was incorrect. In light of all this new information,  
23 the Council continued its decision on the WSA to its meeting of January 25, 2005.

24           34. After the November 23<sup>rd</sup> hearing, O.W.L. had the opportunity to review  
25 the Technical Memorandum. Like the draft WSA, the Technical Memorandum still  
26 contained erroneous analyses and conclusions, and the WSA combined with the Technical  
27 Memorandum still failed to comply with the mandatory requirements of SB 610.

28

1 Accordingly, O.W.L. submitted another comment letter to the City dated January 19, 2005  
2 that detailed the deficiencies in the Technical Memorandum (a true and correct copy of  
3 which is attached hereto as Exhibit B).

4           35.     Thereafter, virtually at the eleventh hour of these proceedings, the City  
5 issued its “final” WSA. That version of the WSA was dramatically different from the draft  
6 WSA, in the sense that the final WSA *doubled* the length of the text of the WSA and added  
7 dozens new informational tables and figures. In short, the Final WSA added a substantial  
8 amount of new information never before made available to the public. Despite the addition  
9 of that new information, the City took various actions that deprived the public of a full and  
10 adequate opportunity to provide comment on the final WSA.

11           36.     Despite depriving the public of its right to effectively participate in the  
12 process, the City Council proceeded to adopt the final WSA at its meeting of January 25,  
13 2005. The City Council’s decision flies in the face of protests received from:

- 14                     •     Landowners who lost their groundwater production wells due to  
15 the City’s increased groundwater pumping.
- 16                     •     The Sonoma County Water Coalition, a coalition of over twenty  
17 community and environmental organizations and groups throughout the County seeking  
18 protection of our vital water resources.
- 19                     •     The California Regional Water Quality Control Board (“Regional  
20 Board”), which stated in a letter to the City that it found the WSA to be inadequate (a copy  
21 of which is attached hereto as Exhibit C<sup>2</sup>). One of the Regional Board’s primary concerns  
22 focuses on the adverse consequences of overpumping by the City in the Basin, namely, the  
23 withdrawal of water from the adjacent groundwater basin and the potential negative effect on  
24 Lichau Creek.

25 ///

26 \_\_\_\_\_  
27 <sup>2</sup> A copy of the incorrect California Regional Water Quality Control Board letter was  
28 inadvertently attached to the original complaint. The correct letter is now attached as Exhibit C.

1 **VIII. THE CITY'S REFUSAL TO PUBLICALLY PRODUCE THE PES DATA**

2 37. Early on in this process, it became evident that the findings by PES of  
3 an overdraft condition in the Basin would be critical. Accordingly, O.W.L. submitted a  
4 lawful request to the City under the Public Records Act ("PRA") (Cal. Govt. Code Sections  
5 6250, et seq.) for copies of the groundwater flow model that was developed and calibrated by  
6 PES, as well as copies of all input and output files that were generated from the use of this  
7 model. These documents are an important step in determining the legitimacy of the City's  
8 decision to disregard the PES findings, and, instead, to rely on Luhdorff & Scalmanini, a  
9 new consultant ("Consultant") hired by the City to draft its WSA.

10 38. PES rendered its finding that the basin was in overdraft by entering  
11 "input" data into the USGS groundwater model. This model is not proprietary, and may be  
12 downloaded free of charge directly from the USGS website. Thus, the model itself has no  
13 predetermined outcome – it essentially acts as a shell. The results of running the model  
14 depend on the data and assumptions that are used as inputs. In this case, the input data were  
15 based on a number of sources, including groundwater pumping data provided to PES by the  
16 City. Without both the raw data and the model input data, it would be impossible for an  
17 outside observer to accurately confirm or deny that the basin was overdrafted. This  
18 presumably explains why the City now refuses to produce this input data responsive to  
19 O.W.L.'s PRA request.

20 39. The City's sole justification for its decision is that the City did not  
21 physically possess the input data, but, rather, PES did. (Copies of the relevant  
22 correspondence between O.W.L. and the City are included as part of Exhibit B hereto.) The  
23 logic of this response breaks down, however, after review of the City's contract with PES (a  
24 true and correct copy of which is attached hereto as Exhibit D). In that contract, it  
25 specifically provides: "[T]itle to all plans, specifications, maps, estimates, reports,  
26 manuscripts, drawings, descriptions and other final work products compiled by the  
27 consultant under the Agreement shall be vested in the City." Further, the contract also  
28

1 provides: “[B]asic survey notes and sketches, charts, computations, and other data prepared  
2 or obtained under the Agreement shall be made available, upon request, to the City without  
3 restriction or limitations on their use.” Therefore, regardless whether the City actually  
4 physically possesses the input data, it does hold title to this data and thus should be required  
5 to produce it.

6           40. In addition, the City’s argument that it does not have possession of the  
7 input data is belied by its own Consultant’s findings in the City’s WSA. Although it was  
8 PES, and not Luhdorff & Scalmanini, which ran the groundwater model, Luhdorff &  
9 Scalmanini were able to make very specific conclusions in the WSA disputing the accuracy  
10 of the PES findings. Specifically, the Consultant claims that the PES model was bounded by  
11 no-flow boundaries with the exception of a general head boundary along the northwestern  
12 edge of the model. In addition, the Consultant was able to point to three specific recharge  
13 zones and the simulated recharge rates of each of these zones. These very specific technical  
14 details about model input were not provided in the City’s EIR and thus, were not previously  
15 accessible to O.W.L. Rather, it was not until five years later, when the City was trying to  
16 find some evidence indicating that the Basin was not actually in overdraft, that these very  
17 specific technical conclusions were made.

18           41. This lends support to the argument that the Consultant could only obtain  
19 this information from PES’ actual input and output files. As stated previously, the  
20 groundwater model itself acts only as a shell; without the input data it has no output.  
21 Therefore, in order for the City’s Consultant to come up with these sorts of findings – which  
22 made very fine quantitative distinctions between the Consultant’s study and PES’ study – the  
23 Consultant must have had access to the data PES inputted into the groundwater model.  
24 Indeed, the City’s Consultant specifically cites as one of its sources: “Pogoncheff, personal  
25 communication, 2004”. Since Nicholas Pogoncheff was employed by PES as a Hydrologist,  
26 it is difficult to ascertain how the City can claim that neither it, nor its consultant, has access  
27 to PES’ input and output data. In its PRA request, O.W.L. simply asks the City to provide  
28

1 this data.

2 42. The City has also refused to provide any output files generated from  
3 PES. Again, the City makes the untenable argument that it is unable to produce these files  
4 since PES, and not the City, possesses the data. However, the City itself, in its draft EIR of  
5 2000, conceded that PES calibrated its groundwater flow model with, among other things,  
6 both pumpage and historic groundwater elevations. Calibration is necessary in order to  
7 ensure that the output data is consistent with the historic groundwater elevations. Thus, this  
8 calibration process is an important “reality check” in order to verify that the recharge  
9 estimate provided by the groundwater model is accurate. In addition to the reference in the  
10 draft EIR, the City’s Consultant references the calibration conducted on the model in the  
11 WSA. However, as was the case with the input data, the WSA refers to different output data  
12 used for calibration than that used in the City’s EIR. Therefore, both the City and its  
13 Consultant must have had access to the output data PES used to calibrate the model.

14 43. Thus, the City seeks to hide from public scrutiny the very information  
15 that formed the basis of its conclusion of an overdraft condition back in 2000. The reason for  
16 that seems to be that the output results of that data contradict the City’s 2004 conclusion that  
17 no overdraft condition exists or has ever existed.

### 18 **FIRST CAUSE OF ACTION**

#### 19 **(Violation Of, And Failure To Comply With, SB 610 Against All Defendants)**

20 44. Plaintiffs incorporate by this reference, and thereby reallege, all of the  
21 matters contained in paragraphs 1 through 43, above.

22 45. In adopting the WSA Resolution and approving the WSA, the  
23 Defendants violated and failed to comply with the mandatory requirements of SB 610.  
24 Among other deficiencies, the WSA:

25 (a) Failed to properly assess the sufficiency of groundwater as a  
26 water supply for the City;

27 (b) Failed to properly assess the sufficiency of imported water  
28

1 delivered by SCWA as a water supply for the City;

2 (c) Failed to properly assess the sufficiency of additional recycled  
3 water as a water supply from the City;

4 (d) Failed to properly determine the water demands for the City's  
5 existing residents and future residents; and

6 (e) Was adopted without providing the public with an adequate  
7 opportunity to review and comment on the final WSA.

8 46. In light of these legal defects and others in the WSA, the Defendants'  
9 decision to adopt the WSA Resolution and approve the WSA is not supported by substantial  
10 evidence. In addition, the Defendants' decision to adopt the WSA Resolution and approve  
11 the WSA constitutes a prejudicial abuse of discretion since they failed to proceed in the  
12 manner required by law.

13 47. Plaintiffs have exhausted all administrative remedies available to them.

14 48. Plaintiffs have no plain, speedy or adequate remedy at law other than  
15 the relief sought herein, including the issuance by this Court of a writ of mandate pursuant to  
16 C.C.P. Sections 1084 et. seq. that requires the City to vacate and rescind its approval of the  
17 WSA Resolution and the WSA.

18 49. Plaintiffs have incurred, and will continue to incur, attorneys' fees and  
19 costs as a result of these proceedings in amounts that cannot yet be ascertained. Plaintiffs  
20 seek recovery of such fees and costs pursuant to California Code of Civil Procedure Section  
21 1021.5 and all other applicable laws.

22 **SECOND CAUSE OF ACTION**

23 **(Declaratory Relief Against All Defendants)**

24 50. Plaintiffs incorporate by this reference, and thereby reallege, all of the  
25 matters contained in paragraphs 1 through 49, above.

26 51. An actual and justiciable dispute and controversy has arisen and exists  
27 between Plaintiffs and the Defendants, in that Plaintiffs contend, and the Defendants  
28

1 maintain to the contrary, that the WSA:

2 (a) Failed to properly assess the sufficiency of groundwater as a  
3 water supply for the City;

4 (b) Failed to properly assess the sufficiency of imported water  
5 delivered by SCWA as a water supply for the City;

6 (c) Failed to properly assess the sufficiency of additional recycled  
7 water as a water supply from the City;

8 (d) Failed to properly determine the water demands for the City's  
9 existing residents and future residents.

10 52. A declaration by this Court concerning the legal adequacy of the WSA  
11 and the Defendants' obligations thereto under SB 610 is both appropriate and necessary at  
12 this time. In particular, absent a declaration or other appropriate order from this Court, the  
13 WSA will be relied upon in the avalanche of proposed development projects to be considered  
14 for annexation by the Defendants. Such an outcome may lead to multiple legal proceedings,  
15 inconsistent rulings, and contradictory applications of SB 610.

16 **THIRD CAUSE OF ACTION**

17 **(Violation Of, And Failure To Comply With, Public Records Act**

18 **Against All Defendants Alleged By Plaintiff O.W.L.)**

19 53. O.W.L. incorporates by this reference, and thereby realleges, all of the  
20 matters contained in paragraphs 1 through 52, above.

21 54. O.W.L. made a valid request to the City under the Public Records Act in  
22 a letter dated July 2, 2004 (the "PRA Request") for copies of documents relating to the PES  
23 groundwater study, including input data used by PES to input into the computer model, as  
24 well as output data. O.W.L. renewed that request in its letter to the Council dated January  
25 19, 2005.

26 55. Defendants violated and failed to comply with the mandatory  
27 requirements of the PRA, in that the City failed, and repeatedly refuses, to produce the PES  
28



1 documents to O.W.L. The City's failure to do so is particularly egregious since (a) the  
2 City's Contract with PES specifically vests title in any and all final work product in the City  
3 and (b) the City's new Consultant apparently had access to the PES data when it prepared the  
4 WSA. Further, the WSA relies on information apparently provided in *verbal*  
5 communications between PES and the consultant who prepared the WSA.

6 56. Accordingly, O.W.L. has no adequate remedy other than an injunction  
7 from this Court ordering the Defendants to produce all documents described in O.W.L.'s  
8 PRA Request, as described in paragraph 48 above, that are in the legal possession, custody  
9 and control of the Defendants and its agents, including but not limited to PES.

10 57. This cause of action arises out of facts and circumstances related and  
11 substantially similar to the fact and circumstances underlying the First and Second Cause of  
12 Action alleged herein.

13 58. O.W.L. has incurred, and will continue to incur, attorneys' fees and  
14 costs as a result of these proceedings in amounts that cannot yet be ascertained. O.W.L.  
15 seeks recovery of such fees and costs pursuant to California Government Code Section 6259  
16 and all other applicable laws.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiffs pray that:

19 **On First Cause of Action**

20 1. The Court issue a peremptory writ of mandating commanding the  
21 Defendants:

22 (a) To vacate and rescind the WSA Resolution and associated  
23 approval of the WSA.

24 (b) To fully comply with the mandatory requirements of SB 610 in  
25 preparing and approving any future water supply assessment.

26 2. The Court issue an award of attorneys' fees and costs to Plaintiffs; and

27 3. The Court grant any other relief to Plaintiffs that the Court deems just  
28

1 and equitable.

2 On Second Cause of Action

3 1. The Court issue a judicial declaration consistent with Plaintiffs'  
4 allegations set forth herein.

5 2. The Court issue an award of attorneys' fees and costs to Plaintiffs; and

6 3. The Court grant any other relief to Plaintiffs that the Court deems just  
7 and equitable.

8 WHEREFORE, Plaintiff O.W.L. prays, separately for itself, that:

9 On Third Cause of Action

10 1. The Court issue an injunction against the Defendants requiring them to  
11 produce to O.W.L. all documents responsive to O.W.L.'s PRA Request that are in the legal  
12 possession, custody and control of the Defendants and its agents, including but not limited to  
13 PES.

14 2. The Court issue an award of attorneys' fees and costs to O.W.L.; and

15 3. The Court grant any other relief to O.W.L. that the Court deems just and  
16 equitable.

17 DATED: July 22, 2005

18 EDWARD J. CASEY  
19 WESTON, BENSHOOF, ROCHEFORT,  
20 RUBALCAVA & MacCUISH LLP

21 \_\_\_\_\_  
22 Edward J. Casey  
23 Attorneys for Petitioners and Plaintiffs  
24  
25  
26  
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1 **VERIFICATION**

2 I, H.R. Downs, declare as follows:

3 I am the President of the O.W.L. Foundation ("O.W.L.") in the within action  
4 and make this verification on its behalf.

5 I have read the foregoing VERIFIED FIRST AMENDED PETITION FOR  
6 WRIT OF MANDAMUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE  
7 RELIEF and know the contents thereof; the same is true of my own knowledge, except as to  
8 matters therein stated on information or belief; and as to such other matters I believe them to  
9 be true.

10 I declare under penalty of perjury under the laws of the State of California that  
11 the foregoing is true and correct.

12 Executed this 22<sup>nd</sup> day of July, 2005, at Penngrove, California.

13 \_\_\_\_\_  
14 H.R. Downs  
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# MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169  
www.marinwater.org

Telephone: (415) 945-1446  
Facsimile: (415) 927-4953

August 24, 2005

Mr. Randy Poole  
General Manager  
Sonoma County Water Agency  
P.O. Box 11628  
Santa Rosa, CA 95406

Dear Randy:

As you know, the Marin Municipal Water District is currently pursuing diligently a variety of strategies to assure that our customers will have adequate water supplies in normal as well as in drought years. As part of this effort, the MMWD board has prioritized the evaluation of desalination of San Francisco Bay water as a source of supplemental water supply and an alternative to increased deliveries of imported water from the Sonoma County Water Agency. We want to emphasize that the MMWD board's recent action to shift our final block of "as-available" water to "firm" status pursuant to our Supplemental Water Supply Agreement does not reflect any change to this approach. Nor does it diminish our interest in assuring that water deliveries from the Russian River will continue to be reliable and with the minimal environmental impact possible.

MMWD is committed to the sustainable management of the water resources on which we rely. This includes not only Lagunitas Creek, but also the river systems from which our imported water from SCWA originate. We appreciate and applaud SCWA's recent efforts to improve the anadromous fisheries on the Russian River. However, we are concerned that SCWA has yet to fully embrace efforts to restore the health of beleaguered Eel River, including substantially reducing or eliminating Eel River diversions via the Potter Valley Project (PVP) and potentially de-commissioning diversions facilities on that river, if these actions prove necessary to restore the river to good environmental health.

In addition to the health of the Russian and Eel Rivers, MMWD is concerned about the increasing signs of groundwater problems and shortages on the Santa Rosa plain. The overdrafting of groundwater on the Santa Rosa plain has direct adverse impacts to all SCWA contractors, since SCWA's "emergency" wells in that basin are an important component of the long-term reliability of the SCWA supply system. We urge SCWA to support meaningful groundwater

management on the Santa Rosa plain, including adopting a groundwater management plan as several other groundwater-dependent counties have done and as recommended by the Sonoma County Grand Jury.

To assist us in our evaluation of long-term supplemental supply alternatives, we respectfully request a written response from you to the following questions:

1. Regarding the Eel River, we have received mixed messages that require your clarification. Several years ago, we were told by SCWA that the PVP diversion was essential to the long-term reliability of SCWA deliveries to Marin. SCWA made similar statements to FERC in the context of hydropower relicensing proceedings. However, in recent years, including during testimony in April of this year before the State Water Resources Control Board, you have stated that diversions from the Eel River are not necessary to meet instream flow requirements in the Russian River at Guerneville, nor are such diversions necessary to allow SCWA to meet its full contractual obligations for water deliveries to MMWD and other SCWA contractors in Marin and southern Sonoma Counties. You have stated that such requirements and deliveries can be met by releases from Lake Sonoma. These statements appear to be contradictory, and have led to some confusion among MMWD staff, Board members and the public. Please explain to us in clear terms whether SCWA deliveries to MMWD are dependent on PVP diversions. If SCWA can confirm that deliveries to Marin are not dependent on the PVP diversion system, it would help dispel persistent concerns by Marin residents and others that reliance on SCWA imports is detrimental to the Eel River.

2. A related question involves SCWA's intentions regarding the continued operation of the PVP. MMWD's contract with SCWA references the potential purchase by SCWA of this facility. Because the cost of any such acquisition would be quite substantial (presumably in the hundreds of millions of dollars), we need to understand what that would mean in terms of costs that may be passed through to MMWD and other contractors. Please update us on SCWA's current plans and intentions regarding the PVP, including whether SCWA has any plans to purchase or pay for continued operations of the PVP, the likely cost of such acquisition or operating plan, how such costs would be met, and whether SCWA plans to pass any of these costs on to MMWD and other contractors. In light of your recent statements that MMWD's contractual deliveries do not depend on diversions through the PVP and would not be effected by curtailment of those diversions, we trust that MMWD would not be asked to pay for costs associated with the continued operation of the PVP. Please confirm this in your response.

3. Regarding water supplies from the Lake Sonoma, SCWA has represented for several years that substantial unused storage is available to SCWA from this source. Given the growing requests for water supply by contractors in SCWA's delivery territory, please update us on SCWA's plans to avail itself of additional water supply from Lake Sonoma, including challenges or constraints to

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accessing this additional supply, any plans to mitigate impacts on Dry Creek, implications for additional water treatment requirements, and current estimates of the total cost of accessing and delivering this water to SCWA contractors.

4. Regarding Sonoma County groundwater generally, and SCWA's emergency wells specifically, please provide an assurance to us that these "emergency" wells will indeed provide a reliable backup supply in the event of a severe drought. As we understand it, the wells have been operating full-time in recent years and groundwater levels are dropping faster than projected rates of recharge. What are SCWA's plans for ensuring sustainable management of groundwater and reliable backup supplies to meet the needs of contractors in the next drought?


5. Concerning water conservation programs, we are curious about any new initiatives that SCWA may be proposing. As you know, we are charter members of the California Urban Water Conservation Council, and have been pioneering water conservation measures for many years. We would be happy to participate in any additional efforts that SCWA would like to promote in this arena, and offer our support and assistance.

Thank you in advance for your courtesy and cooperation in answering our questions on these matters. We look forward to your reply, and to working cooperatively with you on these important issues.

Sincerely,

Handwritten signature of Jared Huffman in cursive script.

Jared Huffman  
President, Board of Directors

Handwritten signature of Paul Helliker in cursive script.

Paul Helliker  
General Manager



Steven F. Carle  
11001 Minnesota Ave.  
Penngrove, CA 94951  
(707) 793-9815

October 18, 2005

Brad Mehaffy  
NEPA Compliance Officer  
National Indian Gaming Commission  
1441 L Street, NW, Suite 9100  
Washington, D.C. 2005  
Fax: 202-632-7066  
Phone: 202-632-7003

### **EIS Scoping Comments, Graton Rancheria Casino and Hotel Project**

Dear NEPA Compliance Officer:

Please ensure that EIS for the Graton Rancheria Casino and Hotel Project accurately and adequately addresses the following questions:

1. What is the source of water supply for the Graton Rancheria Casino and Hotel Project (Casino Project)?
2. What California Department of Water Resources (DWR) groundwater basin is the Casino project located in?
3. What California Department of Water Resources (DWR) groundwater subbasin is the Casino project located in?
4. Will the Casino project use or obtain water from the Sonoma County Water Agency (SCWA)?
5. Will the Casino project obtain water from its own private wells?
6. Will the Casino project use or obtain water from the City of Rohnert Park?
7. Do SCWA water supplies include groundwater?
8. Does the City of Rohnert Park's water supply include groundwater?
9. What cities and public agencies extract groundwater from the same groundwater basin that the Casino project is located in?
10. What cities, public agencies, and counties receive groundwater from the same groundwater basin that the Casino project is located in?
11. Is the Santa Rosa Valley groundwater basin overdrafted?
12. Is the Santa Rosa Plain groundwater subbasin overdrafted?
13. Did the City of Rohnert Park's 2005 Water Supply Assessment correctly conclude that a large portion of the groundwater extracted by the City's wells originates from areas outside the Santa Rosa Plain groundwater subbasin?
14. Given a repeat of a two-year drought similar to the 1976-1977 drought, would surface and groundwater supplies be sufficient to supply water to all residents of Marin and Sonoma County?

15. Would the Casino project cause any adverse effects to neighboring well owners?
16. What is the probability that SCWA will significantly increase the City of Rohnert Park's annual entitlement within the next 1 year? 5 years? 10 years? 15 years? 20 years?
17. What is the probability that SCWA will significantly increase the City of Santa Rosa's annual entitlement within the next 1 year? 5 years? 10 years? 15 years? 20 years?
18. How much water demand in the Casino Project is attributed to residential use?
19. How much water demand in the Casino Project is attributed to retail use?
20. How much water demand in the Casino Project is attributed to office/health club?
21. How much water demand in the Casino Project is attributed to light industrial development?
22. How much water demand in the Casino Project is attributed to hotel/spa use?
23. How much water demand in the Casino Project is attributed to golf course use?
24. How much water demand in the Casino Project is attributed to agricultural use?
25. How much water demand in the Casino Project is attributed to swimming pools?
26. How much water demand in the Casino Project is attributed to irrigation?
27. How much water demand in the Casino Project is attributed to amusement, including water fountains, rides, shows, etc.?
28. How could groundwater contamination affect the SCWA's or the City of Rohnert Park's wells?
29. How could groundwater contamination affect water supply wells located at the site of the Casino Project?
30. If groundwater contamination affects SCWA's or the City of Rohnert Park's municipal wells, how will SCWA and the City of Rohnert Park compensate for the decrease in available water supply?
31. If groundwater contamination affects private wells supplying the Casino Project, how will the Casino Project obtain potable water?
32. Are all water demand estimates in SCWA's 2000 Urban Water Management Plan (UWMP) accurate?
33. Does the 2000 UWMP assume that user demand will decrease due to conservation?
34. Are the City of Rohnert Park's water supplies sufficient to meet the present and future demand for all projects (including the Casino Project) located within the City of Rohnert Park's Urban Growth Boundary?
35. Is groundwater projected to be used by the City of Rohnert Park as a water supply to meet increases in future demand?
36. Is groundwater currently being used by the City of Rohnert Park as a water supply to meet current demand?
37. Has groundwater been used in the last 5 years by the City of Rohnert Park as a water supply?
38. How much groundwater has the City of Rohnert Park used in the each of the last 30 years?
39. How much groundwater does the City of Rohnert Park projected to use in 5 year increments over the next 20 years?



40. Are the projections of future water decrease in per capita or household demand in the City of Rohnert Park's Water supply assessment accurate and realistic?
41. From what groundwater basin has groundwater been extracted for the City of Rohnert Park's water supply?
42. From what groundwater basin will groundwater be extracted for the City of Rohnert Park's water supply?
43. Are the City of Rohnert Park's water supplies sufficient to meet the present and future demand for all projects (including the Casino Project) located within the City of Rohnert Park's Urban Growth Boundary?
44. Is groundwater projected to be used by the City of Santa Rosa as a water supply to meet increases in future demand?
45. Is groundwater currently being used by the City of Santa Rosa as a water supply to meet current demand?
46. Has groundwater been used in the last 5 years by the City of Santa Rosa as a water supply?
47. How much groundwater has the City of Santa Rosa used in the each of the last 5 years?
48. How much groundwater does the City of Santa Rosa project to use in 5 year increments over the next 20 years?
49. Are projections of future water use in the City of Santa Rosa's 2004 Water Supply Assessment for the Southwest Area Specific Plan accurate and realistic?
50. From what groundwater basin has groundwater been extracted for the City of Santa Rosa's water supply?
51. From what groundwater basin will groundwater be extracted for the City of Santa Rosa's water supply?
52. What other public water suppliers have extracted groundwater from the same basin that the City of Santa Rosa has extracted groundwater as a water supply?
53. What other public water suppliers will extract groundwater from the same basin as the City of Santa Rosa is projected to extract groundwater as a water supply?
54. Has the Sonoma County Water Agency (SCWA) extracted groundwater from the same basin as the City of Rohnert Park or the City of Santa Rosa has extracted groundwater as a water supply?
55. Will the Casino Project extract groundwater from the same groundwater basin or subbasin as the City of Rohnert Park, City of Santa Rosa, and the Sonoma County Water Agency currently and will extract groundwater?
56. Will SCWA extract groundwater from the same basin as the City of Rohnert Park and the City of Santa Rosa is projected to extract groundwater as a water supply?
57. To what extent could constraints on water delivery from the SCWA inhibit sufficiency of water supplies for the Casino project and all other projects within the City of Rohnert Park's General Plan?
58. To what extent would constraints on groundwater pumping by the SCWA inhibit sufficiency of water supplies for the Casino project and all other projects within the City's of Rohnert Park's General Plan?
59. Does any part of the City of Rohnert Park's primary source of supply (SCWA) include groundwater?

60. Does any part of the City of Santa Rosa's primary source of supply (SCWA) include groundwater?
61. Will SCWA extract groundwater from the SCWA's Sebastopol Road Well?
62. Will SCWA extract groundwater from the SCWA's Occidental Road Well?
63. Will SCWA extract groundwater from the SCWA's Todd Road Well?
64. In the past 5 years, how much groundwater has been extracted from SCWA's Ranney collectors or any other production wells along the Russian River?
65. In the past 5 years, how much groundwater has SCWA extracted for use as source of water supply for its contractors?
66. In the past 5 years, has the SCWA delivered any groundwater to the City of Santa Rosa as a source of water supply?
67. In the past 5 years, has the SCWA delivered any groundwater to the City of Rohnert Park as a source of water supply?
68. Has the SCWA or its consultants ever evaluated the potential for adverse impacts from pumping groundwater from the SCWA's Sebastopol Road, Occidental Road, and Todd Road wells?
69. Do adverse impacts (e.g., lowering water table or lowering water levels in private wells) occur as a result of pumping groundwater from the SCWA's Sebastopol Road, Occidental Road, and Todd Road wells?
70. In the last 10 years, has the SCWA conducted any monitoring of water levels in monitoring wells adjacent to SCWA's Sebastopol Road, Occidental Road, and Todd Road wells? If yes, do those monitoring data indicate that pumping from SCWA's Sebastopol Road, Occidental Road, and Todd Road wells could adversely affect adjacent wells at various depths?
71. In the past 5 years, what is the equivalent population (based on demand) that SCWA's groundwater extraction has provided?
72. What wells provide the City of Santa Rosa's own groundwater sources?
73. What quantities of groundwater extraction are projected for possible further utilization of the City of Santa Rosa's groundwater resources over the duration of the City of Santa Rosa's General Plan projects?
74. Do any of the City of Santa Rosa's 2005 water supply assessments meet SB 610 requirements if groundwater is an existing, planned, or projected source of water supply for the City?
75. Does the City of Rohnert Park's 2005 water supply assessments meet SB 610 requirements if groundwater is an existing, planned, or projected source of water supply for the City?
76. Is groundwater identified as an existing or planned source of water supply for the SCWA?
77. Does groundwater constitute a portion of SCWA water supplies for its contractors?
78. If the City of Santa Rosa contracts water supplies from SCWA, does the City of Santa Rosa contract groundwater from the SCWA as a source of water supply?
79. If the City of Rohnert Park contracts water supplies from SCWA, does the City of Santa Rosa contract groundwater from the SCWA as a source of water supply?
80. If the Casino Project contracts water supplies from SCWA, will the Casino contract groundwater from the SCWA as a source of water supply?

81. Are the City of Rohnert Park's secured water supplies sufficient to meet future demand for all of the City's General Plan projects?
82. Are the City of Santa Rosa's secured water supplies sufficient to meet future demand for all of the City's General Plan projects?
83. If secured water supplies are currently insufficient to meet future demand from all of the City of Rohnert Park's General Plan projects, what is the probability of obtaining sufficient future water supplies to meet demand from all of the City of Rohnert Park's General Plan projects?
84. If secured water supplies are currently insufficient to meet future demand from all of the City of Santa Rosa's General Plan projects, what is the probability of obtaining sufficient future water supplies to meet demand from all of the City of Santa Rosa's General Plan projects?
85. Can the length and severity of droughts in California be predicted with any accuracy?
86. How do the City of Santa Rosa's past, current, and future demands for water affect the County's agricultural industry?
87. How do the City of Rohnert Park's past, current, and future demands for water affect the County's agricultural industry?
88. How would the Casino Project's future demand for water affect the County's agricultural industry?
89. How do the City of Rohnert Park's past, current, and future demand for water affect private well owners in the Santa Rosa Valley groundwater basin and the Wilson Grove Formation Highlands basin?
90. How do the City of Santa Rosa's past, current, and future demand for water affect private well owners in the Santa Rosa Valley groundwater basin and the Wilson Grove Formation Highlands basin?
91. How would the Casino Project's future demand for water affect private well owners in the Santa Rosa Valley groundwater basin and the Wilson Grove Formation Highlands basin?
92. How do the City of Santa Rosa's water conservation measures affect the ability of its water users to decrease demand during a water supply shortage?
93. How do the City of Rohnert Park's water conservation measures affect the ability of its water users to decrease demand during a water supply shortage?
94. How would the Casino Project's water conservation measures affect the ability of its water users to decrease demand during a water supply shortage?
95. What is the level of communication between the City of Santa Rosa, the Sonoma County Water Agency, and the County of Sonoma regarding use and management of groundwater as source of water supply?
96. What would the level of communication between the City of Santa Rosa, the Sonoma County Water Agency, the County of Sonoma, and the Graton Rancheria Tribe regarding use and management of groundwater as source of water supply?
97. Why haven't the City, the SCWA, or any public agency or water supplier in Sonoma County enacted either a groundwater management plan or ordinance to manage groundwater resources?

98. Why is Sonoma County one of the few counties that heavily relies on groundwater but has no groundwater management plan or groundwater management ordinance in effect?
99. Why does the State of California rank the Santa Rosa Valley basin and the Wilson Formation Highlands groundwater basins in the highest priority for the Groundwater Ambient Monitoring Assessment (GAMA) project?
100. Does the City of Santa Rosa agree with the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
101. Does the City of Rohnert Park agree with the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
102. Does the Sonoma County Water Agency agree with the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
103. Does the Casino Project or Graton Rancheria Tribe agree with the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
104. How did the City of Santa Rosa respond to the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
105. How did the City of Rohnert Park respond to the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
106. How did the Sonoma County Water Agency respond to the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
107. How would the Casino project or Graton Rancheria Tribe respond to the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
108. If the City of Rohnert Park agrees with the Grand Jury recommendation, why hasn't such a groundwater management plan been initiated since the time of Grand Jury recommendation?
109. If the City of Santa Rosa agrees with the Grand Jury recommendation, why hasn't such a groundwater management plan been initiated since the time of Grand Jury recommendation?
110. If the Sonoma County Water Agency agrees with the Grand Jury recommendation, why hasn't such a groundwater management plan been initiated since the time of Grand Jury recommendation?
111. Why would it be necessary to delay initiation of a groundwater management plan until U.S. Geological Survey groundwater modeling studies are completed?
112. Is delaying groundwater management planning until U.S. Geological Survey groundwater modeling studies are completed consistent with California Department of Water Resources recommendations?

113. How does climate variation affect the City of Rohnert Park's water supply management planning?
114. How does climate variation affect the Santa Rosa's water supply management planning?
115. How does climate variation affect the Sonoma County Water Agency's water supply management planning?
116. How does climate variation affect the Casino Project's water supply management planning?
117. How do demographic factors affect the City of Santa Rosa's water supply management planning?
118. How do demographic factors affect the City of Rohnert Park's water supply management planning?
119. How do demographic factors affect the Casino Project's water supply management planning?
120. How does demand variation associated with climate variability within different years (e.g. a late spring or early summer) affect the City of Santa Rosa's water supply management planning?
121. How does demand variation associated with climate variability within different years (e.g. a late spring or early summer) affect the City of Rohnert Park's water supply management planning?
122. How does demand variation associated with climate variability within different years (e.g. a late spring or early summer) affect the Casino Project's water supply management planning?
123. What is the projected population of the City of Santa Rosa in five-year increments through the next 20 years?
124. What is the projected population of the City of Rohnert Park in five-year increments through the next 20 years?
125. What is the projected population of the Graton Rancheria Tribe in five-year increments through the next 20 years?
126. What are the existing and planned sources of water supply for the City of Santa Rosa in five-year increments through 2025?
127. What are the existing and planned sources of water supply for the Casino Project in five-year increments through 2025?
128. What are the existing and planned sources of water supply for the City of Rohnert Park in five-year increments through 2025?
129. Is groundwater identified as an existing or planned source of water supply for the City of Santa Rosa within the next 20 years?
130. Is groundwater identified as an existing or planned source of water supply for the City of Rohnert Park within the next 20 years?
131. Is groundwater identified as an existing or planned source of water supply for the Sonoma County Water Agency within the next 20 years?
132. Why does the City of Santa Rosa's 2004 Southwest Area Specific Plan Water Supply Assessment contain no description of the Santa Rosa Valley groundwater basin or the Santa Rosa Plain groundwater subbasin?
133. Is either the Santa Rosa Valley groundwater basin or the Santa Rosa Plain groundwater subbasin overdrafted or projected to be overdrafted according to any

public document including those published by the California Department of Resources and the City of Rohnert Park, including current General Plan document?

134. Is there any indication in any public testimony, published documents, or consulting reports that groundwater by the pumping by the City of Rohnert Park adversely affects domestic or agricultural wells outside the City of Rohnert Park?
135. Did the Rohnert Park General Plan EIR groundwater study conclude that an overdraft condition exists in the Santa Rosa Plain subbasin?
136. Why did the City of Rohnert Park undertake a groundwater study in its 2005 Water Supply Assessment for its current General Plan projects?
137. Does the City of Rohnert Park's 2005 Water Supply Supply Assessment contain any groundwater modeling results that would provide a more quantitative assessment of groundwater overdraft conditions compared to the City of Rohnert Park's General Plan EIR groundwater study?
138. Why didn't the City of Santa Rosa undertake a groundwater study for its 2004 Water Supply Assessment for the Southwest Area Specific Plan project?
139. What efforts are being undertaken by the City, SCWA, any or any other public agency to eliminate a long-term groundwater overdraft condition?
140. What constitutes a description and analysis of SCWA groundwater pumping over the last 5 years, and why is no accurate description or analysis of SCWA groundwater pumping included in the 2004 Southwest Area Specific Plan Water Supply Assessment?
141. Has the SCWA or its consultants ever concluded the a major potential impact of SCWA groundwater pumping is lowering of groundwater levels below the level from which groundwater users draw their domestic water?
142. Has the SCWA or its consultants ever concluded that a potential effect of groundwater drawdown is land subsidence?
143. What constitutes a description and analysis of the City of Santa Rosa's groundwater pumping over the last 5 years and projected into the future over 5 year increments for at least 20 years, and why is that information not included in the Southwest Area Specific Plan Water Supply Assessment?
144. What constitutes a description and analysis of the location, amount, and sufficiency of groundwater that is projected to be pumped by the SCWA, and why is that information not included in the Southwest Area Specific Plan Water Supply Assessment?
145. What constitutes a description and analysis of the location, amount, and sufficiency of groundwater that is projected to be pumped by the City of Santa Rosa, and why is that information not included in the Southwest Area Specific Plan Water Supply Assessment?
146. What is the reliability of the SCWA water supply and vulnerability to seasonal or climatic shortage for an average water year, a single dry water year, and multiple dry years?
147. Why did the City of Santa Rosa's `Southwest Area Specific Plan Water Supply Assessment not examine the scenario of an average water year?
148. Why did the City of Santa Rosa's Southwest Area Specific Plan Water Supply Assessment not examine the scenario of multiple dry years?

149. What alternative water sources are available to SCWA?
150. Does the SCWA have water rights to any river in the Eel River watershed?
151. To what extent does SCWA's extraction of water supplies from the Russian River rely on diversions from the Eel River watershed?
152. Can SCWA safely and reliably extract 75,000 acre feet/year from the Russian River without diversions from the Eel River watershed?
153. Can SCWA extract 101,000 acre feet/year safely and reliably from the Russian River without from diversions from the Eel River watershed?
154. Why have salmon fisheries in the Russian River collapsed?
155. Why have salmon fisheries in the Eel River watershed collapsed?
156. Will the water demand for the Casino Project have adverse impact on salmon fisheries in either the Russian River or the Eel River watershed?
157. Will the water demand for the Casino Project have adverse impact on water quality in either the Russian River or the Eel River watershed?
158. What are the City of Rohnert Park's demand management measures that are currently being implemented and scheduled to be implemented, and what are the steps necessary to implement those measures?
159. What are the City of Santa Rosa's demand management measures that are currently being implemented and scheduled to be implemented, and what are the steps necessary to implement those measures?
160. Has the City of Santa Rosa raised water rates as a tactic to decrease water demand?
161. Has the City of Rohnert Park raised water rates as a tactic to decrease water demand?
162. Will the City of Santa Rosa raise water rates as a tactic to decrease water demand?
163. Will the City of Rohnert Park raise water rates as a tactic to decrease water demand?
164. What is the schedule of implementation for the City of Santa Rosa's demand management measures?
165. What is the schedule of implementation for the City of Rohnert Park's demand management measures?
166. What method(s) is the City of Santa Rosa using to evaluate the effectiveness of its demand management measures?
167. What method(s) is the City of Rohnert Park using to evaluate the effectiveness of its demand management measures?
168. What are the estimates of existing conservation savings and the effect of such savings on the City of Santa Rosa's ability to further reduce demand?
169. What are the estimates of existing conservation savings and the effect of such savings on the City of Rohnert Park's ability to further reduce demand?
170. What demand management measures listed in SB 610 are not being implemented by the City of Rohnert Park, and why not?
171. What demand management measures listed in SB 610 are not being implemented by the City of Santa Rosa, and why not?
172. How do economic and non-economic factors affect demand management measures?

173. What is the cost-benefit analysis of demand management measures?
174. What is the funding available for any planned water supply project by the City of Rohnert Park, City of Santa Rosa, or SCWA that would provide water at a higher unit cost?
175. What are the City of Rohnert Park's, City of Santa Rosa's, and SCWA's legal authorities to implement demand management measures?
176. What is the implementation timeline for all projects in the City of Rohnert Park counted on to meet projected water supply?
177. What is the implementation timeline for all projects in the City of Santa Rosa counted on to meet projected water supply?
178. What is the description of the increase in water supply from all specific projects planned by the City of Rohnert Park, City of Santa Rosa, or SCWA to meet future water supplies during average, single dry, and multiple dry years?
179. What regulatory approvals are required in order to be able to convey or deliver future water supplies for the City of Santa Rosa's and City of Rohnert Park's General Plan projects?
180. Is their sufficient groundwater in the basin or subbasin from which the City of Santa Rosa and City of Rohnert Park plan to use groundwater to meet current and future demand?
181. Are any private wells adversely affected by groundwater pumping by the City of Santa Rosa, SCWA, City of Rohnert Park, or the Penngrove Water Company?
182. Will any private wells be adversely affected by the combined effect of future groundwater pumping by the City of Santa Rosa, SCWA, City of Rohnert Park, Graton Rancheria Tribe Casino Project, the Penngrove Water Company, and all other current public water suppliers?
183. Does the City of Santa Rosa Water Supply Assessment Pursuant to SB 610 For Southwest Area Projects meet all requirements of SB 610?
184. Does the 2005 City of Rohnert Park Water Supply Assessment Pursuant to SB 610 meet all requirements of SB 610?
185. Are the City of Santa Rosa's current water supplies sufficient to meet future demand associated with build out of all projects in the City's General General Plan?
186. Are the City of Rohnert Park's current water supplies sufficient to meet future demand associated with build out of all projects in the City's General General Plan?
187. Do the City of Santa Rosa's current water supplies include groundwater from either the SCWA or the City's municipal wells?
188. Do the City of Rohnert Park's current water supplies include groundwater from either the SCWA or the City's municipal wells?
189. Will the City of Rohnert Park's projected water supplies include groundwater from either the SCWA or the City of Rohnert Park's municipal wells?
190. Will the City of Santa Rosa's projected water supplies include groundwater from either the SCWA or the City of Rohnert Park's municipal wells?



191. Will the City of Casino Project's water supplies include groundwater from either the SCWA, City of Rohnert Park's municipal wells, the Penngrove Water Company or any other public water supplier?
192. How likely is it that City of Santa Rosa's water demand through 2020 will need to be met with the with the combination of sources noted as groundwater resources, additional entitlement from SCWA, the City's recycled water supplies, and conservation efforts.
193. How likely is it that the City of Santa Rosa's water demand through 2020 will need to be met in part by groundwater resources?
194. How is the Eleventh Amended Agreement between SCWA and its contractors affected by the Friends of the Eel River decision?
195. Do any of SCWA's Ranney collectors extract groundwater?
196. Do any of SCWA's seven production wells at Mirabel extract groundwater?
197. Does SCWA plan to install new wells for groundwater extraction before 2020?
198. What is the production of SCWA's "three deep-water wells" (see City of Santa Rosa's Southwest Area Water Supply Assessment) in each of the past five years?
199. Why were SCWA's "three deep-water wells" installed?
200. Was an environmental impact report conducted for installation of SCWA's "three deep-water wells"?
201. Were SCWA's "three deep-water wells" installed on an emergency basis?
202. How were SCWA's "three deep-water wells" changed from "emergency" to "production" status?
203. Would it be possible for the Russian River to go dry in the vicinity of SCWA's collectors?
204. Has the Russian River ever been projected to go dry in the vicinity of SCWA's collectors?
205. Has annual extraction of groundwater from the SCWA's "three deep-water wells" ever exceeded 3,025 afy as stated in the City of Santa Rosa's Southwest Area Water Supply Assessment?
206. How likely is it that SCWA will have its water rights increased to 101,000 afy before 2010? 2015? 2020?
207. When will SCWA's projected delivery capacity be increased from 92 mgd to 149 mgd?
208. Is it possible the SCWA's delivery capacity will not be increased from 92 mgd to 149 mgd before 2010? 2015? 2020?
209. When did the original Water Supply Transmission System Project (WSTSP) predict that SCWA's water rights be increased from 75,000 afy to 101,000 afy?
210. What is the probability that the supplement to the WSTSP EIR will not be completed by late 2006?
211. Does the City of Santa Rosa's Southwest Area Water Supply Assessment account for all changes in SCWA and municipal water supply sufficiency that

- have occurred since the publication of the City of Santa Rosa Water Supply Analysis by West Yost and Associates in March 2002?
212. How do future projections of water demand by the City of Santa Rosa and the City of Rohnert Park account for the “relatively wet weather conditions and mild summers during most of the decade”?
  213. How do future projections of water demand by the City of Santa Rosa and the City of Rohnert Park account for the “slow growth of the economy in the early 2000’s”?
  214. Does the City of Santa Rosa’s Water Supply Assessment evaluate short term and long-term demand scenarios that meet the requirements of SB 610?
  215. Does the City of Rohnert Park’s Water Supply Assessment evaluate short term and long-term demand scenarios that meet the requirements of SB 610?
  216. In “Table 1” of the City of Santa Rosa’s water supply assessment for the Southwest Area, the water supply source labeled as “other” includes groundwater. Is that correct?
  217. What is the probability that groundwater from the “City’s (Santa Rosa’s) groundwater” will serve as a water supply source for the City between 2005 and 2020?
  218. What is the proportion of water supply listed as “other “ in “Table 1” of the City of Santa Rosa’s water supply assessment for the Southwest Area that would consist of the “City’s (Santa Rosa’s) groundwater”?
  219. What “modification of SCWA’s current operation” could result from the Section 7 consultation?
  220. How could “modification of SCWA’s current operation” affect projected SCWA water supplies to the City of Santa Rosa, the City of Rohnert Park, or the Casino Project?
  221. If “future SCWA water supply yield and reliability is unknown at this time,” is the City of Santa Rosa or the City of Rohnert Park certain that it will receive an increase in SCWA entitlement before 2010? 2015? 2020?
  222. If “future SCWA water supply yield and reliability is unknown at this time,” can the Casino Project be certain that it could receive any SCWA entitlement before 2010? 2015? 2020?
  223. Can the City of Santa Rosa always use its 50 mgd monthly allocation from SCWA during any month?
  224. If the City of Santa Rosa uses 50 mgd during a month, is it possible that other SCWA contractors will not be able to use their full monthly SCWA allocation under the MOU?
  225. How do changes in water supply conditions since the MOU was signed affect the flexibility of the MOU agreement to deliver water to any SCWA contractor in excess of the MOU allocations?
  226. Are diversions from the Eel River to the Russian River essential to meet current demand from SCWA contractors?
  227. Are diversions from the Eel River to the Russian River essential to meet future demand from SCWA contractors?
  228. What proportion of the 160,000 afy of Eel River diversions is extracted by the SCWA?

229. What would the capacity of SCWA's transmission system be if the inflatable dam were precluded from use?
230. Is it possible that diversions from the Eel River to the Russian River will cease before 2020?
231. Does any of the City of Santa Rosa's potable water supply originate from groundwater sources, including SCWA supplies that may be pumped from SCWA production wells or Ranney collectors?
232. Is it possible for the Ranney collectors to desaturate a zone between the surface water sources and the Ranney collector intake?
233. Are there any studies that indicate the Ranney collectors could desaturate a zone between the surface water sources and the Ranney collector intake?
234. In the City of Santa Rosa's Southwest Area Water Supply Assessment, Table 1 indicates that "other" future water supply includes groundwater. Is the statement "no use of groundwater is expected to be needed for the Project's water demand" correct?
235. Is groundwater projected to meet any portion of the City of Santa Rosa's water demand before 2020?
236. What are the possible scenarios of use of an "emergency groundwater supply" for the City of Santa Rosa or the City of Rohnert Park?
237. What is a "supplemental production supply source"?
238. How does a "supplemental production supply source" differ from an "emergency groundwater supply"?
239. Why does the City of Santa Rosa need to change status of its municipal wells from "standby" to "active"?
240. Why does the City of Santa Rosa need to convert municipal wells from "standby" to "production"?
241. What would be the state of SCWA supplies if a drought similar to the two-year 1976-1977 drought were repeated?
242. Did SCWA's 2000 UWMP assume that water supply impairments would still exist today and indefinitely into the future?
243. Does any of the SCWA's 2000 UWMP's demand analysis account for demand variability?
244. Does the SCWA's 2000 UWMP's demand analysis account for the City of Santa Rosa's demand variability?
245. Does SCWA's 2000 UWMP's demand analysis account for the City of Rohnert Park's demand variability?
246. How would the potential SCWA "water supply reductions" affect the sufficiency of water supplies for the Santa Rosa's Southwest Area project?
247. How would the potential SCWA "water supply reductions" affect the sufficiency of water supplies for the any project within the City of Rohnert Park's Urban Growth Boundary and Sphere of Influence?
248. Why should other SCWA contractors take into account varying levels of water conservation efforts for shortage apportionment, as the City of Santa Rosa suggests?
249. Does the water supply sufficiency analysis for the future projects within the City of Santa Rosa and the City of Rohnert Park, including the Casino Project,

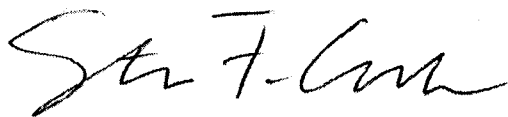
- depend on the assumption that the varying levels of water conservation effort will be factored into shortage apportionment?
250. Why should per capita use be used as the standard for shortage apportionment?
  251. If shortage apportionment is not yet currently agreed upon by SCWA contractors, how can the SCWA contractors assume that sufficient SCWA water supplies are available for all of the SCWA contractors through 2020?
  252. How many years is “long-term” in relation to the City of Santa Rosa’s current annual SCWA entitlement?
  253. Is Santa Rosa’s peak month capacity water supply of 56.6 mgd secured for 2020?
  254. Does the City of Santa Rosa’s statement “Currently the City has adequate supply to meet existing demands plus the maximum anticipated demand associated with the Project” include consideration of maximum anticipated demand for all projects within the City’s General Plan?
  255. How will the IWRP impact groundwater quality?
  256. Would a proposed wastewater storage reservoir located immediately east of Sonoma State University (SSU) affect groundwater quality for SSU’s wells, private wells, agricultural wells, public water supply wells, the City of Rohnert Park’s municipal wells, and any wells used for the Casino Projects water supply?
  257. Would any “wetlands” projects or agricultural irrigation using wastewater or recycled affect groundwater quality for SSU’s wells, private wells, agricultural wells, public water supply wells, the City of Rohnert Park’s municipal wells, and any wells used for the Casino Projects water supply?
  258. How would wastewater treatment for the Casino project be accomplished?
  259. Would wastewater generated by the Casino project adversely effect any surfacewater or groundwater?
  260. Is any portion of the Casino project located in a floodplain?
  261. Is any portion of the Casino project located in areas defined as recharge areas by the State of California or the County of Sonoma?
  262. Is the City of Santa Rosa’s Water Supply Assessment for the Southwest Area correct in concluding that “At this time, the City finds that its water supplies are sufficient to meet the present and future demand associated with this Project”? If yes, do any other Water Supply Assessments for the City of Santa Rosa make this same conclusion with full consideration of projected demand for all projects within the City’s General Plan?
  263. Why were the SCWA three “emergency wells” (Occidental Road, Sebastopol Road, and Todd Road wells) installed?
  264. Were these wells installed on an emergency basis? If yes, what was the emergency?
  265. Did SCWA predict that the Russian River would go dry in the later part of October or November 1977?
  266. Did the SCWA bypass provisions of the California Environmental Quality Act to drill three “emergency wells” in the Santa Rosa Plain subbasin?
  267. Did the SCWA declare that water produced from the “emergency wells” shall be available for use only during a water shortage emergency?

268. Has a water shortage emergency existed within the area of SCWA's jurisdiction at any time since 1978?
269. Have any of SCWA's contractors experienced a water shortage emergency since 1978?
270. Has Sonoma County ever undertaken a rigorous assessment of the sustainability of its groundwater supplies in the Santa Rosa Plain subbasin?
271. Why did pumping resume at the Todd Road well in 1998 considering that 1997-98 was the century's wettest for Santa Rosa?
272. Why did the SCWA convert the "emergency wells" to "full service" status?
273. Have any consultants for the SCWA suggested that pumping-induced water level declines from SCWA groundwater extraction could lower groundwater levels in private domestic wells?
274. Is there any indication in monitoring data from the City of Sebastopol or private consultants that water levels are dropping in the vicinity of the City of Sebastopol?
275. Have local well drillers observed a drop in water levels in areas near Todd Road southeast of Sebastopol?
276. Is there any indication that water levels are dropping in the vicinity of the Cooper Road area south of Sebastopol?
277. Have any private wells gone dry in the Cooper Road area south of Sebastopol since 1998?
278. Is there any indication that water levels have dropped within Rohnert Park city limits since the 1950s?
279. Is there any indication that water levels have dropped significantly within the Santa Rosa plain subbasin in rural areas outside of Rohnert Park city limits since the 1950s?
280. Does the SCWA have any information to indicate that pumping from its groundwater wells has impact on water levels in some nearby private wells and some not so nearby?
281. Does the SCWA have any monitoring data to indicate that pumping from its deep groundwater wells impacts water levels of wells screened in shallower zones?
282. Does the SCWA have any monitoring data to indicate the lateral extent of decreasing water levels as a result of pumping from its groundwater wells?
283. Does pumping from the SCWA groundwater wells adversely affect any other municipal wells or private wells, including domestic, industrial, and agricultural wells?
284. Would pumping from Casino Project groundwater wells adversely affect any other municipal wells or private wells, including domestic, industrial, and agricultural wells?
285. Since 2000, how much more groundwater has the SCWA pumped from the Santa Rosa Plain subbasin in comparison to total groundwater pumped by the City of Sebastopol?
286. Is it known whether the Sebastopol Fault is a barrier to groundwater flow?

287. Does SCWA monitoring data from the SCWA Todd Road well indicate that wells 257 feet deep or less could be affected by pumping from SCWA groundwater wells?
288. Are there any indications of groundwater overdraft conditions in the Santa Rosa plain subbasin?
289. Is actual SCWA groundwater production consistent with the 2000 UWMP estimates?
290. What will SCWA groundwater production be in five-year increments through 2020?
291. Where are the recharge areas for groundwater pumped by the Casino project?
292. How much will the Casino project decrease or increase groundwater recharge?
293. Has current technology such as tritium/helium groundwater age dating and very low concentration analysis been used to better define location of recharge areas in the Santa Rosa Plain subbasin? Has this current state-of-the art technology been offered or suggested to the SCWA, City of Rohnert Park, or City of Santa Rosa as part of the State of California's GAMA project?
294. How will land use change affect groundwater recharge rates in the Santa Rosa Plain subbasin?
295. How does the Rodgers Creek Fault Zone affect groundwater flow?
296. Are the Sonoma Volcanics and the Petaluma Formation east of Rohnert Park considered good recharge areas by the California Department of Water Resources or any governmental agency?
297. How have groundwater levels in the area of the Casino project changed since the development of the City of Rohnert Park?
298. Is it proper hydrogeologic practice to define a study area for a groundwater basin assessment based on a surface watershed rather than established groundwater basin boundaries, irrespective of geological formations and fault zones that impact groundwater flow?
299. Are boundaries of surface watersheds indicative of transitions in hydraulic properties in the subsurface?
300. Does a barrier to groundwater flow coincide with outline of the Laguna de Santa Rosa watershed?
301. If the Santa Rosa Plain groundwater subbasin or Santa Rosa Valley basin were adjudicated, how would the Graton Rancheria Tribe be affected?

Thank you for the opportunity to submit comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve F. Carle". The signature is fluid and cursive, with the first name "Steve" and last name "Carle" clearly distinguishable.

Steven F. Carle, Landowner and Well Owner, Penngrove, CA

From: Chad Broussard [cbroussard@analyticalcorp.com]  
Sent: Friday, November 04, 2005 9:37 AM  
To: Jennifer Wade  
Subject: FW: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

Here is another scoping comment, attached.

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

From: Bradley\_Mehaffy@nigc.gov [mailto:Bradley\_Mehaffy@nigc.gov]  
Sent: Friday, November 04, 2005 6:49 AM  
To: cbroussard@analyticalcorp.com  
Subject: FW: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

<<2145412932-12.2005- GRATON RANCHERIA CASINO AND HOTEL PROJECT EIS SCOPING REPORT.doc>>

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

From: RP Cotati  
To: bradley\_mehaffy@nigc.gov  
Sent: 11/3/2005 7:19 PM  
Subject: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

See attached word document for comments [draft Nov 1 2005]

B Greene  
Rohnert Park and Cotati Creeks Council  
<http://groups.yahoo.com/group/RPACCC>  
Crane/Hinebaugh Creek Steward <http://rohnertpark.bizhosting.com>  
Laguna Watershed Group  
<<http://groups.yahoo.com/group/LagunawatershedGroup>>  
<http://groups.yahoo.com/group/LagunawatershedGroup>

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EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

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Supplemental Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Federated Indians of the Graton Rancheria Casino and Hotel Project, Sonoma, CA

[Federal Register: September 29, 2005 (Volume 70, Number 188)]

[Notices]

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>From the Federal Register Online via GPO Access [wais.access.gpo.gov]

[DOCID:fr29se05-67]

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NATIONAL INDIAN GAMING COMMISSION

Supplemental Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Federated Indians of the Graton Rancheria Casino and Hotel Project, Sonoma, CA

AGENCY: National Indian Gaming Commission (NIGC).

ACTION: Supplemental Notice of Intent (SNOI).

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SUMMARY: In accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA) 42 U.S.C. 4321 et seq., the NIGC, in cooperation with the Federated Indians of the Graton Rancheria (the "Graton Rancheria"), intends to gather information necessary for preparing an Environmental Impact Statement (EIS) for a proposed casino and hotel project to be located in Sonoma, California. This notice supplements the Notice of Intent (NOI) which appeared in the Federal Register on February 12, 2004 (69 FR 7022 (Feb. 12, 2004)) and advises the public that the NIGC and BIA intends to gather further information necessary to prepare an EIS for a proposed casino and hotel project to be located in Sonoma County, California. The purpose of the proposed action is to help address the socio-economic needs of the Federated Indians of Graton Rancheria. The proposed action is very similar to that proposed in the February 12, 2004, NOI, with the exception that the casino and hotel would be constructed adjacent to and on the east side of the previously proposed site. The shift of the proposed construction site is being considered to avoid environmental constraints discovered on the original site, particularly, to avoid wetlands identified on the original site. Additional details of the new proposed action and location are provided below in the Supplemental Information section. The supplemental scoping process will include notification of and opportunity for the general public and Federal, state, local, and tribal agencies to comment on the new proposed action. The purpose of scoping is to identify public and agency concerns on environmental issues, and alternatives to be considered in the EIS. All the information and comments gathered in response to the earlier NOI remain in the record, and there is no need to repeat information submitted at that time.

DATES: A public scoping meeting will be held on October 19, 2005 from 6 p.m. to 8:30 p.m., or until the last public comment is received.

Written comments on the scope of the EIS should arrive by November 4, 2005.

ADDRESSES: Written comments on the scope of the EIS should be addressed 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 caption: "EIS Scoping



Comments, Graton Rancheria Casino and Hotel Project'', on the first page of your written comments. The agency scoping meeting will be hosted by the NIGC and the Federated Indians of the Graton Rancheria. The public scoping meeting will also be hosted by the NIGC and the Federated Indians of the Graton Rancheria. The public scoping meeting will be held at the Spreckels Performing Arts Center, Nellie W. Coddington Theatre, 5409 Snyder Lane, Rohnert Park, CA 94928.

FOR FURTHER INFORMATION CONTACT: For general information on the NEPA review procedures or status of the NEPA review, contact Brad Mehaffy, NIGC NEPA Compliance Officer, 202-632-7003.

SUPPLEMENTARY INFORMATION: The proposed federal action is the NIGC's approval of a gaming management contract between the Federated Indians of Graton Rancheria and SC Sonoma Management LLC. The approval of the gaming management contract would result in the development of a resort hotel, casino, and supporting facilities. The facility will be managed by SC Sonoma Management LLC on behalf of the Federated Indians of Graton Rancheria, pursuant to the terms of a gaming management contract.

A NOI was originally published on February 12, 2004 for an EIS to analyze the approval of a management contract between the Federated Indians of Graton Rancheria and SC Sonoma Management LLC. Preparation of the EIS commenced after a 46-day scoping period, during which 768 public comments were received both in writing and orally at a scoping meeting held on March 10, 2004. As displayed in a handout at the March 2004 scoping meeting, development of a casino and hotel resort was proposed on a 363 acre site bordered by Wilfred Avenue to the north; Stony Point Road to the west; Rohnert Park Expressway, farmland, and the Laguna de Santa Rosa to the south; and a mobile home park, a business park, and farmland to the east.

During preparation of the EIS, numerous environmental constraints to development of this location were discovered, including wetlands, endangered species, and the 100-year floodplain. Therefore, in an effort to minimize environmental effects, a new project site is proposed which includes approximately 180 acres within the southern portion of the original 360-acre site along with an approximately 73-acre property located adjacent to the eastern boundary of the previously proposed site. The new property is bounded to the north by Wilfred Avenue and rural residential parcels, to the east by farmland, to the west by Langner Avenue, and to the south by Business Park Drive and light industrial development. The previously proposed sites will remain as alternatives in the EIS. The proposed action consists of approval of a gaming management contract between the Federated Indians of Graton Rancheria and SC Sonoma Management LLC. Approval of this contract would result in development of a casino and hotel resort on the new 253-acre site, assuming this alternative is selected at the conclusion of the EIS process.

Nearby land uses include agricultural uses such as livestock grazing and dairy operations, rural residential uses, industrial and commercial development, and open space. In addition to the proposed action, a reasonable range of alternatives, including a no action alternative, will be analyzed in the EIS. These alternatives are expected to include, but are not limited to: (1) A casino and hotel in the northwest corner of the original site, (2) a casino and hotel in the northeast corner of the original site, (3) a reduced intensity alternative, (4) an alternative use, (5) an additional off-site location, and (6) no action. Areas of environmental concern to be addressed in the EIS include: Land use, geology and soils, water resources, agricultural resources, biological resources, cultural resources, mineral resources, paleontological resources, traffic and transportation, noise, air quality, public health/environmental hazards, public services, and

utilities, hazardous waste and materials, socioeconomics, environmental justice, and visual resources/aesthetics.

The list of issues and alternatives may be expanded based on comments received during the scoping process.

The Federated Indians of Graton Rancheria is a Federally recognized Indian tribe with approximately 1082 members. It is governed by a tribal council, consisting of seven members, under a constitution that was passed by vote of the members on December 14, 2002 and approved by the Secretary of the Interior on December 23, 2002. The Federated Indians of Graton Rancheria presently has no land in trust with the U.S. Government and is eligible to acquire land for reservation purposes to be placed in trust.

The NIGC will serve as lead agency for compliance with NEPA. The Bureau of Indian Affairs, U.S. Army Corps of Engineers, and Sonoma County will serve as Cooperating Agencies.

Public Comment and Solicitation: Written comments pertaining to the proposed action will be accepted throughout the EIS planning process. However, to ensure proper consideration in preparation of the draft EIS, scoping comments should be received by November 4, 2005. The draft EIS is planned for publication and distribution in early 2006.

Individual commenters may request confidentiality. If you wish us to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. Anonymous comments will not, however, be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Authority: This notice is published in accordance with Sections 1501.7, 1506.6, and 1508.22 of the Council of Environmental Quality Regulations 40 CFR, Parts 1500 through 1508 implementing the procedural requirements of the NEPA of 1969, as amended 42 U.S.C. 4371 et seq., and the BIA NEPA Handbook.

Dated: September 21, 2005.

Philip N. Hogen, Chairman.

[FR Doc. 05-19429 Filed 9-28-05; 8:45 am]

BILLING CODE 7565-01-P

Last updated on Thursday, September 29th, 2005

URL:

<http://www.epa.gov/fedrgstr/EPA-IMPACT/2005/September/Day-29/i19429.htm>

= = =

[bradley\\_mehaffy@nigc.gov](mailto:bradley_mehaffy@nigc.gov)

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GRATON RANCHERIA CASINO AND HOTEL PROJECT EIS SCOPING REPORT

[http://www.nigc.gov/nigc/documents/nepa/graton\\_rancheria/eis.jsp](http://www.nigc.gov/nigc/documents/nepa/graton_rancheria/eis.jsp)

DOCUMENT:

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[http://www.nigc.gov/nigc/documents/nepa/graton\\_rancheria/eis/files/document/2-Proposed-Action-and-Alt-1-v4.pdf](http://www.nigc.gov/nigc/documents/nepa/graton_rancheria/eis/files/document/2-Proposed-Action-and-Alt-1-v4.pdf)

CHAPTER 3.0 - Issues Identified During Scoping

CHAPTER 4.0 - EIS Schedule and Public Review

FIGURES:

COVER

TITLE

FIGURE 2-1 Regional Location

FIGURE 2-2 Site and Vicinity

[http://www.nigc.gov/nigc/documents/nepa/graton\\_rancheria/eis/files/figures/FIG-2-2-Site-and-Vicinity.pdf](http://www.nigc.gov/nigc/documents/nepa/graton_rancheria/eis/files/figures/FIG-2-2-Site-and-Vicinity.pdf)

SOURCE: Cotati CA USGS 7.5 minute topographic quadrangle, AES 2004

FIGURE 2-3 Aerial Site Map

[http://www.nigc.gov/nigc/documents/nepa/graton\\_rancheria/eis/files/figures/FIG-2-3-Aerial-Site-Map%20.pdf](http://www.nigc.gov/nigc/documents/nepa/graton_rancheria/eis/files/figures/FIG-2-3-Aerial-Site-Map%20.pdf)

SOURCE: Aerial Photography August 2002, AES 2004

FIGURE 2-4 Alternate Off-Site Location Map

APPENDICES:

COVER VOL I

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APPENDIX A - Notice Of Intent (NOI)

APPENDIX B - Local Notice

APPENDIX C - Comment Letters List

APPENDIX D - Comment Letters

APPENDIX E - Transcript of Scoping Meeting

APPENDIX F - Rough Notes from Scoping Meeting with Local Jurisdictions

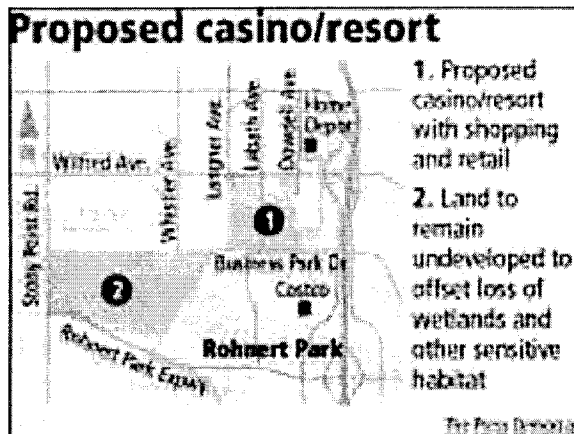
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## EIS Scoping Comments, Graton Rancheria Casino and Hotel Project



### Supplemental Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Federated Indians of the Graton Rancheria Casino and Hotel Project, Sonoma, CA

[Federal Register: September 29, 2005 (Volume 70, Number 188)]

The proposed action is very similar to that proposed in the February 12, 2004, NOI, with the exception that the casino and hotel would be constructed adjacent to and on the east side of the previously proposed site. The shift of the proposed construction site is being considered to avoid environmental constraints discovered on the original site, particularly, to avoid wetlands identified on the original site.

As displayed in a handout at the March 2004 scoping meeting, development of a casino and hotel resort was proposed on a 363 acre site bordered by Wilfred Avenue to the north; Stony Point Road to the west; Rohnert Park Expressway, farmland, and the Laguna de Santa Rosa to the south; and a mobile home park, a business park, and farmland to the east.

During preparation of the EIS, numerous environmental constraints to development of this location were discovered, including wetlands, endangered species, and the 100-year floodplain. Therefore, in an effort to minimize environmental effects, a new project site is proposed which includes approximately 180 acres within the southern portion of the original 360-acre site along with an approximately 73- acre property located adjacent to the eastern boundary of the previously proposed site. The new property is bounded to the north by Wilfred Avenue and rural residential parcels, to the east by farmland, to the west by Langner Avenue, and to the south by Business Park Drive and light industrial development. The previously proposed sites will remain as alternatives in the EIS. The proposed action consists of approval of a gaming management contract between the Federated Indians of Graton Rancheria and SC Sonoma Management LLC. Approval of this contract would result in development of a casino and hotel resort on the new 253-acre site, assuming this alternative is selected at the conclusion of the EIS process.

[For full text of Federal Register notice, see end of this document]

## **Options Presented at Supplemental Scoping Hearing Oct 19, 2005**

NIGC NEPA Compliance Officer Brad Mehaffy

**Bradley\_mehaffy@nigc.gov**

### **A Casino/Hotel Resort**

253 acre site (180 acres of original Stony Pt Rd Site purchased in 2005 plus development on 73 acres east of Langner Ave between Wilfred Ave and Business Park Drive)

340,000 SqFt casino/dining/entertainment facilities, 30,000 SqFt banquet/meeting facilities, 300 room hotel with pool, 20,000 SqFt spa facility, 4,400 surface parking spaces, 2,000 parking structure spaces

### **B Northwest Casino/Hotel Resort**

180 acres of original Stony Pt Rd Site purchased in 2005 plus development between Stony Point and the Bellevue-Wilfred Flood Channel south of Wilfred Ave

340,000 SqFt casino/dining/entertainment facilities, 30,000 SqFt banquet/meeting facilities, 300 room hotel with pool, 20,000 SqFt spa facility, 4,400 surface parking spaces, 2,000 parking structure spaces

### **C Northeast Casino/Hotel Resort**

180 acres of original Stony Pt Rd Site purchased in 2005 plus development between Langner Ave and the Bellevue-Wilfred Flood Channel south of Wilfred Ave

340,000 SqFt casino/dining/entertainment facilities, 30,000 SqFt banquet/meeting facilities, 300 room hotel with pool, 20,000 SqFt spa facility, 4,400 surface parking spaces, 2,000 parking structure spaces

### **D Reduced Intensity Casino/Hotel Resort**

180 acres of original Stony Pt Rd Site purchased in 2005 plus development between Stony Point and the Bellevue-Wilfred Flood Channel south of Wilfred Ave

260,000 SqFt casino/dining/entertainment facilities, 30,000 SqFt banquet/meeting facilities, 100 room hotel with pool, 2,650 surface parking spaces, 2,000 parking structure spaces

### **E Business Park**

180 acres of original Stony Pt Rd Site purchased in 2005 plus development between Stony Point and the Bellevue-Wilfred Flood Channel south of Wilfred Ave

400,000 SqFt light industrial businesses, 100,000SqFt commercial businesses, 2,000 surface parking spaces

### **F Lakeville Casino/Hotel Resort (Alternate Site on Lakeville Hwy)**

OPTION A: 340,000 SqFt casino/dining/entertainment facilities, 30,000 SqFt banquet/meeting facilities, 300 room hotel with pool, 20,000 SqFt spa facility, 4,400 surface parking spaces, 2,000 parking structure spaces

OPTION D: 360 acre site 260,000 SqFt casino/dining/entertainment facilities, 30,000 SqFt banquet/meeting facilities, 100 room hotel with pool, 2,650 surface parking spaces, 2,000 parking structure spaces

### **G No Action**

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## Summary of Comments

Our contribution to this scoping exercise is limited to issues relating to the creeks in our 20 mile Urban Riparian Ecosystem, the EPA Phase II stormwater region between Stony Point Rd and Petaluma Hill Rd, and results from approximately 2 years work on the RPACCC Creeks Master Plan. (Some of these issues, notably flooding and groundwater, have already been addressed by commentators in the 2004 scoping process, but these issues have been of particular concern to us, so it is hoped that the included maps and aerials improve understanding of this area and counteract some prevailing misunderstandings on the location and carrying capacity of the land and creeks.)

Our principal concern is protecting the creeks throughout a rapid urbanization process that includes over 1,000 acres of annexations by Rohnert Park and Cotati and various infill projects, and insuring that land use planning decisions create conditions that will preserve and protect the 20 miles of Open Space Creek Parks and creek habitats in the future. The 20 mile Urban Riparian Ecosystem with its associated urban forest and bike paths constitutes a roughly 400 acre Open Space Creek Park system that will make this university town a uniquely livable environment - but only if the creeks and riparian corridors are protected during this rapid urbanization phase.

Creeks here flow either from the Sonoma Mountain Watershed or arise in the valley from previously swampy land and are so far largely unpolluted, having been protected by Rohnert Park's General Plan for 50 years and by ESA restrictions since 1996-1997. Creek sediments are not yet contaminated. Native plants, birds, and animals, including several threatened and endangered species thrive in the protected creek corridors. The creeks and flood channels uniquely come together at the creeks confluence just east of Stony Point Rd, making this a unified Urban Riparian Ecosystem on 30 square miles that includes Rohnert Park, Cotati, and unincorporated areas of Sonoma County, much of which is being annexed by Rohnert Park or Cotati or developed without annexation. The urban watershed is also the subject of land use planning to protect the California Tiger Salamander, for which the riparian corridors provide wildlife connectors and revised 20 year General Plans for the cities and Sonoma County.

Riparian Corridors for the creeks and flood channels are already protected in local land use planning and/or by federal and state laws preserving flood zones and endangered species habitat, most notably the December 2004 Critical Steelhead Habitat designation for Crane Creek, Hinebaugh Creek, Copeland Creek, and the Laguna de Santa Rosa Flood Channel. The land use issues are thus largely resolved, but coherent planning to preserve the urban forest in the riparian corridors and maintain the quality of the creek water is at issue in development.

The creek system is fragile and interconnected. Actions affecting small segments of creeks affect not only that creek segment and downstream creek areas but upstream flooding and the required environment for endangered steelhead. Low summertime flows amplify the affect of even small amounts of chemical contamination. Increasing winter stormwater loading has begun to alter the normal seasonal creek flow patterns, creating "flashy" conditions typical of badly planned urban flood channels.

The cost of preserving the integrity of the creeks, using Smart Growth policies and well known urban stormwater techniques is minimal, consisting largely of containing stormwater on site, filtering stormwater from parking lots before it reaches the creeks, and using native plants for landscaping in a chemical free zone adjacent to the creeks. The future value of the Open Space Creek Parks is enormous, including an estimated 15-30% increase in property values along or near the creek parks, the health benefits of cleaner air filtered by the riparian urban forest, and the free recreational and educational benefits of the creek parks. The cost of polluted crime ridden creek zones is also significant, as has been seen here and elsewhere, so the actual cost/benefit ratio for the area of creek parks vs polluted crime areas overwhelmingly supports small additional costs for each project.

Substantial investment and planning has already been made to create the creek parks, most notably by SCWA, whose channel maintenance efforts on about 10 miles of local creeks and invasive Ludwigia control have cost in excess of \$1,000,000 and resulted in a basic sustainable riparian system on half the creeks here. Maintenance and improvements on these creeks will be a joint effort of the cities, SCWA, and neighborhood creek groups participating in the Adopt-A-Park/Adopt-A-Creek municipal program, as outlined in MOU agreements currently in draft discussions. Our Creek Council, RPACCC, is one of 14 city chapters in the 20 year old Urban Creek Council of California, and is a grass roots organization based on autonomous neighborhood creek groups working together to maintain and preserve the creeks.

It is hoped that the maps included here and referenced materials will help in wise design of this project, whatever form the project may take, and result in project planning consistent with maintaining our treasured Urban Riparian Ecosystem in cooperation with planning efforts by other local agencies, governments, and groups.

## Supplemental Scoping Issues

Our comments in the earlier scoping process addressed a small resort/casino on the original 360 acre Stony Point Rd site, where water and sewage would be provided by the city of Rohnert Park, making environmental impacts relatively minimal. It appears that the current proposal(s) are vastly different in size, location, scope, and impacts.

The current Supplemental Scoping exercise includes additional land east of the original Stony Point Rd site purchased in August 2005 but excludes the northern portion of the original 360 acre site on Stony Point Rd because owners would not sell their land. (Only the 180 acre southern portion of the original Stony Point site was available.) The added parcel, part of the former Northwest Specific Plan Annexation Area is between Wilfred Avenue and Business Park Drive, west of Langner Avenue. A five acre connector within Rohnert Park City Limits, formerly part of the Stadium Plan, was also purchased.

While only the Stony Point Rd site was considered in proposals in 2003 and 2004, several different proposals (A-G) were presented at the October 2005 Scoping Hearing. Locals at the hearing were perplexed at the proposals because much of the included land was not purchased and is unavailable for purchase, and the size and location of purchased land seems inadequate to accommodate a large development plus sewage treatment and water treatment plants.

It appears that proposals B, C, D, and E are not possible because only 180 acres was purchased on the Stony Point site. Thus, only the Lakeville Highway proposal, F, and development on the combined parcels described in option A is possible.

No detail is provided on what will be built on each parcel, and there seem to be about 18 different possible configurations for the 4 sites near Rohnert Park and on Lakeville Highway for two different sizes of the casino/resort/hotel complex and an alternative business park. A large sewage treatment plant and water treatment plant seem to have been added to each project, presumably because local authorities have refused access to existing water and sewage facilities, but little is said about the size, effect, or location of these two plants in any of the options. Because groundwater removed from the basin and water released from the sewage treatment plant may have a more profound effect on the creeks than buildings, roads, and parking lots, the location, size, and operating details of these two plants are extremely important. (The sewage treatment plant may require a separate EIS because of regulatory requirements for that type of facility.)

From the standpoint of effects on the creeks it is crucial to know what will be built in each location.

Speakers at the September Scoping Hearing outlined plans to concentrate development on the Wilfred Ave site east of Langner, while the sewage treatment plant and spray fields would be located on the Stony Point Rd site near the Rancho Verde Mobile Home Park and would discharge waste water into either the Bellevue Wilfred Flood Channel or the Laguna de Santa Rosa Flood Channel. No indication was made on location of wells or the sewage and water treatment plant, an issue of concern to local property owners because of the effect on existing nearby shallow residential wells and the required setbacks for these facilities. (The quantity of groundwater needed and effluent discharged into the creek is estimated as up to half a million gallons a day in the Parsons Report, and would be by far the most significant environmental effect for the creeks.)

In the September Scoping Hearing, some speakers seemed to assume the Wilfred Avenue site had already been approved for commercial development, which is not the case. Although the newly acquired acreage south of Wilfred Avenue was tentatively zoned commercial and an annexation application was begun by developers, a Draft EIR for the Northwest Specific Plan area submitted to the Rohnert Park Planning Commission was rejected because of inadequacies and unresolved environmental questions. These issues included the proposed widening of Labath Creek by 100 feet to accommodate stormwater from commercial development, which would require permits from USACE, the Regional Water Board, CDFG, and NOAA/NMFS and clearance from SCWA for flooding related issues. It was not at all clear that these permits could be obtained, even after a lengthy permit approval process. Availability of these required permits should be addressed in the current EIS document for construction on the Wilfred Ave parcel, as should stormwater issues for the Labath Creek drainage.

### **Wells, Sewage Treatment Plant, and Water Treatment Plant**

It has apparently been decided that water for these projects will come from on site groundwater wells and that sewage treatment will be handled by a newly constructed sewage treatment plant near Stony Point Rd, with water discharge directly into the Bellevue-Wilfred and Laguna de Santa Rosa Flood Channels owned and maintained by the Sonoma County Water Agency. Each of these projects may warrant a separate EIS, as the size of the proposed casino project has substantially increased to the point that water and sewage are roughly equivalent to those in Sebastopol or Cotati and city-sized facilities must meet regulatory requirements and standards not addressed in the first scoping document. Because the adequacy of groundwater in the area is currently an issue, the use of large amounts of groundwater for these projects is of grave concern, not only because it is a competing use for water and groundwater in existing Rohnert Park and SCWA wells and water required for other proposed development, but because ground water depletion may have irreversible effects here, as it did historically in Santa Clara County, where overdraft collapsed the water bearing sediments and permanently decreased the underground aquifers storage capacity. Dropping the water table will also affect shallow local residential wells, may dry up the creeks, and may kill heritage trees already at risk by removing needed water from established root systems.



Because the sewage plant will add water to the creeks, both the quality and quantity of water is an issue, lest pollutants kill aquatic creatures and destabilize the creek ecosystems. Little pollution has been detected in local creeks that flow from Sonoma Mountain, but one of the main future challenges will be maintaining water quality in the creeks that will sustain steelhead and other aquatic life. (Pure water treated beyond the tertiary level to remove heavy metals and endocrine disrupters might improve creek habitats, but standard treatment will not be adequate.) The Stony Point site at the Creeks Confluence currently floods each winter, and a major concern with all new projects is the ability of the flood channel system to handle additional loads. Assessment of cumulative flooding impacts for all projects is critical to assuring that flooding does not occur in the future, most specifically by ensuring that stormwater is absorbed into the ground in each project, not dumped into the creek channels. (Current law requires all projects to have a “negligible impact” on water quality and quantity in all affected Waters of the State, including the creeks, flood channels, and wetlands here.)

### **Cumulative Impacts, Tipping Points**

It is our view that development in this area is inevitable, but that Smart Growth is both possible and necessary. Creeks in our Urban Watershed, the EPA Phase II stormwater area, flow through two cities and the county, merrily unaware that they are crossing jurisdictional boundaries. Our Creek Council therefore began the RPACCC Creeks Master Plan because no local government could or would plan beyond their own jurisdiction and no developer could anticipate the effects of other proposed developments. Yet planning for the entire creek system was essential, to protect the integrity of the Urban Riparian Ecosystem during a rapid urbanization process. Only when annexations are submitted to LAFCO and cumulative flooding impacts are assessed by SCWA will the cumulative impact of all proposed developments and annexations be assessed. No single developer or city has EVER done the cumulative impacts analysis required by CEQA and it is not clear when this will be done or who will do it. In the interim, all planners we have talked to are acutely aware that there are real limits on the carrying capacity of the creeks and the ability of the aquifer to supply enough water to meet all anticipated demands, and that the sum total of proposed projects now in process exceeds these limits. It seems to be the general assumption that each city and developer can proceed with plans until all the plans collide in some sort of train wreck, at which point someone will arrive to sort out the wreckage. (Developers we have worked with seem to assume they need to rush projects through to get them approved before the barn door closes, and wish to be at least the last out of the gate, if not the first.)

This proposed project will not proceed until the EIS has been completed and approved, a process estimated to take at least two years. In the interim, approximately 1,000 acres of annexations by Rohnert Park and Cotati will be considered by LAFCO and the cities and Sonoma County will presumably adopt 20 year revised General Plans. Conditions will have radically changed by the time the EIS is completed, and project proponents should at least anticipate that probability and should certainly plan to meet with local officials and planners to anticipate changes and discuss more specific project plans.

There are three crucial tipping points for ground water use that are important to the creeks and associated urban riparian forest, points at which irreversible damage occurs. The most troubling possibility is that the ground water level drops below the root system of existing heritage trees, killing most or all of the trees in our area. (We have already seen this in dry summers.) The economic and environmental cost of this possibility is truly staggering, and we seem very close to this point now. The second troubling possibility is that the groundwater level drops below the level where creek recharge occurs, drying out the creeks, a common phenomenon in overbuilt areas reliant on groundwater. The third troubling possibility is that the aquifer is depleted – exhausted or dried out – and can not recover, thus permanently reducing the storage capacity of this underground reservoir. (This happened in Santa Clara County, where a compensatory system of recharge ponds now keeps groundwater at sustainable levels.)

Because the larger casino in this project proposal is estimated to require half a million gallons a day of groundwater, this project may seriously and irrevocably affect the entire area. An assessment of these environmental effects and cumulative effects with other projects is therefore essential.

### **Recommendations**

This proposal was discussed in lengthy hearings in 2003 with a great deal of emotion but very little real knowledge of the terrain and local conditions. As the debate raged inside Spreckels I enjoyed long quiet conversations with members of the Tribe outside in the warm summer nights, about plans, hopes, and dreams for what this might mean for families and what wonderful things could be done with the streams. We share a vision for a restored ecosystem and beneficial development of these sites, and it is very clear that this is a one time opportunity for the tribe to establish economic stability for their members.

In 2004 the size of the proposed casino was increased dramatically, so large impacts on the local community and environment became proportionally large. It also became clear that on site sewage disposal and use of well water

would significantly stress available resources, and that stormwater runoff from developed areas would stress the already overloaded flood channels.

I honestly do not believe that any development of the size proposed in Option A is possible here, although it seems possible on the Lakeville Highway site, Option F, which is closer to the Bay Area and near the Raceway, so might generate more revenue.

I also now know a great deal more about the complexities and delays involved in land use planning and obtaining permits for any changes in the streams, and a great deal more about all the other projects planned here and the conflicting demands on existing limited resources. Any development here will involve delays and conflicts with other land use plans, so even a two year timeline for production and approval of the EIS might be only the beginning of an even longer process that might ultimately fail. (It would be terribly sad if poor planning or misunderstandings about local terrain and politics resulted in squandering this one time opportunity for the tribe to achieve economic sustainability.)

I strongly recommend you schedule another scoping hearing with local officials and agency representatives to carefully assess the possible complications, delays, and needed permits before sinking more time, money, and effort into planned development here, and that you seriously consider concentrating efforts on the potential of the less complex Lakeville Highway site.

Residential-type developments have less intense environmental effects on the creeks than commercial or office developments because the land use is less intense and stormwater can be absorbed onsite. Commercial and office developments need to include state of the art stormwater measures like bioswales and take particular care to filter oily water from parking lots. A traffic-intensive casino type operation with 24/7 activity and constant lighting has the greatest possible impact on all ecosystems and on the local community, so probably should be located at the Lakeville site.

It appears that a residential or resort type development might fit in here on the newly purchased land, but that was not one of the options presented at the scoping hearing. (You might consider a resort and KOA type private campground on the 160 acre site at the Creeks Confluence that would include restoration of the stunningly beautiful native condition of the land, creeks, and native ecosystems, with fishing, kayaking, biking, and hiking on our 20 miles of creek trails. You might include a steelhead hatchery like that at Casa Grande High School that would also help restore the fishing industry and provide jobs for tribe members.)

This combination of plans on the local sites and the Lakeville site might fulfill both components of the dreams we discussed on those warm summer nights in 2003, providing a stable revenue source, jobs, housing, and a place to call home, restored to the original beauty of the early lands.

Barb Greene

Rohnert Park and Cotati Creeks Council <http://groups.yahoo.com/group/RPACCC>

Crane/Hinebaugh Creek Steward <http://rohnertpark.bizhosting.com>

Laguna Watershed Group <http://groups.yahoo.com/group/LagunaWatershedGroup>



**Creeks Confluence [Regional Water Quality Control Board photo]**



The Creeks in our Urban Watershed come together just east of Stony Point Rd, at the Creeks Confluence. Extensive water testing on the creeks both upstream and downstream of this site in the First Flush and Urban Pesticide testing programs has demonstrated that creek water is quite pure and sediments are as yet unaffected by urban contamination. Continuous testing and a rigorous monitoring and reporting system by the cities and RPACCC volunteers insures that polluters will be identified quickly and prosecuted so the creek waters are not polluted.

*The EIS should address effects on water quality of the proposed projects, with particular attention given to stormwater runoff from parking lots, mud spills during construction, and the potentially lethal addition of sewage treatment effluent to creeks and the upper portion of the Laguna de Santa Rosa.*

## Creeks Confluence Aerial



Stony Point site is at the bottom. This aerial shows how the site is bordered and crossed by streams and flood channels owned and maintained by the Sonoma County Water Agency. Required setbacks from these water bodies and limits to activities affecting creek habitat and water quality limit the location, size, and character of any potential development. The Rancho Verde Mobile Home Park in the center is a dense residential area directly adjacent to the proposed sewage treatment plant and spray fields. Other residences and farms in the rural residential areas rely on shallow wells for their water supply.

*The EIS should assess limitations on size and siting of the sewage and water treatment plants at this location. The EIS should carefully assess all detrimental effects on water quality in local creeks and downstream areas. The EIS should assess all potential effects to local residents, including ground water depletion that would require expensive new wells, and the effects of noise, traffic, increased air pollution, and increased crime on the quality of life.*

## Aerial View of Local Creeks



Aerial View of Creeks in Rohnert Park and Cotati and surrounding areas of Sonoma County, including proposed project site.

*The EIS should address compatibility with this protected Urban Riparian Ecosystem which includes 20-25 miles of Open Space Creek Parks, a Bike Path and Trail system, and approximately 400 acres of Urban Forest.*

## Satellite View of Area



Satellite View of Proposed Project area and environs.

*The EIS should address effects on traffic along the Highway 101 Corridor linking Santa Rosa (North, top), Rohnert Park and Cotati (center) and Petaluma (South, bottom) as well as increases in commute time and loss of business due to congestion.*

*The EIS should also address effects on traffic on local roads, including needed road widening and traffic signaling.*

*The EIS should address increased air pollution in the valley resulting from increased traffic and congestion.*

*The EIS should address effects on the streams and wetlands of adding or widening bridges and filling wetlands, and the temporary effects of construction on species dependent on habitats altered or disturbed by construction.*

*The EIS should address the increased road kill rate for migrating Tiger Salamanders and other endangered species.*

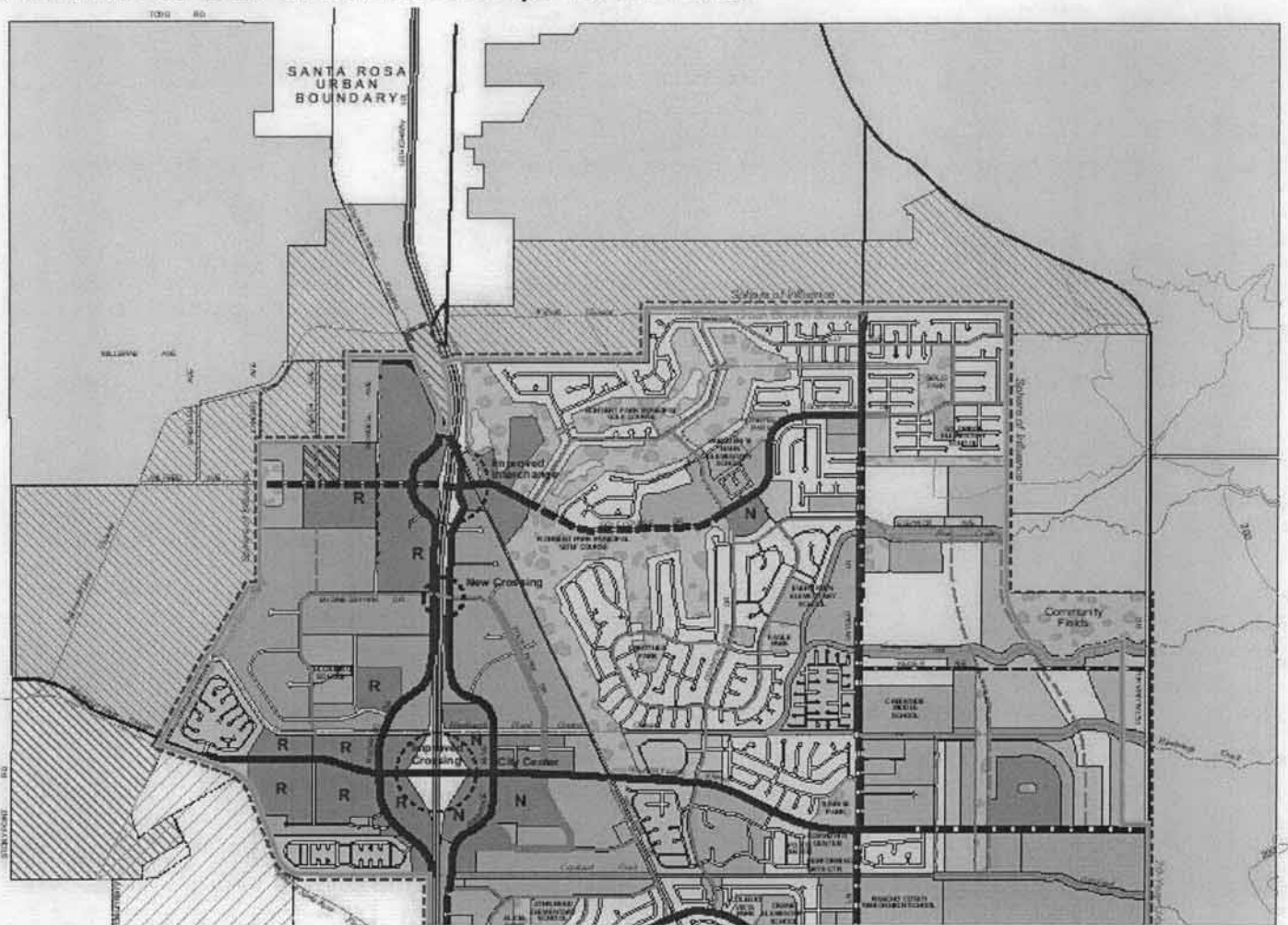
## Original 360 Acre Stony Point Rd Site



Original 360 acre site, outlined in red, was not purchased and is not available for purchase. Only the 180 acre southern portion of this site was actually purchased, so only that area is available for development in these projects. At the scoping hearing several options were presented that involved construction on the privately owned farms at the top of the site. This is an oversight or inaccuracy that may have occurred because of the speedy real estate transactions immediately preceding the hearing.

*The EIS should accurately assess only real options for this project, on land optioned or owned by the proponents. An additional scoping hearing and/or scoping hearing with local government and agency representatives should be scheduled to allow feedback on the actual proposed project, not the original plans.*

## Rohnert Park General Plan and Northern Specific Plan Areas



Proposed project is at top left, in the Community Separator on Stony Point and on the previous Northwest Specific Plan and the Stadium Plan locations.

*The EIS should assess consistency with Rohnert Park and Cotati's city general plans and the 20 year Sonoma County General Plan, currently in draft form and hearings.*

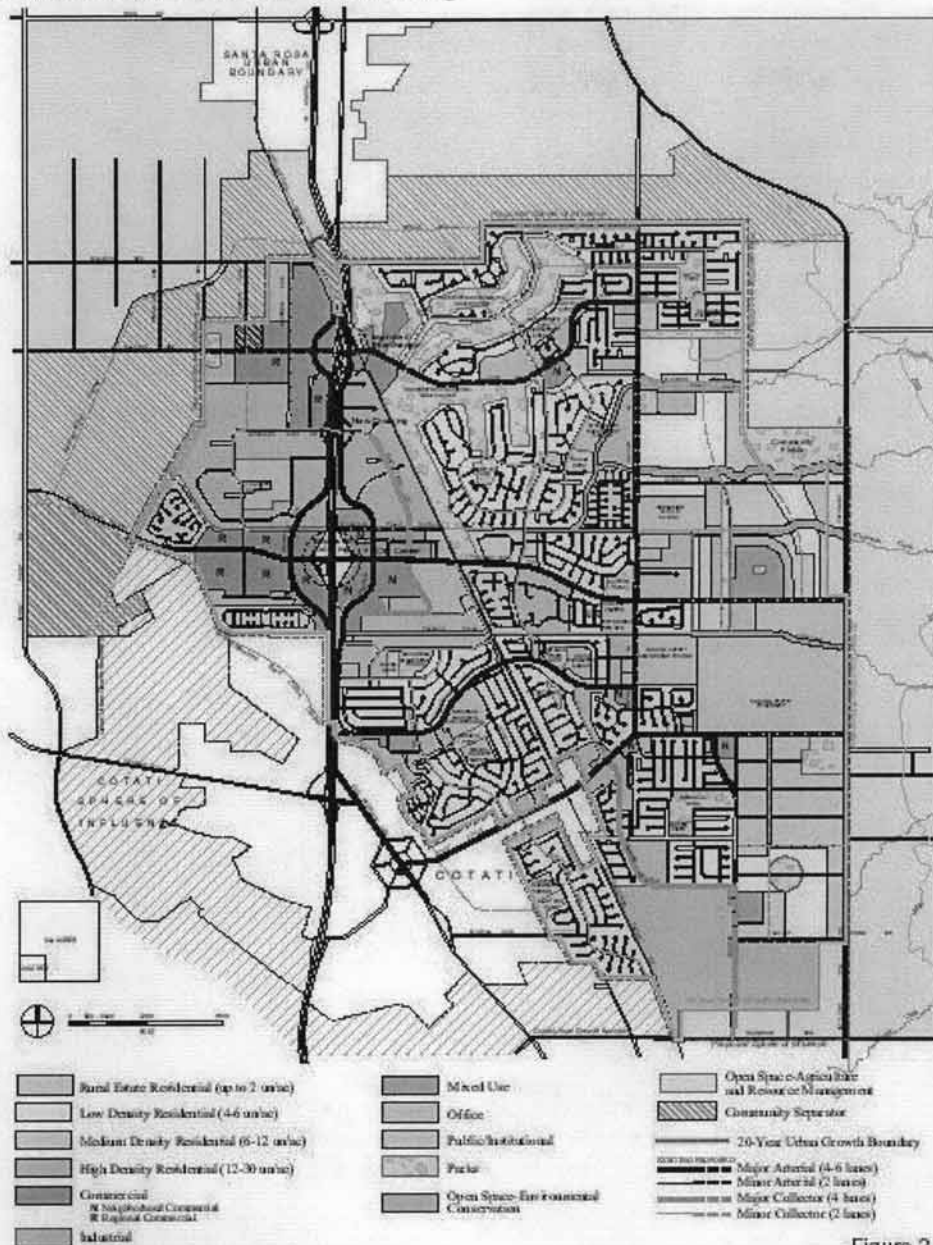
*The EIS should assess necessary revisions and rewrites of the proposed Northwest, Wilfred-Dowdell, and Stadium Specific Plans, which will need to reflect changes in land use and traffic.*

*The EIS should discuss necessary revisions to the Traffic element of city and county plans.*

*The EIS should discuss revisions to water supply plans, currently in litigation, and the possible effect of halting all new construction in this area due to the lack of a reliable supply of water for new construction.*



# Rohnert Park General Plan Zoning

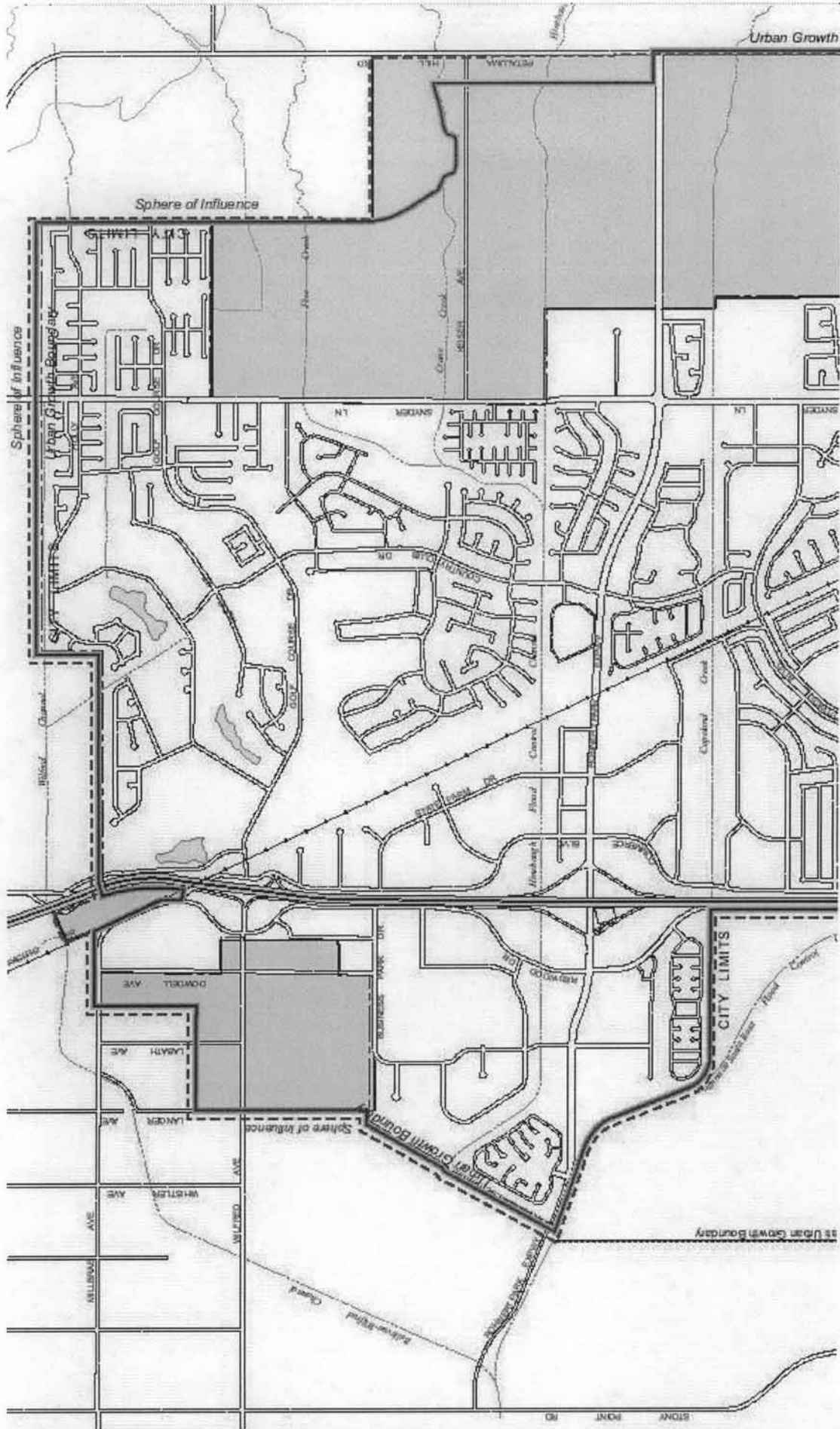


All maps are intended to be consistent with the General Plan Diagram. Additional adjustments to the other maps may be made for consistency.

DEERY & SHOFF  
Planners and Engineers, Inc.

Figure 2  
General Plan Diagram

Adopted July 20 00  
(Rev. 11/00)



Rohnert Park North

## 2004 Option A – 340,000 SqFt Casino, 300 Room Hotel

CHAPTER 2.0 - Proposed Action and Alternatives

[http://www.nigc.gov/nigc/documents/nepa/graton\\_rancheria/eis/files/document/2-Proposed-Action-and-Alt-1-v4.pdf](http://www.nigc.gov/nigc/documents/nepa/graton_rancheria/eis/files/document/2-Proposed-Action-and-Alt-1-v4.pdf)

### A - Casino/Hotel Resort

340,000 SqFt casino/dining/entertainment facilities, 30,000 SqFt banquet/meeting facilities, 300 room hotel with pool, 20,000 SqFt spa facility, 4,400 surface parking spaces, 2,000 parking structure spaces

TABLE 2-1  
ALTERNATIVE A – PROPOSED ACTION COMPONENTS

Area	Seats/Rooms/Parking Spaces	Square Footage
<b>CASINO &amp; ENTERTAINMENT</b>		
<i>Casino</i>		
Casino Gaming		80,000
Casino Circulation		26,000
High Limit Gaming		5,000
Asian Gaming		3,600
Salons (2)		4,000
Entry Vestibules (5)		2,500
Restrooms (5)		6,000
Rewards Center		750
Cage		6,000
Back of House		70,000
Retail		1,000
<i>Food and Beverage</i>		
Buffet	500 seats	23,500
Bars (3)		4,500
Service Bars (4)		4,000
Lease Restaurants (3)	480 seats	20,000
Coffee Shop	225 seats	8,600
Steakhouse	200 seats	10,000
Food Court (6 tenants)	210 seats	12,600
<i>Entertainment</i>		
Nightclub		6,500
Performing Arts	1,500 seats	35,400
Lounge		8,000
<i>Banquet</i>		
Banquet/Meeting Space		30,000
Pre-function/Kitchen/Storage/Office/Support		40,000
<b>Total Casino &amp; Ent. Square Footage</b>		<b>408,150</b>
<b>HOTEL &amp; SPA</b>		
<i>Hotel</i>		
Lodging Area	300 rooms (20% suites)	291,000
Lobby/Bar/Back of House		13,750
Sundries		1,000
<i>Pool &amp; Spa</i>		
Spa		20,000
Pool Restrooms		2,600
Pool Concessions		1,500
Pool Grill		3,000
<b>Total Hotel &amp; Spa Square Footage</b>		<b>332,850</b>
<b>CENTRAL PLANT</b>		<b>21,300</b>
<b>Alternative A Total Square Footage</b>		<b>782,300</b>
<b>PARKING</b>		
Surface Parking	4,404 parking spaces	
Parking Structure	2,000 parking spaces	
<b>Alternative A Total Parking Spaces</b>	<b>6,404 parking spaces</b>	

NOTE: All figures are approximate.

SOURCE: Friedmatter Group, 2004; AES, 2004.

The EIS should address exact location, size, and impacts of this project, including required sewage treatment plant on Rohnert Park area sites and the Lakeville site, and compare impacts in each location.

## 2004 Option B – 260,000 SqFt Casino, 100 Room Hotel

CHAPTER 2.0 - Proposed Action and Alternatives

http://www.nigc.gov/nigc/documents/nepa/graton\_rancheria/eis/files/document/2-Proposed-Action-and-Alt-1-v4.pdf

### 2.0 Proposed Action and Alternatives

TABLE 2-2  
ALTERNATIVE C – REDUCED INTENSITY ALTERNATIVE COMPONENTS

Area	Seats/Rooms/Parking Spaces	Square Footage
<b>CASINO &amp; ENTERTAINMENT</b>		
<b>Casino</b>		
Casino Gaming		65,000
Casino Circulation		26,000
High Limit Gaming		5,000
Asian Gaming		3,600
Salons (2)		4,000
Entry Vestibules (5)		2,500
Restrooms (5)		6,000
Rewards Center		750
Cage		6,000
Back of House		55,000
Retail		1,000
<b>Food and Beverage</b>		
Buffet	500 seats	23,500
Bars (3)		4,500
Service Bars (4)		4,000
Lease Restaurants (2)	280 seats	12,000
Coffee Shop	225 seats	8,800
Steakhouse	200 seats	10,000
Food Court (6 tenants)	210 seats	12,600
<b>Entertainment</b>		
Lounge		8,000
<b>Banquet</b>		
Banquet/Meeting Space		30,000
Pre-function/Kitchen/Storage/Office/Support		5,000
<b>Total Casino &amp; Ent. Square Footage</b>		<b>293,250</b>
<b>HOTEL</b>		
<b>Hotel</b>		
Lodging Area	100 rooms (10% suites)	77,000
Lobby/Bar/Back of House		13,750
Sundries		1,000
<b>Pool</b>		
Pool Restrooms		2,600
Pool Concessions		1,500
Pool Grill		3,000
<b>Total Hotel &amp; Spa Square Footage</b>		<b>98,850</b>
<b>CENTRAL PLANT</b>		
		21,300
<b>Alternative C Total Square Footage</b>		<b>413,400</b>
<b>PARKING</b>		
Surface Parking	2,650 parking spaces	
Parking Structure	2,000 parking spaces	
<b>Alternative C Total Parking Spaces</b>	<b>4,650 parking spaces</b>	

NOTE: All figures are approximate.

SOURCE: Friedmutter Group, 2004; AES, 2004.

The EIS should address exact location, size, and impacts of this project, including required sewage treatment plant on Rohnert Park area sites and the Lakeville site, and compare impacts in each location.

**2.3.4 Alternative D – Alternate Use**

Alternative D consists of the development of a business park on the northwest corner of the project site. Table 2-3 details the square footage of each project component. Under this alternative the NIGC would not approve a management contract between the Tribe and SC Sonoma Management L.L.C.

**Project Construction**

Alternative D would be constructed after the project site has been placed into federal trust. Build out would take place over time, as tenants occupy space within the business park. Construction would involve earthwork, placement of concrete foundations, steel, wood, and concrete structural framing, masonry, electrical and mechanical work, building and site finishing, and paving, among other construction activities.

**TABLE 2-3  
ALTERNATIVE D – ALTERNATE USE ALTERNATIVE COMPONENTS**

Area	Seats/Rooms/Parking Spaces	Square Footage
<b>BUSINESS PARK</b>		
Light Industrial Businesses		400,000
Commercial Businesses		100,000
Alternative D Total Square Footage		500,000
<b>PARKING</b>		
Surface Parking	2,000 parking spaces	
Alternative D Total Parking Spaces	2,000 parking spaces	
NOTE: All figures are approximate.		
SOURCE: AES, 2004.		

**Grading and Drainage**

Alternative D would involve grading and modification of existing drainage patterns. A stormwater detention basin would be constructed to attenuate the increase in peak flows that could result from the project site during a storm event.

**Wastewater Treatment Facility**

An on-site wastewater treatment facility would be utilized for Alternative D to satisfy standards established by the U.S. Environmental Protection Agency (EPA). Elements of the wastewater treatment and disposal facility include a wastewater treatment plant, wastewater piping, a wastewater disposal area, and recycled water impoundment.

**Water Supply**

Water for domestic use, emergency supply, and fire protection would either be provided by an off-site water utility or supplied by on-site wells. Elements of the on-site water facilities would include two on-site wells, an iron and manganese treatment plant, a steel water storage tank, and a water distribution pump system.

Option D, the Business Park, could presumably be sited on any of the four parcels mentioned in the 2005 scoping hearing, including the two parcels west of Rohnert Park and the two parcels along Lakeville Highway. Apart from traffic effects, size, and 24/7 operation, environmental effects of this and options A and B, the resort/casino/hotel are similar.

*The EIS should assess effects of any such development after the exact nature of the proposal is made clearer and after consultation with local government and agency representatives.*

## Sewage and Water Treatment Plants

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### *2.0 Proposed Action and Alternatives*

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#### *Wastewater Treatment Facility*

An on-site wastewater treatment facility is planned for the proposed development to satisfy standards established by the U.S. Environmental Protection Agency (EPA). The Tribe proposes to use an immersed membrane bioreactor (MBR) system as the wastewater treatment process to provide the highest quality of water for reuse or disposal. Elements of the wastewater treatment and disposal facility include a wastewater treatment plant, wastewater piping, a wastewater disposal area, and recycled water impoundment. Wastewater disposal would take place both by discharge to the Laguna de Santa Rosa and by discharge to sprayfields.

#### *Water Supply*

Water for domestic use, emergency supply, and fire protection would be provided by on-site wells. Elements of the proposed on-site water facilities include two on-site wells, an iron and manganese treatment plant, a steel water storage tank, and a water distribution pump system.

The required sewage treatment plant poses the single largest potential problem at the Stony Point site, but this is the only information provided on the plant.

*The EIS should address siting, size, maximum output, effect on flooding and water quality, setbacks from the Rancho Verde Mobile home Park and existing wells, creeks and flood channels. The EIS should address compliance with all regulations and permits required for this type of facility.*

*The EIS should similarly provide all information on the proposed water treatment plant.*

## Llano Wastewater Treatment Plant and Holding Ponds



Regional Waste Facility on Llano Rd and holding ponds, where years of dumping into the Laguna de Santa Rosa have resulted in classification of its formerly clean waters as impaired, and additional wastewater dumping has been ordered halted. (Sewage treatment plant on Stony Point would be smaller but same general conformation.)

Water at the creeks confluence and upstream of the proposed sewage treatment plant has been extensively tested and found clean, but would be polluted by sewage treatment plant effluent.

The proposed sewage treatment plant for these projects would have to be located on the 180 acres of the Stony Point Rd site and would dump treated wastewater estimated at up to 500,000 gallons a day into the creek system.

*The EIS should assess quantity and quality of sewage treatment plant effluent, the effect on the creeks and downstream portions of the Laguna de Santa Rosa, the effect on local wells of spraying and leaking of holding ponds, and the effect on endangered species in the creeks and riparian corridors. The EIS should also assess the effect on local residents particularly those in the Rancho Verde Mobile Park of a nearby sewage treatment plant. The EIS should assess the adequacy of available land on this 180 parcel, considering necessary setbacks for the creeks and flood channels and for wells and local residences.*

## **ADVANCED MEMBRANE TREATMENT COMPONENT**

Impacts 1.13.1 and 1.13.4 in the Program EIR identify a significant land use impact relating to the potential of the AMT facilities to be inconsistent with a land use designation. Although Mitigation Measure 3.3.1, Site Facilities to Achieve Compatible Land Use reduces this impact, the potential locations for the facilities may be affected by other considerations, such as engineering requirements or land availability, and therefore, it may not be possible in all cases to locate facilities in a compatible land use designation or avoid all land use conflicts. No additional feasible mitigation has been identified, and these significant impacts may be unavoidable.

As evaluated in the Program EIR under Impact 1.13.2, the AMT facilities would not physically divide an established community.

Impact 1.13.3 in the Program EIR identifies a significant land use impact because the AMT facilities would be a public service facility of sufficient size and quasi-industrial character as to be potentially incompatible with Community Separator policies. Although Mitigation Measure 3.3.1, Site Facilities to Achieve Compatible Land Use reduces this impact, the potential locations for the facilities may be affected by other considerations, and therefore, it may not be possible in all cases to locate facilities to avoid all land use conflicts. No additional feasible mitigation has been identified, and these significant impacts may be unavoidable.

As evaluated in the Program EIR under Impact 1.13.5, the AMT facilities would not convert non-urban land to urban uses.

Impact 1.13.6 in the Program EIR identifies a significant land use impact associated with the AMT facilities located on properties that are public open space. Mitigation Measure 3.3.2, Replacement of Open Space Easements, is proposed to reduce the impact by replacing open space if the facilities are not in accordance with restrictions on use of the open space. The Program EIR found this impact to be less than significant after mitigation.

## **CUMULATIVE PROJECTS**

The cumulative land use impacts of project facilities are evaluated in Section 4.1 of the Program EIR. As noted there, all of the cumulative projects listed in Appendix D of the Program EIR have the potential to create land use impacts but are subject to appropriate land use and zoning requirements, and most would not be expected to have significant effects. The cumulative impacts evaluated under Impact 1.1C and 1.4C remain significant as presented in the Program EIR. Both the IRWP and North County Agricultural Reuse Project still have the potential to introduce elements that are incompatible with existing land uses, including storage facilities, pump stations and other facilities.

In addition, the Federated Indians of the Graton Rancheria Casino, west of Rohnert Park and near the Santa Rosa plain storage area, has the potential to introduce elements that are incompatible with existing land uses because the Casino is a commercial use in a rural residential/agricultural area.

Impact 1.2C remains less than significant as presented in the Program EIR. The Casino, although an urban type use, is planned for an unincorporated area of Sonoma County outside the Rohnert Park city limits. It would thus not contribute to potential IRWP impacts on established communities.

Impact 1.3C in the Program EIR remains less than significant. The Casino will be located in the Rohnert Park-Santa Rosa Community Separator, and as a commercial use it would not be consistent with the policies for uses appropriate to Community Separators. However, the Preferred Program will not introduce an inappropriate use in a Community Separator. Therefore, the Preferred Program will not cumulatively contribute to this impact and it remains less than significant.

Impact 1.5C in the Program EIR remains less than significant. Although the Casino has the potential to convert non-urban land to an urban use, neither the IRWP nor the North County Agricultural Reuse Project would be considered urban uses. Therefore, the Preferred Program will not cumulatively contribute to this impact and it remains less than significant.

As evaluated under Impact 1.6C in the Program EIR, IRWP impacts on open space are expected to be fully mitigated and with mitigation would not contribute to cumulative loss of open space.

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*The Parsons Report Analysis and Supplemental EIR indicates the problems above. The EIS should address these issues, with updated information.*



South of the project is a parcel zoned C-S Special Services Commercial District. The parcel's south boundary is on Business Park Drive facing the Press Democrat printing facility. The easterly portion of the parcel has been developed with a self storage facility and the westerly portion remains vacant. If developed, the westerly parcel would gain primary access from the southerly extension of Dowdell Avenue.

### **Community Separator Plans and Policies**

The project site falls within a greenbelt defined in the Sonoma County General Plan Open Space Element as the Rohnert Park/Santa Rosa Community Separator (**Figure 3**). Community separators are intended to retain open space, farmland and rural residential development around cities in the County to avoid continuous corridor-type urbanization.

The Project site is one of the County properties that is both within the separator and the City of Rohnert Park's Sphere of Influence. However, the site is outside the City's urban services boundary. The City has entered into an agreement with the County of Sonoma concerning the replacement of community separator lands. This agreement, dated September 25, 2001, was approved by the Rohnert Park City Council by Resolution No. 2001-205 and contains wording similar to City of Rohnert Park General Plan policy OS-4D, which requires the City to adopt "an adequate and appropriate mechanism to ensure that the required open space mitigation will occur through acquisition of open space land...or a payment of an in lieu fee will be permitted" under certain circumstances. This acquisition or in lieu fee payment would be required prior to the City's issuance of any grading or building permits for a project within a community separator.

The portions of the proposed project at the Stony Point Rd site are located in a Community Separator protected in the Sonoma County General Plan.

*The EIS should address consistency with the Sonoma County General Plan's limitations on construction in Open Space Community Separators, including construction of sewage plants, and required permits and should discuss required mitigation of construction in this protected area.*

## State and Federal Regulations Affecting Creeks and Flood Channels (Waters of the State)

### Federal Clean Water Act:

#### a. Section 401 Water Quality Certification:

Requires the State or Regional Water Quality Control Board to provide "certification that there is reasonable assurance that an activity which may result in discharge to navigable waters of the US will not violate water quality standards".

United States Code 1341(a) (Section 401). See also California Code of Regulations Title 23, Division 3, Chap. 28, Sections 3830-3869.

#### b. Section 404(b)(1) Army Corps of Engineers Guidance for Evaluating Alternatives:

1. Avoidance (least practicably damaging alternative)
2. Minimization of adverse effects
3. Mitigation to assure a no net loss of functional values.

The Regional Board's Basin Plan requires that alternatives analysis must be reviewed for all projects, including USACE Nationwide Permits.

### Porter-Cologne Water Quality Control Act:

Gives broad authority for actual and potential impacts to Waters of the State. Any person proposing to discharge waste (including fill) into a waterbody that could affect its water quality is required to file a Report of Waste Discharge. Regional boards may issue Waste Discharge Requirements (WDR's), such as a permit regulating the conditions associated with the discharge. California Water Code, Division 7.

### SF Bay Water Quality Control Plan (Basin Plan):

- No Net Loss of Wetland Policy (based on 404(b)(1) guidelines, Senate Resolution 28, and Governors Executive Order W-59-93)
- Protect Existing/Potential Beneficial Uses
- Tributary Rule: Prevent degradation of the Bay, mainstream and tributary waterways
- Identify impaired waterways and reduce pollutant discharges (TMDL)

### California Environmental Quality Act (CEQA):

- Gives State and Regional Boards authority to require minimization for projects that will impact Waters of the State.
- Prohibits Regional Boards from approving a project if feasible alternatives or feasible mitigation measures exist that would result in less adverse impacts to Waters of the State.

### Plan for California's Non-Point Source Pollution Control Program:

Hydromodification management measures 5.1-5.4 call for evaluating the potential effects of proposed channelization and channel modification on the physical and chemical characteristics of surface waters and on instream and riparian habitat, planning and design undesirable impacts, and education measures to provide greater understanding of watersheds and promote projects that retain or re-establish natural hydrologic functions. Management measures 6A-6D call for protection and restoration of wetlands and riparian areas and education measures as under 5.4 above.

### National Pollutant Discharge Elimination System (NPDES):

NPDES Permits require the evaluation of impacts of changes in frequency, magnitude, and duration of flow for the watershed.

#### Stormwater Runoff Program:

##### 1. Municipal Program

- New and redevelopment provisions in municipal permits require stormwater programs to minimize impacts to creeks through controlling changes in hydrograph, requiring stormwater retention, preparation of management plans, and mitigation measures.

##### 2. Industrial Program

##### 3. Construction Program

Coordination with Additional Federal and State Regulations: 1. U.S. Environmental Protection Agency - Federal Clean Water Act, commenting agency to the Corps; 2. U.S. Army Corps of Engineers - Federal Clean Water Act Section 404 Permit; 3. U.S. Fish & Wildlife Service - Endangered Species Act, Fish and Wildlife Coordination Act, consultation with Corps; 4. National Marine Fisheries Service - Anadromous Fish Conservation Act, Endangered Species Act, consultation with Corps; 5. California Department of Fish & Game - Streambed Alteration Agreement, California Environmental Quality Act (CEQA); 6. California Coastal Commission - Coastal Zone Management Act, CEQA; 7. Bay Conservation and Development Commission - MacAteer Petris Act, CEQA

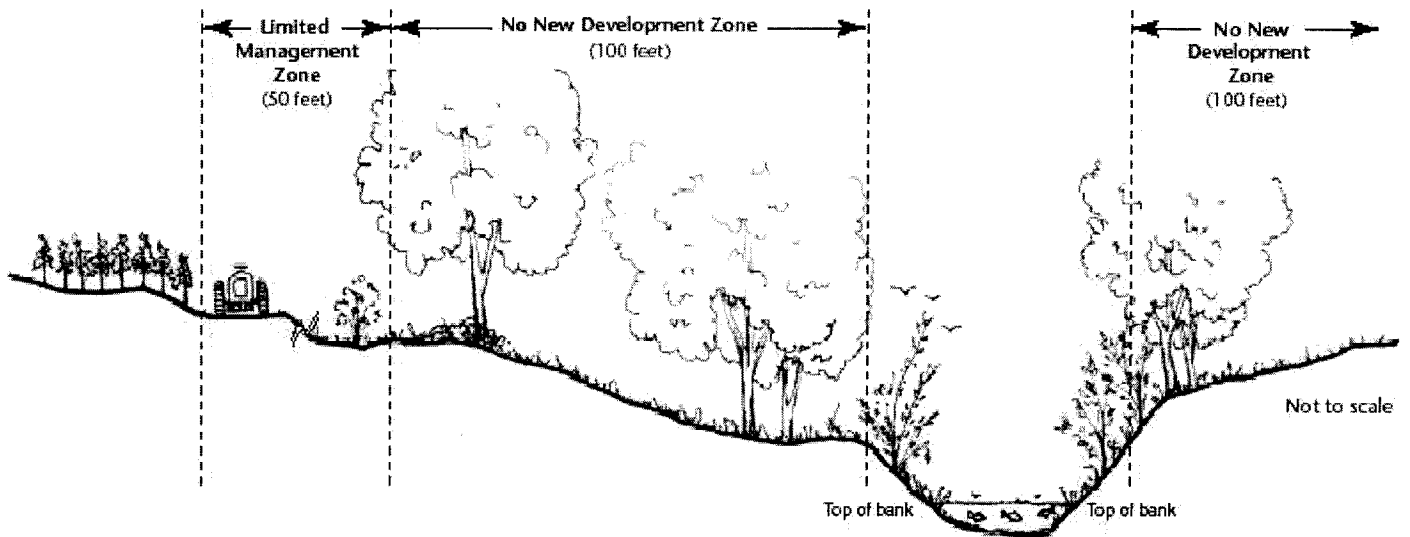
*Compliance with State, Local, and Federal Laws protecting Waters of the State is required for all activities affecting creeks and flood channels here.*

*The EIS should address required permitting procedures for any stream alteration, most specifically for proposed dumping of treated sewage water into Bellevue-Wilfred, Crane/Hinebaugh, or the Laguna de Santa Rosa Flood Channels, and widening of Labath Creek to provide stormwater retention for the proposed project east of Langner Ave.*

## Class I Stream Setbacks

## Class I Stream Setbacks

### Cross Section



#### Permitted Uses in the Limited Management Zone

- a. Uses permitted in the No New Development Zone;
- b. Installation of new or expanded unpaved roads/trails and installation of tractor turnarounds;
- c. Activities which are consistent with agricultural and local fire protection;
- d. Vehicle access by landowners;
- e. Installation of pervious surfaces;
- f. Limited, short-term storage of equipment excluding smudge pots, fuel tanks, etc.;
- g. Replacement of existing public works facilities such as pipes, cables, culverts, and the like; and
- h. Installation of wells and underground sewage disposal systems.

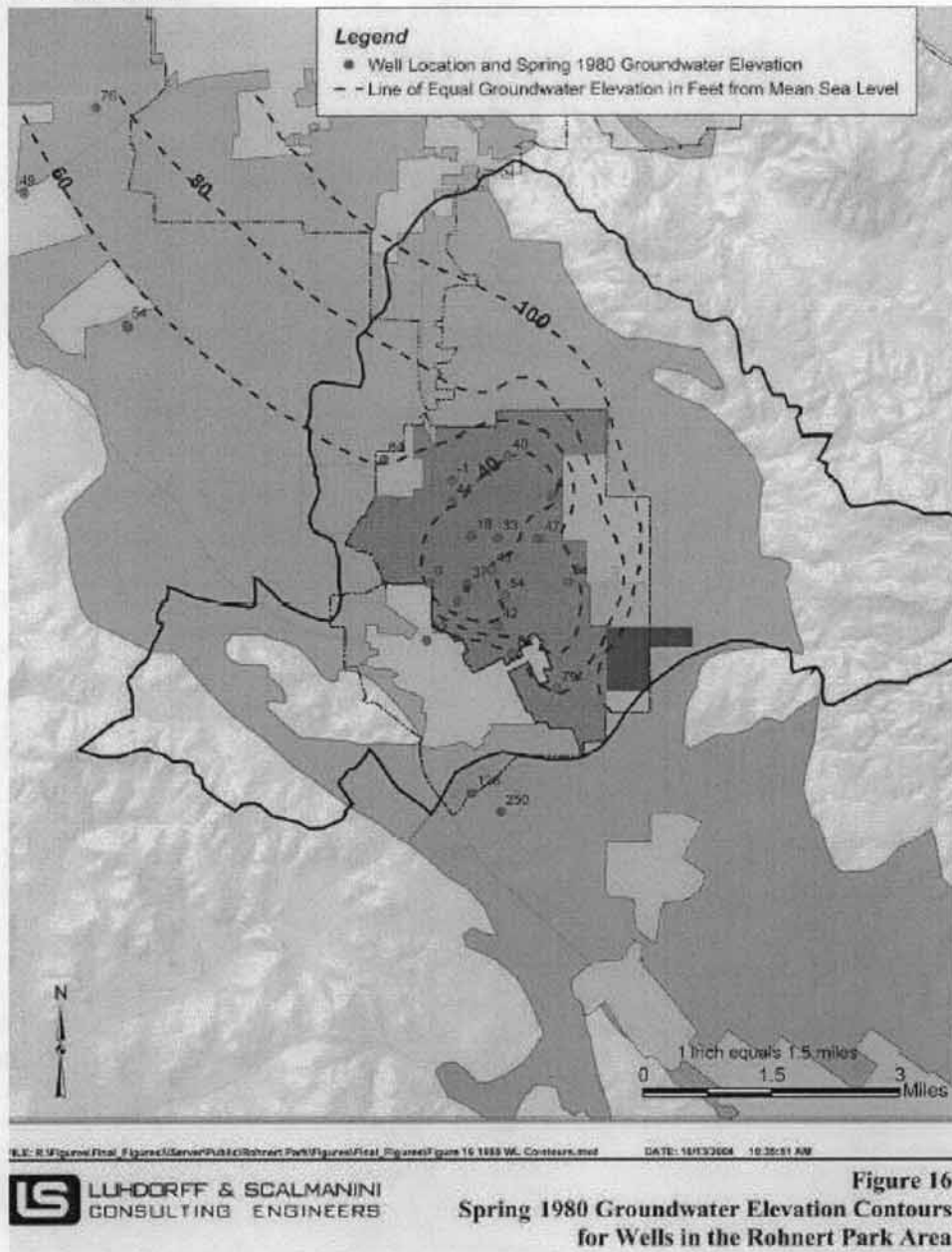
#### Permitted Uses in the No New Development Zone

- a. Use and maintenance of existing roads, trails, and crossings;
- b. Operation, maintenance, and rebuilding in the same footprint of existing, legally-established improvements;
- c. Maintenance/replacement of water storage and provision facilities;
- d. Installation of new water intakes and related pumps;
- e. Maintenance of existing flood control projects; and
- f. Vegetation and pest management authorized by the Agricultural Commissioner or California Department of Fish and Game.

Riparian corridors in other annexation areas are required by CDFG and NOAA to include 100-150 feet on each side of the creek channels to protect water quality in the creeks and fish habitat.

The EIS should include required setbacks for Labath Creek, and the Crane/Hinebaugh, Bellevue-Wilfred, and Laguna de Santa Rosa Flood Channels and potential widening of Labath Creek and consistent uses of near-stream areas.

## Groundwater Elevations



Residential and municipal wells in this area rely on ground water. Residential wells are shallow, ranging about 160 feet, while municipal and Sonoma County Water Agency wells are deep, tapping into the aquifer. Sustainability of this resource, recharge rate, and the effect of local wells on other areas is a subject of debate. *The EIS should address ground water requirements for these projects and the effect on other existing wells and planned needs.*

## Surface and Groundwater Flow to Streams

Source: Federal Interagency Stream Corridor Restoration Handbook

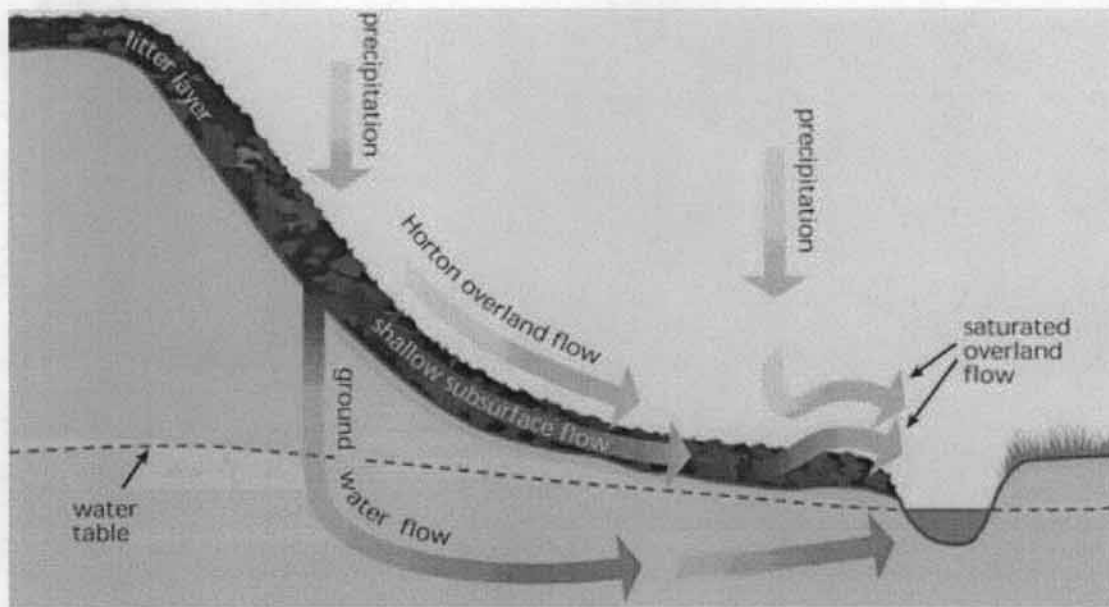
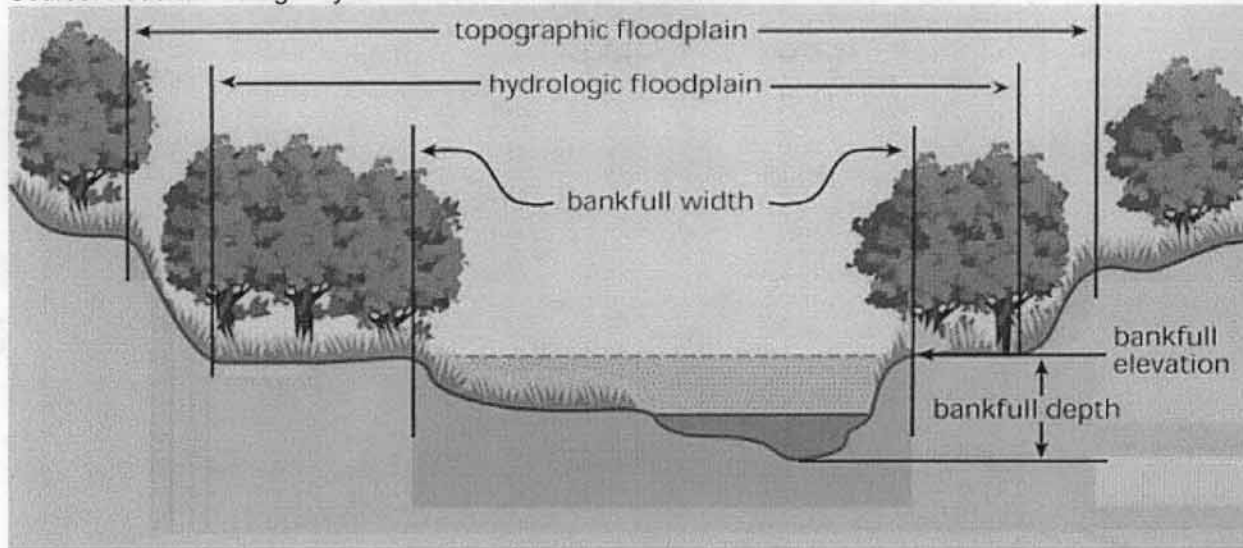


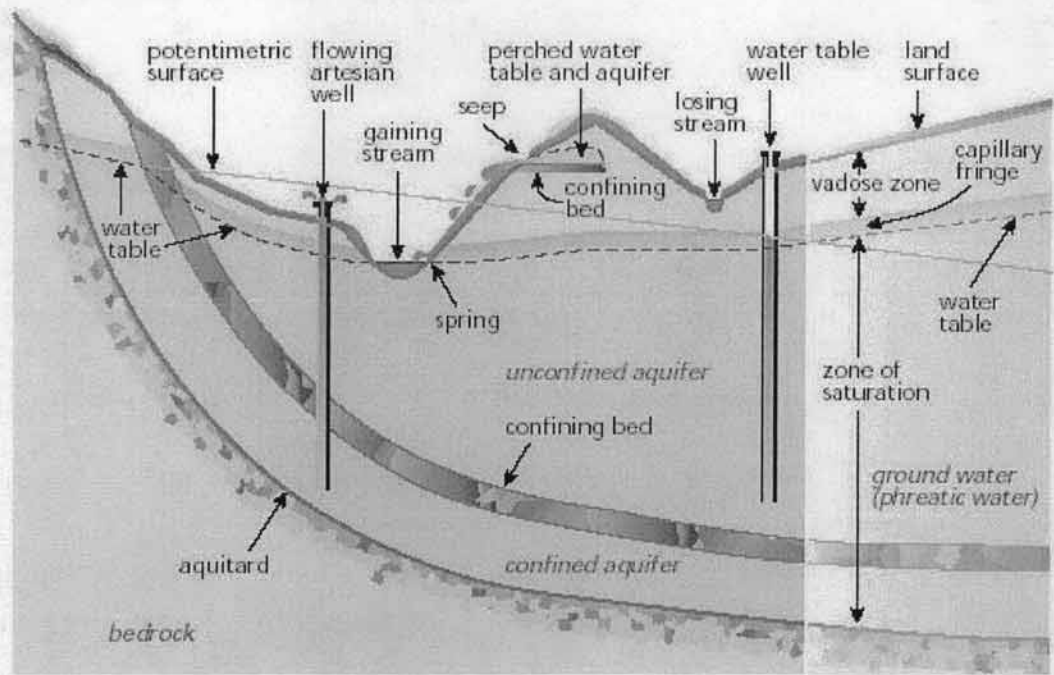
Fig. 2.10 -- Flow paths of water over a surface. The portion of precipitation that runs off or infiltrates to the ground water table depends on the soil's permeability rate, surface roughness, and intensity of precipitation. In Stream Corridor Restoration: Principles, Processes, and Practices (10/98). Interagency Stream Restoration Working Group (15 federal agencies) (ISRWG).

Stream health is dependent on interactions with the saturated areas of ground water. Streams will dry up if the ground water table drops below a certain level, and trees will die.

*The EIS should address effects on groundwater levels sustaining creeks and trees.*

## Groundwater and Stream Processes [USGS]

Figure 2.8: Ground water related features and terminology. Ground water elevation along the stream corridor can vary significantly over short distances, depending on subsurface characteristics. Source: USGS Water Supply Paper #1988, 972, Definitions of Selected Ground Water Terms.



## Nutrient Cycling in Stream Ecosystems

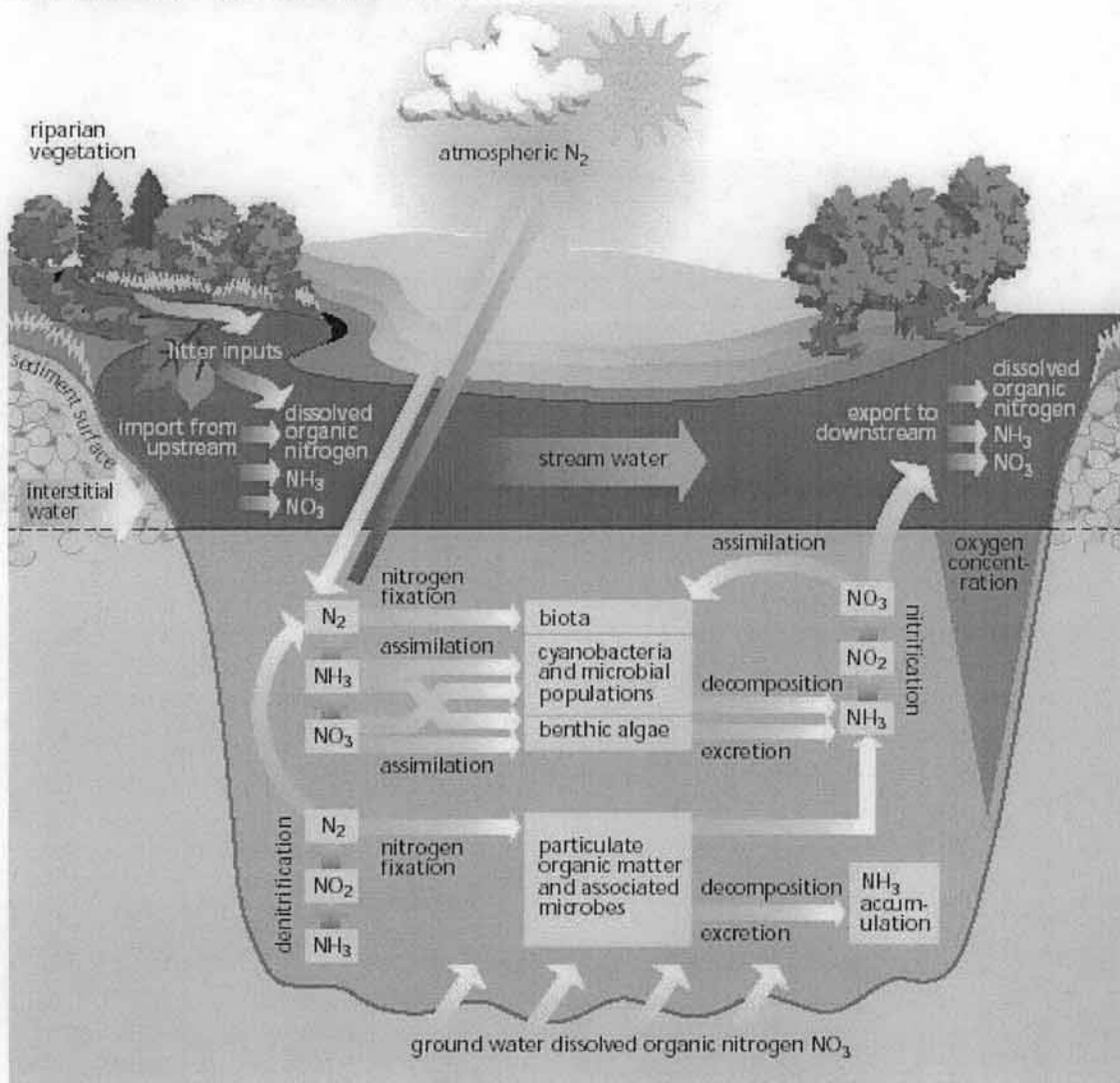


Figure 2.21: Dynamics and transformations of nitrogen in a stream ecosystem. Nutrient cycling from one form to another occurs with changes in nutrient inputs, as well as temperature and oxygen available.

Chemical flows and interactions from nonpoint sources in the Creek Ecosystem.

Nitrogen is an essential part of the healthy creek ecosystem but excessive nitrogen and phosphate from fertilizers unbalances the ecosystem and may be fatal to creek life, both at the site and downstream.

The EIS should address additional loading on the creeks due to pesticide and fertilizer application of landscaping plants, and all projects should incorporate native plants that do not need chemical additives.

## Stream Restoration

### A Model For Recovery of Stream Function

Through Hydrologic Reconnection

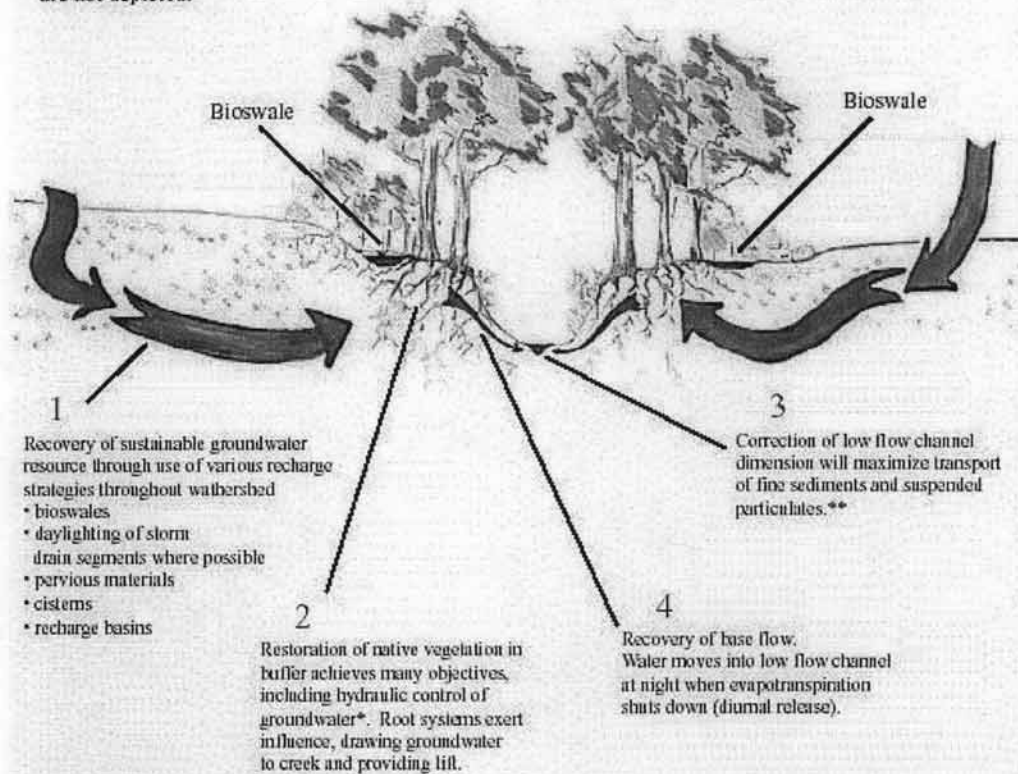
- Clean water
- Habitat for endangered species
- Biologically productive aquatic systems

For stream types typical of the South Coast within urbanized setting. Urban infrastructure, buildings, vegetation outside creek buffer are not depicted.

### Functional Goals

Of Systemic hydrologic reconnection

- Restore summer base flows
- Reestablish efficient transport of fine sediments and suspended particulates



**Santa Barbara Urban Creeks Council**  
[www.sb-urbancreeks.org](http://www.sb-urbancreeks.org)

\* U.S. Environmental Protection Agency EPA/540/S-01/500, Feb. 2001

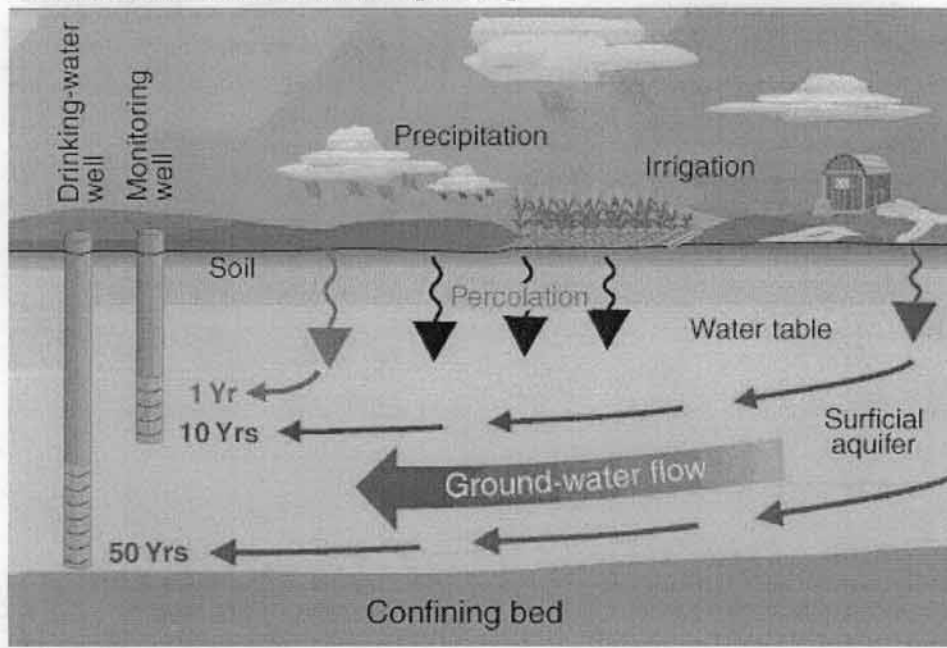
\*\* Ann L. Riley, *Restoring Streams in Cities*, Island Press, 1998

Guidelines for healthy stream maintenance from the Urban Creek Council involve maintaining a healthy environment around the creeks and adequate groundwater below the creeks so the creeks do not dry up.

*The EIS should assess the effects of new wells drawing large amounts of groundwater in the proposed projects, including effects on the creeks and local wells.*



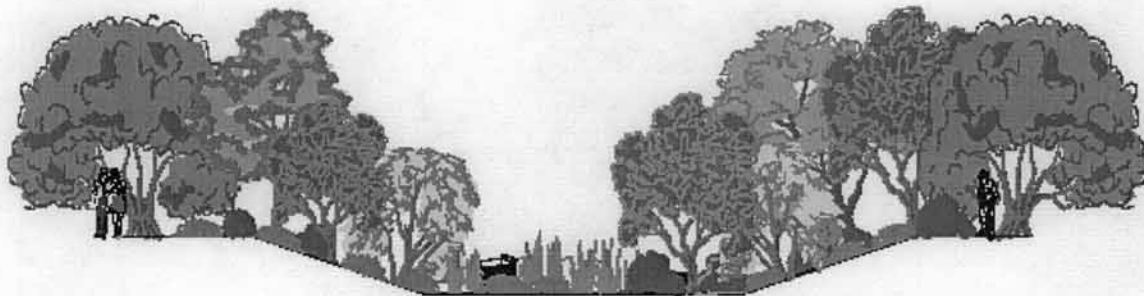
## Groundwater Contamination [USGS]



Groundwater contamination by pesticides and/or polluted creek water is slow but inevitable. Extensive testing and analysis by the Danish government shows glyphosate and other chemicals have contaminated the national water supply which comes solely from ground water. This research is now being incorporated in California law and pesticide regulations, but proposed chemical spraying of the creeks would not only kill the fish but eventually pollute local residential wells at the 100-160 foot level.

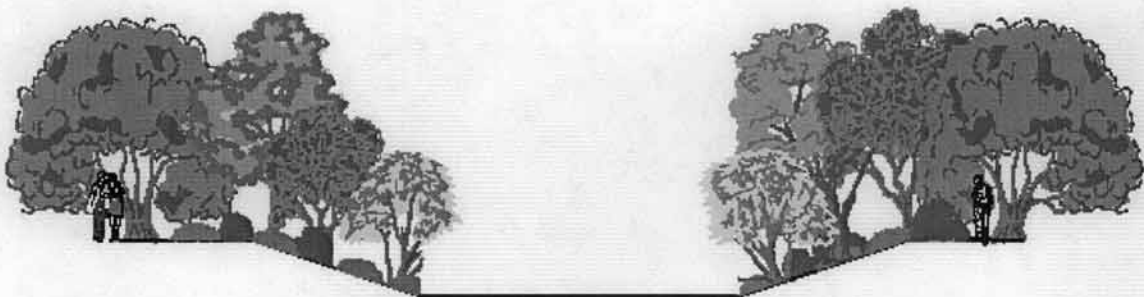
*The EIS should address negative effects on creek water quality and the cost of cleaning up spills or pollution, as well as the effect on endangered or threatened species protected by ESA, including our beloved local steelhead.*

## SCWA Stream Maintenance Options



**OPTION 1 – No Maintenance**

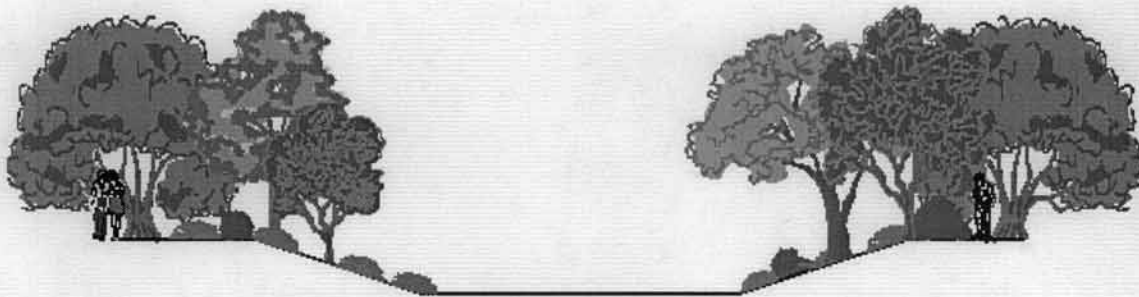
**Estimated flood protection provided: Accommodate 10–25 year rainfall event without flooding**



**OPTION 2 – Stream Floor Maintenance**

- Remove all trees, bushes, & cattails from stream floor
- Trim back slope vegetation that extends over stream floor

**Estimated flood protection provided: Accommodate 25–50 year rainfall event without flooding**



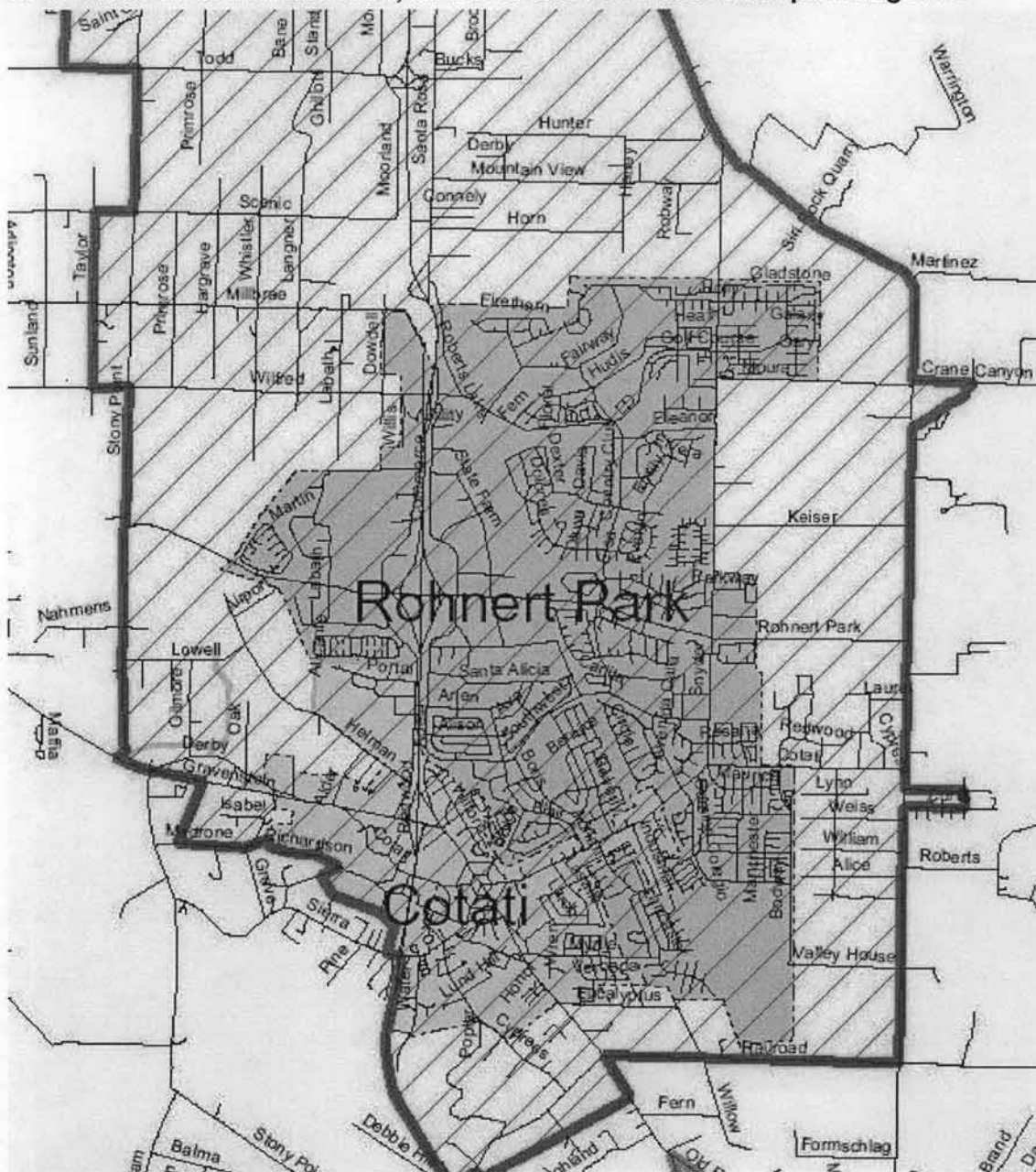
**OPTION 3 – Partial Stream Bank Maintenance**

- Remove all trees, bushes, & cattails from stream floor
- Remove all multi-trunk trees, or reduce to single trunk from stream banks
- Trim off lower branches of all single trunk trees from stream banks
- Remove invasive non-native trees and bushes on a case by case basis from stream banks
- Remove all horizontal trunks
- Leave understorey vegetation on stream banks
- Revegetate stream slopes with canopy-forming trees where post-maintenance tree spacing is greater than 20' on the west or south side, or greater than 40' on the north or east side

**Estimated flood protection provided: Accommodate 40–75 year rainfall event without flooding**

The Sonoma County Water Agency (SCWA) has committed to maintaining creeks and flood channels in our area as resources for habitat and passive recreational use as well as flood control. In the last two years, they have expended over a million dollars to restore and maintain creeks here, affecting about half the 20 mile Urban Riparian Ecosystem. *The EIS should address effects on the Open Space Creek Park System and the financial investment already made in the Creek Parks.*

## EPA Phase II Stormwater Area, RPACCC Creeks Master Plan planning area

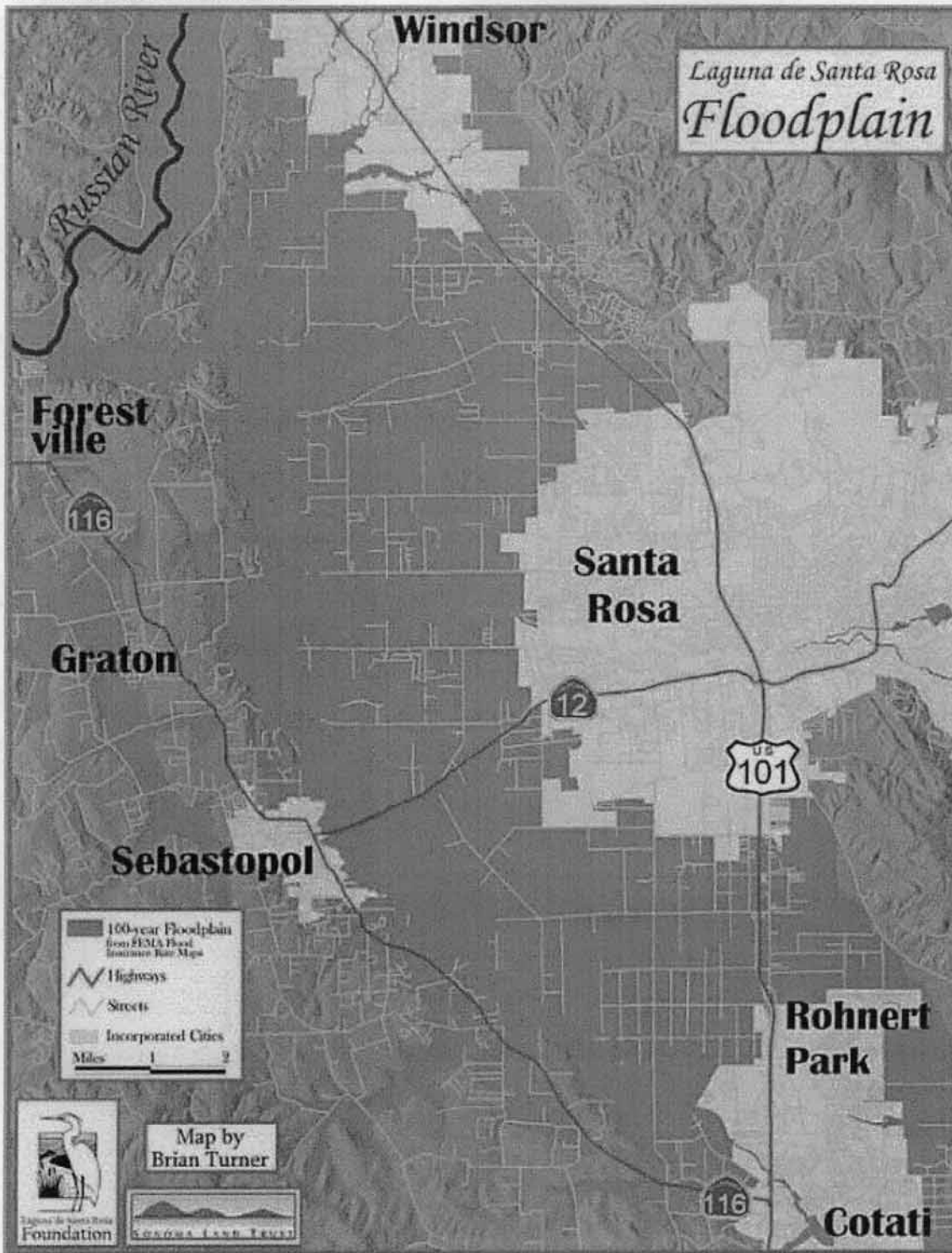


### Rohnert Park General Plan 7-7 STORMWATER

Rohnert Park's storm drainage is under joint management of the City and the SCWA. The City maintains responsibility for the system of underground pipes that provides for minor and intermediate drainage, while SCWA maintains the system of open channels that diverts major drainage flows west towards the Laguna de Santa Rosa. Both the open channels and pipe systems are designed to meet SCWA standards and comply with the National Flood Hazard Insurance Program. Amendments to the Clean Water Act established a two-phased approach to addressing storm water discharges. Phase I, which is currently being implemented, requires National Pollutant Discharge Elimination System (NPDES) permits for separate storm water systems serving large- and medium-sized communities (those with over 50,000 inhabitants), and for storm water discharges associated with industrial and construction activity involving at least five acres. Buildout of this General Plan is expected to increase Rohnert Park's population to about 50,000. Phase II, which is currently under development by the US Environmental Protection Agency (EPA), will address remaining storm water discharges, including urban areas with populations under 50,000, smaller construction sites, and retail, commercial, and residential activities. NPDES requirements and regulations are expected to be similar for all cities with populations greater than 10,000.

*Local governments are mandated to provide the EPA with a stormwater management plan. The EIS should address how the proposed projects will fit in with existing local plans and what plan will be provided to the EPA for this project. (The EPA may REQUIRE a plan prior to approval of any construction or approvals.)*

## 100 Year Flood Plain Map



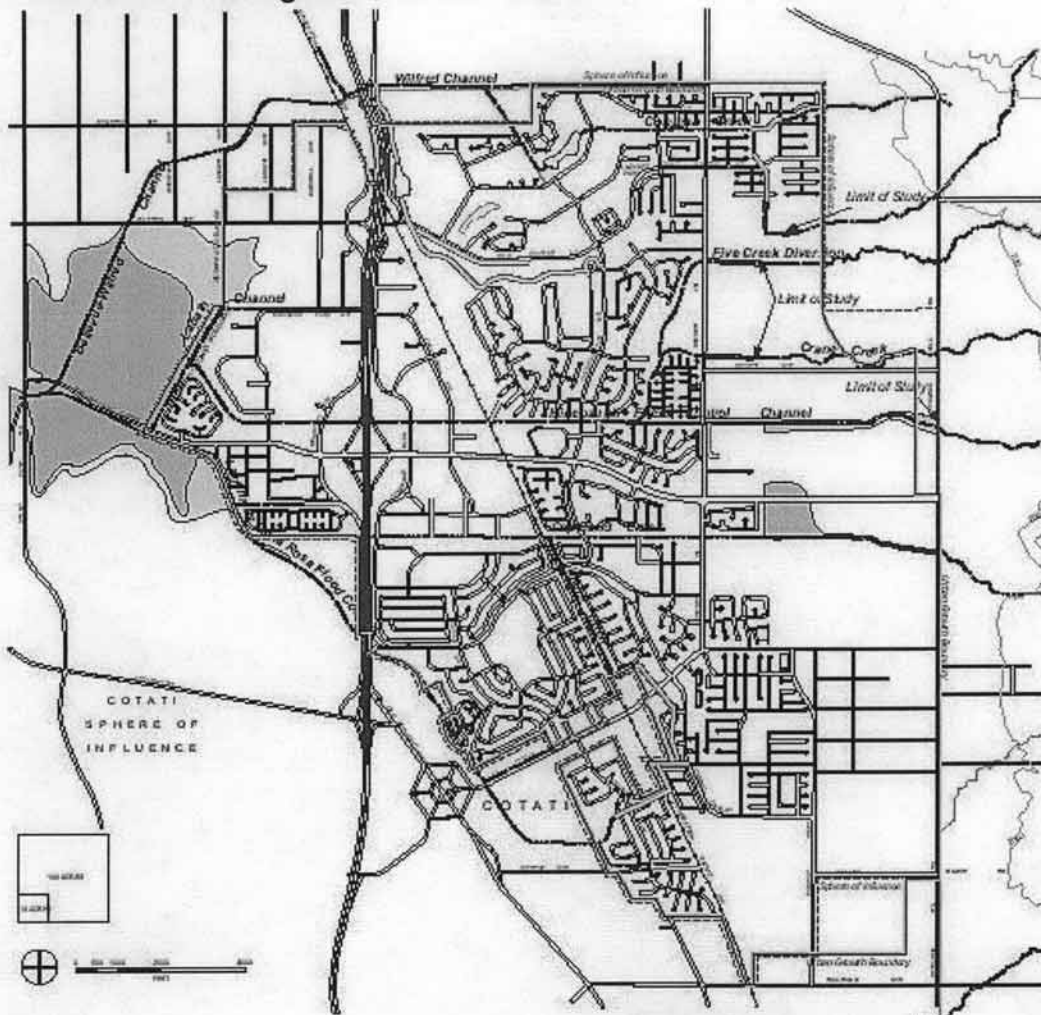
### Rohnert Park General Plan 7-7 STORMWATER

As shown in Figure 7.2-2, there are a few isolated areas within the 1999 City Limits that are located within the 100-year flood zone. Approximately 60 acres of land designated for future development in the eastside is located in the 100-year flood zone, primarily along Copeland Creek and the Hinebaugh Flood Control Channel. A small portion of land within the Wilfred- Dowdell Specific Plan Area in the westside is located in the 500-year flood zone.

The City enforces flood control standards within 100-year flood hazard areas in accord with the requirements of the National Flood Hazard Insurance Program. In addition to 100-year flood hazard areas, localized, relatively minor flooding has occurred within Rohnert Park in recent years.

*Because increasing urbanization has changed flood patterns, the EIS should address flood hazards and mitigation using current data, maps, and projections, and coordinate assessments with current studies and projections of the Sonoma County Water Agency.*

# Rohnert Park Drainage and Flood Zones



Source City of Rohnert Park General Plan, 1993, Figure 3.7;  
 FEMA Flood Insurance Rate Map, 1991, Coverage  
 Panels 060373 631 and 060373 660

- Open Channel
- Pipe System (48" and larger)
- 100-year Flood Zone
- 500-year Flood Zone

DIETZ & BENTLEY  
 Urban and Regional Planners

*Figure 7.2-2*  
**Drainage and Flood Zones**  
 (Rev. 10/02)

*The proposed site on Stony Point Rd (top left) is part of 100 year and 500 year flood zone even before increased urbanization increased runoff from upstream creeks. The needed sewage plant would have to be located in this area, which now floods each year, and a separate EIS may be required for the sewage treatment plant.*

## December 2004 Flooding on Rohnert Park Expressway [Press Democrat photo]



Flooding is now an annual winter event as increased stormwater runoff overloads the creek channels. This water backed up from the Laguna de Santa Rosa Flood Channel, Crane Hinebaugh Flood Channel, and Bellevue Wilfred Flood Channel, flooding roads west of 101, even though the channels had been widened and dredged few years earlier and substantial work had been done to clear brush and debris from the channels. Extensive clearing of brush on channels west of 101 and a massive effort to remove tons of invasive Ludwigia in summer of 2005 is expected to ameliorate flooding problems for the current stormwater load but new developments will add to flooding problems and costs unless stormwater is contained on site and returned to the groundwater table.

<>

### **Rohnert Park General Plan 7-7 STORMWATER**

Natural flooding results from major rainstorms that cause overflows of stream courses, and may be aggravated by inadequacies in local storm drain facilities. Flooding may occur in two ways:

- Stormwater may overflow the banks of drainage ways because the water flow exceeds the channel capacity; or
- Stormwater may back up and collect in a low area because it cannot flow into a receiving drainage channel.

One area that experienced street flooding prior to 1999 was in the "G" Section neighborhood. Gravel and silt partially filled and reduced the capacity of an underground storm water drain. During a subsequent storm, storm water backed up street drains. The storm drain has since been cleared of gravel and silt. The SCWA installed a siltation basin to intercept gravel and silt east of Petaluma Hill Road.

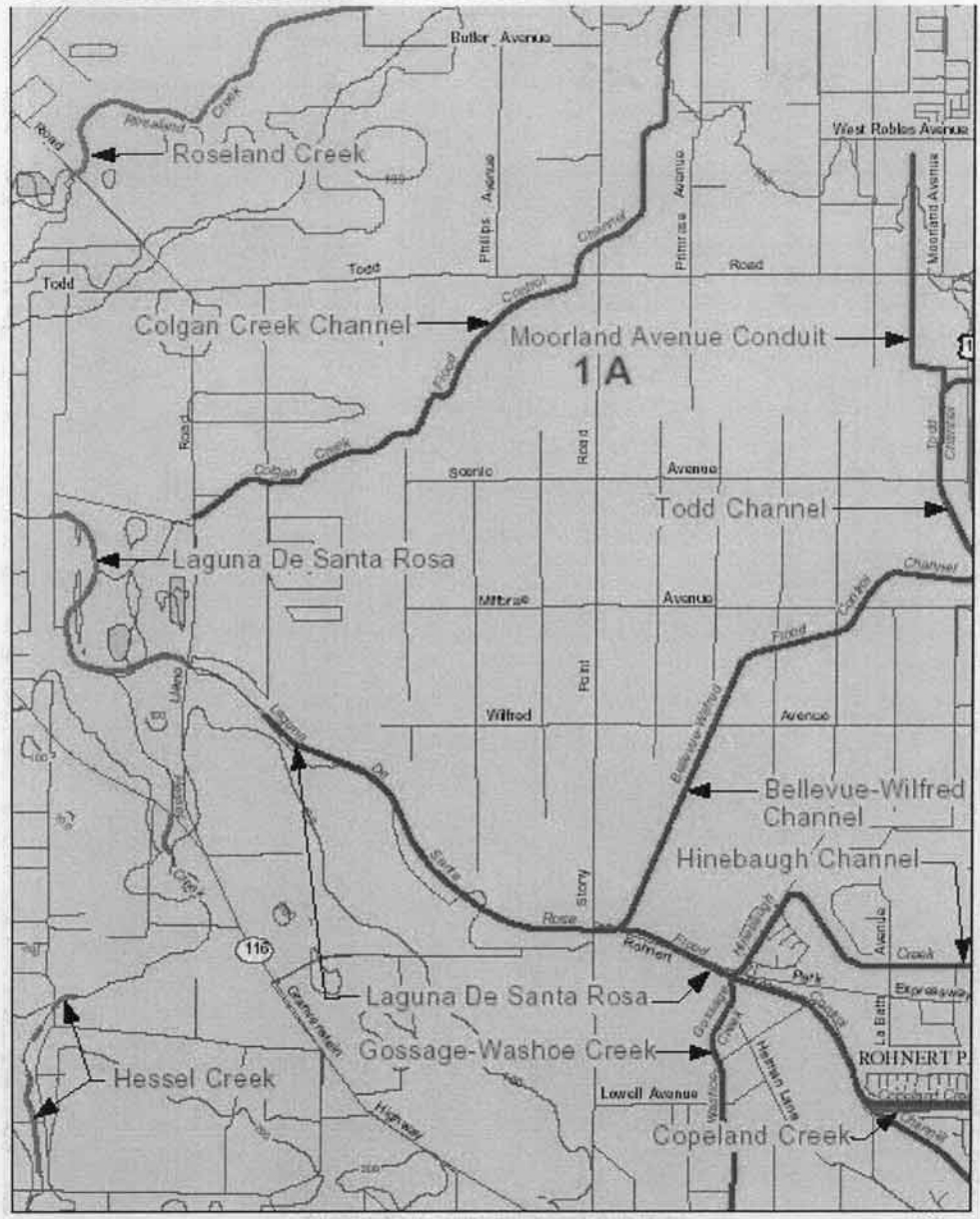
Localized flooding also occurred in the "F" Section. In this instance, storm water backed up into low lying streets, the North Rohnert Park Municipal Golf Course, and adjacent parcels because storm water was unable to flow into the Bellevue-Wilfred Channel and the Laguna de Santa Rosa.

Another area of local flooding in 1999 included portions of the Rancho Verde Mobile Home Park, parts of Martin Avenue, and adjacent commercial/industrial parcels. In this instance storm water backed up and was unable to flow into the Labath Channel. As the rain tapered off and the level of the Laguna de Santa Rosa fell, storm water drained from the flooded areas.

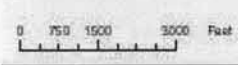
Silt deposited over the years in the Bellevue-Wilfred, Laguna de Santa Rosa, and Labath Flood Control Channels has reduced the capacity of these channels, which has contributed to the flooding problems. The SCWA widened both the Bellevue-Wilfred Flood Control Channel and the Laguna de Santa Rosa and plans to remove accumulated silt in the near future.

*The EIS should address flooding effects and increased future maintenance costs.*

**SCWA Flood Control Zone 1A Creeks and Flood Channels West of 101**



**ZONE 1A FLOOD CONTROL MAP**



- Engineered Channel Owned in Fee
- Engineered Channel Easement
- Natural Channel, Permissive Clearing Easement

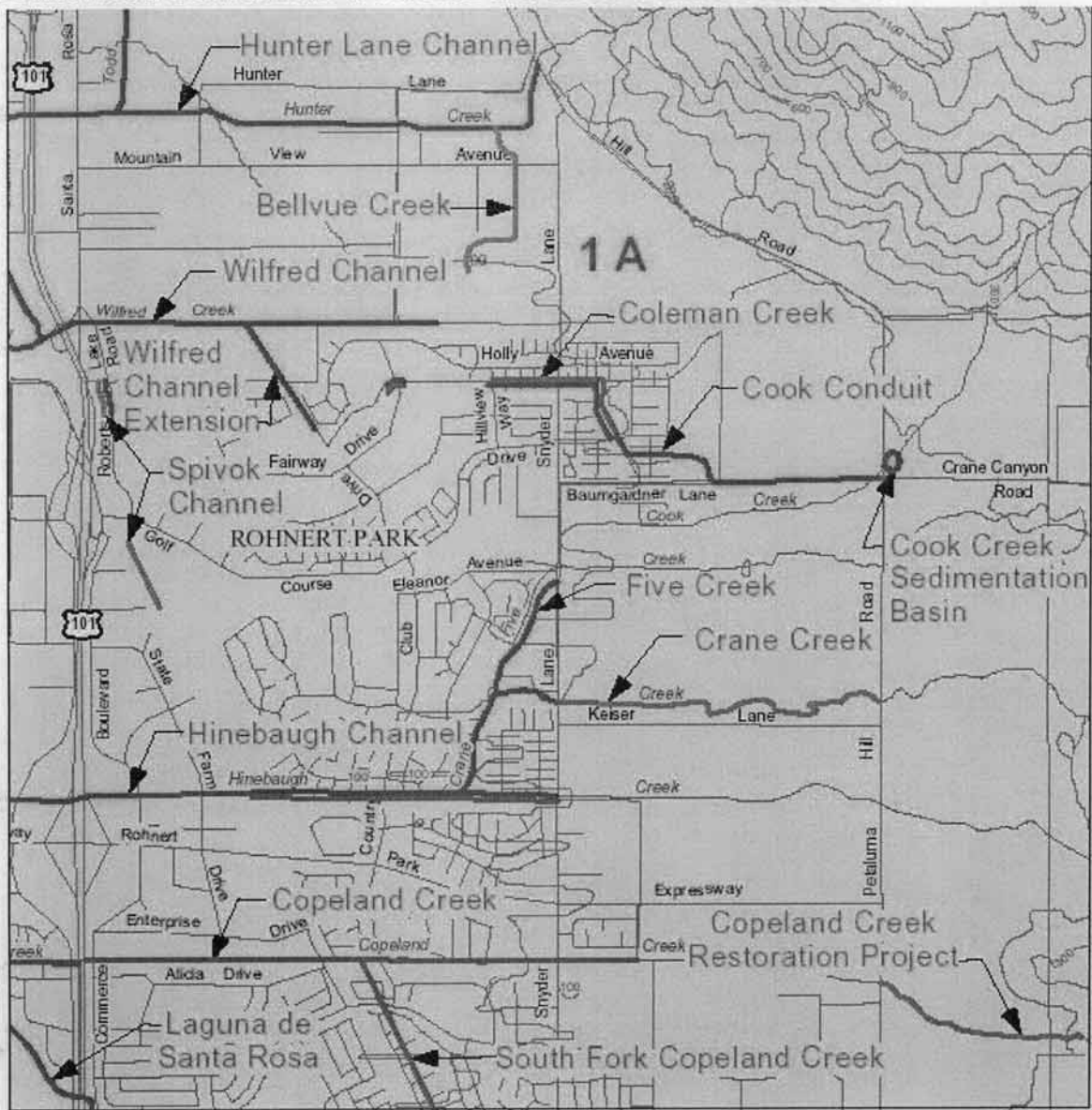


SCWA Facility Guide 3-18

Flooding impacts will occur downstream of the sites, on Labath Creek (which would have to be widened), the Bellevue-Wilfred Flood Channel, the Crane/Hinebaugh Flood Channel, and the Laguna de Santa Rosa flood Channel.




*The EIS should address flooding impacts and increases in pollution from the site and sewage treatment plant.*

**SCWA Flood Control Zone 1A Creeks and Flood Channels East of 101**



**ZONE 1A FLOOD CONTROL MAP**

0 750 1500 3000 Feet

-  Engineered Channel Owned In Fee
-  Engineered Channel Easement
-  Natural Channel, Permissive Clearing Easement



Steelhead swim from the ocean through the Russian River and Laguna de Santa Rosa into the Laguna de Santa Rosa Flood Channel and then through Copeland Creek and Crane Creek and Hinebaugh Creek to reach historic spawning areas upstream. All four of these creeks and flood channels were designated as critical habitat for central coast steelhead in December 2004, after a careful site assessment by special teams from NOAA Fisheries. Steelhead have been observed throughout this creek system for several years and are systematically protected on spawning runs by Neighborhood Creek Groups and the Creek Panthers.

*The EIS should address possible negative impacts on water quality that may affect this endangered species.*



**SCWA 2005 Ludwigia Monitoring and Treatment Area on Bellevue-Wilfred and Laguna de Santa Rosa Flood Channels**



In 2005, \$526,000 was allocated for a SCWA stream maintenance program to remove tons of invasive Ludwigia resulting from channel maintenance practices that removed shade cover from these and upstream channels. Stream maintenance is financed by a tax on water in the Zone 1A area. This dense Ludwigia infestation, which created anoxic creek conditions threatening the steelhead, blocked the salmonid spawning passage on these channels, and created a health hazard for mosquito-born West Nile, is believed to have begun in the regional sewage plant treatment ponds and then spread by birds throughout the area. The nutrient rich effluent from the sewage treatment plant, combined with warm stagnant water makes creek environments ideal for rapid growth of this South American invasive aquatic plant.

*The EIS should address effects of the proposed sewage treatment plant on channel maintenance costs.  
The EIS should address additional costs involved with cleaning up pollution from construction and new parking lots, which should be paid for directly by the polluters.*

## Infrastructure Financing

### 6.3 DEVELOPMENT AGREEMENT

A Development Agreement may be used to help implement the Specific Plan. It would be executed between the City and a developer of the entire project or a developer of Village North and a developer of Village South. Ideally, the entity representing property owners of the Village South site would be a single developer. The requirements pertaining to a Development Agreement are contained in Chapter 17.68 of the Rohnert Park Municipal Code.

### 6.4 FUNDING AND FINANCING

#### Conceptual Framework

The project developer(s) will pay for on-site capital improvements and a fair share of maintenance and services attributable to the development. Off-site capital improvements attributable to the project will be paid through fair share contributions by benefiting property owners. The basis for fair share contributions will be defined in the City's Public Financing Plan and may be refined through Development Agreements. In general, the City will structure the Public Financing Plan so that project developer(s) have the option of paying for capital improvements (both on and off site) with cash or by financing the cost of public improvements with municipal bonds. The City will make the final decision on bond issuance based on its own policies for municipal debt and sound public financing principles. A discussion of the various public funding mechanisms that could be appropriate follows.

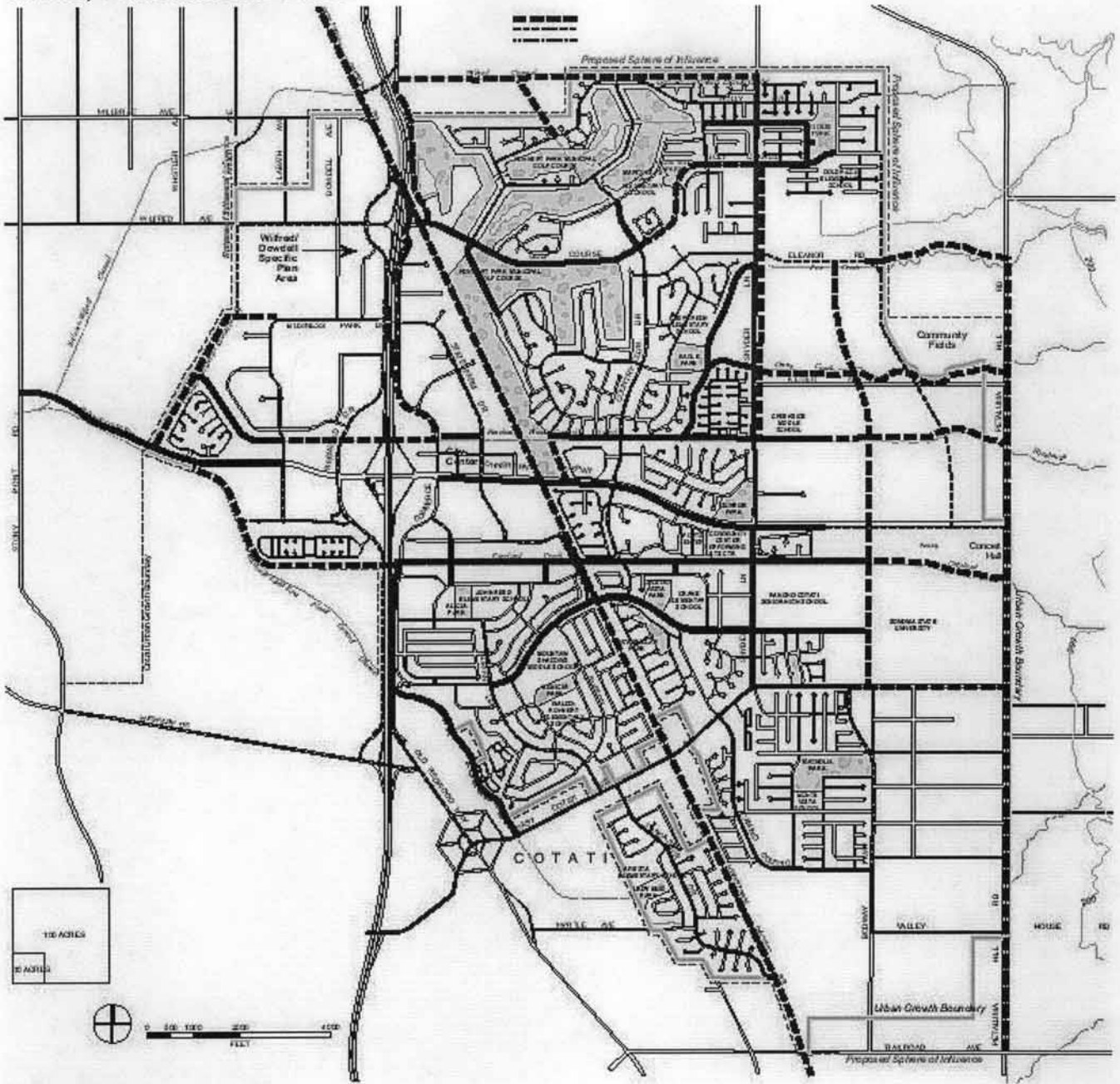
#### Funding and Financing for Capital Improvements

**Development Impact Fees.** Development Impact Fees (also known as Mitigation Fees or Impact Fees) are governed by the California Government Code Section 66000 et. seq. (the Mitigation Fee Act adopted in 1989 through Assembly Bill 1600 and amended in 1996 to cover additional financing requirements.) Government Code 66000 requires that an agency develop a "nexus" or reasonable relationship between mitigation fees and required infrastructure. New development can only be required to pay its share of the costs; agencies must develop other funding sources for improvements or rehabilitation required for serving the existing customer base.

Impact Fees are typically established by ordinance and can be approved by the City after holding a public hearing (and without a vote by either property owners or resident registered voters). Impact Fees are paid in cash, frequently at the issuance of building permits. Since the revenue stream from Impact Fees is dependent on the volume of development (which can be erratic), Impact Fees are not generally used to secure municipal bonds. Some agencies, particularly those with historically successful Impact Fee Programs, will consider Impact Fee Revenue when structuring general fund-type Certificates of Participation for public facilities.

*Added traffic in the area will require improvement of local roads. Impacts on local roads and required improvements should be addressed in the EIS. In the Northwest Specific Plan, capital improvement fees were imposed on existing property owners, buyers and builders.*

# Creeks, Parks and Bike Paths



Proposed sites are at top left



**Rohnert Park And Cotati Creeks Council (RPACCC)**

<http://rohnertpark.bizhosting.com>, <http://groups.yahoo.com/group/RPACCC>

**Adopt-A-Park/Adopt-A-Creek** Local experience with Creek Cleanups and Creek Groups like Copeland Creek's decades-old Friends of Copeland Creek and the 20 month experience with the Bear Park Creek Pilot Program have resulted in Rohnert Park's adoption of a volunteer-based Adopt-A-Park (Adopt-A-Creek) system. A new Adopt A Park ordinance became effective on January 1, 2005. The ordinance provides city support for cleanup activities, an official sign up form for annual adoption of an area, and some limited liability or waiver forms for participants. (Cotati's ordinance is still in draft form.)

**Neighborhood Watch (and Creek Watch)** is part of the system, with an online signup form at [www.rpcity.org](http://www.rpcity.org)

Creek groups already organized include: Friends of Copeland Creek, Cotati Creek Critters, Friends of Bear Park, The Turtlers (Turtle Park on Five Creek) Friends of Butterfly Park, Wild Hummingbird Creek Group, Bellevue Creek Group, and several others who have not yet named themselves. In exchange for officially adopting a creek reach in their neighborhood and the pledged efforts of an hour a month by at least 6-10 people for cleanup, flower planting, and patrol, participants get a leased picnic area by the creek bike path which they can name and where they can hang out.

The **Rohnert Park and Cotati Creek Council (RPACCC)** was organized in 2003 as part of the 14-city nonprofit Urban Creek Council of California (UCC) in response to SCWA clearcuts of our creeks, the need to develop a Creeks Master Plan for the EPA Phase II Stormwater plan that included 2 cities and the surrounding urban area, the need to organize and coordinate 30-50 small neighborhood creek groups and provide liaison with cities, local government, and agencies, and the absolute need to get outside and have fun. (The original UCC chapter in the East Bay was organized 20 years ago to Protect Codornices Creek.) RPACCC has an online yahoo group, several very active committees, and a network of spies and members of undetermined magnitude.

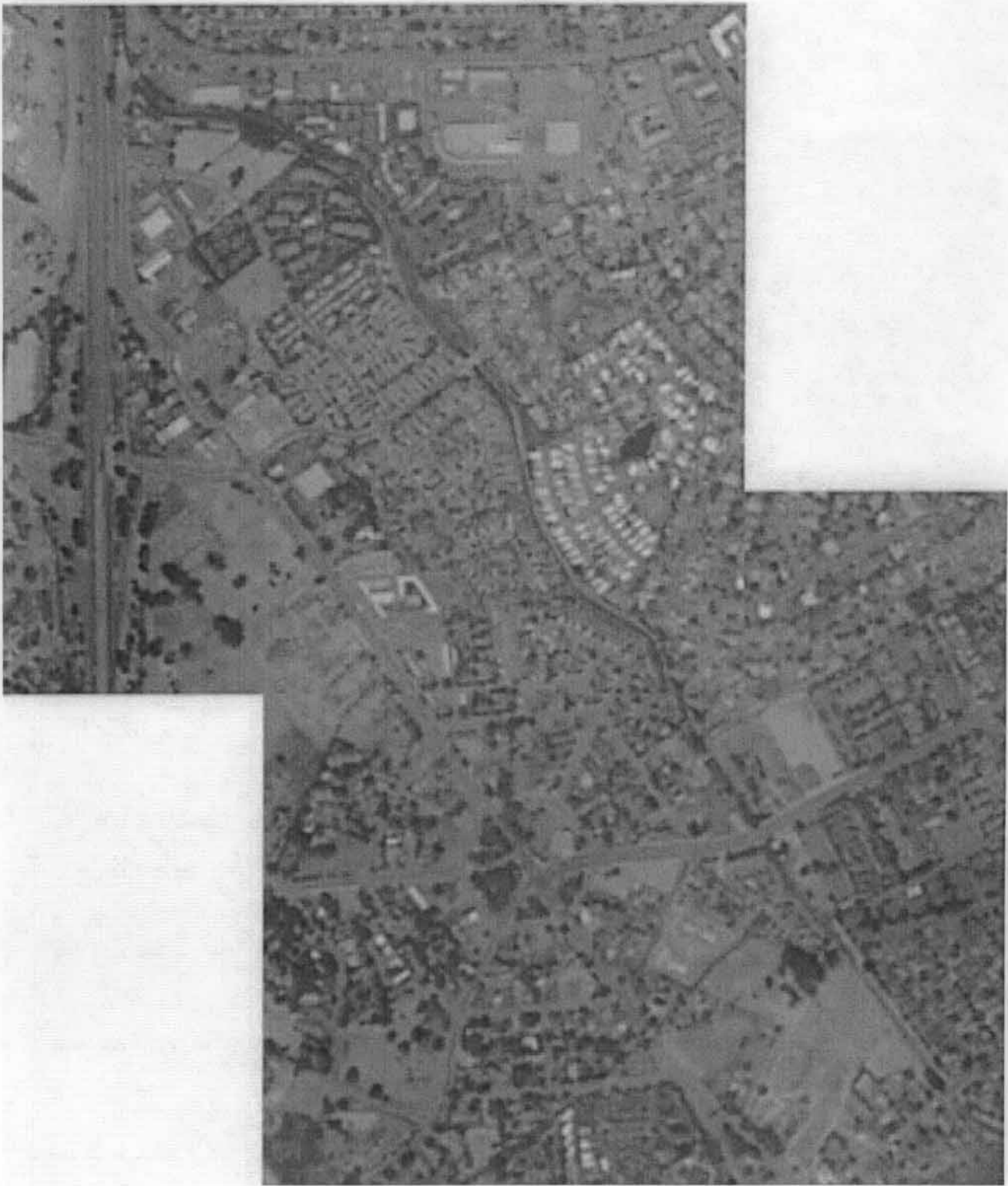
**Creek Incident Reports**, emailed or faxed reports from neighborhood creek groups and Creek Panthers help agencies like SCWA (flood hazards), the Water Board (mud spills, building site, pollution incidents), and NOAA (fish reports) extend their diminished budgets by being eyes and ears and providing pictures, contact information, and details of creek incidents.

The **Creek Panthers**, an informal rowdy group of assorted hikers, dog walkers, bird watchers, Robin Hood Creek Denizens, bikers, kids, and office workers on breaks has been prowling the 16-20 miles of creeks here since summer 2003, picking up trash, reporting fish, solving and reporting problems, and enjoying nature. The **Merry Aquatic Pranksters** just showed up, having organized themselves for the purposes of fun, pranks, and protests, and The **Joyous Free Spirits** can really sing!



**Bear Park**

**Butterfly Park**



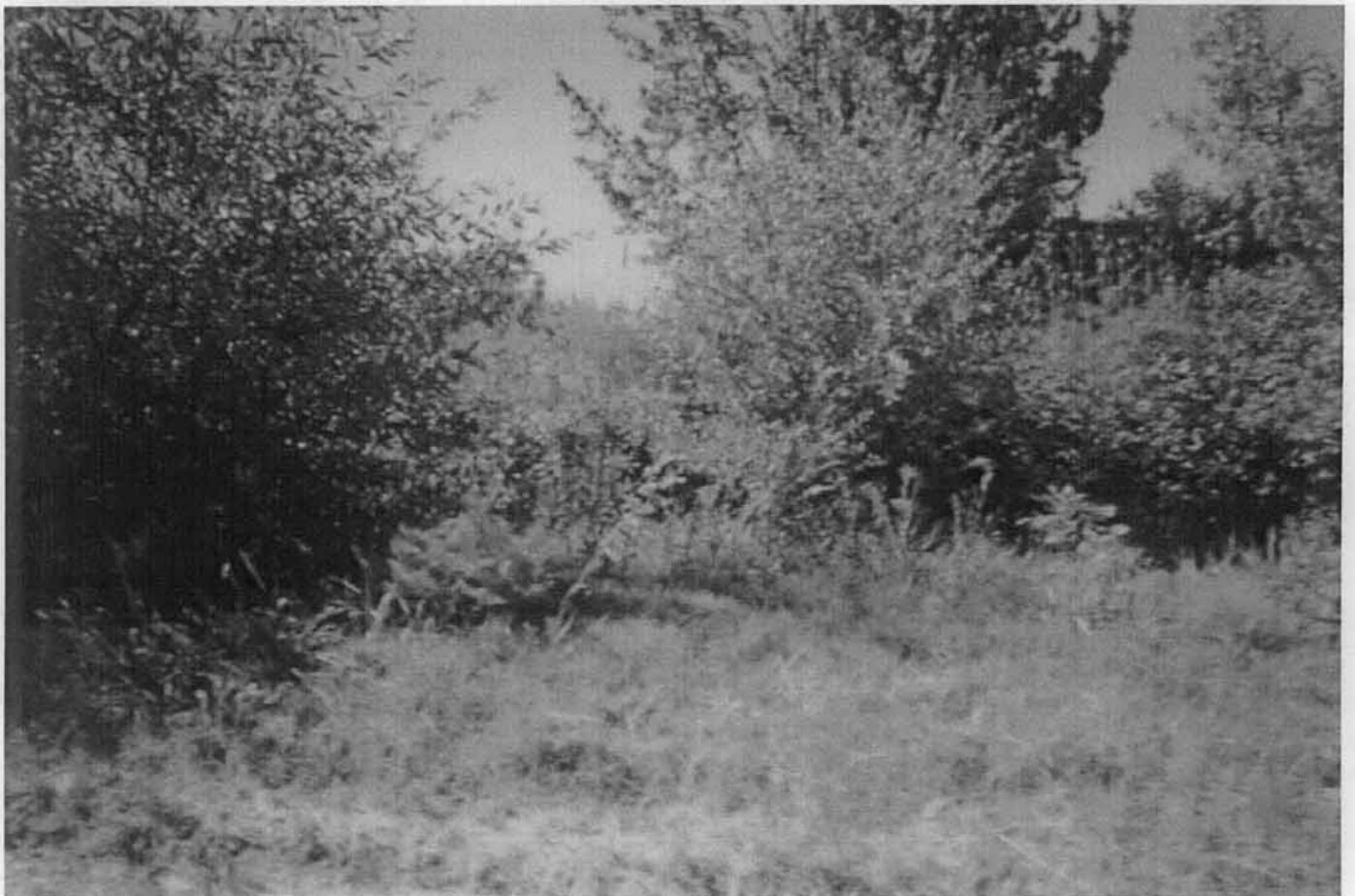


**Copeland Creek Nature Park**



**Copeland Creek Nature Park [Top: Highway 101 to Railroad, Bottom: Railroad to Snyder Lane]**





**Copeland Creek Nature Park [Snyder Lane, Rancho Cotate High School, Sonoma State University]**

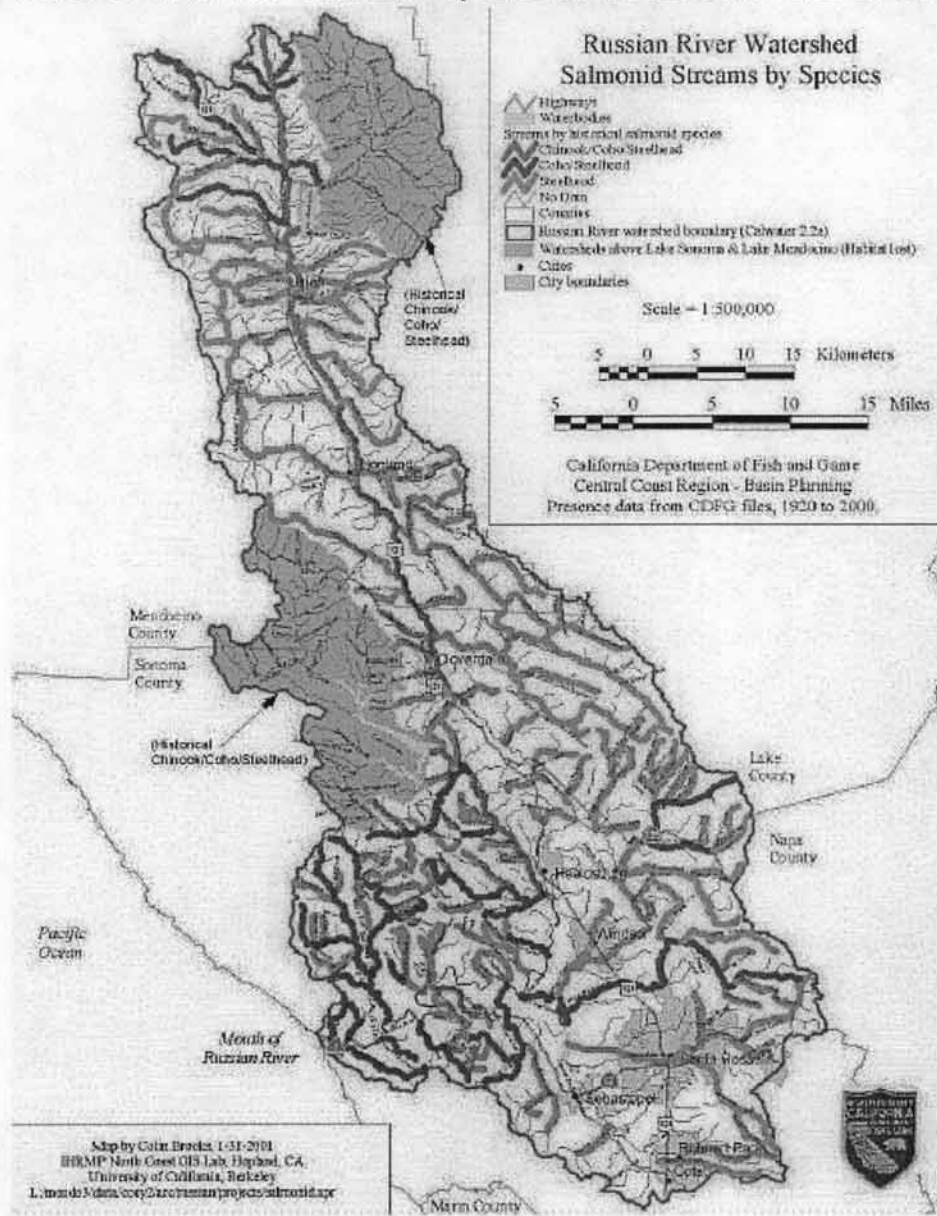
Wild Hummingbird Park, Snowy Egret Park, Turtle Park, Froggy Park



Creekside Middle School and Community Gardens



# CDFG Map of Historical Habitat of Salmonid Species in the Russian River Watershed



*Local creeks are at the bottom.  
The EIS should address the need to preserve salmonid habitat here.*

## Can A Trout Cross the Freeway? Feb 8, 2005

Comments submitted re Critical Habitat Designation of California Central Coast ESU of *Oncorhynchus Mykiss*  
2/08/05 Docket number [041123329-4329-01], RIN number [0648-AQ77]



### Summary/Addendum to Testimony at Public Hearing January 19, 2005

1. Definition of Critical Habitat in four states over complex, varying terrain, in such a short time frame is obviously a difficult task. NOAA/NMFS staff are to be commended for their fine work.
2. The comment period, from December 10, 2004 to February 8, 2005, was too short, particularly because it spanned the Christmas holiday period. The comment period should be extended.
3. Our RPACCC (Rohnert Park and Cotati Creek Council) creeks have been included. We are very pleased and grateful, because the designation helps us protect the steelhead, creeks, and creek habitat against the many incursions of a rapidly developing area.
4. Steelhead and salmon historically spawn and rear in these creeks, and returned when flood control practices that included periodic clearcutting, poisoning, and dredging the creeks were suspended in 1996-1997 due to the ESA designation. The trees came back, the creeks cleared, and the birds and fish returned. Hundreds of acres in the middle of the city which had been poisoned crime ridden dead zones gradually became beautiful wild urban parks.
5. In summer of 2003, when a spectacular steelhead or salmon run was observed on Crane/Hinebaugh Creek, the Bear Park Creek Pilot Project was begun. Neighboring businesses banded together, as Friends of Bear Park, to protect the fish and reclaim the creek area for a park, after years of infestation by drug dealers and drunks. Agencies were informed of the steelhead/salmon run and we waited for them to come see. Fish 2 feet long, barred juvenile fish 5-6 inches long, and thousands of small fish were observed and photographed, clearly indicating the creek was both spawning and rearing habitat and had been so for some time.
6. On July 21, 2003, a jail crew contracted by the Sonoma County Water Agency (SCWA) clearcut a half mile of streamside and north bank vegetation, without warning, in a single day. Despite protests, similar clearcuts followed on Copeland Creek and Adobe Creek in Petaluma.
7. Friends of Bear Park then began protecting the trees as well as the fish, on a 24:7 basis, prepared to confront and arrest the crews if they returned. A negotiated settlement allowed us to trim the remaining trees, removing dead wood that presented a fire hazard, but preserving the riparian foliage for habitat.

8. Subsequent legal action included termination of the engineer deemed responsible, a Grand Jury investigation, and a 6 page settlement with the District Attorney's office regulating channel maintenance activities of the Sonoma County Water Agency.
9. With all shading vegetation removed, the creek underwent a rapid, spectacular collapse. Within days, dead fish were floating downstream. Within weeks, the creek began to eutrophy.
10. In February 2004, SCWA crews replaced the cut trees with a half mile of large alders and maples. These trees and rapid regrowth of the streamside willows and other vegetation provided some shade in 2004 and allowed the creek to begin recovering.
11. Spawning fish have again been observed in winter of 2005.
12. The Rohnert Park and Cotati Creeks Council (RPACCC) was organized in 2003 as part of the 20 year old Urban Creeks Council of California, to protect the fish and creek habitats in both cities and the surrounding area, prepare a Master Plan for the creeks, and provide liaison and volunteer support to city, county, state, and federal agencies with jurisdiction over the creeks.
13. Creeks here are particularly blessed and protected because the original town layout and General Plan provide for linear parks, long narrow greenbelt swaths that include creekside access roads, trees, and bike paths. No additional land is required to protect the riparian corridor because the land has already been set aside for open space parks.
14. Protection of the steelhead is nonetheless a challenge because of growth pressure along the Highway 101 corridor and the problems of urban storm runoff pollution common to all urban areas. (All 14 cities in the UCCC have steelhead and we are all working on these problems.)
15. We are currently working on a Habitat Conservation Plan (HCP) – Natural Community Conservation Plan (NCCP) for the section of Crane/Hinebaugh Creek that seems to contain most spawning and rearing habitat, from Crane Creek Regional Park to Stony Point Rd. Crane/Hinebaugh was chosen first because it is a perennial creek that carries water flows from Crane Creek, Five Creek, and Hinebaugh Creek. We will also do similar plans as part of the RPACCC Creeks Master Plan that include Copeland Creek, Hinebaugh Creek, and the Laguna de Santa Rosa channel here.
16. Upstream sections of these creeks on the Sonoma Mountain watershed are protected by various easements of the Sonoma County Open Space District. Thus, the water flowing down the mountain will be kept clean and pure.
17. Downstream of the confluence of the creeks at Stony Point Road, the Laguna Foundation has developed and is implementing a Restoration and Management Plan to preserve and improve habitat over the Laguna de Santa Rosa watershed. The Laguna de Santa Rosa flows into the Russian River, which flows into the Pacific Ocean. The Russian River is also protected and currently the subject of a Section 7 consultation. Thus, the migration/spawning path to the Pacific will be protected.
18. There is enormous community support for our fish and parks. The Pilot Project is being extended city-wide to a network of 30+ creek neighborhood groups organized to protect sections of all the creeks, per a new Adopt-A-Park ordinance passed in October 2004. The neighborhood groups will maintain and protect the creeks and creek parks at no cost to the city, based on principles developed in the Bear Park Creek Pilot Project.
19. Additional protection is being provided by the Creek Panthers, a volunteer group that patrols the creeks, and a new Creek Incident Report System that makes detailed emailed reports directly to all ten local, state, and federal agencies charged with protecting the creeks.
20. These organized volunteer efforts, the topography of the creeks here, and the protection of upstream and downstream habitat therefore seem to give our fine *Oncorhynchus Mykiss* a pretty good fighting chance of becoming a permanent part of the city scene.

They are our homies. Thanks for helping us take care of them.

Barb Greene 2/08/05

Rohnert Park and Cotati Creeks Council <http://groups.yahoo.com/group/RPACCC>  
Crane/Hinebaugh Creek Steward <http://rohnertpark.bizhosting.com>

Comments submitted re Critical Habitat Designation of California Central Coast ESU of *Oncorhynchus Mykiss*

ADDRESSES: You may submit comments, identified by docket number [041123329-4329-01] and RIN number [0648-AQ77], by any of the following methods:

- E-mail: [critical.habitat.swr@noaa.gov](mailto:critical.habitat.swr@noaa.gov). Include docket number [041123329-4329-01] and RIN number [0648-AO04] in the subject line of the message.

**(h) Central California Coast *O. mykiss* (*Oncorhynchus mykiss*)**

Critical habitat is proposed to include the areas defined in the following units:

(1) Russian River Hydrologic Unit 1114—

(iii) Laguna Hydrologic Sub-area 111421.

Outlet(s) = Laguna de Santa Rosa (Lat 38.4522, Long -122.8347) upstream to endpoint(s) in: Crane Creek (38.3521, -122.6022); Hinebaugh Creek (38.3509, -122.6913); Laguna de Santa Rosa (38.3431, -122.7229); Blucher Creek (38.3509, -122.8258); Copeland Creek (38.3371, -122.6038).

**Supplemental Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Federated Indians of the Graton Rancheria Casino and Hotel Project, Sonoma, CA**

[Federal Register: September 29, 2005 (Volume 70, Number 188)]

[Notices]

[Page 56933-56934]

From the Federal Register Online via GPO Access [wais.access.gpo.gov]

[DOCID:fr29se05-67]

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**NATIONAL INDIAN GAMING COMMISSION**

Supplemental Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Federated Indians of the Graton Rancheria Casino and Hotel Project, Sonoma, CA

AGENCY: National Indian Gaming Commission (NIGC).

ACTION: Supplemental Notice of Intent (SNOI).

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**SUMMARY:** In accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA) 42 U.S.C. 4321 et seq., the NIGC, in cooperation with the Federated Indians of the Graton Rancheria (the "Graton Rancheria"), intends to gather information necessary for preparing an Environmental Impact Statement (EIS) for a proposed casino and hotel project to be located in Sonoma, California. This notice supplements the Notice of Intent (NOI) which appeared in the Federal Register on February 12, 2004 (69 FR 7022 (Feb. 12, 2004)) and advises the public that the NIGC and BIA intends to gather further information necessary to prepare an EIS for a proposed casino and hotel project to be located in Sonoma County, California. The purpose of the proposed action is to help address the socio-economic needs of the Federated Indians of Graton Rancheria. The proposed action is very similar to that proposed in the February 12, 2004, NOI, with the exception that the casino and hotel would be constructed adjacent to and on the east side of the previously proposed site. The shift of the proposed construction site is being considered to avoid environmental constraints discovered on the original site, particularly, to avoid wetlands identified on the original site. Additional details of the new proposed action and location are provided below in the Supplemental Information section. The supplemental scoping process will include notification of and opportunity for the general public and Federal, state, local, and tribal agencies to comment on the new proposed action. The purpose of scoping is to identify public and agency concerns on environmental issues, and alternatives to be considered in the EIS. All the information and comments gathered in response to the earlier NOI remain in the record, and there is no need to repeat information submitted at that time. **DATES:** A public scoping meeting will be held on October 19, 2005 from 6 p.m. to 8:30 p.m., or until the last public comment is received.

Written comments on the scope of the EIS should arrive by November 4, 2005.

**ADDRESSES:** Written comments on the scope of the EIS should be addressed 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 caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project", on the first page of your written comments. The agency scoping meeting will be hosted by the NIGC and the Federated Indians of the Graton Rancheria. The public scoping meeting will also be hosted by the NIGC and the Federated Indians of the Graton Rancheria. The public scoping meeting will be held at the Spreckels Performing Arts Center, Nellie W. Coddington Theatre, 5409 Snyder Lane, Rohnert Park, CA 94928.

**FOR FURTHER INFORMATION CONTACT:** For general information on the NEPA review procedures or status of the NEPA review, contact Brad Mehaffy, NIGC NEPA Compliance Officer, 202-632-7003.

**SUPPLEMENTARY INFORMATION:** The proposed federal action is the NIGC's approval of a gaming management contract between the Federated Indians of Graton Rancheria and SC Sonoma Management LLC. The approval of the gaming management contract would result in the development of a resort hotel, casino, and supporting facilities. The facility will be managed by SC Sonoma Management LLC on behalf of the Federated Indians of Graton Rancheria, pursuant to the terms of a gaming management contract.

A NOI was originally published on February 12, 2004 for an EIS to analyze the approval of a management contract between the Federated Indians of Graton Rancheria and SC Sonoma Management LLC. Preparation of the EIS commenced after a 46-day scoping period, during which 768 public comments were received both in writing and orally at a scoping meeting held on March 10, 2004. As displayed in a handout at the March 2004 scoping meeting, development of a casino and hotel resort was proposed on a 363 acre site bordered by Wilfred Avenue to the north; Stony Point Road to the west; Rohnert Park Expressway, farmland, and the Laguna de Santa Rosa to the south; and a mobile home park, a business park, and farmland to the east.

During preparation of the EIS, numerous environmental constraints to development of this location were discovered, including wetlands, endangered species, and the 100-year floodplain. Therefore, in an effort to minimize environmental effects, a new project site is proposed which includes approximately 180 acres within the southern portion of the original 360-acre site along with an approximately 73-acre property located adjacent to the eastern boundary of the

previously proposed site. The new property is bounded to the north by Wilfred Avenue and rural residential parcels, to the east by farmland, to the west by Langner Avenue, and to the south by Business Park Drive and light industrial development. The previously proposed sites will remain as alternatives in the EIS. The proposed action consists of approval of a gaming management contract between the Federated Indians of Graton Rancheria and SC Sonoma Management LLC. Approval of this contract would result in development of a casino and hotel resort on the new 253-acre site, assuming this alternative is selected at the conclusion of the EIS process.

Nearby land uses include agricultural uses such as livestock grazing and dairy operations, rural residential uses, industrial and commercial development, and open space. In addition to the proposed action, a reasonable range of alternatives, including a no action alternative, will be analyzed in the EIS. These alternatives are expected to include, but are not limited to: (1) A casino and hotel in the northwest corner of the original site, (2) a casino and hotel in the northeast corner of the original site, (3) a reduced intensity alternative, (4) an alternative use, (5) an additional off-site location, and (6) no action. Areas of environmental concern to be addressed in the EIS include: Land use, geology and soils, water resources, agricultural resources, biological resources, cultural resources, mineral resources, paleontological resources, traffic and transportation, noise, air quality, public health/environmental hazards, public services, and utilities, hazardous waste and materials, socioeconomics, environmental justice, and visual resources/aesthetics.

The list of issues and alternatives may be expanded based on comments received during the scoping process.

The Federated Indians of Graton Rancheria is a Federally recognized Indian tribe with approximately 1082 members. It is governed by a tribal council, consisting of seven members, under a constitution that was passed by vote of the members on December 14, 2002 and approved by the Secretary of the Interior on December 23, 2002. The Federated Indians of Graton Rancheria presently has no land in trust with the U.S. Government and is eligible to acquire land for reservation purposes to be placed in trust.

The NIGC will serve as lead agency for compliance with NEPA. The Bureau of Indian Affairs, U.S. Army Corps of Engineers, and Sonoma County will serve as Cooperating Agencies.

Public Comment and Solicitation: Written comments pertaining to the proposed action will be accepted throughout the EIS planning process. However, to ensure proper consideration in preparation of the draft EIS, scoping comments should be received by November 4, 2005. The draft EIS is planned for publication and distribution in early 2006.

Individual commenters may request confidentiality. If you wish us to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. Anonymous comments will not, however, be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Authority: This notice is published in accordance with Sections 1501.7, 1506.6, and 1508.22 of the Council of Environmental Quality Regulations 40 CFR, Parts 1500 through 1508 implementing the procedural requirements of the NEPA of 1969, as amended 42 U.S.C. 4371 et seq., and the BIA NEPA Handbook.

Dated: September 21, 2005.

Philip N. Hogen, Chairman.

[FR Doc. 05-19429 Filed 9-28-05; 8:45 am]

BILLING CODE 7565-01-P

Last updated on Thursday, September 29th, 2005

URL: <http://www.epa.gov/fedrgstr/EPA-IMPACT/2005/September/Day-29/i19429.htm>

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[bradley\\_mehaffy@nigc.gov](mailto:bradley_mehaffy@nigc.gov)

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## **GRATON RANCHERIA CASINO AND HOTEL PROJECT EIS SCOPING REPORT**

[http://www.nigc.gov/nigc/documents/nepa/graton\\_rancheria/eis.jsp](http://www.nigc.gov/nigc/documents/nepa/graton_rancheria/eis.jsp)

### **DOCUMENT:**

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CHAPTER 1.0 - Introduction

CHAPTER 2.0 - Proposed Action and Alternatives

[http://www.nigc.gov/nigc/documents/nepa/graton\\_rancheria/eis/files/document/2-Proposed-Action-and-Alt-1-v4.pdf](http://www.nigc.gov/nigc/documents/nepa/graton_rancheria/eis/files/document/2-Proposed-Action-and-Alt-1-v4.pdf)

CHAPTER 3.0 - Issues Identified During Scoping

CHAPTER 4.0 - EIS Schedule and Public Review

### **FIGURES:**

COVER

TITLE

FIGURE 2-1 Regional Location

FIGURE 2-2 Site and Vicinity

[http://www.nigc.gov/nigc/documents/nepa/graton\\_rancheria/eis/files/figures/FIG-2-2-Site-and-Vicinity.pdf](http://www.nigc.gov/nigc/documents/nepa/graton_rancheria/eis/files/figures/FIG-2-2-Site-and-Vicinity.pdf)



SOURCE: Cotati CA USGS 7.5 minute topographic quadrangle, AES 2004

FIGURE 2-3 Aerial Site Map

[http://www.nigc.gov/nigc/documents/nepa/graton\\_rancheria/eis/files/figures/FIG-2-3-Aerial-Site-Map%20.pdf](http://www.nigc.gov/nigc/documents/nepa/graton_rancheria/eis/files/figures/FIG-2-3-Aerial-Site-Map%20.pdf)

SOURCE: Aerial Photography August 2002, AES 2004

FIGURE 2-4 Alternate Off-Site Location Map

**APPENDICES:**

COVER VOL I

COVER VOL II

APPENDIX A - Notice Of Intent (NOI)

APPENDIX B - Local Notice

APPENDIX C - Comment Letters List

APPENDIX D - Comment Letters

APPENDIX E - Transcript of Scoping Meeting

APPENDIX F - Rough Notes from Scoping Meeting with Local Jurisdictions

**Analytical Environmental Services August 2004**

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B-6

# Citizens Equal Rights Alliance

MANE EQUALS ONE PEOPLE - ONE LAW

November 02, 2005

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

And,

Michelle Marchetta Kenyon, City Attorney  
City of Rohnert Park  
6750 Commerce Boulevard  
Rohnert Park, CA 94928

RE: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

Dear Mr. Mehaffy:

Citizens Equal Rights Alliance (CERA) is a national coalition of community groups located within or near federally recognized Indian reservations. Our mission is to promote the Constitutional, civil and equal rights of all persons, including enrolled tribal members and other citizens. More recently, our organization has grown substantially in response to organizations seeking assistance to oppose undesirable off-reservation Class III tribal casinos.

Rohnert Park, California is a classic case study that illustrates the flaws of the Indian Gaming Regulatory Act of 1988, and political trickery that creates Indian "tribes" and "restored lands" through surreptitious language in a large Indian Omnibus Act of 2000. The net effect is a troublesome cloud upon a quiet community that prompted my personal visit to the community for a week in October 2005. As Chairman of our national organization since 2002, and a community planner by profession for over twenty-five years, I can assure you that the dilemma of the Rohnert Park community has caught the attention of our national board, and my personal attention as one familiar with community planning, site development, the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA).

I inspected the proposed project site and surrounding area of the Federated Indians of the Graton Rancheria (FIGR) on several occasions during the week, met with community leaders, water and traffic specialists, and conducted in-depth interviews with residents in several neighborhoods of Rohnert Park.

ADDRESS: P.O. Box 1280, Toppenish WA 98948 PHONE: 509-865-8225  
FAX: 509-865-8225 WEBSITE: [www.citizensalliance.org](http://www.citizensalliance.org) EMAIL: [toppin@aol.com](mailto:toppin@aol.com)

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## MEMORANDUM OF UNDERSTANDING

An unsuspecting and uninformed community located far from any formal Indian reservation, and lacking in information or education regarding federal Indian policy is immediately vulnerable to early quiet activities that foist such a project upon them. An ongoing respect for all cultures, and most especially for American Indian culture, creates a desire to cooperate, while operating with the absence of factual data specific to project impacts on the socio-economic, and environmental conditions of a community. It is under these disadvantaged conditions that Memorandums of Understanding (MOU) are sought, and generally obtained, from local government officials. This appears to be the circumstance under which an MOU was executed by elected officials of Rohnert Park and the FIGR on October 14, 2003.

The MOU of October 2003 is clearly site-specific to a former project site "located outside of the boundaries of the City." The document further reports "the City recognizes and acknowledges that the Property is located outside the boundaries of the City and therefore the City has no authority to exercise jurisdiction over the Property, the Reservation or the Project." This is no longer true. Portions of the current and separate project site are located within the municipal boundary. Within the MOU, the definition of the term, "Property," clearly "means the certain parcel of land which is located adjacent to the Urban Growth Boundary of the City that exists on the date of this MOU and within the unincorporated area of the County and which is identified by the legal description set forth in Exhibit A hereto, or any portion of such land." No legal description of the current project site is addressed within the language of the existing MOU.

The current site obtained for \$100 million from Stations Casino proceeds is not subject of the MOU, rendering the MOU void, obsolete, and lacking in legal foundation:

**NIGC must require the applicant, FIGR, to obtain a new and appropriate MOU from the City of Rohnert Park that is specifically applicable to this second, proposed site, and that acknowledges certain authorities of the City to exercise jurisdiction.**

## AN INADEQUATE PROCESS

The project is currently moving through a limited "supplemental" EIS track established under NEPA that is inadequate to fully address either community input or massive project impacts emanating from the second site proposed by the FIGR. Failing to embrace the most comprehensive examination of the project site is a disservice to FIGR and the community of Rohnert Park. An inadequate Scoping process is easily challenged when more than fifteen affected state and local agencies were not notified, and only one, short-notice Scoping hearing occurred, for a population of 42,000, on October 19, 2005.

The Notice of Intent (NOI) contained language that appears to be an intentional disincentive to the general public and local affected agencies to comment on the new, second site: *"All the information and comments gathered in response to the earlier NOI remain in the record, and there is no need to repeat information submitted at that time."*

ADDRESS: P.O. Box 1280, Toppenish WA 98948      PHONE: 509-865-6225  
FAX: 509-865-6225      WEBSITE: [www.citizensalliance.org](http://www.citizensalliance.org)      EMAIL: [topplin@aol.com](mailto:topplin@aol.com)

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In compliance with the intent and purpose of NEPA, and in proportion to the massive project(s) proposed by FIGR, including a casino, hotel, resort, and shopping center, the Scoping Review and a separate, full environmental review process needs to be expanded, re-started and initiated using a scale proportional to the long-term, area-wide impacts, and contemplates full future environmental and socio-economic impacts attendant with the project.

## MAJOR ENVIRONMENTAL IMPACTS

The following comments are intended to merely highlight the most significant areas of environmental and socio-economic concern associated with a proposed Class III tribal casino in Rohnert Park:

**Water.** Sonoma County water planners and environmental organization leaders widely acknowledge a serious 20-year overdraft of the aquifer beneath the project site, and express concern as to a tribal government's federal water rights enabling a small tribal government to supercede water access rights of local governments and landowners. This impact alone is sufficient to suggest that FIGR should select an alternative site for its economic development goals.

**Traffic.** The Wilfred Avenue Interchange upgrades connecting Wilfred Avenue with Golf Course Drive is of serious concern to local residents because traffic calculation estimates of the proposed project are not adequately accommodated in the Cal-Trans planning process, and physical constraints of the project's location upon significant seismic faults and unstable soils provides additional concerns. We share the concerns of Sonoma County Transportation Authority specific to significant changes in levels of service upon residential neighborhood roads in Rohnert Park, most likely to be used as alternative routes to and from a casino.

**Air.** Associated with a minimally projected 25,500 daily patrons and employees of the future project, the applicant should evaluate and quantify emissions of criteria pollutants from the expected casino traffic and construction activities and compare such findings to the Bay Area Air Quality Management District (BAAQMD) thresholds.

**Public Health.** At least one nearby county public health agency (Contra Costa) formally predicts "dire (public health) consequences" associated with Class III tribal casinos when such is located in an urban area. The applicant should quantifiably demonstrate, over a 10-year period, projected incidences of domestic violence, child abuse, bankruptcy and other social consequences associated with problem or addictive gambling among future Rohnert Park families.

**Toxic Waste.** The project location is within 3,000 feet of a Formerly Used Defense Site (FUDS), the Cotati Air Facility and Outer Landing Field (OLF) during the 1940s, requiring full clearance of the absence of any toxic waste contamination prior to the ability of the Department of Interior or Department of Justice approval to formally take such land into federal trust.

**Housing and Casino Workforce.** Absent a tribal and adequate local workforce, the applicant should specifically identify the source and plan for future casino workforce recruitment, and

thereafter quantify all associated impacts upon Rohnert Park housing stock, law enforcement, schools and medical resources.

## COMMUNITY CHARACTER AND QUALITY OF LIFE

The community of Rohnert Park, incorporated as recently as 1962, can be defined as a lifework labor of love of local residents who are the community founders. It is California's first formally planned community, intended to foster and preserve quiet family neighborhoods and quality of life reflective of prioritizing family values and safe communities. A mega-casino such as proposed to be thrust upon this bedroom community, will have devastating consequences to the image, character, public safety, and quality of life, of Rohnert Park. The city's future will be the antithesis of its past and current character.


No community in America should have to defend itself from an uninvited activity such as Class III gambling, foisted upon the community by a tribal government they do not elect. Ambiguities and loopholes of The Indian Gaming Regulatory Act of 1988 are causing unwarranted threats upon numerous communities, but none more vulnerable than a young, family-oriented municipality such as Rohnert Park, California.

Such a congressionally sanctioned gambling monopoly used to extrapolate tax-exempt disposable income from America's homes and communities is creating an additional egregious consequence—an undeserved tarnishing of the noble image of legitimate American Indian citizens and their heritage, the great majority of whom have no voice in their own tribal government gaming activities, nor reap any significant benefits.

Citizens Equal Rights Alliance fully and wholly opposes a Class III tribal casino to be sited next to, or within fifteen miles of Rohnert Park, California. Further, we grieve for the deteriorating reputation and relations between American Indian tribes and their neighbors, wrought by the excesses and abuse of the original intent of the Indian Gaming Regulatory Act.

Congress must quickly repair a process wherein only gambling industry profiteers and politicians are "winning" to the direct harm and at the immediate expense of American communities and families, tribal and non-tribal.

Sincerely,

  
Elaine D. Willman, MPA, Chair  
Citizens Equal Rights Alliance

ADDRESS: P.O. Box 1280, Toppenish WA 98948      PHONE: 509-865-6225  
FAX: 509-865-6225      WEBSITE: [www.citizensalliance.org](http://www.citizensalliance.org)      EMAIL: [toppin@aol.com](mailto:toppin@aol.com)

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# ROBB & ROSS

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

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 † CERTIFIED SPECIALIST IN ESTATE  
 PLANNING, PROBATE AND TRUST  
 LAW THE STATE BAR OF CALIFORNIA  
 BOARD OF LEGAL SPECIALIZATION

November 2, 2005

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

Re: EIS Scoping 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, which would be negatively impacted by the proposed casino and hotel project of the Graton Rancheria. This letter provides comments on the project for NIGC's scoping process.

Two main factors make this project objectionable, namely its location and its size. The site is land under state jurisdiction, not historic Indian land, and its selection is an example of so called "reservation shopping." The site is not the type of land that the voters of California intended for Indian casinos when they approved Proposition 1A. Rather, supporters of Proposition 1A promised that Indian casinos would be limited to existing Indian lands in remote, mostly rural locations. The size of the facility indicates that it is intended to host a large number of gamblers and to serve a large portion of the urban Bay Area. The introduction of casino gaming into the urban area on such a scale generates substantial and widespread concerns about the potential for significant socioeconomic effects on the community. As a result, NIGC should proceed most cautiously.

GENERAL COMMENTS

NIGC Jurisdiction

As a preliminary matter, we question NIGC's jurisdiction on the ground that the land in question is under state jurisdiction and is not Indian land under the

Mr. Brad Mehaffy  
November 2, 2005  
Page 2

jurisdiction of the Graton. IGRA provides that Indian gaming is allowed "on Indian lands within such tribe's jurisdiction." 25 USC §2710(b). See also 25 USC §2710(d). This land is not Indian land under the tribe's jurisdiction, and the federal government has no power to make it such.

In 1850, when California was admitted to the Union, the federal government conveyed sovereignty over this land to the State of California and did not exempt the site. For the 155 years since then, the State of California has exercised jurisdiction over this site, and much development has occurred in the surrounding area. Having conveyed sovereignty over the site to the state, the federal government has no sovereignty over the site to convey to the Graton. (Sovereignty is like title – only the holder of it can convey it.) Though the federal government may take title to the land and may place it in trust for the Graton and may even declare the land to be reserved for the exclusive use of the Graton, such declarations will not serve to divest the State of California from jurisdiction over the site. The State, having exercised jurisdiction for so long, can lose it now only by an affirmative act of cession. *Coso Energy Developers v. County of Inyo* (2004) 122 Cal.App.4th 1512, 1520. The Graton would need to request the state to cede jurisdiction over the land to the federal government and the Legislature would have to approve such cession.

In the recent case of *City of Sherrill v. Oneida Indian Nation*, 544 U.S. \_\_\_\_ (2005), the U.S. Supreme Court held that land which once was an Indian reservation but had been sold and abandoned by the tribe lost its status as reservation land over time due to the settled expectations of residents and local governments. Here, the land has never been a reservation and the settled expectations of residents and businesses in the area are even stronger. The courts have never allowed the federal government unilaterally to divest the state of jurisdiction over a site and to invest an Indian tribe with sovereignty in any similar case with potential impacts over such a wide urban area. This would be unprecedented.

Nor does the prior existence of the rancheria or its distribution in 1960 provide a basis for creating Indian sovereignty over this land. When the rancheria system was created in 1906, Congress did not intend that small rancherias would become reservations. Congress commissioned a report on the condition of the California Indians, and the report recommended creation of rancherias. However, the report made clear that creation of reservations was not recommended. Reservations were big tracts of land located far from settled areas, and were

Mr. Brad Mehaffy  
November 2, 2005  
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usually held in trust for the tribe. Rancherías, by contrast, would be small tracts of land in settled areas, title to which would be held by the government. They would remain under state jurisdiction. Consistent with Congress' intent, the Graton Ranchería was not sovereign Indian land. The residents of the ranchería never organized a tribal government or exercised sovereignty over the site.

In this case, this land would remain under the jurisdiction of the state, and would not qualify under IGRA for Indian gaming. Therefore, NIGC has no jurisdiction.

#### Description of Proposed Project

The project description in the Notice of Intent is legally inadequate. Section 4.2 of the NIGC NEPA Procedures Manual requires that a Notice of Intent be published in the Federal Register. Subsection (D) requires that the Notice clearly define what the "applicant is specifically proposing to do." Section 4.2(D) reads:

Defining the proposed action is key to subsequent analysis. The proposed action should reflect what the NIGC or applicant is specifically proposing to do and should be clearly defined as early in the process as possible.

Here, the Notice states: "The approval of the gaming management contract would result in the development of a resort hotel, casino, and supporting facilities." No further description of the hotel, the casino, or any supporting facilities is provided. Some press reports have indicated that the facility could have 2,000 slot machines and a 300 room hotel. Such a facility would be approximately the size of a major Las Vegas strip casino. It would entail extremely large buildings and would generate massive amounts of traffic.

It is difficult to scope the potential issues without a fuller description of the proposed project.

#### SPECIFIC COMMENTS

##### Land Use and Aesthetics

There are serious issues involving land use and aesthetics. The size of the project makes it greatly out of scale with buildings in the surrounding community.



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Given the project's location, NIGC should look for consistency with the General Plans of Sonoma County and the City of Rohnert Park as well as with their zoning laws.

#### Traffic, Transportation and Parking

Traffic congestion in the area is a major issue which will need to be evaluated. Many patrons and employees will travel to the facility by car, and virtually all will come and go by way of Highway 101. This is likely to add tens of thousands of car trips per day to this already congested freeway. Further, since the facility is open 24 hours a day, the impact of traffic on nearby residences, on farm animals, and on wildlife needs to be evaluated. Again, the study should require the project to be consistent with the local General Plans.

Traffic congestion is a serious problem which impacts quality of life. Many residents of the Bay Area, and the East Bay in particular, rank this as the biggest problem affecting quality of life. This project is so large that it has potentially huge ramifications.

#### Air and Noise Quality

Increased traffic will lead to more air pollution and cars sitting in traffic congestion will cause even worse air pollution. This should be studied, and consistency with local air standards required.

Another environmental problem that comes under the umbrella of air quality is whether smoking of tobacco products will be allowed at the facility. This is a source of indoor air pollution, prohibited by California law if that were determined to apply. Smoking is usually allowed in Indian casinos, and the smoke cannot be avoided. Cigarette smoke pervades the air in many Indian casinos. The significant effects of second hand smoke threaten the "healthful environment" (42 USC §4331) and should be studied.

Noise is another issue that should be studied. Traffic will generate significant increases in ambient noise, and since the facility will be open 24 hours a day, will occur at all hours. Limits on noise in the relevant General Plans should be used as guidance.

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### Fire and Emergency Services

Fire and emergency services could be significantly affected by traffic congestion in the area caused by such a big facility. This could be a problem on Highway 101 as well as on city streets. It is essential that easy access for emergency vehicles be maintained.

The EIS should also review the availability of fire and other emergency vehicles to handle potential emergencies in a facility of this size. Issues would be the proximity of needed equipment, such as the home base of the closest ladder truck, and whether the Fire District has sufficient equipment to handle a potential problem at a facility of this size.

### Socioeconomic Conditions

The most significant environmental impacts of the project relate to the use of the facility for casino gaming, and the extent of that use at the site.

California prohibits casino games, and to date, no Indian casino has opened in an urban area. This facility would be the first, and its effects need to be carefully evaluated. The facility will be within an easy drive from much of the Bay Area with its population of over 6.7 million. Until now, casino gaming was located in remote locations, either in Nevada or rural Indian reservations, and accessibility was limited. At the proposed location, casino gaming would be easily available to many more people, including all sectors of the population. The size of the facility makes this type of gaming available to large numbers of people. This will be a new situation, and will cause significant socioeconomic effects. These impacts must be studied.

Impacts on existing businesses need to be measured. Studies have shown that when casino gambling comes to urban areas, it does not bring new monies into the economy, but largely draws monies that otherwise would have been spent elsewhere (the substitution effect). Non-gaming entertainment, such as movie theaters and restaurants in the area, can expect large revenue loss. However, the study should consider the impacts on all businesses in the area.

The new casino would also have harmful impacts on existing tribal casinos in and near the Bay Area, including River Rock Casino in Alexander Valley. These

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facilities draw many customers from the Bay Area, and much of their business could be drawn away by this facility.

An analysis is needed of the general economic effects of such the proposed facility on the area as a whole. This facility could be expected to generate revenues over \$500 million per year. This money would be drawn from neighborhoods and communities around the Bay Area, especially the East Bay. Expenses might be in the neighborhood of \$300 million. Some of the expenditures would benefit the area, but some would pass outside the area. The profits might be around \$200 million. A question is raised whether these profits would find their way back to the community or would be dispersed to other areas of the country and thus be a drain on the local economy.

The casino could have negative effects on communities near the facility, especially ones with high rates of unemployment and poverty and high numbers of senior citizens. Such locations should be identified and the effects on them evaluated.

The facility will employ many people, but most will be low paid workers. The EIS should study whether there is sufficient affordable housing in the area for these workers, or whether the facility will add to a shortage of such housing.

The social costs of the casino also need to be studied. The availability of slot machines in this area will lead to an increase in pathological gaming and problem gaming. Problem gaming leads to job problems, marital problems, and health problems. These social and economic costs need to be studied.

Increases in crime rates as a result of the casino would also be expected and need to be studied. There are many studies that indicate casino gambling brings with it an increase in crime. A July 2004 study by the U.S. Department of Justice indicates that there is significantly more problem gambling among arrestees. The percentage of problem and pathological gamblers among arrestees is three to five times higher than in the general population, and nearly one-third of such gamblers admitted having committed robbery in the prior year. Pathological gamblers were also more likely to have sold drugs than other arrestees.

The Notice of Intent indicates that NIGC wants to evaluate the socio-economics. The study must balance the benefits to the tribal members with the detriments to society. The Notice states that there are 1,082 tribal members.

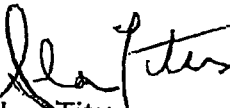
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Development of this facility could result in each member receiving hundreds of thousands of dollars a year, much in excess of what is needed for self-sufficiency, the premise of IGRA. As for the detriments to society, many more people than 1,082 might develop economic problems due to pathological and problem gambling, costing the public much more money than would have been necessary to provide for the tribal members. This should be studied.

Conclusion

Thank you for your consideration of these comments. Please add my name to your mailing list for notice regarding developments on this project. My email address is: [atitus@robbandross.com](mailto:atitus@robbandross.com).

Sincerely,



Alan Titus



# CONSULTING

Roofing & Waterproofing Services

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25 October 2005

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

Dear Mr. Mehaffy:

I am writing you today about very important issues that have created a number of concerns, and problems that will affect me, my life, and the lives of many people within my community; Indian Gaming. I have attended numerous meetings about the proposed casino, including the 21 February 2005 Scoping Hearing held at Spreckles Community Center in Rohnert park, California, whereby the residents of Rohnert Park were only given three days notice to prepare and attend this meeting, of which I am pretty sure that this falls well short of the required time frame required by law; and the local authorities and government bodies were not provided the legally required written notice of the Scoping Hearing. I find that the short amount of time provided was an obvious attempt by the commission and the Indian gaming investors to reduce the number of people willing to attend and voice their opinion against the proposed, and not finalized, Indian casino in Rohnert Park. In addition, the statement relating to not bothering to show up if one has already voiced an opinion, well that is ludicrous and downright deceptive, not to mention immoral and downright wrong.

I have been one of the residents who have been opposed of the proposed insertion of the [REDACTED] This resort will, as proven by Connecticut and Rode Island, bring a complete distress/destruction to the local roads, added traffic congestion and traffic accidents, crime, and increased drug use. Your commission has stated emphatically that these kinds of problems would not occur, buy you and your commission has not even accepted any responsibility for the added problems in Connecticut and Rode Island, or any of the other problems relating to Indian gaming casinos within California. Instead, your commission dismisses them. It is my belief that you and your commission are in to make a considerable amount of money by the insertion of casinos in suburban areas, which is why you and your commission are not willing to stand up for the residents living in the possible-future

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affected neighborhoods, which I would call a War Zone if these casino's actually are permitted to be inserted into our back yards.

I learned of a very serious problem that exists within Rohnert Park that I was not aware of before – Current Water Table Overdraft. This problem has been prominent within the city of Rohnert Park for some time now; however, the National Indian Gaming Commission and the Graton Rancheria Indian tribe and their investors have known about this problem and still turn their heads the other direction. The casino/resort and its investors expect to take our local water for themselves, with full federal protection, and leave the residents of Rohnert Park to pay the tab by an increase of possibly 4 times our current rate, and then be forced to ration our own usage while the casino has unlimited use – this isn't only not fair, it is criminal.

Another water problem exists and is known by the casino/resort and its investors, as well as local state and Federal government officials – the fact that if and when this local flood plane, also known as our water table, is paved over the runoff of rain water will increase the amount of local flood waters by at least 200 – 300%, my uneducated guess. The local communities that surround this area already floods every year due to the lack of drainage, and the fact that paved-over land does not soak up existing rain water or runoff, well I am sure that if you all take an honest look at the problem you will realize that the areas surrounding the flood plane will be under catastrophic flood waters every year. If the casino resort is actually allowed to be inserted into our town, AGAINST THE MAJORITY OF RESIDENTS AND THEIR OPINIONS, then the paved-over land that now acts as a sponge for the excess rain water will now act as nothing more than a shed roof, or a sheet of plastic over a bowl – directing water away from this bowl and into all other surrounding areas causing serious flooding.

The Graton Rancheria Indian tribe and their investors are aware of this and do not seem to care that the surrounding residents, most of whom own their own homes and pay property taxes, will be flooded out of their homes every year. If this ridiculous proposed casino actually happens, it will cause extreme difficulties for the families affected by having to find shelter from the constant flooding, having to deal with possible disease from the flooding, and having to deal with having to have their home repaired after the water damage – and this is going to be a yearly event. What is the casino and their investors going to do about this, pay for the repairs, pay for the deepening of the creek in the area, or buy all of the homeowners out in such a way that they will be able to afford adequate housing so they will not have to deal with the constant flooding and associate problems.

Oh, and I am sure you are aware that the investors, the architects, and engineers are aware of this problem, and are already planning on raising the elevation of the existing land to a level that it will not be affected by any excessive rain or water runoff. Is the casino/resort or its investors going to pay for the yearly relocation and flood repairs of residents' homes? Are the casino/resort and its investors going to reimburse the residents extensive repair bills, hotel bills, food bills, and for the fact that their lives are going to be negatively affected for the rest of their lives? I don't think so. I am sure that the casino/resort and its investors are hoping that the local residents are just going to cave in and move without a fight so that the casino/resort and its investors will have less of a problem making billions every year in profit even though it knows

that this profit is the cause and reason of the local residents lives being disrupted and destroyed. Have you taken into account any of these problems?

What is going to happen to the amount of pollution that will be added to our already over-polluted Russian River tributary that is next to the proposed casino/resort? What about the poisons that will be added to our water table, which is our drinking water, and to the local rivers and streams in the form of vehicular motor oils, anti-freeze, and other vehicular toxic materials? Have you, the casino/resort and its investors given any thought to that? I don't think so; the only thing that matters is the money that will be made from this proposed casino/resort. Our health and well-being is obviously of no concern to anyone who will be making billions off of this place of business that is proposed to be plopped right in our back yard, the back yards of an otherwise healthy family community.

Now, I am not an expert in local wildlife, but what will happen to the indigenous wildlife in this and the neighboring communities and what affect this proposed casino/resort will have on our local wildlife?

Another problem associate with this proposed casino/resort is the increase of severe traffic, traffic that is already more than difficult during commute hours. The addition of a casino/resort in this **FAMILY ORIENTATED COMMUNITY** will mean that the people who live in the surrounding areas will have to deal with having to wake up earlier in order to get to work on time; may have to perform remodeling on their homes in order to deafen the noise of the added traffic; the police and insurance companies will have to deal with the added traffic accidents that will be caused by the added vehicular traffic within the city limits; and the added destruction to the already heavily-traveled roads within the city and neighboring communities. Will the casino/resort and its investors pay for all of the deteriorated road conditions caused by the traffic that it WILL bring; pay for the additional police officers that will have to be hired to deal with the additional traffic accidents; and will the casino/resort or its investors reimburse the insurance companies for the excess traffic accidents and the repairs to all vehicles and associated property damage relating to vehicular accidents – I don't think so....

Have you put any thought to the added home burglaries, personal theft and destruction of property, and stolen cars due to the addicted gamblers – the gamblers who will do what ever it takes to make up what they have lost at the casino/resort. Have you taken even one minute to think about the people who will be affected by this increase of burglaries, theft and stolen cars? Have you thought about the continued safety of these families and what the parents are going to tell their kids why the big security fence and gate have to be installed around their beautiful property, lowering their property value in an attempt to keep their family safe? Is the casino/resort or its investors going to reimburse these families for the added, and previously unnecessary security costs that will have to be undertaken due to the added crime that will be brought by this casino/resort? Will the casino/resort or its investors pay for round-the-clock security so the residents in this **FAMILY ORIENTATED COMMUNITY** will continue to feel safe in their neighborhood? Will the casino/resort or its investors reimburse the insurance companies for all of the losses that will be associated with the added crime, theft, burglaries, and added vehicular accidents?

What about the increase in homeowner's and vehicular insurance rates rising due to all of the losses relating to gambling that I previously mentioned? What is the casino/resort and its investors going to do about that, help pay the offset of increased premiums, or are they, as we predict, going to sit back, stuff their pockets with the royalties from gambling and laugh at us with all of our increased local problems related to the gambling that they have brought to our quite lifestyle.

What about the fact that the safety of our kids will now be at risk; be at risk from gamblers who are hoping to make it rich at the casino/resort, and will do anything to get to the casino/resort, even if it means driving very fast through school zones endangering our kids.

Now, have you, the casino/resort or its investors given any thought to the added burden to the local Welfare problem? The lower income, elderly, and retired persons hoping to make it big at the casino/resort, who will, as we all know, loose all the money that they have saved in an attempt to become rich at the casino/resort. All these people will loose everything they have and then be forced to go on Welfare in order to make ends meet and to survive. We all know that the casino/resort will take all the money thrown at it, but will it help all of those who cannot afford to loose their homes replenish the monies lost at their casino/resort? I doubt it – IT IS JUST BUSINESS, RIGHT???

I have heard a whole lot of words from people who state that this casino/resort will bring numerous jobs to the area, well will these jobs make up for the loss of wages from gambling and all the associated damage to theft, auto accidents, home burglaries, and personal property damage. Will these new jobs pay for the sorely needed addition of numerous police officers that will be required to deal with all of these new problems, not to mention the problems in the future that have not been addressed or even thought of? The construction workers want to have the casino/resort approved so they can stay in town and not travel, well I travel for a living in the construction trade as well, and make a living at it. The convenience of a short commute is a wonderful idea, but at what expense???? Is it worth it, I don't think so.

Now, what about the college students who live in town? Have you given any thought to the fact that a good percentage of them will be spending Mommy and Daddy's money at the casino/resort rather than on their own education – the education that will be the future of this Nation? Do you want a Nation of gamblers, or a Nation of educated leaders? Personally, I would rather have a Nation of educated leaders, than gamblers, and I am sure that the majority of this country would agree with me.

Has this Commission put any thought to the states of Rode Island and Connecticut the fact that these states are trying to do anything and everything to get rid of the current existing casinos? The same casinos that promised good jobs and also promised not to bring property values down due to crime or traffic congestion, or bring negative influences into the cities where the casinos were established. The residents and city leaders within these states are willing whatever it takes to rid their homes of these negative casinos and bring life back to a state of peaceful tranquility, a tranquility that is not possible with the casinos.



Now let's think about the added problem of the amount of local restaurants and small businesses that will end up closing due to the fact that the casino/resort will take business from the local merchants. The local merchants make up the heart of our community and local events. The proposed insertion of this casino/resort will put a strain on the local community in such a way that these local merchants will end up closing – where will our children learn about making a life for themselves in such a way that does not include large businesses taking over the lives of the small man in this country. This casino/resort has buying powers that our local merchants do not have, and are not able to acquire or take advantage of, resulting in the loss of revenue and customers. Plus, the casino/resort will not allow our local merchants to bring in their food and goods to sell in the casino, further causing the demise of our local economy. But this is not a concern of the casino/resort, or its investors, it is. They are only interested in making money, no matter what the cost to the local community or our way of life.

Another problem that has also been mentioned is the fact that the Graton Rancheria Indian tribe is considered a Sovereign Nation and is not subject to any Federal, State or Local property taxes, income taxes, sales taxes, or any other Federal, State, or Local laws, including employee safety and civil rights. The casino/resort will not only force our local business owners out of business, reducing our local income from sales tax, income tax, and property tax income, the money made from this casino/resort will stay with the casino/resort or will be shared with Las Vegas, Reno, and the investors. The income that this community relies on will be lost, and the investors of this casino/resort have no obligation to repay us for our lost revenue.

A casino in Northern California is already being sued for employee civil rights violations, even though the casino signed agreements with the authorities granting that the rights of their employees will be upheld, but have broken this promise, which is also a legal violation. But since they are considered a Sovereign Nation, it is proving increasingly difficult to prosecute the casino owners on these violations, even a signed contract is in effect, the contract does not seem to protect the employees at all and goes to show that the investors and casino operators are willing to say anything to ease the public minds, but then turn against the public as soon as it suits them when the money is there. Hiding behind the Sovereign Nation rights is not OK with me, nor is it OK with most of the people within the communities surrounding the areas of the existing or proposed casinos.

Now let's talk about the fact that the number of the local Graton Rancheria Indian population. Before the conceptual idea of the casino/resort was public, the number of members in the tribe was approximately 5; well, now that the idea of making serious money from being an investor with a proven (how is this proven) blood-line has caused the amount of members to come out of the woodwork. How are these new bloodlines to be proven, and how are these new members going to prove that their newly discovered blood relative members are only in the tribe for spiritual reasons, and not to become financially rewarded for being an a member within this tribe.

I also want to address a problem concerning racial prejudice. I am not aware that any of the local residents, myself included, ever said that we do not want any Indians in our community as one of the local Graton Rancheria Indian elders reported. The local residents, all of which are of numerous ethnic backgrounds including, but not limited to: White, Black, Hispanic, Asian,

Oriental, Indian, and not to mention a very diverse religious and spiritual beliefs that exist in our communities. None of our local residents, to my knowledge, have ever said that we don't want Indians in our community, only that we do not want a casino/resort, no matter what the ethnicity of the people are who are proposing it. I am extremely offended by the Indian elder that proposed, and alleged that the local people have made this a race issue, it is in fact the Indian elder is the one who has made this entire casino/resort issue a race issue, and not the local community members of whom will be affected by its theoretical insertion of politics, power, and greed into our community.

What about the fact that the Indian tribes are taking advantage of a proposition that enabled the Indian communities to put casinos on their private, tribal land. Well, the community as a whole (State of California) never approved of the proposition being changed and approved, as it was to allow the Indian tribes of California to go Land Shopping, and then claim the newly acquired land as tribal land, then plopp a casino on it. The residents of California were not asked to approve this change in the law, but it was done behind our back without our thoughts, concerns, or even being provided the right to vote on it, it was just slid through the back door and then sprung on is like a bad joke. But we are not laughing.

Have your, your commission, or the investors of this casino/resort given any thought to the increase of homelessness that will increase due to the gambling addicts that will be created. Casino owners are well aware of the problem gambling has on people, and the affect that gambling has on families, the local communities, the loss of houses due to gambling, and the amount of increased homeless people. What are you, the investors, and the casino/resort going to do about this very serious problem, other than take in all of the income that is going to be created for you and the casino/resort and its investors.

Last but not least is the Lakeville Highway/Highway 37 site. Well, this is also another really bad idea. The insertion of this project at this site will add an obscene number of vehicles to an already congested and sometimes dangerous public road. Local, tax-paying residents use the Lakeville Highway, or Lakeville Road, as a means of commuting to work and not having to sit in the overly congested US 101 highway. When Infineon Raceway is active with races, this thoroughfare becomes unusable to local drivers, and locks up the roadway for miles and hours at a time. This proposed location will ad to all of the problems that I mentioned above, including, but not limited to more vehicular traffic accidents, home burglaries, destruction of the local roads, insurance premiums rising for local residents, and more. And, oh yeah, I am sure that you, your commission nor the casino/resort's investors are going to be willing to pay for any of these problems, or reimburse the local residents along this corridor for their inconvenience.

Thank you,

Kenneth A. Sutton

CC: Senator Diane Feinstein  
Congresswoman Lynn Woolsey  
CA State Senator Carole Migden  
President George W. Bush

# Friends of Federated Indians of Graton Rancheria

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

Re EIS Scoping Comments, Graton Rancheria  
Casino and Hotel Project

October 26, 2005

Dear Mr. Mehaffy:

Time limits prevented my being able to make the full statement I intended for the NIGC Public Scoping Meeting on October 19, 2005. I have included the entirety of my comments here.

Thank you very much.

Sincerely,



Susan Moore,  
President  
3739 Woodbourne Place  
Santa Rosa, CA 95404

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NATIONAL INDIAN  
GAMING COMMISSION

Re.: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

My Name is Susan Moore. I am the President of the Friends of the Federated Indians of the Graton Rancheria. Our membership includes more than 1,100 Sonoma County residents – all of whom are not Tribal members, and all of whom have signed up to lend their names and support to the Tribe's economic development program centered upon the construction of a convention center, resort casino just outside Rohnert Park.

The Friends support the Tribe for historic and humane reasons. I am here to call attention to the significant decisions the Tribe has made that demonstrate the Tribe's determination to serve as a model for establishing a resort hotel and casino for the economic benefit of its members while being the best of business neighbors to the community.

- In April 2003, the Tribe announced plans to develop a resort casino on a 2,000 acre site along Highway 37. The Tribe committed to restore approximately 1,600 acres of the land, including 400 acres of wetlands, to native habitat.
- And, in June 2003 the Tribe held a series of town hall meetings in Santa Rosa, Petaluma, and Sonoma. Through the meetings and in conversations with environmental leaders, the Tribe learned of the long-standing efforts by the Sonoma Land Trust to acquire the Sonoma bay-lands, including the 2,000-acre site, and the Tribe agrees to search for an alternative location.
- The Tribe identified a large number of potential locations for an alternative site and met on a regular basis with the County and other local officials to discuss each location. In August 2003, the Tribe announced plans to move its preferred location from Highway 37 to a 363-acre parcel in an unincorporated area of the County immediately west of Rohnert Park.
- On October 14, 2003, following two well attended public meetings, the Rohnert Park City Council approves, by a 4-1 vote, a Memorandum of Understanding ("MOU") worth over \$200 million dollars to the City, including \$9 million in annual payments and at least \$18 million in one-time payments.
- Seven days later, on October 21, 2003, the Sonoma County Board of Supervisors passed a resolution opposing the Tribe's proposed site on the 363-acre parcel west of Rohnert Park on the grounds that the Board simply does not favor Indian gaming in Sonoma County and because development on the parcel would violate the County General Plan.
- At the meeting, the Tribe testified to the following: The Tribe selected the site adjacent to Rohnert Park only after discussing dozens of sites with the County. The County recognized the benefits of constructing the facility on a parcel located next to an industrial park and very near an area slated for retail development. Although the Tribe and County recognized that the Rohnert Park site was technically inconsistent with the 1989 General Plan -- which makes no mention of nor provision for Indian tribes-- the Tribe understood from the County that the Tribe could take steps to

minimize the impacts of this inconsistency. Therefore, the Tribe, at the County's request, agreed to pay \$2,000,000 compensation for the loss of approximately 100 acres of open space under a future MOU with the County based on a formula previously negotiated between the County and Rohnert Park to address such situations.

- On November 10, 2003, in an act of dazzling civic-mindedness, the Tribe donated its option to acquire 1,679 acres of Sonoma bay lands along Highway 37, to the Sonoma Land Trust. The Tribe paid \$4.2 million for the option. The Tribe subsequently donated \$75,000 to the Sonoma Land Trust to establish campaign to raise the funds to exercise the option to purchase the land.
- In other acts demonstrating civic responsibility, the Tribe contributed \$700,000 to Rohnert Park to establish a special unit within its public safety department, known as the neighborhood enforcement team, to combat gangs and other criminal activity pursuant to its MOU with Rohnert Park.
- The Tribe contributed \$10,000 to the Laguna de Santa Rosa Foundation for the protection, preservation and restoration of the Laguna de Santa Rosa, which is the largest freshwater wetland complex in coastal Northern California. And later, the Tribe contributed an additional \$100,000 to the Laguna de Santa Rosa Foundation to fund the initial stages of a capital campaign to establish the Laguna Learning Center.
- On August 12, 2005: The Tribe announced that its developer purchased approximately 271 acres located immediately west of Rohnert Park in an unincorporated area of Sonoma County as the site for the economic development project. The Tribe stated it intends to build and operate its gaming facility on the western portion of the 90-acre parcel and to use the 180-remaining acres for environmental mitigation. It is anticipated that the easternmost portion of the 90-acre parcel will be annexed into the City and developed consistent with the Northwest Specific Plan of the City.
- In September 2005 the Tribe contributed an additional \$500,000 to Rohnert Park for a special unit within its public safety department, known as the neighborhood enforcement team, to combat gangs and other criminal activity pursuant to its MOU with Rohnert Park.

In addition to all of this, the Tribe and its individual members have given generously to support victims of violence, homeless children, and to enhance cooperation between the various ethnicities that are the people of Sonoma County.

- Social Advocates for Youth \$20,000
- Family Action & Center for Well Being \$20,000
- Roseland University Prep \$6,000
- Diversity Forum \$10,000
- Community Action Partnership \$10,000
- United Against Sexual Assault \$5,000
- Survivor Project \$5,000

➤ KRCB Broadcasting \$5,000

No other business can claim to equal the Tribe's generosity over the past two years – years that the Tribe has become a force for the betterment of Sonoma County.

Thank you



SONOMA GROUP

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November 3, 2005

Brad Mehaffy  
NEPA Compliance Officer  
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1441 L Street, NW, Suite 9100  
Washington, DC 2005  
Fax: 202-632-7066

Dear Mr. Mehaffy;

The Sierra Club Sonoma Group opposes casino development on any parcel of land in California that will affect our environment in a negative way. Any casino, hotel, resort or business park The Federated Indians of the Graton Rancheria would consider building needs to preserve and protect our lands, wildlife, and air and water quality.

First, we must be assured that any development The Federated Indians of the Graton Rancheria plans will not be built within a Sonoma County community separator. The lands specified as a community separator between Rohnert Park and Santa Rosa are valuable as designed. The Sonoma County General Plan defined and created separators, and the Plan restricts how and where building can happen to limit the loss of open space. The Sierra Club stands by the General Plan principle that new development should happen outside community separators.

As we have stated previously, we do not support any development within a watershed plain that drains directly into the Laguna, or any other flood plain area or zone designated for groundwater recharge. Nor do we support any development on sites that are environmentally sensitive, especially with respect to water pollution, endangered species, vernal pools and wildlife habitat loss.

Furthermore, we call for all future development in Sonoma County, and in this case Rohnert Park specifically, to focus on reducing traffic congestion, improving air quality, establishing traffic at tolerable levels, encouraging safe bike travel, promoting foot traffic, and educating and encouraging the public in these areas to find other solutions to fossil fuel dependency. The development alternatives proposed in Supplemental Scoping Hearing packet prepared for the scoping meeting of October 19, 2005 by The Federated Indians of the Graton Rancheria do not address these Sierra Club priorities in regards to transportation or land use.

Additionally, we are concerned about the negative impact on water resources by the development of a casino, hotel, resort and/or business park. Sonoma County's water resources are being over utilized at alarming rates. The water resource impacts cannot be ignored with proposed projects of this size.

*To explore, enjoy and protect the earth.*



SIERRA  
CLUB  
FOUNDED 1892

SONOMA GROUP

404 Mendocino Avenue, Suite A  
P.O. Box 466, Santa Rosa CA 95402-0466  
(707) 544-7651 Fax: (707) 544-9861

Page 2

Under the County's General Plan, such a large project would never ordinarily have been considered at these locations. It has been only possible because of the unusual case of the Graton Rancheria, which has the right to build a casino but has no established tribal lands. When its new tribal lands are approved, they will become automatically exempt from local land use laws. Because the Tribe and its non-tribal financial backers plan to build a large commercial complex, it should be located where it will not conflict with County environmental planning.

Another strong objection that the Sierra Club has to the proposed casino is that the Tribe is not legally constrained to follow County and State land use and environmental regulations. This problem is bigger than the specifics of the Rohnert Park site. Unfortunately, the Tribal-State Gaming Compact, which outlines the rules for casinos, does not adequately protect the interests of the environment; it asks for only a good-faith effort by the casino operators to comply with regulations. We feel that environmental regulations must be explicitly protected by the Compact in the same way that casino employee rights, building codes and health and safety regulations are protected.

The Sierra Club supports the County General Plan and environmental responsibility. We hope a better site can be found. To insure finding the best site possible, additional scoping meetings must be scheduled to establish more environmentally responsible alternatives. In addition, there must be proper notification of the public, county agencies, and all concerned organizations in a timely fashion so citizens can consider the pertinent information properly.

Sincerely,

Anne Hudgins  
Sierra Club Sonoma Group Chair

Marsha Taylor  
Sierra Club Sonoma Group  
Conservation Committee Chair

*To explore, enjoy and protect the earth.*



# Stop the Casino 101 Coalition



Founder: Pastor Chip Worthington

B-11

**URGENT FAX: PLEASE ROUTE TO RECIPIENT IMMEDIATELY**

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

**DATE:** May 23, 2005

**TO:** Honorable Dianne Feinstein  
Honorable Barbara Boxer  
Honorable Lynn Woolsey  
Honorable Gale Norton  
Honorable John McCain c/o John Tahsuda

**FROM:** Marilee Montgomery  
Stop the Casino101 Coalition  
Phone: 707-588-9926  
Email: donegal@sonic.net

**re:** Sierra Club opposes Graton casino site  
**Page One of Two**

Included with this fax, and for your information, is a copy of the recent "Close to Home" Op-  
which appeared in the Santa Rosa Press Democrat on Thursday, May 19, 2005.

There has been a general misperception that Sonoma County's environmental community does  
not oppose this project at the current site, but indeed, it does, and in the very near future, you  
will be receiving letters from a variety of organizations stating their strong opposition to this site.

It is past time for our elected officials to step up to the plate in this matter and help the people  
and governments of Sonoma County. The Federated Indians of Graton Rancheria should not be  
permitted to retain the special statutory privilege that allows them to take land into trust without  
the normal BIA procedures in place to ensure the rights of everybody else.

What happened in San Pablo was wrong, and this is wrong, too. Graton's special privilege, if  
allowed to proceed uncorrected, would set a terrible precedent for future tribal land acquisitions  
in California and across the nation. For that reason alone, it must be corrected, and corrected  
immediately. We look forward to your asserting your leadership in this matter.

831574

05 MAY 25 PM 2:35

RECEIVED

OFFICE OF THE  
EXECUTIVE SECRETARY

CLOSE TO HOME

Why Sierra Club opposes RP casino

By DEBBIE K. CLARKSON

It would be good if The Press Democrat had checked its facts before writing a recent editorial about environmental groups' opinions of the proposed Rohnert Park casino.

It made me angry to read: "Meanwhile, North Bay environmental groups spend their days being agitated about projects that wouldn't have a fraction of the impact on the local environment." The Press Democrat also wrote, "For the Rohnert Park citizens' group that is fighting to stop a casino, it is a lonely feeling. The group's leaders say they cannot understand why Sen. Diane Feinstein and local environmental groups don't join the opposition to tribal gaming in Rohnert Park."

In the past year I became more than just a dues-paying member of the local Sierra Club, because I wanted to find out why the organization wasn't more vocal in opposing the proposed casino site. I had always assumed that because the Sierra Club is a large national group, it has all kinds of paid staff members. I sure was wrong. I have come to know many people in the group and learned that our work is done entirely by volunteers.

The Sierra Club Sonoma Group is adamantly opposed to the Graton tribe's proposed casino site for many reasons. It is located in a greenbelt, a community separator region established by the county of Sonoma.

This particular greenbelt separates the city of Rohnert Park from the Laguna de Santa Rosa, one of the largest freshwater wetland areas in coastal California. It is a vital watershed that is threatened on all sides by development and pollution runoff. The site drains directly into the Laguna. It is in a flood plain and is an area where ground water is replenished. The site is one of only two habitat connectivity corridors in the entire county. It is a stopping place for migrating birds as part of the Pacific Coast Flyway.

It is essentially the headwaters of the Laguna de Santa Rosa. Everything downstream — in-

cluding the Russian River — will be affected by what happens on this site. The Russian River in turn empties into the Pacific Ocean into an ocean preservation area.

Once the casino site is developed and becomes a source of pollution and runoff, water quality and habitat will deteriorate in the connected downstream areas. The site at one time had been proposed to be used as a wetland mitigation bank.

As a direct result of local efforts, the Sierra Club California (state level) has recently adopted a resolution that casinos should not be allowed if they conflict with local land-use designations or environmental protections. Under the county's general plan, such a large project would never have been considered for this site.

The real "casino problem" isn't the Rohnert Park location or any other specific location. It is that casinos can ignore local land-use and environmental regulations.

The Sierra Club Sonoma Group and other local environmental groups have been working for some time behind the scenes against this casino site. It is ironic that just as we're about to publicly restate our views in preparation for the draft environmental review hearings coming up soon, that you would write your editorial. This is upsetting to a community environmental volunteer like me and others who have been working on this.

Please hear us now and help us continue opposition to this site from any development. With the ongoing concerns over the health and welfare of the Laguna de Santa Rosa, this issue continues to be very important. The Sierra Club wants to permanently protect this site as an open space community separator or as a park in our wonderful, growing county parks system. We hope the rest of the community feels the same way.

*Debbie K. Clarkson is a member of the Sierra Club Sonoma Group Conservation Committee and a Rohnert Park resident.*

Sent by:

10/19/05 11:43:01 AM

Page 1 of 2

**STC101****Stop the Casino 101 Coalition**

Sonoma County, CA  
 Founder: Pastor Chip Worthington  
[www.stopthecasino101.com](http://www.stopthecasino101.com)

**URGENT FAX: PLEASE ROUTE TO RECIPIENT IMMEDIATELY**

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

**DATE:** October 19, 2005

**TO:** Honorable Dianne Feinstein  
 Honorable Barbara Boxer  
 Honorable John McCain  
 Honorable Lynn Woolsey  
 Honorable Carole Migden  
 Honorable Joe Nation  
 Ms. Andrea Hoch, Office of the Governor  
 >Mr. Brad Mehaffy, NIGC

**FROM:** Marilee Montgomery  
 Stop the Casino 101 Coalition  
 Telephone: 707-793-2355

**re:** messages from Rohnert Park residents

Page One of Two

We offer a free fax service through our web site to those who don't have fax machines. From time to time, we receive emails from the public asking us to fax their letters to our elected officials. Here are two such messages that STC101 recently received through our web site, [www.stopthecasino101.com](http://www.stopthecasino101.com).

**MESSAGE 1:**

**From:** "Maureen Lewis" <mitymo@pacbell.net> Add Address  
**Date:** 2005/10/17 Mon PM 11:01:23 EDT  
**To:** <admin@rpcity.org>  
**CC:** <chip@stopthecasino101.com> <tsmith@sonoma-county.org>  
 <mkerns@sonoma-county.org> <vbrown@sonoma-county.org> <pkelley@sonoma-county.org>  
 <mcilly@sonoma-county.org> <scnator.migden@scn.ca.gov>  
**Subject:** Casino

I want to let you know that I very much oppose the proposed casino development in Rohnert Park. This city does not need this kind of business nor should they promote gambling and the social problems that go along with it. As a lifelong resident of Sonoma County, I find it troubling that this is even being considered. Our Counties heritage places its commitment on the environment, agriculture and family values. This project is in contrast with all of those values. The city streets are congested enough. There is too much crime already. Too many who live on public assistance or from paycheck to paycheck are struggling to get by, and this is not where they need to be spending their money. Consideration of this project is detrimental to our local community. I urge you to listen to the voice of the community and not approve moving this forward. Your ability to make the right decision will be reflected in upcoming elections.

sent by: 10/19/05 11:44:00 AM Page 2 of 2

Maureen Lewis  
1196 Maple Drive  
Rohnert Park, CA 94928  
mitymo@pacbell.net  
(707) 795-7969

**MESSAGE 2:**

**From:** Hmbelofsky@aol.com Add Address  
**Date:** 2005/10/17 Mon PM 12:58:09 EDT  
**To:** info@stopthecasino101.com  
**Subject:** Rohnert Park casino

Dear Senator Feinstein,

Please do everything you can to stop the casino in Rohnert Park. As much as I would like to have the millions of dollars that a casino might bring to this city and to local workers, I believe that a casino so close to our densely populated little cities will do more harm than good. It will make it much easier for many people to lose more than they can afford; it will make it easier for people to become compulsive gamblers; it will further jam up our highways and put strains on water, law enforcement and other public resources thereby further stressing the present population and environment.

Please weigh the good here against the bad and I believe that you will agree with me.

Sincerely,

Harold Belofsky and Mireille Belofsky  
1525 Mammoth Place  
Rohnert Park, 94928

Sent by:

10/24/05 9:16:01 AM

Page 1 of 4

B-13

**STC101****Stop the Casino 101 Coalition**Rohnert Park, CA 94928  
www.stopthecasino101.com

October 25, 2005

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

re: Scoping Hearing for Graton Rancheria Casino and Hotel Project

Dear Mr. Mehaffy:

First of all, I want to thank you for your unfailing courtesy each time we have spoken. I am very concerned with the issues surrounding this project, and for that reason, I am compelled to voice some serious concerns I had with the Scoping Hearing process for the Graton Rancheria project. Apparently, Marin and Sonoma County residents and government agencies may not have received proper notification of the hearing.

As you know, at the October 19th Scoping Hearing a number of people, including the representative from the Sonoma County Chapter of the Sierra Club, asked for an additional Hearing on the grounds that the public had not been given sufficient time to prepare for the Hearing. After all, notice of the purchase of the property was only made public on August 13, 2005, and there was less than one month between the posting of the NOI to the Federal Register on September 29, 2005 to the Hearing itself on October 19, 2005 - an interval of roughly two months between the purchase of the property and the Hearing. That's very fast.

I believe the NIGC did not make diligent efforts to involve the public in preparing and implementing their NEPA procedures (NEPA Section 1506.6(a)). A posting in the Federal Register three weeks prior to the Hearing, and one small ad in the Classified section of the Press Democrat does not constitute a diligent effort. What notice was given to Marin County residents, who rely on imported Sonoma County water, and on the Highway 101 corridor as their main access route? What notice was given to West County North County or East County residents, and those in remote areas, or anyone who may not receive the Press Democrat?

Do you not believe that the people of Marin and Sonoma counties deserve and are entitled to at least one, and preferably more, additional Scoping Hearings in the matter of the Graton Rancheria casino project? It is not unreasonable that a region such as this have the benefit of several Scoping Hearings, nor is it unprecedented, particularly for a region this size.

Received 10-24-05 11:50

From-

To-2026327066

Page 001

102405-01

Sent by: 10/24/05 9:17:15 AM Page 2 of 4

The NIGC may also have failed to notify local, state and federal agencies as required under NEPA. A spot check of fourteen Sonoma County agencies revealed that none of the agencies contacted had received notification of the Hearing from the NIGC. Those agencies included, but were not limited to, the Sonoma County Sheriff, the Sonoma County Health Department and the Sonoma County Water Agency.

The County of Marin receives water from Sonoma County and also relies on the Highway 101 corridor as its only workable transportation route; there are no other major highways that pass through Marin County. It is the 101 corridor that carries virtually all of Marin County's inter-city private and commercial traffic. Were Marin County officials and agencies notified of the Scoping Hearing? Were they notified of the first Hearing in March, 2004?

All this leads us to questions whether State and Federal agencies were notified of the October 19th Hearing as required by NEPA. Were they notified of the first Hearing in March, 2004? Could you please provide me with copies of the notices for both Hearings that were sent to the various local, state and federal agencies, showing the date sent?

While the NIGC may have adhered to the letter of the law with regard to providing notice of the Scoping Hearing, it certainly did not adhere to the spirit of NEPA. The NIGC should have, in good faith, taken further action both with regard to this Hearing and the one held in March, 2004, by following the recommendations in NEPA Section 1506.6(b)(3), as follows:

- (i) Notice to State and areawide clearinghouses pursuant to OMB Circular A- 95 (Revised).
- (ii) Notice to Indian tribes when effects may occur on reservations. (*Dry Creek Band of Pomo Indians, Kashia Band of Pomo Indians, Coyote Valley Band of Pomo Indians, and any and all Sonoma County and Mendocino County tribes that currently have casinos or plan to open casinos on reservation land, as the Graton Project would adversely affect all casinos North of Rohnert Park.*)
- (iii) Following the affected State's public notice procedures for comparable actions. (*CEQA reviews*)
- (iv) Publication in local newspapers (in papers of general circulation rather than legal papers). (*Is one small classified ad three days prior to the Hearing reasonable notice to the community?*)
- (v) Notice through other local media (*Were ads placed through local radio and area television stations?*).
- (vi) Notice to potentially interested community organizations including small business associations.
- (vii) Publication in newsletters that may be expected to reach potentially interested persons.
- (viii) Direct mailing to owners and occupants of nearby or affected property. (*Of special importance, as the casino site is situated in a residential neighborhood*)

Sent by: 10/24/05 9:18:32 AM Page 3 of 4

(ix) Posting of notice on and off site in the area where the action is to be located.

Furthermore, I would like to know why the community did not receive the benefit of Sec. 1506.7 "Further guidance" which states that the Council may provide further guidance concerning NEPA and its procedures including:

- (a) A handbook which the Council may supplement from time to time, which shall in plain language provide guidance and instructions concerning the application of NEPA and these regulations.
- (b) Publication of the Council's Memoranda to Heads of Agencies.
- (c) In conjunction with the Environmental Protection Agency and the publication of the 102 Monitor, notice of:
  1. Research activities;
  2. Meetings and conferences related to NEPA; and
  3. Successful and innovative procedures used by agencies to implement NEPA.

I understand that the above is discretionary, but given the importance of this project to the region, I am at a loss to understand why the NIGC chose to do only the minimum of that which is required by law, and why the NIGC chose not to take the additional steps to ensure proper notice to the community and to ensure that the citizenry was well-informed through, for example, the distribution of handbooks. In view of the fact that the NEPA process was put in place to protect ordinary citizens from the environmental hazards created by, especially, big-money developers, and in view of the fact that the tribe has enormous financial resources through Station Casinos which the region's citizens do not have, does it not behoove the NIGC to take the additional steps provided for in NEPA, in order to ensure that those adversely affected by the project will have a true voice in the process?

Might not the public construe that the failure of the NIGC, its administrator and/or staff to take all reasonable, additional steps as provided for under NEPA implies that they have acted in an inappropriate manner in any part of this process presuming they will be protected in court by the judicial principle of the Chevron Deference (USSC, 1984)?

To the best of your knowledge, has any federal agency, administrator or staff working on behalf of this application acted in an inappropriate manner in any part of this process presuming they will be protected in court by the judicial principle of the Chevron Deference (USSC, 1984)?

Please give the people of Sonoma and Marin counties a real voice in the process. I urge you to schedule a series of Scoping Hearings with meaningful and appropriate notice to all parties, one that will allow all affected parties to participate.

Received 10-24-05 11:50

From-

To-2026327066

Page 003

Sent by: 10/24/05 9:19:44 AM Page 4 of 4

Please feel free to call me at 707-793-2355 should you have any questions regarding this letter.  
You may address your written reply to the address shown below.

Thank you for your anticipated cooperation. I look forward to your prompt response.

Sincerely,



Marilee Taylor Montgomery  
152 Wilfred Avenue  
Santa Rosa, CA 95407

/mtm

cc: Honorable Dianne Feinstein  
Honorable Barbara Boxer  
Honorable Lynn Woolsey

Bcc

Received 10-24-05 11:50

From-

To-2026327066

Page 004



**STC101****Stop the Casino 101 Coalition**

*Representing the people of Sonoma County & Marin 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:** November 2, 2005

**TO:** Honorable Gale Norton, Secretary of the Interior  
Honorable John McCain, Chairman, IAC  
Honorable Dianne Feinstein  
Honorable Barbara Boxer  
Honorable Lynn Woolsey  
Honorable Carole Migden  
Honorable Joe Nation  
Ms. Andrea Hoch, Chief Legal Affairs Secretary  
**Mr. Brad Mehaffy, NEPA Compliance Officer, NIGC**

**FROM:** Marilee Montgomery  
Stop the Casino 101 Coalition  
Telephone: 707-793-2355

**rc:** Graton Rancheria (FIGR) casino & hotel project Scoping Comments

**Page One of One**

*Please include this Letter to the Editor in the official record.*  
pressdemocrat.com Back Article published - Oct 26, 2005  
Letters to the Editor  
Casino economics

**EDITOR:** On Oct. 19, the National Indian Gaming Commission conducted a scoping hearing on the proposed casino to be placed next to the Wal-Mart shopping center. A raging debate within the hearing was over the economic impact the casino would have on Rohnert Park. The proponents of the casino argued that the casino would furnish Rohnert Park with 2,500 jobs and an annual payroll of \$75 million. When you calculate the average salary (divide the payroll by the number of jobs) we find that the casino would add jobs that pay an average of \$30,000 a year.

According to the U.S. Census Bureau, the median average income in Sonoma County was about \$53,000. The supporters of the casino act like the casino will solve Rohnert Park's economic situation, but in reality all it will do is add a few more low-paying jobs. We must judge whether the economic benefits of the casino outweigh the economic and social disadvantages of the casino. Traffic, crime, water, sewage, electricity, pollution and other things will cause the casino to ruin our family-friendly city. The casino's minuscule economic benefits do not outweigh the adverse economic, social and environmental effects the casino will have on our community.

**ANTHONY MORENO JR.**  
Rohnert Park

B-13

Law Office Of  
**MAURICE FREDERICKS**  
6950 Commerce Boulevard, Rohnert Park, California 94928  
Telephone: (707) 795-5485 ♦ Fax: (707) 795-5486

October 21, 2005

National Indian Gaming Commission  
Attn: Brad Mehaffy, NEPA Compliance Officer  
1441 L. St. NW, #9100  
Washington, DC 20005

Re: EIS of the Federated Indians of Graton Rancheria  
Proposed Class III Casino

URGENT Comments and Request Regarding Scoping Process

Dear Mr. Mehaffy:

1. The decision to proceed with the FIGR EIS as a "supplemental" process is inadequate to the task in light of the long-range "vision" of Chairman Sarris that includes at a minimum, a casino, a hotel/resort, a shopping center, and a convention center.
2. One single Scoping session for a community of 42,000 is grossly inadequate to capture legitimate and reflective input from a community of this size. As example, a recent Scoping Process provided for the small (3,000) community of Cascade Locks, Oregon, included two evening, one daytime, and one weekend Scoping meeting to ensue that all citizens had an opportunity to attend a scoping session not in conflict with work schedules or other constraints.

Allowing chairman Greg Sarris of FIGR to remain on the stage with the compliance officer throughout the entire October 19<sup>th</sup> Scoping Session was improper in that his presence could be considered intimidating to American Indians, especially those of his own tribe, who may have had input into the session but did not wish to confront a tribal leader who appears to wield such a definite and controlling influence over his tribe.

National Indian Gaming Commission  
Attn: Brad Mehaffy, NEPA Compliance Officer  
October 21, 2005  
Page 2

Combined with what appears to be short notice and a failure to adequately conform with §1501.7(a)1 requiring invitations for participation by affected Federal, State and local agencies as well as affected tribes. This section would require notification to at least fifteen major agencies as well as numerous tribes with gaming operations immediately affected by the project. A review of the Commission files to assure compliance is in order. We have determined that notice was not given to Sonoma County Health Services, certainly an affected county agency. Additional Scoping meetings and a 90-day comment extension is a reasonable request.

3. The condition of the area's water supply is near emergency at the present time, and is projected to substantially worsen over the next 20 years, not even factoring in Chairman Sarris's "visions." Further, tribal governments supported by the federal government have potential water rights (The "Winters" Doctrine) that often supercede local water rights, a situation that will imperil future water capacity and delivery to future Rohnert Park and surrounding populations. Their drafting into the existing aquifer would seem to be an immediate detriment to existing rural residential and agricultural wells.

4. Because the Federated Indians of the Graton Rancheria are a federally recognized tribe, this project rises to the level of a "federal" project which should include the additional scrutiny and thresholds applied to federal projects, i.e. compatibility with local land use and other environmental plans. Land placed into trust is federal land. Property taxes and revenue generated therefrom, are lost to the host community and county. The project is clearly "federal" for the purpose of final outcomes.

For all of the reasons stated above, and on behalf of the citizens of Rohnert Park and surrounding effected area, which would extend even beyond the County of Sonoma, we insist that NIGC and FIGR consider a common-sense, reasonable approach to the existent NEPA process that does not short-shift the public voice with one poorly-noticed meeting for a "supplemental EIS".

NEPA defines certain projects as applicable for for an Area Wide Plan. We believe that the tiered process, utilizing an Area Wide Plan is not only the best

National Indian Gaming Commission  
Attn: Brad Mehaffy, NEPA Compliance Officer  
October 21, 2005  
Page 3

approach in considering this project, but is the only reasonable plan that addresses all elements realizing that the project will have enormous consequences upon not only the community of Rohnert Park, but the entire area of Sonoma County and beyond. Such an approach would certainly be superior to a trivializing approach of a "supplemental" EIS purporting to address the 20 plus year impacts that the opening of a Class III casino will generate.

Together with its additional "visions" of a large destination hotel/resort, enormous shopping malls, numerous restaurants and a convention center. What is proposed is not a neighborhood casino on an existing reservation attracting locals. Its something equivalent to a major theme park with gambling as an added attraction. As this local land base and enterprises expand, so too will the governmental, economic, social and environmental impacts. They will overwhelm Rohnert Park, California's first planned community that manages growth balanced with family values.

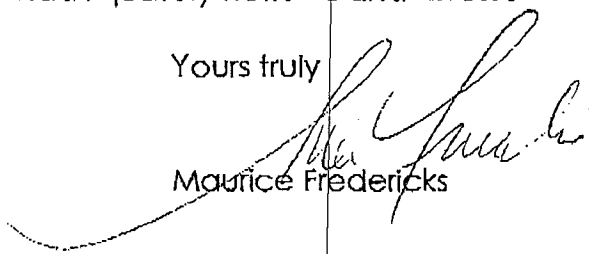
It is clearly foreseeable, as consistently expressed by the FIGR Tribal Chairman Greg Sarris, that the tribe has, in fact, an "area wide plan" in mind, the casino being only its first phase. It is certainly in the tribe's best interest, if not that of the tribe's sponsor, Station Casinos, to first do a 20-year Area Wide Plan, and from there implement a "tiered" process for each new enterprise, commencing with the proposed class III casino, without which the tribe would have no sponsor. Without such a sponsor, the tribe lacks the economic resources and expertise to execute such an enormous undertaking. Such an area wide plan would be much more beneficial to the tribe as it is more honest and transparent and acknowledges all the visions of the tribal chairman.

Anything less than a comprehensive approach to meet the goals and needs of members of the Federated Indians of Graton Rancheria is a disservice to them and to their tribal leader and to the citizens of Rohnert Park and Sonoma

National Indian Gaming Commission  
Attn: Brad Mehaffy, NEPA Compliance Officer  
October 21, 2005  
Page 4

County. Such an Area Wide Plan, with a tiered supplemental EIS assessment for each proposed enterprise would also lessen the most certain litigation potential of such a major project so inadequately noticed and assessed.

Yours truly



Maurice Fredericks

MF/es

cc: Governor Arnold Schwarzenegger  
City of Rohnert Park  
Sonoma County Board of Supervisors  
Greg Sarris, Chairman FIGR

November 1, 2005

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

Subject: "Supplemental Scoping Comments: Stations Casino and Federated Indians of Graton Rancheria",

The Madrone Audubon Society, the Sonoma County chapter of the National Audubon Society with nearly 2000 local members, expects that data will be rigorously collected and all issues with their full impacts be considered in the proposed siting near the Laguna de Santa Rosa wetlands of a Casino Project by the Federated Indians of Graton Rancheria.

The following impacts must be addressed with appropriate mitigations developed to decrease the impacts to a less than significant level:

- a. biologic resources
- b. hydrology and water quality
- c. geology and soils
- d. night lighting
- e. hazardous materials

The size and scope of this proposed project makes extremely careful consideration necessary. This environmentally sensitive area of the Laguna de Santa Rosa has site-specific issues of floodplain building and winter flooding, potable water availability for such a large ambitious project, waste water treatment and disposal adjacent to a flowing waterway and winter flooding, endangered species of plants and animals. Habitat impacts to be considered would also include night lighting and obstruction of animal movement along water "highways". The groundwater aquifer in the area used by existing cities is already at drawdown. This property is state-mandated recharge land for the water aquifer.

Again, the size and scope of this proposed project in an environmentally sensitive area makes extremely careful consideration necessary.

Sincerely,



Diane Hichwa, Conservation Chair,  
Madrone Audubon Society, P.O. Box 1911, Santa Rosa CA 95402

RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION  
2005 NOV - 8 - PM 4: 01

Sent by:

9/20/05 12:36:50 PM

Page 1 of 2

**RE-SENDING WITH TWO CORRECTIONS: PLEASE DESTROY FIRST PARTIAL FAX.****STC101****Stop the Casino 101 Coalition**

Sonoma County, CA  
 Founder: Pastor Chip Worthington  
 www.stopthecasino101.com

**URGENT FAX: PLEASE ROUTE TO RECIPIENT IMMEDIATELY**

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

**DATE:** September 20, 2005

**TO:** Mr. Brad Mehaffy, NEPA Compliance Officer  
 National Indian Gaming Commission

**cc:** Honorable Dianne Feinstein  
 Honorable Barbara Boxer  
 Honorable John McCain  
 Honorable Lynn Woolsey  
 Honorable Joe Nation

**FROM:** Pastor Chip Worthington  
 Stop the Casino 101 Coalition  
 Telephone: 707-793-2355

**re:** Scoping Hearing, Federated Indians of Graton Rancheria  
**Page One of Two**

Stop the Casino 101 Coalition (STC101) is a non-sectarian, multi-cultural group comprised of thousands of Sonoma and Marin county citizens who are concerned with the casino proposed by the Federated Indians of Graton Rancheria (FIGR) and its adverse effect on our communities. It is in this capacity that we would like the opportunity to comment on the upcoming Scoping Hearing.

Many area residents feel that the NIGC showed bad faith in holding the March 10, 2004, Scoping Hearing in North Santa Rosa. The location was difficult for many working people to get to after work (traffic), and it was impossible for residents who lacked a car to attend; there is no easy public transportation to the Luther Burbank Center from Rohnert Park, which made it impossible for anyone who relies on public transportation to attend the Hearing. Therefore, any meeting should be held in the City of Rohnert Park.

This community is not an isolated rural area located next to a reservation. The region of Marin County and Sonoma County has a total population over 750,000, spread out over almost 3,000 square miles. Almost 180,000 live in Rohnert Park and her neighboring cities of Santa Rosa and Cotati alone. And this casino is generally recognized to be a regional issue in part because of its potential impact on traffic on Highway 101, on the region's already depleted water supplies, and on the area's already over-burdened sewer facilities.

For example, consider the traffic issue alone: the Highway 101 corridor is the main route through Marin, Sonoma, and Mendocino counties. There is no viable alternate route in the region; Highway 101 is essential for commerce, tourism and the work commute. The Highway 101 corridor between Marin and Sonoma counties consistently ranks in the top five most congested corridors. This project would increase

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Page 2 of 2

vehicle trips from, primarily, the San Francisco area to this area by at least 27,000 vehicle trips per day. The Sonoma County Transportation Authority has already issued a letter voicing its strong concerns over this project's impact on regional traffic.

The Scoping Hearing process is about allowing area residents to comment on a project that could have a long-term impact on their community and on the entire region. There should exist conditions that will allow as many people as possible attend the Hearing. Therefore, we strongly urge the NIGC to

- 1) Hold any meeting(s) in Rohnert Park
- 2) Hold three Scoping Hearings total: one daytime meeting during the week, one evening meeting during the week, and one meeting on Saturday.
- 3) Publish the Notice of Intent in not only the Santa Rosa Press Democrat, but the Marin Independent Journal as well.

I look forward to your prompt reply. You may email me at [chip@stopthecasino101.com](mailto:chip@stopthecasino101.com), or write to me care of my church at Rohnert Park Assembly, 4695 Snyder Lane, Rohnert Park, CA 94928.



# FOR RESOLUTION TRANSMITTAL MAY 31, 2005

in accordance with those statutes, rules, regulations and policies and procedures as set forth in the Constitution and Bylaws of the Snake River Salmon Board. The Board is authorized to take any and all actions necessary to carry out its duties and responsibilities as set forth in the Constitution and Bylaws.

**TR-05-0671** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0672** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0673** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0674** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0675** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0676** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0677** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0678** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0679** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0680** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0681** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0682** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0683** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

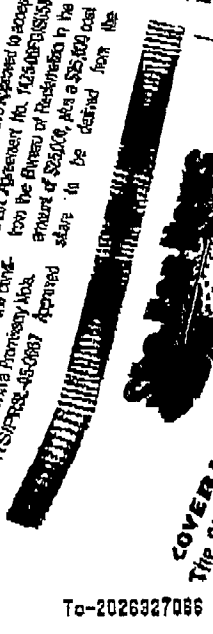
**TR-05-0684** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0685** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0686** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0687** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.

**TR-05-0688** Approved to amend the Snake River Salmon Board Rules and Regulations to add a new rule regarding the appointment of a Board member who has resigned or been removed from office. The rule states that the Board may appoint a replacement member within 90 days of the resignation or removal.



**COVERING IDAHO AND INDIAN COUNTRY**  
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Brad Mehaffy  
 NEPA Compliance Officer  
 National Indian Gaming Commission  
 1441 L Street NW, Suite 9100  
 Washington, DC 20005  
 Subject: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

Dear Mr. Mehaffy,

November 1, 2005

Below are my comments in reply to the issue of whether the Federated Indians of the Graton Rancheria (FIGR) Casino and Hotel Project should be built, and if so, which of the several proposed alternatives would minimize the numerous impacts of such a project, as well as a suggestion that would obviate the need to construct that casino yet provide similar benefits to that tribe.

I believe I speak for a majority of homeowners living in Rohnert Park. While working on two members of the recall of Rohnert Park City Council, I polled many members of this community. They overwhelmingly felt a casino located adjacent to this city would be a mistake for many reasons. I have elaborated on them below.

In addition, since the Dry Creek tribe has purchased land suitable for a casino south of Petaluma, building a casino north of that location would force the Dry Creek tribe to build an additional casino to retain the market presently served by their River Rock Casino in Geyserville. This would be casino proliferation for no purpose, for once the casino south of Petaluma were built, the economic life of a casino adjacent to Rohnert Park would come to an end. That development would reduce the main reason for the FIGR to build their casino, for it would then cease to be a source of revenue. Additionally, the Dry Creek tribe would abandon their River Rock casino, as any tribe cannot own more than one casino in a county.

#### Discussion

There are two issues to consider, first, whether to allow an additional gambling casino and hotel in Sonoma County, Alternative G of your handout; and, second, if Alternative G is not chosen, whether to locate such a casino adjacent to a city, Alternatives A through E; or a site away from the City of Rohnert Park, or not adjacent, Alternative F. Some of the impacts of a casino will be imposed no matter the location, but many can be completely eliminated by choosing a location away from an urban community.

One option not explored in your handout at the Supplemental Scoping Hearing on October 19, 2005 would be to form a partnership between the FIGR and Dry Creek tribes to build a casino on the parcel of land south of Petaluma. This would prevent the construction of a casino solely for the FIGR, one which would have a very short economic life, until the Dry Creek tribe built their casino south of Petaluma, and the FIGR would receive the same benefit .

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Locating an additional casino on any of the proposed sites will have many negative impacts, but some of the Alternatives will present far fewer impacts requiring mitigation than will others. Further, it will not be possible to mitigate many of the impacts with money.

Building the casino in an urban location, contiguous to the third largest city in Sonoma County, Alternatives A through E, will present many more issues, some requiring mitigation and some unable to be mitigated; than Alternative G, should a casino be forced upon this county. And of those impacts that are not directly mitigated by the tribe, the land, air, economy and members of the communities surrounding the casino will be impacted, with no benefit whatsoever to offset those impacts.

Of the Alternatives presenting the fewest issues to be mitigated, should the project be approved, Alternative F is the obvious choice, with the fewest issues requiring mitigation, and of these issues that will be mitigated, the easiest to mitigate, thereby eliminating the many impacts on the city of Rohnert Park, and minimizing the overall impact a casino will impose on the county.

There are several second order advantages to Alternative F as well. These include reduced impacts to air quality, water supply and quality, waste water disposal, visual resources, noise, traffic, cultural resources, cumulative impacts, land use, emergency response, public services, socioeconomic condition, environmental justice and direct impacts. Only the issues of geology, biologic resources and hazards remain location neutral.

### Air Quality

The impact to air quality will be caused by the requirements to transport virtually every casino patron from population centers located to the south, since the casino is not proposed to serve the needs of the community immediately adjacent to the casino. The only exception to this is the site proposed in Alternative F. Alternative F will cause similar impositions on the air quality, but not on the residents of the surrounding community because there is no community surrounding this location. Additionally, this alternative provides freeway access for the large and numerous vehicles that will be required to transport virtually all patrons to the casino, thereby minimizing emissions from these vehicles, when compared to driving the greater distance to the casino proposed in Alternatives A through E, and on city streets local to the casino. And since Alternative F is located closer to the source of the trips, the overall number of Vehicle Miles Traveled, (VMT) will be lower, perhaps as much as the ratio of the distance from the Golden Gate Bridge to the site proposed in Alternative F as compared to the locations of Alternatives A through E.

Further, no additional freeway interchanges are required to be constructed for Alternative F, which would be required for Alternatives A through E. Since the air quality in Sonoma County is better than any community down wind, the greatest imposition on the air quality will be caused in communities to the southeast, the

prevailing wind direction during the worst air quality days in the Bay Area Air Quality Management District.

A simple VMT model may be insufficient to characterize emissions caused by a casino. For example, I have witnessed many large buses in the River Rock casino parking lot, during the hottest days of the summer, with their engines running the entire day, to keep the vehicle air conditioning operating to keep the interiors of these buses cool while the passengers are in the casino gambling. The oxides of nitrogen emitted by these vehicles, virtually all diesel powered, when combined with the HC emissions from light duty vehicles patronizing the casino and dairy cows located on dairies immediately upwind of locations Alternatives A through E, and the hydrocarbon emissions emitted from passenger cars will produce photochemical smog downwind of these locations. Locating the casino on Alternative F will diminish this impact on both local and downwind air quality as there are no population centers located there, and the emissions will have opportunity to disperse in the background air.

### Water Supply

Water required for casino operation must come from the same sources of water as are now used to supply the entire county. This demand now exceeds the present supply. This will be exacerbated by the present supply being diminished by several causes, in addition to any casino. The source of water for Alternatives A through E will be either the Sonoma County Water Agency (SCWA) directly or through the Rohnert Park city connection to this source, or from ground water from wells installed by the casino on its property. Alternative F would be the location producing the least impact to the water supply as local ground water could be used. Since this location is south of the recharge area for the Santa Rosa Plain, removing water from this source would not impact the water supply at locations in Alternatives A through E.

The SCWA has projected that it will not be able to deliver increased amounts of water to its present customers in the future as additional supplies are not available, and present supplies may actually be reduced in future years. Deliveries of Eel River water to the Russian River, through the Potter Valley power plant have been greatly reduced, and may be curtailed completely. This is caused by the requirement to provide sufficient water to ensure the spawning of steelhead on the Eel River, a threatened species. To supplement this source, both Santa Rosa and Rohnert Park are projecting that to meet their needs for water, emergency wells will have to be used during high demand for water in the summer. This will withdraw further ground water from a source now in serious overdraft. Ground water levels have been dropping at an accelerating rate as the demand for water countywide exceeds the supply. Adding the demand a casino will require will only worsen this condition. This is an imposition that cannot be mitigated. The only issue is when the SCWA will acknowledge that it cannot deliver even the present demand for water in the county. Adding a casino to the customers will only hasten the time when there will be insufficient water to meet the needs of the residents of Sonoma County. If the FIGR is granted sovereign status this will place all current customers in second position to the water that is available. This is

not right, and there is no remedy available through the court system to correct this inequity.

### Water Quality

This issue is related directly to Waste Water Disposal. If the waste water generated by a casino located on Alternatives A through E employs the wastewater disposal sources used by the City of Rohnert Park, the demand on the pipe line currently being expanded to handle the present waste water disposal needs of the city will become inadequate. A new pipeline will have to be constructed to provide more capacity. Further, in addition, this increased capacity will be added to that contribution to the pipeline from the Laguna de Santa Rosa to the Geysers Geothermal Power Plant site. This capacity may not be available for additional customers. If the wastewater from the casino is disposed of by either injection to the ground water or by evaporation ponds on casino property, this will affect water quality for the entire area. How is this imposition to be mitigated? And if this is the method of disposing of casino wastewater, the solids generated from this method will have to be transported away, further adding to both traffic congestion and air pollution.

Alternative F presents some advantages to disposal of waste water, as that site is located to the south, and does not drain into the Laguna de Santa Rosa. Treated wastewater from a casino on that site can be disposed of in a manner similar to that currently used by the City of Petaluma; into the Petaluma River, which drains to San Francisco Bay.

### Visual Resources

Alternative F will not require mitigation of impositions since there are no people at that site that will have to look at a casino. Alternatives A through E will impose visual pollution to everyone living in the contiguous city and surrounding community that does not wish to patronize a casino. There is no possibility of mitigating this imposition, for it will remain no matter the method of screening.

### Noise

Alternative F provides the least imposition of sound pollution on the surrounding community, since it is located close to the Infineon Race Track, where sounds far exceeding that of an operating casino are produced routinely, and there is virtually no one living close to that site to hear the casino, except casino customers and the casino workforce.

### Traffic

Locating a casino on the Alternative F site will have virtually no impact on traffic both on Highway 101 north of Highway 37 and local streets in Rohnert Park between the freeway and casino. Further, the traffic to and from the casino will be significantly less

than that generated by traffic to and from Infineon Race Track for race events, and may not impact traffic significantly on Highways 101 and 37 at other times. Alternatives A through E will impose casino traffic on both Highway 101 north of Highway 37 and city streets between the casino and Highway 101, and will require construction of a new interchange at the intersection of Highway 101 and Wilfred Avenue.

### Cultural Resources

There are two cultural resources to be impacted. The cultural resources of Native Americans, which may be impacted positively by a casino; and the cultural resources of the community surrounding the casino, which will be impacted negatively by a casino. The positive impact of a casino on Native American culture is site independent, and the impact to the cultural resources to the surrounding community will be impacted to the least degree on the site proposed by Alternative F.

Sonoma State University is located in Rohnert Park. Were a casino to be built at sites in Alternatives A through E, this would have a negative impact on the college, its students and faculty, the reputation of a city and college that allowed a casino to be built nearby, as well as any prospective students that may consider coming to study in this community. And having a casino close to a college will have a negative impact on those students who choose to patronize the casino instead of studying.

### Cumulative Impacts

Locating a casino on sites proposed by Alternatives A through E will have a cumulative impact on the surrounding community, as elaborated above, and on the Dry Creek Casino located to the north at Geyserville. Since neither the Dry Creek nor the proposed FIGR casino is to serve the needs of their respective surrounding communities, but the needs of patrons located in the populous parts of the Bay Area to the south, the proximity of a casino to the source of its patrons is important. The closer to the south a casino can be located will affect those people wishing to use it, and the closer the more desirable the location will be, especially when compared to casinos located at greater distances. Were a casino to be constructed at sites proposed in Alternatives A through E, the popularity of such a casino would make it more desirable than a casino located a significantly greater distance to the north., the River Rock Casino currently operated by the Dry Creek band of Pomo Indians. This would negatively impact the economic life of that casino. To prevent this from happening, the Dry Creek tribe has purchased a parcel of 164 acres of land south of Petaluma, located directly on Highway 101, and with frontage on the Petaluma River. The right of way for the proposed commuter rail service goes through this parcel as well.

It is well documented that the economic life of gambling casinos is on the order of 10 years. Were a casino to be located on sites proposed in Alternatives A through E, then the Dry Creek tribe would surely build a casino on their property, making it significantly closer to the source of their customers, and making it as well more attractive than the Rohnert Park Casino, were it to be built.

None of this would occur were a casino to be built on the site proposed in Alternative F. This site is approximately the same distance from the Golden Gate Bridge as the property the Dry Creek tribe has recently bought, making either site equally as desirable to gambling patrons to the south. So while this alternative would impact and shorten the economic life of the River Rock Casino, it would have no effect on a casino built by the FIGR. That issue alone makes the site proposed in Alternative F the best choice. Choosing that site would obsolete only one casino, while choosing a site proposed in Alternatives A through E would obsolete two casinos, the River Rock casino and the casino built by the FIGR, the only reason for that tribe to build a casino.

There is an additional cumulative impact, and that relates to the Memorandum of Understanding (MOU) recently signed by the FIGR and the City of Rohnert Park. This MOU outlines a \$200 million proposal to mitigate some impacts caused should a casino be built on sites in Alternatives A through E. The MOU can be cancelled by the FIGR should income from the casino not meet the expectations of the tribe. Were a casino to be built by the Dry Creek tribe on their site south of Petaluma, thereby shortening the economic life of the Rohnert Park casino, the MOU would certainly be cancelled. Alternative F provides no MOU obligation on the FIGR tribe and no impacts on the city of Rohnert Park.

#### Land Use and Biological Resources

None of the sites proposed in any alternative is to construct and operate casino on land currently an Indian reservation. This is a blatant example of "reservation shopping" by a landless tribe with no reservation. The only reason for this hearing is to allow a landless tribe, fronting for a Las Vegas casino operator, to construct and operate a gambling casino, primarily to benefit the casino operator, and to benefit the members of the FIGR secondarily.

Were the interests of the members of the Federated Indians of the FIGR to be appropriately considered and served, this could be accomplished on land anywhere in Sonoma County, preferably remote from a population center, and avoid all the negative impacts such a casino would impose on that community. The members of the tribe could derive whatever benefits they seek no matter the location, especially if the benefits are to help the members of the tribe, not just to make them rich and the Las Vegas casino operator richer.

#### Emergency Response

While the Alternatives A through E will rely on emergency services to be provided by the City of Rohnert Park, as detailed in the MOU between the FIGR and the city, Alternative F may provide the least impact. There are currently no city emergency service providers located to the west of Highway 101. Emergency service providers to be supplied by the City of Rohnert Park would be shared by both the casino and the city, causing conflicting demands on such service. It may be more efficient for the casino to provide what emergency services it alone requires, which would be the case

for the site proposed in Alternative F. This would also place the city in a position where the demands of the casino would compete with those of the city, causing a conflict of interest. And if the casino is built on sites in Alternatives A through E and the MOU cancelled, the city would then be obligated to deal with the ongoing emergency services requirements of a casino but with no mitigation from the casino.

#### Socioeconomic Conditions

The proposed casino operator has estimated that the proposed casino will provide jobs for the community. However, when the projected cost of these jobs is compared to the number of workers proposed, the average wages paid will be approximately \$25,000 per year per worker. This amount is not sufficient for such workers to be able to afford housing in this community. Therefore any jobs that may be generated by a casino will not provide those workers the means to be able to live in the community where the jobs are located. Further, this will require the majority of such workers to commute from locations where housing is available that they can afford. This, in turn, will add to the air pollution and traffic impacts caused by the casino, and alienate the casino workers further from the community where the casino is located.

The above assumption may be worse than estimated. If the amount estimated for the typical casino worker goes entirely to wages, then there will be no benefits included by the employer. If the estimate includes benefits, then the disposable income provided will be even lower by the amount paid for benefits, making the possibility of affording housing in the surrounding community even that much more difficult.

Once the casino is operating and drawing patrons from businesses in the surrounding community, this will have a negative impact on all businesses offering similar goods and services. And if this casino expands to include more services and goods, such as golf courses and gas stations, this will have an even greater potential for causing such negative impacts on competing businesses. Since the casino is not required to collect sales taxes or obtain business licenses for their operations, they receive a competitive advantage which competing local businesses cannot overcome.

#### Environmental Justice

Environmental justice will be determined by whether a casino is built or not. Secondary considerations would be site dependent, with Alternative F providing the least issues which will require mitigation, followed by Alternatives A through E requiring the most mitigation. The decision comes down to whether a Las Vegas casino operator should obtain the majority of the economic benefits to be derived from a casino, followed by the small number of members of the Federated Indians of the FIGR receiving modest economic benefits, while the surrounding community must suffer all the negative impacts, many of which cannot be mitigated, in any way. If ever



there was an example of an external diseconomy, this is the one. Further, some of these external diseconomies cannot and will not be mitigated in any way.

The major direct diseconomies are water and financial. The surrounding community will suffer the depletion of their current sources of water while the casino has no restriction on that source. The casino operator derives the economic benefit of the casino, to be shared in part with the members of the FIGR tribe, while the members of the community surrounding the casino suffer the negative impacts, many of which cannot be mitigated.

#### Indirect Impacts

The Governor of California has commented that he is not in favor of urban casinos, and will not approve any new urban casinos. The casino proposed for sites in Alternatives A through E are urban casinos. The only site not considered an urban casino is the one proposed in Alternative F.

The Sonoma County Board of Supervisors took a position opposing the casino. This reflects the position of the vast majority of their constituents.

Once the FIGR is granted sovereignty, they would obtain rights to the water supply that cannot be challenged by any other customer. This impact cannot be mitigated, and no remedy would exist to correct this injustice to be suffered by current water users.

Impacts that cannot be mitigated include the effects of imposing a casino on the members of the urban environment surrounding the casino. The number of negative impacts to be suffered by those members of that community will far exceed the benefits to be obtained by the casino patrons. Casino patrons come and go, while the members of the surrounding community remain over time to suffer those impositions forced upon them. Where is the justice in that?

Sincerely,



Larry Resnick  
7956 Becky Court  
Rohnert Park, CA 94928  
Telephone 707 665-0929

October 26, 2005

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

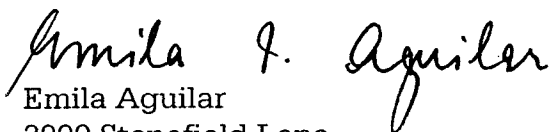
Dear Mr. Mehaffy:

Re: EIS Scoping Comments, Graton Rancheria  
Casino and Hotel Project

Attached is the full text of the remarks I wished to make to the NIGC Public Scoping Meeting on October 19, 2005. Please include them in your record of comments.

Thank you very much.

Sincerely,



Emila Aguilar  
2000 Stonefield Lane  
Santa Rosa, CA 95403

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## **EIS Scoping Comments, Graton Rancheria Casino and Hotel Project**

My name is Emila Aguilar. I am a member of the Filipino-American Community of Sonoma County. I serve on the Board of California Human Development Corporation Board and I am also a Trustee and the Finance Committee Chair of the Sonoma County Museum. I was the Chief Financial Officer of the United Way of Sonoma-Mendocino and Lake counties and have been involved with several community-based organizations in various capacities. Professionally, I am the Chief Financial Officer of Primrose Alzheimer's Living, Inc.

I am here to speak to the tribe's attention to the healthcare and eldercare needs of minority communities and those of their own members. The NIGC should consider the socioeconomic benefits to the Tribe itself associated with the proposed project.

Many of the approximately 1080 members of the Tribe continue to suffer the consequences of deprivation and the unjust treatment of Indians in California right up to present times. Without resources enjoyed by the dominant society, Tribal members have languished.

For instance:

Approximately half suffer significant health problems including diabetes and high-blood pressure.

Paying for healthcare is nearly impossible for a similar percentage.

Why? Because fifty-four percent have annual incomes under \$30,000 and a third have incomes under \$20,000 per year. In fact, the average per person income of Tribal members was only \$688 in 2002 when the Tribe decided on its current economic development plans.

The unemployment rate within the Tribe is twice the rate in Marin and Sonoma Counties.

About 2/3 of Tribal members do not own their own home whereas the converse is true of their neighbors – that is, 2/3 of the population of Marin and Sonoma Counties own their homes.

It is obvious that with these conditions, Tribal members have much shorter life spans than the general population. Historically the Tribe has placed great value on the well-being of Tribal elders. As the Tribe's economic conditions improve, the life expectancy will lengthen. I am confident that given the opportunity to achieve economic viability, the Tribe will become a model for

comprehensive eldercare. The Tribe has made health care one of the three pillars supporting their vision for the future. The resort casino project will allow the Tribe to improve the lives of its members by providing health care, education, cultural programs, employment opportunities, and other benefits that they will share and already share with all the various ethnicities of our communities.

I thank you for your time and for the opportunity to speak before you in support for the Tribe and on behalf of the Filipino-American community.

Commentary to Scoping Session  
Rohnert Park, California  
October 19, 2005

Good evening. My name is Charles Maisel, and I welcome you to this wonderful environment in which I so proudly live.

In my 78 years, I have learned that the best stewards of the environment tend to dwell in communities that have excellent educational institutions. That is one important reason why I became an official Ambassador for Higher Education for the California State University System.

Only a small minority of the 1,089 tribal members of the Federated Indians of the Graton Rancheria have been so fortunate as to have had a good education. Yet the tribe is committed to supporting educational excellence in this community in which they live.

I admire them for this. That is why I became one of 1,100 members of an organization called the Friends of the Federated Indians of the Graton Rancheria. I also serve on the Advisory Board of that organization.

These Indian citizens – into whose neighborhood we all here have moved – are determined and active in their support of both education and the environment of the community in which we all now live together.

Other speakers are giving you evidence tonight of the tribe's environmental support. I would like to tell you about some of their contributions to our community's education programs.

Last year, they contributed \$60,000 to the local Rancho Cotati High School's athletic programs, saving some of the programs from elimination.


They have given \$20,000 for scholarships to College of Marin and \$20,000 for scholarships to Santa Rosa Junior College. And they have given \$20,000 for scholarships to Sonoma State University.

Upon completion of the Resort/Casino, the tribe has pledged annual contributions of \$1 million dollars to Rohnert Park K-12 public schools. And individual tribal members have supported Santa Rosa's Roseland Charter School for at-risk students.

Moving on to support of higher education, the tribe has given \$2,500,000 to Sonoma State University.

Now, to a person with my strong education interests, all this sounds like a major investment in a better community and, thus, a better over-all environment.

I thank them, and I thank you.

  
Charles Maisel  
3145 Mueller Road  
Sebastopol, CA 95472

ES

990 Echo Ct.  
Rohnert Park, Ca 94928

May 10, 2005

Dear Secretary Norton:

Re: Graton Rancheria Rohnert Park

I am sending you this because for one and on-half years many people have been opposed to a casino so near our town which is open space land and a Laguna.

It is unfortunate that after years of finding a friendly town like Rohnert Park is that now people are leaving due to the controversy of a casino funded by Las Vegas Stations Casino. This is not a way to win friends and influence people.

Casinos should be obligated to go through every process that every other business is required to do along with an Environmental Impact Study.

Where is the justice?

Sincerely,

*Eunice Edgington*  
Eunice Edgington

829744

RECEIVED  
05 MAY 12 PM 3:19  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

990 Echo Ct.  
Rohnert Park, Ca 94928

Oct. 27, 2005

Brad Mehaffy  
National Indian Gaming Commission  
1441 L Street, NW Suite 9100  
Washington DC 2005

Dear Mr. Mehaffy:

Regarding: EIS Scoping Comments:Graton  
Rancheria Casino and Hotel Project

The majority of citizens in Rohnert Park do not want a Las Vegas style casino in or near its borders. It is a source of pollution and will cause our town to deteriorate physically and morally. Rohnert Park is a planned city incorporated in the early 1960's and we want to keep it that way with open space, Community centers and good schools including a University.

Please be aware of the fact that the number two health risk to man after cigarettes, is **diesel fuel**. With busses and trucks going through our neighborhood , 101 and right next to an elementary school is regression. We need to be striving for a green environment. The average casino in California lasts 10 years.

The laws for casinos need to be changed so that they do not just come into a city or town and become like a foreign nation.

This is after all a democracy of the people, by the people and for the people.

Sincerely,

*Eunice Edgington*  
Eunice Edgington

CC: Rohnert Park City Council

2005 NOV - 2 PM 2:40

RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION



## DEIS SCOPING COMMENTS

### Federated Indians of Graton Rancheria Hotel and Casino Resort Project

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

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

Comments relate to specific items listed on NEPA Compliance Checklist (FWS Form 3-2185).

From

Lloyd Iversen  
4230 Hargrave Avenue  
Santa Rosa, Ca 95407-8311

*HOME# 707-585-2902*

11-1-2005

RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION  
2005 NOV - 3 PM 4: 44

Dear Brad Mahaffy:

The following are my personal questions, opinions, comments, and relevant information. I refer to the Casino Project, the related promoters of it, and the people, ideas, and plans for it as the "Casino Project" in the body of this document.

**FORWORD - IMPORTANT AMERICAN INDIAN QUOTE:**

Dr. Jack Utter, who holds a doctorate in natural resource management and has additional background in history and law – including federal Indian law, explains the following relevant information in his book entitled "American Indians, Answers to Today's Questions": "What is the greatest single issue facing Native Americans in the future? The same one facing us all – the end of Nature. Without denying the seriousness of the many native issues that require ongoing attention, it is absolutely clear that, unless the planet's immense environmental problems are solved, all other concerns, save nuclear conflagration, won't matter. ....(Dr. Utter goes on) .....In early October 1991, Oren Lyons, and Onondaga elder, appeared in an interview on a segment of the CBS television magazine "Sunday Morning."

Describing his concerns about environmental degradation, he first made the point that there is plenty of blame to be shared by "all of us." He went on to make a very graphic statement summarizing the effect of environmental damage on the future. He simply said, "We have taken our grandchildren by the hair, tilted their heads back, and slit their throats." This statement startles and even offends some people. But, unless the reality that caused its expression startles and offends them – and the rest of us – even more, we will continue to go precipitously down the road to virtual destruction of the world's biosphere.""

I would like to also quote the Utter, Balen, and Cantu 1989 "The days of tea – and – crumpets conservation are over. We are talking about deadly issues here, issues that necessitate a most courageous, sweeping, and accelerated solution in order for the world's environment to be fit for habitation... The causes of the environmental crisis are well known, as are the solutions. Key social institutions, primarily national governments, lack the direction and high level of motivation necessary to implement solutions. It is therefore imperative, and exceedingly appropriate. That "We the People" of the world's nations (including the Indian nations) begin to resolutely provide our leaders with the strong motivation and direction so desperately needed."

## **SONOMA COUNTY GENERAL PLAN AND SITE QUESTIONS:**

- 1) **CONFLICTS:** How can you justify building a casino on a site where it will be in conflict with the Sonoma County General Plan? Has the Casino Project investigated why and in what ways specifically it is in conflict with Sonoma County Plan and the new update process? Is this proposed site part of, or near to, a designated community separator, open space, and aquifer recharge area located over the infamous cone of depression in the already over-drafted aquifer? If so, wouldn't the effects be important? What would be the effects and how would they be important?
- 2) **OPEN SPACE:** What specifically would be the justification for further diminishing open space? How much other space near the project will also be diminished and what percentage of that destruction of open space is the Casino Project likely to represent now and in the future? Will other adjacent development be augmented or retarded as a result of the Casino Project? What specifically will be the possible square land area and dollar value of the effects of the Casino Project on the open space in the area as a percentage of that area and as an intangible attribute to the quality of life of the community in or near that area?
- 3) **QUALITY OF LIFE:** How specifically would the further diminishing of open spaces between the cities and rural communities be a public benefit or service? What are all of the specific public benefits or services that exist now that would be diminished in any way by the Casino Project, including open space, quality of rural life, water quality, public safety, traffic, visual value, noise value, air quality, and environmental quality?
- 4) **OPEN SPACE:** How specifically would the further diminishing of open space described above enhance the visual landscape in accordance with the objectives of the Sonoma County General Plan and the new General Plan Update now taking place? What are all the specific questions that arose in the General Plan Update that could have relevance to the Casino Project?

- 5) **PARTICIPATION:** Specifically in what manner has the Casino Project participated in the new Sonoma County General Plan Update?
- 6) **LOCAL INVOLVEMENT:** Specifically in what manner has the Casino Project informed, educated, or kept it's self abreast of the entire content of the public comment period for the new Sonoma County General Plan Update?
- 7) **PUBLIC SUPPORT AND EDUCATION:** What has the Casino Project offered to the citizens of the County of Sonoma relative to the General Plan Update Public comment process and various groups and committees? What steps could have the Casino Project taken to make sure that the public was aware of the possible implications, effects, and scope of the Casino Project on anyone in Sonoma County? Where there any lectures, brochures, flyers, information sheets, announcements, letters, pamphlets, news letters, phone calls, faxes, articles, e-mails, radio or TV education, or any other reasonable attempt made to be responsible and make sure this important issue was made to come to light, and exposed for all of it's far reaching consequences, in the very important and highly publicized process of the Sonoma County General Plan update? What percentage of citizens of Sonoma County are aware of the Casino Project and in what ways and to what extent exactly will they be affected?
- 8) **LISTENING:** In regards to all of the specific public comment that took place in the public comment period for the new Sonoma County General Plan Update relating to open space, quality of life, ground water, and community development, how is the Casino Project going to effect all issues brought forth? What were all the issues brought forth that might relate in some way to the Casino Project?
- 9) **COMMUNITY SURVIVAL:** How will the Casino Project mitigate the reduction of ground water, as a result of the Casino Project, in the already over-drafted ground water basin? The issue of the Rohnert Park "cone of depression" in the ground water basin was greatly discussed in the Sonoma County General Plan Update. Specifically how did the Casino Project participate in this previously mentioned comment process and how did the Casino Project collect, organize, analyze, and process that information regarding the ground water issue and the cone of depression issue, in a responsible fashion? What specific information was collected

and how was it categorized and evaluated? What specifically are the existing or likely conclusions, assumptions, direction, focuses, emphasis, statistics, and discoveries of the evaluation of all the previously mentioned public comment?

- 10) **EMERGENCY WATER SUPPLY:** In the Sonoma County General Plan Update the issue of emergency water well management, drought, and responsible for far -sighted planning and safety were greatly and broadly discussed. How specifically does the Casino Project come into play with these issues and factors and especially how does it address the specifics of the public comment? What discussions, questions, phrases, and comments specifically are of importance to the Casino Project and what are the possible responses to them?
- 11) **CASINO WATER IMPACTS:** Would the Casino Project become a substantial water user in the well field of the emergency wells in the area? If so, what would be all of the possible long term and short-term impacts of the Casino Project on those emergency wells and their water basin? What possible ways could this be studied and which methods could have the most public participation?
- 12) **EMERGENCY DROUGHT PLAN AND IMPACTS:** What are the possibilities of drought and how would it affect the water users in the Casino Project's ground water basin if the Casino Project goes forth versus if the Casino Project did not go forth? Would there be more water or less water available for current water users and would they survive the range of possible drought scenarios? Has the Casino Project considered or modeled exactly what will happen to the ground water basin and what it's water production will be in the event of all types of drought scenarios?
- 13) **LOSS OF GROUND WATER STORAGE CAPACITY:** Would the Casino Project's contribution to the depletion of ground water cause the compression of the ground water table, in any way, or in similarity to, the way this type of over draft has compressed other ground water tables? How would the compression be similar or different to compression that has taken place in the Sacramento Valley water basins? Exactly how much compression will take place over what period of time? What is the time horizon of the compression of the ground water basin and would the Casino Project cause that compression to be linear? Would sub-alluvial fan deposits stretching through the Casino Project site cause non-

linear compression of the ground water basin? What effect might that have on building foundations, highways, roads, landscape, and the perched water table present in the area? What is the mapping of the perched water table in the Casino Project site area and what amount of it exactly transverses the Casino site? What is the depth and breath of the perched water table and what is its capacity and recharge rate? Does the perched water table contribute mainly to local in stream flows or is it primarily recharging the ground water basin? What has been the historical levels of the perched water table, what has it been in the last 500 years, 100 years, decade, what was it last year, what is it this year, and what will it likely be in the future if the Casino Project proceeds or does not proceed? What is the total water storage capacity of the perched water table on and near the Casino Project? Does that storage capacity affect the storage capacity of the ground water basin in the area? What will be the possible losses of ground water capacity due to possible compression of the water basin? Will compression be confined to the perched water table or the deep-water basin? What is the relationship between the recharge rates of the perched water table and other deeper water tables in the water basin? What models of the water basin are being used and what models could be used? What would be the advantages and disadvantages of using the various types of models for making more precise predictions? What specifically accounts for the presence of artesian pressure in the Casino Project area and how does that fact become reflected in any of the ground water models or maps?

- 14) **MILITARY POLLUTION:** In the Sonoma County General Plan Update the Cotati military base was discussed. Is there a possibility of spent or un-spent weapons or hazardous waste on the Casino Project site? I have personal knowledge and can testify that within the last several years of planting trees and tilling the soil on my farm lands I have found spent and unspent military machine gun shells. I hear from elders in my community that large amounts of military chemicals and weaponry lay within the Casino Project area. Unfortunately, because the Casino Project does not peruse this un-written knowledge base responsibly, these crucial facts go un-explored. In addition there are chemical tanks and improperly decommissioned hazards that need to be addressed relative to the Casino Project. Could the weapons or waste be related to the World War II Air field site that was in close proximity? Is it

possible that construction activity, drilling of wells, and on site waste disposal development could disturb, disrupt, discover, pose a danger, pose a public safety risk, become hazardous, and or be unpredictable in any way in relation to the characteristics of the above mentioned military site and the Army Core of Engineers incomplete findings on that site? How will the Casino Project mitigate hidden military hazards or pollution that cannot be presently detected, but may still pose a risk?

- 15) **SCOPE OF MILITARY POLLUTION:** Is the Casino Project aware of the breath of scatter of the spent or un-spent weapons or waste, which could be related to the World War II Air field site that was in close proximity? What are the possible ways that this scatter or dispersion could happen or be mapped, predicted, analyzed, and responsibly analyzed so that there would be no chance of any public danger, any danger to the ground water basin, or any danger to any beneficial waters of the State of California?
- 16) **BURRIED TANKS:** In the Sonoma County General Plan Update the Cotati military base was discussed. In the discussions local spoken wisdom has it that there are at least two missing diesel tanks with a capacity of thousands of gallons of, which remain un-accounted for, at or near the Casino Project. What has been the Casino Project's record of investigation into this well known issue? How could this issue be resolved such that there would be no chance of a public hazard? What public hazards could it present and what are the possibilities for mitigation? How would the Casino Project mitigate the diesel contamination of the ground water basin?
- 17) **TYPES OF WEAPONS AND HAZARDOUS MATERIALS:** Has the Casino Project educated it's self, analyzed, and collected relative data of the weapons found so far in the area and cataloged the weapons used in the past that might still be and issue? What specific types of weapons, chemicals, fuels, additives, pharmaceuticals, fuels, paints, coatings, or other hazards might have been used or dispersed on or near the Casino Site and in what possible concentrations?
- 18) **PHOTOGRAPHIC EVIDENCE:** In the Sonoma County General Plan Update the Cotati military base was discussed and there was concern over the land scaring in photos taken from the air over the World War II Air field site that was in close proximity to the now proposed Casino Project. Could these photos be consistent with

large hazardous explosives and could residual contamination still exist at or near the Casino Project site? What is the entire range of possibilities of the materials that could have been used in the possible explosions and what are all of the possible hazards that they could present now or in the future? How exactly could they affect ground water, streams, animals, wild life, children, adults, or vegetation? What would be the time horizon and concentration of those effects?

- 19) **PCB AND POLLUTION:** In the Sonoma County General Plan Update the Cotati military base was discussed and there was concern over how any perforation of the earth, as is typical in the drilling of large commercial wells like the ones likely to be needed for the Casino Project, could intercept a PCB pollution plume laying dormant in the soils at or near the Casino Project Site. What are the possible ways in which this scenario could manifest and what would the Casino Project do to correct the resulting damage? If dormant or un-detected pollution from the World War II Air field site that was in close proximity to the Casino Site polluted the ground water basin, how would the Casino Project mitigate the problem? What would be the specific plan for mitigating PCB pollution or nerve weapons pollution of the ground water basin? What is the length and breath of the potentially effected ground water basin and what communities and individuals does it serve? If the Casino Project caused irreversible damage to the ground water basin, how would the Casino Project compensate the other water users in the water basin, and who exactly are the other water users and how much water exactly do they use now? How much water will they need in the future? How much water will they need in a drought? What would be the likely reduction in useful waters in gallons, if leaky missing or un-accounted for buried military PCB transformers contaminated the useful waters due to the Casino Project? How could the Casino Project make sure that there are no hazards on the Casino site? What types of equipment are available for deep soil detection of possible hazards and how effective would each type of equipment be in this specific application? How much fill material has been placed on this site over time and how would this hamper the location of hazards? Where did the fill material on this site come from and was it clean or polluted when placed there? What is the history of fill on this site and who supervised it? Was any of the filling done with permits or grading plans? Has any of



this artificial fill created artificial clay “cap” or other alteration to the historical absorption or evapotranspiration of the site?

- 20) **WELL DRILLING RISKS:** How many wells will be drilled in the Casino Project? Exactly what will be the specifications of the wells including size and construction of casing materials, gravel pack, well seal materials and methods, development of water production protocol, testing and monitoring, public access to well drillers log, identification and analysis of formations encountered in the drillers log, record of depth to perched water table, plan for isolation of perched water table, contingency plan of repair or abandonment of any bad bores, plan for on going measurement of well performance, and mechanical pump design and specifications? What other types of designs and specifications were considered? What other areas or locations for drilling were considered? Will the wells be designed for over capacity or under capacity? Will public municipal water supplies be used or available? If so, how, where, in what quantity and for what purpose? What was the list of design criteria for the engineering of the wells for the project? What will be the cost of the wells and the life expectancy? What will be the effect of these wells on any and all other wells in the area? Will waste or water ever be injected into any well, shallow or deep, on the Casino Project site or near the site? What other uses might the wells serve? What steps will be taken to prevent pollution of ground water in regards to these wells? Other wells in the area have been polluted in the past, what were these cases and how would this project become similar or different, and what health risks could be involved?
- 21) **REDUCTION OF IN STREAM FLOWS:** The public comment period for, and various committees of, the Sonoma County General Plan Update expressed a general consensus for not decreasing in-stream flows of waterways in Sonoma County and for the halt of activities that might reduce in-stream flows. How might the Casino Project reduce in-stream flows? What possible ways are there in which waterways might be affected by the Casino Project? What are the historical flows of those streams going back at least 500 years in the past, what is the extent of the history that we can know, what are the methods of knowing the historical flows, what are they today, and what will they be in the decades to come if the Casino Project takes place? What is the future of all the waterways in the Casino Project area if the Casino

Project takes place? In what ways can the in stream flows get analyzed? What analysis accompanied by what plan of action, would be the most accurate and would assure the preservation of those streams? Are those streams and waterways gaining or loosing bodies of water? If so, how much water and from where does it come, and would the Casino Project effect the gaining or loosing process? Would the creation of impervious surfaces of the Casino Project come into play with in-stream flows due to diminished ground water recharge rates? Does the Casino Project lie within a ground water recharge area? What is the recharge rate today, in the past, and in the future of the Casino site? In heavy rains has water ever been observed to be sheeting off of the lands of the site? How does the historical water description describe the deep water and boating that took place on and near this site around the 1950's? How did these flooded lands on and near this site become dry and what effect will the Casino Project have to either augment or hinder that historical flooding? How much area of the Casino Project will be covered or converted to impervious surfaces and how much will that reduce absorption of water into ground water and streams? What species of plants and animals might be affected by a reduction of ground water or stream water? What are the life cycles and populations of possible plants and animals in the Casino Site project area? How will they be impacted by the Casino project specifically? What have been their historical populations, what have they been in the last several decades, what are they today, and what are they going to be if the Casino Project goes ahead? What have been the life cycles and populations in the past and what are they likely to be in the future if the Casino Project disrupts the local wild life corridor?

- 22) **REGARD FOR GENERAL PLAN UPDATE:** What specifically could the Casino Project do to be in full compliance with and in full support of the spirit and intent of the new Sonoma County General Plan Update process?
- 23) **DUE DILIGENCE:** What specific actions has the Casino Project taken to review all the records, verbal and written, of the General Plan Update and what specific items might have been missed that could have some relevance?

**PURPOSE AND INTENT OF GENERAL PLAN PROCESS:**

The county of Sonoma and its people have began an environmental movement years ago that has grown stronger and stronger. As a result of great labor and contemplation the County has created a general plan that begins the desperately needed process of preserving the land, water, air, and the environment. These steps are probably too little and too late, but they are an important foundation for conservation, and they make a start in the right direction. The citizens have made clear that they want to preserve all and any community separators and open spaces by passing the open space district ¼ cent sales tax in Sonoma County. This speaks volumes about the will of the people. The Casino Project in question is proposed to be developed right over the designated community separator, green belt, aquifer recharge area, foot of the 100 year flood plain and sensitive Laguna environmental area that has been set aside in the county general plan. People in the county of all walks of life are aware of the environmental problems that the Casino Project proposes, yet more education is still needed. The County has made it clear that it doesn't want this site developed. The leaders and the County Supervisors who represent the people voted to object to casinos, especially in the proposed area. So does it therefore follow and is it perhaps obvious that **not** developing this fragile site is in the best interest of the Native Americans and all others in the community? Do you agree that this site is contrary to the intent of the existing general plan and the new general plan update (now undergoing formulation)? What does the Casino Project interpret the intent of the Sonoma County General Plan update to be?

In accordance with the tradition of stewardship for the environment the Sonoma County General Plan specifically recognizes that certain lands are special and must be preserved. The plan has tried to dispel ignorance on the subject. The proposed casino site is precisely that special land.

23A) Now that land has become the target of the Casino Project for heavy-duty industrial commercial exploitation, development, and destruction, how might that reflect a regard or a disregard for the Sonoma County General Plan process?

23B) Why must this little scrap of land, one of the only scraps of land ever envisioned for protection, now lose its intangible value as a quality of life asset?

23C) Are there any other alternatives to be considered that the public could be educated, and made well aware about?

23D) How many alternatives are there and how are they described? What other possible sites are there, that was not recently presented at the recent scooping meeting?

23E) How could the Casino Project keep this whole piece of land preserved as open space and build somewhere else?

23F) Why can we not have this little place for birds and animals to live between our bulging cities?

23G) For what great purpose or public good must we turn every last place, especially this site, into a commercial industrial development and how does doing so really benefit families and society in the long run?

23H) To wipe out this last natural community separator and wild life habitat seems like “slitting the throats of our grandchildren” as Oren Lyons described in the beginning of this letter, does it not?

## **ECONOMIC COST QUESTIONS:**

23) **NEGATIVE IMPACTS:** What will be the biggest and smallest negative economic impacts to the Sonoma County economy? How will those negative impacts be mitigated?

24) **STUDIES OF NEGATIVE IMPACTS:** I believe that the Casino project will come at a huge economic cost to Sonoma County in the long run. Studies prove this. John Kindt or the business department ant the University of Illinois says, “.....For every \$1 the casino brings into the state, it will cost the residents between \$3 and \$7 in hidden costs” (Economic Impacts of Legalized Gambling) Can this project mitigate all the direct and indirect costs to the community and environment? How specifically will this project differ from each casino studied in the John Kindt study? What factors in the study could be relevant? 25) How can this Casino Project prove that it will improve the over all economic conditions of Sonoma County?

26) **INFRASTRUCTURE:** What will be the total cost to bring the Sonoma County infrastructure back to its current level of performance in the future?

27) **INFRASTRUCTURE BENCH MARKS:** What is the precise measure of the past and current level of performance of the infrastructure of Sonoma County, such that a meaningful and comprehensive base line for comparative analysis can be made?

28) **BUSINESS COMPETITION:** What are all of the probable competitive effects of the Casino Project on all of the local businesses, both large businesses and small businesses? In public meetings the

Casino Project has made it clear that it will hire only Union labor in the construction and operation of the Casino Project. Could this be blatantly discriminatory and damaging to my businesses that are not union and will not be considered for any of the economic benefits of this project? Many statements made by the Casino Project imply that any business, which is not union, pays poorly, does not provide a decent way to earn a living, and has no benefits. Could this be construed as false and inflammatory rhetoric? My non-union business pay above union wages and provides better benefits and job security than do many union jobs. This type of slanderous sounding speech damages the image of non-union businesses. Most business in the county is non-union. Why should the community tolerate all the negative effects of a Las Vegas style casino and not get the contracts, jobs, or other perks? Why should I be forced to compete with the Casino Project business entity that has unfair advantages over me? How can the Casino Project mitigate these issues? Why should I have to compete with someone who is not always regulated like I am and who pays no taxes? It is therefore likely, that the Casino Project will damage me economically? What economic damage might I endure as a result of the Casino Project? How can the Casino Project mitigate these issues?

- 29) **LOST LEADERS, UNFAIR COMPETITION:** How much money might local business loose trying to compete with the characteristic net loss promotions inherent in modern casino business practices? How will the Casino Project mitigate business loss and unfair competition from casinos?
- 30) **EQUAL FAIR TAX CONTRIBUTION:** How could the Casino Project provide a fair and equal share of tax revenue into the economy and thus put it's self on a level playing field with other businesses in the community?
- 31) **PREVELANCE OF BLACK LISTS:** I recently went on the Internet and printed out black lists of other businesses put out by Nevada Casinos. These documents black list local businesses that the casino doesn't like. One list was simply titled "Black List" What assurance will the local community have that these types of strong arm tactics will not become active in this area? How will this Casino Project be any different? Who is likely to get on one of these black lists? How are these lists used against local small businesses? Who pays for them and decides who gets on them? How widely are they distributed? Has Station Casino or it's affiliates ever been connected

- to or aware of this type of black listing? What other types of negative impacts that is similar in nature could become a problem for local businesses?
- 32) **EXISTING BUSINESS QUANTIFICATION AND IMPACTS:** The back bone of the local economy is small business such as the highly visible 100 billion dollar wine industry, the 300 billion plus tech – telecom industry, and the agricultural industry. These entities depend on the clean, healthy image, and family atmosphere of Sonoma County that has attracted gems like Cisco Systems, Hewlet Packard, JDS Uniphase, Ocli, Unocal, Chevron, and the many world class famous wineries. How will the Casino ensure that none of the atmosphere capital of Sonoma County will be lost? What are they ways that this intangible capital be measured? What are the ways to quantify and analyze the value of this type of intangible capital and what effect will the Casino Project have on it? In what ways does the Casino Project increase or decrease a clean, healthy image in Sonoma County?
- 33) **MONEY LAUNDRYING:** Is the Casino Project aware of the heavy-duty money laundering and drug trafficking that takes place in casinos everywhere and all over the world? What is the likelihood of money laundering or drug trafficking taking place in the Casino Project and specifically how might it happen? What have been all the past cases, reported or suspected, of this type of activity, in all other Station Casino projects and what were the long term and short- term effects on other local businesses? How would those experiences transfer to the current Casino Project and how would the proposed Casino Project address those issues?
- 34) **LOCAL BUSINESS DAMAGES AND REMEDIES:** What problems or damages might a local business suffer or encounter in defending it's self against any problem created directly or indirectly by the Casino Project, and what specific types of problems might occur?
- 35) **DAMAGE TO INTANGIBLE SHARED ASSESTS:** Might there be a risk of damaging the image of Sonoma County and the local area? Many local companies have a capatilization far exceeding that of Station Casinos who has only a capitalization of about 2.1 billion. The entire capitalization of Station Casinos, including all of their casinos in Nevada represents less that 1% of the most viable businesses that already exist here. Why don't you find Cisco systems and Agilent Technologies in Las Vegas? Because who would want to

live there? How can the Sonoma County survive if it can't attract the best people and talent from all over the world? Would the Casino Project make the area less attractive to top talented people who also seek a stable safe place to settle down and have a family? What studies show that higher crime, higher traffic, increased pollution, loss of community separators, money laundering, drug trafficking, drunk driving, and gambling addiction add to the desirability or a family based community?

- 36) **INTANGIBLE ASSETS, VALUE OF VISUAL AND COMMUNITY SEPERATORS:** If the community separator and green belt is transformed into something not unlike Las Vegas, will Sonoma County continue to be the destination of so many talented people who have the option to live anywhere they please? How will companies like Cisco Systems, JDS Uniphase, or OCCLI for example continue to attract the cream of the crop talent if the area is like Reno or Vegas? If Casinos are so attractive, then why is it that Reno and Las Vegas are considered to be so undesirable in surveys and studies? If casinos are so good for the community, why do Las Vegas and Reno have so many out of control social and economic problems and corruption? How will this Casino Project be different? If talent leaves the area because of the negative impacts of the Casino Project, what would be the likely dollar cost of that loss of intellectual capital?
- 37) **ECONOMIC ATTRACTIVNESS:** What types of businesses are preferable to attract to the area that are most compatible with the local socio-economic consistency and how would the development of the Casino Project fit that description specifically?
- 38) **CONFLICT OF USE:** What are the specific ways that the Casino Project conflict with profitability of existing and future local businesses? What and who exactly are those businesses, their incomes, customer bases, customer demographics, and descriptions? How could the Casino Project possibly affect the previously mentioned attributes of local businesses?
- 39) **ECONOMIC COSTS OF AIR POLLUTION:** What physical impacts and related costs for maintenance, upkeep, and repairs, might business, farms, and households experience as a result of any increase in air pollution related to the Casino Project? What will be the possible impacts on the physical objects such as windows, indoor air quality, heating, ventilation, cooling, air filtration, staining of buildings and roofs, dusting of cars, dusting of schools, dusting of existing shopping centers, soiling of parks and roadways, degradation

and compromising of painted surfaces? What does increase in air pollution really cost in the short term and in the long term? What can be done to mitigate those costs? How does an increase in air pollution benefit the public? How does an increase in air pollution harm the public? What is the list of all the local studies and data on the subject of air pollution and/or it's possible effects, and how does the Casino Project differ or agree with those studies?

- 40) **NOISE POLLUTION:** The Rohnert Park North West Specific Plan identifies negative impacts for noise pollution. How will the Casino Project contribute to noise pollution and what will be the short term and long term economic impacts of an increase in noise pollution?

## **SEWAGE DIAPOSAL**

- 41) **DISPOSAL SYSTEM:** Would this Casino Project have it's own on site disposal sewage system?
- 42) **SYSTEM DESIGN:** What is the complete description of the designed sewage disposal system including capacity, level of filtration, amount of discharge, area of discharge, quality of discharge, method or monitoring, transparency to the public and local agencies for review and inspection, life cycle, state of art, complications, technical attributes and short coming, complete list of alternatives, manufacturer, specifications, performance charts, performance problems, typical mechanical problems, typical repair procedures, possible dangers, possible accidents, list of historical accidents, OSHA related records, power requirements, back up systems, alternative systems, over ride systems, longevity, success history, failure rate, replacement plan, expansion plan, possibility of leakage into the environment, possible leakage rates, air pollution effects and quantities, and noise pollution quantities?
- 43) **UNQUANTIFIED CHEMICAL POLLUTION IMPACTS:** Do you know that many typical state of the art package treatment plants discharge 15,000 – 30,000 parts per billion unknown constituents which may include bacteria, pathogens, drugs, chemicals, and a host of other unknowns? Since these constituents regularly escape even the most modern water treatment processes, how specifically will the Casino Project be different or similar? How will this specific sewage treatment system of the proposed Casino Project prevent this type of



hazardous discharge from entering the beneficial waters of the State of California, and the Laguna de Santa Rosa?

- 44) **INDIRECT AND DIRECT GROUND WATER POLLUTION:** How will the Casino Project keep any contamination from entering the water table?
- 45) **MITIGATION COST ESTIMATES:** If contamination did enter the previously mentioned local water systems, how would it be corrected and what would be the likely cost?
- 46) **FUTURE CLEAN UP COST ESTIMATES:** What will be the likely make up of the 15,000 to 30,000 part per billion that could evade treatment and what will be discharged, and what will it cost to remove them from the environment in the future?
- 47) **AGRICULTURAL IMPACT COST ESTIMATES:** If air, water, and land become more polluted as a result of the Casino Project, what will be the cost to local organic farms and dairies?
- 48) **GMO ASSOCIATED DAMAGES:** Will the Casino Project possibly introduce any genetically modified plants in the landscaping or food processing, and would or could those genes get into the local natural gene pool? If non-native or genetically altered plants alter local farmers seed banks what would be the cost and method of correcting this problem? What types of genetic problems are possible and how could they be reversed?
- 49) **GROUND WATER DRUG CONTAMINATION COSTS:** This type of pollution from this type of project has become prevalent. If drugs used at the Casino Project escape waste treatment and are detected in the aquifers near by how will the drugs be removed and how much would that likely cost? Drugs such as steroids and antidepressants are showing up in water even after rigorous modern filtration methods are employed, so how will the Casino Project contribute to this issue and how will it be measured? Drug use is reported to be high at casino, so how will the Casino Project control the spread of these chemicals into the environment and what threats to health could they pose? How have other communities dealt with this issue? What are the ways that this community could deal with this issue and what would it cost and who would pay for it?
- 50) **WATER USAGE AND COSTS:** How much water will the Casino Project use and where will it come from? How will the further depletion of the already over-drafted water basin increase pumping costs for existing water users, how much will it cost, and who will pay those costs?

- 51) **ON GOING AQUIFER OVER-DRAFT COSTS:** Since the aquifer is already in severe overdraft, how will the Casino Project avoid any additional overdraft on the aquifer? What is the economic impact of over-drafting the aquifer and exactly who will it affect?
- 52) **REIMBURSEMENT OR EXISTING WATER USERS?** If the Casino Project overdrafts the aquifer and lowers the water levels on other wells, will the Casino Project reimburse well owners for additional pumping costs and for drilling deeper wells to find water? Who are the citizens likely to be affected and what will be their projected costs? How will those expenses be met and by whom?
- 53) **WATER QUALITY DEGRADATION:** If the water table drop is accompanied by a certain worsening of water quality, will the Casino Project compensate well owners for the degradation? How will the Casino Project mitigate any water degradation? Will the Casino Project pay for filtration of water for others in the basin? The Rohnert Park North West Specific Plan has already identified that development in the Casino Project site area will cause pollution and degradation of water quality, so how is the Casino Project specifically addressing those issues and all the public comment relative to that plan? What will be the costs associated with any pollution or runoff?
- 54) **IDENTIFICATION OF WATER USERS AND ECONOMIC IMPACTS TO THAT GROUP:** What is the complete list of all of the water users in the basin and how much water have they used in the past, present, and possibly need to exist in the future? In what ways can this previous question be studied and what are the benefits and drawbacks to all the different methods of study and analysis? How could these issues have an economic impact and what will be the related costs?

## **TRAFFIC**

- 55) **QUANTITY OF INCREASED TRAFFIC?** Could the Casino Project cause local roads to have an additional 20,000 to 30,000 vehicles per day? Will this quantity rise in the future? If so, by how much, by when, and what is the full description of that unfolding? What will be the total increase in traffic over the next decade?
- 56) **RUSH HOUR TRAFFIC IMPACTS:** How will this Casino Project differ from other typical casinos where the bulk of the traffic for the casino occurs at rush hour?

- 57) **RUSH HOUR MITIGATION PLANS:** How will the Casino Project mitigate increased traffic at rush hour?
- 58) **ECONOMIC IMPACTS OF INCREASED TRAFFIC:** What is the dollar cost the economy for having increased traffic congestion? What other traffic studies have ever been conducted in Sonoma County and near other any other casinos that could be used as a database in a comparative traffic study analysis? What negative economic impacts could be forecast by analyzing past data and what exactly is that past data? What current studies are being conducted and how do they improve upon or differ from all past studies? What are all the different ways in which this question can or should be studied and what are benefits and detriments of the various methods of analysis?
- 59) **IMPACT TO THE ECONOMIC ATTRACTIVENESS OF AREA:** From an economic and traffic standpoint what makes this area attractive to new business and how would the Casino Project affect that attractiveness? What exactly is the real cost to business for traffic congestion and transportation delays for customers and goods? What way specifically could tangible and intangible costs be identified, quantified, analyzed, and assessed? Would traffic congestion discourage preferable businesses from being attracted to the area? What types of business are preferred in the area and how would the casino create traffic patterns that would help or hinder those businesses? What specifically could the Casino Project do to promote public transportation, bikes, alternative transportation, walking, and other forms of environmentally responsible transportation to, from, around, and for the Casino Project?
- 60) **LACK OF EFFECTIVE PUBLIC OR ALTERNATIVE TRANSPORTATION:** What specific effects would the Casino project have on the existing public transportation and other alternative forms of transportation? Would it improve or hamper the local transportation scenario? Who specifically and in what ways?
- 61) **LACK OF CAPACITY AND STRENGTH OF LOCAL ROADS:** What is the evaluation of the load carrying capacity of all the local roads within a 5 mile radius of the Casino Project and what degradation might happen, and what will it cost to repair, as a result of any possible increase in traffic, as a result of the proposed Casino Project?
- 62) **TRAFFIC SAFETY:** What new public safety risks might the public be exposed to as a result of traffic to and from the Casino Project? How will children who wait for the school bus on local adjacent roads

be impacted? Will children have any chance of being exposed to any increase in traffic or any related safety issues or risks? If so, how much, how often and what is the likely mortality rate increase? This issue was already encountered in the local community on Bellevue Avenue to the north of the Casino Project and a child was killed on the way to school as a result of irresponsible development, so how will the Casino Project be different or similar specifically? How did the Bellevue accident happen and how will the Casino Project address this danger and any other similar danger to children?

## ENVIRONMENT

**EXTINCTION OF ENDANGERED SPECIES:** Is it possible that activities concerning the development of the Casino Project will kill endangered animals and take birds on the pacific flyway, who depend on this land to feed and rest on their relentless journey, one step closer to final extinction? Is the Casino Project aware of the letter dated January 25, 2005 from William B. Hurley, Section Leader, North Bay Watershed Division addresses to Ron Bendorff, City of Rohnert Park Planning Department, especially the conclusion of the letter? What are the specific beneficial uses of waters of the State within the Casino Project area and will a further reduction of ground water levels affect any species population levels in the area? What species might be affected specifically and what is all the data available on those species? What affect of the possible lowering of the ground water levels as a result of the Casino Project might endanger riparian corridor functioning with in the site and near the site? How would the Casino Project mitigate this diminishing of riparian corridor function? What effect would that have on endangered species or functioning of the pacific flyway?

- 63) **COUNTING KILLS SALAMANDERS:** Did you know that it is a great concern in the local community that the Salamander bucket traps used to count Salamanders on or near the Casino Project area were set up in an inconsistent and unprofessional manner and that these traps, which were supposed to be counting and saving wild life, actually became a lethal hazard to wild life and ultimately probably killed many of the very animals they were supposed to count and protect? Can the Casino Project investigate, analyze, and determine a better

way to assess the historical and present types and populations of animals on the site? Who specifically was responsible for the testing in the past and does the Casino Project possess any of that information or could the Casino Project get that information and make it available to the community for discussion and disputation? Why was this test conducted in the apparent inconsistent and unprofessional manner and what will the Casino Project do in the future to differentiate itself from this style of behavior? How would animals be counted so as not to destroy them in the process? How could have this analysis been done so as not to destroy the animals? What can be done now to restore the destroyed populations? What were the populations? How many animals were destroyed by the use of industrial deep trenching equipment instead of hand digging in the first rains of the season? Could the digging have been done at a different time and in a different manner so as not to pose a possible risk to animals? How could tamper proof traps be constructed and the test be continuously monitored such that it could not be tampered with as the previous tests were suspected of? What is the Casino Project's response to the assertion that neighbor of the site area witnesses routine tampering with the traps (set to count animals) that seemed to occur between 1 AM and 5 AM typically? Could this tampering have affected the results of the test in any way? Were any animals ever found? Since Tiger Salamanders were routinely observed on and near the proposed site in the recent past, how would you account for the sudden change in population levels?

- 64) **LAND MANANGEMENT AND DESTRUCTION OF SPECIES:** Could changes in population levels be linked in any way to the methods of counting and land management recently employed on the site?
- 65) **QUANTIFICATION AND TABULATION OF SPECIES:** How many different types of birds on the pacific flyway land on this site and near this site and are there ever any instances in which they might depend on this site in some way to rest, feed, mate, or flourish? What have been their historical population levels, what are they today, and what will they be in the future if the Casino Project takes place? What species of birds live on the site or use the site year round versus only part of the year? What will happen to the geese and owls that now use the site? Has the Casino Project collected photos of these birds like the ones taken by the Sierra Club last winter? If not then why not? If so, then how so and what is the current record of documentation of

bird life at or near this site and what are the ways in which it can be analyzed?

- 66) **RUN OFF AND ENVIRONMENTAL POLLUTION:** Has the Casino Project studied the issue of run off and indirect pollution as a result of the Casino Project? What are all of the possible types of pollution that could be involved and what will be their concentrations and rates of dispersion? What diseases and public health risks could result from any run off or indirect pollution from the Casino Project.
- 67) **AIR POLLUTION:** The Rohnert Park North West Plan identifies negative impacts for air pollution for the Casino Project area. How will these impacts be addressed specifically? How will it be in the public interest to increase air pollution? Exactly what types and quantities of air pollution might be produced? What specific public health risks might be a result of the possible increase in air pollution? What is the specific list of possible air pollutants? How will these pollutants be mitigated? Who are the sensitive citizens in the community who cannot tolerate any degradation of air quality without experiencing an increase in health risks? What might be the increase in health risks to impaired citizens in the community and exactly who are those citizens? How would increasing the health risk to those citizens be a benefit to the public? What would be the costs associated to increased health risks related to increased air pollution?
- 68) **NOISE POLLUTION:** What might be the increases and quantities of noise pollution as a result of the Casino Project? What specifically will cause these increases and how can they be mitigated? What activities are likely to cause noise pollution? How will an increase in noise pollution benefit the public? What studies have already been conducted in the Sonoma County area and how do they compare to the Casino Project? What have been the historical noise levels at other Station Casino projects and how will this Casino Project compare to those previous increases in noise pollution?
- 69) **FLOODING:** What are the possible ways in which the Casino Project could increase flooding in the area? How will the Casino Project mitigate or prevent flooding increases? My neighbors have pictures of boating regularly over your proposed site in the not so distant past. Sometimes it really floods here more than you can imagine. "Within moments of her passing it began to rain, not just light showers but a downpour that lasted for days. There was lightning and thunder. Creeks swelled and over-flowed their banks. The Russian River buried half of Healdsburg and all the towns below to the coast. People

had never seen anything like, not in the middle of September when even a sprinkle of rain is unusual. What's happening? the farmers wondered, seeing their fall crops, their grapes and prunes, ruined in the torrential rains." (Grand Avenue page 189) What are all the records and statistics concerning flooding on or near the site and what is the model for water flow? What are all the specific facts of all the studies that could relate to flooding at this proposed site for the Casino Project? By paving over large areas of the site will impervious surfaces be increased? Will impervious surfaces of the Casino Project create run off instead of water absorption? What exactly will be the rates of run off and absorption under all weather conditions and all weather scenarios based on past weather history and all future weather prediction models? Will the Casino Project increase water loading of the drainage channels during heavy rains and will that water back up and cause any increase in flooding to my lands at or near the channels? Has the flooding typical to this area been mapped and studied precisely and accurately? What are all the methods for modeling flooding in this area and what are the advantages and disadvantages of all of the different ways of modeling the flooding? I personally have experienced flooding in this area and I have been in 4 – 5 feet of water over the roads in this area. What will the Casino Project do when it is flooded to these levels to manage chemicals, spills, sewage spills, and any other related problems? What specifically is the written flood management plan?

- 70) **ENVIRONMENTAL DISASTER PLAN:** What specific plans of action and management plans were in place or employed in the past at other Station Casino projects, and what exactly will be the plan for the Casino Project? What is the specific exact plan for ground water contamination, flooding, chemical spills, sewage spills, sewage treatment plant break down, fire, attack, terrorists, bomb threat, electrical failure, earthquake, severe weather, or any other emergency situation that might arise? How will the Casino Project mitigate or prevent any effects from those disasters or emergency situations?
- 71) **WATER ISSUES:** I have touched on this issue in many other areas of this document and certainly this issue is intermeshed with many other issues and public concerns. Here I wish to address the issue head on. The following is a position statement taken by members of the community who have formed a Water Coalition. Does the Casino Project agree, disagree, or see anything different from the following position statement: Groundwater is a valuable but finite shared

resource. Unregulated exploitation of this irreplaceable store has led to a groundwater crisis in Sonoma County. The water table has dropped below the pump depth of wells in many areas. Well drillers must drill deeper to find water. Many residents in rural areas are now dependent upon water truck deliveries for their water. Springs are drying up. Creeks and streams once teeming with life are now dry in the summer and fall. Residents are affected, as are the many endangered and threatened species that depend on water.

The courts have held that cities and counties may regulate and manage groundwater use at the local level. More than two dozen California counties, including Napa County, have groundwater ordinances. Sonoma County's General Plan Update offers an opportunity to construct effective policy needed to respond to their crisis over the next 20 years."

The document goes on, but the question also is this, does the Casino Project consider ground water problems an issue or recognize the issue at all? What is the specific body of information that exists about ground water and what is the relationship to this proposed site? What impacts on ground water levels will the Casino Project have? How will the Casino Project mitigate those impacts including the loss of ground water? Is the Casino Project aware of the letter dated January 25, 2005 from William B. Hurley, Section Leader, and North Bay Watershed Division addresses to Ron Bendorff, City of Rohnert Park Planning Department? Is the Casino Project relying in any way on the City of Rohnert Park Final Water Supply Assessment (WSA)? In the event that the Casino Project is using the WSA in any way, then in what way specifically? How specifically is the Casino using that WSA to make decisions, evaluations, and calculations regarding water usage and to determine the impact of the project on ground water and the whole water issue? Mr. Hurley says "...the results of this report appear to contradict the conclusions of other reports conducted in the same study area." What are these contradictions and how would this affect ground water assessments and calculations for the Casino Project? What are all the problems associated with the WSA relying on simplified water budget analysis that does not quantify inflows to the groundwater basin and how does that affect the anticipation of possible impacts of the Casino Project site and its water usage? What are all of the problems that could be



associated with the WSA ignoring the detailed Rohnert Park specific groundwater modeling study used for the current General Plan EIR (2000) and how could that affect the anticipation of possible impacts of the Casino Project site and its water usage? What are all of the problems that could be associated with the WSA not expanding the study to years prior to 1977 despite available data, and how could that affect the anticipation of possible impacts of the Casino Project site and its water usage? What are all the possible ways in which the WSA could use well data provided in the Cardwell Report (1952) to provide additional information on long-term trends for ground water, and how could that affect the anticipation of possible impacts of the Casino Project site and its water usage? For what possible reasons is it undesirable to not consider the geologic conditions present at each site when relying on a simplified view of the aquifer system when dividing it into zones, and how could that affect the anticipation of possible impacts of the Casino Project site and its water usage? What are all of the possible ways in which the WSA could have adequately addressed conflicts with the conclusions of the Canon Manor DEIR, which concluded that an increase in pumping at the Pen grove Water Company well for an additional 110 homes could be a significant and unavoidable impact, and how could that affect the anticipation of possible impacts of the Casino Project site and its water usage? Has the Casino Project considered other ground water reports and accounts from the past that would indicate the historical nature of the ground water conditions in Sonoma County and for this site area?

Why should decades of my hard work growing trees to enhance the environment and enhance the landscape end in my well going dry because a Casino Project competes with my well and renders it useless? Without water my plants and gardens cannot survive.

I have personal knowledge of the depletion of my private wells for 24 years. Even despite my and costly extensive water conservation and careful planning and use to minimize impacts on my private wells, the water table has proved to be in extreme overdraft and dropping rapidly due to huge industrial style wells placed near me, that have enabled Rohnert Park to expand and grow unchecked. The local city and industry populations are using water far in excess of current or future water supplies. For my private use, farming, and my tenants we use less than 72,000 gallons per day on the heaviest use days of the year during peak conditions. At this rate my land would have a perpetual water supply. However due to the competition of urban

sprawl and other industrial users, my water levels continue to drop. This is not a sustainable scenario for water use. The addition of the Casino project will compound the problem for which there is no current solution. Until the current problem is completely resolved it should not be compounded. Considering that the water over draft situation is advanced, in what specific ways would it make sense to complete a thorough and meticulous groundwater basin study? How will the Casino Project mitigate these water issues and impacts?

## **CRIME**

Soon my young children will be taking the bus to school. Since we now live in a rural country-farming environment, this means that they will wait on the corner for the bus to come like all the other children in the neighborhood do. The Casino Project will bring over 10,000 additional vehicles per day (or more?) to my streets and the associated drunken drivers as well. Police Chief Chuck Bollen of Tunica Mississippi says, "arrests for drunken driving have increased 500%" ...after a casino opened. (Newsweek November 1998. US News and World Report said "... crime in casino cities is roughly 84% higher than the national average"

- 72) **CHILD ENDANGERMENT:** Following this question you will find more information and questions regarding crime. There have been numerous cases in which children have been harmed as a result of casinos in California and elsewhere. What exactly is the record and list of child endangerment and related crime that has already happened in the past at other Station Casino projects, and what are the possible dangers associated with the Casino Project? How will these dangers be mitigated or prevented? Recently north of Santa Rosa a child smothered in the back seat of a car with her siblings while the parents were swept away with the gambling going on in the casino. Gambling is highly addictive and parental judgment is often impaired. How will the Casino Project deal with this eventuality? What specific cases of child neglect or parental negligence have taken place in the past at casinos and what might take place at the Casino Project? The Federal Bureau of Investigation reports on their web site that they now offer training courses to Indian Country Law Enforcement Personnel: Crime Scene Management/Crime Scene Processing, Child Sexual Abuse Physical Abuse Training, Child Homicide, and others. Why did

it become necessary for a community near a casino to Indian Gaming Investigations system and go so far as to hold regular classes on such subjects as Child Sexual Abuse, and other related classes? Why doesn't the Santa Rosa JC hold these types of casino crime classes? How will our community be different in the future after a Casino Project goes in and what types of Child Sexual Abuse classes does the Casino Project recommend or intend to sponsor? What were all of the cases and scenarios that led to the need for holding regular Child Sexual Abuse classes in conjunction with a community with a casino? How can the Casino Project mitigate this Child Sexual Abuse Problem?

- 73) **PROSTITUTION, HIV, AND YOUTH:** According to Las Vegas Review Journal 10/24/03 Las Vegas Mayor Oscar Goodman is wondering if the city should legalize the world's oldest profession, perhaps turning East Fremont Street into a "little Amsterdam". Goodman, who long has personally supported the notion of legalizing both marijuana and prostitution, said he was approached about six months ago by a "substantial casino executive" who suggested East Fremont Street could be turned into something of a "little Amsterdam – red light district with legalized brothels and a medical clinic" He said support for the proposition out weighed opposition. So for this year, police have arrested 127 prostitutes under the age of 18 and 368 different prostitutes have tested positive for HIV." What specifically has been the record of child prostitution at any Station Casino project and what are the regulations for keeping those types of records? What types of child prostitution could take place at the Casino Project? How could the Casino Project mitigate or prevent child prostitution? How many cases of child prostitution are reported annually and how many may be un-reported in the USA, which might be related to casino activity in any way? What services and management practices has Station Casinos or it's affiliates or similar casinos provided in the past for child prostitutes? What are all the statistics, records, or accounts of HIV in relation to prostitution, child prostitution, and any relationship to casino activities? What should the Casino Project know about child prostitute pregnancy, HIV, and the relationship a casino has to it?
- 74) **HUMAN AND FAMILY DANGERS:** This Casino Project has the predictable possibility to cause injurious and damaging impacts to the human environment and my family. What should or could the Casino Project do to mitigate any injurious or damaging impacts as listed above? In a recent study funded by the National Institute of Justice,

Grant No. 98-IJ-CX-0037 where the effect of crime in new casino jurisdictions was analyzed and records from seven police departments, “Results for drug violations and family offenses are significant at the .05 level and are consistent with increases in these offenses.” Have similar studies been conducted near other Station Casino projects? What are all the written and known records of family offenses at or near Station Casino projects or similar projects that might relate to the Casino Project? What types of analysis of data could be under taken to ensure family safety in the community? What lessons can be learned from other family offenses and mortalities that might apply to this Casino Project?

- 75) **OVER CROWDING:** What will be the impact on families in the community when lower income families who cannot afford the local standard of living and living costs, are attracted to the low paying Casino Project jobs? How will the Casino project mitigate the impact of the demand on the housing market for affordable housing? How will affordable housing be provided for low income families who crowd into housing to save money? How will these issues compare with similar issues going on in the Canal District of San Rafael California area? What studies exist of the Canal District that might be relevant or helpful to the Casino Project and what specifically might the Casino Project do to avoid those pit falls? Has the housing issue on Todd Road to the north of the Casino Project been reviewed and analyzed in relation to the Casino Project? In the Todd Road scenario large numbers of low income people were crowding into sub-standard farm buildings and housing in order to make ends meet while holding down local low paying jobs that do not keep up with the local cost of living and housing. In regards to the previously mentioned scenario, how will the Casino Project address these types of issues specifically considering the hundreds or perhaps thousands of low-income jobs that the Casino Project is likely to create in the community? What will be the socio-economic implications of this type of living and life style? How will this type of living and life style benefit or enhance the public welfare? Might over crowding and the lack of affordable housing give rise to crime rates and crime against children? If so, how? If not, why? How would the Casino Project differ from all other similar casino projects in the past?
- 76) **THEFT:** Can the Casino Project guarantee that it can prevent and mitigate theft associated with casinos as described by Nelson Western, vice commissioner of the National Indian Gaming Commission, as

stated in the Associated Press (by Carson Walker)? What specific types of theft might increase in the local community and what will be the dollar costs or those thefts? Are compulsive gamblers who visit the Casino Project more likely than other citizens of the community, to steal or commit crimes to pay for their gambling addiction? Has this ever been documented? What is the existing body of knowledge that relates to gambling and theft and how does it relate to the Casino Project? For instance: A new report by Georgia Economics Professor David B. Mustard and Illinois economics Professor Earl L. Grinols demonstrates that counties with casinos have crime rates 8 percent higher on average than counties without casinos, so then how would Sonoma County differ in relation to these reports specifically? The cost of crime according to the report has jumped from \$1.10 or less per adult before 1984 to at least \$61.00 today, so then what will be the costs to adults in Sonoma county over time for crime and the costs related to crime specifically, now and in the next decade? Will the costs diminish or increase, by how much, and to what extent, and will this be related to theft or more to embezzlement, organized crime, money laundering, or other corruption that are common crimes associated with casinos (according to Nelson Western)?

- 77) **EMBEZZLEMENT:** What increase in embezzlement to local employers and others might take place in the community over time and what might be the costs? Has there ever been an embezzlement issue that was related to any Station Casino project or similar project in the past? If so, how many and what was their description and how might they be similar to the Casino Project? Nelson Western, vice commissioner of the National Indian Gaming Commission said in a news release that embezzlement is among the common crimes associated with casinos, so then how would the Casino Project similar to this assertion? How will the Casino Project mitigate embezzlement and its effects? What are all the effects, that an increase in embezzlement activity in the community, might have, and what would be the short term and long term costs? What steps has Station Casinos taken in the past to prevent embezzlement and what specifically were the results? How could those results be improved? What is the key component of embezzlement and its relationship to the Casino Project and casinos in general? According to a study by DR. Henry Lesuier over 40 percent of Gamblers Anonymous members surveyed stated that they had committed some crime to support their gambling habit, so then how will the Casino project differ or be similar to these

findings, and would the crimes also include embezzlement? What is the cost on average in Sonoma County of prosecuting an embezzlement case and what community resources does it consume? What is the psychological impact on youth of embezzlement and how might the Casino Project protect youth from the influences of embezzlement?

- 78) **ORGANIZED CRIME:** What will the Casino project do to mitigate organized crime? What are all of the experiences that the Casino Project and Station Casinos has had and is likely to have with organized crime? What is all the documentation and what are all the studies to date that relate to this vital subject? This has been one of the subjects of greatest concern in the local community, so then what is the record of those concerns and how will the Casino Project specifically address them? According to Nelson Western, vice commissioner of the National Indian Gaming Commission, organized crime is among the common crimes associated with casinos, so then how will the Casino Project mitigate and contend with organized crime? What is the record of success to date in dealing with organized crime? According to Nelson Western cash driven businesses like casinos are prone to theft and increases for organized crime, so then what might be the cash flows of the Casino Project over time and how will they be controlled and transparent to the community and the governing bodies such that the Casino Project can prevent the temptation of organized crime to access those cash flows? "Organized crime has infiltrated a number of legal gambling operations." According to a report from the Maryland Attorney General July/August 1994. How will the Casino Project mitigate organized crime infiltration?
- 79) **MONEY LAUNDERING:** What specific steps will the Casino Project take to mitigate money laundering with in and near the project? Nelson Western, vise commissioner of the National Indian Gaming Commission, said in a news release that the growth of the industry includes this type of crime also and that this is one of the common crimes associated with casinos, so considering the likelihood of money laundering occurring, what effect will that have on other types of crime in the community and what will it attract to the community? What are all of the specific incidents of money laundering that have already happened at other Station Casino facilities documented or un-documented and how will the Casino Project be similar or different in nature and management? Speaking

on ABC radio Chief Commissioner Christine Nixon said .....”We believe they have problems in the casino. I don’t think there’s any doubts about that.” “Organized crime figures have often used various ways of laundering their ill-gotten gains and gaming operations have always been one way of doing it.” In April this year, Ms Nixon banned underworld figures Carl Williams and Dominic “Mick” Gatto from entering the casino under the Casino Control Act. Wiklliams is on bail on charges of trafficking \$20 million worth of amphetamines and threatening to kill a police officer and his girlfriend. Specifically how will the Casino Project avoid the previously mentioned scenario concerning money laundering and it’s entanglement with crime figures and their other types of activity? Philip N. Hogen, chairman of the National Indian Gaming Commission said “Money laundering is a problem, and it’s a more serious problem to the nation it view of the fact that terrorist groups might be the beneficiaries of that exercise.” What possibly could the Casino Project do to prevent or mitigate the benefit of money laundering for terrorist groups? In 1997, the FBI broke up money –laundering operation at a casino on a California Indian reservation. More recently, a non-tribal casino in Nevada was fined \$5 million for ignoring money – laundering reporting rules. What are the money laundering reporting rules, and why has the local community not received education and information by the Casino Project in regards to this important information? What are all the things the Casino Project can do to support the intent of those money laundering reporting rules and follow them diligently? What are all the records that exist to date of past compliance with those money laundering reporting rules by Station Casinos and how does that come to bare on the Casino Project? Stanley Twardy, a Stamford lawyer and veteran of high-profile money-laundering cases when he served as U.S. attorney., said it is obvious why terrorists or other criminals look to casinos. “It’s cash”, he said. Why would cash at the Casino Project be so attractive to terrorists and criminals and how could this problem be mitigated? How does it serve the public good to attract terrorists or criminals to our community? How does that fit in with the objectives of the new Sonoma County General Plan update?

- 80) **CRIME PROLIFERATION:** Will crime increase in my community in any way as a result of the Casino Project, either directly or indirectly? “The crime rate in gambling communities is nearly double the national average..” according to a Jan. 15<sup>th</sup>, 1996 U.S. News & World Report analysis. How will the Casino be statistically similar or

different from the previously described? Will the local crime rate in my community rise or fall and by what percentage? According to Louisiana district attorneys surveyed in 1995 they cited gambling as a factor in rising crime rates in their jurisdictions (Sunday Advocate July 30 1995). What is the opinion of Sonoma County district attorneys and judges? Have they been completely informed of all of the criminal related information available regarding or relating to the Casino Project including all the information in this document and all other public comment? Were they invited in writing in a timely fashion to the October 19, 205 scoping hearing at the Spreckels Center in Rohnert Park? If not, why not, and how could this issue be corrected?

- 81) **GAMBLING ADDICTION AND REPEAT CRIME:** according to Valerie Lorenz, director to the Compulsive Gambling Center in Baltimore, July/August 1994, "At least two-thirds of compulsive gamblers turn to crime to finance their addiction." How do gambling addicts routinely finance their habits? Does the Casino project address this issue? Does the Casino Project finance or carry a balance for addicts at risk? Has Station Casinos ever aided or assisted a compulsive gambler? What are all the records of gambling abuse in the past and how is it kept track of? What are all the rules and regulation that could apply to this question or record keeping, tracking, or evaluating gambling abuse and how does that relate to the Casino Project? The University of Illinois Institute of Government and Public Affairs Volume 13, November 2, 2000 says "One study of gamblers in treatment found that 62 percent committed illegal acts as a result of their gambling. Eighty percent had committed civil offenses and 23 percent were charged with criminal offenses, according to a 1990 Maryland Department of Health and Mental Hygiene survey. A similar survey of nearly 400 members of Gambler's Anonymous showed that 57 percent admitted stealing to finance their gambling. Moreover, the amounts are not small. On average they stole \$135,000.00, and total theft was over \$300 million, according to the testimony of Henry Lesiur from the Institute of Problem Gambling before the National Gambling Impact Study Commission, Atlantic City, New Jersey, January 22, 1998. Would issues similar to the ones I just described be possible if the Casino Project went in? How will the Casino Project mitigate this issue?



## SCOPING PROCESS SHORT COMMINGS:

- 82) **LACK OF NOTIFICATION OF VISIBLE CONSTITUANTS:** I am a property owner adjacent to the proposed Casino project. I own 5 properties that are so close so as to be across the street or a block away. My existence here for the past 24 years is no secret to anyone in the local community. Why has not the Casino Project ever contacted me or kept me abreast of their plans or activities? How could the Casino Project mitigate this past negligence?
- 83) **UNAWARENESS OF CONCERNS:** Is it possible to identify the real concerns of the public and local governing agencies, for consideration in the scoping process, when there has been a lack of proper notification and educational advertising, advertising or comment due dates, nature or the process, and/or public education? How can the Casino Project mitigate this issue?
- 84) **NARROW UTILIZATION OF MEDIA:** Does the Casino Project consider the Press Democrat the end all and be all of communication and education? What other forms of information dispersion are available in the 21<sup>st</sup> century that the Casino Project could have used and could use in the future to assure that it would communicate effectively with all of the citizens in the community? How can the Casino Project mitigate this issue?
- 85) **SHALLOW DEPTH OF COMMUNICATION:** Are people who do not receive the Press Democrat or who cannot always read it cover to cover not important or not worthy of being communicated with by the Casino Project? Does solely advertising in the Press Democrat really constitute a thorough effort to make it's intentions known to everyone in the community who might be affected by the Casino Project? How can the Casino Project mitigate this issue?
- 86) **LACK OF INFORMATION GATHERING:** Can information for an EIS be gathered completely and socio-economic needs be addressed thoroughly if all of the local property owners, neighbors, public, and agencies have not been contacted in the ways that assure they receive the information necessary? How can the Casino Project mitigate this issue?
- 87) **DUE DILLIGENCE OF PROPER NOTIFICATION:** In what ways specifically did the Casino Project not demonstrated caution, vigilance, responsibility, presence of mind, concern, or sound

- judgment, in properly notifying or educating the neighbors of the Casino Project? How can the Casino Project mitigate this issue?
- 88) **AVOIDANCE OF KEY FACTS:** Is it possible that a wealth of relevant facts and information will continue to be unknown to the Casino Project, and crucial concerns will be omitted from the EIS, as long as this process of discrimination against neighbors of the Casino Project continues? How can the Casino Project mitigate this issue?
- 89) **DISCRIMINATION:** In what ways specifically is it highly discriminatory in nature for the Casino Project to sparingly send out notices, letters, make phone calls, or visit door to door, the relevant neighbors of this Casino Project, while at the same time conducting a lengthy and in depth communication process with the City of Rohnert park to form a MOU? How can the Casino Project mitigate this issue?
- 90) **DISENFRANCHISEMENT:** The disadvantaged neighbors of the proposed Casino Project have been cast aside and deserted by the Casino project. In what ways has this taken place? Truly no effective inclusive effort has ever been made by the Casino Project or the City of Rohnert Park to include these disenfranchised members of the community. How can the Casino Project mitigate this issue? What are the possible reasons that, only if by chance, I (or my neighbors) of the Casino Project scour the local newspapers and tabloids for hints and scraps of information concerning the Casino Project, do we even learn of even the most basic elements of the Casino Project proposal? How can the Casino Project mitigate this issue?
- 91) **LACK OF COMMUNICATION AND INFORMATION:** In what specific ways does the Casino Project clearly possesses the experience, skill, craft, and adaptability to inform their neighbors completely of all relevant alternative sites and all related documents, and then yet, why have they not? How can the Casino Project mitigate this issue? If, as Jake Mackenzie of the Rohnert Park City Council has described, there are over 50 alternative sites available for further study and consideration, why have I, and my neighbors, been perpetually ostracized over such a long period of time so that we cannot make our concerns, comments, considerations, socio-economic needs, or unique knowledge a part of the process?
- 92) **CONCEALMENT OF CRUCIAL DOCUMENTS AND FACTS:** How long will we continue to be the victim or this elaborate concealment of important documents based on who we are, where we live, and what our position in society is? Could it be that this ability to keep things from the knowledge of others clearly demonstrates the

Casino Project is discriminatory? How can the Casino Project mitigate this issue?

- 93) **DIFFERENTIATION OF PEOPLE AND GROUPS:** Could it be considered highly discriminatory, against relevant neighbors of the Casino Project, to not use effective forms of communication to inform and educate in all manners of the Casino Project, including when various processes are taking place and when public meetings are taking place, while at the same time communicating and informing the City of Rohnert Park, developers, and other entities, with elegance, precision, and clarity? What are the possible ways that the Casino Project could step up communication with the relevant neighbors of the project? How can the Casino Project mitigate this issue?
- 94) **SYSTEMATIC EXCLUSION:** Based on the actions of the Casino Project, could it be concluded that relevant neighbors of the Casino Project have been systematically excluded from important processes? How can the Casino Project mitigate this issue?
- 95) **INVESTIGATION NEEDED:** Could it be possible that the relevant neighbors of the Casino Project have been segregated into a unique group **not** to be communicated to? Is it possible that relevant neighbors of the Casino Project remain un-informed and have not had fair time or information in which to make careful timely comment, receive legal council, or react on a level playing field with other entities of the Casino Projects choice, such as The City of Rohnert Park, developers, and agencies? Since the relevant neighbors of the Casino project have been set apart from other people and agencies in the Casino Project scenario, could it be appropriate to conduct an investigation as to why this systematic process of discrimination has taken place for so long? How can the Casino Project mitigate this issue?
- 96) **LACK OF DUE DILIGENCE:** How is it that that hundreds of letters, E-mails, phone calls, meetings, and faxes have undoubtedly transpired between the Casino Project and the City of Rohnert Park, developers, and agencies, over a lengthy period of time, and yet never one letter, never one E-mail, never one meeting properly arranged, never one fax received by me from the Casino project? My phone numbers, fax numbers, addresses, and cell phone are available 24 hours per day. Every neighbor I have talked to is in the same predicament of being highly impacted by the Casino Project, while being unfairly segregated in this way. How can the Casino Project mitigate this issue?

- 97) **SEGREGATION:** Is it possible that the consistent segregation and separation between classes of people, has made my neighbors and me victims of conscious discrimination in any way? How can the Casino Project mitigate this issue?
- 98) I made it known at a public meeting in August 2003 at the Spreckles Center in Rohnert Park, at which the Rohnert Park City Council, and which the elements of the Casino Project hosted, that I was never given notice or informed of the Casino Project or even the very meeting that I was attending. Why after 2 years have I still not been notified? Since my property and trees will be destroyed and my septic will be damaged, and my happy home will be lost, why then am I not even included in the process in any considerate manner? What is the excuse for not notifying my neighbors or me of EIR scoping meetings, public meetings, comment due dates, alternative sites, full disclosure and plans for the proposed project, and all other documents in the complete scenario. How can the Casino Project mitigate this issue?
- 99) **IMPACT ON COMMUNITY SOCIAL STRUCTURE:** Why are my neighbors still victims of this discrimination? How long must we continue to be disadvantaged in this process and kept off of a level playing field because who we are and where we live? Why shouldn't we have complete and full access to documents and information about a Casino Project that has such a profound impact on, and could possibly destroy our long established way of life, our social structure, our families, our economics, our culture, and our values? Why do we feel that we are we under attack for our customs, values, and way of life, occupations, liberties, and culture based much on where we live and who we are? How can the Casino Project mitigate this issue?
- 100) **SOCIO-ECONOMIC DETREMENTS:** I believe that from a socio-economic viewpoint, if my neighbors and I lived in Fountain Grove, Rincon Valley, or Mill Valley California, we would have been given at least a phone call. Why are we less important than other people? There are many grievances that have come about from the bias against my neighbors and myself. How can the relationship between community and the socio-economic impacts of the Casino Project ever be addressed as long as this process of segregation persists?
- 101) **HOW CAN COMMUNITATION BE IMPROVED?:** To fairly demonstrate the intention of, and in order not to continue to be discriminatory or manipulating, in gathering information necessary for preparing and EIS for the proposed Casino Project, what are the possible ways in which the Casino Project, NIGC, and other relevant

agencies form a list of the neighbors and contact them in letter form, fax mail, or even a courteous phone call? How can the Casino Project mitigate these issues?

- 102) **NEED FOR HARD FACTS AND DOCUMENTS;** What are the possible ways in which a full disclosure of all meeting notes, agendas, plans, name contact lists, vocalized opinions and comments of officials, and other documents be made available and presented in their fullness to myself and my neighbors? In what ways might it be possible that the Casino Project has and is systematically keeping neighbors uneducated and disadvantaged in the scoping and development process of the Casino Project? How can the Casino Project mitigate these issues?
- 103) **RICH COMMUNICATION NEEDED;** How can I, or my neighbors, comment on the process or be included in the scoping process in an effective way, while regularly being denied the same type of rich communication that other people have enjoyed and received all along? How can the Casino Project mitigate these issues?
- 104) **UNAVAILABLE INFORMATION;** Why can't my neighbors or I be at least treated like any other of the major land owner, developer, or Rohnert Park City council men or women, Native Americans, or Organized Casino entities? Therefore I respectfully request that all of the hundreds of letters, E-mails, phone calls, meetings, and faxes that have been made between the Casino Project, the City of Rohnert Park, developers, and agencies, over a lengthy period of time, be made available to the neighbors of the Casino Project for review and scrutiny. I also request that a history be written and explained to my neighbors and myself pertaining to the chronological unfolding of secret closed meetings, open meetings, and planning sessions between the relevant parties of the Casino Project. These documents should no longer be kept secret from my neighbors or me. I lack facts concerning the plans or the scope of the proposed project as a direct result of the discriminatory behavior of the Casino Project, The City of Rohnert Park, developers, and agencies. How can the Casino Project mitigate these issues?
- 105) **COMMUNICATION BLACK OUT:** It is amazing to me that a project that will have a permanent profound effect on my family and my life is not made known to me by standard methods of direct communication, and that I am never communicated to by members of the Casino Project or the City of Rohnert. I am not unique in this communication blackout. I have yet to meet a neighbor or property

owner, who has been contacted in any way. The off hand ways I have learned of these events, does not allow sufficient time for preparation or letters, responses, speeches, or arranging for legal council or baby sitters to take care of my children while I run around at the end of a 16 hour work day trying to find out facts that the Casino Project should already be making available to me. It is completely inconsiderate, and clearly demonstrates bad will, that direct neighbors of a project of this magnitude can be systematically kept in the dark about this issue. As a property owner I have never been given a fair chance to comment on the project. The 3-minute speech time allowed at the scooping hearing is a joke. I have been a victim of segregation and my property rights have been violated. When I learn of a meeting by reading the paper the day before the meeting takes place I have no time to prepare my comments. This has consistently been the case of unfairness on the part of the Casino Project. Station Casinos was given every opportunity to make presentations as were also the entities related to the Casino Project. I, on the other hand, had to miss work and prepare comments in less than 24 hours. At the meetings I was only given 3 minutes to make any comments on this vast subject, yet pro-casino speakers were regularly allowed far more time and attention. If I am always discriminated against, and not allowed to make even the most elementary statement at a public hearing, then how can the issues ever be properly addressed from a socio-economic point of view? If I am forced to come unprepared and speak in public and made to feel uncomfortable by the heckling of the pro-casino crowd, how can I overcome this huge disadvantage? How can the Casino Project mitigate these issues?

- 106) **PREJUDICE:** I don't appreciate the scooping public comments saying that I am a "smug and comfortable white folks" Since I am never notified of any of the related events as they occur, I am at a great unfair disadvantage to take a stand for my basic rights as a property owner and member of the community. Further, members of my neighborhood, and I, feel threatened by the zealous stifling and stereotyping of us. We are victims of threats to the free speech of anyone who disagrees with the Casino Project. At a recent public hearing a pro-casino speaker implied that Santa Rosa High School students passed time in the afternoons by shooting Native Americans with fire arms for fun. Why do I have to be subjected to this type of inflammatory commentary at a public hearing that is supposed to be about environmental issues? Why are my human rights, not zealously

protected by the Sonoma County Human Rights Commission as they were for the Graton Rancheria? When I have been targeted by hate speech and racism, why is the subject suddenly not important? Shouldn't I have the right to post a "no Casino" sign on my property without being continually vandalized and stolen? Shouldn't I be able to hand out a simple flyer about ground water concerns without being screamed at or chased off the road by a mad driver? I consider this behavior of pro-casino peoples to be indirect prejudice at the very least as one neighbor said after reading the intimidating article in the Press Democrat 2-18-04, "you better not say anything against the casino now!" This prevalent type of behavior is emotionally disturbing and intimidating. Some of the comments made to me because I disagree with the current Casino Project, make my skin crawl. I will not write them here because they are so hateful and vulgar in nature. How can the Casino Project mitigate these issues?

- 107) **INTIMIDATION:** Neighborhood generated information flyers and signs have been the targets or regular vandalism. I feel afraid to even post a simple sign on my property or hand out a flyer because of the hostile tone set forth by the pro-casino people and entities. Can you expect me to feel anything but threatened, when my comments and information are regularly cut short at a public meeting? Can you expect me to feel anything but discouraged and down trodden when pro-casino speakers are allowed to slander and insult anti-casino speakers at public meetings?

Before you take any action with regard to the Casino Project, your agency should review, at a minimum, and in detail, the following documents relating to the prevailing local and countywide water supply structure, scheme, design, development, and history:

- 1) All documents suggested for review by Weston Benshoof Rochefort Rubalcava MacCuish LLP and the O.W.L. Foundation in their "DEIS Scoping Comments, Graton Rancheria Casino Project" dated March 10, 2004 and submitted to you.
- 2) All "DEIS Scoping Comments, Graton Rancheria Casino" documents submitted to you by Pamela A. Miller.
- 3) All documents from the Convention on the Conservation of Migratory Species September 18 – 24 2002, as well as subsequent meeting documents and policies. Among other things, it is

important to note in this documentation the importance of wetlands in the functioning of the Pacific Flyway.

- 4) "The Ramlet Report" prepared for the County of Sonoma, and the references included in that document. Especially important in this document, among other things, is the validation and observation of ground water transients. This indicative special inherent characteristic of the water table at the Casino Project and adjacent lands, suggests that I will be impacted by pollutants transmitted in the perched water table, and that seasonal ground water transients in the perched water table are large and extensive. I have personally conducted tests and studies of the ground water transients and documented them in public record across the street from the Casino Project site. Therefore I am currently one of the best experts on this matter and know well what the nature of the problem is. It is therefore likely that I will be directly impacted as pollutants are conducted below ground in the ground water system. The water table is complex here, in that it experiences extreme transients in the flood years. The Casino Project is located directly over the designated 100-year flood plain. The soil matrix consists of a matrix of no consistent pattern of sub-alluvial fan deposits of heavy adobe clays, zone one, zone two, and zone three type soils, gravel beds, very pure sands, as well as faults and areas of isolation. The net result is that this geological unit cannot be considered uniform or predictable in nature. This type of geological unit cannot be scientifically analyzed to predict location, direction, or depth of conduction of pollutants from the Casino Project. Therefore any conclusion drawn from any study of ground water will be inconclusive and unreliable in predicting the effects of the Casino Project on ground water and the waters of the State of California. What is known is that the unique properties of this prime aquifer recharge area make it highly conductive, and yet at the same time there are unpredictable areas of isolation with artesian pressure from unknown sources. Since the area in question cannot be adequately tested and studied to predict effects of a Casino Project on ground water, and the science of such predictions is imperfect and unreliable, it is a fore drawn conclusion that the Casino Project cannot take place on the proposed site, and that other alternatives will need to be explored.
- 5) All County of Sonoma health department records for percolation tests and ground water readings. Among many important factors,



one of the key factors of this body of documents is that percolation rates and soil profiles meticulously taken over a period of decades clearly proves that there is no consistent pattern or soil type in the area from which to generate a model for the probable disruption of the natural course of water, as a result of the Casino Project. If there were predictable soil types, relevant mapping, and relevant documentation, the Sonoma County PRMD could simply look at the data and tell a property owner where and how to construct every private waste disposal system, or whether it could be constructed at all. Although this body of documents probably represents one of the greatest and detailed records of information regarding the conditions in the Casino Project vicinity, it only reflects descriptions of soil conditions approximately no more than zero to 14 feet deep. Since rumor (remember I have no real source of facts on this project because of I am a victim of the Casino Projects on going discrimination) says that very deep wells will be drilled on the project site, and the project will have on site waste disposal equipment and extensive irrigation equipment, it follows that there will be no way to construct a reliable model of probable effects of the Casino Project on the waters of the State of California.

- 6) All well driller logs from Sonoma County well drilling companies. This is an important body of documents to review completely. Of particular importance in this body of documents, private and public, is the fact that clear proof exists of sub-alluvial fan deposits existing from surface levels down to the deepest readings on drilling logs, which are sometimes many hundreds of feet deep. At depths of hundreds of feet it is not uncommon to encounter a riverbank or a redwood tree preserved in the ancient aquifer. I know of a tree found at a depth of about 1700 feet in the Casino Project vicinity. I also know that there is a huge danger in perforating upper water tables that private residences use, and hence draining them to lower water tables by large wells acting as conductors. The suballuvial geological formations are highly conductive in nature. The unpredictability of the location and existence of these features, and the impossibility of accurately mapping them, further determines that a reliable model of the probable effects of the Casino Project will be impossible to formulate. The effects of the Casino Project there fore are impossible to predict. Since water recourses are the basses of the

entire socio-economic structure in Sonoma County, including the Graton Tribe, don't risk degradation of water resources by this Casino Project. It should be noted that well driller logs are private and any study will not have access to all of the records. Therefore crucial facts would or could be omitted from any study or model of the likely or probable effects of the Casino Project. With crucial facts omitted from a study or model, the faulty study or model is likely to lead to false conclusions and recommendations. Ultimately the waters of the State of California will be placed at risk.

- 7) Roma Gans' book "How do birds find their way". Especially relevant to this document is the fact that the Casino Project is to be placed on the primary route of the Pacific flyway. This natural habitat is an irreplaceable resting and feeding place for many migratory birds on the Pacific flyway. Many birds use the same nests year after year. This phenomenon is only coming to light by science at this time and needs much more study and exploration. What we do know is that if we continue to harm the Pacific Flyway we will disrupt the macro genetic cycle of gene pool enrichment that keeps thousands of animal communities healthy enough to reproduce, and to survive genetic defects and disease. On most any day of the week any talented biologist can observe this phenomena in action. Birds have used the lands of the Casino Project since time immemorial and therefore, the Casino Project is incompatible with the fragile ancient eco-system.
- 8) Life cycles of the 100-year flood plain upon which the Casino Project is proposed, are very long in duration. The typical duration is 100 years as far as current science can extrapolate. The 100-year flood plain is poorly understood, and takes decades to study. I suggest that at least several flood cycles be studied prior to any Casino Project decision-making relative to this site. This flooding is at the top of the Laguna matrix and affects the entire body of water. This study should include all aspects of the natural course of water as well as all of its effects on the symbiotic relationship between risonuculi found on native plant root matter. The sustainability of native plants will be jeopardized by the disruption caused by the Casino Project, of the natural watercourse. The 100-year floodplain or "zone" plays a crucial role in the health and survival of the entire ecological structure and, without it, the

native plants, insects, and animals will not survive. These creatures are at the base of the food chain and must be protected. The science of this subject is in its infancy and poorly understood. This Casino Project site has been a military dumping ground and a chemical dumping ground. I have personally found spent and unspent machine gun shells in the area when digging to plant trees or service septic systems. A complete study of all the related information to the military activity needs to be undertaken. These unstudied, unpredictable, and poorly understood hazards to the eco-system should be left alone and in their current status of isolation and equilibrium until a comprehensive plan of action can be formulated for their proper decommissioning and disposal according to protocol set forth by the EPA and the Regional Water Quality Control Board. Clearly construction of the Casino Project cannot go forward under the conditions. How can this land be graded, bulldozed, trenched, and filled in without the chance of huge irreversible consequences?

- 9) Other hazardous elements of the Casino Project site include the improper disposal of underground chemical tanks. These tanks need to be found, inspected, and issues addressed in compliance with Regional Water Quality Control Board standards, the EPA, and the Super Fund.
- 10) Ground water at the Casino Project site has been affected by the improper destruction of water wells in the area. Wells that were bulldozed over by the city of Rohnert Park adjacent to the Casino Project during eminent domain processes were never properly abandoned in compliance with standards set forth by the Regional Water Quality Control Board. These sites affect the water conditions at the Casino Project site and need to be exposed, inspected, studied, and properly abandoned before this Casino Project can proceed. These violations present direct danger to the water resources of the State of California. These violations magnify the potential for the Casino Project to conduct pollutants, and otherwise degrade the waters of the State of California. These wells act currently as perforations in the earth that conduct pollutants from areas that may have been considered areas of relative hydrological isolation, to other areas of relative hydrological isolation, or to areas of high ground water transient conditions. This is in direct violation of the standards set forth by

- the Regional Water Quality Control Board. How can a Casino Project proceed without compounding this complex problem?
- 11) The displacement of low lands with fill needed to elevate the grade for the Casino Project, will lead to backing up of the natural course of surface water as it drains from my lands. As a result I will experience great increases in flooding and liquefaction. This liquefaction of my soils will cause septic system failures, septic effluent surfacing, and damage me permanently. The failing septic systems will then contaminate my wells. Since my wells then will be acting as a conductor and transmitter of human waste and septic system pollution to the aquifer, the aquifer and waters of the State of California will be degraded, as a result of the Casino Project. The displacement of low lands by the Casino Project will also cause my other neighbors to endure liquefaction and septic failures. My neighbors septic systems and human waste will be likely to enter my wells also. The net result will be the pollution of surface and ground water. This is in violation of the Regional Water Quality Board's standards. This will lead to an unhealthy and un-safe situation for my family and my neighbors. How does the Casino Project intend to protect hundreds of low profile well casings susceptible to conduction and transmittal of known pollutants and human waste? It is not reasonable to expect all local private well owners to drill new wells and case them to high elevations, and then provide perfect hermetic sanitary seals. It is a known fact and common scenario, that typical sanitary well seals, no matter how professionally installed, will leak and cannot tolerate any submersion. In addition many properties to be effected by the Casino Project flooding, have clay soils that dry and crack badly in the summer months. These cracks provide large areas of conduction and transmission of surface water pollution to the well seal, and casing. The wells are particularly at risk from the type of pollution I have described at the beginning of every rainy season before the expansive (zone 3) clay soils compress. How can a Casino Project be built, with thousands of yards of imported fill material, and not cause the elevation and increased flooding of waters on the surface and perched water tables of my lands and my neighbor's lands?
- 12) American Indians, Answers to Today's Questions by Jack Utter ISBN 0-9628075-3-2. Of particular importance in this socio-economic study is the likelihood of an unsustainable nature of the

Casino Project on many levels and in many ways. I believe that the Casino Project will lead to many negative socio-economic impacts on the entire population of the area as well as the independent Indian Nations.

The following excerpts are from Pamela A. Millers EIR scoping comments, and are included here for your convenience, since they speak to my condition:

- 1) This development will have significant adverse effects on public health and safety:
  - ◆ Increased air pollution from thousands of daily, additional vehicle trips on nearby roadways.
  - ◆ Increased water pollution due to “non-point source” contamination from vehicle runoff, particulate matter generated by excessive vehicle exhaust settling on the ground above the aquifer, use of toxic building materials to raise and prepare building pad in a federally recognized flood plain (petroleum based asphalt products, etc.).
  - ◆ Contaminated residential well water due to existing neighborhood septic systems being subjected to additional flooding as a result of water displacement from the construction of this development in a flood plain.
  - ◆ Residential exposure to raw sewage (“effluent surfacing”) as a result of existing neighborhood septic systems being subjected to submersion due to the displacement of flood waters.
  - ◆ Increased potential for traffic accidents due to intense fog conditions noted in the area of development.
  - ◆ Increased potential for traffic/pedestrian accidents due to the nature of existing nearby streets and roadways (NO neighborhood streetlights, sidewalks, bike lanes, roadside shoulders, etc.).
  - a) How will the air pollution be avoided?
  - b) How will the yearly flooding be contained and/or controlled without having negative impacts on nearby neighborhoods?
  - c) How will the water pollution/contaminated wells in nearby neighborhoods be avoided?
  - d) How will the failure of existing septic systems be avoided?
  - e) How will the fog be eliminated?
  
- 2) This development will have significant adverse effects on principal drinking water aquifers, prime farmlands, wetlands, flood plains, and ecologically significant areas.

- ◆ This development will be located directly over a “recharge” area necessary for the absorption of rain water to replenish the principal drinking water aquifer in this area. The creation of an impervious surface (paving over) will prohibit water absorption and cause displacement of millions of gallons of water, resulting in massive residential and environmental flooding.
- ◆ Water for drinking that is absorbed will be subjected to contamination from vehicle run off, construction materials, and both raw and treated sewage generated by the development and nearby residential septic systems.
- ◆ The property that is under consideration for this development is currently protected under The Williamson Act, is a designated community separator according to the Sonoma County General Plan, and provides the community with both open space, and grazing land for nearby dairies.
- ◆ This property is at the head of the Laguna de Santa Rosa, “the largest freshwater wetland complex in coastal Northern California” ([www.lagunafoundation.org](http://www.lagunafoundation.org)). The Laguna is comprised of wetlands, vernal pools, riparian forest, oak woodlands, grasslands, and is home to and within the establish range of five federally recognized endangered species: The California Tiger Salamander, Sebastopol Meadowfoam, Burke’s Goldfields, Sonoma Sunshine, and Showy Indian Clover. The Laguna is also an important stopover for thousands of birds migrating along the Pacific Flyway, providing a much needed source of food and rest. This property serves as an “overflow” area during the flood season.

- a) How will the loss of this “water recharge” area be prevented?
- b) How will the contamination of drinking water be prevented?
- c) How will the loss of open space be prevented?
- d) How will the loss of designated community separators be prevented?
- e) How will the loss of grazing lands needed to support local agricultural enterprises, be prevented?
- f) How will the loss of endangered species habitat be prevented?
- g) How will the loss of wetlands be prevented?
- h) How will the Pacific Flyway be re-routed?
- i) Where will the floodwaters be directed to without causing major property damage and health hazards to nearby neighborhoods?

3,4,5,& 6) The significant environmental impacts of this proposed development on this particular site will have potentially catastrophic effects on wildlife, habitat, breeding grounds, water supply, and public safety for years to come.

- ◆ Sections of many roads are under water and closed to through traffic in nearby neighborhoods during the wet weather season.
- ◆ Development in this designated community separator will almost certainly set a precedent and lead to further development, thus eliminating open space and endangered species habitat. Development will lead to additional floodwater displacement, and exacerbate residential and environmental flooding.

- a) Where to and how will the floodwaters be diverted?
- b) Will the roads in ALL affected neighborhoods near this proposed casino site be re-built to accommodate the additional flooding?
- c) How will the open space be preserved?
- d) How will the designated community separator be preserved?
- e) How will the Sonoma County General Plan not be violated?
- f) How will endangered species habitat be preserved?
- g) Will nearby homeowners be compensated by the tribe for wells gone dry, contaminated wells, and property damage due to flooding, traffic accidents, etc.?

7) N/A

8) This proposal/development will have adverse effects on endangered species and their habitats:

- ◆ California Tiger Salamander
- ◆ Sebastopol Meadowfoam
- ◆ Burke's Goldfields
- ◆ Sonoma Sunshine
- ◆ Showy Indian Clover

9) I would suggest that this proposal/development will have material adverse effects on resources requiring compliance with Executive Order 11988 (Flood plain Management). (See above).

10) This proposal/development threatens to violate Federal, State, and local laws imposed for the protection of the environment.

- ◆ Property located in a federally recognized flood plain.
- ◆ Property located in aquifer "recharge" area.
- ◆ Property located in a designated community separator.
- ◆ Property located at the head of the Laguna de Santa Rosa. Adverse environmental effects (pollution) will flow through several communities, wildlife habitats, and other environmentally sensitive locations all the way to the Pacific Ocean.
- ◆ Property is home to five federally recognized endangered species.

## **ALTERNATIVE SITE:**

It is my feeling that this proposed development would be better suited to a property known as Skagg's Island.

Skagg's Island is located within the Graton Rancheria Tribe's aboriginal territory in Sonoma County. The island consists of approximately 3,300 acres, with 60 acres already developed as a Naval base. The base has long been abandoned, and the U. S. Navy has expressed a desire to turn this property over to the U. S. Fish and Wildlife Service. This property is located off of Highway 37, a direct route to major metropolitan areas close by which would provide easy accessibility for the tribe's casino patrons. With the existence of the Naval base, the necessary infrastructure to support the tribe's development is already in place. There would be no need for major road improvements, no loss of residential dwellings, no construction in a flood plain, no loss of wildlife habitat, no compromising of public safety, water/air quality, no loss of open space, etc. This property at Skagg's Island is large enough to provide the tribe with several hundred acres of land for their use, as well as saving the remainder of land for environmental preservation, if desired. Skagg's Island is indeed an economically viable location for this development. Prior to taking an action with respect to the Casino Project, your agency should review, at a minimum, and in no particular order, the following documents relating to the prevailing local and Countywide water supply scenario to determine whether the Casino Project has the potential to cause negative impacts to the human environment: - (end of Pam's comments)

I have included the following excerpts from the Owl Foundation's comments for your convenience since they also speak to my condition:

Prior to taking an action with respect to the Casino Project. Your agency should review, at a minimum, and in no particular order, the following documents relating to the prevailing local and countywide water supply scenario to determine whether the Casino Project has the potential to cause negative impacts to the human environment:

- Entire administrative record for the Sonoma County Water Agency Water Supply and Transmission System Project (an exemplar table of contents for the administrative record is included herewith as Attachment A), including, but not limited to:
  - o The proposed New Master Water Supply Agreement.
  - o Eleventh Amended Agreement for Water Supply.
  - o Tenth Amended Agreement for Water Supply and Construction of the Russian River-Cotati Intertie.
  - o All prior amendments to the Water Supply Agreement.
  - o Supplemental Water Supply Agreement.
  - o 2001 Memorandum of Understanding Regarding Water Transmission System Capacity Allocation During Temporary Impairment.
- All other files held by the Sonoma County Water Agency concerning water quality and water supply issues, including, but not limited to, files concerning:



- o All past and present Water Contractor Agreements and other water supply contracts, agreements, and documentation, including those relating to Warm Springs Dam;
  - o Available and forecasted surface and ground water supplies.
  - o Land surface deformation (i.e., subsidence and uplift).
  - o Designated areas of natural recharge.
  - o Groundwater level data.
  - o Water quality data regarding the Laguna de Santa Rosa wells.
- 
- o Water pollution, contamination, and toxicity.
  - o Historic and current water quality monitoring data.
  - o Flood data, floodplain maps, and flood control projects.
- 2000 Sonoma County Urban Water Management Plan.
    - "Evaluation of Groundwater Supply Alternatives Water Supply and Transmission Project" prepared for the Sonoma County Water Agency by Parsons Engineering Science, Inc. (1995).
    - All files held by the Sonoma County Health Department concerning studies, reports, and complaints regarding areas of contaminated water, and water contamination, degradation, pollution, or toxicity in Sonoma County water supplies, including Well Drillers Reports on water quality.
    - All files held by the California Department of Health Services concerning studies, reports, and complaints regarding water quality of Sonoma County water supplies.
    - All files held by the Sonoma County Permit and Resource Management Department concerning available water supplies and water quality concerns, including, but not limited studies, reports, evaluations, determinations, and Well Drillers Reports.
    - All files held by the California State Department of Water Resources concerning overdraft of groundwater supplies and water level data in the Santa Rosa Plain Groundwater Basin, groundwater degradation, contamination, pollution, and water quality in the Santa Rosa Plain Groundwater Basin, and areas of natural recharge, land surface deformation, and seismic activity issues in the Santa Rosa Plain Groundwater Basin.
    - All files held by the United States Geological Survey concerning overdraft of groundwater supplies and water level data in the Santa Rosa Plain Groundwater Basin, groundwater degradation, contamination, pollution, and water quality in the Santa Rosa Plain Groundwater Basin, and areas of natural recharge, land surface deformation, and seismic activity issues in the Santa Rosa Plain Groundwater Basin.

- United States Geological Survey "Map Showing Ranges in Probable Maximum Well Yield from Water-Bearing Rocks in the San Francisco Bay Region, California" (1972) (D.A. Webster, Miscellaneous Field Studies May, MF-431).
- United States Geological Survey "Groundwater Atlas of the United States, California and Nevada" (2003) (<http://ca.water.usgs.gov/groundwater/gwatlas/reference/index.html>).
- All contracts by the United States Geological Survey, County of Sonoma, and Sonoma County Water Agency for all studies and evaluations of surface and groundwater supplies in Sonoma County.
- The Sonoma County General Plan.
- Entire administrative record concerning the Sonoma County General Plan Update for Year 2020, including all documents and public testimony regarding the Water Resources Element.
- All files held by the City of Rohnert Park concerning the City's General Plan, Specific Plans, and all related amendments in relation to City water supplies and water quality, the 2000 Final Environmental Impact Report prepared for the City's 2000 General Plan (including studies, evaluations, and consulting work prepared in connection with the 2000 FEIR in relation to City water supplies, such as the study performed by PES Environmental, Inc.), City groundwater well logs, land surface deformation (i.e., subsidence and uplift), water level data, water quality data, the City's letter request to the Sonoma County Water Agency to implement a Groundwater Management Plan (dated October 22, 2002), and the Sonoma County Water Agency's letter denial to implement a Groundwater Management Plan (dated November 26, 2002).
- The 1984 Penngrove Specific Plan.
- Entire administrative record and resulting Settlement Agreement relating to the 2002 Sonoma County Superior Court case entitled South County Resource Preservation Committee and John E. King v. City of Rohnert Park, Case No. 224976.
- Entire administrative record concerning the City of Santa Rosa Board of Public Utilities Incremental Recycled Water Program, including, but not limited to, all resolutions, environmental documentation, studies, reports, public comment, and presentations.
- Year 2001 Senate Bills 221 and 610 (codified at relevant provisions of the California Government, Public Resources, and Water Codes).
- The 2003 Kleinfelder Report prepared for the Sonoma County Water Agency addressing water scarce areas of Sonoma County including Bennett Valley, Mark West Springs, and Joy Road Area.
- The published Court of Appeal decision in Friends of the Eel River, et al. v. Sonoma County Water Agency, et al. (2003) 108 Cal.App.4<sup>th</sup> 859.
- August 11, 2003 letter from the General Manager of the Sonoma County Water Agency to Water Contractors in response to the Friends of the Eel River decision.

- DVD produced by the O.W.L. Foundation, memorializing the Sierra Club Groundwater Forum conducted on February 19, 2004 at the Environmental Center in Santa Rosa, California, featuring speakers Brock Dolman of the Occidental Arts and Ecology Center, John King of the O.W.L. Foundation, and environmental attorneys Edwin Wilson and Stephen Volker.
- February 24, 2004 letters from John King, the Brandt Hawley Law Group, and the lawfirm of Weston, Benshoof, Rochefort, Rubalcava & MacCuish to the City of Rohnert Park in opposition to the City's proposed Resolution No. 2004-34.
- March 9, 2004 letter from Dr. Steve Carle to Christine Nagle regarding DEIS Scoping Comments for the proposed Graton Rancheria Casino Project.
- "Santa Rosa Plain Ground Water Model" - California Department of Water Resources (1987).
- "Meeting Water Demands in Rohnert Park" - California Department of Water Resources, Central District (1979).
- "Geology & Groundwater in the Santa Rosa and Petaluma Valley Areas" - California Department of Water Resources and United States Department of Interior (1958)(G.T. Cardwell).
- "Statement on Groundwater Conditions in Santa Rosa, Petaluma, and Sonoma Valleys, Sonoma County, CA" - United States Department of the Interior - Geological Survey - Groundwater Branch (1955)(AR Leonard and G.T. Cardwell).
- "Groundwater Basins of California, a Report to the Legislature in Response to Water Code Section 12924" (1980).
- "Bulletin No.118 - 4, Volume 1: Geologic & Hydrologic Data 1975; Volume 2: Evaluation of Groundwater Resources Sonoma County, Santa Rosa Plain 1982; Volume 3: Petaluma Valley 1982" - California Department of Water Resources.
- "Groundwater Management in California" - California Department of Water Resources (1999).
- "Bulletin 118 Update" - California Department of Water Resources (2003).

In addition to the wealth of other information that is available for review and consideration by your agency, the information contained in the foregoing documents demonstrates that a sufficient water supply is not available to serve the proposed Casino Project and that the project would cause significant impacts to scarce natural resources in the proposed development area.

Please note that, in addition to a copy of this letter, the O.W.L. Foundation will submit hard copies of the following three items at the March 10, 2004 public scoping meeting to be held in Sonoma County:

- (1) 2000 Environmental Impact Report for the City of Rohnert Park General Plan and Urban Growth Boundary ballot measure;
- (2) DVD produced by the O.W.L. Foundation, memorializing the Sierra Club Groundwater Forum conducted on February 19,

2004 at the Environmental Center in Santa Rosa, California, featuring speakers Brock Dolman of the Occidental Arts and Ecology Center, John King of the O.W.L. Foundation, and environmental attorneys Edwin Wilson and Stephen Volker; and

(3) March 9, 2004 letter from Dr. Steve Carle to Christine Nagle regarding DEIS Scoping Comments for the proposed Graton Rancheria Casino Project.

## **CONCLUSION:**

In conclusion it is reasonable to assume that this Casino Project has the predictable possibility to cause injurious and damaging impacts to the socio-economic needs of my neighbors and myself. How will the Casino Project mitigate all of the impacts on my neighbors, my family, and myself?

My comments and related information are submitted in opposition to the proposed Graton Rancheria Casino Project (the "Casino Project"). This Casino Project will have many environmental impacts on my properties, family, tenants, and agricultural activities. I see no feasible method of mitigating these impacts now or in the future. Some of these impacts center around air pollution, noise pollution, altering the natural course of water flow, flooding issues, traffic, sewage treatment and disposal, destruction of the natural beauty of the countryside, and the insufficient water supply to accommodate a project of this magnitude. It is a fact that the water supply does not exist to make the Casino project function over time. The water supply for the area is in a crisis of extreme overdraft. This crisis has been acknowledged by the Sonoma County Water Agency and the City of Rohnert Park, as well as many other public agencies.

I am concerned that the bucket tests for Salamanders were not conducted properly at or near the Casino Project site. In monitoring this study I noticed the sloppy inconsistent construction of the bucket traps. I also noticed the continuous destruction of the animals trapped by predators such as raccoons and birds. I also noticed the purging of these traps by unidentified vehicles in the wee hours of the morning on a consistent basis. I believe that the study of the Salamander has caused the devastation and death of hundreds of these animals and has violated the principals of the Department of Fish and Game. How can we trust any study in the future for the Casino Project, when this type of behavior is already surfacing?

This Casino Project has the predictable possibility to cause injurious and damaging impacts to the human environment and my family.

This Casino Project has the predictable possibility to cause injurious and damaging impacts to the socio-economic needs of my neighbors and myself.

Further I would like to say that until neighbors like myself are properly included in the process and properly informed of the facts, this Casino Project cannot have a positive socio-economic impact. The sociological impact on the American Indians will be even worse. Gillian Flaccus of the Associated Press stated on 3-28-2004 ".....Nearly one-fifth of the 61 tribes that have gambling compacts with California are fractured by membership disputes. Many of those who have been kicked out of tribes in California say the motive is greed – an attempt by tribal leaders to reduce membership so they can keep more casino profits for them-selves and other favored members. "The perception is the tribes are not acting like Indians. They are acting like sheikdoms and cutting out anyone they don't like" said Patrick Romero Guillory, a tribal attorney representing members who were removed from the rolls of the Sanra Rosa Rancheria in Freson and jimself and Opelousa Indian from Louisiana.""

I would also like to quote Greg Sarris "We don't want to get into slot machines and hard-core gambling because it is addictive and destructive in peoples lives."

Thank you for all your careful study, time, energy, and consideration of all the documents mentioned in this document. I place these comments in your hands to be entered into public record.

Sincerely,

Lloyd Iversen



Cc: Donald Black - Attorney  
Ccc: The environmental Law Society

Issues:

Frank Denicola  
1240 Honeybrook Pl.  
Rohmet Park, CA 94928

Impact on wildlife -

any endangered species (ie. tiger salamander)

land currently used by birds... <sup>in the</sup> flypath for migrating birds  
w/ta foul-

Environment -

loss of open space

increase in noise/light pollution

increase in traffic - that area already very busy -  
water mgmt. sewage? -

Social -

Increase in crime? prostitution/theft/robbery? org Crime

Resulting financial problems for local gamblers? mostly old  
fixed income types -

Surrounding business impact?

Image -

R.P. "the Friendly City". Does a casino fit this image?

perhaps a new <sup>city</sup> motto is called for -

Future - Already, there are plans for <sup>other</sup> Indian casinos closer  
to the Bay Area - Petaluma, Richmond/El Cerrito / even SF.

if these are built business in R Park will greatly decline  
even as business in more Northern Casinos are going to be  
hurt by the Rohmet Park location - Is this a financially  
sound idea -

October 31, 2005

National Indian Gaming Commission  
 Attn: Brad Mehaffy, NEAPA Compliance Office  
 RE: Federated Indians of Graton Rancheria  
 1441 L Street NW - Suite 9100  
 Washington, DC 20005

Dear Mr. Mehaffy,

We attended the SCOPING hearing you conducted here in Rohnert Park, CA on October 19. We found this to be very fair and professional. However, we were concerned that there is still not enough impute from concerned citizens and ask that another be held. Citizens of nearby communities, such as Santa Rosa, Petaluma, Sebastopol and also West and North County communities are not fully aware of the impacts on them. Basically, they are thinking this is a "Rohnert Park Only" problem. If there is a casino built here, they will be up in arms and complaining vigorously that they did not receive enough notice and advance information.

We would suggest that a county facility be used for the next SCOPING hearing, such as the Luther Burbank Center for the Arts, in Santa Rosa. This is a larger and well known facility to all Sonoma County residents and adequate publicity would be given we are sure.

We would also like to report on some recent events and thoughts since the Oct. hearing:

#### CRIME, PROSTITUTION AND GANG ACTIVITY

The area of Santa Rosa Avenue, north of Wilfred Ave is a notorious area of active prostitution. There are a number of motels who cater to prostitutes, pimps and sex clients. One of these was sued and the managers arrested, Please see the enclosed SANTA ROSA PRESS DEMOCRAT article dated Oct 29. These operations are very close to the proposed casino and will proliferate when it is built. There will be no stopping this expansion inasmuch as the casino's clients will be solicited and consume their services very heavily,

Two major Latino gangs, the Norternos and the Surenos have been causing major crime problems in southern Santa Rosa for a number of years and it's getting worse. There have been numerous shootings, some drive by, beatings and a number of actual murders. This is not teenage kid stuff, it's serious. Much of this violence has been attributed to turf battles. Much of this has to do with the drug business in Sonoma county which along with Mendocino County is a major producer of illegal marijuana , meth and ecstasy. The casino will provide a greater opportunity for these gangs to prosper further and the turf wars will move further south to Rohnert Park. You can count on more hardened criminals getting into the honey pot.

2005 NOV - 2 PM 5:04  
 RECEIVED  
 NATIONAL INDIAN  
 GAMING COMMISSION

## DETERIORATION OF ROHNERT PARK SURROUNDING SCHOOLS

Declining enrollment and financial difficulties is already a serious problem in Rohnert Park with one elementary school closed last year and another possibly in 2006. Please see the enclosed SANTA ROSA PRESS DEMOCRAT story, dated Oct. 28 on this subject.

It's very likely that the casino will exacerbate this decline. When the casino is built, families will leave, not being willing to expose their children to the crime and decline in lifestyles. It's not likely that casino new casino workers will bring children since they will work at all hours, including night. The lower paying jobs might bring some children but they are likely to be at or below poverty level (see below), not be able to pay taxes and demanding services everyone else will have to pay. The casino is not going to pay taxes. It's a lose/lose proposition for BOTH public and private schools.

## CASINO ECONOMICS

The trade union and contractors made a big deal out of job creation. First of all, the casino construction is a one shot deal and most of the jobs will come from other areas.

Recently, a Rohnert Park resident wrote the enclosed letter to the editor of the PRESS DEMOCRAT on this subject. Using the casino proponent's own figures, he shows that the average job will be \$30,000 per year. Not enough to buy a house here and pay taxes.

## LOCAL TRAFFIC

Much is made of 24, 000 cars a day on highway 101. In frustration, drivers will use local Rohnert Park streets to bypass the freeway messes. Golf Course Drive, Fairway Drive (our street) will become big time short cuts. Snyder Lane and Petaluma Hill Road (already used as bypasses) will be as bad as the freeway. Kids will be unsafe to ride bikes or walk to schools (2) See map with the locations. The real estate values of homes in these areas will go downhill real fast.

## CONCLUSION

The idea of locating a major Las Vegas style casino/hotel/resort in a heavily populated suburban area is a very bad idea. Now, we are sure that the Tribe wants to be a close to San Francisco as possible and to short-circuit the Casinos already established north of here, but the price to this community isn't worth it. The Tribe needs to go some other place, less damaging.

Thank you, sincerely,



Robert and Arilla Aherne, 4575 Fairway Dr, Rohnert Park, CA 94928

TEL: (707) 206-9495 e mail: baherne@sonic.net

cc: Tim Smith, Supervisor



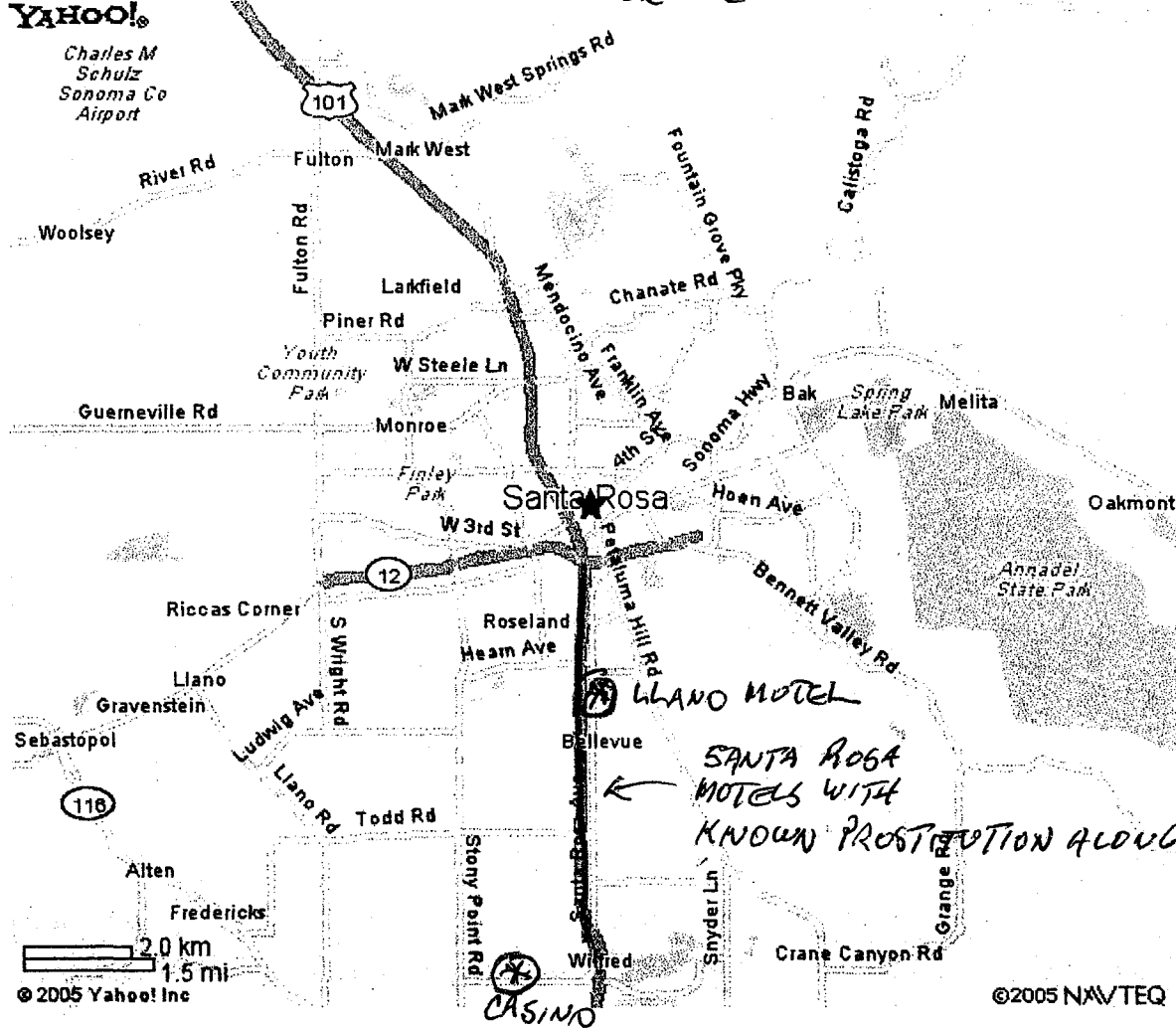
# Yahoo! Maps - Santa Rosa, CA

<< Back to Map

★ Santa Rosa, CA

**YAHOO!**

Charles M  
Schulz  
Sonoma Co  
Airport



2.0 km  
1.5 mi

© 2005 Yahoo! Inc

© 2005 NAVTEQ

When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.

# SR officials call Llano Motel a house of prostitution

EXHIBIT

City sues owners, seeks to shut business; managers arrested

By MARY CALLAHAN

THE PRESS DEMOCRAT

Taking a new approach to combating prostitution and drug dealing, the city of Santa Rosa is seeking to shut down a Santa Rosa Avenue motel identified as a hub of illegal activity.

The Llano Motel's father-daughter management team has been arrested on suspicion of running a house of prostitution at the 20-room motel.

And, after a 5½-month undercover investigation, a lawsuit was filed Wednesday against the motel's owners, another father-daughter team. City officials said the action signals their interest in a comprehensive solution to a long-running problem.

"We hope that it sends a message to

any other motels that may be operating this way." Assistant City Attorney Mike Casey said.

The lawsuit says police gathered evidence — including statements from the managers — that the motel's owners knew what was going on and participated in setting inflated room prices and "house rules" for hookers.

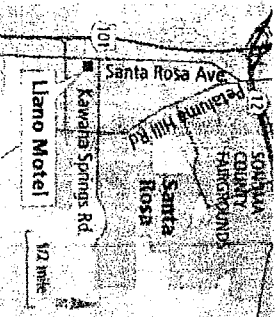
Attorneys for Raman Patel and his daughter, Rita Patel, who are partners in the motel, said they had seen no evi-

dence to support the city's claims.

The lawyers said the Patels left motel operations to on-site managers and could not be expected to know what goes on in each room.

"We'll find out whether or not they can establish any of this is actually true," said L. Stephen Turner, who represents Rita Patel. "It's very easy to accuse. It's harder to prove. And you

TURN TO MOTEL, PAGE A11



# MOTEL: Authorities say police turned out 10 hookers in raid

CONTINUED FROM PAGE A1

know it's all very anonymous, which is all very disturbing."

Authorities said even if the owners weren't aware of illicit activity, the city must prove only that it existed in order for the motel to be declared a public nuisance and the Patels held responsible for fixing the problem, up to and including closing the motel for a year.

"I think the evidence is pretty overwhelming," said Casey, who filed the suit under the state's red light abatement law.

The case might be summed up by the scene after a raid at the motel last weekend, when police turned out 10 admitted hookers, found one nude customer hiding in a shower and questioned three others who were outside awaiting their turns, authorities said.

Condom wrappers and used condoms were found in the waste cans of at least three rooms the women were using, testifying to the type of activity that had been occurring inside the motel, which is just south of the Santa Rosa Marketplace shopping center.

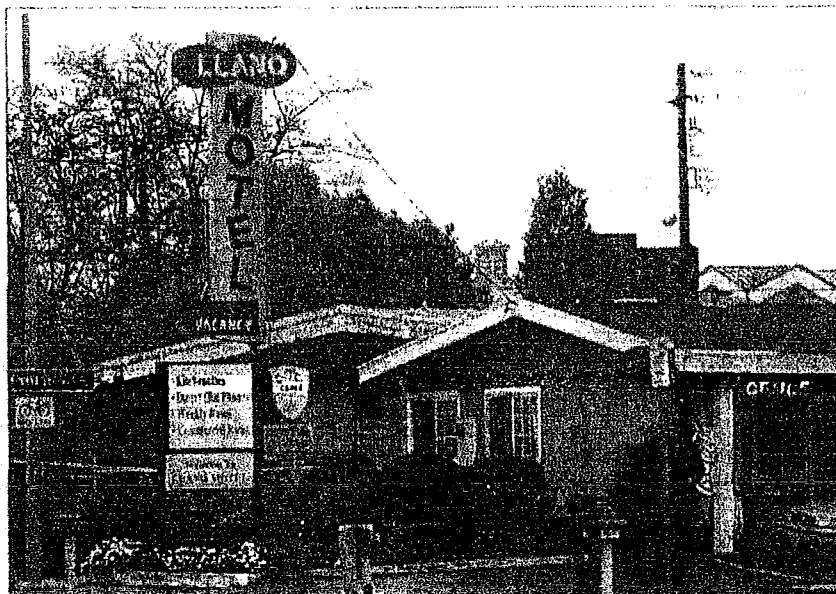
The lawsuit was based largely on information gathered during a police investigation that included undercover operations, surveillance and interviews with suspects, sex workers and their customers.

Police also monitored online message boards used by sex providers to advertise and by customers to compare notes on hot spots, specific women, law enforcement and other topics, including the "action" at the Llano Motel, or "L."

Police say undercover officers have been solicited by women staying at the motel, and have observed women standing in open doorways and contacting potential customers in the parking lot.

"It's blatant," said Sgt. Steve Fraga, who runs the unit leading the investigation. "They're out there. They're hawking."

Police say they have identified three men believed at various times to have been running women and drugs out of rooms at the motel. All three have been arrested, though one of the charges aren't related to this investigation.



SCOTT MANCHESTER / The Press Democrat

Santa Rosa police are trying to shut down the Llano Motel on Santa Rosa Avenue, saying it is operating as a house of prostitution. The city has filed a lawsuit against the motel's owners.

At least three juvenile prostitutes have been linked to the motel, and police believe a woman who faked abdominal injury to get to a hospital had been kidnapped and forced into prostitution by a man who threatened her and her mother's life. That man is awaiting trial.

"It's not just a victimless crime," Police Sgt. Paul Henry said, noting the still-unsolved slaying of a prostitute in another motel 2½ years ago.

Detectives also cataloged conversations in and outside the presence of the motel's primary manager, Kellie Richardson, in which they say it was clear she was aware of prostitution and drug dealing, and even served as a lookout.

Working undercover, detectives said they documented continually increasing rates charged the hookers above the standard \$54.50 a night, saying by this month they were paying \$150 per person even if three or four shared a single room.

Santa Rosa Avenue has long been the city's unofficial red light district, where prostitution has survived despite occasional sting operations and other enforcement efforts.

In recent years, authorities say there has been an increase in out-of-town women working the area, typically for several days at a time. They say the area has a reputation for prostitution and lax enforcement

among those in the sex trade and their customers.

At the same time, retail and housing development has brought more people into the area and forced business owners and citizens to confront solicitation and loitering, police said.

More recently, authorities have observed that the trade is moving behind closed doors, with prostitutes and pimps using cell phones and Internet sites to generate business and make deals without having to walk the streets.

The Llano Motel became the focus of the investigation because of its central role in the action on the avenue, said Henry, who supervises police patrols of the neighborhood and asked detectives to step in.

Once they did, it was "like shooting fish in a barrel," Fraga said, alluding to the high volume of criminal traffic.

Police say the motel has proved a safe, convenient location for hookers to work in part because the view into its L-shaped parking lot is mostly blocked by neighboring businesses, but primarily because of the acquiescence of its managers.

Police said Richardson, 32, her father, co-manager Arthur Savano, 57, and Richardson's husband, Steve Richardson, conceded as much when they were arrested on suspicion of running a house of prostitution during the Oct. 22 raid.

Though farmworkers and others stay at the motel, the lawsuit says a manager told police the majority of its business came from prostitution.

Managers also told detectives about "house rules" set by the owners that include prohibitions on walking the avenue in front of the motel and wearing short skirts or skimpy clothes — a frequent complaint from potential customers who use online chat rooms about prostitution in the area.

Both Richardsons declined to be interviewed. Savano was unavailable for comment.

Chris Andrian, an attorney representing motel co-owner Raman Patel, said he can't understand why the issue of prostitution on Santa Rosa Avenue is "lying at my people's doorstep."

Andrian expressed doubt about attempts to "regulate the world's oldest profession" and said the case against Patel appeared to be based entirely on hearsay. He also questioned the city's expenditure of time and resources investigating prostitution on Santa Rosa Avenue, where its presence has long been acknowledged.

"I look at this thing and I think, 'Wait a minute. If everybody in Santa Rosa knows, haven't we acquiesced to this? Haven't we really?'"

You can reach Staff Writer Mary Callahan at 521-5249 or [mcallahan@pressdemocrat.com](mailto:mcallahan@pressdemocrat.com).

# Parents, teachers critical of possible RP school closure

By ROBERT DIGITALE  
THE PRESS DEMOCRAT

As the Cotati-Rohnert Park School District began coping with a dismal enrollment forecast, parents and teachers voiced concerns Tuesday that closing another elementary school would hurt students and damage the district's reputation.

"It's not a good image to have schools closing in a community," parent Megan Smith said.

Smith's children attend an elementary school in Santa Rosa's Rincon Valley district, but she is considering moving them back to a Rohnert Park campus.

Rohnert Park school officials closed a campus in 2002, but the audience of about 35 people at Mountain Shadows Middle School showed little support for the prospect of shutting another elementary school.

"How many closures do I have to go through?" parent Evette Earle asked.

She lives near Richard Crane Elementary School, which the  
TURN TO SCHOOL, PAGE B4

## SCHOOL: Board expected to make decision by spring

CONTINUED FROM PAGE B1

school board closed three years ago as officials struggled to overcome a \$2.2 million budget deficit partly related to declining enrollment.

Tuesday's gathering provided the first chance for the community to react to the prospect of a possible school closure.

People can comment again at 6:30 tonight at Creekside Middle School, then at gatherings at each of the district's 13 campuses during November.

The school board has appointed an advisory committee to examine whether a school should be closed, but not to recommend a particular campus for closure. By next spring the board members are expected to decide whether to shut a school and, if so, which campus.

A district consultant has said that by the 2010-11 school year the district's enrollment could drop to 6,200 students from about 7,000 today.

Possible explanations for the drop include high housing costs and job losses in the area, according to the chairman of a district advisory committee. Some parents suggested students were being lured to other districts with special programs.

New home construction isn't

likely to change the equation, advisory committee Chairman Chris Borr said.

The district's consultant also projected that the number of "empty" classrooms could climb during the next five years to 92 from 54 today. That would include 39 empty elementary classes, more rooms than needed for an average school.

Based on those projections, Borr told the audience that "there appears to be (enough) room that one elementary school may be considered surplus."

But parents and teachers argued that those classrooms are heavily used even if a class and a teacher aren't assigned to them. Many argued against closing any school.

"You have to take into account the human cost, too," said Ellen Rai, a parent at Gold Ridge Elementary School.

As an alternative, speakers said the district should start a marketing campaign to draw more students into the community's schools. Some noted a recent publication from Santa Rosa City Schools that detailed the magnet programs and career pathways available at that city's five high schools.

"We should be copying that idea," Gold Ridge teacher Nancy Alona said. "We should be learning from the people who are taking our kids."

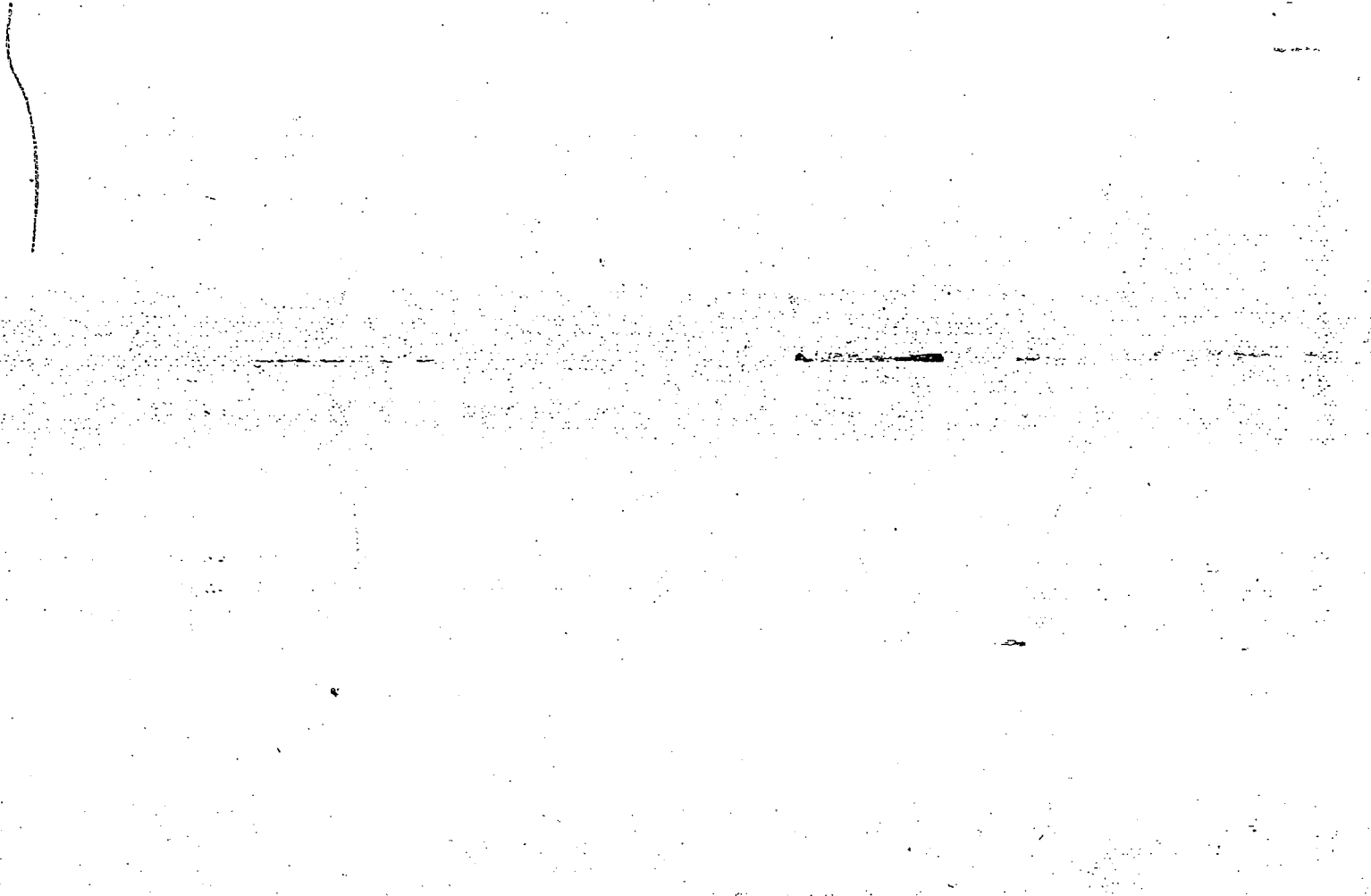
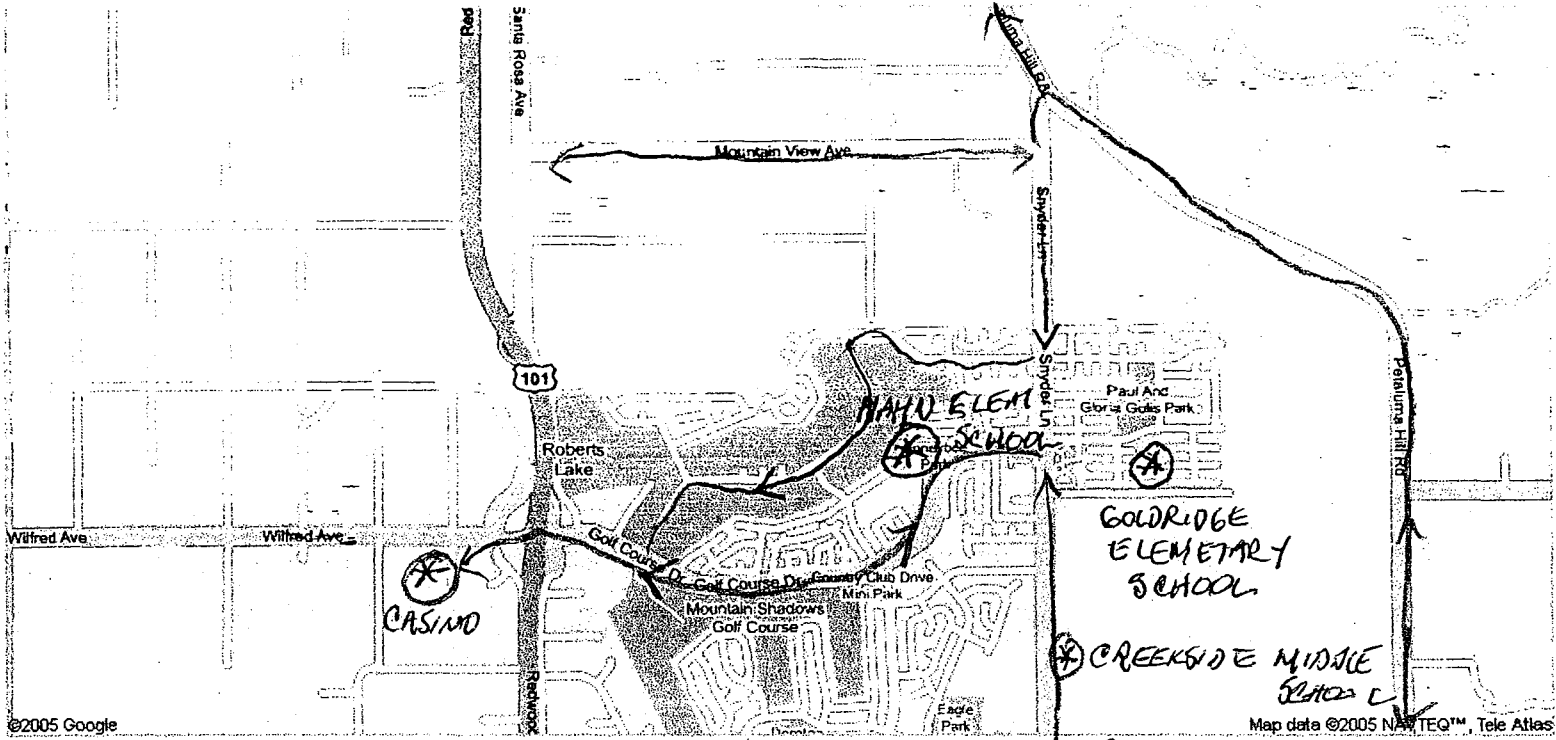
EXHIBIT

RE: DETERIORATION OF ROHNERT PARK & SURROUNDING SCHOOLS

You can reach Staff Writer Robert Digitale at 521-5285 or rdigitale@pressdemocrat.com.

EXHIBIT

← = BYPASS ROUTES



# EXHIBIT CASINO ECONOMICS

PRESS DEMOCRAT

OCT 25, 2005

## LET THE PUBLIC SPEAK

### Casino economics

EDITOR: On Oct. 19, the National Indian Gaming Commission conducted a scoping hearing on the proposed casino to be placed next to the Wal-Mart shopping center. A raging debate within the hearing was over the economic impact the casino would have on Rohnert Park. The proponents of the casino argued that the casino would furnish Rohnert Park with 2,500 jobs and an annual payroll of \$75 million. When you calculate the average salary (divide the payroll by the number of jobs) we find that the casino would add jobs that pay an average of \$30,000 a year.

According to the U.S. Census Bureau, the median average income in Sonoma County was about \$53,000. The supporters of the casino act like the casino will solve Rohnert Park's economic situation, but in reality all it will do is add a few more low-paying jobs. We must judge whether the economic benefits of the casino outweigh the economic and social disadvantages of the casino. Traffic, crime, water, sewage, electricity, pollution and other things will cause the casino to ruin our family-friendly city. The casino's minuscule economic benefits do not outweigh the adverse economic, social and environmental effects the casino will have on our community.

**ANTHONY MORENO JR.**  
*Rohnert Park*

10/21/05

I-9

Dear Mr. McHaffey

I have been a resident of Rohnert Park for nineteen years.

Have you ever been to Rohnert Park?

It is a family-friendly, college town that does not need a casino.

I am opposed to a casino being built.

I am for the American Indians and realize how much land has been taken away from them because of greed. Why is it that an out-of-state enterprise ( Station Casinos of Las Vegas, Nevada) can buy land in Rohnert Park for \$100 million dollars? They must have known the land was bought for much less. I understand the profit made on the sale of this land was at least \$90 million dollars. Why doesn't some of that profit go to the American Indians for their betterment: education, health, etc,

Please consider the statements that were made at the 10/19/05 NCGC meeting, that I attended, that were against the casino being built: concerns over water, traffic (101 is practically a parking lot now), increase in crime. Do the Indian Tribes really get many benefits, or only a few? Surely there is a better way to help our Native Americans. They were not greedy, they hunted and protected our land since day one. Our government should do the right thing – and that's not a casino.

Thank you!

Sincerely,

Carol J. Donnell

RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION

101 Enterprise Drive  
#81  
Rohnert Park, CA, 94928

No to the Rohnert Park Casino

I-10

10/22/05

To MR McHaffy

Please hear what Rohnert Park  
residents are saying - No to the  
Casino

I attended the town hall 10/19  
meeting. You heard it said.  
Again -

- 1) we will not have enough water  
for residents - this is fact
- 2) Did you see "1st-hand" the  
2-lane "freeway 101" goes through  
town. With a casino increase the  
traffic impact on this county.
- 3. There is Indian gambling already north  
of Santa Rosa, Rohnert Park. There is  
no need for more in this family "bedroom"  
of Crocker  
5425 Rohnert Park Community!

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GAMING BOARD  
OCT 26 12 30 PM '05



I-11

**ACCESS-TO-SELF-HELP**

Susan Wendrow  
440 Parquet Street  
Sebastopol, CA 95472  
707-823-6808

Paralegal & Notary

October 20, 2005

Dear Mr. Mehaffy,

I got to Rohnert Park after the scoping meeting had started. I was amazed to hear one person after another speak and claim that Rohnert Park was a well planned community with very little crime and that putting a Casino in would have a terrible impact on water, traffic and that the crime rate would increase.

I have lived in Sonoma County for almost forty years and when I first lived here, Rohnert Park was full of fields and some homes were being built. As time went on these fields were filled with homes. The water table and the traffic and all the problems that the casino is accused of going to bring are here already. And I read in the paper that the ball field is being bull dozed in preparation for commercial development.

What I am trying to say is that Rohnert Park's poor planning is responsible for the water shortage and all the other ills that the speakers last night were trying to make the casino responsible for.

In my opinion, they should not have let Target, the Movie Theater, the many restaurants, Costco, Home Depot and especially Wal-mart and I could go on and on about the ugly commercial developments that line 101. Cotati has been able to limit commercial growth, but Rohnert Park has allowed and invited every kind of ugly concrete big box store to litter the landscape. A friend who lives in South Santa Rosa has told me that her water table has been lowered since R.P. was built.

I am in favor of allowing the casino to be built behind the Wal-mart. If there is no more water, how about bull-dozing the Walmart and the various businesses that occupy that site, there would be more than enough room for the casino and the water use would probably be equal.

Sue Wendrow



RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION  
OCT 26 PM 3:41

I-12

10/24/05  
Brad Mehaffy  
NEPA Compliance Officer  
National Indian Gaming Commission  
1441 L Street, NW Suite 9100  
Washington, DC 20005

Monica Roman  
1558 Garfield Ct.  
Rohnert Park, Ca.  
94928

The Rohnert Park Hotel and Casino Resort Plans  
Environmental Assessment

Attention Brad Mehaffy

Thank you for giving me this opportunity to write to you concerning the proposed Hotel and Casino Resort in Rohnert Park by the Federated Indians of Graton Rancheria. I am opposed to this new project in this town because it would be harmful to the Community. I have lived in this town for over a decade. My home is approximately two miles from the proposed area. If this project is approved I will be the first to hang the for sale sign on my property. If the Casino were built in this location first I certainly would not have bought my house and choose to live here. It seems that now I do not have that choice. I refuse to live in this proximity to a gambling environment. Any casino would be a cancer to our area. No matter how beautiful you try and make the building it will always be ugly in my eyes. I understand you have been told about the traffic congestion, the water issues, how the thought of a casino has torn this town apart, how strongly residents feel regarding this issue, how Rohnert Park would like to see they're beautiful park like setting stay that way etc... I am just another resident who wishes to go on the record to say this is the wrong project, in the wrong area. Please, please, please reconsider building this Casino/ Hotel project in a better location for the Federated Indians of Gaton and the City of Rohnert Park.

Sincerely, Monica Roman

2005 OCT 26 PM 5:47

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NATIONAL INDIAN GAMING COMMISSION

Monica Ronan - RE: Federated Indians of Graton Rancheria

Page 1

**From:** <Bradley\_Mehaffy@nigc.gov>  
**To:** <mlronan@sundt.com>  
**Date:** 10/24/05 3:46AM  
**Subject:** RE: Federated Indians of Graton Rancheria

Ms. Ronan,

I am not sure what information you are looking for. There was an information package available at the public hearing held on 10/19/05. A copy of this may be obtained by contacting Chad Broussard (cbroussard@analyticalcorp.com). If you are unable to obtain a copy of the information package from him, please feel free to contact me again. You are correct, scoping comments must be postmarked by Nov. 4th.

If you have any other questions, please feel free to contact me.

Brad Mehaffy, REM  
NIGC NEPA Compliance Officer  
202-632-7003

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

**From:** Monica Ronan [mailto:mlronan@sundt.com]  
**Sent:** Thursday, October 20, 2005 12:03 PM  
**To:** bradley\_mehaffy@nigc.gov  
**Subject:** Federated Indians of Graton Rancheria

Brad Mehaffy

Can you send me information that is needed on the document to respond to the opposition of the Casino intended for the Rohenrt Park area. I understand the document needs to be post marked by Nov.4th.

Thank you  
Monica Ronan

**CC:** <cbroussard@analyticalcorp.com>

October 25, 2005

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

RE: The Rohnert Park Hotel and Casino Resort Plans  
Environmental Assessment

Mr. Mehaffy,

I am fully aware of the proposed Hotel and Casino Resort that the Federated Indians of Graton Rancheria are planning to build in Rohnert Park, CA.

Picture a bedroom community setting in one of the most beautiful regions in all the U.S. Set along side gentle rolling hills, redwood and eucalyptus trees, and productive livestock lands...not to mention the beauty of our vineyards. It is the environment that provides for this beauty and the economic livelihood of those who farm these lands and raise livestock here. Then, BOOM! We're going to let someone build a full-scale gambling operation right in the middle of all this. What an enormous mistake this would be. In a time when we are working hard to quell the effects of gangs, trying to integrate the need for low income housing, and pressing desperately for critical basic needs in our schools, how does a gambling facility help us? What message does this send to our community? What we will see develop is most certain...increased crime, along with the increased degradation of our community and the surrounding lands that this type of social environment encourages. Trash and graffiti will increase! Don't listen to the promises, it will happen. Property values will plummet! Traffic will increase too, for which they will want more roadways. Slowly but surely, these lands that have been owned and operated by generations of families who have upheld the character and richness of the region, will slowly give way to power, money, and the ever reaching effects of "Sovereign" people.

It's very simple, this is not about improving a community with economic benefit and jobs, it's about money...period! And damn the environment if there's a buck to be made. I very much enjoy the fact that no matter where I travel in this blessed region, I have the pleasure of watching the beautiful countryside along the way. Even as I commute to work daily, I pass by dairy farms, vineyards, and grazing lands. But pretty soon, I'll be able to stop by the casino on the way to work and play my luck...at least until my luck has run out. I think not! But, many lives will go this way, and so will the community. And when the community runs low on money, property improvements will slow down, measures to protect the surrounding environment won't have enough funding to keep up with the mess of broken lives and trashed lands.

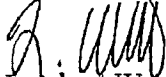
2005 OCT 27 PM 4:50

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GAMING COMMISSION

I, like many I know, will have to read about it, because we won't be here. We will leave for "greener" pastures where community and environment is chosen over political greed and money.

*I am 100% opposed to this proposed development!* It's a bad idea! It's the wrong place! Please, reconsider and deny this proposed development. It just doesn't belong in this family community or anywhere around it.

Respectfully,



Lambert West

Contractor, Vice President

I-14

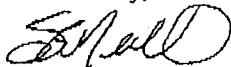
10/24/05  
Brad Mehaffy  
NEPA Compliance Officer  
National Indian Gaming Commission  
1441 L Street, NW Suite 9100  
Washington, DC 20005

The Rohnert Park Hotel and Casino Resort Plans  
Environmental Assessment

Dear Brad Mehaffy,

I appreciate this opportunity to write to you concerning the proposed Hotel and Casino Resort in Rohnert Park by the Federated Indians of Graton Rancheria. I am strongly opposed to this new project in this town because it would be harmful to the Community. I have lived in this town for the past 20 years. My home is approximately two miles from the proposed area. If this project is approved I will be the first to hang the for sale sign on my property. I am not interested in living in a community that support gambling on this scale. It seems that now I do not have that choice, someone else has decided for me. I refuse to live in this proximity to a gambling environment. Any casino would be a cancer to our area. No matter how beautiful you try and make the building it will always unacceptable to me. I understand you have been told about the traffic congestion, the water issues, how the thought of a casino has torn this town apart, and how strongly residents feel regarding this issue. Let me make myself perfectly clear I am AGAINST this proposal. I am just another resident who wishes to go on the record to say this is the wrong project, in the wrong area. Please, reconsider building this Casino/ Hotel project in a different location for the Federated Indians of Graton and the citizens of Rohnert Park.

Sincerely,



Steffan P. O'Neill  
Marriage Family Therapist

OCT-24-2005(MON) 10:45 TrueLeaf Technologies

(FAX)707 794 9663

P.001/001

I-15

October 24, 2005

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

Dear Mr. Mehaffy,

I know you are just looking for facts, not personal comments. We both already know the factual problems that the casino will be bringing into my town of Rohnert Park, California. How sad as my father grew up on East Cotati Avenue and chased jack rabbits through the fields which are now Rohnert Park. And now here I am faced with a huge negative situation and no one is listening.

I haven't given up the fight, just depressed, because those who are making decisions don't even live here. I live here for a reason. And if I wanted to live near a casino, I'd move near one. A close friend was held at gunpoint, with a gun in his stomach and one in his back, in a casino parking lot not long ago. When the police officer arrived, he said that it is a popular thing for 2 to 4 criminals to get into a car in Sacramento and drive up to 4 hours in diameter of Sacramento just to rob people in casino parking lots. He said this type of crime is very very very difficult to capture and it's bringing a lot of crime into towns that never had it before. Would you like to interview my friend and the police officer? I would be happy to arrange it.

I have a 1 year old son. Do you have children still living in your home? What kind of influence have you been instilling in them? Negative? No? Has that been your choice? I'd like to give my son a chance with a positive influence and this casino blacks out everything positive. **And it's not my choice.** If you're being honest with yourself, you know I'm right.

I guess the only thing left to say, something you already know, is that the Indians are just a front in this particular plan. They are being used by the money backers because of the laws the Indians don't have to live and work under like every other single human being does in my town. **So it this legal? Knowingly letting someone else, the money backers, have the same laws that were ONLY given to the Indians? You should be embarrassed.**

And once you are gone and out of the limelight for this situation, and the Indians aren't really in charge, and life here diminishes, will you care? No.

Why don't you live near a casino? Will you be moving here after the casino goes in? I don't think so.

Signed,  
Anita Hawkins  
Rohnert Park Homeowner  
American, taxpayer, employee, lawabider, and most importantly: MaMa

I-16

October 17, 2005

Brad Mehaffyt,  
NEPA Compliance Officer  
National Indian Gaming Commission  
1441 L Street MW. Suite 9100  
Washington DC 2005

EIS Scoping Comments,  
Graton Rancheria Casino and Hotel Project

I want to express my feelings and concerns about having a casino in Rohnert Park. I do not want a casino at my back door or in our community. We moved here in 1983 as this was a small city that was ideal to make our home.

The people of Rohnert Park have voiced concerns about the increased traffic in an already highly traveled area. This is not keeping safety in mind. Also the people are concerned about our water supply. Having a casino open 24 hours a day will be an overload to our existing water shortage. How many times do we, the people of Rohnert Park, have to tell you and the city council we do not want a casino in or near our city.

Having a casino in our city is not what is best for our traffic situation and lack of water situation..

Perhaps we should have a community vote on the building of a casino, would that not be the democratic thing to do?

Also the people of this city voted for limited growth. In the Community Voice September 9, 2005, I understand Sonoma State University plan to build 432 homes. Our high school is already very crowded, who is going to build this new high school? I am not in favor of that and think once again our water problem should be considered before any development of this size is allowed.

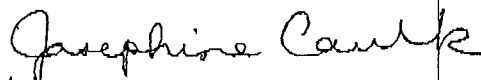
I think we need places of employment, like factories even if we have to give them lease free for 25 years to move to Rohnert Park. People need places for stable employment since a number of employers have left this area.

We do not need a casino, until our water problem, school problem, and traffic problems are solved.

Casinos should be in rural areas as no one wants to have this in their city, please protect our city and environment.

Sincerely,

Josephine Caulk  
6054 Donna Court  
Rohnert Park, CA 94928  
707 584 4864



RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION  
OCT 20 PM 4:00



Wednesday, October 19, 2005 12:37 PM

Paul D. Stutrud 707 585 7419

I-17

Paul D. Stutrud  
P. O. Box 2205  
Rohnert Park CA 94927-2205

19 October 2005

National Indian Gaming Commission  
Attention: NEPA Coordinator  
re: Federated Indians of Graton Rancheria  
Fax: 202-632-7066  
Phone: 202-632-7003

Dear folks:

First of all, I am protesting the day and the starting time for the "Scoping Meeting" for the latest Graton Rancheria Casino proposal. The time, 6:00 pm will discourage many Rohnert Park citizens who work in San Francisco or the East Bay and don't get home until 6:00 pm or later.

I also am protesting that only one meeting has been scheduled. Rohnert Park is a city with a population of at least 42,000 people. Cut that number in half and you still have a significantly large number of people. Cut that number in half again and you still would not have a site where enough seating capacity is available.

I also believe that this and future meetings be held on Saturday

So, my first two issues are starting time and building capacity.

My main issue related directly to the construction of a gambling casino and hotel is that Rohnert Park and Sonoma County does not have adequate water capacity.

I have been involved in the water issues of Rohnert Park for twenty years. Rohnert Park was operating on 44 wells and was also getting water from the Sonoma County Water Agency (SCWA). On top of that, Rohnert Park was getting even more water from an agreement with the City of Petaluma to buy their 14% surplus of water from the SWCA allotment. This amounted to a 400% increase over Rohnert Park's allotment from SWCA.

According to the EIR (Environmental Impact Report) for Rohnert Park's latest General Plan, Rohnert Park draws more than 4 million gallons a day from the underlying aquifer. Besides Rohnert Park's draw, Sonoma State University, the City of Cotati, the unincorporated tract of half acre homes called Canon Manor and a large number of homes outside of the Rohnert Park city limits also draw water from the aquifer. The recharge rate of the aquifer is only 1.6 million gallons per day. In other words, more water is being drawn out of the aquifer than is being replaced. To the effect that the water table has dropped to more than 150 feet.

Page -1-

Wednesday, October 19, 2005 12:37 PM

Paul D. Stutrud 707 585 7419

p.02

**National Indian Gaming Commission**  
**Attention: NEPA Coordinator**  
**re: Federated Indians of Graton Rancheria**

The aquifer is being over-drafted! There is a substantial and long record of water problems in Sonoma County. The State Water Resources Control Board (SWQCB) and the State Department of Water Resources have a good file record on Sonoma County. I would recommend that you contact them for substantiation of what I have stated.

There is also an organization of Ground Water managers who also have substantial records of water issues in Sonoma County. We had two meetings at the SWQCB about Sonoma County's overuse of water. All other counties in the state have managed to not cause any increases in water consumption but Sonoma County continues to try to increase their draw from the natural water resources, including siphoning from Mendocino's Eel River.

On top of this, there is litigation in progress against the City of Rohnert Park by the O.W.L. Foundation regarding Rohnert Park's water wastefulness. There was another recent lawsuit that was settled in the courtroom anteroom that also criticized Rohnert Park's wasteful water uses. I can submit the case numbers if you wish to read the two lawsuits.

There is also litigation against the SCWA by the Friends of the Eel River regarding the siphoning of Eel River water to the Russian River through the penstock of a small power generator owned by P.G. & E. (Pacific Gas and Electric). The Friends of the Eel River already won one lawsuit in the Appellate Court which limits the amount of water taken by the SCWA. The next step is to take back between 15 and 80 percent of the water being drawn from the Eel River.

Getting back to the matter of the over-drafting of the under-lying aquifer, I have noticed the effects of over-drafting in a number of ways. One example is that we have many mature sycamore trees that are constantly dropping leaves and acting as though there is a drought. They do not look healthy.

Twenty years ago when I first bought my brand new house in Rohnert Park, one Saturday morning I was going to wash my car. I placed a bucket under the downstairs bathroom faucet and turned on the water. I left the room to get the car-wash solution and returned to find a bucket full of coffee colored water. My first thoughts were that the water line had not been capped off during construction and dirt got into it. Whatever.

I decided to drain the water heater. I shut off the cold water, opened up the safety valve and ran a garden hose from the drain valve out to the front lawn. When I opened the drain valve the water flowed brown for a few seconds and then cleared up. However, I noticed white flecks coming out with the water. So I put the end of the hose into a bucket. By the time the water heater had drained the bucket was half full of white sand.

Page -2-

Wednesday, October 19, 2005 12:37 PM

Paul D. Stutrud 707 585 7419

p.03

**National Indian Gaming Commission**  
**Attention: NEPA Coordinator**  
**re: Federated Indians of Graton Rancheria**

On the following Monday morning I took a sample jar of the white sand down to the Rohnert Park Public Works department and tried to file a complaint. The manager told me that Rohnert Park does not filter its water and that I should install a filter system on the house. I protested but ended up installing two filters. One was a .05 micron filter and the other was a carbon based filter for odors and taste.

I took the matter before the Rohnert Park city council and was told in response to showing a sample of water and two used filters, "If you don't like it here, why don't you move back to where you came from!" No consideration of the problem.

I also took used water filters to the State Office of Drinking Water at 50 'D' Street in Santa Rosa. They came out and installed a water pressure monitor on my intake line and talked to the city officials. One of the things they recommended was back-flushing all of the water lines, which was done for the first time since Rohnert Park was first incorporated.

However, there was another factor with the filters. When the weather heated up around the end of July and into August I noticed my water pressure dropped, so I figured I needed to change the filters. I did and found them full of dark brown mud (which is iron oxide and manganese). I also noted that I had to change the filters almost weekly when the weather was hot. And so it went from then on. In the winter time I only had to change the filters every three or four months but in warm weather it became a routine of having to change them every week.

There was a similar issue of water quality in 'G' Section which is at the north-east corner of Rohnert Park. The people in 'G' Section continuously complained about either "brown" water or "milk-colored" water or foul smelling and fishy tasting water. This went on for a few years and finally the two wells were shut down and a new well was drilled west of 'G' Section. The complaints about "brown" water subsided to only a complaint once in a while.

Last year, the City of Rohnert Park shut off all of the city's wells for six months while they prepared to do a water study. We were using only SCWA water, which comes from the Russian River. Some tests were done and the city claims that there is a "mountain of water" and that Rohnert Park no longer had any water problems. Which is, of course, false.

This information flies in the face of reality. The water table is still down 150 feet. Hundreds of homes outside of the city limits of Rohnert Park have lost their wells, or are close to losing their wells. That is the wells go dry or down to such a low production that new wells have to be drilled. I know of some people who have had to drill even a third well.

Wednesday, October 19, 2005 12:37 PM

Paul D. Stutrud 707 585 7419

p.04

**National Indian Gaming Commission**  
**Attention: NEPA Coordinator**  
**re: Federated Indians of Graton Rancheria**

The SCWA also has three "emergency" wells that they have been running 24 hours a day, seven days a week for four years. The so-called emergency is that there is not enough water and they must pump 24 hours a day. It is going to get worse because the City of Santa Rosa has 10,000 pending building permits and a boom-time attitude with housing and shopping center construction.

In my opinion, all construction and development in Sonoma County should be put into a moratorium until a water study is completed of the ground water availability. We have been campaigning for this for more than six years and I have been campaigning for a moratorium since 1994, when I ran for city council in Rohnert Park.

In the mid-1980's, the City of Rohnert Park city council established a 200 units per year limit on new homes because of the problems of water and the lack of sewage treating capacity. However, in the early 1990's the Rohnert Park city council ignored that limit and allowed the construction of about 1,000 homes in two new sections, 'R' and 'M' Sections. The well drilled to serve 'M' Section caused serious problems to the adjacent Canon Manor tract and its wells. There was also problems with septic system failures in Canon Manor which were also blamed on the construction of 'M' Section.

The city of Rohnert Park started a low-flow toilet retrofit program but it did not have an impact on the shortage of sewage treatment capacity. A 15% penalty was imposed on Rohnert Park.

**Reiterating, Rohnert Park does not have adequate sewage treating capacity and it does not have adequate water capacity.**

#### **The General Plan and General Plan law**

Every city and every county in California is required by law to have a General Plan. California has had the laws in effect for more than 100 years. The General Plan has at least seven mandatory Elements. These Elements include: Circulation, Open Space, Safety, Noise, Safety, Housing and Open Space. Sonoma County is currently upgrading and updating the County General Plan and has also included a Water Element.

The General Plan and its Elements are described in the California Government Codes, the Public Resource Codes, the Tax and Revenue Codes and the State Constitution. These Codes are supported by the Governor's State Office of Planning and Research, the Office of Housing and Community Development, the Office of Mines and Geology, and other state agencies that are involved in the review and approval of General Plans.

Page -4-

Wednesday, October 19, 2005 12:37 PM

Paul D. Stutrud 707 585 7419

p.05

**National Indian Gaming Commission**  
**Attention: NEPA Coordinator**  
**re: Federated Indians of Graton Rancheria**

A General Plan update process is quite sophisticated and can take at least a year but may take much longer. A lot of citizen involvement is vital and important and when the General Plan is finally approved by not only the city council or board of supervisors it must be submitted to the various agencies listed above.

Each General Plan of a city must be "internally consistent" and "integrated" and each city General Plan must be "internally consistent" and "integrated" with the county's General Plan, and conversely with the county General Plan to each city's General Plan.

There are provisions in the law for establishing Urban Separators between cities. This is a provision to keep cities from annexing until their city limits meet. Each of the seven cities of in Sonoma County have adequate urban separators. These are usually agricultural lands and are too be preserved that way. However, the latest Graton Indian casino plan is imposing on this urban separator.

And then we have this proposal for an Indian Gambling Casino. Every aspect of the proposal violates the California Government Codes, the Tax and Revenue Codes, the Public Resources Codes and the state's Constitution. Government Code Section 63500 describes each of the Elements.

If the Graton Rancheria Indians and their sponsor Stations Casino really wanted to do their project correctly, they would find a piece of property that meets their requirements and then they would file for a General Plan amendment in either the county or the city where they plan to have their casino and hotel.

Instead, no common sense moves were made. The first site for the Casino complex was in an extremely environmentally sensitive area. Part of the site is on soil designated as 'Bay Mud' which is 60 to 90 feet of super-saturated soil that is extremely unstable and will liquify in an earthquake. This first site was devoid of any significant water and was totally unsuitable for any kind of sewage service. Fortunately, common sense prevailed and that site was abandoned.

The next site, which lies along Stony Point Road between the Rohnert Park Expressway and Wilfred Avenue has many serious problems. It is a flood plain and it floods every year. There is a flood control canal that runs diagonally across the site which often overflows its banks. The site is also the home of at least five listed federally protected endangered species, including the Tiger Salamander. The land is also in the protection of the Williamson Act, an agricultural preservation act. Access to this site is precarious. The Rohnert Park Expressway is closed to through traffic almost every winter because of flooding. Wilfred Avenue is a narrow road that also has flooding at the Stony Point Road end.

The flooding issue is extensive and actually starts to the east of Rohnert Park. Flooding has been experiences in 'G' Section, 'F' Section and 'H' Section. Any developments between the eastern edge of Rohnert Park all the way down to Stony Point will only aggravate the current problems.

Wednesday, October 19, 2005 12:37 PM

Paul D. Stutrud 707 585 7419

p.06

**National Indian Gaming Commission**  
**Attention: NEPA Coordinator**  
**re: Federated Indians of Graton Rancheria**

The entire city of Rohnert Park is shown on the FEMA Flood Control maps as a flood area.

The latest property that was purchased by Station Casinos is still within that same flood-prone area. And there are areas within or near the latest parcel that are subjected to serious flooding.

Again, if the Graton Indians and Station Casinos are serious about building a gambling casino they should hire a land use expert to find a piece of property that is not subjected to all of the issues discussed earlier in this letter and that complies with the long-standing laws and codes stated in the Government Codes, the state Constitution, the Tax and Revenue Codes and the Public Resources Codes. These laws have evolved over the last hundred years from experience and reason. These laws were made to save or at least minimize all of the problems the Graton Indians have faced to date.

The Graton Indians and Station Casinos have come into this county like outlaws and have acted as such. We do not want a casino near our city. We do not want the social impacts. We do not want the problems of more traffic impacts (read our Circulation Element of the Rohnert Park General Plan and the County's General Plan). But the most important thing is we do not want a large consumer of water and producer of sewage causing us even more damages than have already been done by the years of too much construction.

We do not have enough water to build housing for the casino employees or enough sewage capacity/ We do not have adequate school capacity.

If you want me to write my objections in a number sequence, please let me know. I would appreciate a reply that you received this fax.

Thank you,

Paul D. Stutrud  
Fax (707) 585 7419

I-18

To: National Indian Gaming Commission  
Attn: Brad Mehaffy, NEPA Compliance Officer  
Re: Federated Indians of Graton Rancheria

10/22/2005

Dear Sir,

Below is a copy of the letter I read to the NIGC on 10/19/05 in Rohnert Park, CA in regards to a proposed casino. Most speakers in attendances spoke out against the proposed casino because of environmental and traffic impacts, nearness of the site to people's homes and schools, its location in a college town and in a planned community that was incorporated in the '60's as a family town with housing tracts built around parks and schools. I urge you to not allow this casino in the middle of this urban area.

John Metras 7659 Isabel Drive, Cotati, CA 94931 [jmetras1@excite.com](mailto:jmetras1@excite.com)

Text:

In making decisions about a proposal to build a mega gambling casino in Rohnert Park, I think you need to consider the trustworthiness and legitimacy of the group. When tribal chairman Greg Sarnis asked for tribal status a few years ago, the "tribe" consisted of less than 100 members and he said he had no intention of wanting to build a casino. Last year there were 500 members when a casino was mentioned and here it is a year later and the "tribe" numbers almost 1100. How did that happen? Did these people "apply" to be in the tribe?

When Californians voted to allow Indian tribes to build casinos, it was with the idea that they would be helping impoverished groups of Native Americans to improve their living conditions by allowing the building of casinos on their tribal lands. That's a FAR cry from what's happening here. This is not a tribe of impoverished Native Americans living on a local reservation. These are people like you and I who are "joining" this tribe from up and down the state and elsewhere, looking to make free money at the expense of everyone else in this community. And of course they like the Walmart site. It's in an 8 mile radius of 6 different cities. But why should the residents of ALL THESE CITIES have to suffer with the environmental issues, the traffic congestion, the gambling addictions and the resulting crime to make Station Casinos and some local profiteers rich?

How do you measure the impact on our local businesses when the tribe can sell goods and services without having to pay Federal, State and Local taxes (since they're a sovereign nation?) How can you measure the traffic impacts that a mega gambling casino will have on our already maxed out freeway system and the resulting quality of life that we'll all suffer? How can you measure the potential for gambling addictions by Sonoma County residents and those that visit the casino? How do you measure that?

I was told that the will of the community was influential in determining whether a gambling casino can be set up in urban areas. I ask that our city leaders poll their constituents to see if the community that they represent wants a mega gambling hall here. The decisions made here will affect the quality of life in Rohnert Park and in our neighboring cities as well. I ask that you do the "right thing" and scrap the idea of building a gambling hall in Rohnert Park.

Thank you,  
John Metras

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

From: Bradley\_Mehaffy@nigc.gov [mailto:Bradley\_Mehaffy@nigc.gov]  
 Sent: Friday, November 04, 2005 6:33 AM  
 To: cbroussard@analyticalcorp.com  
 Subject: FW: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project"  
 Importance: High

Please include in the report and AR.

Brad

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

From: Lisa Bagwell  
 To: Bradley\_mehaffy@nigc.gov  
 Sent: 11/2/2005 10:50 PM  
 Subject: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project"  
 Importance: High

November 2, 2005

Brad Mehaffy, NEPA Compliance Officer  
 National Indian Gaming Commission  
 1441 L Street, NW, Suite 9100  
 Washington DC 20005  
 Bradley\_mehaffy@nigc.gov <mailto:Bradley\_mehaffy@nigc.gov>

Re: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project"

Dear Mr. Mehaffy:

I attended the public hearing that was held on Wednesday, October 19th and below you will find issues that I would like addressed before making your decision.

Please consider the impacts on the following issues:

Resident Issues:

Those that live in the area more than likely would never be able to sell their property for what it would have been worth before the casino was proposed and be able to afford to buy elsewhere in the county. Some of the residents are retired, disabled and/or on limited income. How could this be mitigated?

The residents in the surrounding area are on wells. If the proposed casino were to come in and dig wells, it would deplete the water needed at the surrounding homes. How could this be mitigated?

The proposed casino is to be open 24 hours a day. How is the lighting to be mitigated that will affect all areas not just those directly surrounding the site?

What procedures are proposed for adjacent neighbors who wish to legitimately complain of excessive light or glare?

Has the applicant studied the current housing stock and occupancy rates of adjacent communities? If so, how will a project workforce impact local community housing needs, projected over the next ten years

Accommodations:

If the applicant proposes to construct a hotel facility at or adjacent to the proposed project, please calculate the estimated impact of business to existing tourist facilities, and the projected hotel



occupancy tax loss to adjacent local governments, over the next ten years.

What were the alternative sites?

Please identify by assessor parcel number and physical street address or location of each and all sites considered by the applicant, prior to selecting the current site as the preferred site.

For each alternative site identified above, please describe the level of analysis conducted, and explain why the specific site was rejected, in preference for the proposed site of the applicant.

Please take serious consideration of my concerns regarding this proposed casino location.

Sincerely,

Lisa Bagwell  
1158 Santa Cruz Way  
Rohnert Park, CA 94928

From: Chad Broussard [cbroussard@analyticalcorp.com]  
 Sent: Monday, November 07, 2005 8:47 AM  
 To: Jennifer Wade  
 Subject: FW: Rohnert Park Casino

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

From: Bradley\_Mehaffy@nigc.gov [mailto:Bradley\_Mehaffy@nigc.gov]  
 Sent: Monday, November 07, 2005 3:44 AM  
 To: cbroussard@analyticalcorp.com  
 Subject: FW: Rohnert Park Casino

Comments for report and AR.

Brad

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

From: Ron Lopez [mailto:ronzolopez@earthlink.net]  
 Sent: Friday, November 04, 2005 7:20 PM  
 To: bradley\_mehaffy@nigc.gov  
 Subject: Rohnert Park Casino

To: Mr. Brad Mehaffy and the National Indian Gaming Commission (NIGC)

Extended remarks originally presented at a Hearing at the Spreckles Community Center, Rohnert Park regarding proposed Casino to be built and managed on behalf of Federated Indians of Graton Rancheria, on October 19, 2005.

Background of the Speaker

My name is Ronald Lopez, PhD. I am an assistant professor at Sonoma State University in the Department of Chicano and Latino Studies. I was born in Ventura California and have lived in California all my life. I studied at the University of California, Los Angeles, where I received a B.A. in 1988, and the University of California, Berkeley where I received a M.A. in 1993 and a PhD in 1999. All my degrees have been in the field of History, with specialties in American, Latin American, and American Latino History. I was also trained in American Multicultural Studies/Ethnic Studies. My professional life has been primarily in Community College teaching, where I worked for seven years at Laney College in Oakland, California and for one year at Chaffey Community College in Rancho Cucamonga, California. I have taught both Latino Studies and American History throughout this period. In Fall 2005, I began a new full time position at Sonoma State.

My position on the Proposed Casino Project

I support the Federated Tribes of Graton Rancheria's proposal to build a Casino in its preferred Rohnert Park location.

I came to this hearing because my wife and I recently received a flyer that we regarded as explicitly alarmist and as containing a subtle racial bias.

The Flyer referred to "criminal elements" which in the context of an overwhelmingly white community like Rohnert Park is a code phrase for "Blacks and Mexicans". Another "code word" was "family friendly community". This means the (white) middle and upper-middle class, and is strongly suggestive of "Nimby-ism" or "Not-In-My-BackYard"-ism. We recently moved here (to Rohnert Park) but have realized that we will have a hard time buying a home here on what we make. We both work full time and we are economically middle class, yet we are priced out of the market, as are most young families and almost all minority families. "Criminal

Elmements" and "Family Friendly" both suggest an Anglocentric exclusionism and an antagonism to Blacks and Mexicans, something we have already experienced in three months of living here. The racism and exclusionism inherent in this flyer are what impelled us to attend the hearing.

My wife and I, incidentally, are both highly educated and economically middle class. We moved to this community, to take jobs at Sonoma State University.

ISSUE: Casino will help alleviate Native Poverty

So why do I support the Casino? I support the Native community in principle. A Casino and its profits will help to alleviate Native poverty by providing jobs, training, educational support, and ultimately financial independence for the tribe and its peoples.

Native Americans in this area were once the most numerous and densely populated native people in all of what is now the continental United States. >From the 1800 onward, Spanish, Mexican, and Americans engaged in genocide of entire Native communities, and the enslavement of survivors. Natives were hunted (and killed) for sport and the survivors auctioned as 'laborers', (a code word for 'slaves') during the American period, even after the American Civil war and the passage of the 14th Amendment made slavery illegal in the United States. This happened right here in Sonoma and adjoining communities.

We, the American people are comfortable condemning Nazis for their persecution of the Jews and condemning other tyrants for their murderous ways. This is appropriate. However, we Americans are fond of denying the unsavory elements of our own history, when that history is not to our liking. I am a professional Historian, so I am not saying this out of some political obsession or conceit. I was recently taken to task by some of my Jewish friends for comparing the genocide of Native Americans with the Nazi Persecution of the Jews. I believe, however, that while the Nazi persecution of the Jews was horrible in part because of its dehumanizing use of technology and its explicit intent, the impact on Native Americans was actually more final and devastating. The Pomo and Coast Miwok peoples of which the Federated Tribes of Graton Rancheria were reduced from tens of thousands to 14 surviving individuals. Most of the California Native tribes were wiped out completely, and deliberately. While this process began slowly under Spain, the Americans, during the Gold Rush, deliberately wiped out the remaining population. We did it. Us. It is part of our history.

While we are condemning Sadaam Hussein and other tyrants around the globe, and demanding that they come to terms with their crimes against humanity, it behooves us to do the same.

I believe that we Americans, all of us, owe it to surviving Native communities to provide them with at least equal opportunities to compete for this area's wealth. In modern California, Native Americans have been locked out of equal access to opportunity for generations. They do not possess the capital or the educational preparation to embark on this type of project without the access that the casino project will provide.

ISSUE: Casino will indirectly benefit the entire community

I also support the casino in part because of the many economic spin-offs that I believe the community as a whole will receive, including in the form of jobs and economic growth.

concerns. I will address them one by one.

1. That the casino would disrupt a 'well-planned community'
2. The potential impact on the water table
3. The introduction of "undesirable elements"
4. The impact on traffic
5. The feared destruction of a "family friendly" community

1. The Casino will not disrupt a "well-planned" community. The community of Rohnert Park was founded in 1960 and the Sonoma State University Campus was opened in 1961. Like many communities, they have allowed sprawl on the 101 corridor, which has already impacted the water table and draws traffic into the area. Rohnert Park has priced young families out of the housing market and now bemoans the closing of several area schools. At the same time, city residents fight new housing developments that would enable middle income young families to move into the area.

2. Many claimed that the water table was already being depleted and that the construction of a casino would potentially further impact the water table. A translation of this might be "We have already used up the resources and now we don't want to share what is left." The Casino will not disrupt the water table or the water supply any more than the two local golf courses, the growing housing stock, and the many big-box stores. During the hearing, I suggested that closing the Golf Courses and shifting to a policy of water-miser city landscaping and home zoning would help with this problem.

3. The idea that the Casino would introduce "undesireable elements" is a code word, as mentioned above, for "racial minorities". It is a subtle and racist ploy to stir up racial fear and hysteria. No community, including Rohnert Park can legally or through statute exclude members of racial minorities. Additionally, we have our own undesireable and criminal elements already: drunk drivers, mostly white, who have killed several people since I moved here in August. These are the undesirables that I regard as the greatest threat to my well-being.

4. The Impact on Traffic. Rohnert Park is located on the 101, just to the West of the Sonoma and Napa valley wine country. In addition to tourism, "big-box" stores on the West side of Rohnert Park attract shoppers from surrounding communities; such "big box" developments have been encouraged. It is just south of the large city of Santa Rosa, which is developing rapidly. Recent news reports suggest that cities North of Santa Rosa are also planning housing developments, all of which will increase 101 corridor traffic. Rohnert Park cannot cut itself off from the development of the region. It is especially egregious that this community seeks to inhibit the potential progress of the Federated Indians of Graton Rancheria on the basis of the feeble and obviously flawed argument.

5. The feared destruction of a "family friendly" community is another reason. This community is currently undergoing an aging process. As affordable housing is denied, more and more of the younger generation has moved out. The town has been forced to close schools; I am not sure that my wife and I, who both work, will be able to afford a decent home here. As a Mexican-American, I regard a community free of racial hostility as "family-friendly", but that has not been my experience here. This town has changed for reasons that have nothing to do with the future casino. However, the aging community in this semi-bucolic exclusive paradise is fearful of demographic and social changes that are already well underway. One of the poorest communities in the area, the Graton Rancheria Indians, may benefit economically and thus be able to participate more in the life of the community as a whole. Helping poor Native peoples, in my mind, is VERY "family friendly".

Another point that needs to be made is that the Anti-Casino movement in Rohnert Park has been organized by a National Anti-Casino movement. It is associated in some way (Im not sure how) with a Conservative Christian Movement that has produced a DVD that provides arguments against Native American Casinos. Many of the statements made by Anti-Casino people were like quotes straight out of the DVD. One of the film makers is a well-funded Anti-Casino activist who has traveled around the country helping communities organize against casinos; it is not a locally-based opposition.

### Conclusions

In conclusion, I believe that the arguments against the Casino are motivated by factors that can be reduced to several key elements.

First, the arguments against the casino have been formulated by a national movement, and the national movement has brought a national organizer here to help coordinate the movement. It is not a locally based movement and the concerns expressed have been used in other towns, many instigated by the same outside agitators.

Second, the arguments against the proposed casino are organized around a set of subtle yet clearly identifiable racist ideas. Beyond the deliberate denial of the history of legal exclusion and segregation of Native Americans from full participation in California's economic progress, are phrases that suggest a racially exclusive environment such as "undesireable and criminal elements".

Third, the community is being instigated by fears of social changes that are already underway. An aging population, high home prices, environmental pressures, and the closing of schools are just a few of the problems facing the community. Blaming the possible casino is way to villainize the Indians for things no one can control.

Having built our prosperous American Society on land that was taken from Native Americans, and having historically excluded them from participation and access, it is unjust and unfair that we now exclude them from access to one of the only avenues of wealth that remains. It is racist, and it is wrong.

Currently, Sonoma County has made little or no effort to deal with contemporary Indian Poverty or to make up for the "population removals" (or genocide of the Pomo and Miwok) upon which an agricultural empire has been built. The Casino will not, in itself, reconstitute the Native Peoples cultural wealth or provide them with education and social power. But it is the only means by which they might obtain it within the foreseeable future. They deserve that chance.

I am available to answer any more questions at contact information contained below.

Ronald W. Lopez, PhD  
Chicano and Latino Studies  
Sonoma State University  
Rohnert Park, CA 94928  
ronald.lopez@sonoma.edu  
(707) 664-3039

November 4, 2005

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

Dear Mr. Brad Mehaffy,

Do you see what I see?

Rohnert Park, California is located in Sonoma County's southern central plain, and with 42,550 residents, Rohnert Park is the county's third largest city. Thoughtfully designed for families, it is one of the first planned communities in the United States. Bikeways and walkways connect its tree-lined streets and active neighborhoods. Each neighborhood is designed around a park and elementary school. The city itself is surrounded by farms and vineyards which naturally produce a variety of organic and boutique vegetables, fruits and wine that are grown and produced. The city is a destination in Sonoma County's Wine Country. It has many parks and state recreational facilities and opportunities for a variety of outdoor activities. This is the added attraction of the city's proximity to the University of California, Sonoma State University. The city is a beautiful area with a variety of wine tasting opportunities. Cool, marine winds from the ocean moderate the temperature while the range of western coastal hills provides protection from the effects of Pacific storms. The coastal range to the east acts as a barrier to the Central Valley heat waves. Rohnert Park is definitely the starting point for a Sonoma County Wine Country vacation.<sup>1</sup>

Just as the word "casino" obscures all of the pleasant statements about Rohnert Park, I see a hotel and casino resort project that will be detrimental to the city and local communities. Thus the purpose of this letter is to prove that **the construction of the proposed Federated Indians of Graton Rancheria hotel and casino resort project in Rohnert Park will be detrimental to local communities**. Many of the assertions in this letter reiterate those addressed by the community of Rohnert Park at the scoping hearing at Spreckles Center on October 19th, 2005. We feel that repeating these arguments is necessary for your better understanding of the problems posed by the operation of a casino in our backyard.

Increased traffic is a foremost argument against the construction of the casino. The carrying capacity of the US-101 Sonoma County corridor has already been exceeded as evident by the traffic congestion that plagues its lanes everyday (most Sonoma County commuters can testify to that). Consequently, many commuters have resorted to using country roads as commuter corridors (examples include Petaluma Hill Road, Stony Point Road, Adobe Road and Old Redwood Highway). Golf Course Drive, located near the

1. Courtesy of the Rohnert Park Chamber of Commerce at <<http://www.rpchamber.org/>>.

proposed casino site, serves as an important connector to these country roads, thus ensuring that it will become a major thoroughfare. The presence of a casino in the proposed Rohnert Park location will not only exacerbate highway traffic problems but also bring more congestion to local roads that are lined with family residences. As previously stated, Rohnert Park is a thoroughly planned community to assure that families and businesses can prosper in their appropriate locations. The introduction of a casino (surely an unplanned idea by Mr. Fred Rohnert) delivers traffic to our community and all of its dangerous implications, as we will outline below.

The geography of Rohnert Park and the Santa Rosa Plain makes it an ideal location for vintners; however, pollution accumulates and settles between the mountains that surround our beautiful county. This ever-present haze already poses problems for people with breathing problems. An increase in traffic due to the casino will undoubtedly intensify their respiratory and other related medical problems.

As stated many times during the scoping hearing, the presence of a large casino will seriously deplete the water table (which is at its lowest ever). As explained by the Open Space Water Resource Protection Land Use Foundation (O.W.L.), "there is a huge hole in the water table, in this case, 150 feet deep. This is a permanent hole at current pumping rates."<sup>2</sup> The introduction of a casino increases water city water usage, thus guaranteeing further aquifer depletion. With scientists all over the world concerned about freshwater supplies, it seems downright inappropriate to propose the construction of a casino.

Additionally, the free food and alcohol and cheap restaurant buffet deals offered by this "gaming" (or rather gambling) casino will be detrimental to many community restaurants. As the lure of cheap food draws college students and low-income individuals to its slot machines, local restaurants will be financially harmed by patron losses. Small-family businesses are dependent on our pocketbooks and will wither without our support.

So many other problems posed by the introduction of a large casino warrant attention in this letter: increased crime and poverty, gambling addicts canvassing residential areas and schools, drugs and related paraphernalia coursing through the casino and into our community. However, time is of the essence as the deadline for submissions draws near. We can only hope that you will pay heed to our letter and others that prove that the casino will be detrimental to our community.

This community was designed for families, and we intend to preserve its existence as an attractive city with parks, walking and biking trails, friendly neighborhoods and excellent school systems. Therefore we vehemently reject the proposed casino plan.

Sincerely,

David A. Krone  
Dkrone123@aol.com

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2. Courtesy of the O.W.L. Foundation at <<http://owlfoundation.net/>>.

Mary A. Krone  
Maryanne.krone@matanzascreek.com

Jennifer L. Krone  
Jennifer.krone@gmail.com

Jeremy M. Gerst  
jmgerst@gmail.com

Olga K. Tracy



Mr. & Mrs. Dan La Rochelle  
P.O. Box 6237  
Santa Rosa, CA 95404

## **EIS SCOPING COMMENTS, Graton Rancheria Casino and Hotel Project**

**PROPOSED PROJECT: Graton Rancheria Casino & Hotel Project  
Currently being courted by the Rohnert Park City council.**

**Located in the rural Rohnert Park area. Intended to be used as a Hotel,  
Casino, Entertainment Venue, Restaurant Location & Gambling  
Establishment.**

The following is only a partial list of our concerns regarding any casino located in Sonoma County and specifically the Graton Rancheria Casino & Hotel Project currently being courted by the Rohnert Park City council.

I would like specific and complete answers to the following questions prior to any further advancement of this and any/every casino project within Sonoma County:

### **1. PROJECT EXPANSION**

- 1.1. What are the general expansion plans for the project through the year 2045?
- 1.2. What are the specific expansion phases for the project through the year 2045?
- 1.3. How much is the projected cost of each expansion planned through 2045?

### **2. PREFERENTIAL TREATMENT TOWARDS TRIBAL RESIDENTS**

- 2.1. How does applicant justify the apparent preferential treatment given to them by local authorities to build casinos in a location that no other non-tribal person(s) are allowed to build, giving the tribal persons a monopoly in the gambling area.
- 2.2. How does applicant justify the apparent preferential treatment given to them by county authorities to build casinos in a location that no other non-tribal person(s) are allowed to build, giving the tribal persons a monopoly in the gambling area.
- 2.3. How does applicant justify the apparent preferential treatment given to them by state authorities to build casinos in a location that no other non-tribal person(s) are allowed to build, giving the tribal persons a monopoly in the gambling area.
- 2.4. How does applicant justify the apparent preferential treatment given to them by federal authorities to build casinos in a location that no other non-tribal person(s) are allowed to build, giving the tribal persons a monopoly in the gambling area.

- 2.5. How does applicant justify the historical grounds for gambling as a uniquely tribal cultural trait, allowing their ability to override local laws prohibiting gambling.
- 2.6. How does applicant justify the historical grounds for gambling as a uniquely tribal cultural trait, allowing their ability to override county laws prohibiting gambling.
- 2.7. How does applicant justify the historical grounds for gambling as a uniquely tribal cultural trait, allowing their ability to override state laws prohibiting gambling.
- 2.8. How does applicant justify the historical grounds for gambling as a uniquely tribal cultural trait, allowing their ability to override federal laws prohibiting gambling.

### **3. COASTAL BARRIERS & PROJECT WETLANDS**

- 3.1. Is the project located within a coastal barrier designated on a current FEMA flood map or Department of Interior coastal barrier resources map?
- 3.2. Are there drainage ways streams, rivers, or coastlines on or near the project site?
- 3.3. Are there ponds, marshes, bogs, swamps or other wetlands on or near the site?
- 3.4. Is the project located within a wetland designated on a National Wetlands Inventory map of the Department of Interior (DOI)?
- 3.5. Does the project 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)?

### **4. FLOOD MANAGEMENT**

- 4.1. Is the project located within a floodplain designated on a current FEMA flood map? (24 CFR Part 55)?
- 4.2. Is the proposed building footprint located in a Special Flood Hazard Area identified on a current Flood Insurance Rate Map (FIRM)?
- 4.3. Do proposed construction plans accommodate and comply with Uniform Building Code requirements of facilities constructed within Special Flood Hazard Areas?

**5. HISTORIC PRESERVATION**

- 5.1. Has the State Historic Preservation Office (SHPO) been notified of the project and requested to provide comments?
- 5.2. Is the property listed on or eligible for listing on the National Register of Historic Places?
- 5.3. Is the property located within or directly adjacent to an historic district?
- 5.4. Does the property's area of potential effects include an historic district or property?

**6. NOISE ABATEMENT**

- 6.1. Is the project located near a major noise source, i.e., civil airports (within 5 miles), military airfields (15 miles), major highways or busy roads (within 1,000 feet), or railroads (within 3,000 feet)?
- 6.2. Does the project comply with 24 CFR 51, Subpart B that requires a Noise Assessment for proposed new construction?
- 6.3. Has a noise contours map been developed for the proposed project and does it show Day-night average sound level (abbreviated as DNL)?
- 6.4. What procedures or guidelines will be developed that allows community members or adjacent property owners to formally complain about inordinate or unanticipated noise?
- 6.5. How will the project applicants reimburse local area homeowners for any reduction in property values due to increased noise pollution?

**7. PROJECT RELATED HAZARDOUS MATERIALS**

- 7.1. Is the site listed on an EPA Superfund National Priorities or CERCLA, or equivalent State list?
- 7.2. If the site is not currently listed on sites described in 5.1 above, should it be? If not, why not?
- 7.3. Does the project proposal include a full inventory and assessment of all hazardous materials associated with the project?
- 7.4. Does the applicant propose 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?
- 7.5. Does the proposed project comply with public all safety requirements for fire safety, in accordance with state and federal law?

- 7.6. Has the applicant developed a public safety evacuation and rescue plan for customers, and does the plan accommodate projected customers based upon high or low attendance that is associated with hours of operations, weekdays, holidays, and special events?
- 7.7. Is the site located within 3,000 feet of a toxic or solid waste landfill site?
- 7.8. Were underground storage tanks ever located on the site? If so, provide documentation that all underground storage tanks have been identified, located and appropriately removed by qualified professionals, using current techniques in compliance with 40 CFR Part 280?
- 7.9. Are there any unresolved hazardous materials issues at the proposed site that could the state, county or a municipality to be determined to be potential responsible party?

## 8. AIRPORT HAZARDS

- 8.1. Is the project within 3,000 feet from the end of a runway at a civil airport?
- 8.2. Is the project within 2 and 1/2 miles from the end of a runway at a military airstrip?

## 9. WATER

- 9.1. Will the proposed project affect a sole source or other aquifer?
- 9.2. What is the total anticipated impervious surface coverage estimated for the proposed project?
- 9.3. What percentage of the project site is proposed for impervious surface, and how does this surface impact existing elements addressed in Section 1 above?
- 9.4. Is the site currently served by an adequate and acceptable water supply?
- 9.5. What mitigations are proposed for water supplies of the proposed project that will not affect or will ameliorate water supplies of adjacent residential neighborhoods businesses, and other land uses currently receiving adequate water?
- 9.6. How will the applicant assure the local government and surrounding community that costs associated with increased water supply needs of the project will be fully reimbursed by the applicant to each resident drawing from the same aquifers as the project, and not a burden imposed upon local governments, local water districts or providers, or local property owners?

**10. SEWER, SANITATION AND WASTE DISPOSAL**

- 10.1. Are there current sanitary sewers and waste water disposal systems serving the site?
- 10.2. How will current sanitary sewers and waste water disposal systems be impacted by the proposed project, and at what cost?
- 10.3. What additional sanitary sewer and wastewater disposal systems are required and how will expansions of such infrastructure impact existing, connecting infrastructure in terms of capacity and annual cost?
- 10.4. If the project water supply is non-municipal, has an acceptable "system" been designed, and approved by appropriate state and local authorities and agencies?
- 10.5. How, specifically, will the applicant guarantee the people of this county that no additional bacteriological hazards are introduced into the ground water supply due to this project?
- 10.6. How, specifically, will the applicant guarantee the people of this county that no additional biological hazards are introduced into the ground water supply due to this project?
- 10.7. How, specifically, will the applicant guarantee the people of this county that no additional Septic contamination hazards are introduced into the ground water supply due to this project?
- 10.8. How, specifically, will the applicant guarantee the people of this county that no additional land contamination hazards are introduced into the ground due to this project?

**11. ENVIRONMENTAL JUSTICE**

- 11.1. Is the project located in a predominantly minority or low-income neighborhood?
- 11.2. Does the project site or neighborhood suffer from disproportionately adverse environmental effects on minority and low-income populations relative to the community-at-large?
- 11.3. What Specific measures and actions will the applicant take to assure local area homeowners that this project will not have an adverse effect on the local area property values?
- 11.4. What Specific measures and actions will the applicant take to assure local area homeowners that this project will not have an adverse effect on the local area taxes?

- 11.5. What specific measures and actions will the applicant take to assure local area residents that their quality of life will not be adversely impacted by this project?
- 11.6. What specific measures and actions will the applicant take to assure local area residents that their community goodwill will not be adversely impacted by this project?
- 11.7. How will any wildlife displacement due to this project be minimized?
- 11.8. How will any wildlife displacement due to this project be restocked/reintroduced?

## 12. UNIQUE NATURAL FEATURES AND AREAS

- 12.1. Is the site near natural features (i.e., bluffs or cliffs) or near public or private scenic areas? If so, what site and construction adjustments have been determined to protect scenic viewsheds or other public entitlements?
- 12.2. Are other natural resources visible on site or in the vicinity?
- 12.3. Will any natural resources be adversely affected or will they adversely affect the project?

## 13. SITE SUITABILITY

- 13.1. What are the previous uses of this site and what residual impacts affect the project or are affected by the project?
- 13.2. Is there paved access to the project site?
- 13.3. Are there unusual conditions on the site?
- 13.4. Is there any indication of currently distressed vegetation?
- 13.5. Are there waste materials or containers on site?
- 13.6. Are there pools of liquid or soil staining, chemical spills, abandoned machinery, cars, refrigerators, etc??
- 13.7. Are there existing or abandoned transformers, fill/vent pipes, pipelines, drainage structures?
- 13.8. Is the project compatible with surround areas in terms of:
  - 13.8.1. Land use
  - 13.8.2. Height, bulk, mass
  - 13.8.3. Building type (low/high-rise)
  - 13.8.4. Building density

- 13.9. Will the project influence or be unduly influenced by:
- 13.9.1. Building deterioration
  - 13.9.2. Postponed maintenance
  - 13.9.3. Obsolete public facilities
  - 13.9.4. Transition of land uses
  - 13.9.5. Incompatible land uses
  - 13.9.6. Inadequate off-street parking

#### 14. AIR QUALITY

- 14.1. Are there proposed air pollution generators associated with the proposed project, such as those listed below, and if so, how will the applicant mitigate each of the following:
- 14.1.1. Incinerators
  - 14.1.2. Power generators
  - 14.1.3. Large parking facilities (1,000 or more cars)
  - 14.1.4. Heavily traveled highways, adjacent and onsite road systems?
  - 14.1.5. Will the project affect or be affected by nuisance odors? What mitigations are proposed?

#### 15. SOIL CONDITION, QUALITY, STABILITY, EROSION AND DRAINAGE

16. 1 Describe the site elevations and any accommodations required for significant slopes?
- 16.1. Is there evidence of slope erosion or unstable slope conditions on or near the site?
  - 16.2. Is there any visible evidence of soil problems (foundations cracking or settling, basement flooding, etc?) in the vicinity of the project site?
  - 16.3. Have soil reports or studies or borings been made for the project site or the area? If so, what are the findings of soil studies accomplished?
  - 16.4. Is there indication of cross-lot runoff, swales, drainage flows on the property?
  - 16.5. Are there visual indications of filled ground? What assurances has the applicant developed to ensure soil stability for construction footprint and impervious surfaces?
  - 16.6. Are there active rills and gullies on the project site?

- 16.7. Have structural borings or dynamic soil analysis been requested in association with geological studies?

#### **17. VIOLENT CRIME**

- 17.1. How will project applicant determine if there has been an increase in each category of violent crime due to the projects presence and/or effect on the local area?
- 17.2. How will project applicant assure that no increase in violent crime due to the projects presence and/or effect on the local area?
- 17.3. How will project applicant pay for any increase in violent crime due to the projects presence and/or effect on the local area residents?
- 17.4. How will project applicant assure that no increase in gambling addiction due to the projects presence and/or effect on the local area residents?
- 17.5. How will project applicant pay for any increase in gambling addiction due to the projects presence and/or effect on the local area residents?
- 17.6. How will project applicant assure that no increase in drug addiction due to the projects presence and/or effect on the local area residents?
- 17.7. How will project applicant pay for any increase in drug addiction due to the projects presence and/or effect on the local area residents?

#### **18. THEFT**

- 18.1. How will project applicant determine if there has been an increase in theft due to the projects presence and/or effect on the local area?
- 18.2. How will project applicant assure that no increase in theft due to the projects presence and/or effect on the local area?
- 18.3. How will project applicant pay for any increase in theft due to the projects presence and/or effect on the local area residents?
- 18.4. How will project applicant assure that no increase in panhandling due to the projects presence and/or effect on the local area residents?
- 18.5. How will project applicant pay for any increase in panhandling due to the projects presence and/or effect on the local area residents?
- 18.6. How will project applicant assure that no increase in homeless persons due to the projects presence and/or effect on the local area residents?
- 18.7. How will project applicant pay for any increase in homeless persons due to the projects presence and/or effect on the local area residents?



**19. VAGRANCY**

19.1. How will project applicant determine if there has been an increase in vagrancy due to the projects presence and/or effect on the local area?

**20.**

20.1. How will project applicant assure that no increase in vagrancy due to the projects presence and/or effect on the local area?

20.2. How will project applicant pay for any increase in vagrancy due to the projects presence and/or effect on the local area residents?

**21. PROSTITUTION**

21.1. How will project applicant determine if there has been an increase in prostitution due to the projects presence and/or effect on the local area?

21.2. How will project applicant assure that no increase in prostitution due to the projects presence and/or effect on the local area?

21.3. How will project applicant pay for any increase in prostitution due to the projects presence and/or effect on the local area residents?

**22. CONSTRUCTION CODES**

22.1. How will project applicant determine that equivalent local building codes will be utilized in the construction of all facets of the project?

22.2. How will project applicant assure that no local safety ordinance has been breached due to the projects construction, presence, and/or effect on the local area?

22.3. How will project applicant pay for any and all violations to safety ordinances due to the projects presence and/or effect on the local area?

22.4. How will project applicant determine that equivalent county building codes will be utilized in the construction of all facets of the project?

22.5. How will project applicant assure that no county safety ordinance has been breached due to the projects construction, presence, and/or effect on the county area?

22.6. How will project applicant pay for any and all violations to safety ordinances due to the projects presence and/or effect on the county area?

22.7. How will project applicant determine that equivalent state building codes will be utilized in the construction of all facets of the project?

22.8. How will project applicant assure that no state safety ordinance has been breached due to the projects construction, presence, and/or effect on the state area?

22.9. How will project applicant pay for any and all violations to safety ordinances due to the projects presence and/or effect on the state?

- 22.10. How will project applicant determine that equivalent federal building codes will be utilized in the construction of all facets of the project?
- 22.11. How will project applicant assure that no federal safety ordinance has been breached due to the projects construction, presence, and/or effect on the federal area?
- 22.12. How will project applicant pay for any and all violations to safety ordinances due to the projects presence and/or effect on the federal area?

### 23. NUISANCE AND HAZARDS

- 23.1. Will the project be affected by seismic faults, or fractures?
- 23.2. Will the project be affected by wind/sandstorm concerns?
- 23.3. Will the project be impacted by poisonous plants, insects or animals onsite?
- 23.4. Are there unprotected water bodies on site?
- 23.5. Are there other hazardous terrain features?

### 24. ROADS TRAFFIC AND TRANSPORTATION

- 24.1. Has a traffic study been developed for the proposed project that is specific to this site and this project, and not just generic to the proposed industry?
- 24.2. Has a traffic study accommodated existing traffic counts experienced at the project site, and then projected appropriate increased traffic counts based upon days of the week, hours of the day or night, and special events?
- 24.3. Has a traffic study calculated existing road maintenance requires with anticipated road maintenance or road expansion needs to accommodate the project? What are project costs associated with this subject?
- 24.4. What is the projected weekly, daily and hourly traffic count for the site, and how does this translate to an annual traffic increase that impacts adjacent properties and neighborhoods?
- 24.5. What mitigations are proposed to accommodate traffic generated by the proposed project with existing traffic counts and flows at and adjacent to the project site?
- 24.6. Will the project affect or be affected by hazardous streets?
- 24.7. Will the project affect or be affected by dangerous intersections?

- 24.8. What mitigations (i.e. traffic signals, traffic security personnel, shuttle services) are proposed to ameliorate significant traffic increase and activity associated with the proposed project? What is this cost and how will it be accommodated without affecting costs of adjacent local governments?
- 24.9. Are there established biking and pedestrian pathways at or near the vicinity of the project site, and if so, what mitigations does the applicant propose to ensure the safety and non-interference of use of these public pathways?
- 24.10. How will the project impact existing public transportation facilities of the community?
- 24.11. How will the applicant ensure that increased capacity needs of public transportation will be accommodated at the sole expense of the applicant and not the adjacent local governments?
- 24.12. Will private transportation systems be required and/or implemented in association with the project?
- 24.13. How will any proposed private transportation systems impact and/or coordinate with public transportation systems currently in operation?

## **25. CHILDREN, SCHOOLS, PARKS, AND RECREATION**

- 25.1. What is the proximity of public schools to the project site?
- 25.2. Are there usual and customary children's play areas within the vicinity of the project site?
- 25.3. Do public school buses travel the road systems associated with the project site, and if so, how will traffic mitigations proposed by the applicant ensure safe and timely schedules for public school transportation needs?
- 25.4. Are there usual and customary recreational areas in the vicinity of the project site that are currently utilized by the adjacent community, and if so, how will the users of these recreation areas be affected by the project?
- 25.5. Will the proposed project increase a need for onsite or offsite daycare facilities for children, and how will the applicant accommodate such need, inclusive of safety of children to and from day care facilities?

## **26. LIGHT AND GLARE**

- 26.1. How will the applicant assess project site light and glare to adjacent properties?
- 26.2. What mitigations will ensure that onsite and offsite light and glare will comport with adjacent local government light, glare and signage requirements?

- 26.3. What procedures are proposed for adjacent neighbors who wish to legitimately complain of excessive light or glare?
- 26.4. How will applicant assure that no nocturnal flora are displaced or disturbed by the proposed project?
- 26.5. How will applicant assure that no nocturnal fauna are displaced or disturbed by the proposed project?

## **27. COMMERCIAL AND/OR RETAIL ANCILLARY USES**

- 27.1. Please identify each and every commercial use proposed upon project completion, and projected over the next ten (10) years at the project site?
- 27.2. Please identify an anticipated customer and weekly/daily/hourly traffic count associated with each commercial or ancillary use planned in the near-term and long-term use of the project site?
- 27.3. Please project estimates of revenue associated with each gambling, commercial or retail site and equate that to an equivalent sales tax loss of disposable income to adjacent local communities?

## **28. HOUSING & OVERNIGHT TOURIST ACCOMMODATIONS**

- 28.1. Has the applicant studied the current housing stock and occupancy rates of adjacent communities? If so, how will a project workforce impact:
- 28.1.1. Local community housing needs, projected over the next ten years?
- 28.1.2. Local housing sales and rental rates, projected over the next ten years?
- 28.1.3. Local housing over-crowding and code enforcement conditions that might impact adjacent communities, projected over the next ten years?
- 28.2. How will the applicant contribute to a stable and affordable housing stock supply consistent with the applicant's proposed workforce housing needs?
- 28.3. How will the project impact existing hotels, motels, RV facilities and other overnight tourism lodging facilities?
- 28.4. If the applicant proposed to construct hotel or motel facilities at or adjacent to the proposed project, please calculate the estimated impact of business to existing tourist facilities, and the projected hotel occupancy tax loss to adjacent local governments, over the next ten years?

## **29. LOCAL ECONOMIC IMPACTS**

- 29.1. What nationally accepted professional or scholarly data is the applicant using to evaluate the impact of an Indian gambling casino upon the foreseeable disposable income loss to adjacent commercial, retail, restaurant, recreational and lodging facilities, over the next ten years?
- 29.2. Please describe whether or how the applicant proposes to hire a local workforce, and how this potential transition of workers from current employment to future employment with the applicant might impact the local workforce?
- 29.3. Does the applicant anticipate hiring a workforce from outside of the immediate community? If so, from what sources will the applicant recruit its workforce?

### **30. LAW ENFORCEMENT, CRIME AND PUBLIC SAFETY**

- 30.1. How will activity at the proposed site impact resources of local, county and state law enforcement resources, over a projected ten-year period?
- 30.2. What law enforcement and public safety plans have been developed for the proposed project that will be commensurate with area law enforcement and public safety needs projected over a ten year period?
- 30.3. What cost mitigations is the applicant proposing to offset impacted and increased law enforcement personnel needs of agencies serving the proposed project?
- 30.4. What nationally accepted professional or scholarly data is the applicant using to evaluate the impact of hard (i.e. , robbery, vandalism, assault) and soft (white-collar larceny, embezzlement, fraud) crime traditionally associated with the gambling industry entrenching into a community previously unaffected by gambling?
- 30.5. What mitigations in terms of personnel, monitoring systems, training and counseling programs is the applicant proposing to minimize the impact of anticipated crime associated with the gambling industry?

### **31. ALTERNATIVE SITE ANALYSIS**

- 31.1. Please identify by assessor parcel number and physical street address or location, each and all sites considered by the applicant, prior to selecting the subject site as the preferred site?
- 31.2. For each alternative site identified in Question 22?1 above, please describe the level of analysis conducted, and explain why the specific site was rejected, in preference for the proposed site of the applicant?
- 31.3. For each alternative site considered and discussed in Question above, please identify the process and professionals that made determinations that have ultimately assessed the proposed site as the environmentally preferred site?

**From:** Chad Broussard [cbroussard@analyticalcorp.com]  
**Sent:** Monday, November 07, 2005 8:57 AM  
**To:** Jennifer Wade  
**Subject:** FW: NEPA/CEQA PROJECT SCOPING COMMENTS & QUESTIONS Federated Indians of Graton Rancheria

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

**From:** Bradley\_Mehaffy@nigc.gov [mailto:Bradley\_Mehaffy@nigc.gov]  
**Sent:** Monday, November 07, 2005 3:46 AM  
**To:** cbroussard@analyticalcorp.com  
**Subject:** FW: NEPA/CEQA PROJECT SCOPING COMMENTS & QUESTIONS Federated Indians of Graton Rancheria

Comments for report and AR.

Brad

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

**From:** Gay C. [mailto:gaycarlson@yahoo.com]  
**Sent:** Saturday, November 05, 2005 2:44 AM  
**To:** bradley\_mehaffy@nigc.gov  
**Subject:** NEPA/CEQA PROJECT SCOPING COMMENTS & QUESTIONS Federated Indians of Graton Rancheria

Brad Mehaffy, NEPA Compliance Officer  
National Indian Gaming Commission  
Attention: NEPA Coordinator  
re: Federated Indians of Graton Rancheria  
Fax: 202-632-7066

From: Gay L. Carlson  
5729 Davis Circle  
Rohnert Park, CA 94928  
(707) 584-5683

## **NEPA/CEQA PROJECT SCOPING COMMENTS & QUESTIONS**

**PROPOSED PROJECT:** Proposed Gaming Casino at Rohnert Park, Sonoma County, California by Casinos, Las Vegas, Nevada DBA as Federated Indians of Graton Rancheria

***Why Rohnert Park?...why allow an off-reservation casino?...Why allow out-of-state casinos to circumvent California State Law?...Why allow Station Casinos to USE Native Americans, the U.S. Government, The City of Rohnert Park and it's citizens?***

### **1. COASTAL BARRIERS & PROJECT WETLANDS**

The Laguna de Santa Rosa is a unique ecological system that is comprised of a mosaic of open water, wetland, riparian forest, oak woodland, grassland and vernal pools. The proposed casino is sited within this system.

- 1.1 Is the project located within a coastal barrier designated on a current FEMA flood map or Department of Interior coastal barrier resources map?

- 1.2 Are there drainage ways streams, rivers, or coastlines on or near the project site?
- 1.3 Are there ponds, marshes, bogs, swamps or other wetlands on or near the site?
- 1.4 Is the project located within a wetland designated on a National Wetlands Inventory map of the Department of Interior (DOI)?
- 1.5 Does the project 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).

## 2. FLOOD MANAGEMENT

**The Laguna de Santa Rosa is a natural flood plain.**

- 2.1 Is the project located within a floodplain designated on a current FEMA flood map? (24 CFR Part 55).
- 2.2 Is the proposed building footprint located in a Special Flood Hazard Area identified on a current Flood Insurance Rate Map (FIRM)?
- 2.3 Do proposed construction plans accommodate and comply with Uniform Building Code requirements of facilities constructed within Special Flood Hazard Areas?

## 5. PROJECT RELATED HAZARDOUS MATERIALS

**The site of the proposed casino is within the area of a former military site and a former waste site.**

- 5.7 Is the site located within 3,000 feet of a toxic or solid waste landfill site?
- 5.8 Were underground storage tanks ever located on the site? If so, provide documentation that all underground storage tanks have been identified, located and appropriately removed by qualified professionals, using current techniques in compliance with 40 CFR Part 280.
- 5.9 Are there any unresolved hazardous materials issues at the proposed site that could the state, county or a municipality to be determined to be potential responsible party?

## 7. WATER

**Water supply is a critical issue for all of Sonoma County. I am absolutely concerned with the casino project usurping the water rights of current citizens and facilities.**

- 7.1 Will the proposed project affect a sole source or other aquifer?
- 7.2 What is the total anticipated impervious surface coverage estimated for the proposed project?
- 7.3 What percentage of the project site is proposed for impervious surface, and how does this surface impact existing elements addressed in Section 1 above?
- 7.4 Is the site currently served by an adequate and acceptable water supply?
- 7.5 What mitigations are proposed for water supplies of the proposed project that will not affect or will ameliorate water supplies of adjacent residential neighborhoods businesses, and other land uses currently receiving adequate water?
- 7.6 How will the applicant assure the local government and surrounding community that costs associated with increased water supply needs of the project will be fully accommodated by the applicant, and not a burden imposed upon local governments, local water districts or providers, or local property owners?

## 8. SEWER, SANITATION AND WASTE DISPOSAL

**Sewer and waste disposal is a critical issue for all of Sonoma County. I am concerned with the casino project adding a huge drain upon our already overburdened and extremely expensive systems.**

- 8.1 Are there current sanitary sewers and waste water disposal systems serving the site?
- 8.2. How will current sanitary sewers and waste water disposal systems be impacted by the proposed project, and at what cost?
- 8.3 What additional sanitary sewer and wastewater disposal systems are required and how will expansions of such infrastructure impact existing, connecting infrastructure in terms of capacity and annual cost?
- 8.4 If the project water supply is non-municipal, has an acceptable "system" been designed, and approved by appropriate state and local authorities and agencies?

## 9. ENVIRONMENTAL JUSTICE

**I am further concerned with the low paying jobs that will serve the projected casino project. These jobs are estimated to average \$30,000. per annum in an area of high cost of living.**

- 9.2 Does the project site or neighborhood suffer from disproportionately adverse environmental effects on minority and low-income populations relative to the community-at-large?

## 10. UNIQUE NATURAL FEATURES AND AREAS



**The proposed site is currently open space, part of a flood plane and the Laguna de Santa Rosa.**

- 10.1 Is the site near natural features (i.e., bluffs or cliffs) or near public or private scenic areas? If so, what site and construction adjustments have been determined to protect scenic viewsheds or other public entitlements?
- 10.2 Are other natural resources visible on site or in the vicinity? Will any such resources be adversely affected or will they adversely affect the project?

## **11. SITE SUITABILITY**

**The proposed site is currently open space, part of a flood plane and the Laguna de Santa Rosa.**

- 11.1 What are the previous uses of this site and what residual impacts affect the project or are affected by the project?
- 11.2 Is there paved access to the project site?
- 11.3 Are there unusual conditions on the site?
- 11.4 Is there any indication of currently distressed vegetation?
- 11.5 Are there waste materials or containers on site?
- 11.6 Are there pools of liquid or soil staining, chemical spills, abandoned machinery, cars, refrigerators, etc.?
- 11.7 Are there existing or abandoned transformers, fill/vent pipes, pipelines, drainage structures?
- 11.8 Is the project compatible with surround areas in terms of:
  - 10.8.1 Land use
  - 10.8.2 Height, bulk, mass
  - 10.8.3 Building type (low/high-rise)
  - 10.8.4 Building density
- 11.9 Will the project influence or be unduly influenced by:
  - 10.9.1 Building deterioration
  - 10.9.2 Postponed maintenance
  - 10.9.3 Obsolete public facilities
  - 10.9.4 Transition of land uses
  - 10.9.5 Incompatible land uses
  - 10.9.6 Inadequate off-street parking

## **12. AIR QUALITY**

**We are a small community, family oriented.**

12.1 Are there proposed air pollution generators associated with the proposed project, such as those listed below, and if so, how will the applicant mitigate each of the following:

12.1.1 Incinerators

12.1.2 Power generators

12.1.3 Large parking facilities (1,000 or more cars)

12.1.4 Heavily traveled highways, adjacent and onsite road systems.

12.1.5 Will the project affect or be affected by nuisance odors? What mitigations are proposed?

**13. SOIL CONDITION, QUALITY, STABILITY, EROSION AND DRAINAGE**

13.1 Describe the site elevations and any accommodations required for significant slopes.

13.2 Is there evidence of slope erosion or unstable slope conditions on or near the site?

13.3 Is there any visible evidence of soil problems (foundations cracking or settling, basement flooding, etc.) in the vicinity of the project site?

13.4 Have soil reports or studies or borings been made for the project site or the area? If so, what are the findings of soil studies accomplished?

13.5 Is there indication of cross-lot runoff, swales, drainage flows on the property?

13.6 Are there visual indications of filled ground? What assurances has the applicant developed to ensure soil stability for construction footprint and impervious surfaces?

13.7 Are there active rills and gullies on the project site?

13.8 Have structural borings or dynamic soil analysis been requested in association with geological studies?

**14. NUISANCE AND HAZARDS**

**The proposed casino site is situated approximately over the Rogers Earthquake Fault.**

14.1 Will the project be affected by seismic faults, or fractures?

14.2 Will the project be affected by wind/sandstorm concerns?

14.3 Will the project be impacted by poisonous plants, insects or animals onsite?

14.4 Are there unprotected water bodies on site?

14.5 Are there other hazardous terrain features?

## 15. ROADS TRAFFIC AND TRANSPORTATION

**Traffic is a major factor for the proposed site. Already seriously impacted, the casino will no doubt bring Hwy 101 traffic to a halt.**

- 15.1 Has a traffic study been developed for the proposed project that is specific to this site and this project, and not just generic to the proposed industry?
- 15.2. Has a traffic study accommodated existing traffic counts experienced at the project site, and then projected appropriate increased traffic counts based upon days of the week, hours of the day or night, and special events?
- 15.3 Has a traffic study calculated existing road maintenance requires with anticipated road maintenance or road expansion needs to accommodate the project? What are project costs associated with this subject?
- 15.4 What is the projected weekly, daily and hourly traffic count for the site, and how does this translate to an annual traffic increase that impacts adjacent properties and neighborhoods?
- 15.5 What mitigations are proposed to accommodate traffic generated by the proposed project with existing traffic counts and flows at and adjacent to the project site?
- 15.6 Will the project affect or be affected by hazardous streets?
- 15.7 Will the project affect or be affected by dangerous intersections.
- 15.8 What mitigations (i.e. traffic signals, traffic security personnel, shuttle services) are proposed to ameliorate significant traffic increase and activity associated with the proposed project? What is this cost and how will it be accommodated without affecting costs of adjacent local governments?
- 15.9 Are there established biking and pedestrian pathways at or near the vicinity of the project site, and if so, what mitigations does the applicant propose to ensure the safety and non-interference of use of these public pathways?
- 15.10 How will the project impact existing public transportation facilities of the community?
- 15.11 How will the applicant ensure that increased capacity needs of public transportation will be accommodated at the sole expense of the applicant and not the adjacent local governments?
- 15.12 Will private transportation systems be required and/or implemented in association with the project?

15.13 How will any proposed private transportation systems impact and/or coordinate with public transportation systems currently in operation?

## **16. CHILDREN, SCHOOLS, PARKS, AND RECREATION**

**Rohnert Park is a planned community for families. We are all about education, parks and recreation. A gambling casino cannot possibly bring anything good to our community.**

16.1 What is the proximity of public schools to the project site?

16.2 Are there usual and customary children's play areas within the vicinity of the project site?

16.3 Do public school buses travel the road systems associated with the project site, and if so, how will traffic mitigations proposed by the applicant ensure safe and timely schedules for public school transportation needs?

16.4 Are there usual and customary recreational areas in the vicinity of the project site that are currently utilized by the adjacent community, and if so, how will the users of these recreation areas be affected by the project?

16.5 Will the proposed project increase a need for onsite or offsite daycare facilities for children, and how will the applicant accommodate such need, inclusive of safety of children to and from day care facilities?

## **17. LIGHT AND GLARE**

17.1 How will the applicant assess project site light and glare to adjacent properties?

17.2 What mitigations will ensure that onsite and offsite light and glare will comport with adjacent local government light, glare and signage requirements?

17.3 What procedures are proposed for adjacent neighbors who wish to legitimately complain of excessive light or glare?

## **18. COMMERCIAL AND/OR RETAIL ANCILLARY USES**

**The proposal seeks to develop retail as well as gambling. This will undoubtedly harm tax-paying businesses. This community needs tax dollars!**

18.1 Please identify each and every commercial use proposed upon project completion, and projected over the next ten (10) years at the project site.

18.2 Please identify an anticipated customer and weekly/daily/hourly traffic count associated with each commercial or ancillary use planned in the near-term and long-term use of the project site.

- 18.3 Please project estimates of revenue associated with each gambling, commercial or retail site and equate that to an equivalent sales tax loss of disposable income to adjacent local communities.

## **19. HOUSING & OVERNIGHT TOURIST ACCOMMODATIONS**

**We have a severe shortage of low-cost housing available for the future low-earning employees of the proposed casino.**

- 19.1 Has the applicant studied the current housing stock and occupancy rates of adjacent communities? If so, how will a project workforce impact:
- 19.1.1 Local community housing needs, projected over the next ten years.
  - 19.1.2 Local housing sales and rental rates, projected over the next ten years.
  - 19.1.3 Local housing over-crowding and code enforcement conditions that might impact adjacent communities, projected over the next ten years.
- 19.2 How will the applicant contribute to a stable and affordable housing stock supply consistent with the applicant's proposed workforce housing needs?
- 19.3 How will the project impact existing hotels, motels, RV facilities and other overnight tourism lodging facilities?
- 19.4 If the applicant proposed to construct hotel or motel facilities at or adjacent to the proposed project, please calculate the estimated impact of business to existing tourist facilities, and the projected hotel occupancy tax loss to adjacent local governments, over the next ten years.

## **20. LOCAL ECONOMIC IMPACTS**

**Casinos are ravaging the personal finances of too many people, cultivating a new class of unlikely criminals, victimizing neighboring governments and companies, and destroying lives and families..**

- 20.1 What nationally accepted professional or scholarly data is the applicant using to evaluate the impact of an Indian gambling casino upon the foreseeable disposable income loss to adjacent commercial, retail, restaurant, recreational and lodging facilities, over the next ten years?
- 20.2 Please describe whether or how the applicant proposes to hire a local workforce, and how this potential transition of workers from current employment to future employment with the applicant might impact the local workforce?
- 20.3 Does the applicant anticipate hiring a workforce from outside of the immediate community? If so, from what sources will the applicant recruit its workforce?

## **21. LAW ENFORCEMENT, CRIME AND PUBLIC SAFETY**

**Casinos are ravaging the personal finances of too many people, cultivating a new class of unlikely criminals, victimizing neighboring governments and companies, and destroying lives and families..**

- 21.1 How will activity at the proposed site impact resources of local, county and state law enforcement resources, over a projected ten-year period?
- 21.2 What law enforcement and public safety plans have been developed for the proposed project that will be commensurate with area law enforcement and public safety needs projected over a ten year period?
- 21.3 What cost mitigations is the applicant proposing to offset impacted and increased law enforcement personnel needs of agencies serving the proposed project?

21.4 What nationally accepted professional or scholarly data is the applicant using to evaluate the impact of hard (i.e., robbery, vandalism, assault) and soft (white-collar larceny, embezzlement, fraud) crime traditionally associated with the gambling industry entrenching into a community previously unaffected by gambling?

21.5 What mitigations in terms of personnel, monitoring systems, training and counseling programs is the applicant proposing to minimize the impact of anticipated crime associated with the gambling industry.

## **22. ALTERNATIVE SITE ANALYSIS**

***Why Rohnert Park?...why allow an off-reservation casino?...Why allow out-of-state casinos to circumvent California State Law?...Why allow Station Casinos to USE Native Americans, the U.S. Government, The City of Rohnert Park and it's citizens?***

22.1 Please identify by assessor parcel number and physical street address or location, each and all sites considered by the applicant, prior to selecting the subject site as the preferred site.

22.2 For each alternative site identified in Question 22.1 above, please describe the level of analysis conducted, and explain why the specific site was rejected, in preference for the proposed site of the applicant.

22.3 For each alternative site considered and discussed in Question 22.2 above, please identify the process and professionals that made determinations that have ultimately assessed the proposed site as the environmentally preferred site.

Submitted by:

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5729 Davis Circle  
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November 3, 2005

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11/2/05

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National Indian Gaming Commission  
1441 L Street, NQ, Suite 9100  
Washington, D.C.

RE: EIS Stations Casinos and Federated Indians of Graton Rancheria Casino and Hotel

Dear Mr. Mehaffy;

I am writing to ensure that the upcoming EIS on the above-mentioned project includes a strict interpretation of NEPA environmental regulations. The proposed casino/hotel complex appears to be extremely ambitious and will surely exert adverse health effects on the general population. It is important that the EIS quantify these adverse effects so that the medical community may prepare for an increase in patient population.

For example, the increase in daily vehicular traffic, due solely to this project, will generate a concomitant amount of exhaust pollutants.

1. What is the estimated amount of automobile exhaust, in tons per year that will result from increased motor traffic destined to and departing from the proposed project?
2. What will the tons per year of auto exhaust released into the atmosphere by vehicles coming and going to the project be after five years? How many tons after 10 years?
3. Please list the exhaust pollutants expected to be released by the additional vehicular traffic destined to the project. What are the health implications of these pollutants, if any?
4. Please provide references to studies indicating adverse effects on human health, if any,

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from auto exhaust and how does the applicant intend to ameliorate or mitigate these effects.

4. What is the estimated increase in asthma among young people from infancy to 21 years due to the increase of auto exhaust triggered by traffic to and from the project? If none, why wouldn't there be an increase?
5. What is the estimated increase in emphysema in the general population due to the project's intention of increasing vehicular traffic? If none, why wouldn't there be an increase?
6. Please cite references to existing studies that show a correlation between auto exhaust and lung disease of any description. What studies does the applicant cite linking or not linking auto exhaust with lung disease? Does the applicant contend that breathing increased auto exhaust is benign? If so, please cite studies that demonstrate this position. If studies are not cited, why are they missing?
7. Will tobacco products be consumed on the premises?
8. If smoking tobacco is consumed on the premises, how much tar and nicotine, in pounds per year, is estimated will be released into the air within doors? Please estimate all enclosed regions, i.e. gaming rooms, hotel rooms, restaurants, hallways, and lobbies.
9. Does the applicant concur that studies linking tobacco smoke (both inhaled directly and incidentally inhaled as second-hand smoke) with lung disease are valid studies that represent conclusive proof of a cause of illness? If not, why not? Does the applicant cite any studies that claim that there is no link between tobacco smoke and disease? If so, please cite those studies.
10. What is the estimated increase in lung disease, of all descriptions, among casino employees and staff members due to concentrations of tobacco smoke indoors?
11. What is the estimated damage to patrons due to exposure to tobacco smoke? Out of the estimated number of patrons expected to visit the facility in one year, what percentage of these people are expected to suffer increased impairment of lung function?
12. If the land is taken into trust, and therefore has certain federally reserved rights exempt from laws currently governing the State of California, what precautions, if any, will the applicant take to prevent children from consuming tobacco products on the premises? If no precautions will be taken, why not?

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13. Will minors under the age of 21 be allowed on gambling floors?
14. Approximately how many children are expected to visit the facility in a year?
15. What is the expected amount of water, in acre-feet per year, to be pumped from groundwater? How much energy will this pumping require and how much air pollution does this represent in exhaust (by weight) per year. Please list all disease causing constituents that will be released into the air by this exhaust.
16. Has the applicant performed a three-dimensional groundwater study, using the USGS-approved MODFLOW criteria, of the Santa Rosa Groundwater Basin? If so, where may I obtain the results of this study? If not, why has the applicant not performed such a study?
17. How does the applicant intend to provide safe clean water in an overdrafted area of the Santa Rosa Groundwater Basin?
18. How does the applicant expect to remove arsenic from groundwater? If diluted, where will the fresh water, that does not contain arsenic, come from? If removed mechanically, how will the concentrated forms of arsenic be disposed of? How much arsenic is expected to be naturally occurring in the applicant's wells.
19. Please explain how the project will dispose of sewage.
20. How many gallons of sewage a day does the applicant estimate the project will produce?
21. How many gallons of sewage will be produced in a year?
22. Will the applicant pump untreated sewage to a sewage treatment plant? If so, which one?
23. Will the applicant treat sewage at the project site with a package treatment plant? If so, please describe what mechanisms this plant will employ.
24. How will the applicant remove endocrine disruptors, like Phthalates, from wastewater? If they will not be removed, please explain why not.
25. How will the applicant remove pharmaceuticals from wastewater? If they will not be removed, please explain why not.
26. How will the applicant remove viruses from wastewater? If they will not be removed, please explain why not.

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26. Please describe the types of pharmaceuticals expected to be released into wastewater by patrons, employees and staff members. Please estimate the amounts of each and the risk of contamination to groundwater reserves this discharge represents.
27. If a package treatment plant will be used to treat sewage on site, how will the applicant dispose of the solid waste that results from using such a plant?
28. How many new gambling addicts does the applicant estimate the project will create? What programs will the applicant institute to remedy gambling addictions? Will these programs include financial relief to families that suffer financial ruin as a result of a family member's gambling addiction? If financial relief will not be extended to families rendered destitute due to gaming losses, please explain why it will not be.
29. How many new smokers will this project create? Will the applicant institute nicotine cessation programs to help smokers quit? Will these programs administer any pharmaceuticals? If so, which ones and why will they be used? If the applicant has no plans to institute nicotine cessation programs, please explain why they are not needed.
30. Please estimate the number of new cases of lung cancers among non-smokers the project expects to produce. This number may be extrapolated from the estimated population and the assumed incidence of this new phenomenon modified by the increased exposure to second-hand smoke as it is expected to exist within the project's premises.
31. It is well-known that gambling is extremely popular in Asia and many tour operators countries conduct direct tours to the U.S. for this exclusive purpose. How many Japanese nationals does the applicant expect will visit the project in a year?
32. How many Chinese nationals does the applicant expect will visit the project in a year?
33. How many South Korean nationals does the applicant expect will visit the project in a year?
34. How many Vietnamese nationals does the applicant expect will visit the project in a year?
35. How many Cambodian nationals does the applicant expect will visit the project in a year?
36. How many Thai nationals does the applicant expect will visit the project in a year?
37. How many Malaysian nationals does the applicant expect will visit the project in a year?

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38. How many Burmese nationals does the applicant expect will visit the project in a year?
39. How many Indian nationals does the applicant expect will visit the project in a year?
40. Of the people traveling from Asia expected to visit the project, of any nationality, please describe the epidemiological projections of individuals arriving with influenza infections. Does the applicant plan any precautions to prevent transmission of influenza viruses from infected foreign visitors? If so, please describe these precautionary measures. If not, please describe why such precautions are not needed.
41. Does the applicant's epidemiological models include foreign nationals infected with H5 infections? If so, how may I obtain these models? If not, please explain why no models exist.
42. Please describe measures to prevent airborne viral infection on the premises.
43. Please describe measures to prevent contact viral infections on the premises.
44. Please describe measures to prevent water-borne viral infection on the premises.
45. If the applicant has no provisions to prevent viral infections, please explain why such precautions are not needed. Despite all best efforts, we can assume that some viral infections will take place. Please estimate, in number of patients, how many people will come down with viral infections in a year as a result of visiting the project.
46. Considering that the applicant will not likely be subject to California state laws, Sonoma County ordinances, or any municipal ordinances, does the applicant intend to operate a bordello on the premises or offer any sex acts for hire? If so, please describe these services and explain if they will conform to any particular code or codes of behavior that include medical examinations or treatment.
47. Please estimate the name and number of new sexually transmitted diseases this project is expected to contribute to the community. What precautions does the applicant intend to implement to prevent sexually transmitted diseases being contracted within the confines of the project? If the applicant plans no precautions in this regard, please explain why these steps are not needed.

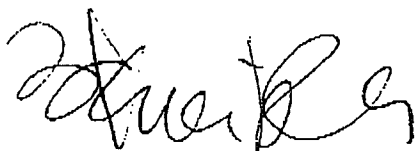
Thank you very much for the opportunity to comment on this Scoping Session. However, the single evening for public comment is not adequate for a project with health

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implications of this size.

I strongly urge you to hold more scoping sessions so that a wider slice of the community may be informed about this project. The health risks are considerable and more people need to be made aware of the consequences so that their observations may be considered in the EIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Bonnie Kneibler". The signature is fluid and cursive, with a large initial "B" and "K".

Bonnie Kneibler, M.D.

**EIS SCOPING COMMENTS**  
**GRATON RANCHERIA CASINO and**  
**HOTEL PROJECT**

to

**Brad Mehaffy, NEPA Compliance Officer**  
NATIONAL INDIAN GAMING COMMISSION  
1441 L STREET, N.W. 9TH FLOOR  
WASHINGTON, D.C. 20005

from

Loretta Smith  
4286 Primrose Ave.  
Santa Rosa, CA 95407

Nov. 3, 2005

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## LAND USE AND PLANNING

As a single woman who owns my own home located near the proposed casino site, and as a woman who will be retiring in 10 years, I want to know how this casino will affect me, my home and my investment.

**Compared to other casino operations existing:**

**What has been the effect of a casino on surrounding property values within a 10 square mile over a 1 year period, 3 year period, 5 year period and 10 year period after opening? Can the applicant (FIGR) demonstrate any examples of either increased or decreased residential property values within a 5 mile radius of three comparable existing casinos?**

**Have casinos tended to acquire additional surrounding land? Has there been economic pressure by lower property values or degradation of quality of life in the neighborhoods, to push out original property owner neighbors? What is the projected plan by the FIGR to expand activities or acquire additional land?**

**What has been the resale impact to the neighborhood in a 10 square mile over a 1 year period, 3 year period, 5 year period and 10 year period after the casino opened?**

As a property owner who has lived in my home 30 years, my current property value is approximately \$800,000. If a casino is built around my home it is reasonable to expect there will be a decreased market value since few buyers will find this attractive. **What will FIGR do to compensate and relocate me? How will the applicant establish market value and guarantee equal protection of civil rights to near or adjacent property owners?**

**How have surrounding property owners of 3 comparable existing casinos been compensated for loss of potential property value to their homes?**

**What has been the impact to traffic, crime, noise and light pollution, and water to the original property owners, over a 1 year, 3 year, 5 year and 10 year period, and how have they been compensated for loss of quality of life?**

**What has been the impact on local, county and state politicians in terms of influence by money from the casino, and the impact on governmental decisions and policies as a result of this new source of casino money? It is simply a fact of life that money puts people in office and then those people turn around and protect the interests of their source of money. What protections will FIGR provide to assure citizens that their constitutional right to a representative government will not be negatively impacted?**

**What is the projected use by FIGR of funds derived from the casino? How will**

**this affect Sonoma County for the next 20 years?**

**What has been the impact, as stated by the neighbors of 3 comparable existing casinos in a 10 square mile radius, of their satisfaction of quality of life comparing before and after the opening of the casino? How have these citizens been compensated by the tribes involved for loss of quality of life in their neighborhoods?**

**How will the casino affect crime levels? What are the current crime levels in the 10 square mile radius from the casino? How will the casino affect the crime levels per day, per month, and per year over 5 years?**

**Class 3 casinos have significantly affected the communities below. What assurances will the applicant (FIGR) provide or install that preserves the quality, economy and lifestyle of the citizens in a 10 square mile radius to make sure we do not wind up like these communities?**

**Marysville, WA (Tulalip)**

**North Stonington, Ledyard, CT (Pequot)**

**Vernon, Verova and Sherrill NY (Oneida)**

**What recourse will FIGR provide to citizens if the applicant should not fulfill these assurances?**

This proposed project is in direct conflict with the Sonoma County General Plan which since 1978 has listed this property as Open Space, Agricultural, Community Separator.

**+How will you prevent this project from violating Sonoma County's General Plan?**

**+How will you prevent the loss of this piece of land as agricultural/ open space?**

The tribe and/or its partner has already approached surrounding properties with the intent to purchase them. If this land is taken into trust, there will be no law to stop additional acquisition of surrounding lands further decreasing the agricultural and open space and eroding the General Plan even further. There will be no limit on how the land will be developed.

**+How will you preserve and protect all of the land intended as open space/agricultural in the Sonoma County General Plan from development?**

**+How will you prevent a project of this size and character from disrupting the surrounding agricultural land use?** The traffic and population activity are incompatible with the local dairies and farm equipment.

**How will the farm animals be impacted by the traffic, noise and pollution accompanying this project?**

If a project of this size and scope is constructed, there will be substantial pressure from developers to buy up surrounding land and create commercial development the entire length of Rohnert Park Expressway, Stony Point Road and Wilfred Avenue.

**+How will you prevent this proposal from directly or indirectly inducing**



**substantial growth and development to an area that the voters of Sonoma County voted to protect as open space?**

I am aware that there are some casinos that have gutted three towns in less than 20 years, through land acquisition, tax free undercutting of services and goods and political influence. **What assurances will the applicant give to guarantee that current or future businesses in the area will not be negatively affected such as Walmart, Home Depot, Target, restaurants, small business and service shops? What assurances will the applicant provide or install that preserves the quality, economy and lifestyle of the current communities?**

This project is more than a business venture. It is a government that the citizens of Sonoma County do not elect, but which will affect us greatly. Because FIGR is a federally recognized tribal government and sovereign nation, with a separate governing system in which I have no voice, the long term net effect of this project is a constructed reservation and established tribal government with the capability of politically overwhelming adjacent communities and Sonoma County governments. Executive orders that establish preferential treatment in federal agencies will be available to FIGR and those preferences can soon over power local land use and local control of government.

**How will the applicant ensure no interference with the constitutional and civil rights of citizens of Sonoma County to be fully represented by unbiased elected officials in our representative governments at the federal, state and local levels?**

The citizens of Sonoma County will have no power to stop activities that may be detrimental or harmful to the community since FIGR is a federally recognized sovereign nation. A tribe on the Skull Valley Goshute reservation is considering a lease to store nuclear waste on the reservation, some 4,000 canisters of nuclear waste would be brought to the reservation and stay there for up to 40 years. **What assurances will the tribe give to the citizens of Sonoma County that they will have a voice and recourse about any endeavor which might affect Sonoma County citizens?**

## POPULATION AND HOUSING

I have been teaching for 16 years, and as a teacher I have concerns whether our school districts' quality of education will deteriorate when the casino opens and whether the school districts will be less inviting to qualified teachers in the future. **How will the applicant mitigate this risk in the first year, third year, fifth year and tenth year of operation?**

I am aware of several existing casinos that have impacted the local school districts by hiring low waged non English speaking employees. As demonstrated in Without Reservation, one such district was required to hire bilingual translators in 17 different languages after a casino opened.

It is reasonable to expect that the workforce will live within a 10 mile radius of the casino, and it is reasonable to expect that many of the worker's families will include children. These schools fall within a 10 mile radius of Rohnert Park and so are the most likely to be impacted: Rohnert Park-Cotati, Penngrove, Dunham, Waugh, Old Adobe, Liberty, Petaluma City, Cinnabar, Wilson, Bellevue, Wright, Roseland, Santa Rosa City, Piner-Olivet, Rincon Valley, Bennett Valley, Sebastopol Union, West Sonoma County Union, Gravenstein, Twin Hills, Oak Grove and Willowside School Districts. **How are these**

**districts likely to be affected by the casino?**

**If the casino opens, what is the expected project impact to these schools over a 1 year, 3 year, 5 year and 10 year period?**

**What are the current enrollment trends over the past 5 years for the Sonoma County school districts listed above?**

**What is the projected enrollment of these schools over a 1 year, 3 year, 5 year and 10 year period?**

**It is reasonably foreseeable that the tribe will acquire additional land in the area. The site will be tax exempt. This will decrease the property tax revenue that is needed by the local school district. How will this impact the property tax base for the above mentioned school districts? How will the applicant mitigate this loss of revenue to affected school districts?**

**The casino/hotel will need to recruit a workforce. Of the existing demographics of this community, how many local people will be employed? If there are not enough local people to fill the workforce, how will the applicant recruit and provide housing for them?**

**Gambling will affect the families and one cannot buy good character with mitigation money. Gambling debts, gambling addictions and unstable family environments may affect our students and future students. Big money contributions to a school does not guarantee a quality learning environment to students disabled by family gambling addictions. What are the projected gambling addiction rates for a casino of the proposed applicant's square footage as compared to 3 comparable existing casinos. Can the applicant demonstrate any examples of either increased or decreased gambling addiction, gambling debts and negative family environments of three existing comparable casinos? And how have the existing casinos mitigated these problems? How does FIGR propose to mitigate them?**

**What preventative gambling educational programs will the applicant provide to the surrounding school districts?**

**How will they measure the effectiveness of these programs implemented in the prevention of gambling addiction?**

**How will they address affected families that this preventative program fails to reach?**

**I am aware of at least one Indian casino that entices children to gamble when they provide on site day care activities that are akin to gambling ie. "kiddie bingo", or toys such as pretend slot machines that replicate gambling activity, or lottery-like gambling activities for 4 to 17 year olds that win prizes such as new bikes.**

**Does the applicant's plan include day care for minor children? What assurances can the FIGR provide that they will not engage in activities for minors that encourage them to gamble?**

**To what extent will on site child care center encourage parents to leave their children in the day care for extended periods of time? What hours of operation**

**will the day care have? What restrictions will be applied to encourage good parenting in spite of gambling?**

A project of this size, and the traffic it will generate will necessitate substantial changes in the size of the surrounding roads.

**+How will you prevent the existing housing, which is affordable housing in this county, from being displaced and destroyed to make room for road expansion?**

## **WATER**

The proposed site is a flood plain that regularly floods in winter. A project of this scope will significantly affect that flood plain and the surrounding properties. Pavement prevents rain from refilling groundwater. The casino will cover at least 50 acres of land.

**+How will you prevent the loss of groundwater recharge capability and the resulting reduction in groundwater quantity that would otherwise be available for the public water supplies from the acres of buildings and asphalt?**

**+How will you prevent, when acres of fill dirt is brought in, the displacement of floodwaters on that site to surrounding properties?**

**+How will you prevent the change in the amount and direction of surface runoff leaving the site?**

**+How will you protect surrounding neighborhoods and streets from being impacted by the floodwaters that have been displaced by this development?**

The casino proposes to dig two deep wells. The water table under the site has dropped as much as 150 feet in the last 25 years. More water is already pumped out every day than is being recharged. Wells are going dry in Southwest Santa Rosa, Cotati, Penngrove, Sebastopol and Rohnert Park.

**+How will you prevent this project from contributing to our serious water shortage?**

**+How will you ensure that surrounding communities and wells will not be impacted by the water usage of a project of this size?**

Based on the fact that it is a federally recognized tribe, it is afforded water rights that supersede state and local water rights. **What assurances will the applicant provide that current residents of Sonoma County will have access to adequate water supplies?**

## **AIR QUALITY**

With 15,000 to 20,000 additional cars, tour busses and trucks 24 hours a day, 7 days a week, driving within feet of family residences and within a mile of the business district of a small city, air quality will be impacted.

**+How will you prevent this project from contributing to worsening of air quality?**

**+How will you protect residents from exposure to hazardous gasses and**

**objectionable odors caused by the volume of traffic and from the rise in pollution when busses, service trucks, brinks trucks and autos are stuck in traffic?**

## TRANSPORTATION/CIRCULATION

The local roads, Stony Point Road, Wilfred Avenue and Rohnert Park Expressway are already plagued by excessive traffic. With the 15 to 20,000 additional vehicles on the surface streets leading to the casino, county residents will be subjected to increased gridlock 24/7, increased emissions, increased accidents and emergency delays. The city of Rohnert Park will feel this impact as well, which will affect business. In addition, the state is not funding road improvements to cover this impact.

**How many vehicle trips will this project generate per hour and per day, for the next 5 years? How does the projected traffic generated by this casino affect current projected traffic? How will the applicant mitigate the problems associated with increased traffic?**

**+How will you prevent the gridlock and excessive traffic on narrow country roads from an additional 10 to 20,000 vehicles?**

**+How will you protect the city of Rohnert Park from the traffic impacts of this project?**

**+How will you prevent highway 101 from the traffic impacts of this project?**

**+How will you prevent the cost of road changes as a result of this project from being born by the taxpayer?**

## BIOLOGICAL RESOURCES

There is an endangered salamander that lives on the proposed site. I live two blocks away and have personally unearthed a Tiger Salamander with a shovel. I was told by a biologist, that the Tiger Salamander lives in shallow gopher holes. **Since I unearthed one at the depth of less than six inches, what is the likelihood that the discing to the property that I observed prior to the Salamander study had an effect on the number of Salamanders found? What studies have been done on the effect of discing land on Salamander survival? It would be reasonable to assume that Salamanders were killed with the discing practice. What further study will the applicant do on this property to assure that a biologically accurate study is completed on the Tiger Salamander?**

The proposed site is part of the flood plain of the Laguna de Santa Rosa, the largest freshwater wetland complex in Northern California. It consists of 250 square miles of watershed that helps sustain the entire Santa Rosa Valley ecosystem. ([www.lagunadesantarosa.org](http://www.lagunadesantarosa.org))

According to the Specific Plan, there are 2.15 acres of vernal pools in this area.

The area is home and habitat for 5 federally recognized endangered species:

Sebastopol Meadowfoam (*Limnanthes vinculans*)  
Burke's Goldfields (*Lasthenia burkei*)

Sonoma Sunshine (*Blennosperma bakeri*)  
Showy Indian Clover (*Tripolium amoenum*) and  
California Tiger Salamander

**+How will you prevent the loss of habitat from these endangered, threatened or rare species?**

**+How will you prevent the decrease in population of these species, which are endangered, threatened or rare?**

**+How will you address the loss of wetland, marsh, and vernal pools?**

**This site is directly in the path of the Pacific Flyway Migration Corridor and is used by scores of migrating birds for feeding, resting and nesting.**

**+How will you prevent the loss of area of the Pacific Flyway Migration Corridor?**

**+How will you protect the feeding, nesting and resting sites?**

**+How will you address the loss of habitat to the other animals that make this open space home; fox, possum, quail, skunk, coyote, egrets and field mice, just to name a few?**

## HAZARDS

In order to build on this site, acres of asphalt saturated fill material will be needed to prepare and raise the building pad. The high water table will cause these petroleum by products and other pollutants to leach directly into both the groundwater supply and into the Laguna de Santa Rosa.. New asphalt parking lots and driveways prepared by spraying oil directly onto newly prepared surfaces will further add to the contamination of this environmentally sensitive area.

**+How will you prevent groundwater contamination from fill, asphalt and construction materials?**

Paving over this land will prohibit rainwater from being absorbed into the ground during the flood season, causing water to be displaced and exacerbating an already serious residential and environmental flooding to properties in the area.

Residential septic systems will be under flood waters for extended periods of time causing additional failures of systems and leading to effluent surfacing. This will result in more wells in the area becoming contaminated as sewage leaches into the floodwaters and flows across residential properties, roads and directly into the Laguna de Santa Rosa.

**+How will you prevent contamination of wells or groundwater?**

**+How will you prevent septic failures from displaced floodwaters?**

In addition, there will be significant increase from non-point source water pollution from oil,

grease, gasoline, detergents and roadway runoff; and particulate matter from diesel engines from the 15,000 to 20,000 additional cars, Brinks trucks, tour busses and trucks expected to visit the casino 24 hours a day, 7 days a week.

**+How will you prevent non-point source water pollution?**

The land in question is near a World War II military site. There are concerns about hazardous materials left from that period.

**+How will you determine that no hazardous materials, contaminated groundwater, or dangerous situations are present to harm those on that site or those living near it?**

The casino will operate all hours of the day and night. It will sell alcohol. The area is known for its tule fog and narrow roads with wide ditches on both sides. Streetlights are little help in tule fog.

**+How will you prevent an increase in drunk drivers threatening the community?**

**+How will you prevent an increase in driving accidents from the fog and narrow roadways?**

NOISE

**+How will you prevent an increase in existing noise levels from a 24 hour casino with 15 to 20,000 additional cars day and night?**

PUBLIC SERVICES

U.S. News and World Report states that crime rates in casino communities are 84% higher than in non casino communities. A 1996 study by NGISC found that casinos actually create crime in their own and surrounding communities. Our county can look forward to increases in property crimes, assaults, white collar crimes, domestic violence, prostitution and narcotics. This will result in a need for new or added government services.

**+How will you protect taxpayers from bearing the cost for additional fire protection?**

**+How will you protect taxpayers from bearing the cost for additional police protection?**

**+How will you protect taxpayers from bearing the cost for additional road maintenance?**

**+How will you protect taxpayers from bearing the cost for additional social services, as required because of alcohol abuse, gambling abuse, domestic violence, and financial problems?**

UTILITIES AND SERVICE SYSTEMS

This proposed project will result in a need for new utilities and service systems.

**+How will you address the need for power?**

**+How will you address the need for communications systems?**

**+How will you address the need for water treatment and distribution systems?**

**+How will you address the need for sewer/septic systems?**

**+How will you address the need for solid waste disposal?**

**+How will you address the need for local or regional water supplies?**

## AESTHETICS

The scope of this development is so great as to be invasive to the rural, country, quiet and scenic area. This is designated open space because the citizens of Sonoma County wanted landscape vistas, not developments. In addition to the 24 hour lights necessary for a casino, there will be excessive traffic on our country roads and people coming and going with trash tossed out of vehicles and onto our roads and yards.

**+How will you maintain the quiet, rural, country open space aesthetics?**

**+How will you protect the area from the disturbing glare of lights 24 hours a day?**

**+How will you maintain clean, safe roadways with 20,000 additional cars per day?**

## MANDATORY FINDINGS OF SIGNIFICANCE

**+How will you keep this project from degrading the quality of the environment, reducing the habitats of endangered plants and animals, or decrease its population?**

**+How will you prevent this project from achieving short-term goals to the disadvantage of long-term environmental goals?**

**+How will you prevent this project from having impacts that are cumulatively considerable?**

**+How will you prevent this project from having environmental effects which will either directly or indirectly cause adverse effects on humans?**

## ALTERNATIVE SITES

**Why has the applicant not situated this business venture adjacent to the single "Indian land" acre that qualified the FIGR as a federally recognized tribe and was their original reservation land?**

In comparison to other sites, it is reasonable to examine if this site is the best alternative.

**Why were these sites not selected?**

**The original proposed site at Hwy 37**

**Skaggs Island, a former military base that already has the infrastructure in place and would not require such environmental destruction.**

**160 acres at the former drive in theater site at the county line between Marin and Sonoma near San Antonio Creek. It is directly on 101 and has no residences near it.**

**Mecham Road, a landfill site slated to close soon and be turned into a regional park. This site has many acres nestled in hills that would make it unobtrusive to the surrounding areas.**

**Hamilton Air Force Base, a former military site with infrastructure already existing. Located off Hwy 101.**

**400 acres by Sonoma County Airport**

FIGR is a small tribe and it is reasonable that two tribes could share a site or casino. A Pomo tribe recently purchased acreage south of the Sonoma/Marin County line. **Why don't the two tribes partner on the venture to the benefit of both?**

As a condition for Lynn Woolsey helping FIGR regain tribal status, the tribe promised her that they would not pursue a casino venture. **What assurances will the tribe make that they will not renege on the promises they make now in answer to our concerns? What recourse will the tribe provide if they do go back on their promises?**

**Need for further Scoping Hearings**

Due to my work schedule, I was unable to arrive at the Scoping Hearing until 45 minutes after it started. In addition, I saw no notification about the hearing until 3 days before in the local newspaper. I live very close to the site and none of my neighbors or me were given any notification. **With a project of this scope and impact, it is clear that we need another hearing to address the important issues and have adequate citizen comment.** This single hearing, at this time, is not adequate to fully examine the ramifications of this project. Therefore I request at least 3 more scoping sessions, morning, afternoon and later evening with more time for the public to comment. There is precedent for multiple hearings on matters such as these. And this project will impact this county immensely for the next 20 to 50 years.

**Please look seriously at all these potentially significant impacts.**

Thank you for your consideration.

jRespectfully,

Loretta Smith



6950 Commerce Blvd., Ste. 1  
Rohnert Park, CA 94928  
November 4, 2005  
FAX: 202-632-7066

Brad Mehaffy  
NEPA Compliance Officer  
National Indian Gaming Commission  
1441 L Street, NW., #9100  
Washington, DC 2005

Re: Federated Indians of Graton Rancheria  
Scoping Report

Dear Mr. Mehaffy:

At the October 19, 2005 Scoping Session several members of the Friends of the Graton Rancheria seemed to be trying to leave the commission with the impression that the City of Rohnert Park could not possibly meet its financial obligations without the contributions made to the city in exchange for the M.O.U.

To set the record straight, the City of Rohnert Park has maintained a police department since its incorporation in 1962.

The city of Rohnert Park is not bankrupt.

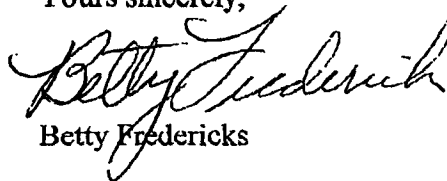
The city's has an adequate tax base and income to support city services.

The city actually has some reserves.

Irma Cordova read into the record City Manager Steve Donley's August 11, 2005 letter outlining how the police department had spent the \$700,000 the FIGR provided in accordance with terms of the M.O.U. Please note that even though this is a government agency, the police department could not manage to spend all these excess funds. As the letter points out after over a year's time \$19,591 remains. For the record, the city's approved budget for public safety for 2005-06 is \$16,319,516.00 so you can see the tribe's "gift" is not crucial to Rohnert Park maintaining a police department.

I would like to ask this question. If it becomes a reality will the proposed FIGR hotel pay taxes? Or, will it be exempt due to the tribe's sovereign nation status? Presently the City of Rohnert Park budget projection for Transient Occupancy Tax (existing hotel/motel room rentals within the city) is \$1,415,000.00 for 2005/06. Will these local tax-paying hotel/motels be impacted by the casino offering lower rates to entice gamblers to their casino? Will the tribe's hotel take away tax dollars?

Yours sincerely,



Betty Fredericks

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I-27

October 26, 2005

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

RE: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

Dear Mr. Mehaffy:

Before addressing specific comments identified by subject titles below, I feel compelled to voice on the record general observations as a member of the Rohnert Park community and as one who ministered to this community for over 35 years.

The Indian Gaming Regulatory Act of 1988 (IGRA) has unleashed across this country a double-edged sword that is cutting down, both morally and economically, one community after another. The first edge is gambling intended to stimulate economic development on reservations, but demonstrably doing otherwise: far away from federally recognized Indian reservations. The reality is that casino profits enrich the non-Indian gaming industry, corrupt tribal leaders, salivating political parties, and incumbents who have sold their soul to stay in power at any cost.

The second edge is that a Class III off-reservation Indian casino quickly generates an expanded tribal government land base to defacto construct a satellite reservation that inserts itself into unsuspecting communities, becoming a separate government we do not elect, backed by full federal thrust and resources, politically and economically overwhelming the host jurisdiction. If Congress were to think long and hard as to how best to construct a perfect tool to intentionally devastate local community values, politics and fiscal resources, it could do no better than IGRA. IGRA is the stealth bomb that literally franchises gambling and organized crime into innocent communities across our country. Congress must amend IGRA to remove all ability to site an off-reservation Class III casino anywhere within the United States.

In Rohnert Park, we have watched from afar, truly suffering communities in Connecticut, New York and Washington State struggle with a parasitic tool that combines a predatory industry with a special-preference, private tribal government. The net effect is a travesty upon American communities for which Congress and all participants deserve the highest shame.

In 1982, Rohnert Park was the first incorporated California community since 1905. It is also California's first *planned* community, organized in neighborhoods surrounding a central school and park so that no child would have far to walk to either. It is a *bedroom*, family-friendly community that provides quiet, quality living to families whose income-earners work in adjacent urban areas. It has an additionally important *first*: The actual founders of this community—having dedicated their full adult lives to providing for the community, its incorporation, and its planned growth—are alive and well still. My heart wept to watch these dedicated citizens step up to a microphone on October 19, 2005 to defend their life work—that of creating a safe community to nurture their

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families. They, along with thousands of other Rohnert Park citizens will oppose a Class III tribal casino to their last breath.

This rapacious process is attacking Rohnert Park (RP), one of California's youngest and most unique communities, but the classic pattern of stealth meetings to bring local leadership on board that worked in every other California community that now hosts a Class III casino, failed miserably here. I can bear full witness that former elected officials, a former city manager, smitten local developers, all in early collusion outside of California's Brown Act (open public meetings act) have had absolutely no effect upon the will of the people of Rohnert Park. These are "former" community leaders for a reason—they supported gambling in Rohnert Park against the wishes of the vast majority of those who live here.

The voice of people of a young Rohnert Park will protect this vulnerable community. We simply have one united response to the proposed federal blight upon our town, homes and families: Hell No. We will have no such Hell in Rohnert Park and are prepared to endure whatever sacrifice is required to keep our community exactly as planned, managing growth and preserving quality of life for our families. Stations Casinos and the Federated Indians of the Graton Rancheria have underestimated the voice of the people here, and should quickly redirect their efforts to areas at least fifteen miles from this community.

Beyond a few shopping centers that provide goods and services to its neighborhoods, Rohnert Park has only minimal deep commercial or industrial revenue resources to sustain its city. The shopping centers will be immediate victims to a proposed "tribal shopping center" that operates under tax-exempt preferences and outside of local and state regulations.

As a pastor for over 35 years, a citizen of the United States, and entrenched resident of Rohnert Park, I cannot find words to adequately describe the perhaps unintended, but actual destructive and debilitating Congressional policy within IGRA that has come to the door of our community to morph our town from a quiet family-friendly setting into a sleazy casino town to be politically and economically controlled by a tribal government that we do not elect, and that has no interest in the well being of Rohnert Park.

At the very least, the National Indian Gaming Commission (NIGC) as lead agency, should immediately cease trivializing and short-circuiting the NEPA process for the proposed FIGR Class III Casino, hotel, resort, and shopping center project, as identified in the following process and land status comments:

#### THE CURRENT NEPA PROCESS

**Notice of Intent.** The Notice of Intent (NOI) published in the Federal Register on September 29, 2005 provided barely twenty (20) days for a community of 42,000 people to study and prepare comments for a "supplemental" Scoping process. The Federal Register is unknown to most, and seldom read by local community residents. Valuable community time was lost until the actual notice published on October 16, 2005 in the local newspaper, *The Press Democrat*, provided residents with less than three (3) days to respond.

The NOI contains the following comment that would intentionally discourage residents

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and impacted area agencies from focusing on a second, separate site proposed by the FIGR: *All the information and comments gathered in response to the earlier NOI remain in the record, and there is no need to repeat information submitted at that time.* The NOI for this project is flawed and inadequate on two counts: 1) its abbreviated time alerting citizens; and 2) its misleading language.

**"Supplemental" Status of EIS for FIGR.** To reduce and denigrate environmental impact analysis of a major project such as proposed, to a "supplemental" status when the entire site of the project has changed, and the long-term uses of the land have expanded, is an administrative decision of NIGC that citizens find disingenuous at best, and legally challengeable if needed. The strategy of identifying the present process as "supplemental" may have technically spared NIGC from proper time allocations and agency notifications, but such a decision further creates an ongoing inadequate process that surely does not benefit FIGR, NIGC or any other interested parties. Further, NIGC has not identified a process nor demonstrated as to how it will differentiate data collected through a clear sorting of information previously received that pertains to a former site that is very separate, distant and now abandoned, from a newly proposed site at a different location, having its own unique environmental issues. To assume that the project is the same when the land base of two separate locations are different further starts legitimate environmental impact analysis down a wrong road that is easily challenged.

**Notification of Agencies.** At least fifteen major agencies affected by the project, and mandated for notification, were not notified of the October 19, 2005 Scoping Hearing. Calling the current process "supplemental" is a tenuous thread to use as an excuse for not providing basic early notification attendant to "government-to-government" relations extended as a courtesy, and by law to state and local agencies regarding a project having such a profound impact upon Sonoma County. NIGC should acknowledge this failure of notification and restart the Scoping process.

**Public Hearings for the Scoping Process.** One single meeting on October 19, 2005 is grossly inadequate to accommodate community input for a population of 42,000 citizens. As example, regarding a proposed Class III Casino, the Warm Springs Tribe provided four (4) substantial Scoping "Open Houses" for the residents of Cascade Locks, Oregon, a community of only 3,000 people. The four scoping sessions were intentionally arranged to include daytime, evening and weekend time slots to accommodate the work schedules of residents. NIGC, Stations Casino and FIGR can surely accommodate an extension of the public comment period, and additional Scoping meetings for Rohnert Park, a community fourteen (14) times greater in size than Cascade Locks, OR. A ninety-day (90) day comment period time extension, and at least three more Scoping hearings, including a daytime, evening and weekend time period, are common sense, reasonable requests to legitimately receive the comments of citizens who represent 42,000. One brief and inadequately noticed Public Hearing sends the signal to Rohnert Park that only minimal efforts will be required by NIGC of the applicant. This, too, is a challengeable flaw.

**Area Wide Plan.** There are provisions within NEPA for comprehensive proposals that merit long-range analysis and a tiering of separate (both in time and use) components. *Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of*

**their actions upon the quality of the human environment." [Sec. 1500.2(f)]. An Area Wide Plan would "use all practicable means" far better than a minimized "supplemental" EIS process.**

The "vision" expressed frequently in news articles and other comments by FIGR Chairman Samis, to create a Class III casino, a hotel, a shopping center, and most recently, some mention of an Indian college, is in dramatic conflict with an anticipated 20-year overdraft of water availability within the Rohnert Park region. Such a comprehensive ensemble of tribal enterprises on a massive land space will be exempt from the NEPA process except for the first piece—a Class III casino—providing Rohnert Park citizens with absolutely no voice in the escalating land uses of a private tribal government creating a defacto "reservation". An additional ominous impact is that of federal water rights available to tribal governments that may create superceding ability of the FIGR to obtain and regulate water in a region desperate for water. How will a reduced, "supplemental" process even begin to address this clearly foreseeable dilemma for Sonoma County?

It seems reasonable, and most assuredly foreseeable that communities limited to comment on just one tribal government component (casino) are forever denied voice in a never-ending expansion of tribal land space, use and escalating erosion of the "quality of the human environment." The communities of Vernon, Verona and Sherrill, New York, and Marysville, Washington, are clear examples of communities permitted no voice in the unbridled expansion of a tribal "reservation" created from installation of a Class III casino. NIGC policy should require a process and template that far better meets the purpose and intent of NEPA for tribal governments desiring to venture far from reservations to surprise unsuspecting communities.

In the specific case, the FIGR goals are in direct conflict with regional water availability over the next 20 years and should be reviewed in an Area Wide Plan, to address the immediate, mid- and long-range plans over a period of no less than twenty (20) years. Compatibility with State and regional long-range water planning policies are the deal-breaker for this project and should be frankly and thoroughly confronted and resolved. Subsequent to the development of a long-range, comprehensive EIS Area-Wide Plan, a separate, tiered EIS component for a Class III casino would be a more fair and reasonable second step in the process.

The present environmental analysis process trivializes foreseeable impacts upon the land and human environment in Rohnert Park. Moreover, NEPA identifies the term "significantly," for purpose of addressing environmental impacts at Sec. 1508.7. Within this section, are the following pertinent terms:

**Context.** 1508.7(a): "the society as a whole (human, national), the affected region, the affected interests, and the affected locality."

**Intensity.** 1508.7(b)(1): "the degree to which the proposed action affects public health and safety."

**Controversy.** 1508.7(b)(4): "the degree to which the effects on the quality of the human environment are likely to be highly controversial."

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**Significance. 1508.7(b)(7): "significance exists if it is reasonable to anticipate a cumulatively significant impact upon the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts." (i.e. the current "supplemental" EIS process).**

**I ask NIGC how the present, limited analysis process will adequately demonstrate a thorough environmental review equivalent to the enormous impacts upon the human environment that a Class III tribal casino, escalating tribal government land use and land base will significantly impose upon the quiet community of Rohnert Park?**

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**LAND STATUS**

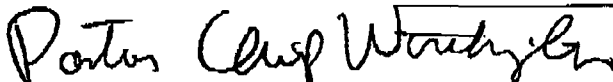
The Federated Indians of the Graton Rancheria have land status per special statutory privilege granted to them in the 2000 Indian Omnibus Act. In March of 2005, however, the United States Supreme Court ruled in the City of Sherrill v. Oneida Indian Nation that communities (such as Rohnert Park) have a "justifiable expectation" to not be parceled into "tribal patches." Justice Ruth Bader Ginsberg wrote for the majority:

"The longstanding assumption of jurisdiction by the State over an area that is predominantly non-Indian in population and land use creates justifiable expectations . . . a contrary conclusion would seriously disrupt the justifiable expectations of the people living in the area . . . A checkerboard of alternating state and tribal jurisdiction . . . would seriously burden the administration of state and local governments and would adversely affect landowners neighboring the tribal patches." [Justice Ruth Bader Ginsberg, writing for the Majority. The decision in Sherrill was 8-1, with only Justice Stevens dissenting]

Surely, the City of Rohnert Park has this same "justifiable expectation" to not be parceled into "tribal patches." We believe that a legitimate question arises that is in need of legal analysis: Does a Constitutional law ruling of the United States Supreme Court (Sherrill), issued in March 2005 supersede a congressional statutory tribal land designation penned in the Indian Omnibus Act of 2000?

I wish the Federated Indians of Graton Rancheria every success in future economic development; however, I firmly believe for reasons stated above, that the FIGR must redirect their economic development goals to a location at least fifteen miles away from the community of Rohnert Park, California. Within the resources of some 42,000 citizens who oppose this project, there will be the ability to defend the community of Rohnert Park for as long as necessary to ensure that Rohnert Park never becomes a "casino town."

Sincerely,



Pastor Chip Worthington,  
4695 Synder Lane  
Rohnert Park, CA

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- A. Questions related to the size of the project or scope.
  - 1. How can anyone determine the scope of a project without seeing plans, a footprint, and details of operations more than a brochure that on the front say "subject to change" implying this is just a concept? Please explain in detail how you can proceed with just a brochure concept? Are plans of the project available, what documents other than the brochure are available? Please make these available and schedule another scope session! How do you expect the public to determine the scope with so little information? What tribal resolutions authorize the scope of this project? Please make those available to me and any letter from tribal lawyers describing the scope of this project. If so, please relate Specific NEPA policies and procedures to justify your answer to these questions.
  - 2. Since the purpose of scoping is to determine the scope of size or impact of the project on the physical and socio-economic environment, please ask the applicant their marketing plans for the project. How large a marketing area is planned? What is the anticipated income of the project? How does this compare to other tribes marketing plans? Currently, Stations markets to Asians in San Francisco? This indicated a marketing plan with a 100 mile radius. Also, they market in languages other than English. Will this casino market in a similar manner? Please include all of Chairman Sarris' comments privately and or publicly made in print, radio and television and on the tribes' web site regarding who is their main target or groups for the casino, shopping center, cultural center and university. Please include all of Station's casino's comments on all these areas and compare them to all of Station's current casinos and to all other Indian casinos in California and current casino's sizes, marketing plans and socio-economic impact on all local, regional, and statewide areas. It appears they have a marketing plan for all the Bay Area, should not all the bay area by included in the Socio-economic study?
  - 3. Do current state and county agencies have information related to economic gains or losses to economic impact related to Indian casinos in California? Please contact all counties to ask for information to assist in determining the scope of this project to the bay area?
  - 4. The applicant moved the footprint of the site 3 times on Stony Point Road, please ask the applicant to explain that action. All these changes via the press?

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How many square feet is the current project? 350,000 or 650,000? How large a shopping center is proposed? How large a cultural center? How large a casino? With the applicant's history of changing the size of the project before the DEIS, please explain why the scoping process should not be extended? Please cite NEPA law and procedures for government agencies.

5. Please compare this project to all other commercial projects similar in size in the North Bay? As example is a comparable site the Coddington project of 650,000 square feet in Rohnert Park? Please explain how the resources of water, sewer and traffic will relate to all those projects, will all scoping questions submitted.
6. Since the tribe has said "Sonoma County is a co-operating agency, the BIA and the Army Corps of Engineers" with scoping and NEPA (in a letter to Rohnert Park City Council) and has a MOU with the county. Please explain what a co-operating agency is and document all your correspondence to Sonoma County Agencies and all others for the scoping meeting? List all other co-operating agencies and provide documentation regarding their involvement to the first scoping meeting? It appears these co-operating agencies were not notified? Please provide your documentation and notification and please state their official response.
7. Since Sonoma County is a co-operating agency, please state how many of 450,000 Sonoma County attended the October 19 scoping meeting, who were not Rohnert Park residents? Please explain how the scope of the project can be determined, if less than 100 out of 450,000 residents, who live outside of Rohnert Park, were in attendance? Who is accountable at NIGC for scoping? What is their supervisor or Administrator determines they did not implement scoping hearings correctly to include all citizens affected by this project? How will this affect the decision for another scoping meeting? How does NEPA allow citizens the right to protest a process or a decision which excludes citizens from the scoping process?
8. As many businesses may be affected by the scope of this project how many businesses were at the scoping meeting? Please provide documentation as to how affected businesses were notified and their responses to the notification.
9. How many churches, public and private schools were notified? Since there are over six churches within a two mile radius of the project please document as to their notification. Also there are three Spanish churches, two Korean churches, were notifications made in languages other than English? Please document all your notices to those Latino cultures.

10. How many tribal members live in Rohnert Park? How many tribal members live in Sonoma and Marin Counties? How many attended the scoping meeting? How many other tribes live in Sonoma and Marin counties, the Bay area and northern California? Were members of all tribes notified of the scoping meeting? Please provide your documentation. As per NEPA Regulations, if you did not notify all tribes affected by this scoping meeting did you violate NEPA? Please demonstrate your compliance. If not should there not be another scoping meeting after all tribes notified?
11. Since San Diego's county has s many casinos, please report of all negative impacts of casinos regarding crime, gambling addiction, traffic, water, and sewer usage of casinos of comparable sizes and scopes of this project? Please research all sources of information as comparisons to develop the scope of this project.
12. Scott Nielson, of Stations Casinos, said in the Governors office March of 200t, 5 witnesses present, "Yes it is true Cache Creek Casino has been profitable in its rural locale for that tribe," Mr. Nielson also said "we only need 80 acres for the project." Since Cache Creek casino has provided economic opportunity for its tribe, please submit alternate sites compared to the Rohnert Park location which may provide the similar economic opportunities for the FIGR the applicant as in multiple listing, in all of Sonoma and Marin county of 80 acres or larger. Please examine all sites 10 miles from Rohnert Park.

## TRAFFIC

1. Evaluate the increased traffic that cumulative impact will result from the project consider the year 2030 for cumulative impacts (both with and without the project, and evaluate the growth. Evaluate for a casino, a shopping center, a university and a cultural center or a combination of any of them. Chairman Sarris has mentioned all the potential uses for this project in the press n various media. Since he has mentioned businesses with or without a casino such as a "cheese factor" or boutique shopping center all traffic impacts are "reasonable" to be studied. Evaluate and compare all these impacts with all other alternate sites rural, suburban and urban. Please compare with Coddington, Santa Rosa Plaza, Petaluma Outlet Mall, and Northgate in Marin County. As the date of the scoping hearing was October 19, 2005, please provide information that is current. Any information before that date is obsolete.
2. Evaluate the effect of rail, air and ferry service to the project. Please provide projections for all these for 20 years and the effect of this project and all major commercial developments in the north bay of projects 300,000 square feet or

- housing developments of 200-500 houses others for all of these or any combination of projects in the north bay that would affect transportation.
3. Please provide all information from Cal Trans regarding the Wilfred Ave exit. Please provide all communication between the FIGR and Cal Trans regarding the project.
  4. As a rail station is being planned in Cotati, please evaluate the impact on the rail station and the surrounding neighborhoods from the project.
  5. Evaluate the ability of emergency vehicles to use all major roads during all hours with the impact of the project. If anyone dies or is seriously impacted who will be liable? Please state the mitigation planned by the applicant if anyone is impacted by transportation problems stemming from the project.
  6. As other casinos, Ex Thunder Valley, have experienced traffic impacts please compare all traffic impacts from all other Indian Casinos in California to this project. Also compare Drunk driving arrests and problems from these casinos as compared to shopping center developments in the same (city or county) area. How will the applicant mitigate any of these impacts?

### III. Socio-Economic impact

1. How many children live within ¼ mile, ½ mile, 1 mile, 2 miles, 3 miles, 4 miles of the project/ How will the project impact them?
2. How many teenagers live within ¼ mile, ½ mile, 1 mile, 2 miles, 3 miles and 4 miles of the project? How will the project impact them?
3. How many college students live within ¼ mile, ½ mile, 1 mile, 2 miles, 3 miles, and 4 miles of the project? How will the project impact them? How many college students are addicted to drugs, alcohol and gambling currently? How will a casino affect these addictions? If so how will the applicant mitigate these negative consequences? What programs exist in California for gambling addiction? In Nevada?
4. How will all ages be influenced by the project? How will the applicant mitigate if there are negative consequences? If families lose their homes because the primary income provider becomes addicted to gambling, how will the applicant mitigate?
5. Identify gangs, as defined by law enforcement resident in Rohnert Park and all cities in Sonoma County. How will the project affect gang activity? If so how will the applicant mitigate any increase gang activity if the casino becomes a hang out for gangs? AS drug sales are a main activity of gangs, how will the project affect drug sales?

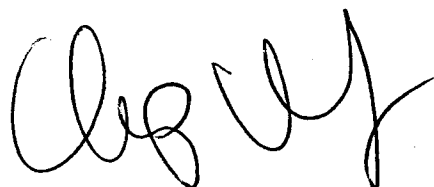
6. Identify illegal drug sales and illegal drug trafficking on current Indian reservations. Why is this occurring? If illegal drug sales and trafficking are happening on Indian reservations today, please provide specific plans as to how this Indian reservation will be different than other reservations and current Indian casinos.

As Stations casinos is planning to manage this project for the FIGR and they manage Thunder Valley in Sacramento are please answer the following.

7. At Thunder Valley a college girl was recently abducted. What was her name? What were the circumstances? How has this affected the community surrounding the casino and her family? Why did this happen? How can this be prevented? As this project is less than 3 miles form Sonoma State University, please explain how this may be mitigated.
8. Please list all the law suits filed against the Thunder Valley casino and Stations casinos. Please provide all the paper work for each lawsuit. Who has been sexually harassed? What is their testimony? How did this occur? Why are workers claiming discrimination? How can this be prevented? Please provide management guidelines and all policies in writing to managers relating to this subject.
9. Who is managing the bank accountant for the project? Who will manage funds for a casino, a cheese factory, a university? Has Stations casinos been accused or convinced of any mismanagement of funds in the last 5 years? If so what are the charges and what are the fines? How will the applicant guarantee that there wills no mismanaging of funds or skimming or laundering of money? Please state written policies and procedures that will sop this problem. How can the citizens of Rohnert Park be assured that there will be no intrusion of orgainized crime with money laundering at this project?
10. As a public ally held company Stations Casinos must report to what government agencies regarding the management of the casino ?. Please list those agencies and the frequencies of the reports? Please list all reports from Thunder Valley casino and compare them to future reports Stations will be givning to public agencies with this casino? Please compare these reports with all other casinos in California. This is needed to project income levels to determine how wide a scope or economic impact the casino will have on economy of the North Bay and Bay area.

2. Evaluate effects on the Highway 101 corridor, the exits and entrances to Highway 101 and the likely routes to the project site from throughout the region. Identify the capacity of the planned improvements to Highway 101, including impacts from planned development along the corridor, current trip patterns and population growth, and determine how much additional capacity will be needed to accommodate the project. Evaluate both level of service and queuing performance measures.
3. Evaluate existing conditions of streets and roads (including small rural roads) in the area and identify impacts of the project. If improvements to local streets and roads are proposed to accommodate the project, identify the impacts of these proposed improvements per NEPA and CEQA.
4. Evaluate the potential change to the level of service on local streets and roads and the queuing that will result during peak hours on weekdays and weekends with particular attention to the following major arterials and interchanges:
  - Wilfred Avenue and Wilfred Avenue Interchange at Highway 101
  - Rohnert Park Expressway and its interchange at Highway 101
  - Todd Road Interchange at Highway 101
  - State Route 116 and its Interchange at Highway 101
  - Bellevue Interchange at Highway 101 (proposed) and Farmers Lane extension
  - Stony Point Road
  - Adobe Road
  - Petaluma Hill Road
  - Old Redwood Highway
  - Lakeville Road
  - Llano Road
  - State Route 121
  - State Route 37
  - Commerce Boulevard
  - Golf Course Drive
  - Santa Rosa Avenue
5. Evaluate the impacts of special event traffic including weekend and evening peak hours for the casino and hotel complex. Evaluate the cumulative impacts given other event venues in the area such as the Green Music Center, Sonoma State University and the proposed sports complex.
6. Evaluate the impacts of commute traffic generated by employees of the casino that do not reside in the immediate area of the casino.
7. Consider limiting all commercial vehicles and shuttle or bus traffic related to the project to the west side of Highway 101 in the Rohnert Park area. This is in keeping with the Rohnert Park General Plan that separates commercial traffic to the west and residential traffic to the east.

8. For any traffic evaluations, we request that the consultant use the recently updated countywide traffic model used for Sonoma County's General Plan update to project future cumulative traffic with and without the casino and hotel project.
9. Evaluate transit and para-transit needs for the project both in terms of operating cost and attendant capital costs. Will shuttle services be provided? If so, identify likely routes and types of vehicles. What off-site parking will be provided?
10. Identify how transit access will be provided as part of the property.
11. Consider how bike and pedestrian safety will be addressed in and around the property?
12. Evaluate a possible transit station (bus and rail) on the west side of Highway 101 as well as needed services other than the base schedule proposed by Sonoma-Marín Area Rail Transit (SMART) and the existing transit schedules operated by Sonoma County Transit.
13. Evaluate traffic safety issues related to the project including access to private property in the area of the project.
14. Identify number and type of parking facilities that will be included in the project including number of parking spaces, height of structures, type of vehicles accommodated and where transit vehicles will be accommodated.
15. Evaluate the emissions of criteria pollutants from the expected casino traffic and construction activities and compare to Bay Area Air Quality Management District (BAAQMD) thresholds. Include the queuing analysis and LOS for purposes of this evaluation.
16. Evaluate cumulative traffic emissions and how they will impact regional air quality conformity.
17. Evaluate potential conflicts with the Countywide Transportation Plan and the Metropolitan Transportation Commission's Regional Transportation Plan. Particular attention should be paid to the potential secondary growth inducing effects of providing new or expanded roadway access to the casino on rural lands in the vicinity of the project.
18. Identify ancillary activities related to the project that could potentially conflict with Countywide Transportation Plan and the Regional Transportation Plan.
19. Identify funding for improvements needed to the road, highway and transit system due to the project. Identify the fair share of payment from the project for these improvements.
20. On items related to the State highway system all assumptions, traffic and trip factors,

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turning movements and other traffic impact data must be consistent with that used by Caltrans. The analysis of highway impacts should use only methods contained in the Caltrans traffic manuals and as directed by Caltrans District 4. Current traffic, forecast traffic, growth factors, and turning movements shall be derived from the latest figures available from Caltrans or under Caltrans guidance.

TO BRAD MEHARRY

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I-29

**Question for the NIGC relating to FIGR Casino Project  
FOR ROHNERT PARK.**

- What streams are included in or around the project?
- What flood channels are included in or around the project?
- What are the physical set-back requirements for the land management zones?
- What is the 'no new development' zone? What may not intrude in it?
- List all government agencies that are involved with the creeks and water shed.
- Have those government agencies been notified of the scoping meeting held on October 19, 2005?
- What are the most recent studies relating to spawning fish in these creeks?
- What is the 20 year plan proposed by the applicant to manage the water shed?
- What are the specific details of any sewage treatment plant?
- What is the total water shed affected by the project?
- What are the state and federal regulations affecting creeks and flood channels?

Chip Worthington



Rohnert Park, CA 94928

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FAX COVER SHEET  
WATERSHED COMMENTS  
US total pages



FOR TOWN OF ROHNERT PARK

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## Summary of Comments

Our contribution to this scoping exercise is limited to issues relating to the creeks in our 20 mile Urban Riparian Ecosystem, the EPA Phase II stormwater region between Stony Point Rd and Petaluma Hill Rd, and results from approximately 2 years work on the RPACCC Creeks Master Plan. (Some of these issues, notably flooding and groundwater, have already been addressed by commentators in the 2004 scoping process, but these issues have been of particular concern to us, so it is hoped that the included maps and arials improve understanding of this area and counteract some prevailing misunderstandings on the location and carrying capacity of the land and creeks.)

Our principal concern is protecting the creeks throughout a rapid urbanization process that includes over 1,000 acres of annexations by Rohnert Park and Cotati and various infill projects, and insuring that land use planning decisions create conditions that will preserve and protect the 20 miles of Open Space Creek Parks and creek habitats in the future. The 20 mile Urban Riparian Ecosystem with its associated urban forest and bike paths constitutes a roughly 400 acre Open Space Creek Park system that will make this university town a uniquely livable environment - but only if the creeks and riparian corridors are protected during this rapid urbanization phase.

Creeks here flow either from the Sonoma Mountain Watershed or arise in the valley from previously swampy land and are so far largely unpolluted, having been protected by Rohnert Park's General Plan for 50 years and by ESA restrictions since 1996-1997. Creek sediments are not yet contaminated. Native plants, birds, and animals, including several threatened and endangered species thrive in the protected creek corridors. The creeks and flood channels uniquely come together at the creeks confluence just east of Stony Point Rd, making this a unified Urban Riparian Ecosystem on 30 square miles that includes Rohnert Park, Cotati, and unincorporated areas of Sonoma County, much of which is being annexed by Rohnert Park or Cotati or developed without annexation. The urban watershed is also the subject of land use planning to protect the California Tiger Salamander, for which the riparian corridors provide wildlife connectors and revised 20 year General Plans for the cities and Sonoma County.

Riparian Corridors for the creeks and flood channels are already protected in local land use planning and/or by federal and state laws preserving flood zones and endangered species habitat, most notably the December 2004 Critical Steelhead Habitat designation for Crane Creek, Hinebaugh Creek, Copeland Creek, and the Laguna de Santa Rosa Flood ~~Control~~ ~~Plan~~. The ~~remaining~~ ~~issues~~ are thus largely resolved, but coherent planning to preserve the urban forest in the riparian corridors and maintain the quality of the creek water is at issue in development.

The creek system is fragile and interconnected. Actions affecting small segments of creeks affect not only that creek segment and downstream creek areas but upstream flooding and the required environment for endangered steelhead. Low summertime flows amplify the affect of even small amounts of chemical contamination. Increasing winter stormwater loading has begun to alter the normal seasonal creek flow patterns, creating "flashy" conditions typical of badly planned urban flood channels.

The cost of preserving the integrity of the creeks, using Smart Growth policies and well known urban stormwater techniques is minimal, consisting largely of containing stormwater on site, filtering stormwater from parking lots before it reaches the creeks, and using native plants for landscaping in a chemical free zone adjacent to the creeks. The future value of the Open Space Creek Parks is enormous, including an estimated 15-30% increase in property values along or near the creek parks, the health benefits of cleaner air filtered by the riparian urban forest, and the free recreational and educational benefits of the creek parks. The cost of polluted crime ridden creek zones is also significant, as has been seen here and elsewhere, so the actual cost/benefit ratio for the area of creek parks vs polluted crime areas overwhelmingly supports small additional costs for each project.

Substantial investment and planning has already been made to create the creek parks, most notably by SCWA, whose channel maintenance efforts on about 10 miles of local creeks and Invasive Ludwigia control have cost in excess of \$1,000,000 and resulted in a basic sustainable riparian system on half the creeks here. Maintenance and improvements on these creeks will be a joint effort of the cities, SCWA, and neighborhood creek groups participating in the Adopt-A-Park/Adopt-A-Creek municipal program, as outlined in MOU agreements currently in draft discussions. Our Creek Council, RPACCC, is one of 14 city chapters in the 20 year old Urban Creek Council of California, and is a grass roots organization based on autonomous neighborhood creek groups working together to maintain and preserve the creeks.

It is hoped that the maps included here and referenced materials will help in wise design of this project, whatever form the project may take, and result in project planning consistent with maintaining our treasured Urban Riparian Ecosystem in cooperation with planning efforts by other local agencies, governments, and groups.

## Supplemental Scoping Issues

Our comments in the earlier scoping process addressed a small resort/casino on the original 360 acre Stony Point Rd site, where water and sewage would be provided by the city of Rohnert Park, making environmental impacts relatively minimal. It appears that the current proposal(s) are vastly different in size, location, scope, and impacts.

FOR TREATMENT

PLAN

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The current Supplemental Scoping exercise includes additional land east of the original Stony Point Rd site purchased in August 2005 but excludes the northern portion of the original 360 acre site on Stony Point Rd because owners would not sell their land. (Only the 180 acre southern portion of the original Stony Point site was available.) The added parcel, part of the former Northwest Specific Plan Annexation Area is between Wilfred Avenue and Business Park Drive, west of Langner Avenue. A five acre connector within Rohnert Park City Limits, formerly part of the Stadium Plan, was also purchased.

While only the Stony Point Rd site was considered in proposals in 2003 and 2004, several different proposals (A-G) were presented at the October 2005 Scoping Hearing. Locals at the hearing were perplexed at the proposals because much of the included land was not purchased and is unavailable for purchase, and the size and location of purchased land seems inadequate to accommodate a large development plus sewage treatment and water treatment plants.

It appears that proposals B, C, D, and E are not possible because only 180 acres was purchased on the Stony Point site. Thus, only the Lakeville Highway proposal, F, and development on the combined parcels described in option A is possible.

No detail is provided on what will be built on each parcel, and there seem to be about 18 different possible configurations for the 4 sites near Rohnert Park and on Lakeville Highway for two different sizes of the casino/resort/hotel complex and an alternative business park. A large sewage treatment plant and water treatment plant seem to have been added to each project, presumably because local authorities have refused access to existing water and sewage facilities, but little is said about the size, effect, or location of these two plants in any of the options. Because groundwater removed from the basin and water released from the sewage treatment plant may have a more profound effect on the creeks than buildings, roads, and parking lots, the location, size, and operating details of these two plants are extremely important. (The sewage treatment plant may require a separate EIS because of regulatory requirements for that type of facility.)

From the standpoint of effects on the creeks it is crucial to know what will be built in each location.

Speakers at the September Scoping Hearing outlined plans to concentrate development on the Wilfred Ave site east of Langner, while the sewage treatment plant and spray fields would be located on the Stony Point Rd site near the Rancho Verde Mobile Home Park and would discharge waste water into either the Bellevue Wilfred Flood Channel or the Laguna de Santa Rosa Flood Channel. No indication was made on location of wells or the sewage and water treatment plant, an issue of concern to local property owners because of the effect on existing nearby shallow residential wells and the required setbacks for these facilities. (The quantity of groundwater needed and effluent discharged into the creek is estimated as up to half a million gallons a day in the Parsons Report, and would be by far the most significant environmental effect for the creeks.)

In the September Scoping Hearing, some speakers seemed to assume the Wilfred Avenue site had already been approved for commercial development, which is not the case. Although the newly acquired acreage south of Wilfred Avenue was tentatively zoned commercial and an annexation application was begun by developers, a Draft EIR for the Northwest Specific Plan area submitted to the Rohnert Park Planning Commission was rejected because of inadequacies and unresolved environmental questions. These issues included the proposed widening of Labath Creek by 100 feet to accommodate stormwater from commercial development, which would require permits from USACE, the Regional Water Board, CDFG, and NOAA/NMFS and clearance from SCWA for flooding related issues. It was not at all clear that these permits could be obtained, even after a lengthy permit approval process. Availability of these required permits should be addressed in the current EIS document for construction on the Wilfred Ave parcel, as should stormwater issues for the Labath Creek drainage.

#### **Wells, Sewage Treatment Plant, and Water Treatment Plant**

It has apparently been decided that water for these projects will come from on site groundwater wells and that sewage treatment will be handled by a newly constructed sewage treatment plant near Stony Point Rd, with water discharge directly into the Bellevue-Wilfred and Laguna de Santa Rosa Flood Channels owned and maintained by the Sonoma County Water Agency. Each of these projects may warrant a separate EIS, as the size of the proposed casino project has substantially increased to the point that water and sewage are roughly equivalent to those in Sebastopol or Cotati and city-sized facilities must meet regulatory requirements and standards not addressed in the first scoping document. Because the adequacy of groundwater in the area is currently an issue, the use of large amounts of groundwater for these projects is of grave concern, not only because it is a competing use for water and groundwater in existing Rohnert Park and SCWA wells and water required for other proposed development, but because ground water depletion may have irreversible effects here, as it did historically in Santa Clara County, where overdraft collapsed the water bearing sediments and permanently decreased the underground aquifers storage capacity. Dropping the water table will also affect shallow local residential wells, may dry up the creeks, and may kill heritage trees already at risk by removing needed water from established root systems.

for Rowan Park

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Because the sewage plant will add water to the creeks, both the quality and quantity of water is an issue, lest pollutants kill aquatic creatures and destabilize the creek ecosystems. Little pollution has been detected in local creeks that flow from Sonoma Mountain, but one of the main future challenges will be maintaining water quality in the creeks that will sustain steelhead and other aquatic life. (Pure water treated beyond the tertiary level to remove heavy metals and endocrine disrupters might improve creek habitats, but standard treatment will not be adequate.) The Stony Point site at the Creeks Confluence currently floods each winter, and a major concern with all new projects is the ability of the flood channel system to handle additional loads. Assessment of cumulative flooding impacts for all projects is critical to assuring that flooding does not occur in the future, most specifically by ensuring that stormwater is absorbed into the ground in each project, not dumped into the creek channels. (Current law requires all projects to have a "negligible impact" on water quality and quantity in all affected Waters of the State, including the creeks, flood channels, and wetlands here.)

### Cumulative Impacts, Tipping Points

Creeks in our Urban Watershed, the EPA Phase II stormwater area, flow through two cities and the county, merrily unaware that they are crossing jurisdictional boundaries. Our Creek Council therefore began the RPACCC Creeks Master Plan because no local government could or would plan beyond their own jurisdiction and no developer could anticipate the effects of other proposed developments. Yet planning for the entire creek system was essential, to protect the integrity of the Urban Riparian Ecosystem during a rapid urbanization process.

Only when annexations are submitted to LAFCO and cumulative flooding impacts are assessed by SCWA will the cumulative impact of all proposed developments and annexations be assessed. No single developer or city has EVER done the cumulative impacts analysis required by CEQA and it is not clear when this will be done or who will do it. In the interim, all planners we have talked to are acutely aware that there are real limits on the carrying capacity of the creeks and the ability of the aquifer to supply enough water to meet all anticipated demands, and that the sum total of proposed projects now in process exceeds these limits.

It seems to be the general assumption that each city and developer can proceed with plans until all the plans collide in some sort of train wreck, at which point someone will arrive to sort out the wreckage. (Developers we have worked with seem to assume they need to rush projects through to get them approved before the barn door closes, and wish to be at least the last out of the gate, if not the first.)

This proposed project will not proceed until the EIS has been completed and approved, a process estimated to take at least two years. In the interim, approximately 1,000 acres of annexations by Rohnert Park and Cotati will be considered by LAFCO and the cities and Sonoma County will presumably adopt 20 year revised General Plans. Conditions will have radically changed by the time the EIS is completed, and project proponents should at least anticipate that probability and should certainly plan to meet with local officials and planners to anticipate changes and discuss more specific project plans.

There are three crucial tipping points for ground water use that are important to the creeks and associated urban riparian forest, points at which irreversible damage occurs. The most troubling possibility is that the ground water level drops below the root system of existing heritage trees, killing most or all of the trees in our area. (We have already seen this in dry summers.) The economic and environmental cost of this possibility is truly staggering, and we seem very close to this point now. The second troubling possibility is that the groundwater level drops below the level where creek recharge occurs, drying out the creeks, a common phenomenon in overbuilt areas reliant on groundwater. The third troubling possibility is that the aquifer is depleted - exhausted or dried out - and can not recover, thus permanently reducing the storage capacity of this underground reservoir. (This happened in Santa Clara County, where a compensatory system of recharge ponds now keeps groundwater at sustainable levels.)

Because the larger casino in this project proposal is estimated to require half a million gallons a day of groundwater, this project may seriously and irrevocably affect the entire area. An assessment of these environmental effects and cumulative effects with other projects is therefore essential.

### Recommendations

This proposal was discussed in lengthy hearings in 2003 with a great deal of emotion but very little real knowledge of the terrain and local conditions. As the debate raged inside Spreckels I enjoyed long quiet conversations with members of the Tribe outside in the warm summer nights, about plans, hopes, and dreams for what this might mean for families and what wonderful things could be done with the streams. We share a vision for a restored ecosystem and beneficial development of these sites, and it is very clear that this is a one time opportunity for the tribe to establish economic stability for their members.

In 2004 the size of the proposed casino was increased dramatically, so large impacts on the local community and environment became proportionally large. It also became clear that on site sewage disposal and use of well water

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would significantly stress available resources, and that stormwater runoff from developed areas would stress the already overloaded flood channels.

I honestly do not believe that any development of the size proposed in Option A is possible here, although it seems possible on the Lakeville Highway site, Option F, which is closer to the Bay Area and near the Raceway, so might generate more revenue.

I also now know a great deal more about the complexities and delays involved in land use planning and obtaining permits for any changes in the streams, and a great deal more about all the other projects planned here and the conflicting demands on existing limited resources. Any development here will involve delays and conflicts with other land use plans, so even a two year timeline for production and approval of the EIS might be only the beginning of an even longer process that might ultimately fail. (It would be terribly sad if poor planning or misunderstandings about local terrain and politics resulted in squandering this one time opportunity for the tribe to achieve economic sustainability.)

I strongly recommend you schedule another scoping hearing with local officials and agency representatives to carefully assess the possible complications, delays, and needed permits before sinking more time, money, and effort into planned development here, and that you seriously consider concentrating efforts on the potential of the less complex Lakeville Highway site.

Residential-type developments have less intense environmental effects on the creeks than commercial or office developments because the land use is less intense and stormwater can be absorbed onsite. Commercial and office developments need to include state of the art stormwater measures like bioswales and take particular care to filter oily water from parking lots. A traffic-intensive casino type operation with 24/7 activity and constant lighting has the greatest possible impact on all ecosystems and on the local community, so probably should be located at the Lakeville site.

It appears that a residential or resort type development might fit in here on the newly purchased land, but that was not one of the options presented at the scoping hearing. (You might consider a resort and KOA type private campground on the 160 acre site at the Creeks Confluence that would include restoration of the stunningly beautiful native condition of the land, creeks, and native ecosystems, with fishing, kayaking, biking, and hiking on our 20 miles of creek trails. You might include a steelhead hatchery like that at Casa Grande High School that would also help restore the fishing industry and provide jobs for tribe members.)

This combination of plans on the local sites and the Lakeville site might fulfill both components of the dreams we discussed on those warm summer nights in 2003, providing a stable revenue source, jobs, housing, and a place to call home, restored to the original beauty of the early lands.

Barb Greene

Rohnert Park and Cotati Creeks Council <http://groups.yahoo.com/group/RPACCC>

Crane/Hinebaugh Creek Steward <http://rohrnertpark.bizhosting.com>

Laguna Watershed Group <http://groups.yahoo.com/group/LagunaWatershedGroup>



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## Can A Trout Cross the Freeway? Feb 8, 2005

Comments submitted re Critical Habitat Designation of California Central Coast ESU of *Oncorhynchus Mykiss*  
2/08/05 Docket number [041123329-4329-01], RIN number [0648-AQ77]



### Summary/Addendum to Testimony at Public Hearing January 19, 2005

1. Definition of Critical Habitat in four states over complex, varying terrain, in such a short time frame is obviously a difficult task. NOAA/NMFS staff are to be commended for their fine work.
2. The comment period, from December 10, 2004 to February 8, 2005, was too short, particularly because it spanned the Christmas holiday period. The comment period should be extended.
3. Our RPACCC (Rohnert Park and Cotati Creek Council) creeks have been included. We are very pleased and grateful, because the designation helps us protect the steelhead, creeks, and creek habitat against the many incursions of a rapidly developing area.
4. Steelhead and salmon historically spawn and rear in these creeks, and returned when flood control practices that included periodic clearcutting, poisoning, and dredging the creeks were suspended in 1996-1997 due to the ESA designation. The trees came back, the creeks cleared, and the birds and fish returned. Hundreds of acres in the middle of the city which had been poisoned crime ridden dead zones gradually became beautiful wild urban parks.
5. In summer of 2003, when a spectacular steelhead or salmon run was observed on Crane/Hinebaugh Creek, the Bear Park Creek Pilot Project was begun. Neighboring businesses banded together, as Friends of Bear Park, to protect the fish and reclaim the creek area for a park, after years of infestation by drug dealers and drunks. Agencies were informed of the steelhead/salmon run and we waited for them to come see. Fish 2 feet long, barred juvenile fish 5-8 inches long, and thousands of small fish were observed and photographed, clearly indicating the creek was both spawning and rearing habitat and had been so for some time.
6. On July 21, 2003, a jail crew contracted by the Sonoma County Water Agency (SCWA) clearcut a half mile of streamside and north bank vegetation, without warning, in a single day. Despite protests, similar clearcuts followed on Copeland Creek and Adobe Creek in Petaluma.
7. Friends of Bear Park then began protecting the trees as well as the fish, on a 24/7 basis, prepared to confront and arrest the crews if they returned. A negotiated settlement allowed us to trim the remaining trees, removing dead wood that presented a fire hazard, but preserving the riparian foliage for habitat.

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- 8. Subsequent legal action included termination of the engineer deemed responsible, a Grand Jury investigation, and a 6 page settlement with the District Attorney's office regulating channel maintenance activities of the Sonoma County Water Agency.
- 9. With all shading vegetation removed, the creek underwent a rapid, spectacular collapse. Within days, dead fish were floating downstream. Within weeks, the creek began to eutrophy.
- 10. In February 2004, SCWA crews replaced the cut trees with a half mile of large alders and maples. These trees and rapid regrowth of the streamside willows and other vegetation provided some shade in 2004 and allowed the creek to begin recovering.
- 11. Spawning fish have again been observed in winter of 2005.
- 12. The Rohnert Park and Cotati Creeks Council (RPACCC) was organized in 2003 as part of the 20 year old Urban Creeks Council of California, to protect the fish and creek habitats in both cities and the surrounding area, prepare a Master Plan for the creeks, and provide liaison and volunteer support to city, county, state, and federal agencies with jurisdiction over the creeks.
- 13. Creeks here are particularly blessed and protected because the original town layout and General Plan provide for linear parks, long narrow greenbelt swaths that include creekside access roads, trees, and bike paths. No additional land is required to protect the riparian corridor because the land has already been set aside for open space parks.
- 14. Protection of the steelhead is nonetheless a challenge because of growth pressure along the Highway 101 corridor and the problems of urban storm runoff pollution common to all urban areas. (All 14 cities in the UCCC have steelhead and we are all working on these problems.)
- 15. We are currently working on a Habitat Conservation Plan (HCP) - Natural Community Conservation Plan (NCCP) for the section of Crane/Hinebaugh Creek that seems to contain most spawning and rearing habitat, from Crane Creek Regional Park to Stony Point Rd. Crane/Hinebaugh was chosen first because it is a perennial creek that carries water flows from Crane Creek, Five Creek, and Hinebaugh Creek. We will also do similar plans as part of the RPACCC Creeks Master Plan that include Copeland Creek, Hinebaugh Creek, and the Laguna de Santa Rosa channel here.
- 16. Upstream sections of these creeks on the Sonoma Mountain watershed are protected by various easements of the Sonoma County Open Space District. Thus, the water flowing down the mountain will be kept clean and pure.
- 17. Downstream of the confluence of the creeks at Stony Point Road, the Laguna Foundation has developed and is implementing a Restoration and Management Plan to preserve and improve habitat over the Laguna de Santa Rosa watershed. The Laguna de Santa Rosa flows into the Russian River, which flows into the Pacific Ocean. The Russian River is also protected and currently the subject of a Section 7 consultation. Thus, the migration/spawning path to the Pacific will be protected.
- 18. There is enormous community support for our fish and parks. The Pilot Project is being extended city-wide to a network of 30+ creek neighborhood groups organized to protect sections of all the creeks, per a new Adopt-A-Park ordinance passed in October 2004. The neighborhood groups will maintain and protect the creeks and creek parks at no cost to the city, based on principles developed in the Bear Park Creek Pilot Project.
- 19. Additional protection is being provided by the Creek Panthers, a volunteer group that patrols the creeks, and a new Creek Incident Report System that makes detailed emailed reports directly to all ten local, state, and federal agencies charged with protecting the creeks.
- 20. These organized volunteer efforts, the topography of the creeks here, and the protection of upstream and downstream habitat therefore seem to give our fine *Oncorhynchus Mykiss* a pretty good fighting chance of becoming a permanent part of the city scene.

They are our homies. Thanks for helping us take care of them.

Barb Greene 2/08/05  
Rohnert Park and Cotati Creeks Council <http://groups.yahoo.com/group/RPACCC>  
Crane/Hinebaugh Creek Steward <http://rohrnertpark.bizhosting.com>

Comments submitted re Critical Habitat Designation of California Central Coast ESU of *Oncorhynchus Mykiss*  
**ADDRESSES:** You may submit comments, identified by docket number [041123329-4329-01] and RIN number [0648-AQ77], by any of the following methods:  
• E-mail: [critical.habitat.swr@noaa.gov](mailto:critical.habitat.swr@noaa.gov). Include docket number [041123329-4329-01] and RIN number [0648-AO04] in the subject line of the message.

**(h) Central California Coast *O. mykiss* (*Oncorhynchus mykiss*)**  
Critical habitat is proposed to include the areas defined in the following units:

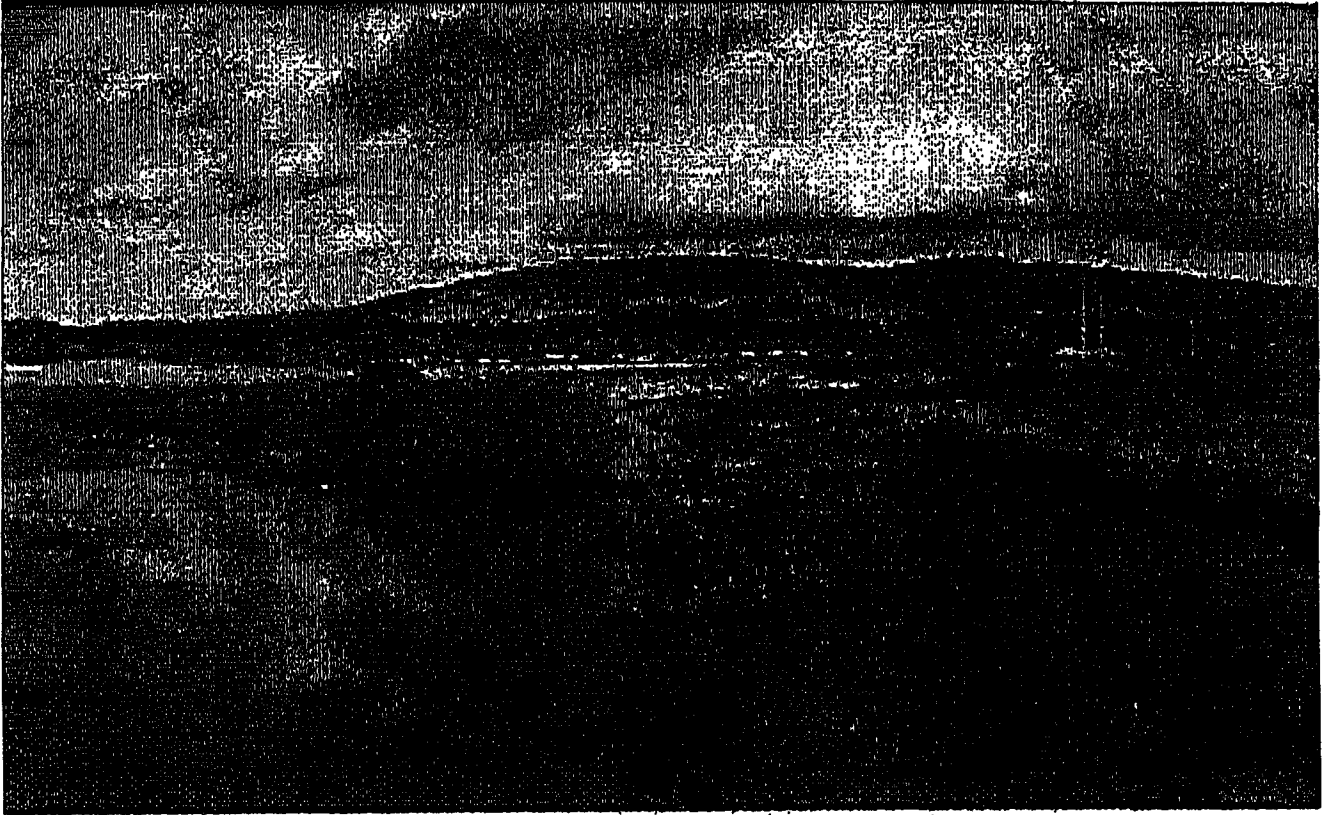
- (I) Russian River Hydrologic Unit 1114—
- (III) Laguna Hydrologic Sub-area 111421.

Outlet(s) = Laguna de Santa Rosa (Lat 38.4522, Long -122.8347) upstream to endpoint(s) in: Crane Creek (38.3521, -122.6022); Hinebaugh Creek (38.3509, -122.6913); Laguna de Santa Rosa (38.3431, -122.7229); Blucher Creek (38.3509, -122.8258); Copeland Creek (38.3371, -122.6038).

IN LIGHT OF COMMENTS 1-20 HOW WITH THESE PROBLEMS BE STUDIED? WHAT OTHER SITES HAVE NO SPAWNING FISH IN MARIPOSA AND SONOMA COUNTIES?

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Creeks Confluence [Regional Water Quality Control Board photo]



The Creeks in our Urban Watershed come together just east of Stony Point Rd, at the Creeks Confluence. Extensive water testing on the creeks both upstream and downstream of this site in the First Flush and Urban Pesticide testing programs has demonstrated that creek water is quite pure and sediments are as yet unaffected by urban contamination. Continuous testing and a rigorous monitoring and reporting system by the cities and RPACCC volunteers insures that polluters will be identified quickly and prosecuted so the creek waters are not polluted.

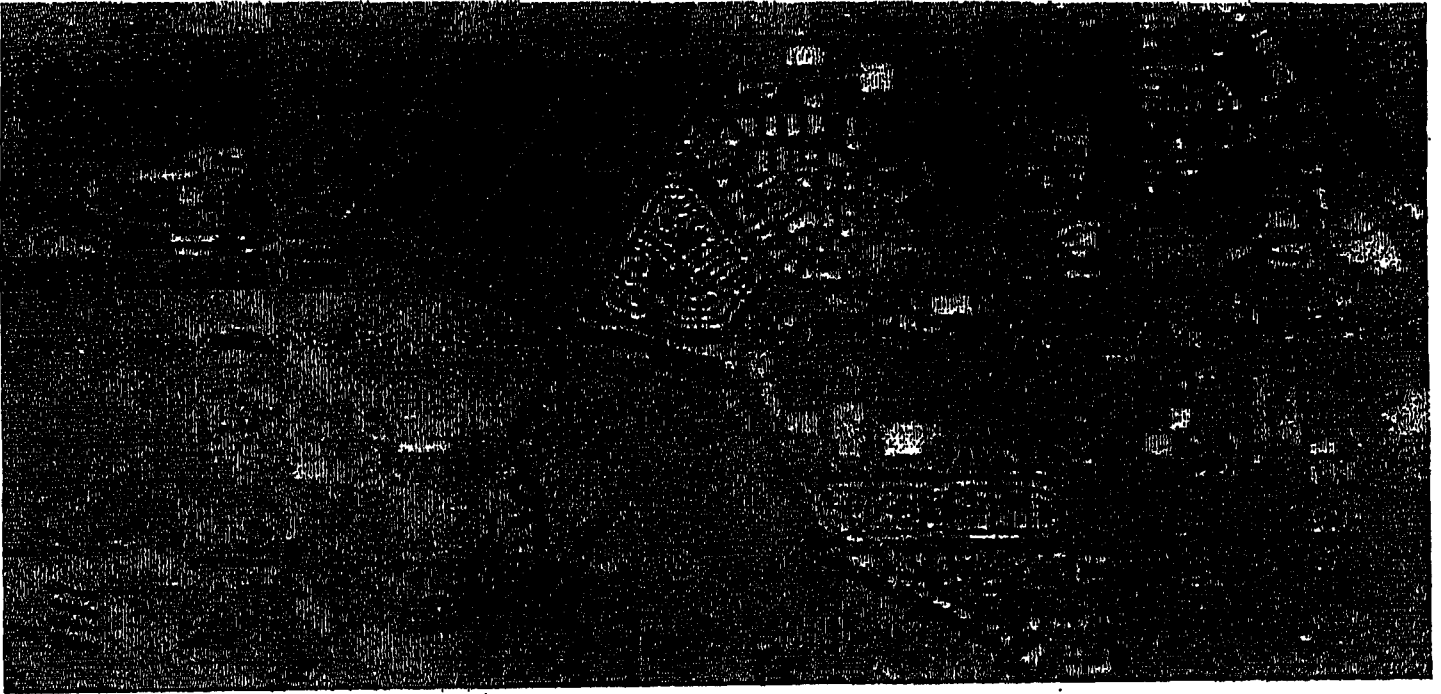
The EIS should address effects on water quality of the proposed projects, with particular attention given to stormwater runoff from parking lots, mud spills during construction, and the potentially lethal addition of sewage treatment effluent to creeks and the upper portion of the Laguna de Santa Rosa.

WHAT EXACT CEMENTALS ARE ON  
PARKING LOTS FROM AUTOMOBILES?

WHAT STAFFING WILL THE APPLICANT DO TO  
MINIMIZE AUTO EXHAUSTION RUN OFF AND  
OTHER TOXICS FROM THE PROJECTS?

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Creeks Confluence Aerial



Stony Point site is at the bottom. This aerial shows how the site is bordered and crossed by streams and flood channels owned and maintained by the Sonoma County Water Agency. Required setbacks from these water bodies and limits to activities affecting creek habitat and water quality limit the location, size, and character of any potential development. The Rancho Verde Mobile Home Park in the center is a dense residential area directly adjacent to the proposed sewage treatment plant and spray fields. Other residences and farms in the rural residential areas rely on shallow wells for their water supply.

The EIS should assess limitations on size and siting of the sewage and water treatment plants at this location. The EIS should carefully assess all detrimental effects on water quality in local creeks and downstream areas. The EIS should assess all potential effects to local residents, including ground water depletion that would require expensive new wells, and the effects of noise, traffic, increased air pollution, and increased crime on the quality of life.

How will resources of Rancho Verde be affected by this project? Site studies which show effects of casinos on residential

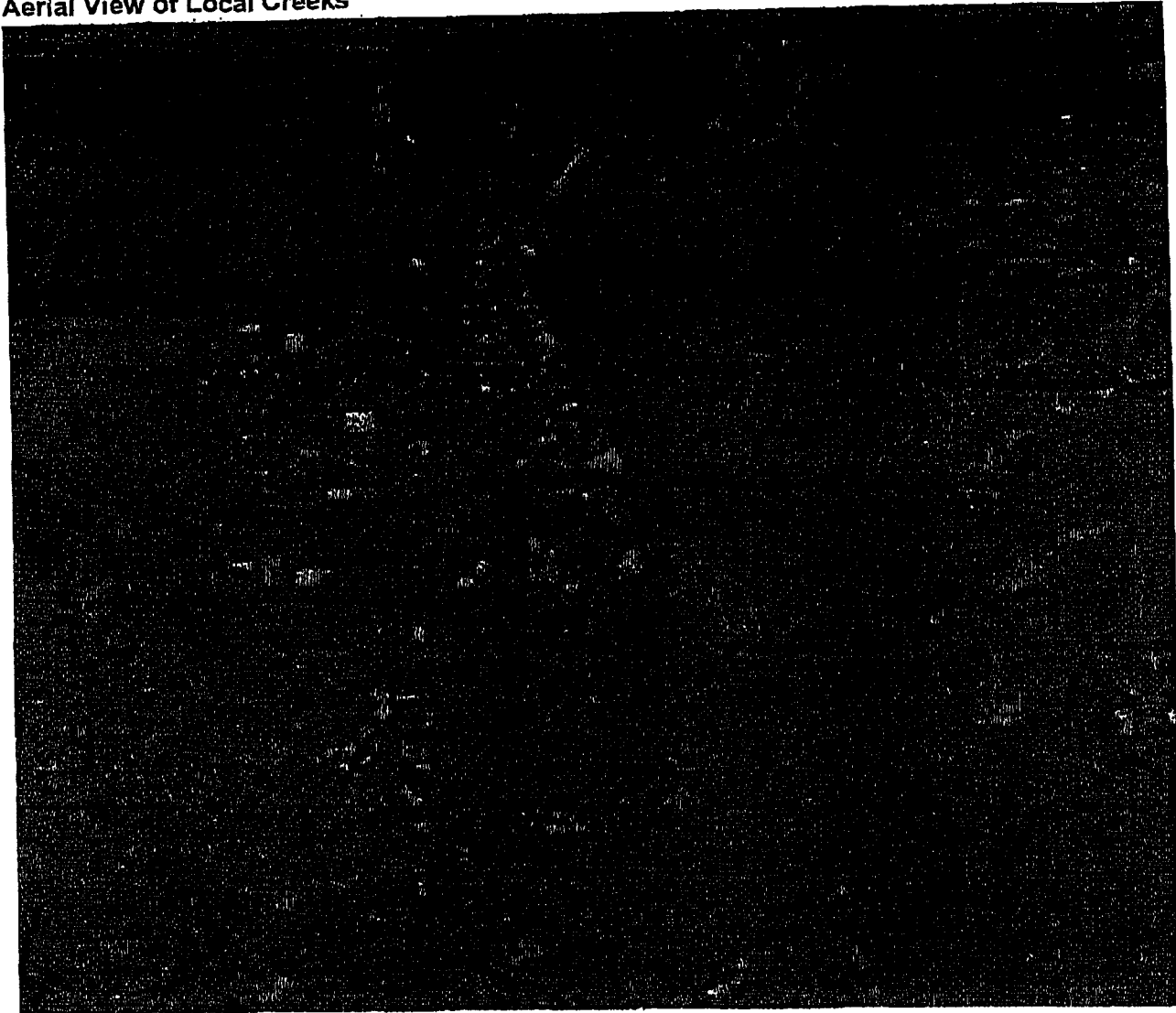
neighborhoods?

How will a sewage treatment plant affect them?



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Aerial View of Local Creeks



Aerial View of Creeks in Rohnert Park and Cotati and surrounding areas of Sonoma County, including proposed project site.

The EIS should address compatibility with this protected Urban Riparian Ecosystem which includes 20-25 miles of Open Space Creek Parks, a Bike Path and Trail system, and approximately 400 acres of Urban Forest.

WHAT STUDYS HAVE BEEN DONE  
 IN 2005 ON CREEKS? WHAT TREES  
 ARE INCLUDED IN THE URBAN FOREST?  
 HOW WILL THE PROJECT AFFECT THEM?

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**Original 360 Acre Stony Point Rd Site**

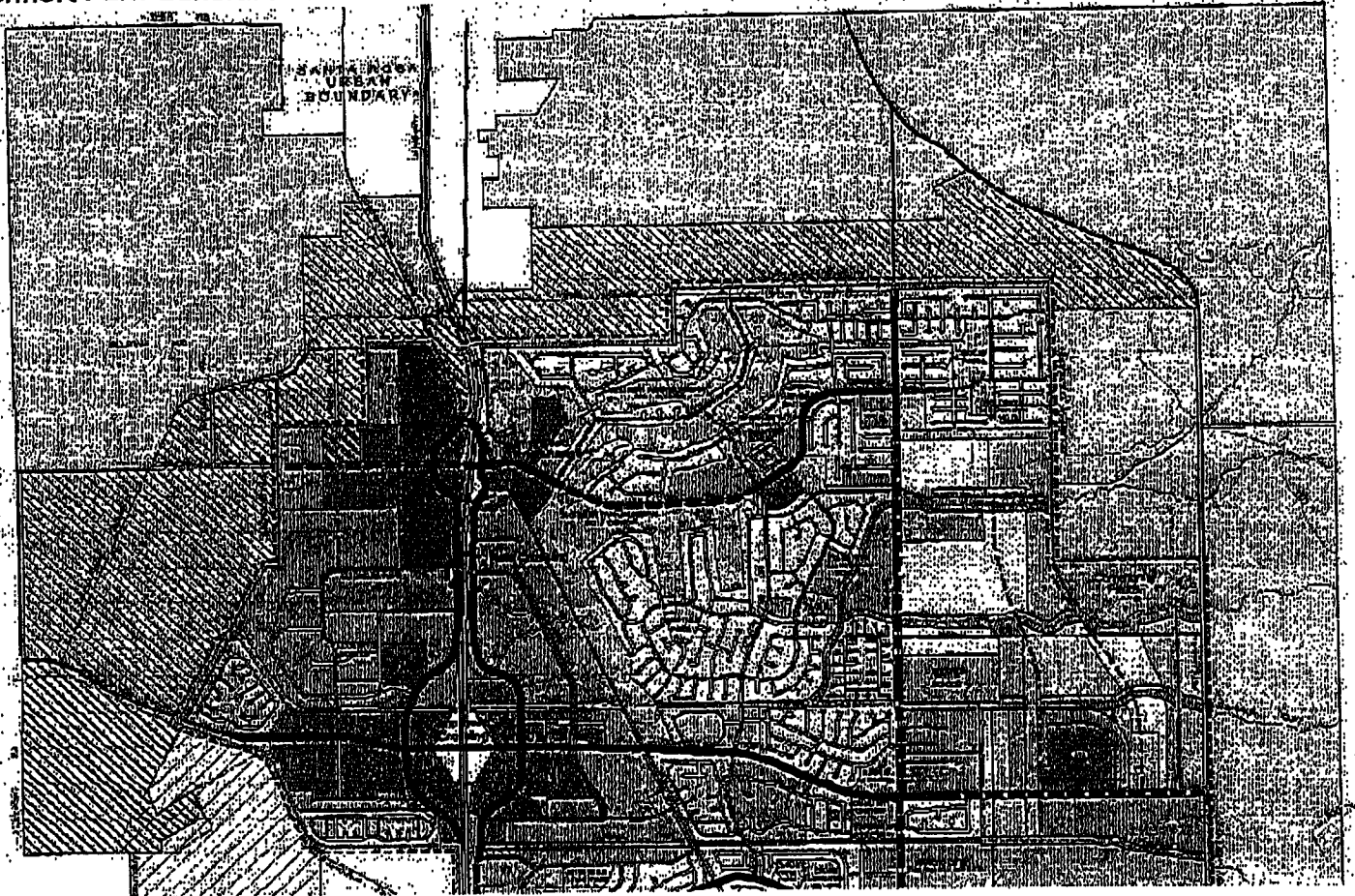


Original 360 acre site, outlined in red, was not purchased and is not available for purchase. Only the 180 acre southern portion of this site was actually purchased, so only that area is available for development in these projects. At the scoping hearing several options were presented that involved construction on the privately owned farms at the top of the site. This is an oversight or inaccuracy that may have occurred because of the speedy real estate transactions immediately preceding the hearing.

*The EIS should accurately assess only real options for this project, on land optioned or owned by the proponents. An additional scoping hearing and/or scoping hearing with local government and agency representatives should be scheduled to allow feedback on the actual proposed project, not the original plans.*

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### Rohnert Park General Plan and Northern Specific Plan Areas



Proposed project is at top left, in the Community Separator on Stony Point and on the previous Northwest Specific Plan and the Stadium Plan locations.

*The EIS should assess consistency with Rohnert Park and Cotati's city general plans and the 20 year Sonoma County General Plan, currently in draft form and hearings.*

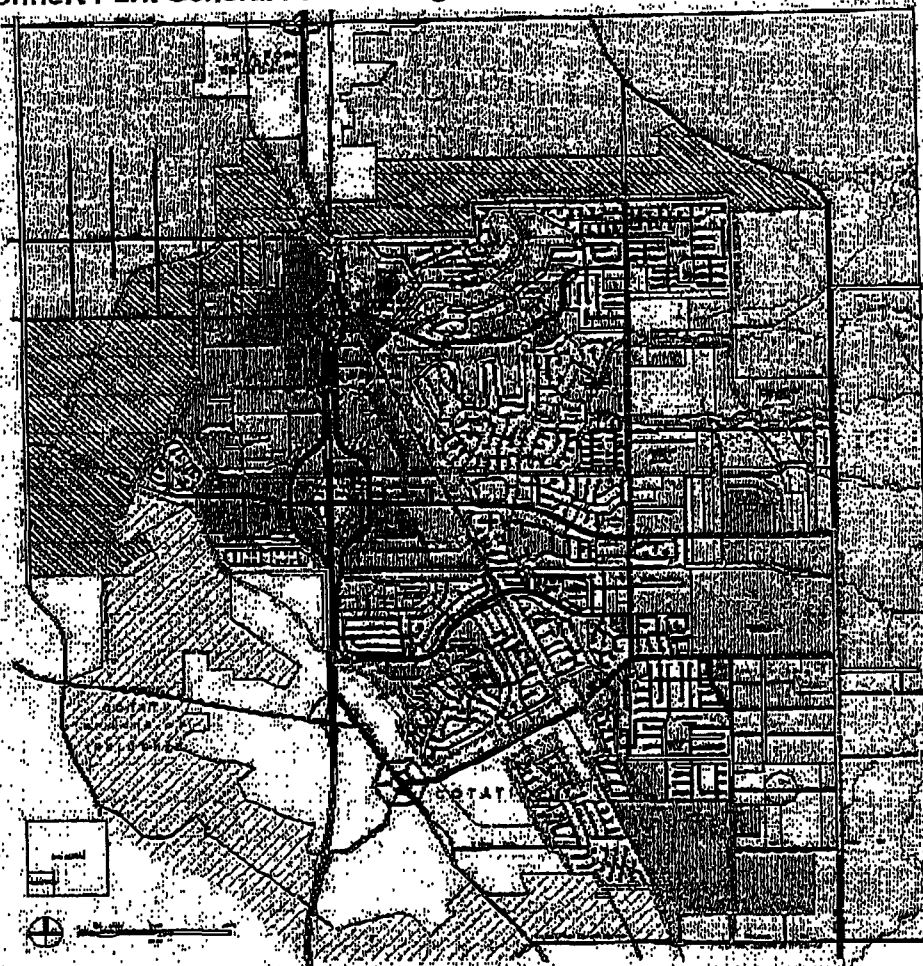
*The EIS should assess necessary revisions and rewrites of the proposed Northwest, Wilfred-Dowdell, and Stadium Specific Plans, which will need to reflect changes in land use and traffic.*

*The EIS should discuss necessary revisions to the Traffic element of city and county plans.*

*The EIS should discuss revisions to water supply plans, currently in litigation, and the possible effect of halting all new construction in this area due to the lack of a reliable supply of water for new construction.*

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# Rohnert Park General Plan Zoning



<b>RESIDENTIAL</b>	Single-Family Residential (R1) - Single-Family	<b>MIXED USE</b>	Mixed Use (MU)	<b>COMMERCIAL</b>	Community Center (CC)
<b>RESIDENTIAL</b>	Low-Density Residential (R2) - Single-Family	<b>OFFICE</b>	Office (O)	<b>INDUSTRIAL</b>	Community Center (CC)
<b>RESIDENTIAL</b>	Medium-Density Residential (R3) - Single-Family	<b>PUBLIC USE</b>	Public Use (PU)	<b>INDUSTRIAL</b>	Community Center (CC)
<b>RESIDENTIAL</b>	High-Density Residential (R4) - Single-Family	<b>RETAIL</b>	Retail (R)	<b>INDUSTRIAL</b>	Community Center (CC)
<b>RESIDENTIAL</b>	Medium-Density Residential (R5) - Single-Family	<b>RETAIL</b>	Retail (R)	<b>INDUSTRIAL</b>	Community Center (CC)
<b>RESIDENTIAL</b>	High-Density Residential (R6) - Single-Family	<b>RETAIL</b>	Retail (R)	<b>INDUSTRIAL</b>	Community Center (CC)
<b>RESIDENTIAL</b>	High-Density Residential (R7) - Single-Family	<b>RETAIL</b>	Retail (R)	<b>INDUSTRIAL</b>	Community Center (CC)
<b>RESIDENTIAL</b>	High-Density Residential (R8) - Single-Family	<b>RETAIL</b>	Retail (R)	<b>INDUSTRIAL</b>	Community Center (CC)
<b>RESIDENTIAL</b>	High-Density Residential (R9) - Single-Family	<b>RETAIL</b>	Retail (R)	<b>INDUSTRIAL</b>	Community Center (CC)
<b>RESIDENTIAL</b>	High-Density Residential (R10) - Single-Family	<b>RETAIL</b>	Retail (R)	<b>INDUSTRIAL</b>	Community Center (CC)

Figure 2:  
**General Plan Diagram**  
 Adopted by the Board of Supervisors  
 on 11/11/05

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**2004 Option A – 340,000 SqFt Casino, 300 Room Hotel**

**CHAPTER 2.0 - Proposed Action and Alternatives**

http://www.nigc.gov/nigc/documents/nepa/graton\_rancheria/eis/files/document/2-Proposed-Action-and-Alt-1-v4.pdf

**A - Casino/Hotel Resort**

340,000 SqFt casino/dining/entertainment facilities, 30,000 SqFt banquet/meeting facilities, 300 room hotel with pool, 20,000 SqFt spa facility, 4,400 surface parking spaces, 2,000 parking structure spaces

**TABLE 2-1  
ALTERNATIVE A – PROPOSED ACTION COMPONENTS**

Area	Seats/Rooms/Parking Spaces	Square Footage
<b>CASINO &amp; ENTERTAINMENT</b>		
<b>Casino</b>		
Casino Gaming		80,000
Casino Circulation		26,000
High Limit Gaming		5,000
Asian Gaming		3,600
Sevens (2)		4,000
Entry Vestibules (5)		2,500
Restrooms (3)		6,000
Rewards Center		750
Cafe		6,000
Back of House		70,000
Retail		1,000
<b>Food and Beverage</b>		
Buffet	500 seats	23,500
Bars (3)		4,500
Service Bars (4)		4,000
Local Restaurants (2)	400 seats	20,000
Coffee Shop	225 seats	8,800
Steakhouse	200 seats	16,000
Food Court (6 tenants)	210 seats	12,600
<b>Entertainment</b>		
Nightclub		6,500
Performing Arts	1,500 seats	36,400
Lounge		8,000
<b>Banquet</b>		
Banquet/Meeting Space		30,000
Pre-Function/Kitchen/Storage/Office/Support		40,000
<b>Total Casino &amp; Ent. Square Footage</b>		<b>402,150</b>
<b>HOTEL &amp; SPA</b>		
<b>Hotel</b>		
Lodging Area	300 rooms (20% suites)	261,000
Lobby/Bar/Back of House		13,750
Entrance		1,000
<b>Pool &amp; Spa</b>		
Spa		20,000
Pool Restrooms		2,500
Pool Concessions		1,500
Pool Grill		3,000
<b>Total Hotel &amp; Spa Square Footage</b>		<b>332,850</b>
<b>CENTRAL PLANT</b>		
<b>Alternative A Total Square Footage</b>		<b>782,100</b>
<b>PARKING</b>		
Surface Parking	4,400 parking spaces	
Parking Structure	2,000 parking spaces	
<b>Alternative A Total Parking Spaces</b>	<b>6,400 parking spaces</b>	
<b>NOTES: All figures are approximate.</b>		
<b>SOURCE: Eschmider Group, 2004; AEC, 2004.</b>		

Revised Environmental Analysis August 2004

25

Graton Rancheria Casino and Hotel Project Environmental Impact Statement Scoping Report

*The EIS should address exact location, size, and impacts of this project, including required sewage treatment plant on Rohnert Park area sites and the Lakeville site, and compare impacts in each location.*

17

**2004 Option B -- 260,000 SqFt Casino, 100 Room Hotel**

**CHAPTER 2.0 - Proposed Action and Alternatives**

[http://www.nigc.gov/nigc/documents/nepa/graton\\_rancheria/eis/files/document/2-Proposed-Action-and-Alt-1-v4.pdf](http://www.nigc.gov/nigc/documents/nepa/graton_rancheria/eis/files/document/2-Proposed-Action-and-Alt-1-v4.pdf)

*2.0 Proposed Action and Alternatives*

**TABLE 2.3  
ALTERNATIVE C -- REDUCED INTENSITY ALTERNATIVE COMPONENTS**

Area	Seating/Rooms/Parking Spaces	Square Footage
<b>CASINO &amp; ENTERTAINMENT</b>		
<b>Casino</b>		
Casino Gaming		65,000
Casino Circulation		28,000
High Limit Gaming		5,000
Rain Gaming		3,500
Slots (2)		4,000
Entry Vestibule (5)		2,500
Restrooms (5)		4,000
Rewards Center		750
Cage		4,000
Back of House		29,000
Retail		1,000
<b>Food and Beverage</b>		
Buffet	500 seats	23,500
Bars (3)		4,500
Stylish Bars (4)		4,000
Lease Restaurants (2)	260 seats	12,000
Coffee Shop	225 seats	8,800
Clubhouse	200 seats	10,000
Food Court (5 tenants)	210 seats	12,000
<b>Entertainment</b>		
Lounge		3,000
<b>Banquet</b>		
Banquet/Meeting Space		20,000
Pre-Function/In-house Storage/Office/Support		8,000
<b>Total Casino &amp; Ent. Square Footage</b>		<b>280,250</b>
<b>HOTEL</b>		
<b>Hotel</b>		
Lodging Area	100 rooms (100% suites)	77,000
Lobby/Back of House		13,750
Suites		1,000
<b>Pool</b>		
Pool Restrooms		2,500
Pool Concessions		1,500
Pool Grill		3,000
<b>Total Hotel &amp; Spa Square Footage</b>		<b>94,250</b>
<b>CENTRAL PLANT</b>		
<b>Alternative C Total Square Footage</b>		<b>373,500</b>
<b>PARKING</b>		
Surface Parking	2,650 parking spaces	
Parking Structure	2,000 parking spaces	
<b>Alternative C Total Parking Spaces</b>	<b>4,650 parking spaces</b>	

NOTE: All figures are approximate.  
SOURCE: Friedman Group, 2004, April, 2004.

Washington Environmental Services  
August 2004

2-12

Graton Rancheria Casino and Hotel Project  
Environmental Impact Statement Scoping Report

**The EIS should address exact location, size, and impacts of this project, including required sewage treatment plant on Rohnert Park area sites and the Lakeville site, and compare impacts in each location.**

18

**2004 Option D Business Park**

*2.0 Proposed Action and Alternatives*

**2.3.4 Alternative D - Alternative Use**

Alternative D consists of the development of a business park on the northwest corner of the project site. Table 2-3 details the square footings of each project component. Under this alternative the NJC would not approve a management contract between the Tribe and SC Sonoma Management LLC.

**Project Construction**

Alternative D would be constructed after the project site has been placed into federal trust. Build out would take place over time, as tenants occupy space within the business park. Construction would involve earthwork, placement of concrete foundations, steel, wood, and concrete structural framing, masonry, electrical and mechanical work, building and site finishing, and paving, among other construction activities.

**TABLE 2-3  
ALTERNATIVE D - ALTERNATE USE ALTERNATIVE COMPONENTS**

Item	Seals/Rooms/Parking Spaces	Square Footage
<b>BUSINESS PARK</b>		
Light Industrial Businesses		400,000
Commercial Businesses		100,000
<b>Alternative D Total Square Footage</b>		<b>500,000</b>
<b>PARKING</b>		
Surface Parking	2,000 parking spaces	
<b>Alternative D Total Parking Spaces</b>	<b>2,000 parking spaces</b>	

NOTE: All figures are approximate.  
SOURCE: AES, 2004.

**Grading and Drainage**

Alternative D would involve grading and modification of existing drainage patterns. A stormwater detention basin would be constructed to attenuate the increase in peak flows that could result from the project site during a storm event.

**Wastewater Treatment Facility**

An on-site wastewater treatment facility would be utilized for Alternative D to satisfy standards established by the U.S. Environmental Protection Agency (EPA). Elements of the wastewater treatment and disposal facility include a wastewater treatment plant, wastewater piping, a wastewater disposal area, and recycled water impoundment.

**Water Supply**

Water for domestic use, emergency supply, and fire protection would either be provided by an off-site water utility or supplied by on-site wells. Elements of the on-site water facilities would include two on-site wells, an iron and manganese treatment plant, a 100,000-gal water storage tank, and a water distribution pump system.

Option D, the Business Park, could presumably be sited on any of the four parcels mentioned in the 2005 scoping hearing, including the two parcels west of Rohnert Park and the two parcels along Lakeville Highway. Apart from traffic effects, size, and 24/7 operation, environmental effects of this and options A and B, the resort/casino/hotel are similar.

*The EIS should assess effects of any such development after the exact nature of the proposal is made clearer and after consultation with local government and agency representatives.*

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### Sewage and Water Treatment Plants

Analytical Environmental Services  
August 2004

2-8

Stony Ranchoeria Casino and Hotel Project  
Environmental Impact Statement Scoping Report

### 2.0 Proposed Action and Alternatives

#### **Wastewater Treatment Facility**

An on-site wastewater treatment facility is planned for the proposed development to satisfy standards established by the U.S. Environmental Protection Agency (EPA). The Tribe proposes to use an immersed membrane bioreactor (MBR) system as the wastewater treatment process to provide the highest quality of water for reuse or disposal. Elements of the wastewater treatment and disposal facility include a wastewater treatment plant, wastewater piping, a wastewater disposal area, and recycled water impoundment. Wastewater disposal would take place both by discharge to the Laguna de Santa Rosa and by discharge to sprayfields.

#### **Water Supply**

Water for domestic use, emergency supply, and fire protection would be provided by on-site wells. Elements of the proposed on-site water facilities include two on-site wells, an iron and manganese treatment plant, a steel water storage tank, and a water distribution pump system.

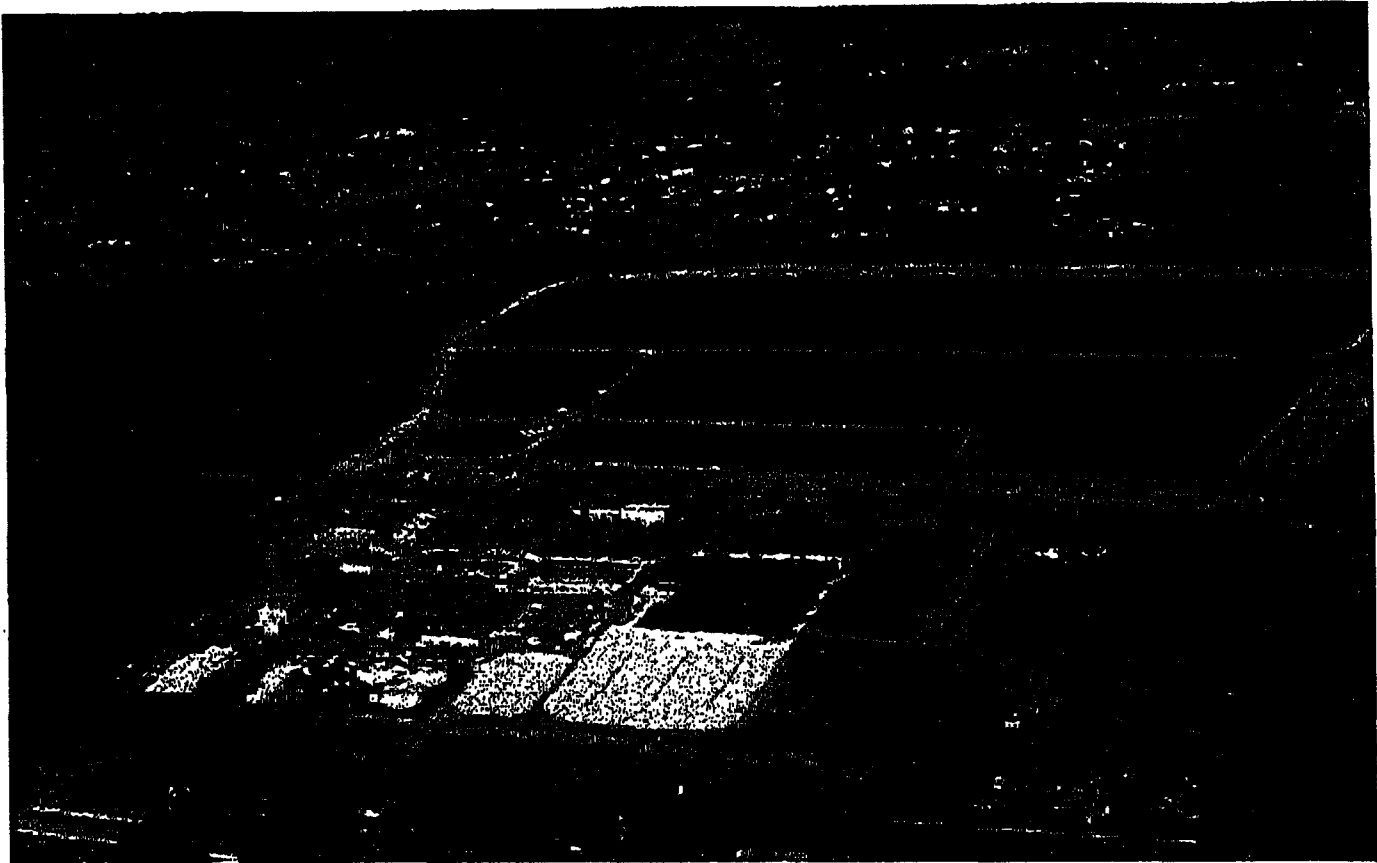
The required sewage treatment plant poses the single largest potential problem at the Stony Point site, but this is the only information provided on the plant.

*The EIS should address siting, size, maximum output, effect on flooding and water quality, setbacks from the Rancho Verde Mobile home Park and existing wells, creeks and flood channels. The EIS should address compliance with all regulations and permits required for this type of facility.*

*The EIS should similarly provide all information on the proposed water treatment plant.*



20

**Llano Wastewater Treatment Plant and Holding Ponds**

Regional Waste Facility on Llano Rd and holding ponds, where years of dumping into the Laguna de Santa Rosa have resulted in classification of its formerly clean waters as impaired, and additional wastewater dumping has been ordered halted. (Sewage treatment plant on Stony Point would be smaller but same general conformation.)

Water at the creeks confluence and upstream of the proposed sewage treatment plant has been extensively tested and found clean, but would be polluted by sewage treatment plant effluent.

The proposed sewage treatment plant for these projects would have to be located on the 180 acres of the Stony Point Rd site and would dump treated wastewater estimated at up to 500,000 gallons a day into the creek system.

*The EIS should assess quantity and quality of sewage treatment plant effluent, the effect on the creeks and downstream portions of the Laguna de Santa Rosa, the effect on local wells of spraying and leaking of holding ponds, and the effect on endangered species in the creeks and riparian corridors. The EIS should also assess the effect on local residents particularly those in the Rancho Verde Mobile Park of a nearby sewage treatment plant. The EIS should assess the adequacy of available land on this 180 parcel, considering necessary setbacks for the creeks and flood channels and for wells and local residences.*

21

## ADVANCED MEMBRANE TREATMENT COMPONENT

Impacts 1.13.1 and 1.13.4 in the Program EIR identify a significant land use impact relating to the potential of the AMT facilities to be inconsistent with a land use designation. Although Mitigation Measure 3.3.1, Site Facilities to Achieve Compatible Land Use reduces this impact, the potential locations for the facilities may be affected by other considerations, such as engineering requirements or land availability, and therefore, it may not be possible in all cases to locate facilities in a compatible land use designation or avoid all land use conflicts. No additional feasible mitigation has been identified, and these significant impacts may be unavoidable.

As evaluated in the Program EIR under Impact 1.13.2, the AMT facilities would not physically divide an established community.

Impact 1.13.3 in the Program EIR identifies a significant land use impact because the AMT facilities would be a public service facility of sufficient size and quasi-industrial character as to be potentially incompatible with Community Separator policies. Although Mitigation Measure 3.3.1, Site Facilities to Achieve Compatible Land Use reduces this impact, the potential locations for the facilities may be affected by other considerations, and therefore, it may not be possible in all cases to locate facilities to avoid all land use conflicts. No additional feasible mitigation has been identified, and these significant impacts may be unavoidable.

As evaluated in the Program EIR under Impact 1.13.5, the AMT facilities would not convert non-urban land to urban uses.

Impact 1.13.6 in the Program EIR identifies a significant land use impact associated with the AMT facilities located on properties that are public open space. Mitigation Measure 3.3.2, Replacement of Open Space Easements, is proposed to reduce the impact by replacing open space if the facilities are not in accordance with restrictions on use of the open space. The Program EIR found this impact to be less than significant after mitigation.

## CUMULATIVE PROJECTS

The cumulative land use impacts of project facilities are evaluated in Section 4.1 of the Program EIR. As noted there, all of the cumulative projects listed in Appendix D of the Program EIR have the potential to create land use impacts but are subject to appropriate land use and zoning requirements, and most would not be expected to have significant effects.

The cumulative impacts evaluated under Impact 1.1C and 1.4C remain significant as presented in the Program EIR.

Both the IRWP and North County Agricultural Reuse Project still have the potential to introduce elements that are incompatible with existing land uses, including storage facilities, pump stations and other facilities.

In addition, the Federated Indians of the Graton Rancheria Casino, west of Rohnert Park and near the Santa Rosa plain storage area, has the potential to introduce elements that are incompatible with existing land uses because the Casino is a commercial use in a rural residential/agricultural area.

Impact 1.2C remains less than significant as presented in the Program EIR. The Casino, although an urban type use, is planned for an unincorporated area of Sonoma County outside the Rohnert Park city limits. It would thus not contribute to potential IRWP impacts on established communities.

Impact 1.3C in the Program EIR remains less than significant. The Casino will be located in the Rohnert Park-Santa Rosa Community Separator, and as a commercial use it would not be consistent with the policies for uses appropriate to Community Separators. However, the Preferred Program will not introduce an inappropriate use in a Community Separator. Therefore, the Preferred Program will not cumulatively contribute to this impact and it remains less than significant.

Impact 1.5C in the Program EIR remains less than significant. Although the Casino has the potential to convert non-urban land to an urban use, neither the IRWP nor the North County Agricultural Reuse Project would be considered urban uses. Therefore, the Preferred Program will not cumulatively contribute to this impact and it remains less than significant.

As evaluated under Impact 1.6C in the Program EIR, IRWP impacts on open space are expected to be fully mitigated and with mitigation would not contribute to cumulative loss of open space.

FEBRUARY 17, 2004 PARSONS PAGE 4.1-6

*The Parsons Report Analysis and Supplemental EIR indicates the problems above. The EIS should address these issues, with updated information.*

## Open Space/Community Separator

FEBRUARY 2004 DRAFT ROHNERT PARK WILFRED/DOWDELL VILLAGE SPECIFIC PLAN PAGE 11

South of the project is a parcel zoned C-S Special Services Commercial District. The parcel's south boundary is on Business Park Drive facing the Press Democrat printing facility. The easterly portion of the parcel has been developed with a self storage facility and the westerly portion remains vacant. If developed, the westerly parcel would gain primary access from the southerly extension of Dowdell Avenue.

### Community Separator Plans and Policies

The project site falls within a greenbelt defined in the Sonoma County General Plan Open Space Element as the Rohnert Park/Santa Rosa Community Separator (Figure 3). Community separators are intended to retain open space, farmland and rural residential development around cities in the County to avoid continuous corridor-type urbanization.

The Project site is one of the County properties that is both within the separator and the City of Rohnert Park's Sphere of Influence. However, the site is outside the City's urban services boundary. The City has entered into an agreement with the County of Sonoma concerning the replacement of community separator lands. This agreement, dated September 25, 2001, was approved by the Rohnert Park City Council by Resolution No. 2001-205 and contains wording similar to City of Rohnert Park General Plan policy OS-4D, which requires the City to adopt "an adequate and appropriate mechanism to ensure that the required open space mitigation will occur through acquisition of open space land... or a payment of an in lieu fee will be permitted" under certain circumstances. This acquisition or in lieu fee payment would be required prior to the City's issuance of any grading or building permits for a project within a community separator.

The portions of the proposed project at the Stony Point Rd site are located in a Community Separator protected in the Sonoma County General Plan.

*The EIS should address consistency with the Sonoma County General Plan's limitations on construction in Open Space Community Separators, including construction of sewage plants, and required permits and should discuss required mitigation of construction in this protected area.*

25

### Nutrient Cycling In Stream Ecosystems

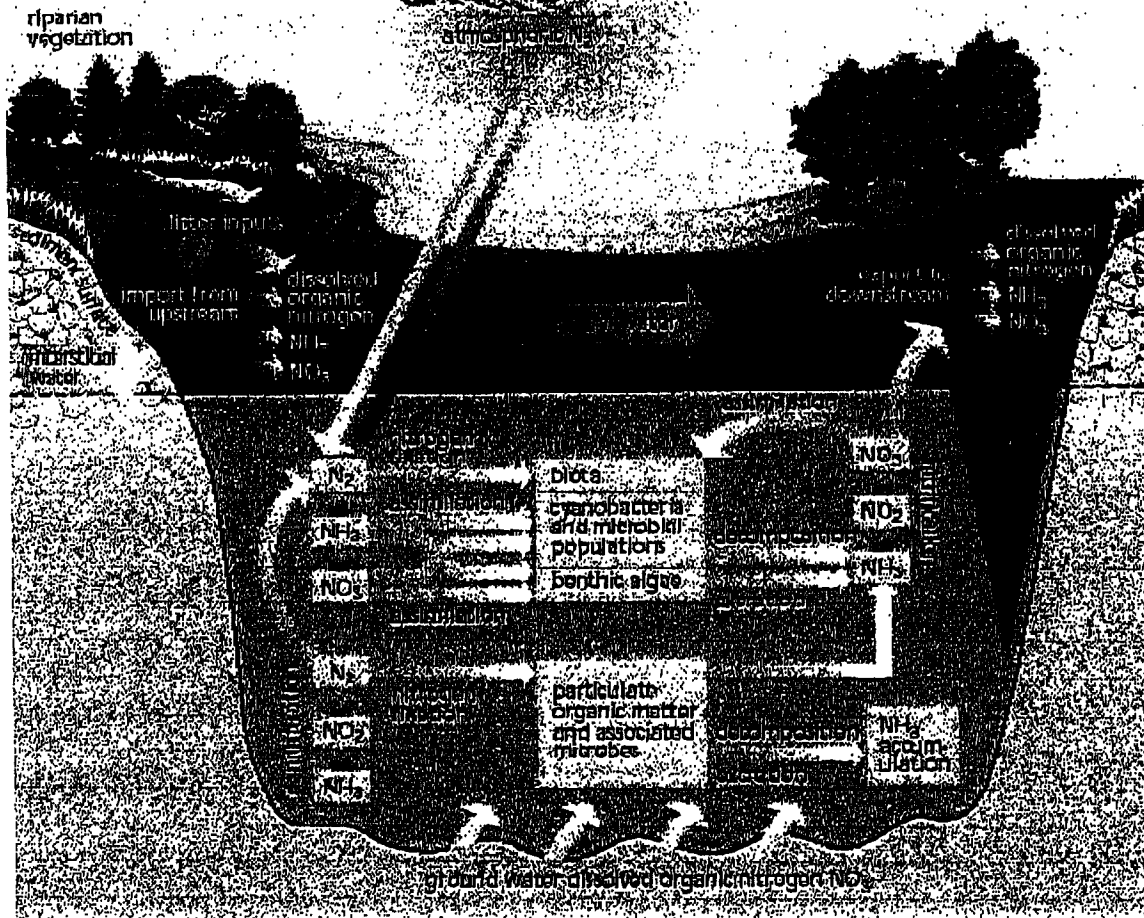


Figure 2.21: Dynamics and transformations of nitrogen in a stream ecosystem. Nutrient cycling from one form to another occurs with changes in nutrient inputs, as well as temperature and oxygen availability.

Chemical flows and interactions from nonpoint sources in the Creek Ecosystem.

Nitrogen is an essential part of the healthy creek ecosystem but excessive nitrogen and phosphate from fertilizers unbalances the ecosystem and may be fatal to creek life, both at the site and downstream.

The EIS should address additional loading on the creeks due to pesticide and fertilizer application of landscaping plants, and all projects should incorporate native plants that do not need chemical additives.

24

### Surface and Groundwater Flow to Streams

Source: Federal Interagency Stream Corridor Restoration Handbook

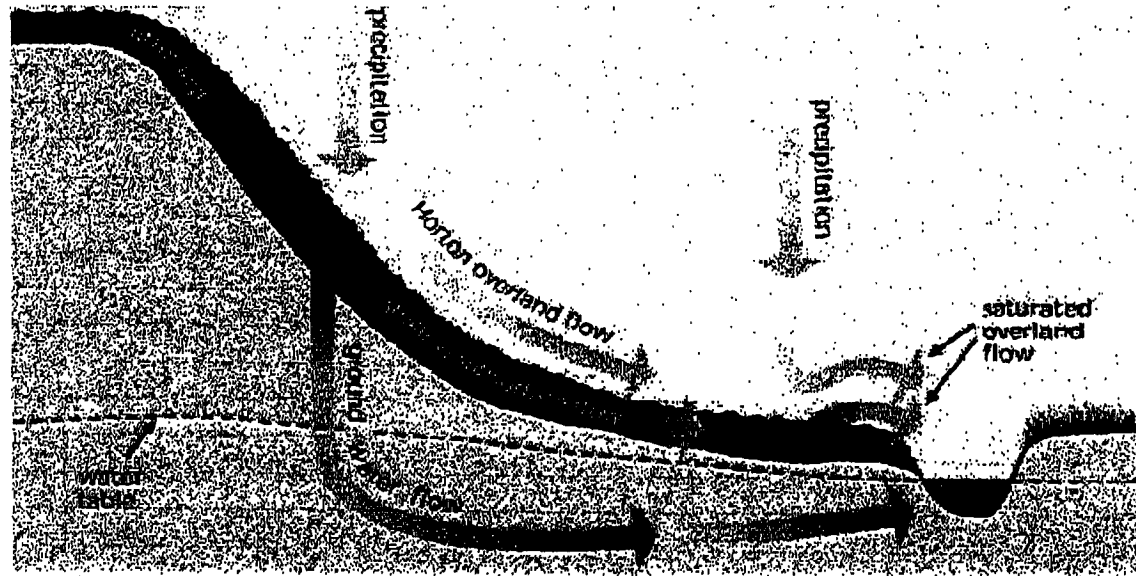
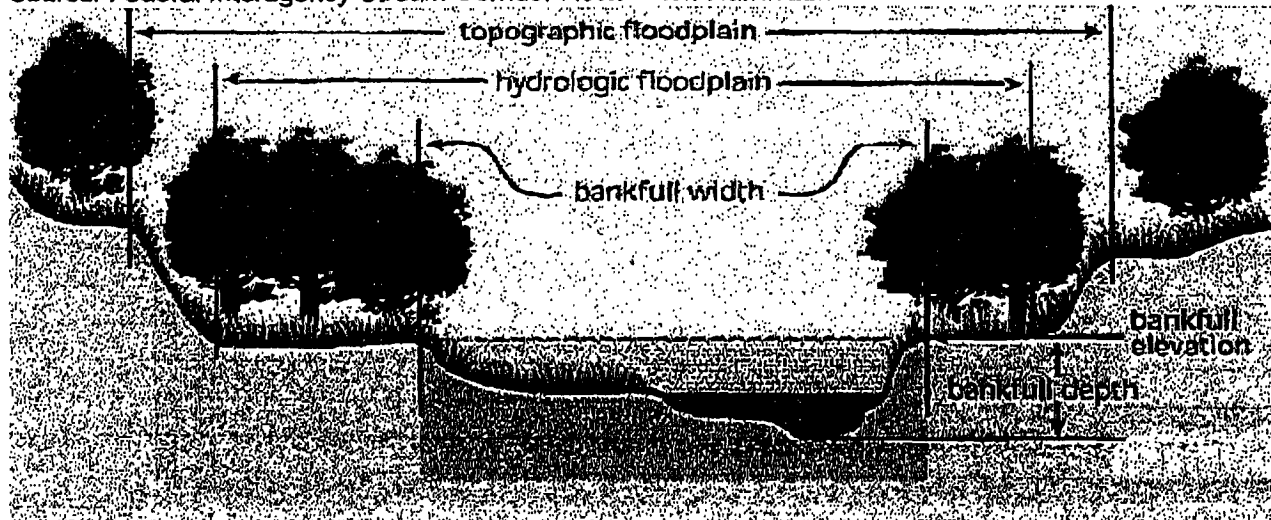
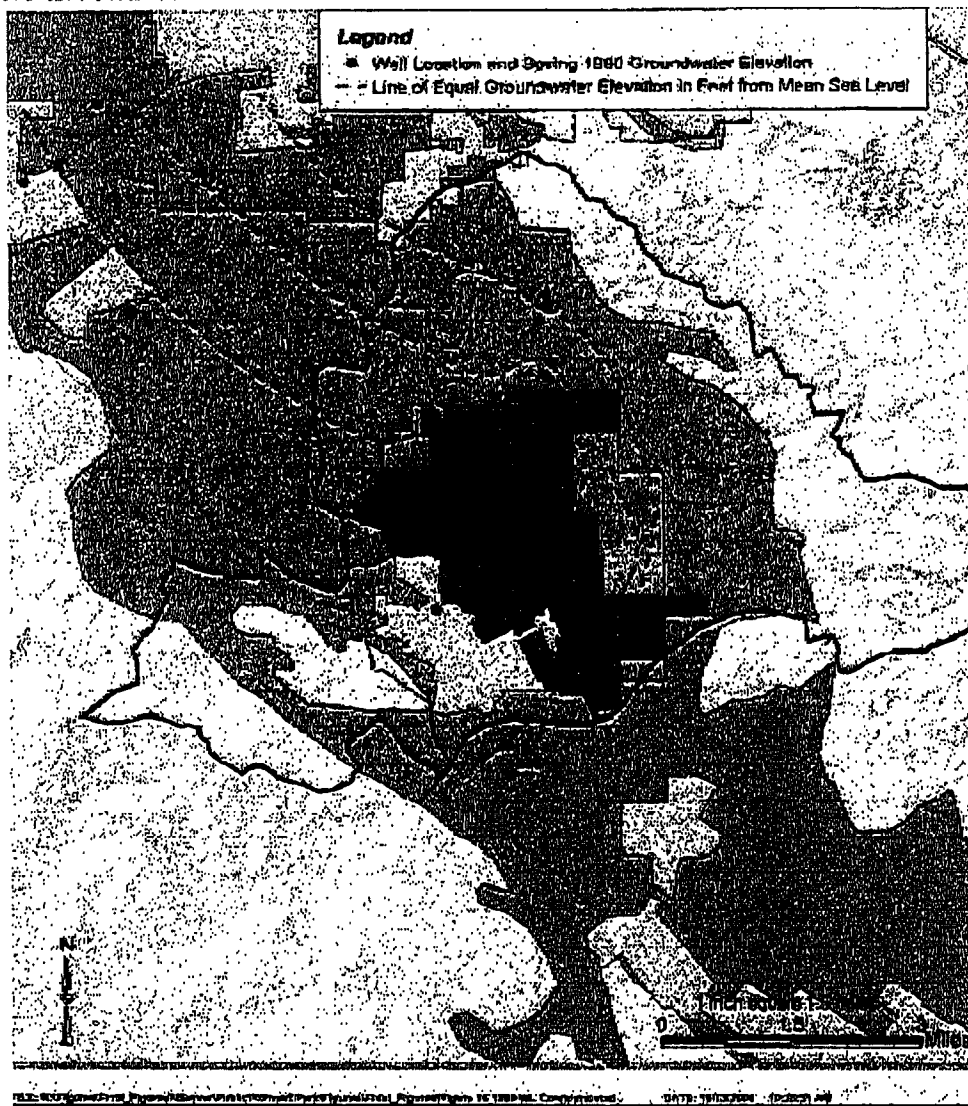


Fig. 2.15 - Flow paths of water over a surface. The pattern of precipitation that runs off or infiltrates on the ground surface is dependent on the intensity, duration, frequency, and intensity of precipitation. In Stream Corridor Restoration: Principles, Processes, and Practices (SCRRP), Technical Report Restoration Workgroup (TRWG) (1998).

Stream health is dependent on interactions with the saturated areas of ground water. Streams will dry up if the ground water table drops below a certain level, and trees will die.

*The EIS should address effects on groundwater levels sustaining creeks and trees.*

### Groundwater Elevations



**LEHOCORFF & BOALMANINI**  
CONSULTING ENGINEERS

**Figure 16**  
**Spring 1980 Groundwater Elevation Contours**  
**for Wells in the Robert Park Area**

Residential and municipal wells in this area rely on ground water. Residential wells are shallow, ranging about 160 feet, while municipal and Sonoma County Water Agency wells are deep, tapping into the aquifer. Sustainability of this resource, recharge rate, and the effect of local wells on other areas is a subject of debate. *The EIS should address ground water requirements for these projects and the effect on other existing wells and planned needs.*

### Stream Restoration

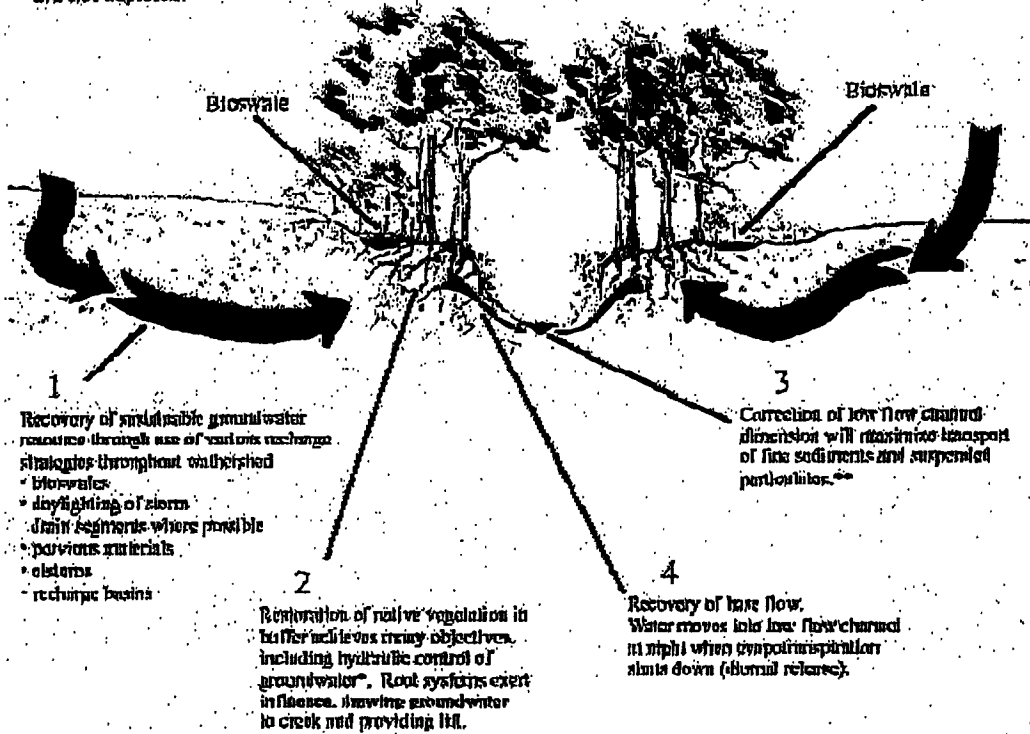
#### A Model For Recovery of Stream Function Through Hydrologic Reconnection

- Clean water
- Habitat for endangered species
- Biologically productive aquatic systems

For stream types typical of the South Coast within urbanized setting. Urban infrastructure, buildings, vegetation outside creek buffer, are not depicted.

#### Functional Goals

- Systemic hydrologic reconnection
- Restore summer base flows
- Reestablish efficient transport of fine sediments and suspended particulates



1 Recovery of sustainable groundwater resources through use of various recharge strategies throughout watershed

- bioswales
- daylighting of storm drain segments where possible
- pervious materials
- cisterns
- recharge basins

2 Restoration of native vegetation in buffer achieves many objectives, including hydraulic control of groundwater\*. Root systems exert influence, drawing groundwater to creek and providing fill.

3 Correction of low flow channel dimension will increase transport of fine sediments and suspended particulates.

4 Recovery of base flow. Water moves into low flow channel at night when evapotranspiration slows down (diurnal release).

### Santa Barbara Urban Creeks Council

[www.sb-urbancreeks.org](http://www.sb-urbancreeks.org)

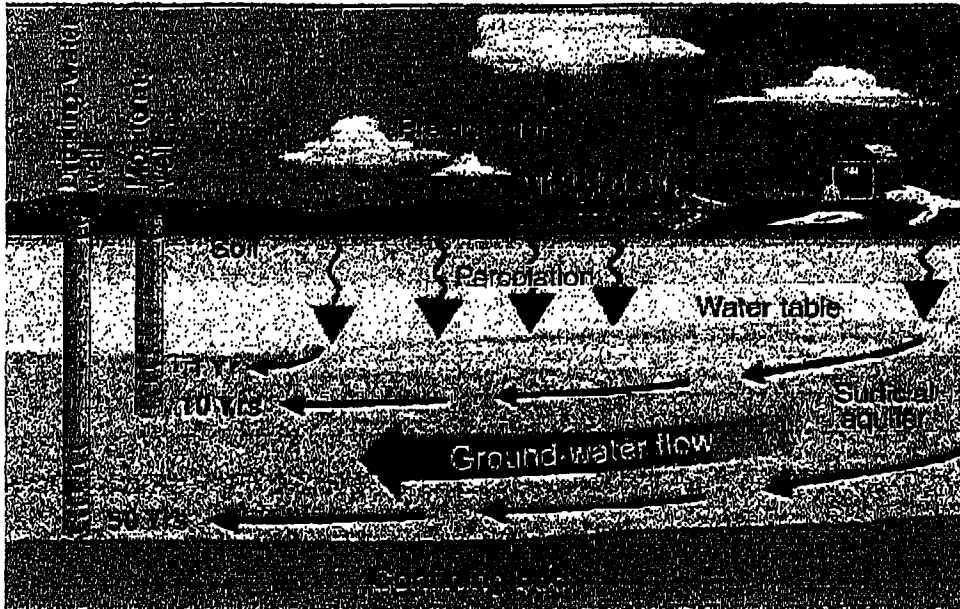
\* U.S. Environmental Protection Agency EPA/540/S-01/500, Feb 2001  
 \*\* Ann L. Riley, Restoring Streams in Cities, Island Press, 1998

Guidelines for healthy stream maintenance from the Urban Creek Council involve maintaining a healthy environment around the creeks and adequate groundwater below the creeks so the creeks do not dry up.

The EIS should assess the effects of new wells drawing large amounts of groundwater in the proposed projects, including effects on the creeks and local wells.

### Groundwater Contamination [USGS]

27



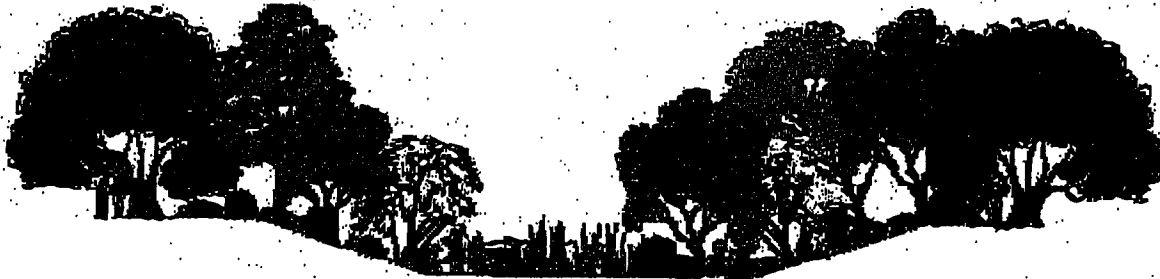
Groundwater contamination by pesticides and/or polluted creek water is slow but inevitable. Extensive testing and analysis by the Danish government shows glyphosate and other chemicals have contaminated the national water supply which comes solely from ground water. This research is now being incorporated in California law and pesticide regulations, but proposed chemical spraying of the creeks would not only kill the fish but eventually pollute local residential wells at the 100-160 foot level.

*The EIS should address negative effects on creek water quality and the cost of cleaning up spills or pollution, as well as the effect on endangered or threatened species protected by ESA, including our beloved local steelhead.*



## SCWA Stream Maintenance Options

20



### OPTION 1 - No Maintenance

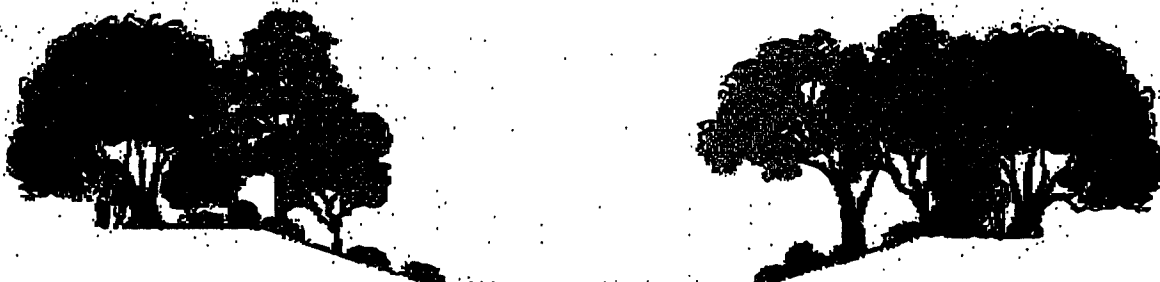
Estimated flood protection provided: Accommodate 10-25 year rainfall event without flooding



### OPTION 2 - Stream Floor Maintenance

- Remove all trees, bushes, & cattails from stream floor
- Trim back slope vegetation that extends over stream floor

Estimated flood protection provided: Accommodate 25-50 year rainfall event without flooding



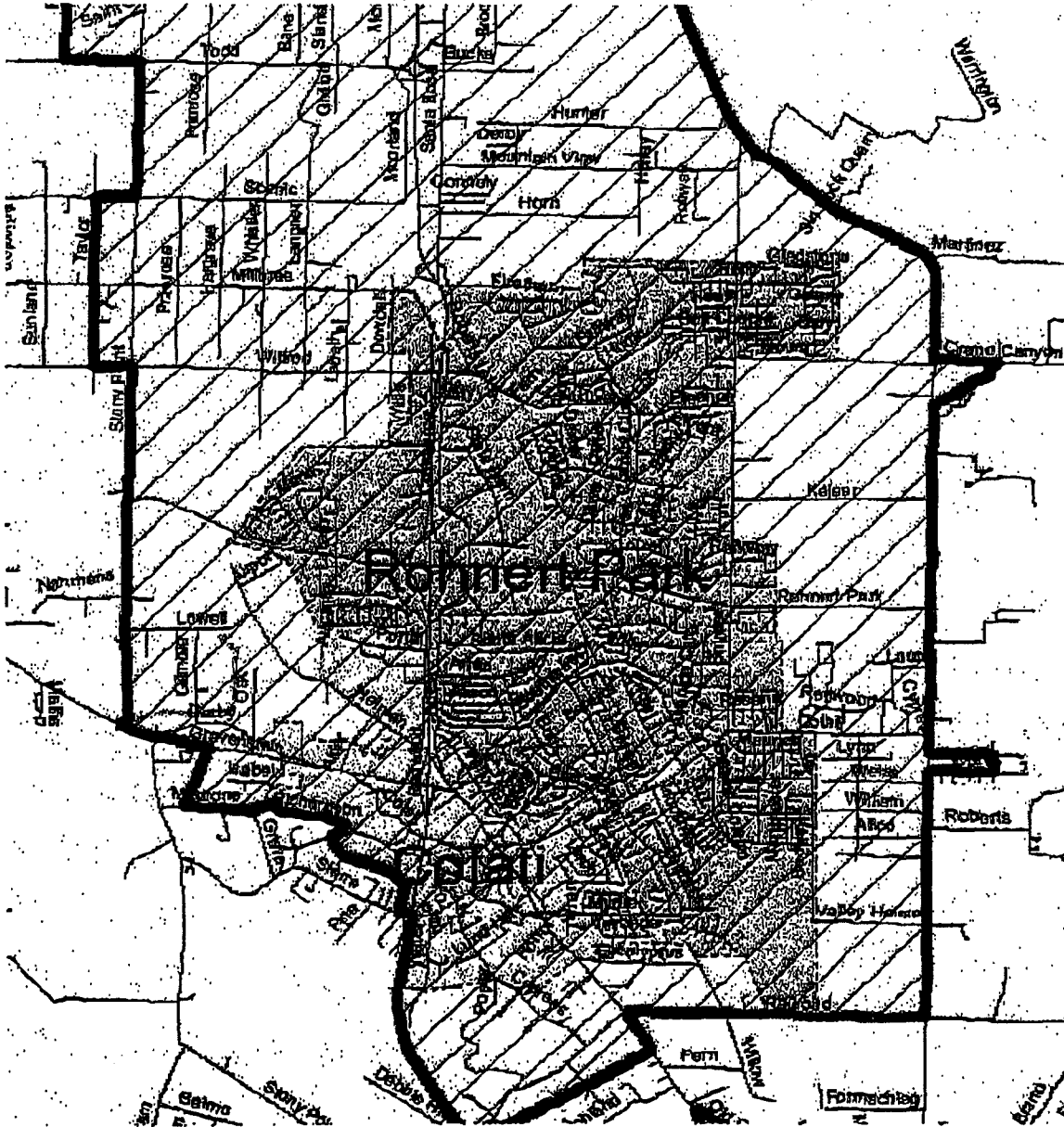
### OPTION 3 - Partial Stream Bank Maintenance

- Remove all trees, bushes, & cattails from stream floor
- Remove all multi-trunk trees, or reduce to single trunk from stream banks
- Trim off lower branches of all single trunk trees from stream banks
- Remove invasive non-native trees and bushes on a case by case basis from stream banks
- Remove all horizontal trunks
- Leave understory vegetation on stream banks
- Revegetate stream slopes with canopy-forming trees where post-maintenance tree spacing is greater than 30' on the west or south side, or greater than 40' on the north or east side

Estimated flood protection provided: Accommodate 40-75 year rainfall event without flooding

The Sonoma County Water Agency (SCWA) has committed to maintaining creeks and flood channels in our area as resources for habitat and passive recreational use as well as flood control. In the last two years, they have expended over a million dollars to restore and maintain creeks here, affecting about half the 20 mile Urban Riparian Ecosystem. The EIS should address effects on the Open Space Creek Park System and the financial investment already made in the Creek Parks.

### EPA Phase II Stormwater Area, RPACCC Creeks Master Plan planning area



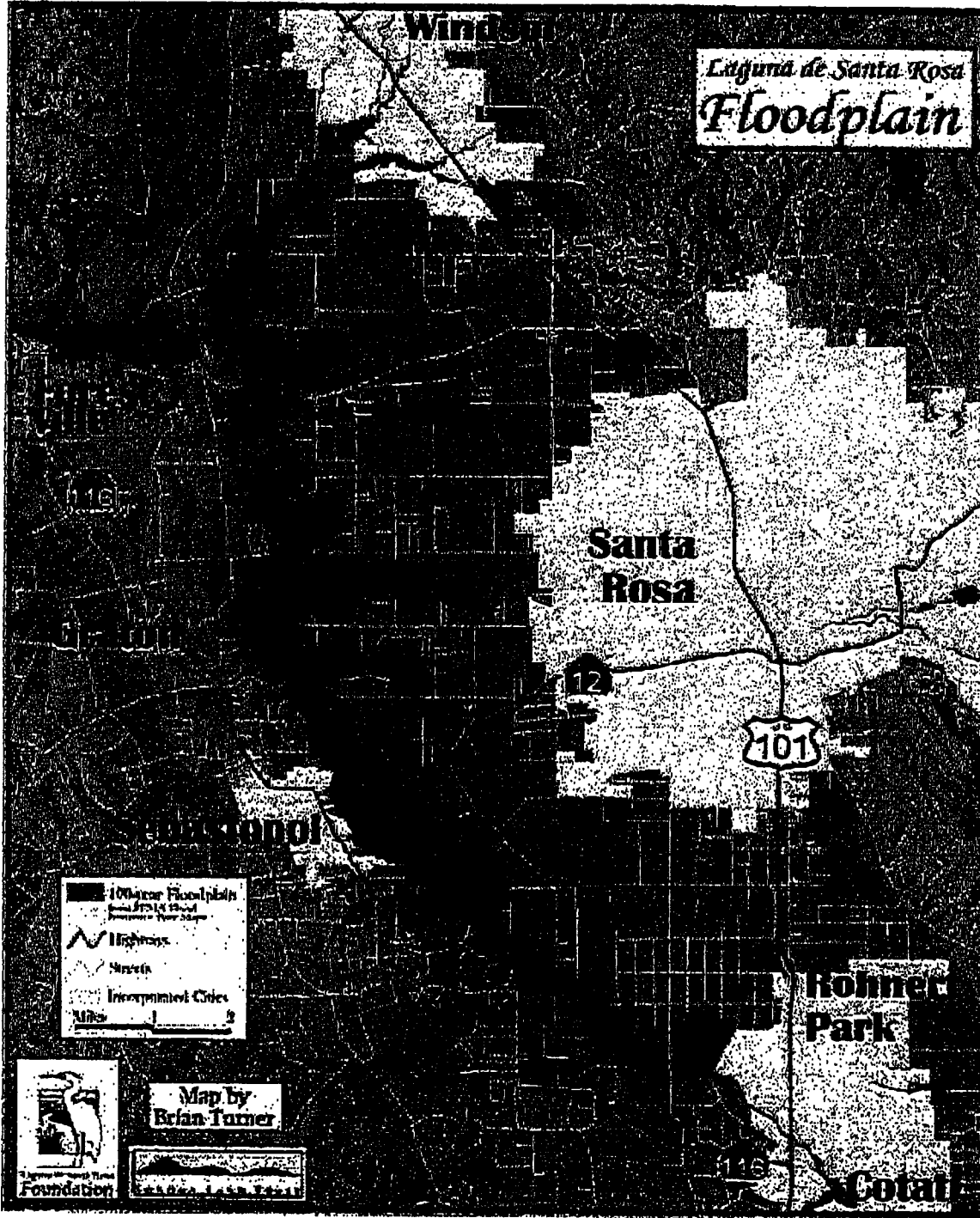
#### Rohnert Park General Plan 7-7 STORMWATER

Rohnert Park's storm drainage is under joint management of the City and the SCWA. The City maintains responsibility for the system of underground pipes that provides for minor and intermediate drainage, while SCWA maintains the system of open channels that diverts major drainage flows west towards the Laguna de Santa Rosa. Both the open channels and pipe systems are designed to meet SCWA standards and comply with the National Flood Hazard Insurance Program. Amendments to the Clean Water Act established a two-phased approach to addressing storm water discharges. Phase I, which is currently being implemented, requires National Pollutant Discharge Elimination System (NPDES) permits for separate storm water systems serving large- and medium-sized communities (those with over 50,000 inhabitants), and for storm water discharges associated with industrial and construction activity involving at least five acres. Buildout of this General Plan is expected to increase Rohnert Park's population to about 50,000. Phase II, which is currently under development by the US Environmental Protection Agency (EPA), will address remaining storm water discharges, including urban areas with populations under 50,000, smaller construction sites, and retail, commercial, and residential activities. NPDES requirements and regulations are expected to be similar for all cities with populations greater than 10,000.

*Local governments are mandated to provide the EPA with a stormwater management plan. The EIS should address how the proposed projects will fit in with existing local plans and what plan will be provided to the EPA for this project. (The EPA may REQUIRE a plan prior to approval of any construction or approvals.)*

30

### 100 Year Flood Plain Map



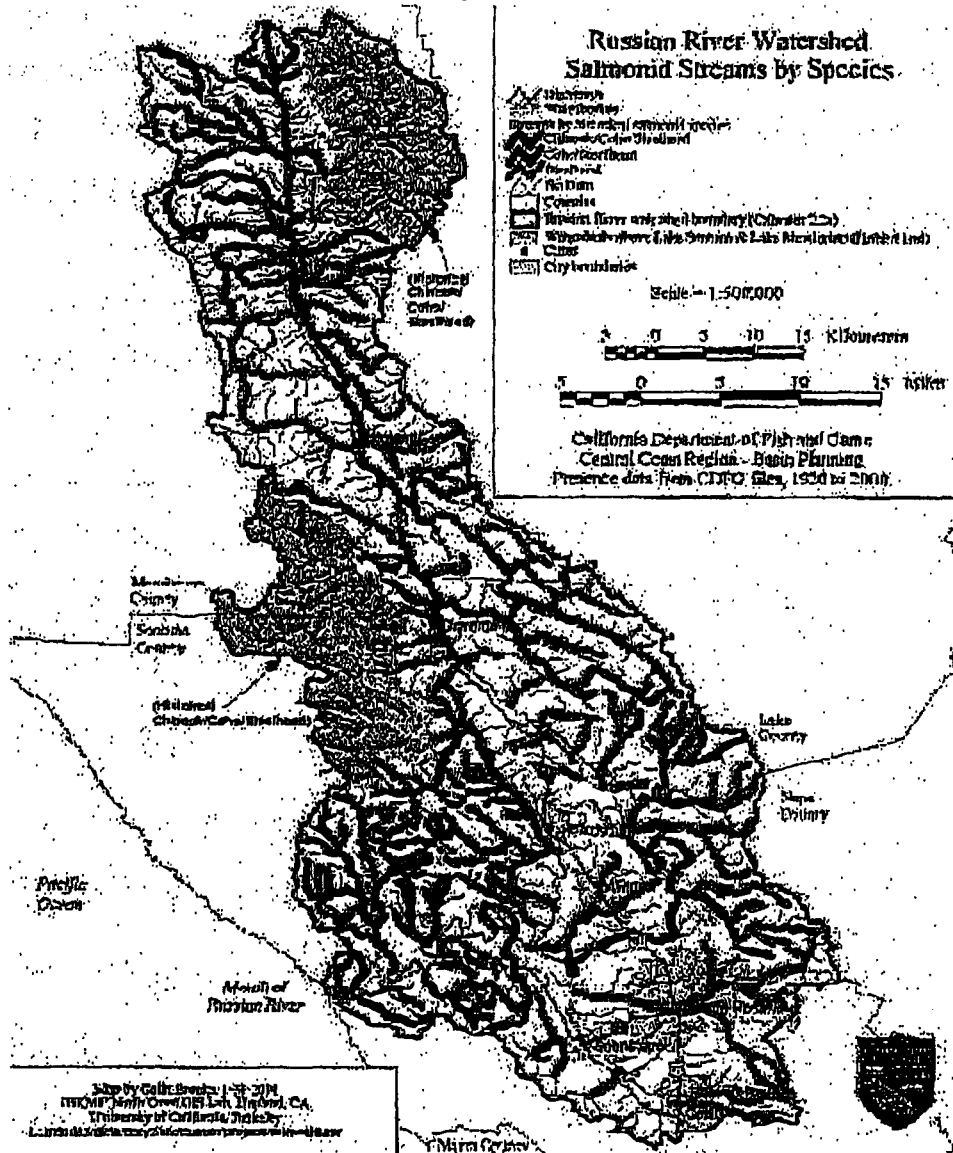
#### Rohnert Park General Plan 7-7 STORMWATER

As shown in Figure 7.2-2, there are a few isolated areas within the 1999 City Limits that are located within the 100-year flood zone. Approximately 60 acres of land designated for future development in the eastside is located in the 100-year flood zone, primarily along Copeland Creek and the Hinebaugh Flood Control Channel. A small portion of land within the Wilfred- Dowdell Specific Plan Area in the westside is located in the 500-year flood zone. The City enforces flood control standards within 100-year flood hazard areas in accord with the requirements of the National Flood Hazard Insurance Program. In addition to 100-year flood hazard areas, localized, relatively minor flooding has occurred within Rohnert Park in recent years.

*Because increasing urbanization has changed flood patterns, the EIS should address flood hazards and mitigation using current data, maps, and projections, and coordinate assessments with current studies and projections of the Sonoma County Water Agency.*

42

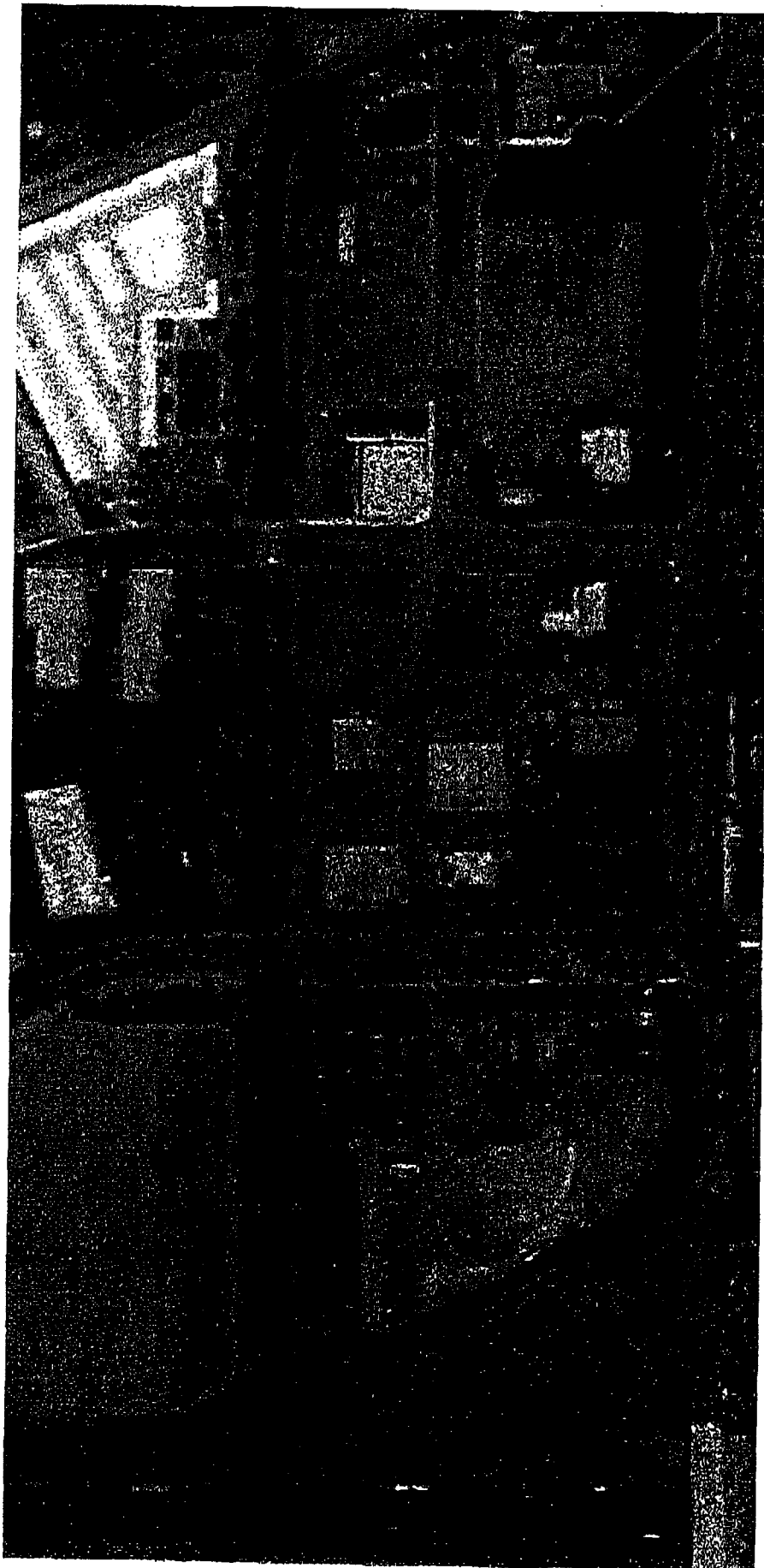
### CDFG Map of Historical Habitat of Salmonid Species in the Russian River Watershed



Local creeks are at the bottom.  
The EIS should address the need to preserve salmonid habitat here.

How will project hurt, harm  
or help salmonid? can this  
be mitigated? explain in  
DETAILED MITIGATION plans  
for salmon!

36

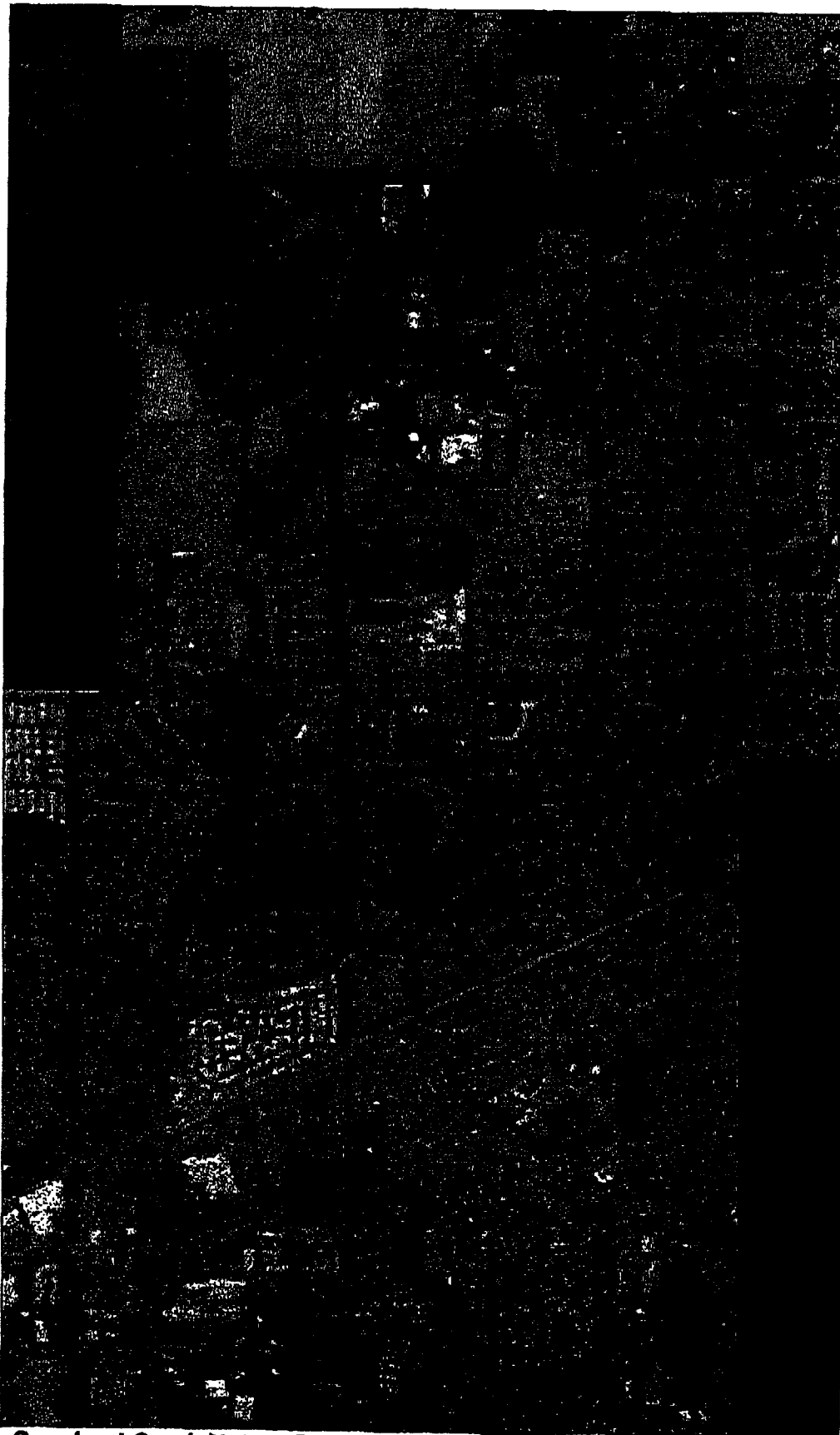


**Bear Park**

# Butterfly Park

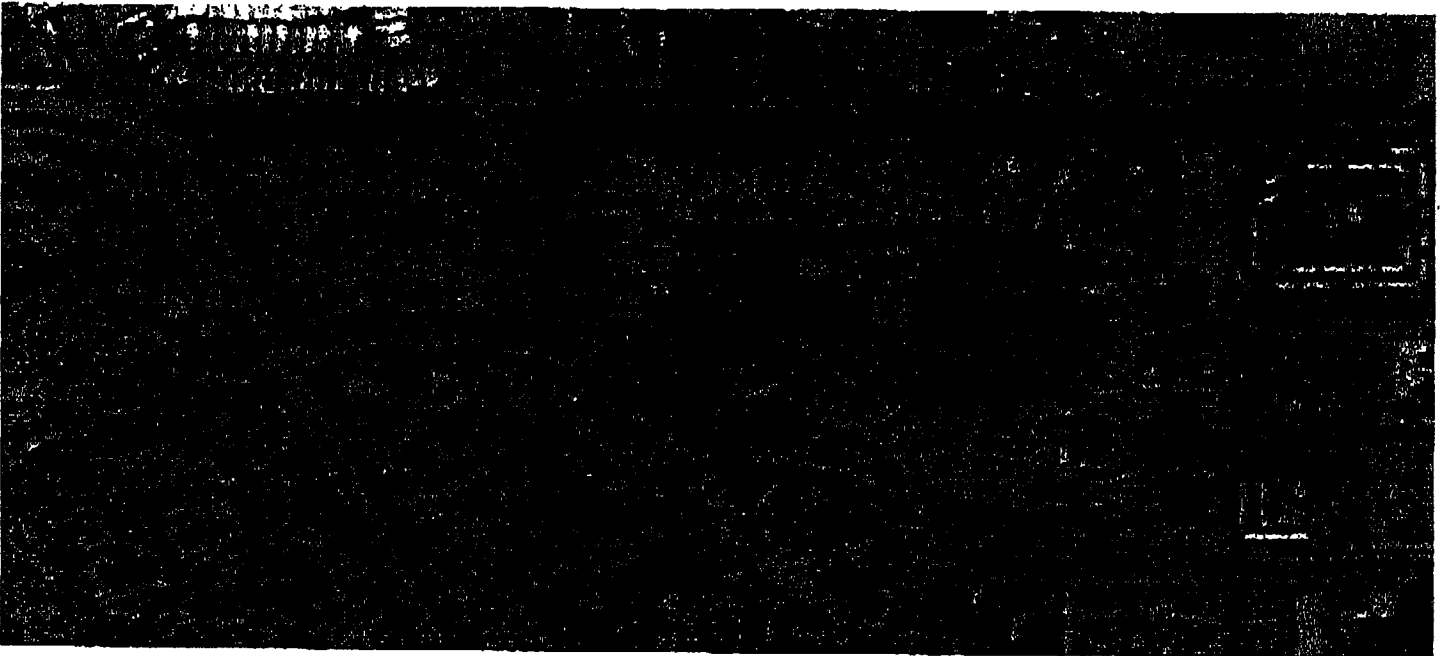
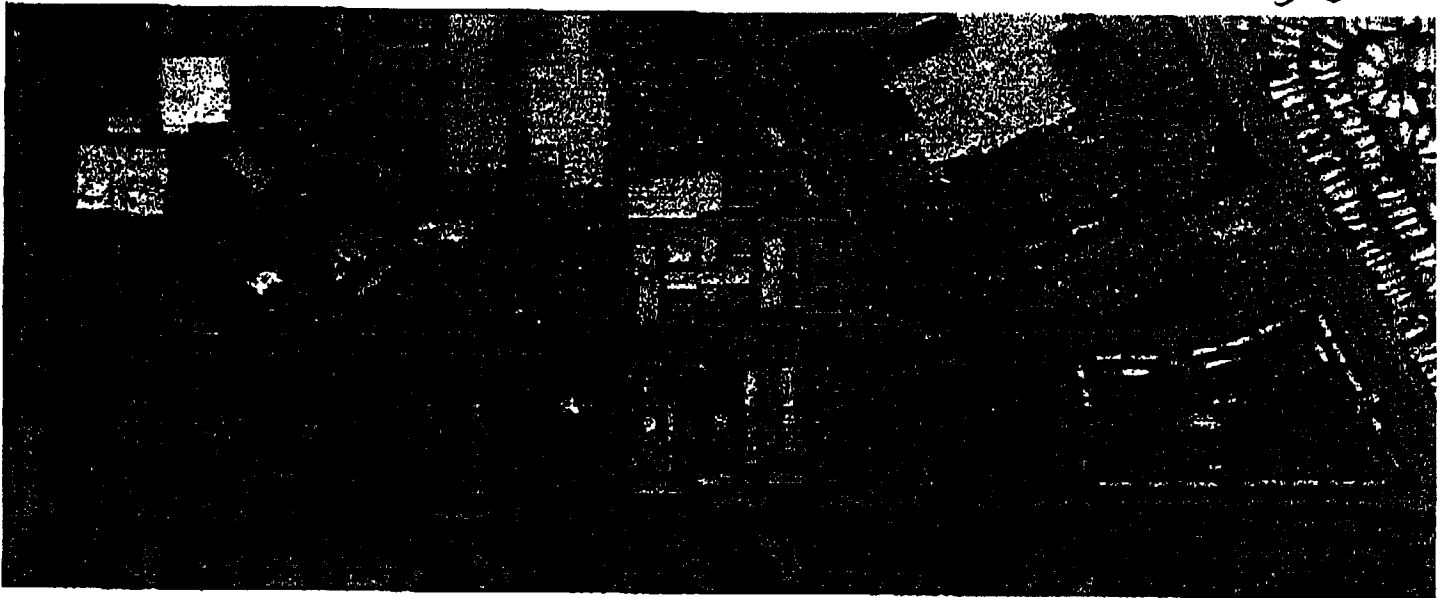


37



**Copeland Creek Nature Park**

38

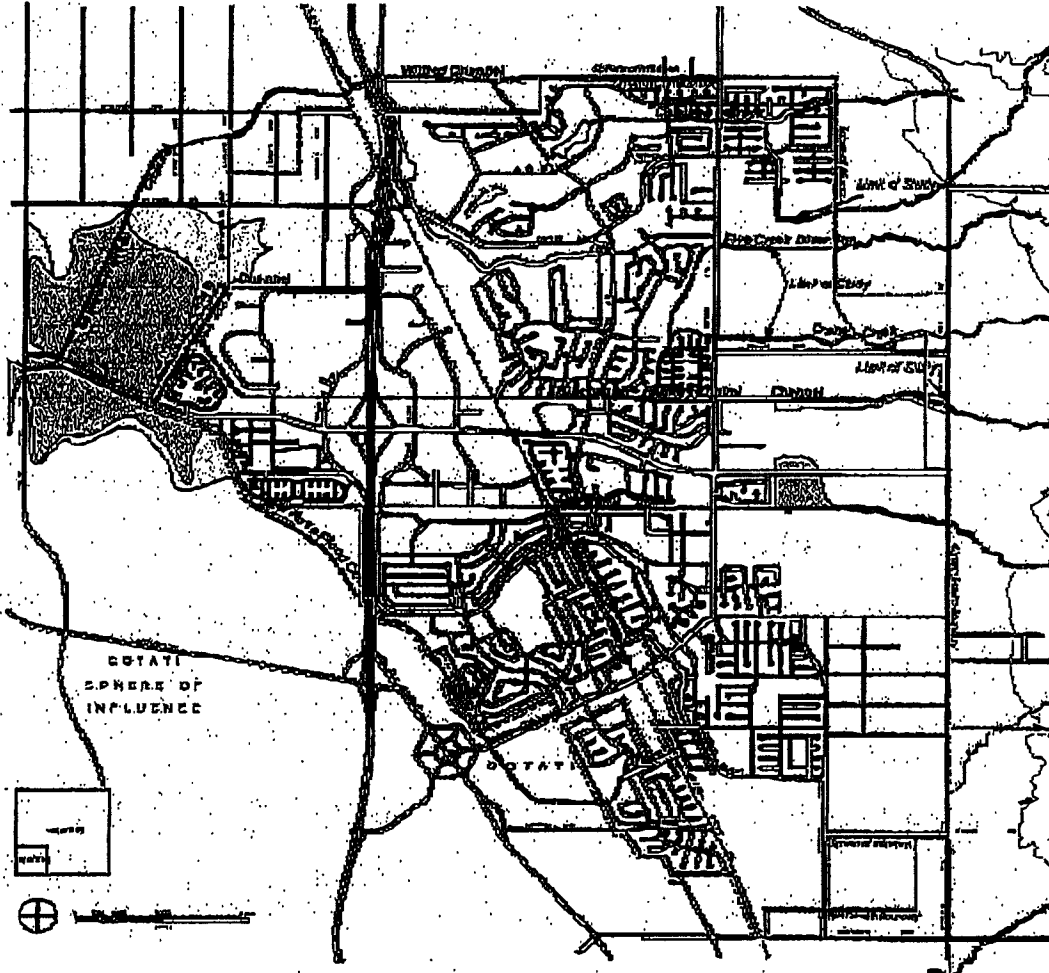


**Copeland Creek Nature Park [Top: Highway 101 to Railroad, Bottom: Railroad to Snyder Lane]**



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### Rohnert Park Drainage and Flood Zones



Source: City of Suisun, Map Series 198-1004, Part 2, 1991, Flood Insurance District, 1991, Covered by FEMA 100-1-001 and 100-2-001

- Open Channel
- Fire System (48" red line)
- ▨ 100-year Flood Zone
- ▩ 500-year Flood Zone

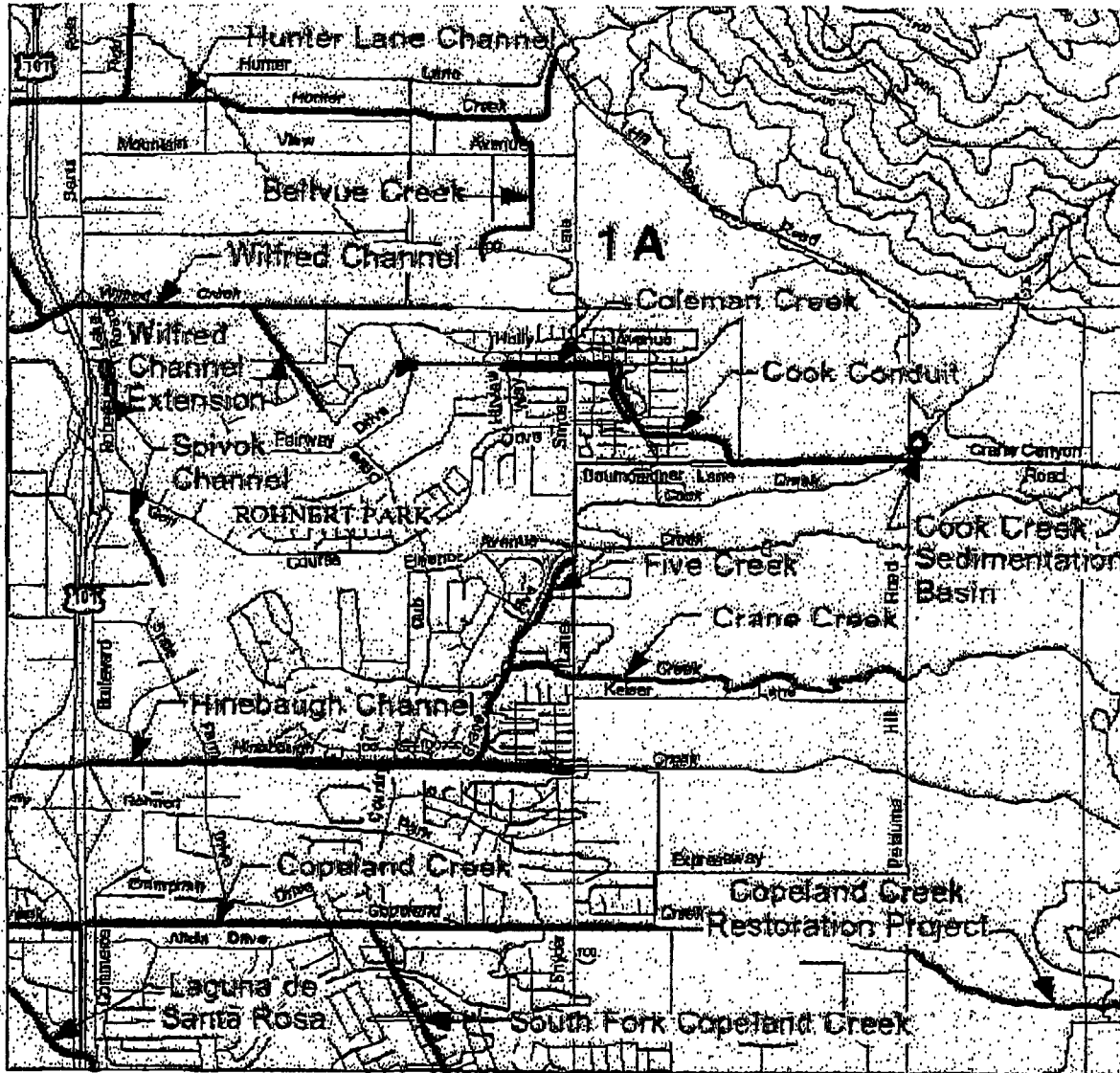
DATE: 11/04/05  
BY: J. BRADLEY

**Figure 7.2-2**  
**Drainage and Flood Zones**  
(Rev. 10/02)

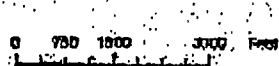
*The proposed site on Stony Point Rd (top left) is part of 100 year and 500 year flood zones even before increased urbanization increased runoff from upstream creeks. The needed sewage plant would have to be located in this area, which now floods each year, and a separate EIS may be required for the sewage treatment plant.*

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SCWA Flood Control Zone 1A Creeks and Flood Channels East of 101



ZONE 1A FLOOD CONTROL MAP



- Engineered Channel Owned in Fee
- Engineered Channel Easement
- Natural Channel, Permissive Cleaning Easement

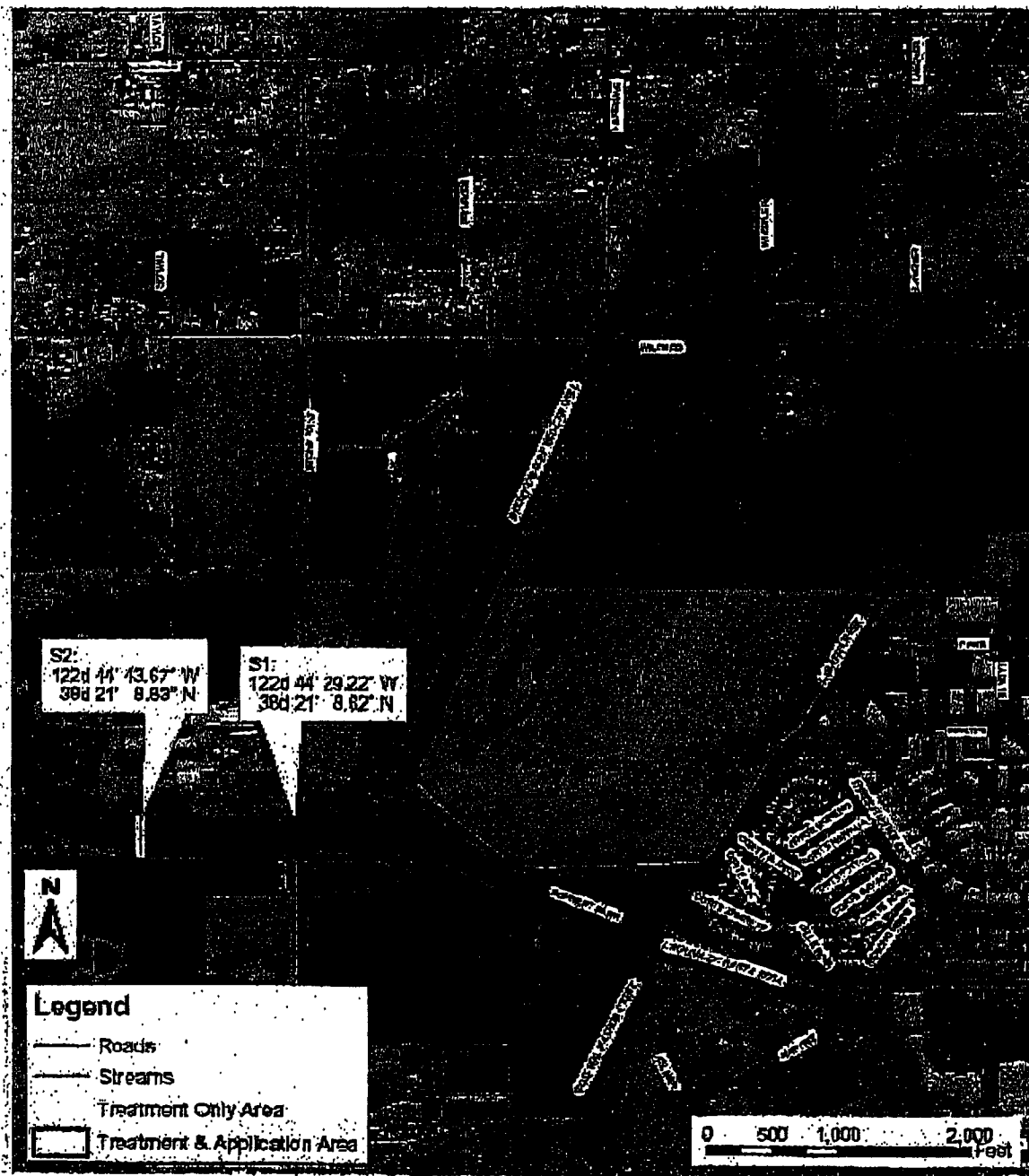


Steelhead swim from the ocean through the Russian River and Laguna de Santa Rosa into the Laguna de Santa Rosa Flood Channel and then through Copeland Creek and Crane Creek and Hinebaugh Creek to reach historic spawning areas upstream. All four of these creeks and flood channels were designated as critical habitat for central coast steelhead in December 2004, after a careful site assessment by special teams from NOAA Fisheries. Steelhead have been observed throughout this creek system for several years and are systematically protected on spawning runs by Neighborhood Creek Groups and the Creek Panthers.

*The EIS should address possible negative impacts on water quality that may affect this endangered species.*

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### SCWA 2005 Ludwigia Monitoring and Treatment Area on Bellevue-Wilfred and Laguna de Santa Rosa Flood Channels



In 2006, \$626,000 was allocated for a SCWA stream maintenance program to remove tons of invasive Ludwigia resulting from channel maintenance practices that removed shade cover from these and upstream channels. Stream maintenance is financed by a tax on water in the Zone 1A area. This dense Ludwigia infestation, which created anoxic creek conditions threatening the steelhead, blocked the salmonid spawning passage on these channels, and created a health hazard for mosquito-borne West Nile, is believed to have begun in the regional sewage plant treatment ponds and then spread by birds throughout the area. The nutrient rich effluent from the sewage treatment plant, combined with warm stagnant water makes creek environments ideal for rapid growth of this South American invasive aquatic plant.

*The EIS should address effects of the proposed sewage treatment plant on channel maintenance costs. The EIS should address additional costs involved with cleaning up pollution from construction and new parking lots, which should be paid for directly by the polluters.*

## Infrastructure Financing

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### 6.3 DEVELOPMENT AGREEMENT

A Development Agreement may be used to help implement the Specific Plan. It would be executed between the City and a developer of the entire project or a developer of Village North and a developer of Village South. Ideally, the entity representing property owners of the Village South site would be a single developer. The requirements pertaining to a Development Agreement are contained in Chapter 17.68 of the Rohnert Park Municipal Code.

### 6.4 FUNDING AND FINANCING

#### Conceptual Framework

The project developer(s) will pay for on-site capital improvements and a fair share of maintenance and services attributable to the development. Off-site capital improvements attributable to the project will be paid through fair share contributions by benefiting property owners. The basis for fair share contributions will be defined in the City's Public Financing Plan and may be refined through Development Agreements. In general, the City will structure the Public Financing Plan so that project developer(s) have the option of paying for capital improvements (both on and off site) with cash or by financing the cost of public improvements with municipal bonds. The City will make the final decision on bond issuance based on its own policies for municipal debt and sound public financing principles. A discussion of the various public funding mechanisms that could be appropriate follows.

#### Funding and Financing for Capital Improvements

**Development Impact Fees.** Development Impact Fees (also known as Mitigation Fees or Impact Fees) are governed by the California Government Code Section 66000 et. seq. (the Mitigation Fee Act adopted in 1989 through Assembly Bill 1600 and amended in 1996 to cover additional financing requirements.) Government Code 66000 requires that an agency develop a "nexus" or reasonable relationship between mitigation fees and required infrastructure. New development can only be required to pay its share of the costs; agencies must develop other funding sources for improvements or rehabilitation required for serving the existing customer base.

Impact Fees are typically established by ordinances and can be approved by the City after holding a public hearing (and without a vote by either property owners or resident registered voters). Impact Fees are paid in cash, frequently at the issuance of building permits. Since the revenue stream from Impact Fees is dependent on the volume of development (which can be erratic), Impact Fees are not generally used to secure municipal bonds. Some agencies, particularly those with historically successful Impact Fee Programs, will consider Impact Fee Revenue when structuring general fund-type Certificates of Participation for public facilities.

*Added traffic in the area will require improvement of local roads. Impacts on local roads and required improvements should be addressed in the EIS. In the Northwest Specific Plan, capital improvement fees were imposed on existing property owners, buyers and builders.*



#### Rohnert Park And Cotati Creeks Council (RPACCC)

<http://rohnertpark.bizhoeting.com>, <http://groups.yahoo.com/group/RPACCC>

**Adopt-A-Park/Adopt-A-Creek** Local experience with Creek Cleanups and Creek Groups like Copeland Creek's decades-old Friends of Copeland Creek and the 20 month experience with the Bear Park Creek Pilot Program have resulted in Rohnert Park's adoption of a volunteer-based Adopt-A-Park (Adopt-A-Creek) system. A new Adopt A Park ordinance became effective on January 1, 2005. The ordinance provides city support for cleanup activities, an official sign up form for annual adoption of an area, and some limited liability or waiver forms for participants. (Cotati's ordinance is still in draft form.)

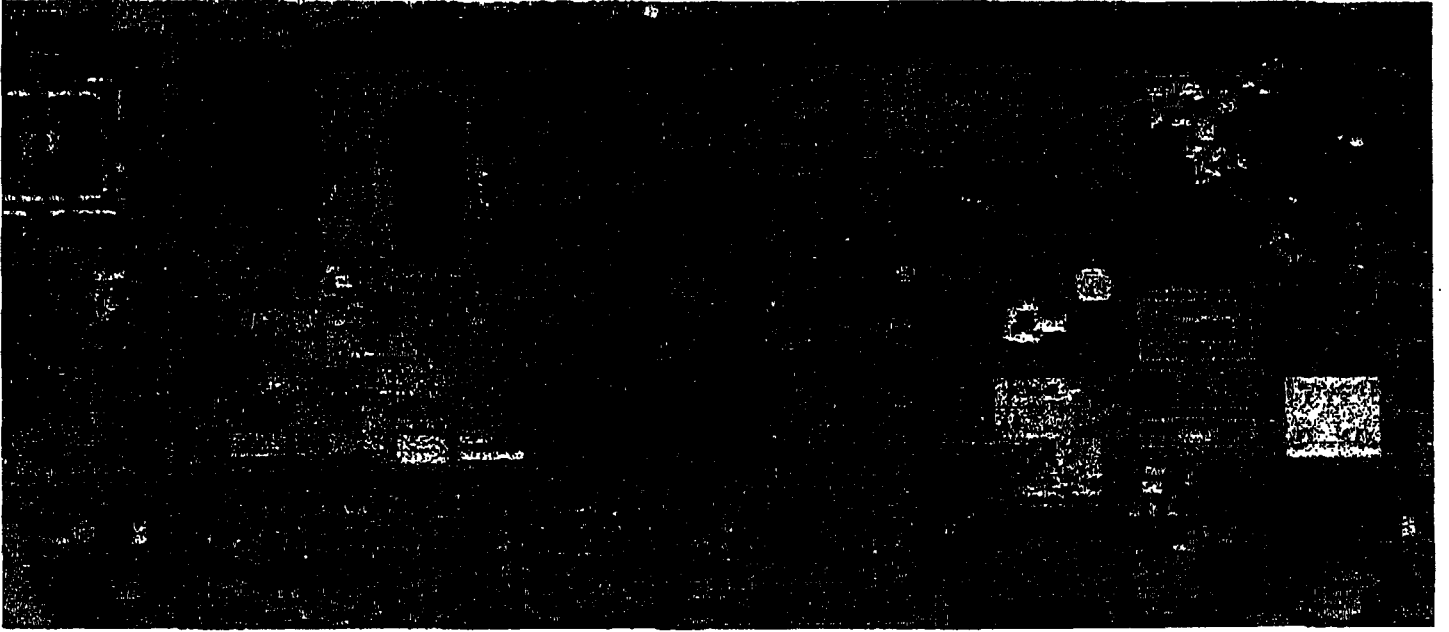
**Neighborhood Watch (and Creek Watch)** is part of the system, with an online signup form at [www.rpccity.org](http://www.rpccity.org). Creek groups already organized include: Friends of Copeland Creek, Cotati Creek Critters, Friends of Bear Park, The Turtles (Turtle Park on Five Creek) Friends of Butterfly Park, Wild Hummingbird Creek Group, Bellevue Creek Group, and several others who have not yet named themselves. In exchange for officially adopting a creek reach in their neighborhood and the pledged efforts of an hour a month by at least 6-10 people for cleanup, flower planting, and patrol, participants get a leased picnic area by the creek bike path which they can name and where they can hang out.

The **Rohnert Park and Cotati Creek Council (RPACCC)** was organized in 2003 as part of the 14-city nonprofit Urban Creek Council of California (UCC) in response to SCWA clearcuts of our creeks, the need to develop a Creeks Master Plan for the EPA Phase II Stormwater plan that included 2 cities and the surrounding urban area, the need to organize and coordinate 30-50 small neighborhood creek groups and provide liaison with cities, local government, and agencies, and the absolute need to get outside and have fun. (The original UCC chapter in the East Bay was organized 20 years ago to Protect Codornices Creek.) RPACCC has an online yahoo group, several very active committees, and a network of spies and members of undetermined magnitude.

**Creek Incident Reports.** emailed or faxed reports from neighborhood creek groups and Creek Panthers help agencies like SCWA (flood hazards), the Water Board (mud spills, building site, pollution incidents), and NOAA (fish reports) extend their diminished budgets by being eyes and ears and providing pictures, contact information, and details of creek incidents.

The **Creek Panthers**, an informal rowdy group of assorted hikers, dog walkers, bird watchers, Robin Hood Creek Denizens, bikers, kids, and office workers on breaks has been prowling the 16-20 miles of creeks here since summer 2003, picking up trash, reporting fish, solving and reporting problems, and enjoying nature. The **Merry Aquatic Pranksters** just showed up, having organized themselves for the purposes of fun, pranks, and protests, and The **Joyous Free Spirits** can really sing!

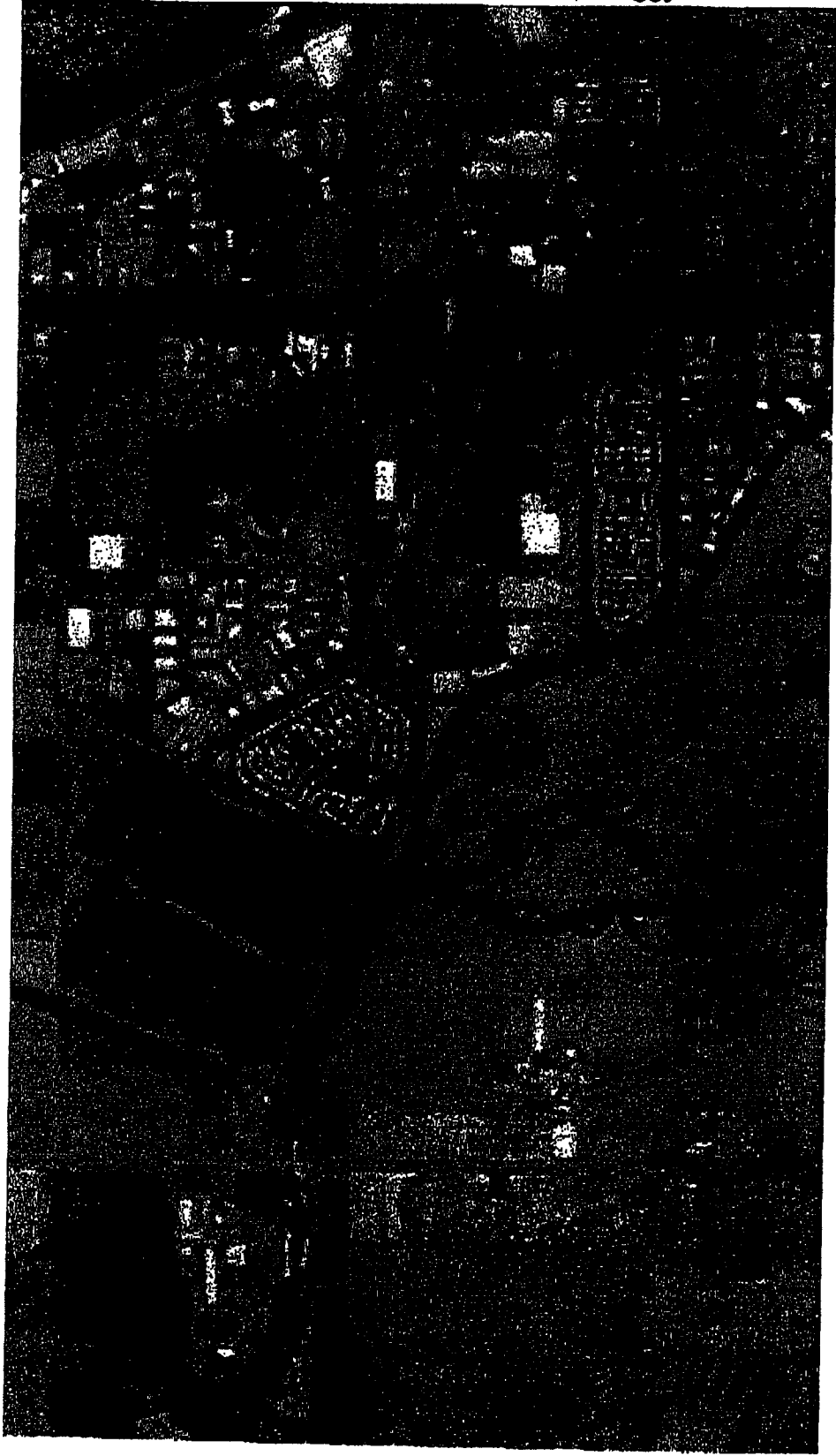
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**Copeland Creek Nature Park [Snyder Lane, Rancho Cotate High School, Sonoma State University]**

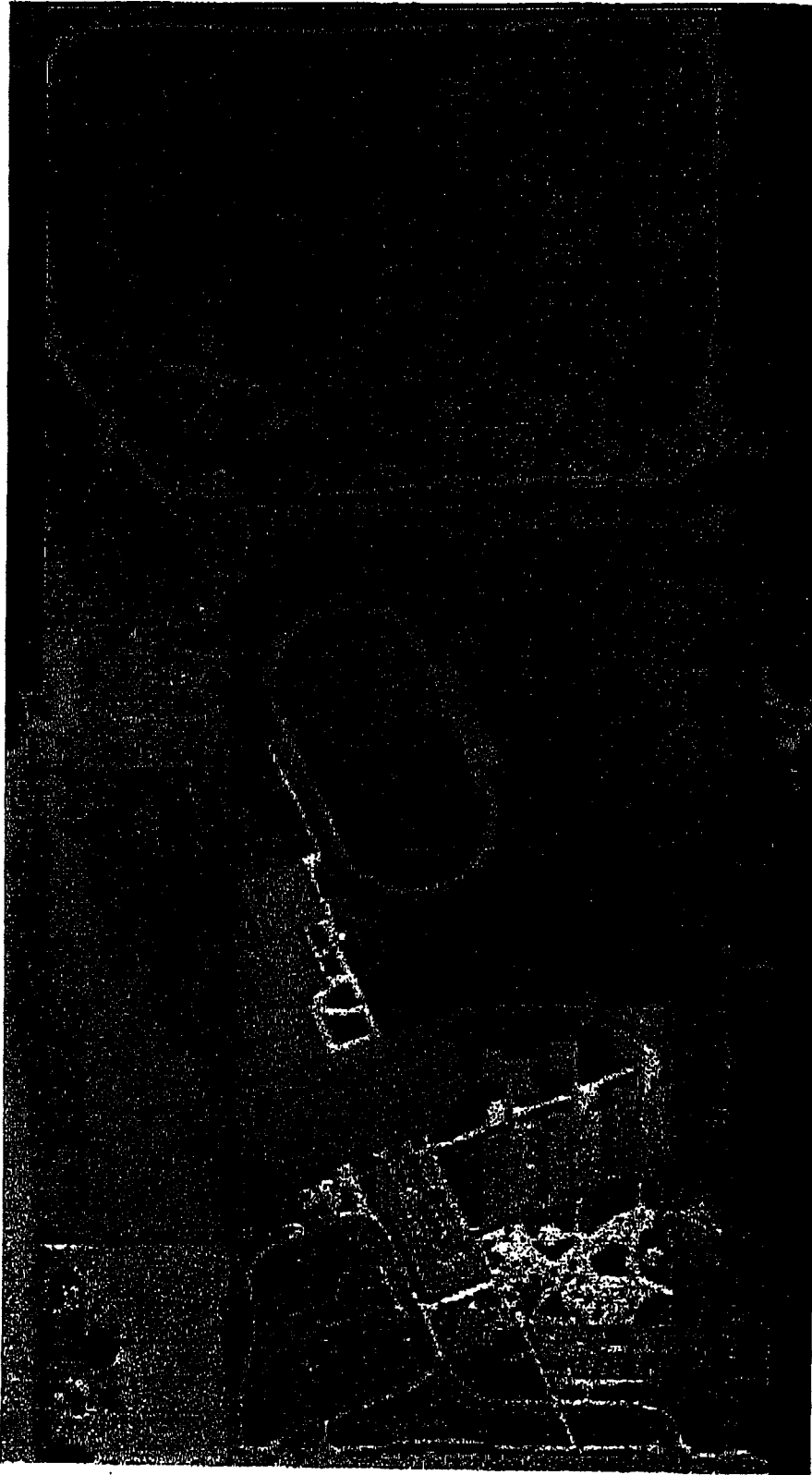
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**Wild Hummingbird Park, Snowy Egret Park, Turtle Park, Froggy Park**



41

**Creekside Middle School and Community Gardens**





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**State and Federal Regulations Affecting Creeks and Flood Channels (Waters of the State)**

**Federal Clean Water Act.**

**a. Section 401 Water Quality Certification:**

Requires the State or Regional Water Quality Control Board to provide "certification that there is reasonable assurance that an activity which may result in discharge to navigable waters of the US will not violate water quality standards".  
United States Code 1341(e) (Section 407). See also California Code of Regulations Title 23, Division 3, Chap. 28, Sections 8830-3859.

**b. Section 404(b)(1) Army Corps of Engineers Guidelines for Evaluating Alternatives:**

1. Avoidance (least practicable damaging alternative)
  2. Minimization of adverse effects
  3. Mitigation to assure a no net loss of functional values.
- The Regional Board's Basin Plan requires that alternatives analysis must be reviewed for all projects, including USACE Nationwide Permits.

**Port-Cologne Water Quality Control Act:**

Gives broad authority for actual and potential impacts to Waters of the State. Any person proposing to discharge waste (including fill) into a waterbody that could affect the water quality is required to file a Report of Waste Discharge. Regional boards may issue Waste Discharge Requirements (WDR's), such as a permit regulating the conditions associated with the discharge.  
California Water Code, Division 7.

**Bay Water Quality Control Plan (Basin Plan):**

- No Net Loss of Wetland Policy (based on 404(b)(1) guidelines, Senate Resolution 28, and Governors Executive Order W-59-60)
- Protect Existing Potential Beneficial Uses
- Tributary Rule: Prevent degradation of the Bay, mainstem and tributary waterways
- Identify impaired waterways and reduce pollutant discharges (TMDL)

**California Environmental Quality Act (CEQA):**

- Gives State and Regional Boards authority to require minimization for projects that will impact Waters of the State.
- Prohibits Regional Boards from approving a project if feasible alternatives or feasible mitigation measures exist that would result in less adverse impacts to Waters of the State.

**Plan for California's Non-Point Source Pollution Control Program:**

Hydromodification management measures 5.1-5.4 call for evaluating the potential effects of proposed channelization and channel modification on the physical and chemical characteristics of surface waters and on instream and riparian habitat, planning and design undesirable impacts, and education measures to provide greater understanding of watersheds and promote projects that retain or re-establish natural hydrologic functions. Management measures 6A-6D call for protection and restoration of wetlands and riparian areas and education measures as under 5.4 above.

**National Pollutant Discharge Elimination System (NPDES):**

NPDES permits require the evaluation of impacts of changes in frequency, magnitude, and duration of flow for the watershed.

**Stormwater Runoff Program:**

1. Municipal Program
- New and redevelopment provisions in municipal permits require stormwater programs to minimize impacts to creeks through controlling changes in hydrograph, requiring stormwater retention, preparation of management plans, and mitigation measures.
2. Industrial Program
3. Construction Program

**Coordination with Additional Federal and State Regulations:**

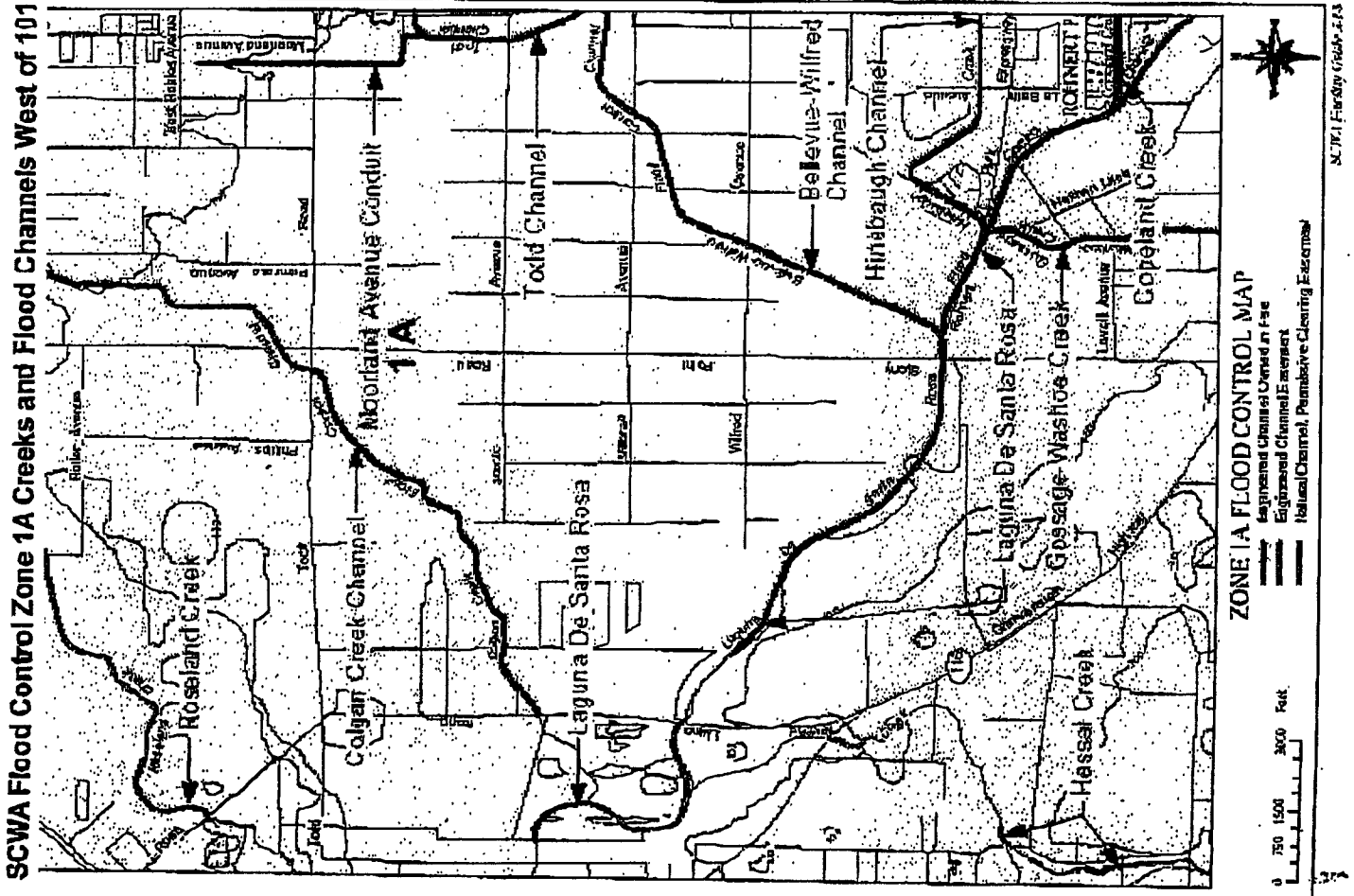
1. U.S. Environmental Protection Agency - Federal Clean Water Act, permitting agency to the Corps;
2. U.S. Army Corps of Engineers - Federal Clean Water Act Section 404 Permit;
3. U.S. Fish & Wildlife Service - Endangered Species Act, Fish and Wildlife Coordination Act, consultation with Corps;
4. National Marine Fisheries Service - Anadromous Fish Conservation Act, Endangered Species Act, consultation with Corps;
5. California Department of Fish & Game - Streambed Alteration Agreement, California Environmental Quality Act (CEQA);
6. California Coastal Commission - Coastal Zone Management Act, CEQA;
7. Bay Conservation and Development Commission - MacAfee Petis Act, CEQA

Compliance with State, Local, and Federal Laws protecting Waters of the State is required for all activities affecting creeks and flood channels here.

The EIS should address required permitting procedures for any stream alteration, most specifically for proposed dumping of treated sewage water into Bellevue-Wilfred, Crane/Hinebaugh, or the Laguna de Santa Rosa Flood

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RE: 2002,  
 NEW W/MI  
 PROJECT  
 AFFECT FLOODING?  
 DRAINAGE WHAT  
 WOULD THE WORK  
 BE?



SCWA Flood Control Zone 1A

Steven F. Carle  
11001 Minnesota Ave.  
Penngrove, CA 94951  
(707) 793-9815

October 18, 2005

Brad Mehaffy  
NEPA Compliance Officer  
National Indian Gaming Commission  
1441 L Street, NW, Suite 9100  
Washington, D.C. 20005  
Fax: 202-632-7066  
Phone: 202-632-7003

### **EIS Scoping Comments, Graton Rancheria Casino and Hotel Project**

Dear NEPA Compliance Officer:

Please ensure that EIS for the Graton Rancheria Casino and Hotel Project accurately and adequately addresses the following questions:

1. What is the source of water supply for the Graton Rancheria Casino and Hotel Project (Casino Project)?
2. What California Department of Water Resources (DWR) groundwater basin is the Casino project located in?
3. What California Department of Water Resources (DWR) groundwater subbasin is the Casino project located in?
4. Will the Casino project use or obtain water from the Sonoma County Water Agency (SCWA)?
5. Will the Casino project obtain water from its own private wells?
6. Will the Casino project use or obtain water from the City of Rohnert Park?
7. Do SCWA water supplies include groundwater?
8. Does the City of Rohnert Park's water supply include groundwater?
9. What cities and public agencies extract groundwater from the same groundwater basin that the Casino project is located in?
10. What cities, public agencies, and counties receive groundwater from the same groundwater basin that the Casino project is located in?
11. Is the Santa Rosa Valley groundwater basin overdrafted?
12. Is the Santa Rosa Plain groundwater subbasin overdrafted?
13. Did the City of Rohnert Park's 2005 Water Supply Assessment correctly conclude that a large portion of the groundwater extracted by the City's wells originates from areas outside the Santa Rosa Plain groundwater subbasin?
14. Given a repeat of a two-year drought similar to the 1976-1977 drought, would surface and groundwater supplies be sufficient to supply water to all residents of Marin and Sonoma County?

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15. Would the Casino project cause any adverse effects to neighboring well owners?
16. What is the probability that SCWA will significantly increase the City of Rohnert Park's annual entitlement within the next 1 year? 5 years? 10 years? 15 years? 20 years?
17. What is the probability that SCWA will significantly increase the City of Santa Rosa's annual entitlement within the next 1 year? 5 years? 10 years? 15 years? 20 years?
18. How much water demand in the Casino Project is attributed to residential use?
19. How much water demand in the Casino Project is attributed to retail use?
20. How much water demand in the Casino Project is attributed to office/health club?
21. How much water demand in the Casino Project is attributed to light industrial development?
22. How much water demand in the Casino Project is attributed to hotel/spa use?
23. How much water demand in the Casino Project is attributed to golf course use?
24. How much water demand in the Casino Project is attributed to agricultural use?
25. How much water demand in the Casino Project is attributed to swimming pools?
26. How much water demand in the Casino Project is attributed to irrigation?
27. How much water demand in the Casino Project is attributed to amusement, including water fountains, rides, shows, etc.?
28. How could groundwater contamination affect the SCWA's or the City of Rohnert Park's wells?
29. How could groundwater contamination affect water supply wells located at the site of the Casino Project?
30. If groundwater contamination affects SCWA's or the City of Rohnert Park's municipal wells, how will SCWA and the City of Rohnert Park compensate for the decrease in available water supply?
31. If groundwater contamination affects private wells supplying the Casino Project, how will the Casino Project obtain potable water?
32. Are all water demand estimates in SCWA's 2000 Urban Water Management Plan (UWMP) accurate?
33. Does the 2000 UWMP assume that user demand will decrease due to conservation?
34. Are the City of Rohnert Park's water supplies sufficient to meet the present and future demand for all projects (including the Casino Project) located within the City of Rohnert Park's Urban Growth Boundary?
35. Is groundwater projected to be used by the City of Rohnert Park as a water supply to meet increases in future demand?
36. Is groundwater currently being used by the City of Rohnert Park as a water supply to meet current demand?
37. Has groundwater been used in the last 5 years by the City of Rohnert Park as a water supply?
38. How much groundwater has the City of Rohnert Park used in the each of the last 30 years?
39. How much groundwater does the City of Rohnert Park projected to use in 5 year increments over the next 20 years?

40. Are the projections of future water decrease in per capita or household demand in the City of Rohnert Park's Water supply assessment accurate and realistic?
41. From what groundwater basin has groundwater been extracted for the City of Rohnert Park's water supply?
42. From what groundwater basin will groundwater be extracted for the City of Rohnert Park's water supply?
43. Are the City of Rohnert Park's water supplies sufficient to meet the present and future demand for all projects (including the Casino Project) located within the City of Rohnert Park's Urban Growth Boundary?
44. Is groundwater projected to be used by the City of Santa Rosa as a water supply to meet increases in future demand?
45. Is groundwater currently being used by the City of Santa Rosa as a water supply to meet current demand?
46. Has groundwater been used in the last 5 years by the City of Santa Rosa as a water supply?
47. How much groundwater has the City of Santa Rosa used in the each of the last 5 years?
48. How much groundwater does the City of Santa Rosa project to use in 5 year increments over the next 20 years?
49. Are projections of future water use in the City of Santa Rosa's 2004 Water Supply Assessment for the Southwest Area Specific Plan accurate and realistic?
50. From what groundwater basin has groundwater been extracted for the City of Santa Rosa's water supply?
51. From what groundwater basin will groundwater be extracted for the City of Santa Rosa's water supply?
52. What other public water suppliers have extracted groundwater from the same basin that the City of Santa Rosa has extracted groundwater as a water supply?
53. What other public water suppliers will extract groundwater from the same basin as the City of Santa Rosa is projected to extract groundwater as a water supply?
54. Has the Sonoma County Water Agency (SCWA) extracted groundwater from the same basin as the City of Rohnert Park or the City of Santa Rosa has extracted groundwater as a water supply?
55. Will the Casino Project extract groundwater from the same groundwater basin or subbasin as the City of Rohnert Park, City of Santa Rosa, and the Sonoma County Water Agency currently and will extract groundwater?
56. Will SCWA extract groundwater from the same basin as the City of Rohnert Park and the City of Santa Rosa is projected to extract groundwater as a water supply?
57. To what extent could constraints on water delivery from the SCWA inhibit sufficiency of water supplies for the Casino project and all other projects within the City of Rohnert Park's General Plan?
58. To what extent would constraints on groundwater pumping by the SCWA inhibit sufficiency of water supplies for the Casino project and all other projects within the City's of Rohnert Park's General Plan?
59. Does any part of the City of Rohnert Park's primary source of supply (SCWA) include groundwater?

60. Does any part of the City of Santa Rosa's primary source of supply (SCWA) include groundwater?
61. Will SCWA extract groundwater from the SCWA's Sebastopol Road Well?
62. Will SCWA extract groundwater from the SCWA's Occidental Road Well?
63. Will SCWA extract groundwater from the SCWA's Todd Road Well?
64. In the past 5 years, how much groundwater has been extracted from SCWA's Ranney collectors or any other production wells along the Russian River?
65. In the past 5 years, how much groundwater has SCWA extracted for use as source of water supply for its contractors?
66. In the past 5 years, has the SCWA delivered any groundwater to the City of Santa Rosa as a source of water supply?
67. In the past 5 years, has the SCWA delivered any groundwater to the City of Rohnert Park as a source of water supply?
68. Has the SCWA or its consultants ever evaluated the potential for adverse impacts from pumping groundwater from the SCWA's Sebastopol Road, Occidental Road, and Todd Road wells?
69. Do adverse impacts (e.g., lowering water table or lowering water levels in private wells) occur as a result of pumping groundwater from the SCWA's Sebastopol Road, Occidental Road, and Todd Road wells?
70. In the last 10 years, has the SCWA conducted any monitoring of water levels in monitoring wells adjacent to SCWA's Sebastopol Road, Occidental Road, and Todd Road wells? If yes, do those monitoring data indicate that pumping from SCWA's Sebastopol Road, Occidental Road, and Todd Road wells could adversely affect adjacent wells at various depths?
71. In the past 5 years, what is the equivalent population (based on demand) that SCWA's groundwater extraction has provided?
72. What wells provide the City of Santa Rosa's own groundwater sources?
73. What quantities of groundwater extraction are projected for possible further utilization of the City of Santa Rosa's groundwater resources over the duration of the City of Santa Rosa's General Plan projects?
74. Do any of the City of Santa Rosa's 2005 water supply assessments meet SB 610 requirements if groundwater is an existing, planned, or projected source of water supply for the City?
75. Does the City of Rohnert Park's 2005 water supply assessments meet SB 610 requirements if groundwater is an existing, planned, or projected source of water supply for the City?
76. Is groundwater identified as an existing or planned source of water supply for the SCWA?
77. Does groundwater constitute a portion of SCWA water supplies for its contractors?
78. If the City of Santa Rosa contracts water supplies from SCWA, does the City of Santa Rosa contract groundwater from the SCWA as a source of water supply?
79. If the City of Rohnert Park contracts water supplies from SCWA, does the City of Santa Rosa contract groundwater from the SCWA as a source of water supply?
80. If the Casino Project contracts water supplies from SCWA, will the Casino contract groundwater from the SCWA as a source of water supply?

81. Are the City of Rohnert Park's secured water supplies sufficient to meet future demand for all of the City's General Plan projects?
82. Are the City of Santa Rosa's secured water supplies sufficient to meet future demand for all of the City's General Plan projects?
83. If secured water supplies are currently insufficient to meet future demand from all of the City of Rohnert Park's General Plan projects, what is the probability of obtaining sufficient future water supplies to meet demand from all of the City of Rohnert Park's General Plan projects?
84. If secured water supplies are currently insufficient to meet future demand from all of the City of Santa Rosa's General Plan projects, what is the probability of obtaining sufficient future water supplies to meet demand from all of the City of Santa Rosa's General Plan projects?
85. Can the length and severity of droughts in California be predicted with any accuracy?
86. How do the City of Santa Rosa's past, current, and future demands for water affect the County's agricultural industry?
87. How do the City of Rohnert Park's past, current, and future demands for water affect the County's agricultural industry?
88. How would the Casino Project's future demand for water affect the County's agricultural industry?
89. How do the City of Rohnert Park's past, current, and future demand for water affect private well owners in the Santa Rosa Valley groundwater basin and the Wilson Grove Formation Highlands basin?
90. How do the City of Santa Rosa's past, current, and future demand for water affect private well owners in the Santa Rosa Valley groundwater basin and the Wilson Grove Formation Highlands basin?
91. How would the Casino Project's future demand for water affect private well owners in the Santa Rosa Valley groundwater basin and the Wilson Grove Formation Highlands basin?
92. How do the City of Santa Rosa's water conservation measures affect the ability of its water users to decrease demand during a water supply shortage?
93. How do the City of Rohnert Park's water conservation measures affect the ability of its water users to decrease demand during a water supply shortage?
94. How would the Casino Project's water conservation measures affect the ability of its water users to decrease demand during a water supply shortage?
95. What is the level of communication between the City of Santa Rosa, the Sonoma County Water Agency, and the County of Sonoma regarding use and management of groundwater as source of water supply?
96. What would the level of communication between the City of Santa Rosa, the Sonoma County Water Agency, the County of Sonoma, and the Graton Rancheria Tribe regarding use and management of groundwater as source of water supply?
97. Why haven't the City, the SCWA, or any public agency or water supplier in Sonoma County enacted either a groundwater management plan or ordinance to manage groundwater resources?

98. Why is Sonoma County one of the few counties that heavily relies on groundwater but has no groundwater management plan or groundwater management ordinance in effect?
99. Why does the State of California rank the Santa Rosa Valley basin and the Wilson Formation Highlands groundwater basins in the highest priority for the Groundwater Ambient Monitoring Assessment (GAMA) project?
100. Does the City of Santa Rosa agree with the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
101. Does the City of Rohnert Park agree with the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
102. Does the Sonoma County Water Agency agree with the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
103. Does the Casino Project or Graton Rancheria Tribe agree with the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
104. How did the City of Santa Rosa respond to the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
105. How did the City of Rohnert Park respond to the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
106. How did the Sonoma County Water Agency respond to the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
107. How would the Casino project or Graton Rancheria Tribe respond to the Sonoma County Grand Jury's recommendation for a comprehensive groundwater management plan in Sonoma County?
108. If the City of Rohnert Park agrees with the Grand Jury recommendation, why hasn't such a groundwater management plan been initiated since the time of Grand Jury recommendation?
109. If the City of Santa Rosa agrees with the Grand Jury recommendation, why hasn't such a groundwater management plan been initiated since the time of Grand Jury recommendation?
110. If the Sonoma County Water Agency agrees with the Grand Jury recommendation, why hasn't such a groundwater management plan been initiated since the time of Grand Jury recommendation?
111. Why would it be necessary to delay initiation of a groundwater management plan until U.S. Geological Survey groundwater modeling studies are completed?
112. Is delaying groundwater management planning until U.S. Geological Survey groundwater modeling studies are completed consistent with California Department of Water Resources recommendations?



113. How does climate variation affect the City of Rohnert Park's water supply management planning?
114. How does climate variation affect the Santa Rosa's water supply management planning?
115. How does climate variation affect the Sonoma County Water Agency's water supply management planning?
116. How does climate variation affect the Casino Project's water supply management planning?
117. How do demographic factors affect the City of Santa Rosa's water supply management planning?
118. How do demographic factors affect the City of Rohnert Park's water supply management planning?
119. How do demographic factors affect the Casino Project's water supply management planning?
120. How does demand variation associated with climate variability within different years (e.g. a late spring or early summer) affect the City of Santa Rosa's water supply management planning?
121. How does demand variation associated with climate variability within different years (e.g. a late spring or early summer) affect the City of Rohnert Park's water supply management planning?
122. How does demand variation associated with climate variability within different years (e.g. a late spring or early summer) affect the Casino Project's water supply management planning?
123. What is the projected population of the City of Santa Rosa in five-year increments through the next 20 years?
124. What is the projected population of the City of Rohnert Park in five-year increments through the next 20 years?
125. What is the projected population of the Graton Rancheria Tribe in five-year increments through the next 20 years?
126. What are the existing and planned sources of water supply for the City of Santa Rosa in five-year increments through 2025?
127. What are the existing and planned sources of water supply for the Casino Project in five-year increments through 2025?
128. What are the existing and planned sources of water supply for the City of Rohnert Park in five-year increments through 2025?
129. Is groundwater identified as an existing or planned source of water supply for the City of Santa Rosa within the next 20 years?
130. Is groundwater identified as an existing or planned source of water supply for the City of Rohnert Park within the next 20 years?
131. Is groundwater identified as an existing or planned source of water supply for the Sonoma County Water Agency within the next 20 years?
132. Why does the City of Santa Rosa's 2004 Southwest Area Specific Plan Water Supply Assessment contain no description of the Santa Rosa Valley groundwater basin or the Santa Rosa Plain groundwater subbasin?
133. Is either the Santa Rosa Valley groundwater basin or the Santa Rosa Plain groundwater subbasin overdrafted or projected to be overdrafted according to any

- public document including those published by the California Department of Resources and the City of Rohnert Park, including current General Plan document?
134. Is there any indication in any public testimony, published documents, or consulting reports that groundwater by the pumping by the City of Rohnert Park adversely affects domestic or agricultural wells outside the City of Rohnert Park?
  135. Did the Rohnert Park General Plan EIR groundwater study conclude that an overdraft condition exists in the Santa Rosa Plain subbasin?
  136. Why did the City of Rohnert Park undertake a groundwater study in its 2005 Water Supply Assessment for its current General Plan projects?
  137. Does the City of Rohnert Park's 2005 Water Supply Supply Assessment contain any groundwater modeling results that would provide a more quantitative assessment of groundwater overdraft conditions compared to the City of Rohnert Park's General Plan EIR groundwater study?
  138. Why didn't the City of Santa Rosa undertake a groundwater study for its 2004 Water Supply Assessment for the Southwest Area Specific Plan project?
  139. What efforts are being undertaken by the City, SCWA, any or any other public agency to eliminate a long-term groundwater overdraft condition?
  140. What constitutes a description and analysis of SCWA groundwater pumping over the last 5 years, and why is no accurate description or analysis of SCWA groundwater pumping included in the 2004 Southwest Area Specific Plan Water Supply Assessment?
  141. Has the SCWA or its consultants ever concluded the a major potential impact of SCWA groundwater pumping is lowering of groundwater levels below the level from which groundwater users draw their domestic water?
  142. Has the SCWA or its consultants ever concluded that a potential effect of groundwater drawdown is land subsidence?
  143. What constitutes a description and analysis of the City of Santa Rosa's groundwater pumping over the last 5 years and projected into the future over 5 year increments for at least 20 years, and why is that information not included in the Southwest Area Specific Plan Water Supply Assessment?
  144. What constitutes a description and analysis of the location, amount, and sufficiency of groundwater that is projected to be pumped by the SCWA, and why is that information not included in the Southwest Area Specific Plan Water Supply Assessment?
  145. What constitutes a description and analysis of the location, amount, and sufficiency of groundwater that is projected to be pumped by the City of Santa Rosa, and why is that information not included in the Southwest Area Specific Plan Water Supply Assessment?
  146. What is the reliability of the SCWA water supply and vulnerability to seasonal or climatic shortage for an average water year, a single dry water year, and multiple dry years?
  147. Why did the City of Santa Rosa's `Southwest Area Specific Plan Water Supply Assessment not examine the scenario of an average water year?
  148. Why did the City of Santa Rosa's Southwest Area Specific Plan Water Supply Assessment not examine the scenario of multiple dry years?

149. What alternative water sources are available to SCWA?
150. Does the SCWA have water rights to any river in the Eel River watershed?
151. To what extent does SCWA's extraction of water supplies from the Russian River rely on diversions from the Eel River watershed?
152. Can SCWA safely and reliably extract 75,000 acre feet/year from the Russian River without diversions from the Eel River watershed?
153. Can SCWA extract 101,000 acre feet/year safely and reliably from the Russian River without from diversions from the Eel River watershed?
154. Why have salmon fisheries in the Russian River collapsed?
155. Why have salmon fisheries in the Eel River watershed collapsed?
156. Will the water demand for the Casino Project have adverse impact on salmon fisheries in either the Russian River or the Eel River watershed?
157. Will the water demand for the Casino Project have adverse impact on water quality in either the Russian River or the Eel River watershed?
158. What are the City of Rohnert Park's demand management measures that are currently being implemented and scheduled to be implemented, and what are the steps necessary to implement those measures?
159. What are the City of Santa Rosa's demand management measures that are currently being implemented and scheduled to be implemented, and what are the steps necessary to implement those measures?
160. Has the City of Santa Rosa raised water rates as a tactic to decrease water demand?
161. Has the City of Rohnert Park raised water rates as a tactic to decrease water demand?
162. Will the City of Santa Rosa raise water rates as a tactic to decrease water demand?
163. Will the City of Rohnert Park raise water rates as a tactic to decrease water demand?
164. What is the schedule of implementation for the City of Santa Rosa's demand management measures?
165. What is the schedule of implementation for the City of Rohnert Park's demand management measures?
166. What method(s) is the City of Santa Rosa using to evaluate the effectiveness of its demand management measures?
167. What method(s) is the City of Rohnert Park using to evaluate the effectiveness of its demand management measures?
168. What are the estimates of existing conservation savings and the effect of such savings on the City of Santa Rosa's ability to further reduce demand?
169. What are the estimates of existing conservation savings and the effect of such savings on the City of Rohnert Park's ability to further reduce demand?
170. What demand management measures listed in SB 610 are not being implemented by the City of Rohnert Park, and why not?
171. What demand management measures listed in SB 610 are not being implemented by the City of Santa Rosa, and why not?
172. How do economic and non-economic factors affect demand management measures?

173. What is the cost-benefit analysis of demand management measures?
174. What is the funding available for any planned water supply project by the City of Rohnert Park, City of Santa Rosa, or SCWA that would provide water at a higher unit cost?
175. What are the City of Rohnert Park's, City of Santa Rosa's, and SCWA's legal authorities to implement demand management measures?
176. What is the implementation timeline for all projects in the City of Rohnert Park counted on to meet projected water supply?
177. What is the implementation timeline for all projects in the City of Santa Rosa counted on to meet projected water supply?
178. What is the description of the increase in water supply from all specific projects planned by the City of Rohnert Park, City of Santa Rosa, or SCWA to meet future water supplies during average, single dry, and multiple dry years?
179. What regulatory approvals are required in order to be able to convey or deliver future water supplies for the City of Santa Rosa's and City of Rohnert Park's General Plan projects?
180. Is there sufficient groundwater in the basin or subbasin from which the City of Santa Rosa and City of Rohnert Park plan to use groundwater to meet current and future demand?
181. Are any private wells adversely affected by groundwater pumping by the City of Santa Rosa, SCWA, City of Rohnert Park, or the Pengrove Water Company?
182. Will any private wells be adversely affected by the combined effect of future groundwater pumping by the City of Santa Rosa, SCWA, City of Rohnert Park, Graton Rancheria Tribe Casino Project, the Pengrove Water Company, and all other current public water suppliers?
183. Does the City of Santa Rosa Water Supply Assessment Pursuant to SB 610 For Southwest Area Projects meet all requirements of SB 610?
184. Does the 2005 City of Rohnert Park Water Supply Assessment Pursuant to SB 610 meet all requirements of SB 610?
185. Are the City of Santa Rosa's current water supplies sufficient to meet future demand associated with build out of all projects in the City's General Plan?
186. Are the City of Rohnert Park's current water supplies sufficient to meet future demand associated with build out of all projects in the City's General Plan?
187. Do the City of Santa Rosa's current water supplies include groundwater from either the SCWA or the City's municipal wells?
188. Do the City of Rohnert Park's current water supplies include groundwater from either the SCWA or the City's municipal wells?
189. Will the City of Rohnert Park's projected water supplies include groundwater from either the SCWA or the City of Rohnert Park's municipal wells?
190. Will the City of Santa Rosa's projected water supplies include groundwater from either the SCWA or the City of Rohnert Park's municipal wells?

191. Will the City of Casino Project's water supplies include groundwater from either the SCWA, City of Rohnert Park's municipal wells, the Penngrove Water Company or any other public water supplier?
192. How likely is it that City of Santa Rosa's water demand through 2020 will need to be met with the combination of sources noted as groundwater resources, additional entitlement from SCWA, the City's recycled water supplies, and conservation efforts.
193. How likely is it that the City of Santa Rosa's water demand through 2020 will need to be met in part by groundwater resources?
194. How is the Eleventh Amended Agreement between SCWA and its contractors affected by the Friends of the Eel River decision?
195. Do any of SCWA's Ranney collectors extract groundwater?
196. Do any of SCWA's seven production wells at Mirabel extract groundwater?
197. Does SCWA plan to install new wells for groundwater extraction before 2020?
198. What is the production of SCWA's "three deep-water wells" (see City of Santa Rosa's Southwest Area Water Supply Assessment) in each of the past five years?
199. Why were SCWA's "three deep-water wells" installed?
200. Was an environmental impact report conducted for installation of SCWA's "three deep-water wells"?
201. Were SCWA's "three deep-water wells" installed on an emergency basis?
202. How were SCWA's "three deep-water wells" changed from "emergency" to "production" status?
203. Would it be possible for the Russian River to go dry in the vicinity of SCWA's collectors?
204. Has the Russian River ever been projected to go dry in the vicinity of SCWA's collectors?
205. Has annual extraction of groundwater from the SCWA's "three deep-water wells" ever exceeded 3,025 afy as stated in the City of Santa Rosa's Southwest Area Water Supply Assessment?
206. How likely is it that SCWA will have its water rights increased to 101,000 afy before 2010? 2015? 2020?
207. When will SCWA's projected delivery capacity be increased from 92 mgd to 149 mgd?
208. Is it possible the SCWA's delivery capacity will not be increased from 92 mgd to 149 mgd before 2010? 2015? 2020?
209. When did the original Water Supply Transmission System Project (WSTSP) predict that SCWA's water rights be increased from 75,000 afy to 101,000 afy?
210. What is the probability that the supplement to the WSTSP EIR will not be completed by late 2006?
211. Does the City of Santa Rosa's Southwest Area Water Supply Assessment account for all changes in SCWA and municipal water supply sufficiency that

have occurred since the publication of the City of Santa Rosa Water Supply Analysis by West Yost and Associates in March 2002?

212. How do future projections of water demand by the City of Santa Rosa and the City of Rohnert Park account for the "relatively wet weather conditions and mild summers during most of the decade"?
213. How do future projections of water demand by the City of Santa Rosa and the City of Rohnert Park account for the "slow growth of the economy in the early 2000's"?
214. Does the City of Santa Rosa's Water Supply Assessment evaluate short term and long-term demand scenarios that meet the requirements of SB 610?
215. Does the City of Rohnert Park's Water Supply Assessment evaluate short term and long-term demand scenarios that meet the requirements of SB 610?
216. In "Table 1" of the City of Santa Rosa's water supply assessment for the Southwest Area, the water supply source labeled as "other" includes groundwater. Is that correct?
217. What is the probability that groundwater from the "City's (Santa Rosa's) groundwater" will serve as a water supply source for the City between 2005 and 2020?
218. What is the proportion of water supply listed as "other" in "Table 1" of the City of Santa Rosa's water supply assessment for the Southwest Area that would consist of the "City's (Santa Rosa's) groundwater"?
219. What "modification of SCWA's current operation" could result from the Section 7 consultation?
220. How could "modification of SCWA's current operation" affect projected SCWA water supplies to the City of Santa Rosa, the City of Rohnert Park, or the Casino Project?
221. If "future SCWA water supply yield and reliability is unknown at this time," is the City of Santa Rosa or the City of Rohnert Park certain that it will receive an increase in SCWA entitlement before 2010? 2015? 2020?
222. If "future SCWA water supply yield and reliability is unknown at this time," can the Casino Project be certain that it could receive any SCWA entitlement before 2010? 2015? 2020?
223. Can the City of Santa Rosa always use its 50 mgd monthly allocation from SCWA during any month?
224. If the City of Santa Rosa uses 50 mgd during a month, is it possible that other SCWA contractors will not be able to use their full monthly SCWA allocation under the MOU?
225. How do changes in water supply conditions since the MOU was signed affect the flexibility of the MOU agreement to deliver water to any SCWA contractor in excess of the MOU allocations?
226. Are diversions from the Eel River to the Russian River essential to meet current demand from SCWA contractors?
227. Are diversions from the Eel River to the Russian River essential to meet future demand from SCWA contractors?
228. What proportion of the 160,000 afy of Eel River diversions is extracted by the SCWA?

229. What would the capacity of SCWA's transmission system be if the inflatable dam were precluded from use?
230. Is it possible that diversions from the Eel River to the Russian River will cease before 2020?
231. Does any of the City of Santa Rosa's potable water supply originate from groundwater sources, including SCWA supplies that may be pumped from SCWA production wells or Ranney collectors?
232. Is it possible for the Ranney collectors to desaturate a zone between the surface water sources and the Ranney collector intake?
233. Are there any studies that indicate the Ranney collectors could desaturate a zone between the surface water sources and the Ranney collector intake?
234. In the City of Santa Rosa's Southwest Area Water Supply Assessment, Table 1 indicates that "other" future water supply includes groundwater. Is the statement "no use of groundwater is expected to be needed for the Project's water demand" correct?
235. Is groundwater projected to meet any portion of the City of Santa Rosa's water demand before 2020?
236. What are the possible scenarios of use of an "emergency groundwater supply" for the City of Santa Rosa or the City of Rohnert Park?
237. What is a "supplemental production supply source"?
238. How does a "supplemental production supply source" differ from an "emergency groundwater supply"?
239. Why does the City of Santa Rosa need to change status of its municipal wells from "standby" to "active"?
240. Why does the City of Santa Rosa need to convert municipal wells from "standby" to "production"?
241. What would be the state of SCWA supplies if a drought similar to the two-year 1976-1977 drought were repeated?
242. Did SCWA's 2000 UWMP assume that water supply impairments would still exist today and indefinitely into the future?
243. Does any of the SCWA's 2000 UWMP's demand analysis account for demand variability?
244. Does the SCWA's 2000 UWMP's demand analysis account for the City of Santa Rosa's demand variability?
245. Does SCWA's 2000 UWMP's demand analysis account for the City of Rohnert Park's demand variability?
246. How would the potential SCWA "water supply reductions" affect the sufficiency of water supplies for the Santa Rosa's Southwest Area project?
247. How would the potential SCWA "water supply reductions" affect the sufficiency of water supplies for the any project within the City of Rohnert Park's Urban Growth Boundary and Sphere of Influence?
248. Why should other SCWA contractors take into account varying levels of water conservation efforts for shortage apportionment, as the City of Santa Rosa suggests?
249. Does the water supply sufficiency analysis for the future projects within the City of Santa Rosa and the City of Rohnert Park, including the Casino Project,

- depend on the assumption that the varying levels of water conservation effort will be factored into shortage apportionment?
250. Why should per capita use be used as the standard for shortage apportionment?
  251. If shortage apportionment is not yet currently agreed upon by SCWA contractors, how can the SCWA contractors assume that sufficient SCWA water supplies are available for all of the SCWA contractors through 2020?
  252. How many years is "long-term" in relation to the City of Santa Rosa's current annual SCWA entitlement?
  253. Is Santa Rosa's peak month capacity water supply of 56.6 mgd secured for 2020?
  254. Does the City of Santa Rosa's statement "Currently the City has adequate supply to meet existing demands plus the maximum anticipated demand associated with the Project" include consideration of maximum anticipated demand for all projects within the City's General Plan?
  255. How will the IWRP impact groundwater quality?
  256. Would a proposed wastewater storage reservoir located immediately east of Sonoma State University (SSU) affect groundwater quality for SSU's wells, private wells, agricultural wells, public water supply wells, the City of Rohnert Park's municipal wells, and any wells used for the Casino Projects water supply?
  257. Would any "wetlands" projects or agricultural irrigation using wastewater or recycled affect groundwater quality for SSU's wells, private wells, agricultural wells, public water supply wells, the City of Rohnert Park's municipal wells, and any wells used for the Casino Projects water supply?
  258. How would wastewater treatment for the Casino project be accomplished?
  259. Would wastewater generated by the Casino project adversely effect any surfacewater or groundwater?
  260. Is any portion of the Casino project located in a floodplain?
  261. Is any portion of the Casino project located in areas defined as recharge areas by the State of California or the County of Sonoma?
  262. Is the City of Santa Rosa's Water Supply Assessment for the Southwest Area correct in concluding that "At this time, the City finds that its water supplies are sufficient to meet the present and future demand associated with this Project"? If yes, do any other Water Supply Assessments for the City of Santa Rosa make this same conclusion with full consideration of projected demand for all projects within the City's General Plan?
  263. Why were the SCWA three "emergency wells" (Occidental Road, Sebastopol Road, and Todd Road wells) installed?
  264. Were these wells installed on an emergency basis? If yes, what was the emergency?
  265. Did SCWA predict that the Russian River would go dry in the later part of October or November 1977?
  266. Did the SCWA bypass provisions of the California Environmental Quality Act to drill three "emergency wells" in the Santa Rosa Plain subbasin?
  267. Did the SCWA declare that water produced from the "emergency wells" shall be available for use only during a water shortage emergency?

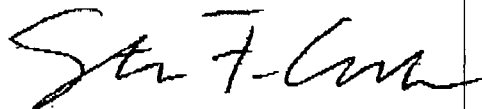


268. Has a water shortage emergency existed within the area of SCWA's jurisdiction at any time since 1978?
269. Have any of SCWA's contractors experienced a water shortage emergency since 1978?
270. Has Sonoma County ever undertaken a rigorous assessment of the sustainability of its groundwater supplies in the Santa Rosa Plain subbasin?
271. Why did pumping resume at the Todd Road well in 1998 considering that 1997-98 was the century's wettest for Santa Rosa?
272. Why did the SCWA convert the "emergency wells" to "full service" status?
273. Have any consultants for the SCWA suggested that pumping-induced water level declines from SCWA groundwater extraction could lower groundwater levels in private domestic wells?
274. Is there any indication in monitoring data from the City of Sebastopol or private consultants that water levels are dropping in the vicinity of the City of Sebastopol?
275. Have local well drillers observed a drop in water levels in areas near Todd Road southeast of Sebastopol?
276. Is there any indication that water levels are dropping in the vicinity of the Cooper Road area south of Sebastopol?
277. Have any private wells gone dry in the Cooper Road area south of Sebastopol since 1998?
278. Is there any indication that water levels have dropped within Rohnert Park city limits since the 1950s?
279. Is there any indication that water levels have dropped significantly within the Santa Rosa plain subbasin in rural areas outside of Rohnert Park city limits since the 1950s?
280. Does the SCWA have any information to indicate that pumping from its groundwater wells has impact on water levels in some nearby private wells and some not so nearby?
281. Does the SCWA have any monitoring data to indicate that pumping from its deep groundwater wells impacts water levels of wells screened in shallower zones?
282. Does the SCWA have any monitoring data to indicate the lateral extent of decreasing water levels as a result of pumping from its groundwater wells?
283. Does pumping from the SCWA groundwater wells adversely affect any other municipal wells or private wells, including domestic, industrial, and agricultural wells?
284. Would pumping from Casino Project groundwater wells adversely affect any other municipal wells or private wells, including domestic, industrial, and agricultural wells?
285. Since 2000, how much more groundwater has the SCWA pumped from the Santa Rosa Plain subbasin in comparison to total groundwater pumped by the City of Sebastopol?
286. Is it known whether the Sebastopol Fault is a barrier to groundwater flow?

287. Does SCWA monitoring data from the SCWA Todd Road well indicate that wells 257 feet deep or less could be affected by pumping from SCWA groundwater wells?
288. Are there any indications of groundwater overdraft conditions in the Santa Rosa plain subbasin?
289. Is actual SCWA groundwater production consistent with the 2000 UWMP estimates?
290. What will SCWA groundwater production be in five-year increments through 2020?
291. Where are the recharge areas for groundwater pumped by the Casino project?
292. How much will the Casino project decrease or increase groundwater recharge?
293. Has current technology such as tritium/helium groundwater age dating and very low concentration analysis been used to better define location of recharge areas in the Santa Rosa Plain subbasin? Has this current state-of-the art technology been offered or suggested to the SCWA, City of Rohnert Park, or City of Santa Rosa as part of the State of California's GAMA project?
294. How will land use change affect groundwater recharge rates in the Santa Rosa Plain subbasin?
295. How does the Rodgers Creek Fault Zone affect groundwater flow?
296. Are the Sonoma Volcanics and the Petaluma Formation east of Rohnert Park considered good recharge areas by the California Department of Water Resources or any governmental agency?
297. How have groundwater levels in the area of the Casino project changed since the development of the City of Rohnert Park?
298. Is it proper hydrogeologic practice to define a study area for a groundwater basin assessment based on a surface watershed rather than established groundwater basin boundaries, irrespective of geological formations and fault zones that impact groundwater flow?
299. Are boundaries of surface watersheds indicative of transitions in hydraulic properties in the subsurface?
300. Does a barrier to groundwater flow coincide with outline of the Laguna de Santa Rosa watershed?
301. If the Santa Rosa Plain groundwater subbasin or Santa Rosa Valley basin were adjudicated, how would the Graton Rancheria Tribe be affected?

Thank you for the opportunity to submit comment.

Sincerely,



Steven F. Carle, Landowner and Well Owner, Penngrove, CA

10/19/2005 10:54 707-793-9835

DIEFFENBACH/CARLE

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Steven F. Carle  
11001 Minnesota Ave.  
Pembroke, CA 94951  
(707) 793-9815

October 27, 2005

Brad Mehaffy  
NEPA Compliance Officer  
National Indian Gaming Commission  
1441 L Street, NW, Suite 9100  
Washington, D.C. 20005  
Fax: 202-632-7066  
Phone: 202-632-7003

### EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

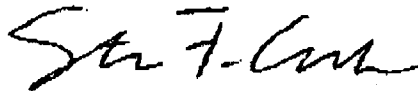
Dear NEPA Compliance Officer:

Please ensure that EIS for the Graton Rancheria Casino and Hotel Project accurately and adequately addresses the following questions:

1. What is Greg Sarris's affiliation with the Graton Rancheria Tribe?
2. Has Greg Sarris ever commented on subjects related to environmental impacts of the proposed Graton Rancheria Casino and Hotel Project (the Project) by calling into the radio station KSRO on his own volition?
3. Has Greg Sarris ever commented on radio station KSRO in regard to the Project's impacts of increased traffic on Highway 101?
4. Has Greg Sarris ever commented on radio station KSRO about how much money the Project could potentially be earning and how that relates to traffic?
5. Has Greg Sarris ever commented on radio station KSRO that the Project could possibly earn enough money to add another lane onto Highway 101 through Marin County and southern Sonoma County?
6. Has Greg Sarris ever commented on radio station KSRO that the Project could possibly earn enough money to add another lane onto the Golden Gate Bridge?
7. What are the environmental impacts of adding another lane onto Highway 101 through Marin County and southern Sonoma County?
8. What are the environmental impacts of adding another lane onto the Golden Gate Bridge?

Thank you for the opportunity to submit comment.

Sincerely,



Steven F. Carle, Landowner and Well Owner, Pembroke, CA

Attention: Brad Mehaffy - EIS Scoping Comments Graton Casino & Hotel Project  
submitted by M. Montgomery, 152 Wilfred Avenue, Santa Rosa, CA 95407

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## NEPA/CEQA SCOPING COMMENTS FOR THE GRATON CASINO & HOTEL PROJECT WILFRED AVENUE at LABATH AVENUE SITE

*"Congress ...declares that it is the continuing policy of the federal government, in cooperation with 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 future generations of Americans." [42 U.S.C. 4331 (a)]*

### PROPOSED PROJECT & SITE

The new proposed site of the Federated Indians of Graton Rancheria Casino Project ("applicant") is located northwest of the City of Rohnert Park, within the area bounded by Business Park Drive on the South, Dowdell Lane on the East, Wilfred Avenue on the North, and Langer Avenue (extended) on the west. The site is currently located in the County of Sonoma, and zoning is a combination of Agricultural and Rural Residential. The new 90 acres is entirely within the sphere of influence and urban growth boundary of the City of Rohnert Park. Approximately five acres of the site may be located inside Rohnert Park's city limits.

### 1. COASTAL BARRIERS & PROJECT WETLANDS

1.1 Is the Project located within a coastal barrier designated on a current FEMA flood map or Department of Interior coastal barrier resources map?

1.2 Are there drainage ways, streams, rivers, or coastlines on or near the Project site? If yes, describe how the Project will affect said features?

1.3 Are there ponds, marshes, bogs, swamps or other wetlands on or near the site? If yes, describe in detail how the Project will affect said features?

1.4 IS the Project is located within a wetland designated on a National Wetlands Inventory map of the Department of Interior (DOI)? If yes, describe in detail how the Project will affect said features? Explain how this Project will comply with current wetlands conservation efforts?

1.5 Does the Project 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

Attention: Brad Mehaffy - EIS Scoping Comments Graton Casino & Hotel Project  
submitted by M. Montgomery, 152 Wilfred Avenue, Santa Rosa, CA 95407

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January 1, 1990 for wetland procedures). If no, describe in detail how the Project will affect regional wetlands?

1.6 Are there any drainage ways, stream, rivers, waterways, or channels that are connected to navigable or interstate waterways? If yes, describe in detail how the Project will affect said features?

1.7 Are there engineered water ditches or channels on or adjacent to the property? If yes, describe in detail how the Project will affect said features?

1.8 Discuss in detail the environmental impacts of any and all alterations to or impacts on any water features on the property and those within a forty mile radius of the Project .

## **2. FLOOD MANAGEMENT**

2.1 Is the Project located within a floodplain designated on a current FEMA flood map? (24 CFR Part 55).

2.2 Is the proposed building footprint located in a Special Flood Hazard Area identified on a current Flood Insurance Rate Map (FIRM)?

2.3 Do proposed construction plans accommodate and comply with Uniform Building Code requirements of facilities constructed within Special Flood Hazard Areas?

2.4 Identify whether the Project site is in a 100 year or 500 year FEMA/FIRM Floodplain and describe mitigation and construction modifications to ensure compliance with the appropriate floodplain designation. Is it located 75 feet from a flood zone? Is it located 100 feet from a flood zone? Is there currently flooding on the property during normal rainy season? Is there flooding on the property during El Nino or other abnormal rainy seasons? During any flooding, will there be assured ingress and egress from the casino site for patrons and employees?

## **3. HISTORIC PRESERVATION**

3.1 Has the State Historic Preservation Office (SHPO) been notified of the Project and requested to provide comments?

3.2 Is the property listed on or eligible for listing on the National Register of Historic Places?

3.3 Is the property located within or directly adjacent to an historic district?

3.4 Does the property's area of potential effects include an historic district or property?

3.5 The Dry Creek Band of Pomo Indians have historically asserted aboriginal rights to Southern Sonoma County. Recently, Dry Creek purchased land south of the City of Petaluma. They also attempted to buy land near or on Lakeville Highway in Southern Sonoma County to be taken into trust. Have there been any archaeological excavations

Attention: Brad McHaffy - EIS Scoping Comments Graton Casino & Hotel Project  
submitted by M. Montgomery, 152 Wilfred Avenue, Santa Rosa, CA 95407

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to determine whether any tribe(s) other than the Coast Miwok occupied the Project site? If not, why not? Have Dry Creek Rancheria tribal council members and elders been interviewed to determine whether or not they lay claim to any land in Southern Sonoma County and/or the Project site and/or vicinity? If not, why not? Have Dry Creek Rancheria tribal council members and elders been interviewed to determine if there is an oral tradition regarding the tribe's aboriginal territory. Prove that the Coast Miwok are the only early California tribe to have ever inhabited this particular site; use bona fide archeological data to support your statements.

#### **4. NOISE ABATEMENT**

4.1 Is the Project located near a major noise source, i.e., civil airports (within 5 miles), military airfields (15 miles), major highways or busy roads (within 1,000 feet), or railroads (within 3,000 feet)?

4.2 Does the Project comply with 24 CFR 51, Subpart B that requires a Noise Assessment for proposed new construction?

4.3 Has a noise contours map been developed for the proposed Project and does it show Day-Night average sound level (abbreviated as DNL)?

4.4 What procedures or guidelines will be developed that allows community members or adjacent property owners to formally complain about inordinate or unanticipated noise?

#### **5. Project RELATED HAZARDOUS MATERIALS**

5.1 Is the site listed on an EPA Superfund National Priorities or CERCLA, or equivalent State list?

5.2. If the site is not currently listed on sites described in 5.1 above, should it be? If not, why not?

5.3 Does the Project proposal include a full inventory and assessment of all hazardous materials associated with the Project?

5.4 Does the applicant propose 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?

5.5 Does the proposed Project comply with public all safety requirements for fire safety, in accordance with state and federal law?

5.6 Has the applicant developed a public safety evacuation and rescue plan for customers, and does the plan accommodate Projected customers based upon high or low attendance that is associated with hours of operations, weekdays, holidays, and special events?

Attention: Brad Mehaffy - EIS Scoping Comments Graton Casino & Hotel Project  
submitted by M. Montgomery, 152 Wilfred Avenue, Santa Rosa, CA 95407

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5.7 Is the site located within 3,000 feet of a site of known toxic contamination or a solid waste landfill site?

5.8 Were underground storage tanks ever located on the site? If so, provide documentation that all underground storage tanks have been identified, located and appropriately removed by qualified professionals, using current techniques in compliance with 40 CFR Part 280.

5.9 Are there any unresolved hazardous materials issues at the proposed site that the state, county or a municipality or public agency could be determined to be a potential responsible party?

5.10 Are there any unexploded munitions, shells, bombs or other ordnance any portion of the 260± site, either on the subject property and/or the adjacent remainder of the property?

## 6. AIRPORT HAZARDS

6.1 Is the Project within 3,000 feet from the end of a runway at a civil airport?

6.2 Is the Project within 2 and 1/2 miles from the end of a runway at a military airstrip?

## 7. WATER

7.1. What are the conditions regarding the Santa Rosa Plain groundwater/aquifer?. If the Project has an adverse affect on groundwater, what wells and aquifers may be impacted by the proposed Project. What is the aquifer recharge analysis for this property?

7.2 The area is part of the first litigation in the state under California's new SB 610, the Clean Water Act. This litigation asserts that there is not adequate water for Rohnert Park's expansion plans into the subject area and other areas. How much water is needed for the proposed tribal Project and future Project expansions proposed over the next twenty years?

7.3 How will the applicant's water rights impact adjacent water rights of landowners, the municipality and county in which the Project is proposed to be located?

7.4 What long-term written assurances will the applicant provide for the ongoing monitoring of water usage and water rights of the applicant and the proposed Project in relationship to the currently identified and future water usage and rights of adjacent landowners, the municipality, county and state over the next twenty years? Will the tribe provide area governments and individuals with an irrevocable waiver of sovereignty for litigation of future water issues/ If not, why not?

7.5 Will the proposed Project affect a sole source or other aquifer?

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7.6 The Santa Rosa Plain Groundwater Basin and other adjoining groundwater basins are currently and seriously overdrafted, and further threatened by the continual loss of natural recharge. Explain why this would not constitute a fatal flaw to the proposed Project.

7.7 What is the position of the Sonoma County Water Agency regarding Sonoma County water supplies from all sources? Are Sonoma County water supplies adequate to meet the needs of County residents for the next 20 years? What is the position of any and all federal agencies and/or state agencies and/or local municipal agencies on Sonoma County's water supplies?

7.8 What is the total anticipated impervious surface coverage estimated for the proposed Project? How will this impervious coverage affect the Santa Rosa Plain aquifer and/or the Laguna de Santa Rosa, local streams, ditches, the Russian River, the Pacific Ocean and its fisheries?

7.9 What percentage of the Project site is proposed for impervious surface, and how does this surface impact existing elements addressed in Section 1 above?

7.10 Is the site currently served by an adequate and acceptable water supply?

7.11 What impacts will occur from stormwater runoff at the proposed site? How will such runoff affect the Laguna de Santa Rosa, the Russian River, and the Pacific Ocean? Is the Project in compliance with current local and regional stormwater runoff requirements? What will the effect of the engine grease/oil deposits from the parking area?

7.12 How will the applicant coordinate and comply with the Regional Water Quality Control Board and SB610?

7.13 What mitigations are proposed for water supplies of the proposed Project that will not affect or will ameliorate water supplies of adjacent residential neighborhoods businesses, and other land uses currently receiving adequate water?

7.14 How will the applicant assure the local government and surrounding community that costs associated with increased water supply needs of the Project will be fully accommodated by the applicant, and not a burden imposed upon local governments, local water districts or providers, or local property owners?

7.15 Will the FIGR give up its federal water right of seniority of arrival, should the Project's water usage impair the region's water supplies to such an extent as to create water shortages? If not, why not? If not, explain why the tribe's refusal to give up its seniority of arrival status does not constitute a fatal flaw?

7.16 Have any wells within a ten mile radius of the Project site gone dry within the last three years? If so, how many? If so, provide locations and distance from Project site. Identify aquifer(s) utilized by these wells.



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7.17 If the Project uses well water for its main water supply, and as a result, the area's water table is drawn down below 60 feet, what will be the effect on the area's trees? How many trees would be affected and in how large an area? What would be the cumulative effect on the region's eco-system from the loss of trees?

7.18 Is the Project located within a twenty mile radius of any municipal wells? If so, identify all such wells. What would be the effect of any deep wells the tribe may use on any municipal wells within a twenty mile radius?

7.19 Discuss the environmental impacts of diverting water from local aquifers. Discuss the impact on local municipal water supplies for the next ten years? For twenty years? Is the water supply sustainable and adequate to meet the current and future needs of Sonoma County residents, including tribal members?

7.20 Have any nitrates, nitrites, benzene, heavy metals, antibiotics, cryptosporidium, giardia or any other pollutants and/or toxins been detected in private and/or municipal wells within a one mile radius of the Project site? Within a two mile radius of the Project site? Within a three mile radius of the Project site? Within a four mile radius of the Project site? Within a five mile radius of the Project site? Within a six mile radius of the Project site? Within a seven mile radius of the Project site? Within an eight mile radius of the Project site? Within a nine mile radius of the Project site? Within a ten mile radius of the Project site?

7.21 What is the position of the Marin County Water Agency regarding Sonoma County water supplies from all sources? Are Sonoma County water supplies adequate to meet the needs of Marin County residents for the next twenty years? What is the position of any and all federal agencies and/or state agencies and/or local municipal agencies on Marin County's water supplies?

## **8. SEWER, SANITATION AND WASTE DISPOSAL**

8.1 Are there current sanitary sewers and waste water disposal systems serving the site?

8.2. How will current sanitary sewers and waste water disposal systems be impacted by the proposed Project, and at what cost?

8.3 What additional sanitary sewer and wastewater disposal systems are required and how will expansions of such infrastructure impact existing, connecting infrastructure in terms of capacity and annual cost?

8.4 If the Project sewer system is non-municipal, has an acceptable "system" been designed, and approved by appropriate state and local authorities and agencies?

8.5 Will the applicant be involved in joint partnerships or mutual agreements with municipal or county entities for the purpose of provision of sewer, sanitation or waste disposal?

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8.5.1 If the answer to 8.5 is yes, has the municipal or county partner developed an environmental impact assessment in association with provision of infrastructure to the Project?

8.5.2 If the answer to 8.5 is yes, has the municipal or county partner developed an economic impact assessment in association with provision of infrastructure to the Project?

8.6 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?

8.7 How will any increases in wastewater affect the quality of the aquifers and surface water? Will the tribe spray tertiary water on any portion of the subject property? If so, how many gallons of tertiary water will be sprayed per day? Per month? per year? What will be the effect of that spray on the Laguna de Santa Rosa, the Russian River, and the Pacific Ocean? What would be the effect of the additional hormones, heavy metals, antibiotics, and giardia and cryptosporidium organisms generated by the Project on the Russian River? On the Laguna de Santa Rosa? On the Pacific Ocean? On the Pacific fisheries? On birds and bird reproduction? On frogs and other amphibians?

8.8 The Addendum to the Incremental Recycled Water Project (IRWP) disclosed that the tribe could possibly discharge up to 500,000 gallons of tertiary water directly into Laguna de Santa Rosa. Explain how the wastewater created by the Project will affect the health of the Laguna de Santa Rosa, the Russian River, and the Pacific Ocean? What would be the effect of the additional hormones, heavy metals, antibiotics, and giardia and cryptosporidium organisms generated by the Project on the Russian River? On the Laguna de Santa Rosa? On the Pacific Ocean? On the Pacific fisheries? On birds and bird reproduction? On frogs and other amphibians?

8.9 Will the Project include a sewage treatment plant to be built and/or owned and/or operated by the tribe? If so, what are the specifications of the sewage treatment plant? Where will any such plant be located? How many acres will be involved? Will it be in a flood plain? How will construction of any such plant affect the vernal wetlands surrounding it? What impact will such construction have on the area's flora and fauna? Will holding ponds be used, and how many and how large will they be? What would be the effect on adjacent properties and to the environment from the following events: What would be the liquefaction effect on the Project from a seismic event on the Rogers Creek fault alone of 6.0 and higher? Of 7.0 and higher? Of 8.0 and higher? What would be the effect from a seismic event on the Hayward fault of 6.0 and higher? Of 7.0 and higher? Of 8.0 and higher? What would be the liquefaction effect on the Project from a seismic event on the Rogers Creek AND Hayward faults (1906 San Francisco earthquake) of 6.0 and higher? Of 7.0 and higher? Of 8.0 and higher? How much sewage would be spilled in the above vents? What would the long-term and short-term effect of such a spill be on the Laguna de Santa Rosa? On the vernal wetlands habitat? On the Russian River's ecology? On the Pacific Ocean and its fisheries?

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8.9 If the tribe uses municipal sewer services, what will the effect be on the IRWP Project currently underway? Will there be an additional cost to the region associated with the tribe's use of municipal sewer facilities? If so, how much? Discuss the impact on the region's existing sewage facilities if it were to connect to existing sewage treatment infrastructure? Will additional holding ponds be required to accommodate the tribe's Project? Where would these ponds be located? What would

8.10 Considering the twenty year on which the tribe's original MOU with the City of Rohnert Park was based, how much trash and garbage will the Project generate in twenty years ? How much trash and What will be the effect on regional landfill facilities from the Project's trash and garbage in Year One? ? In Year Two? In Year Three? In Year Four? In Year Five? In Year Six? In Year Seven? In Year Eight? In Year Nine? In Year Ten? In Year Eleven? In Year Twelve? In Year Thirteen? In Year Fourteen? In Year Fifteen? In Year Sixteen? In Year Seventeen? In Year Eighteen? In Year Nineteen? In Year Twenty? What is the total effect over twenty years? What will be the reduction in landfill facilities available to the public from the Project's trash and garbage in Year One? ? In Year Two? In Year Three? In Year Four? In Year Five? In Year Six? In Year Seven? In Year Eight? In Year Nine? In Year Ten? In Year Eleven? In Year Twelve? In Year Thirteen? In Year Fourteen? In Year Fifteen? In Year Sixteen? In Year Seventeen? In Year Eighteen? In Year Nineteen? In Year Twenty? How does the Project's trash and garbage generation over twenty years compare with that generated over twenty years by the industrial/business park off Labath Avenue (South) that is adjacent to the Project site?

**9. ENVIRONMENTAL JUSTICE:** "I love the irony that Indians are making money off of white man's greed. They gave us alcohol that tore families apart, and we're giving them another addiction -- gambling." Greg Sarris, Chairman of the Federated Indians of Graton Rancheria, SF Chronicle May 15, 2000

9.1 Is the Project located in or near, a predominantly minority or low-income neighborhood?

9.2 Will the Project create a predominantly minority or low-income neighborhood?

9.3 Does the Project site or neighborhood suffer from disproportionately adverse environmental effects on minority and low-income populations relative to the community-at-large?

9.4 According to the results of an informal canvass in 2004, the residents of the area do not want to a casino near their homes. Explain how the residents' rights to self-determination and self-governance will be protected?

9.5 Identify the number of children under the age of ten living within a one mile radius of the casino Project? A two mile radius? A three mile radius? A four mile radius? A five mile radius? a six mile radius? A seven mile radius? An eight mile radius A nine mile radius? A ten mile radius? Of these children, how many are considered low-income?

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9.6 Explain how the increase in traffic-related pollution will affect the health of the children living in Rohnert Park's nearby low-income and other housing and any future low-income housing planned for the Project area within a five mile radius? How will it affect asthma risk among low-income and other children living in the area? How will it affect children living within a one mile radius? A two mile radius? A three mile radius? A four mile radius? A five mile radius? a six mile radius? A seven mile radius? An eight mile radius A nine mile radius? A ten mile radius? What will be the net overall increase of ozone, diesel soot, and particulates on Sonoma County's air quality and what will its effect be on those children identified above? What are the Projected health impacts from such an increase, including children, the elderly, and those with impaired immune systems?

9.6 Breaking the data down into the following increments: one mile radius, two mile radius, three mile radius, four mile radius, five mile radius, six mile radius, seven mile radius, eight mile radius, nine mile radius, ten mile radius, identify all the following within a ten mile radius of the proposed casino site, :

- (1) all low-income neighborhoods
- (2) all low-income housing
- (3) all low-income groups by ethnicity
- (4) all low-income family groups
- (5) all low-income children
- (5) schools with student body from primarily low-income families

How many of the low-income individuals and families currently suffer from problem or pathological gambling? What is the ethnic breakdown of those low-income individuals and families currently suffering from problem or pathological gambling? Determine the potential for each ethnic group of low-income residents to develop pathological gambling problems? What will be the increase in pathological gambling problems among each of those groups? Among those low-income residents who live within a ten mile radius of the casino site who will develop problem or pathological gambling, how many will have families with minor children? Of those low-income residents who live within a ten mile radius of the casino site who will develop problem or pathological gambling, how many will be at risk statistically for divorce? For domestic abuse? For bankruptcy? For criminal behavior? For increased or new drug or alcohol addiction? What will be the effect of increases in asthma and other ailments resulting from increased air pollution, increases in drug and alcohol addiction, and increases in domestic abuse on Sonoma County's health system currently serving the area's low-income residents? What will be the effect on increases in all criminal activity resulting from the casino on the region's police, fire and emergency services? On the region's mental health services? Will these numbers increase as the proximity of the low-income neighborhoods to the casino increase?

How many of the low-income individuals and families currently suffer from drug and/or alcohol addiction? What is the ethnic breakdown of those low-income individuals and families currently suffering from drug and/or alcohol addiction? Determine the potential for each ethnic group of low-income residents to develop drug and/or alcohol addiction? What will be the increase drug and/or alcohol addiction among each of those groups? Among those low-income residents who live within a ten mile radius of the casino site who will develop or increase drug and/or alcohol addiction, how many will have families with minor children? Of those low-income residents who live within a ten mile radius of

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the casino site who will develop or increase drug and/or alcohol addiction, how many will be at risk statistically for divorce? For domestic abuse? For bankruptcy? For criminal behavior? What will be the effect of increases in drug and alcohol addiction on Sonoma County's health system currently serving the area's low-income residents? Will these numbers increase as the proximity of the low-income neighborhoods to the casino increase?

9.7 Prove that the region's low-income residents will not be at an increased risk for developing pathological gambling problems. Prove that the casino will not cause or create problem or pathological gambling, increases in divorce, increases in domestic abuse, in bankruptcy, in criminal behavior, and in increased or new drug or alcohol addiction? Prove that the casino will not be harmful in any way to the region's low-income families and children. Explain why this is not a fatal flaw?

9.7 The casino site includes fully one-half of a forty (40) acre Project intended for low-income, single family detached homes and a park called for under the City's Northwest Specific Plan. Rohnert Park's residents have lost the opportunity to own their own home. Explain how the tribe will compensate for that loss of homes to the region's low-income families.

9.8 How many schools are located within a ten mile radius of the proposed casino Project? How many students attend these schools? What is the breakdown of the schools by grade type. i.e., pre-school or kindergarten, elementary, middle, or high school? How many students attend each school? What is the ethnic breakdown of those children? How many are low-income? What will be the risk to the area's school children from increased traffic caused by the casino?

9.9 The casino Project has displaced a proposed light industrial development which would have provided a variety of jobs for people of various skills and varying education. What kind of jobs will the casino create - how many, and of what description? How many of those jobs will be filled primarily by the area's low-income residents? Because of its size, and the impact on the region's resources and General Plan, it will displace future, potential industry, such as industrial, high-tech and telecommunications that would provide higher-paying jobs with potential for advancement, that would provide real chance for advancement to the area's low-income residents. Based on the region's Projected growth and Projects from the various General Plans of the County and cities, what industries will be displaced by the casino Project? Compare the tax revenue from all sources for the personal income generated by the casino's service jobs vs. the revenue that would be generated by industrial, high-tech and telecommunications jobs. What will be the net loss of income for the region low-income residents who are forced to take casino jobs vs. industrial, high-tech or telecommunications jobs? What will be the net loss of income for the region's revenue. What will be the net effect on job training, job advancement and advancement potential for the area's low-income residents for casino jobs vs. jobs in the industrial, high-tech, or telecommunications fields? Compare each casino position, i.e., maid, dealer, cocktail waitress, etc., with positions such as clerical, secretarial, trained factory worker, cable installer, customer service, retail sales with and without commission, computer-related position such as data entry, software design, CGI, computer and electronic service,. Will the casino offer better jobs with more potential than other private industries in the same location and or

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region would be able to provide? Comparing the income earned by casino employees with industrial, high-tech, communication, customer service, wholesale and retail industries, and adjusting for inflation, what will the average income be for these workers over a twenty year period? Based on these figures, how much state and federal tax revenue will be created or lost by casino wages?

9.10 *"The purpose of the proposed action is to help address the socio-economic needs of the Federated Indians of Graton Rancheria."* NOI, September 29, 2005 Financial need of FIGR vs. social needs of low-income residents: Chairman Greg Sarris has stated publicly that "more than 50%" of FIGR tribal members are unemployed, and/or have drug and alcohol addiction (Mr. Sarris has also said "over 54%" and "20%"). Provide hard data on the rate of unemployment among FIGR members. Provide hard data on the those FIGR members who are employed and identify the types of employment. Compare the unemployment rate of the FIGR tribal members with others in the County with similar education and/or training, and of similar economic background. Provide hard data on the number of FIGR members who are addicted to alcohol and/or to illegal and/or prescription drugs. Compare that figure with others in the County with similar education and/or training, and of similar economic background. Compare all the above scenarios with low-income residents within a ten mile radius. Do not include 17 years old and under for any of the above.

The tribe has given and/or donated approximately \$3 million or more to local agencies, organizations and the City of Rohnert Park, among others. Identify all entities which have received money from Graton Rancheria since December, 2000. Identify the amount of money each entity has received. Identify the purpose of the money. Since December, 2000, how much money has the tribe put into a scholarship fund for tribal members? How much money has the tribe put into health services for tribal members? Into drug and/or alcohol addiction rehabilitation programs for tribal members? How much interest would the total amount of money donated to outside, non-tribal entities have accumulated had those monies been deposited in a high-yield account or CD? What would the interest have been for one year? Two years? Three years? Four years? Five Years? Six years? Seven years? Eight years? Nine Years? Ten years? Discuss how this loss of income affects the immediate and Projected socio-economic needs of the tribe?

9.12 Explain the implications to the region of Chairman Sarris' remarks to wit, *"we're giving them (white men) another addiction -- gambling."* What will be the total cost to the community for gambling addiction resulting directly from this Project? What percentage of the area's white population would be at risk for developing a gambling problem? What percentage of the area's African American population would be at risk for developing a gambling problem? population would be at risk for developing a gambling problem? What percentage of the area's total Native American population would be at risk for developing a gambling problem? What percentage of the area's Latino population would be at risk for developing a gambling problem? What percentage

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of the area's remaining ethnic groups other than the above would be at risk for developing a gambling problem?

9.13 Identify all sources of income for the tribe since December, 2000 through current. Identify the individual dates and amounts for each source of income. What have the funds used for? How much is used for administration? How much was used for salaries? What positions are paid positions within the tribe? Explain why any such funds as identified above cannot by themselves, address the socio-economic needs of the tribe. Explain why the tribe requires millions of casino dollars per year to function?

9.14 IMPACT ON LOCAL TRIBES AND TRIBAL CASINOS: The tribe was granted special statutory privilege that requires the Secretary of the Interior to take any and the tribe chooses into trust. This statutory privilege gives the FIGR an unfair advantage over other area tribes, such as those in remote areas such as Stewart's Point, the Alexander Valley, and Coyote Valley. Explain why this tribe should hold an unfair advantage over other tribes? What will be the financial effect of the FIGR casino Project, if opened, on existing Sonoma County, Lake County, and Mendocino County Indian casinos and tribes? How will tribal Projects planned by the Sonoma County casino tribes be affected by any loss of casino income? How will such losses be compensated? Will a loss of patronage in existing casinos from the FIGR Project open the door for other tribes to locate a second casino on Highway 101 closer to San Francisco?

9.15 What is the current rate of drug and alcohol addiction among Native Americans nationwide? What is the current rate of drug and alcohol addiction among Native Americans in Sonoma County? In Lake County? In Marin County? In Mendocino County? How do these rates compare with the national average? Of those addicted populations nationwide, how many are from tribes that have casinos? Of those addicted populations in Marin, Sonoma, Lake and Mendocino counties, how many are from tribes that have casinos? Provide bona fide sociological studies to support any and all assertions.

9.16 What is the breakdown of FIGR membership by age group? What is the rate of drug and alcohol addiction among the FIGR's 1089 members by age group? How do these rates compare with the national average? With the regional average? With the state average? What is the rate of drug and alcohol addiction in regions where Indian casinos are easily accessible nationwide? Statewide? Locally? Provide bona fide sociological studies to support any and all assertions.

9.17 What is the current rate of addiction for pathological gambling among Native Americans? What is the current rate of addiction for pathological gambling among FIGR members? Are FIGR tribal members at higher risk for developing pathological gambling than those from tribes or areas without

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casinos? Provide bona fide sociological studies to support any and all assertions.

9.18 Did the Secretary of the Interior sign off on the tribe's management contract with Station Casinos?

9.19 What will be the socio-economic impact to the region's low-income families of increased traffic, air pollution, light and noise pollution, increased criminal activity, risk of gambling, alcohol or drug addiction, suicide, divorce, domestic abuse?

9.20 170+ acres of the proposed site is zoned Community Separator in the Sonoma County General Plan. Should this land be placed into trust for the tribe, it will forever pass out of the control of the people of Sonoma County. Discuss the impact of loss of this control? Will the tribe guarantee that there will be no development on this land, and will provide the County of Sonoma with an irrevocable waiver of immunity so that this land is kept open and free from development of any kind? If not, why not? If the tribe develops this land in any fashion, discuss the environmental impact on the vernal wetlands habitat for a sewage treatment facility of two- acres? Of ten acres? For an RV park of ten to forty acres or more? For a gas station comparable with the Arco Station located at the corner of Rohnert Park Expressway and Redwood Drive? Explain why the people of Sonoma County should lose control over Community Separator.

9.21 On July 1, 2005 on the Pat Thurman Show on KSRO Radio 1350 AM, and again on September 9, 2005, on the Marcy Smothers Show, KSRO Radio 1350AM, Chairman Greg Sarris stated that the tribe "will mitigate all impacts" from the casino. Will the tribe mitigate all impacts of the casino? Discuss how they will do so? Describe all impacts the Project will have on the region, including Sonoma County, Marin County, Lake County, Mendocino County, Napa County, Alameda County, and San Francisco County. Describe the steps that will be taken to implement Chairman Sarris' promise to mitigate all impacts? How long will such mitigation take? Will it be done before the casino is built? If no, how long after the casino is built will the mitigation take?

9.22 In a voice message Chairman Sarris left me on August 17, 2005, he stated that the shopping center portion of the new acreage will be developed and operated by Station Casinos, not by the tribe. However, in subsequent interviews with the Press, Chairman Sarris stated that the tribe will pay back the entire \$100 million that Station Casinos paid for the total land acquisition. This total land acquisition includes the portion of the site slated for a shopping center. Will the tribe obtain ownership of the shopping center land once the debt to Station Casinos has been paid? Will it then assume ownership of a retail shopping development? Does the tribe intend to operate a tax-free retail complex if and when it obtains ownership of any retail shopping center currently planned? Does the tribe intend to open and or operate on trust land, any retail businesses, including, but not limited to shopping center(s), gas station(s), tobacco



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store(s), convenience store(s), Recreational Vehicle park(s), amusement park(s), or any retail operation? If so, on what portion of the total site would such operations be located? What would the net loss in tax revenue be to the County of Sonoma should the tribe own and operate any of the above business enterprises? To the State of California? To the federal government? What would the impact of tax-free enterprises be on other similar area businesses?

9.23 Will the Project include non-tribal enterprises such as fast-food outlets, restaurants, bars, spas, etc., that will be owned and operated by non-tribal entities? If so, how many such non-tribal operations will the Project include? Because they would be located on sovereign land, will these entities be exempt from normal taxes paid by similar businesses on non-tribal land? What would be the total loss of tax revenue from these non-tribal businesses to the City of Rohnert Park? To the County of Sonoma? To the State? To the Federal government? What would the impact of tax-free enterprises be on other similar area businesses?

## 10. UNIQUE NATURAL FEATURES AND AREAS

10.1 Is the site near natural features (i.e., meadowlands, vernal wetlands, bluffs or cliffs) or near public or private scenic areas? If so, what site and construction adjustments have been determined to protect scenic viewsheds or other zoning requirements, expectations or public entitlements?

10.2 "Wetlands have been called the nurseries of life, and their well-being is vital to the health of our environment." ( President George W. Bush, Earth Day 2004 ). California has lost 95% of its Vernal Wetlands, a rare and valuable natural resource. On Earth Day 2004, President Bush announced his Wetlands Initiative, which set a goal of moving beyond the federal policy of "no net loss" of wetlands, and called for a new commitment to attain an overall increase in the Bush set an aggressive goal to restore, improve, and protect at least three million acres of wetlands over the next five years.

10.2.1 Explain what is the net loss to Sonoma County's Vernal Wetlands will be under this proposed Project.

10.2.2 Explain the cumulative effect of any such loss on the Sonoma County Vernal Wetlands eco-system. On California's eco-system?

10.2.3 Explain the cumulative effect of any such loss of the Sonoma County Vernal Wetlands on the environment in general, including such issues as

- (1) the loss of feeding and resting areas for both migrating birds on the Pacific Flyway and non-migrating birds
- (2) the loss of habitat for native Vernal Wetlands flora and fauna
- (3) the cumulative loss to the eco-system as a result of loss of habitat regionally, statewide, nationwide and worldwide
- (4) the effect on weather patterns regionally, statewide, nationwide and worldwide

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10.3 What will the net loss be of any planned future development on or adjacent to the Project site, and how will such a loss impact the environment as described on 10.2.3 (above)? What will be the regional economic loss to area developers as a result of the loss of future building due to the casino Project's consumption of area resources as allocated in the General Plans of SONOMA County and Marin County and all Sonoma County and Marin County municipalities? How will the tribe's Project affect the allocation of building permits in both Sonoma County and Marin County and all Sonoma County and Marin County municipalities?

10.4 How will the Project comply with the President's Wetlands Initiative's goal of attaining "overall increase in the quality and quantity of wetlands?"

10.5 Are other natural resources visible on site or in the vicinity? Will any such resources be adversely affected or will they adversely affect the Project?

## 11. RARE, THREATENED AND ENDANGERED SPECIES

11.1 What will the impact of impervious surface be upon existing vernal pools on the Project site?

11.2 What plan will be developed to accommodate preservation or mitigation or replacement of vernal pools at the Project site?

11.3 The following species have been found in the vicinity of the Project site, and are listed on the Endangered Species Act list of endangered species. How will the applicant address the Project's threat to the habitat of the following:

11.3.1 Showy Indian Clover (*Trifolium amoenum*)  
Federal Register 62:54791, 10/22/1997)

11.3.2 Burke's Goldfields (*Lasthenia burkei*)  
Federal Register 56: 61173, 12/02/1991

11.3.3 Sonoma Sunshine (*Blennosperma Bakeri*)  
Federal Register 56:61173; 12/02/1991

11.3.4 Sebastopol Meadowfoam (*Limnanthes vinculans*)  
Federal Register 5: 61173, 12/02/1991)

11.3.5 Tiger Salamander (*Ambystoma californiense*)  
Classification: U.S. Fish & Wildlife Service Endangered Species.

11.4 The California Tiger Salamander (CTS) is a rare animal that relies on certain "breeding pools" to reproduce. The Project site is within the recognized range of the CTS. Identify existing breeding pools. Describe in detail what action will be taken to guarantee to preservation of existing breeding pools, if any, and on ensuring the ability of the Tiger Salamander to return to the breeding pool of its origin.

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11.5 What species of raptors are found throughout the Project area? How many raptor nests are in the Project area? Discuss the effect of the loss of breeding and hunting sites the Project would have on the area's raptors, and the overall effect of that loss of habitat on the County's eco-systems? What provisions will be made to mitigate the loss of habitat to the area's raptors? How will the Project comply with the federal policy regarding protection of raptor habitat? With state policy?

11.6 Are there any "creatures of concern" on the Project site? If so, what are they? What will be the short-term and long-term effect on their habitat? Are there any rare species on the site? If so, what are they? What will be the short-term and long-term effect on their habitat? What will the effect be of any loss of habitat on the on these species' overall chance for survival in Sonoma County? In the region? In California? In the United States?

11.7 Is the site within the Valley Oak habitat? If so, what will be the effect of the Project on the Valley Oak habitat?

11.8 Has a complete biotic study of the site been done? If so, what are the results? If not, why not?

## 12. SITE SUITABILITY

12.1 What are the previous uses of this site and what residual impacts affect the Project or are affected by the Project?

12.2 Is there paved access to the Project site?

12.3 Are there unusual conditions on the site?

12.4 Is there any indication of currently distressed vegetation?

12.5 Are there waste materials or containers on site?

12.6 Are there pools of liquid or soil staining, chemical spills, abandoned machinery, cars, refrigerators, etc.?

12.7 Are there existing or abandoned transformers, fill/vent pipes, pipelines, drainage structures?

12.8 Is the Project compatible with surround areas in terms of:

12.8.1 Land use? The proposed Project would remove the property currently designated as agricultural land. What will be the net effect of the loss of this acreage on the County's farm industry? What will be done to offset removal of this substantial land base from the County's farming industry?

12.8.1.2 How will the applicant accommodate the smart growth and other principles of

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submitted by M. Montgomery, 152 Wilfred Avenue, Santa Rosa, CA 95407

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both the County of both the Sonoma and City of Rohnert Park *most recent* General Plans, including the issue of that portion of the Project which is located within the Community Separator?

12.8.2 Will the increase in traffic from the Project conform with Rohnert regional traffic Projections? With Sonoma County traffic Projections? With State of California traffic Projections? With Metropolitan Transportation Authority projections?

12.8.2 Height, bulk, mass?

12.8.3 Building type (low/high-rise)?

12.8.4 Building density?

12.9 Will the Project influence or be unduly influenced by:

12.9.1 Building deterioration?

12.9.2 Postponed maintenance?

12.9.3 Obsolete public facilities?

12.9.4 Transition of land uses?

12.9.5 Incompatible land uses?

12.9.6 Inadequate off-street parking?

12.9.7 So-called "monster" buildings?

12.10 How will the Project applicant address the current General Plan designation for the Project site?

12.11 Will the applicant provide mitigation offsets for the loss of Open Space/Agricultural land to the community that will be located within the Project area itself, but not held as trust land? Please describe how such offsets might be developed, replaced or reimbursed to the County of Sonoma and/or the City of Rohnert Park?

12.12 The Bellevue Channel is currently enjoyed by Sonoma County residents as a walking path. Will the area on either side of the Channel remain open to the public? If not, how will the public be compensated for the loss of that local recreational facility?

12.13 The Project is directly related to three significant elements of the Rohnert Park General Plan: Land Use and Growth Management; Community Design and Housing elements. How will the applicant ensure that the Project comports and complies with these three critical elements of the municipality's General Plan?

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- 12.14 On July 1, 2005, on the Pat Thurston Show on KSRO Radio 1350AM, during a discussion of the Project's impact on area wells and regional water supplies, Chairman Sarris stated that if there is not enough water at the Project site, they will find another location. He also stated that there had been found an aquifer that would not affect any local water supplies. Identify this aquifer? What other aquifers and/or waterways are connected to this "new" aquifer? Prove that the Project's use of this "new" aquifer will not affect any area wells or regional water supplies.

### 13. AIR QUALITY

- 13.1 Are there proposed air pollution generators associated with the proposed Project, such as those listed below, and if so, how will the applicant mitigate each of the following:
- 13.1.1 Incinerators
  - 13.1.2 Power generators
  - 13.1.3 Large parking facilities (1,000 or more cars)
  - 13.1.4 Heavily traveled highways, adjacent and onsite road systems.
  - 13.1.5 Will the Project affect or be affected by nuisance odors? What mitigations are proposed? Will the Project include a waste treatment facility? How large will that facility be? Will it include open holding ponds? If so, how large will the holding ponds be? What are the prevailing winds in the area? What is the frequency of those winds? How strong are those winds? What residential neighborhoods and commercial areas would be affected by the transmission of offensive and noxious odors from the waste treatment plant by prevailing winds?
- 13.2 What would be the impact to the region's air quality? According to the Clean Air Task Force, Sonoma County is already considered in the 70% percentile for poor air quality. The danger from diesel soot here is 250 times that of the national average. What would the effect of the Project's additional car, bus and truck per day be on the air quality? What would be the impact on the area's diesel soot pollution? Explain how this Project will affect the air quality, and what measures, if any, will be taken to mitigate such effect. How will the increased air pollution from the casino traffic affect the inversion layer? What is the estimated increase of so-called "smog days" for the region resulting from the increased air pollution? Explain why this is not a fatal flaw.

### 14. SOIL CONDITION, QUALITY, STABILITY, EROSION AND DRAINAGE

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- 14.1 Describe the site elevations and any accommodations required for significant slopes. How will the site's elevation affect the Laguna de Santa Rosa?
- 14.2 Is there evidence of slope erosion or unstable slope conditions on or near the site?
- 14.3 Is there any visible evidence of soil problems (foundations cracking or settling, basement flooding, etc.) in the vicinity of the Project site?
- 14.4 Have soil reports or studies or borings been made for the Project site or the area? If so, what are the findings of soil studies accomplished?
- 14.5 Is there indication of cross-lot runoff, swales, drainage flows on the property?
- 14.6 Are there visual indications of filled ground? What assurances has the applicant developed to ensure soil stability for construction footprint and impervious surfaces?
- 14.7 Are there active rills and gullies on the Project site?
- 14.8 Have structural borings or dynamic soil analysis been requested in association with geological studies?

## 15. NUISANCE AND HAZARDS

- 15.1 Will the Project be affected by seismic faults, or fractures?

15.1.1 Could the soil liquefy in a seismic event? What would be the liquefaction effect on the Project from a seismic event on the Rogers Creek fault alone of 6.0 and higher? Of 7.0 and higher? Of 8.0 and higher? What would be the liquefaction effect on the Project from a seismic event on the Hayward fault of 6.0 and higher? Of 7.0 and higher? Of 8.0 and higher? What would be the liquefaction effect on the Project from a seismic event on the Rogers Creek AND Hayward faults (1906 San Francisco earthquake) of 6.0 and higher? Of 7.0 and higher? Of 8.0 and higher?

- 15.2 This area normally experiences one to two episodes each year of high winds in excess of 50 mph. Will the Project be affected by wind concerns?
- 15.3 Will the Project be impacted by poisonous plants, insects or animals onsite?
- 15.4 Are there unprotected water bodies on site?
- 15.5 Are there other hazardous terrain features?

## 16. ROADS, TRAFFIC AND TRANSPORTATION

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- 16.1 Current traffic on Highway 101, Stony Point Road, and Highway 116 are all at capacity. Feeder road and alternate routes to bypass the casino will all be impacted. What are the impacts to both Sonoma County and Marin County and their respective incorporated cities based on traffic studies?
- 16.2 How will traffic generated by the proposed Project impact the entire Highway 101 corridor from the 19th Avenue approach to the Golden Gate Bridge and from the approach of the Richmond Bridge to the Sonoma County/Mendocino County border? How will it impact the Petaluma Narrows? How will it impact traffic approaching from Interstate 80 via Highway 37? Will there be a likely increase of accidents due to increased traffic and/or driving under the influence (DUI)? What will the increase of DUI incidents be? What will the increase in traffic accidents from increased traffic and/or DUI's be? What will the increase of traffic fatalities be from DUI and/or increased traffic be? What will be the total cost of all services, including social costs, to both Sonoma County and Marin County and their respective incorporated cities - of casino traffic-related injuries and deaths from all causes? Will the tribe educate employees about serving intoxicated patrons? Will the tribe follow State guidelines for cutting off intoxicated patrons? Current State law holds businesses and/or their employees liable for continuing to serve alcoholic beverages to intoxicated patrons, and allows businesses and/or their employees to be sued when such service has resulted in injury to person or property. Will the tribe give up sovereignty so that citizens can sue should injury or death result from the casino's failure to monitor their patrons levels of intoxication?
- 16.3 What will be the relationship of traffic generated by the proposed Project to a point in time when Caltrans has a capability to increase carrying capacity?
- 16.4 Has a traffic study been developed for the proposed Project that is specific to this site and this Project, and not just generic to the proposed use?
- 16.5. Has a traffic study accommodated existing traffic counts experienced at the Project site, and then Projected appropriate increased traffic counts based upon days of the week, hours of the day or night, and special events?
- 16.6 Has a traffic study calculated existing road maintenance requires with anticipated road maintenance or road expansion needs to accommodate the Project? What are Project costs associated with this subject?
- 16.7 What is the Projected weekly, daily and hourly traffic count for the site, including employee traffic, and how does this translate to an annual traffic increase that impacts adjacent properties and neighborhoods?
- 16.8 What mitigations are proposed to accommodate traffic generated by the proposed Project with existing traffic counts and flows at and adjacent to the Project site?
- 16.9 Will the Project affect or be affected by hazardous streets?

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- 16.10 Will the Project affect or be affected by dangerous intersections.
- 16.11 What mitigations (i.e. traffic signals, traffic security personnel, shuttle services) are proposed to ameliorate significant traffic increase and activity associated with the proposed Project? What is this cost and how will it be accommodated without affecting costs of adjacent local governments?
- 16.12 Are there established biking and pedestrian pathways at or near the vicinity of the Project site, and if so, what mitigations does the applicant propose to ensure the safety and non-interference of use of these public pathways?
- 16.13 How will the Project impact existing public transportation facilities of the community?
- 16.14 How will the applicant ensure that increased capacity needs of public transportation will be accommodated at the sole expense of the applicant and not the adjacent local governments?
- 16.15 Will private transportation systems be required and/or implemented in association with the Project?
- 16.16 How will any proposed private transportation systems impact and/or coordinate with public transportation systems currently in operation?
- 16.17 What will be the effect of the Project on the planned Wilfred Avenue interchange?  
Will any changes need to be made to accommodate the casino? What will the cost to Cal-Trans and other agencies be to perform any necessary changes?
- 16.17 The following components may not currently be contemplated nor incorporated into the Transportation Element of the City's General Plan:
- o Widening of Rohnert Park Expressway
  - o Installation of on-demand activated traffic light at the entrance to the Rancho Verde Mobile Home Park
  - o Unspecified financial and other contributions to the Wilfred Avenue/Golf Course interchange construction and Highway 101 widening from Wilfred Avenue to Old Redwood Highway
  - o Traffic engineering study to identify significant off-reservation impacts on traffic resulting from the Project and potential measures to mitigate such impacts.

How will a traffic engineering study address these additional roadway improvements, and what mitigations will be provided to ensure that all roadway improvements and traffic activity will be mitigated to a point of compliance with the municipal General Plan?

## 17. CHILDREN, SCHOOLS, CHURCHES, PARKS, AND RECREATION



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- 17.1 Identify all churches, schools, parks and recreational facilities within a one mile radius? A two mile radius A three mile radius? A four mile radius? A five mile radius? A six mile radius? A seven mile radius? An eight mile radius? A nine mile radius? A ten mile radius.
- 17.2 Describe the impact and define proposed mitigations for the following public safety concerns related to those attending, arriving and departing from the sites identified in 17.1.
- 17.2 Are there other usual and customary children's play areas within the vicinity of the Project site?
- 17.3 Do public school buses travel the road systems associated with the Project site, and if so, how will traffic mitigations proposed by the applicant ensure safe and timely schedules for public school transportation needs?
- 17.4 Are there usual and customary recreational areas in the vicinity of the Project site that are currently utilized by the adjacent community, and if so, how will the users of these recreation areas be affected by the Project?
- 17.5 Will the proposed Project increase a need for onsite or offsite daycare facilities for children, and how will the applicant accommodate such need, inclusive of safety of children to and from day care facilities?
- 17.7 Currently there are no recreational facilities and/or parks for the West Side's low-income residents. The casino Project has halted a proposed 2 acre park . Explain why the area's low-income children should not have benefit of a park or recreational facilities or even the benefit of being able to play in an open field such as now exists on the Project site? Explain why this Project should have priority over the area's children, particularly the low-income children in the area?
- 17.8 What school facilities will need to be developed for any children of the Projects estimated 3,000 + employees? Who will pay for any such schools, and how much and how will payment be made?

## **18. LIGHT AND GLARE**

- 18.1 How will the applicant assess Project site light and glare to adjacent properties?
- 18.2 What mitigations will ensure that onsite and offsite light and glare will comport with adjacent local government light, glare and signage requirements?
- 18.3 What procedures are proposed for adjacent neighbors who wish to legitimately complain of excessive light or glare from this Project? Will the tribe give up

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sovereignty so that residents with a legitimate complaint can sue in County  
and/or state courts?

## 19. COMMERCIAL AND/OR RETAIL ANCILLARY USES

- 19.1 Please identify each and every commercial use proposed upon Project completion, and Projected over the next twenty (20) years at the Project site.
- 19.2 Please identify an anticipated customer and weekly/daily/hourly traffic count associated with each commercial or ancillary use planned in the near-term and long-term use of the Project site.
- 19.3 Please project estimates of revenue associated with each commercial or retail site and equate that to an equivalent sales tax loss of disposable income to adjacent local communities.

## 20. HOUSING & OVERNIGHT TOURIST ACCOMMODATIONS

- 20.1 Has the applicant studied the current housing stock and occupancy rates of adjacent communities? If so, how will a Project workforce impact:
  - 20.1.1 Local community housing needs, projected over the next twenty years.
  - 20.1.2 Local housing sales and rental rates, projected over the next twenty years.
  - 20.1.3 Local housing over-crowding and code enforcement conditions that might impact adjacent communities, Projected over the next twenty years.
- 20.2 How will the applicant contribute to a stable and affordable housing stock supply consistent with the proposed workforce housing needs?
- 20.3 Within one-third mile of the proposed site are substantial, high-end residential properties adjacent to golf course open space. Please assess and predict the impact upon market value and quality of life over the next twenty years, to this premier residential community in Rohnert Park.
- 20.4 How will the Project impact existing hotels, motels, RV facilities and other overnight tourism lodging facilities over the next twenty years?
- 20.5 If the applicant proposed to construct hotel or motel facilities at or adjacent to the proposed Project, please calculate the estimated impact of business to existing tourist facilities, and the Projected hotel occupancy tax loss to adjacent local governments, over the next twenty years.

## 21. LOCAL ECONOMIC IMPACTS

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- 21.1 Please describe whether or how the applicant proposes to hire a local workforce, and how this potential transition of workers from current employment to future employment with the applicant might impact the local workforce?
- 21.2 Does the applicant anticipate hiring a workforce from outside of the immediate community? If so, from what sources will the applicant recruit its workforce?
- 21.3 The economic impact on area residents from the loss of their homes and/or the peaceful enjoyment of their homes will be substantial. What written assurances and what commensurate annual financial reimbursement will the applicant propose and provide, without risk of a municipality incurring enforcement or litigation costs to receive such offsets? How will the applicant ensure timely delivery of such offsets?
- 21.4 What commensurate annual financial contributions are proposed to mitigate the loss of disposable income flowing from private sector businesses to any such tax exempt activities of the applicant at the Project site over the next twenty years?
- 21.5 What are the cumulative economic impacts to the private sector economy, locally and regionally, of the proposed Project over the next ten years?

## **22. LAW ENFORCEMENT, CRIME AND PUBLIC SAFETY**

- 22.1 How will activity at the proposed site impact resources of local, county and state law enforcement resources, over a Projected ten-year period?
- 22.2 What law enforcement and public safety plans have been developed for the proposed Project that will be commensurate with area law enforcement and public safety needs Projected over a ten year period?
- 22.3 What cost mitigations is the applicant proposing to offset impacted and increased law enforcement personnel needs of agencies serving the proposed Project?
- 22.4 What nationally accepted professional or scholarly data is the applicant using to evaluate the impact of hard (i.e., robbery, vandalism, assault) crime traditionally associated with an increase in population density and the loss and degradation of a natural environment?
- 22.5 What mitigations is the applicant proposing to minimize the impact of anticipated crime associated with the increased population density and the loss and degradation of a natural environment?

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22.6 In the current status of our nation at war, what provisions will the applicant propose in the event of a terror attack at the site of the applicant's facility, or within the proximity of Rohnert Park and Sonoma County?

22.6.1 What emergency preparations (i.e. food, water, generators) and what capability will the facility offer as a temporary shelter in the event of an emergency?

22.6.2 The applicant's Project will attract a continual presence of patrons who do not reside in the immediate vicinity. What provisions will be made to provide for onsite customers for a period of 72 hours or more?

22.6.3 How will the applicant coordinate its emergency policies and strategies with the public safety plans of Sonoma County?

22.6.4 How will the applicant assure a continual presence, participation in and contribution to regional emergency and public safety plans necessary to the safety and well being of its customers and residents of nearby cities and county residents?

## 23. SOCIAL IMPACTS

23.1 The placement of this Project on the West Side of Highway 101 creates a ghetto for the area's poor. This effect is exacerbated by the increase in commercial activity with its attendant increases in traffic, noise, and pollution, and in the loss of a natural environment when open space is destroyed. Such ghettoization of the poor results in increases in crime creating hot spots of criminal activity such as can be seen in the Santa Rosa and Petaluma areas, and in certain areas in Rohnert Park, where increased development has resulted in increased population density.

23.1.1 What realistic percentage of the local customer base and area residents are likely to fall prey to criminal activity, both as victims and as perpetrators?

23.1.2 What danger to area youth does this Project pose?

23.1.3 What increase can we expect to see in gang activity?

23.1.4 Please identify the credible data source from scholarly or other professional resources that will assist the applicant in developing a mitigation to address the increased in crime to residents of Rohnert Park and Sonoma County and its other cities that can be expected to occur upon completion of this Project.

23.2 What onsite policies will the applicant propose to identify problem and at-risk youth, and what measures will the applicant implement to help at-risk youth?

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- 23.3 What counseling services will the applicant provide to the Rohnert Park and Sonoma County area to provide a fully funded youth intervention program, and how will the applicant ensure that this facility will be opened and available upon completion of the applicant's Project?
- 23.4 Sonoma County residents value the rural nature of their County, and have expressed that in the County's General Plan, in the Williamson Act, and in various other measures throughout the years. The area is currently zoned as "Farmland of Local Importance". Explain how the Project will alter the rural character of this region? Explain why increases in population, traffic and pollution in such a relatively small area would be superior in social and environmental to retaining the current rural character of the Project area? How many tons of hay has the Project property produced over the past ten years? How many dairy cattle did the hay from these fields feed per year on average? How will the loss of the hayfields affect Sonoma County's dairy industry? How will the increased air pollution affect Sonoma County's wine grape industry? How will any adverse affects affect Sonoma County's agricultural industry ? How will it affect the dairy industry in the region?

#### **24. California Environmental Quality Act (CEQA) & State Policies**

- 24.1 What public participation timeline and process will be developed by the applicant to ensure compliance with a policy adopted by the California State Association of Counties on February 6, 2003 that requires an applicant to seek review and approval of a local jurisdiction that is consistent with state and local ordinances, including the California Environmental Quality Act (CEQA)?
- 24.2 How will the applicant ensure that it submits to the authority of a local jurisdiction over health and safety issues including, but not limited to, water service, sewer service, fire inspection and protection, rescue/ambulance service, food inspection, and law enforcement? What enforcement mechanisms or compliance leverage will be available to the local jurisdiction to ensure ongoing compliance of the applicant with the issues herein described?
- 24.3 How will the applicant ensure compliance with the state's SB 610 Clean Water Act?

#### **25. RESIDENTIAL AND/OR OTHER ANCILLARY USES**

- 25.1 Please identify each and every residential use proposed upon Project completion, and Projected over the next ten (10) years at the Project site.
- 25.2 Please identify an anticipated resident and visitor and weekly/daily/hourly traffic count associated with each residential or ancillary use planned in the near-term and long-term use of the Project site.
- 25.3 Please Project estimates of tax revenue associated with each residential site and equate that to an equivalent tax loss to the County of Sonoma and neighboring cities.

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## 27. ENERGY

27.1 Governor Schwarzenegger plans to protect and restore California's air, water and landscapes. He has endorsed green and/or alternative energy sources for new construction in California, and has stated that he will increase California's use of solar power in cooperation with developers, the Building Industry Association, labor, community organizations, and bi-partisan state legislators to achieve a goal, starting in 2005, of 50% of new homes with solar PV, and will support on-grid photovoltaic and other renewable generation systems for businesses. Describe what requirements are included in the Project for the implementation of renewable energy sources. If no requirements have been included, explain what the Project's impact on the region's non-renewable energy sources will be over the next twenty years. Explain the Project's impact on the state's non-renewable energy sources over the next twenty years. Explain the Project's impact on the nation's non-renewable energy sources over the next twenty years.

## 28. ALTERNATIVE USES

- 28.1 Describe what alternative uses have been explored for the Project site, other than development of the site, and discuss the pros and cons of these alternative uses in detail.
- 28.3 Explain why those alternative uses are less or more suitable than the Project. Explain how the public both locally and regionally would be enriched by these alternative uses.
- 28.4 If no alternative uses have been identified, please explain why the tribe should not explore reasonable and viable alternative uses for the Project area.

## 29. ALTERNATIVE SITES

29.1 In October, 2005, the tribe provided a map to KSRO Radio station that lists forty-eight (48) sites they claim to have considered for this Project. Identify all forty-eight (48) locations previously considered by this tribe for the Project. Explain why the locations were more or less desirable than this current site. Explain why the tribe only looked at sites that were on the Highway 101 Corridor? Explain why this is not "casino shopping"? Only two alternate sites have been included for the purposes of this EIS, including one that is on the Western end of the proposed trust land. Is this a reasonable range of alternatives? Explain why? Is it reasonable for the tribe to even use the Wilfred Avenue/Stony Point Road footprint as an alternate location, as the property is contiguous?

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29.2 Provide complete comparisons in the DEIS between the Project site and the following viable alternate locations:

- 1) 833 Chileno Valley Drive, Marin County
- 2) 200 Old Rancharia Road, Nicasio
- 3) 5755 Lucas Valley Road, Nicasio
- 4) 1000 Rockpile Road, Healdsburg
- 5) 2665 Arnold Drive, Sonoma

How many other viable alternate locations are currently listed in Sonoma County or Marin County that could accommodate this Project? How are those properties any more or less suitable for this Project than the subject property?

29.2 In his testimony to Congress and in newspaper interviews, FIGR Chairman Sarris repeatedly asserted that the tribe "*had been given*" the one remaining acre of the former Graton Rancharia, to be held in trust for the tribe. The current site is at a significant distance from the original tribal land in the town of Graton. Explain why the tribe should not be required to build its Project within the area of its original rancharia? Explain why its failure to even look at land in the area of the Town of Graton is not "reservation shopping".

29.3 Are the two alternative sites considered a "reasonable range" of alternatives per NEPA guidelines? If not, why not. If so, why?

29.4 Was the Graton Rancharia actual trust land? How was the title held on that land while occupied by the tribe? What was the actual status of that original rancharia? What date and year was the land given to the Native American families who went to live there? Under what circumstances was the land given to the tribe, and for what specific reason was it given? How many individuals originally inhabited the rancharia land? How big was the rancharia? Where was its specific location by parcel number(s)? By street address? What is the topography of the original rancharia land? What are the names of the individuals who profited from the sale of the rancharia land when it was dissolved in 1958 (approximate)? How much money did each individual garner from the sale? Who bought the land? Who currently holds title on the original rancharia property(ies)? What were the names, ages, and occupations of all the individuals who lived on the rancharia at the last census before the rancharia was sold off? What year was the rancharia sold for the benefit of the remaining residents?

29.5 When were the Coast Miwok officially recognized by the federal government for the first time? Did the Coast Miwok, at any time, have any treaty with the United States Government? If so, when? What were the terms of the treaty? If so, is that treaty still in effect? Did the Coast Miwok have a treaty with any other government? If so, when? What were the terms of the treaty? Is the treaty still in effect?

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29.6 Chairman Greg Sarris has stated on several occasions, and as recently as July 1, 2005, that all 1089 current members of the FIGR are descended from the original thirteen adults who last lived on the Graton Rancheria when it was sold in 1958 (approximate). Provide proof that current tribal members are indeed all descendants as Chairman Sarris has stated. Provide proof that all 1089 members are entitled to enjoy federal status as granted to the tribe by Congress. This information should be in the form of family trees and/or birth certificates.

**30. CITY OF SHERRILL vs. ONEIDA NATION:**

The Supreme Court decision in the City of Sherrill vs. Oneida Indian Nation found the following 1) the Doctrine of Discovery that the fee title goes to the conquerer was brought into federal Indian Law, 2) the Doctrine of Laches applies to federal Indian Law, 3) communities have a justifiable expectation to not be parceled into tribal sovereign "patches", and 4) that the Department of Interior offers Section 465 - the appropriate process for Indian tribes to take land into trust.

Does the Sherrill case of March, 2005 supersede and trump Congressional legislation regarding the Graton Rancheria land status per the 2000 Indian Omnibus Act? If not, why not? Does the Sherrill case of March, 2005 supersede and trump the Congressional legislation regarding Graton Rancheria's special statutory privilege allowing the tribe to bypass the DOI's Section 456? If not, why not?

**31. CHEVRON DEFERENCE:**

31.1 Has any federal agency, administrator or staff working on behalf of this application acted in an inappropriate manner in any part of this process presuming they will be protected in court by the judicial principle of the Chevron Deference (USSC, 1984)?

**32 IDENTIFICATION OF ACTUAL PARCELS OF PROPOSED TRUST LAND:**

32.1 Using the parcel maps from the County of Sonoma Tax Collector, identify by parcel number all the parcels that will be included in the tribe's trust application to the Secretary of the Interior. Include copies of all applicable parcel maps in the body of the DEIS. Indicate which parcels are Community Separator. Identify whether a parcel is in County land or Rohnert Park land. Identify the current zoning and the appropriate local government authority for each parcel of land that will be included in the trust application.

**33. BLUEPRINTS OF PROJECT:** No blueprints have been presented to the community for this Project. It is unreasonable to expect the community to be able to make a decision on any project without having access to blueprints and other plans and details of the project. Provide a complete set of blueprints and all other information pertinent to the construction of the project.



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submitted by M. Montgomery, 152 Wilfred Avenue, Santa Rosa, CA 95407

Sent by: 10/31/05 10:38:52 AM Page 1 of 4

ATTENTION: Brad Mehaffy, NEPA Compliance Officer Submitted by Marilee Montgomery, 152 Wilfred Avenue, Santa Rosa, CA 95407

### URGENT FAX

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If you have trouble with this transmission, please call 707-588-9926

**DATE:** October 31, 2005

**TO:** Brad Mehaffy, NEPA Compliance Officer  
NIGC

**FROM:** M. Montgomery  
Telephone: 707-588-9926  
Email: doncgal@sonic.net

**re:** Addendum to EIS Scoping Comments Graton Casino & Hotel Project  
submitted earlier via Fax and overnight mail  
**Page One of FOUR**

(Please attach this Addendum to my Comments submitted earlier.)

#### 5. PROJECTED RELATED HAZARDOUS MATERIALS:

5.11 Does the site meet the requirements of the Department of Justice Title of Standards for taking land into trust? If so, why? If not, why not?

5.12 Demonstrate that the property's surface and sub-surface soils are free from all hazards and contamination and to what depth in the sub-surface that proof extends.

#### 9. ENVIRONMENTAL JUSTICE:

9.23 Chairman Sarris has repeatedly asserted that the tribe was unable to pursue a "cheese factory" as an economic alternative, but the facts surrounding the artisan cheese industry in the North Bay do not support his position. In fact, Americans consume thirty pounds of cheese a year, and one pound in ten of that cheese is artisan cheese (The Des Moines Register, 9/20/2004). Sonoma and Marin County has artisan cheese factories that are award-winning (California Milk Advisory Board, 7/25/2005). Some are minority-owned, such as a factory that produces Michoacan-style cheese and one that produces Portuguese-style cheese. Experts believe that the California artisan-cheese industry is currently poised for growth much as the wine industry was in the 1970's (Contra Costa Times, 5/12/2004). Why would the tribe be more or less able to successfully develop a business plan for an artisan cheese facility? Provide the tribe's business plan it developed when exploring the cheese factory alternative. Why should the tribe's failure to perform routine marketing surveys and research be a basis for allowing it to develop a casino rather than a mainstream industry?

#### 12. SITE SUITABILITY:

12.15 Evaluate the increased traffic that will result from the project. Consider the year 2030 for

Sent by:

10/31/05 10:39:50 AM

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ATTENTION: Brad Mehaffy, NEPA Compliance Officer Submitted by Marilee Montgomery, 152 Wilfred Avenue, Santa Rosa, CA 95407

cumulative impacts (both with and without the project), and evaluate the projected growth.

12.16 Evaluate effects on the Highway 101 corridor, the exits and entrances to Highway 101 and the likely routes to the project site from throughout the region. Identify the capacity of the planned improvements to Highway 101, including impacts from planned development along the corridor, current trip patterns and population growth, and determine how much additional capacity will be needed to accommodate the project. Evaluate both level of service and queuing performance measures.

12.17 Evaluate existing conditions of streets and roads (including small rural roads) in the area and identify impacts of the project. If improvements to local streets and roads are proposed to accommodate the project, identify the impacts of these proposed improvements per NEPA and CEQA, including the effect on residents in the area surrounding the Project site

12.18 Evaluate the potential change to the level of service on local streets and roads and the queuing that will result during peak hours on weekdays and weekends with particular attention to the following major arterials and interchanges:

Wilfred Avenue and each of its intersections between Redwood Road and Stony Point Road

Wilfred Avenue Interchange at Highway 101

Milbrae Avenue and each of its intersections between Redwood Road and Stony Point Road

Rohnert Park Expressway and its interchange at Highway 101

Todd Road Interchange at Highway 101

State Route 116 and its interchange at Highway 101

Bellevue Road interchange at Highway 101 (proposed) and Farmers Lane extension

Stony Point Road

Adobe Road

Old Redwood Highway

Redwood Road

Lakeville Road

J.Jano Road

State Route 121

State Route 37

Interstate 80

State Route 680

Commerce Boulevard

Golf Course Drive

Santa Rosa Avenue

12.19 What will be the cumulative effect of casino-generated traffic on businesses located on Redwood Road, Rohnert Park Expressway, Golf Course Drive, Commerce Boulevard and Stony Point Road through the year 2030?

12.20 Evaluate the impacts of special event traffic, including weekend and evening hours for the casino and hotel complex. Evaluate the cumulative impacts given other event venues in the area such as the Green Music Center, Sonoma State University, Spreckels Performing Arts Center, the Luther Burbank Center and the proposed sports complex.

sent by: 10/31/05 10:40:53 AM Page 3 of 4

ATTENTION: Brad Mehaffy, NEPA Compliance Officer Submitted by Marilee Montgomery, 152 Wilfred Avenue, Santa Rosa, CA 95407

12.21 Evaluate the impacts of commute traffic generated by employees of the casino that do not reside in the immediate area of the casino.

12.22 Will the tribe consider limiting all commercial and shuttle or bus traffic related to the Project to the west side of Highway 101 in the Rohnert Park area?

12.23 Evaluate transit and para-transit needs for the project both in terms of operating cost and attendant capital costs. Will shuttle services be provided? If so, identify likely routes and types of vehicles. What off-site parking will be provided?

12.24 Consider how bike and pedestrian safety will be addressed in and around the property?

12.25 Evaluate a possible transit station (bus and rail) on the west side of Highway 101 as well as needed services other than the base schedule proposed by Sonoma-Marin Area Rail Transit (SMART) and the existing transit schedules operated by Sonoma County Transit.

12.26 Evaluate traffic safety issues related to the project including access to private property in the area of the project.

12.27 Identify number and type of parking facilities that will be included in the project including number of parking spaces, height of structures, type of vehicles accommodated and where transit vehicles will be accommodated.

12.28 Evaluate the emissions of criteria pollutants from the expected casino traffic and construction activities and compare to Bay Area Air Quality Management District (BAAQMD) thresholds. Include the queuing analysis and LOS for purposes of this evaluation.

12.29 Evaluate potential conflicts with the Countywide Transportation Plan and the Metropolitan Transportation Commission's Regional Transportation Plan. Particular attention should be paid to the potential secondary growth inducing effects of providing new or expanded roadway access to the casino on rural lands in the vicinity of the project.

12.30 Identify ancillary activities related to the project that could potentially conflict with Countywide Transportation Plan and the Regional Transportation Plan.

12.31 Identify funding for improvements needed to the road, highway and transit system due to the project. Identify the fair share of payment from the project for these improvements.

12.32 On items related to the State highway system all assumptions, traffic and trip factors turning movements and other traffic impact data must be consistent with that used by Caltrans. The analysis of highway impacts should use only methods contained in the Caltrans traffic manual as directed by Caltrans District 4. Current traffic, forecast traffic, growth factors and turning movements shall be derived from the latest figures available from Caltrans or under Caltrans guidance.

## 29. ALTERNATIVE SITES:

29.7 The parcels marked as "Alternatives B, D, and E - Location of Developments" are privately-owned property and are not part of the 253 acres currently under study in the EIS.

sent by: 10/31/05 11:32:57 AM Page 1 of 1

29.7 The parcels marked as "Alternatives B, D, and E - Location of Developments" are privately-owned property and are not part of the 253 acres currently under study in the EIS. Discuss who owns this property? Explain why private property should be included as any kind of alternate in this EIS?

29.8 Alternatives B, D, and E - Location of Developments were never identified in the Project's original Scoping Report. Explain why the inclusion of these previously unidentified, privately-owned parcels that are not part of the 253 acres under study should be included in this current Scoping process?

29.9 Alternatives B, D, and E are inappropriate alternate locations under the letter and spirit of NEPA, as they are not truly alternate sites, and offer no real alternative to the residents of the affected area. Should such inappropriate sites be used as substitutes for common sense alternatives submitted in public comments?

29.10 If Alternatives B, D, and E are to be included in this Scoping process, should not they then be considered fully along with other reasonable, appropriate alternate locations suggested by the public and/or governments and/or their agencies?

October 19, 2005

National Indian Gaming Commission  
Att: NEPA Coordinator  
RE: Federated Indian of Graton Rancheria

I am very opposing to this Casino. Any Casino in or by our city of Rohnert Park. It is a very small community and the following is questions to be answered why this casino should be build here.

1. If we run out of water, as the Law say the first person that was on this land will get water first. What is going to happen to our water? Then 5 years from now and 10 years from now when there isn't any extra water, what do we do?
2. What is going to happen to the Community Separator? That is a very environmental concern as to how the water will drain and be put back into our wells, as this will all be blacktop or cement. Where is the water going?
3. Our traffic is a nightmare now. What will happen to the traffic at the present, in 2 years & in 5 years?
4. What will happen to the casino if it is an in earthquake zone? Is this area in the earthquake zone?
5. The casino will have low paying jobs, some non English speaking hired. What is going to happen with the Social Economic per day? Then we will have to have more school and interpreters, who are going to med agate in our schools. What about the crime around the school, our neighbor?
6. What about all the pollution coming from all the buses and cars that come? How many cars per day today, one year from now or 5 years from now? How many buses will be coming to the casino per day, and per year, even per 5 years?
7. Our infrastructures will not take all of the cars. What will happen to the roads? And who will pay for them now, in 2 years and in 5 years?
8. What about crime? Who is going to pay the bill for the crime that a casino brings into the city, in 3 years. Or even 5 years?
9. What about the prostitution that always come with the casino's. Who will pay that bill since it will fall on our city?
10. What about our property values? What will happen in 5 years, or even (10) years? Who is going to help when they have gone, and that is all you have to live on? What about the retirement family that depends on there house values?

11. What will happen if not only a casino goes up, but then comes the other houses and then more shopping places? Then there will be more acquired land areas adjacent to the operating casino. Where will we be able to stop them from buying the City? When will we be able to say to stop? They have Tax-exempt businesses, what will happen to Rohnert Park when this happens? What will keep the city going with out taxes? Us who have lived her over the years now have to have our taxes raised?

12. What about the fire that may happen in the building? Who is going to pay the public work employees? What will happen in the coming years? Who will pay the bill?

13. What will happen in 10 to 15 years when this casino is no longer making a profit? Who can buy this land or will it just set there as an eyesore?

14. The Graton Rancheria tribe was given many more acreage to choose from. Why is this spot better then the Ford Family Ranch just as you come up the hill from Petaluma? That ranch is for sell.

The River Rock Tribe brought the Fox Farm. The Graton Rancheria Tribe was told about that acreage. Why didn't they buy that? What makes this such a good place to put a casino?

I would like to see another scoping meeting. We need to have the meeting on a day when some of the workers can come. Maybe have one on a Saturday.

Thank you for your time,  
Evelyn Schneckloth  
6365 San Benito Dr  
Rohnert Park, CA 94928  
707-588-9359

A handwritten signature in black ink, reading "Evelyn Schneckloth". The signature is written in a cursive, flowing style with a large initial "E".

Good evening. My name is Irma P. Cordova.  
To put myself in context, I must tell you a little about me.

I have served as member of the Executive Board for MANA, a Washington, D.C based National Latina Organization with chapters in 18 states. I have served on the Board of Directors for California Human Development Corporation, the largest Latino non-profit in Northern California. As an attorney I have received the Hispanic Chamber of Commerce, Small Business Award, and a Mana National - Las Primeras National Award for Community Service. I have also been honored by the Women's National History Project.

As a lawyer, leader and worker in the Latino Community I am very aware of the challenges crime brings to my people, to other minorities and to our entire County. It is abundantly clear to all of us that poverty, lack of education and lack of opportunity are the culture medium in which crime blooms. The Graton Tribe's convention center, resort casino project will combat poverty with union wage-scale jobs. The Tribe will, and has already, furthered education on all levels. Both of these achievements will offer economic opportunities where there were none.

The NIGC should consider the socioeconomic benefits to the community associated with the Tribe's proposed contributions for crime prevention under the Rohnert Park MOU. The Tribe has already contributed \$1.2 million to the Special Enforcement Unit as provided in the Rohnert Park MOU and will provide \$½ million a year in the coming years to the program.

In his letter of August 11, 2005 addressed to Tribal Chair Greg Sarris, (which I have provided you) Rohnert Park City Manager Steve Donely writes in part:

“Dear Chairman Sarris:

“It is my pleasure to provide you an update of the past year's accomplishments of the Special Enforcement Unit (SEU) and how the \$700,00 generously provided by the Federated Indians of the Graton Rancheria has been expended Below is a listing of statistics for the SEU from the period of July 1, 2004 thorough August 1, 2005.

Total arrests: 458

Felony arrests: 129

    Felony drug arrests: 56

    Felony violation of probation arrests: 25

    Felony violation of parole arrests: 15

    Felony Vehicle arrests: 3

Misdemeanor arrests: 329

“The proactive enforcement efforts of the SEU has sent a message to gang members and repeat offenders that they will not be able to conduct their criminal activities in Rohnert Park. In addition to the SEU, your funding has provided resources to equip a canine unit. The canine unit has proven to be an invaluable tool in apprehending



suspects with minimum force and recovering illegal drugs...” After detailing the expenditure of the funds – 4 patrol and one canine vehicle, SEU staffing, training and supplies, etc—Manager Donley continues:

“The SEU and canine unit have proven to be extremely effective in combating criminal activity in Rohnert Park. As these proactive enforcement efforts continue, criminals will find it very difficult to conduct their activities in Rohnert Park... The City appreciates your contributions to our local enforcement efforts and looks forward to you continuing commitment to this cause....”

I point out to the NIGC and to all here assembled, that the crime and criminals mentioned here were not confined to Rohnert Park. When we speak of traffic, let us remember drug traffic and other criminal traffic that effects this entire area. The 458 arrests Tribal money provided for must have truly mitigated those forms of traffic and the entire County is better for it. When we consider the effect this project has on crime, let us remember the effect was to stop 129 felons in their tracks.

Think about it: beside we taxpayers ourselves, what other entity or other business has invested so much to stop serious crime as the Federated Indians of the Graton Rancheria? I speak for many who hope that the Tribe will continue to help combat crime in Sonoma County. We all thank them for making our lives safer.

Thank you very much.



**City Council**

Jake Mackenzie  
Mayor

Vicki Vidak-Martinez  
Vice-Mayor

Armando F. Flores  
Tim Smith  
Amie L. Spradlin  
Council Members

Steve Donley  
City Manager

Judy Hauff  
City Clerk

Michelle Kenyon  
City Attorneys

Council:	
Miscellaneous	X
Communications	
Agenda	
Copy to: G. Sarris	
Copy to: The Inf. Council	✓

5/1/05  
BT

August 11, 2005

Greg Sarris, Chairman  
Federated Indians of the Graton Rancheria  
320 Tesconi Circle, Suite G  
Santa Rosa, CA 95401

Dear Chairman Sarris:

It is my pleasure to provide you an update of the past year's accomplishments of the Special Enforcement Unit (SEU) and how the \$700,000 generously provided by the Federated Indians of the Graton Rancheria has been expended. Below is a listing of statistics for the SEU from the period of July 1, 2004 through August 1, 2005:

**Total Arrests: 458**

**Felony Arrests: 129**

**Felony Drug Arrests: 56**

**Felony Violation of Probation Arrests: 25**

**Felony Violation of Parole Arrests: 15**

**Stolen Vehicle Arrests: 3**

**Total Misdemeanor Arrests: 329**

**Misdemeanor Arrests: 144**

**Misdemeanor Arrest Cites: 185**

**Misdemeanor Violation of Probation Arrests: 28**

**Misdemeanor Narcotics Related Arrests: 46**

**SEU authored and served 7 search warrants on known narcotics dealer locations in Rohnert Park and is the processing of serving an additional search warrant.**

The proactive enforcement efforts of the SEU has sent a message to gang members and repeat offenders that they will not be able to conduct their criminal activities within Rohnert Park. In addition to the SEU, your funding has provided resources to equip a canine unit. The canine unit has proven to be an invaluable tool in apprehending suspects with minimum force and recovering illegal drugs.

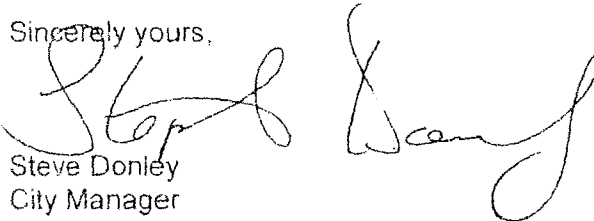
With the activities of your funding outlined, I would like to provide you a summary of how the \$700,000 was spent. Below is a table summarizing the City's expenses:

<b>Expense</b>	<b>Amount</b>
Patrol Vehicles (4 SEU, 1 Canine)	\$ 162,739
SEU Staffing	\$ 449,326
Canine Training, Supplies & Equipment	\$ 27,795
SEU Training, Supplies & Equipment	\$ 40,621
<b>Total</b>	<b>\$ 680,481</b>

Out of the original \$700,000 provided, \$19,519 remains. The City plans on using these funds toward equipping an additional canine unit.

The SEU and canine unit have proven to be extremely effective in combating criminal activity in Rohnert Park. As these proactive enforcement efforts continue, criminals will find it very difficult to conduct their activities in Rohnert Park and our local criminals will experience an address change from Rohnert Park to state prison. The City appreciates your contributions our local enforcement efforts and looks forward to your continuing commitment to this cause. If you would like any additional information regarding the SEU or canine unit, please do not hesitate to contact me at (707) 588-2226.

Sincerely yours,

  
Steve Donley  
City Manager

cc: Honorable Mayor Mackenzie and Members of the City Council,  
Department of Public Safety Director Bullard

Cheryl Fonseca  
 7761 Montero Dr.  
 Rohnert Park, CA 94928  
 (707) 795-6979

**'EIS Scoping Comments, Graton Rancheria Casino and Hotel Project'**

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

- 1) I feel that restitution is owed to the Indians. Is there another way to give back to the Indians with out it involving a casino?
- 2) Is the legal gambling age 18 in California? What will it be when/if the casino is built in Rohnert Park?
- 3) Car crashes are the number one killer of teens in Sonoma County. What will happen to this statistic a year after the casino is built? 10 years after it is built?
- 4) What qualifications does one require to work in your casino?
- 5) Are the extra police that are going to be hired as a part of this deal required because you forsee more problems/violence in the future of our city?
- 6) How much of the profits, every year up to 30 years, do each tribe member get?
- 7) Will there be a fine/penalty if someone left a child in the car while they are gambling in the casino? Will anyone be watching and enforcing that this does not happen?
- 8) Has the casino considered using the land to grow organic food crops instead of a casino? Or domestic farming of animals?
- 9) Has the casino planners considered alternative energy uses, such as solar power to run the casino? Ramed earth or hay to build the structure with?
- 10) Will there be any programs offered by the casino to help gambling addicts? Or to reunite the community?
- 11) How will our country roads be impacted by the casino? Specifically any alternate routes to the casino that is not hwy 101.
- 12) Will there be slot machines in your casino? If so, what are the long term or short term affects on the human body, specifically eyes, neck, back, shoulders, elbows, and wrists?
- 13) What are the positive things that come out of a person going to a casino?
- 14) What are the negative things that come out of a person going to a casino?
- 15) What effects will the casino have on my water bill? Water quality?
- 16) How many police will be watching for drunk drivers leaving the casino? What is the protocol to handle this monitoring?
- 17) What kind of cliental hang out at casinos? Who will my children be exposed to in their daily lives living in Rohnert Park?
- 18) Will houses (from right next door to 1 mile away) and businesses depreciate in value in one year? In 10 years? In 30 years?
- 19) Will Rohnert Park become like North Dakota? Will all people including reservation people be subject to the same laws and restitution?

- 20) Who paid for the land that was just purchased to build the casino? Where did this money come from? How will it be paid back? Who benefits the most of this project?
- 21) How will Rohnert Park's current sewer system handle this extra load from the casino? What specifically will the extra load be? Will my sewer rates go up because of the casino? Will my water rates go up because of the casino?
- 22) Rohnert Park is a new city. Have you and your tribe visited any of the other casinos and talked to other tribes about this kind of a project?
- 23) Have you taken a poll of the Rohnert Park citizens to find out if this casino is wanted? How many citizens responded with a 'Yes' and how many responded with a 'No'?
- 24) Why are these dealings so sneaky? Is this project corrupt?
- 25) Do you really want to put a casino in the lovely country land in Rohnert Park?
- 26) How many (%) of employees will be American Indians? What percentage will be Rohnert Park citizens, and what percentage will be from out of town?
- 27) How will the casino benefit Rohnert Park?
- 28) What are the long term plans (any additional building planned in the future)?
- 29) What happens if the casino business fails (bad management, competition to the South or North, new government regulations, whatever)?

Thank you for your time.

TWO MAJOR NEGATIVE IMPACTS TO THE COMMUNITY  
WHICH WOULD RESULT FROM THE OPERATION  
OF A LARGE, LAS VEGAS SIZE GAMBLING CASINO  
IN SUBURBAN SONOMA COUNTY

### #1 SCHOOL ENROLLMENT

Sonoma County is already losing student enrollment in both public and private and this is resulting in loss of state and federal school funding and subsequent difficulties in an already underfunded school system. The Press Democrat newspaper has recently run a series on the subject.

WHEN AND IF THIS MAJOR CASINO IS BUILT, FAMILIES WITH CHILDREN WILL LEAVE ROHNERT PARK AND SURROUNDING SONOMA COUNTY COMMUNITIES AND MOVE ELSEWHERE MAKING THE FUNDING PROBLEM FAR WORSE THAN NOW.

### #2 LACK OF KNOWLEDGE IN SURROUNDING COMMUNITIES TO ROHNERT PARK AS TO THE ENVIRONMENTAL IMPACTS TO THEM.

Many residents of the surrounding communities to Rohnert Park do not yet understand the impact to them. They still think of it only as a Rohnert Park problem.

RESIDENTS OF PETALUMA, SEBASTOPOL AND SANTA ROSA NORTH AND EVEN WEST COUNTY RESIDENTS ARE GOING TO BE SEVERELY IMPACTED WITH UNCONTROLLABLE TRAFFIC, CRIME, PROSTITUTION AND THE EFFECTS OF SERIOUS GAMBLING ADDICTION AND ALCOHOL RELATED ACCIDENTS.

CONCLUSION: MUCH MORE TIME IS NEEDED TO UNDERSTAND THESE REAL IMPACTS BEFORE GRANTING ANY MOVEMENT FORWARD ON THE GRANTING OF LAS VEGAS TYPE CASINOS IN THIS SUBURBAN ENVIRONMENT.

THANK YOU,

Robert and Arilla Aherne, 4575 Fairway Dr, Rohnert Park, CA 94948

*Robert A. Aherne*  
*Arilla W. Aherne*

(907) 206 - 9495  
e-mail: BATHERNE@SONIC.NET

Amy Richards  
 4552 Heron Court  
 Rohnert Park, CA 94928

October 19, 2005

EIS Scoping Comments  
 Graton Rancheria Casino and Hotel Project  
 Brad Mehaffey, NEPA Compliance Officer  
 National Indian Gaming Commission  
 1441 L Street NW Suite 9100  
 Washington, DC 2005

Dear Sir:

My tribes are Hunkpapa Lakota and Cherokee. I have always been proud of my mother's heritage, and have always been mindful of the suffering and injustice her people have encountered in the past. Please respect my heritage, and do not accuse me of racism simply because I speak out against the proposed casino.

I am a 9 year resident of Rohnert Park and a homeowner here for 8 years. My 8 year old son attends the local public school. My house is about a mile from the current proposed site of the casino and hotel complex. I am opposed to the casino for many reasons, and would like detailed explanations from the tribe and Station Casinos regarding how these problems will be mitigated. I object strenuously to the fact that this is the only hearing scheduled on this issue. We need to give all Rohnert Park and Sonoma County residents an opportunity to voice their concerns. Adequate public notice was not given of this solitary hearing. The notice given was misleading in that it suggested if a comment was made at the hearing for the previous casino site no additional comment is necessary. This is a bold face lie! I would like to see at least 6 additional hearings, 2 of those day long hearings on the weekend, and we need the deadline for public comment extended for at least 3 months.

**Traffic**

*30,000 new car trips per day are projected with the building of a new casino.*

*When the overpass from Wilfred to Golf Course Drive is built, the casino will be 1 mile driving distance from my house and my son's school.*

What measures will be taken to reduce grid locked traffic on the 101 freeway, Commerce Boulevard, Redwood Drive, Golf Course Drive and Stony Point Road during peak commute hours?

What measures will be taken to reduce traffic on these same arteries during the day?

What will the casino do to prevent traffic from entering the F section housing community?

What will the casino do to prevent traffic from entering the G section housing community?

What will the casino do to prevent traffic from entering the H section housing community?

What will the casino do to prevent a hazard to students walking to Hahn Elementary School and Creekside Middle School along Golf Course Drive and Snyder Lane?

What will the casino do to prevent a hazard to students biking to Hahn Elementary School and Creekside Middle School?

There are already significant numbers of accidents along Golf Course Drive, especially where there is a curve in the road next to Honey Bee Park and Hillview Avenue and Hillview Court. Not long ago there was a fatal accident where a car hit a tree, and just this summer a car went through a fence and landed in a swimming pool. What will the casino do to diminish the increased hazard to pedestrians, other motorists and residents who live near Golf Course?

What contribution will the casino make to assisting with maintaining infrastructure in Rohnert Park, specifically, 30,000 new car trips per day will cause a significant amount of wear and tear. What additional moneys will the casino contribute to the upkeep of roads?

What strategies will the casino use to get customers to use mass transit or shuttle buses to keep them off roads and streets?

With increased traffic on Wilfred, Stony Point and Redwood, local traffic will divert to Rohnert Park Expressway and other routes. What improvements will the casino pay for to improve traffic flow in other areas of Rohnert Park?

Near Thunder Valley Casino the town of Lincoln has seen a 92% increase in traffic accidents since that casino opened in June 2003. DUIs have skyrocketed more than 600% on those same roads. What is the projected increase in traffic accidents and DUIs in Rohnert Park and greater Sonoma County? What is the projected cost to residents and businesses in dollars, loss of income and loss of productivity to businesses in the surrounding area? What is the projected loss to insurance companies? What is the projected cost to the insured in increased insurance rates? How will these costs be mitigated?

## **Environment**

*With 30,000 new car trips every day, and increasingly gridlocked traffic, it is inevitable that pollution will increase. Particulate matter from vehicles will rise. This will particularly affect children, who breathe up to 50 percent more air per pound of body weight than adults do.*

In what way will the casino work to assist asthmatics, heart patients, emphysema patients, and the elderly of Rohnert Park and Sonoma County to alleviate their suffering?

How will the casino lessen the impact of increased emergency room visits caused by the increased pollution? How will the casino address the impact on all schools in Sonoma County within a 10 mile radius, which will suffer from decreased attendance, and decreased revenues, due to absences related to increased illness in asthmatic children?

## **Water**

*I am not an expert on the water issue, but I do know it has been a subject of lawsuits in Rohnert Park and the surrounding area already. Along with the casino, 6,000 more housing units are planned in this city alone. The water supply is already an issue. If the casino drills a deep well, ranches and homes who use well water in the local community will run dry. What will the casino do to supply water to affected residents?*

The cost of water will rise due to increased demands on the system. What will the casino do to offset the increased cost of water to all Rohnert Park Residents?

Will the casino comply with prevailing California and Federal water quality standards? If not, why not? What is the projected cost to surrounding land owners if these standards are not complied with? Will surrounding land owners be reimbursed for any associated cleanup costs?



## **Drug Abuse/Drug Trafficking**

*In Yolo County at Cache Creek Casino there were 97 drug arrests in a 12 month period, twice as many as in the nearby university town of Davis, with a population of over 60,000. Because local police officers cannot enforce the local laws on tribal land, casinos attract drug dealing. Because the drug dealers can be high rollers, the casinos don't always crack down on them.*

What guarantees can the casino give to the local community that they will not permit drug dealing on their land? How will this policy be implemented? What kind of drug treatment program will be sponsored by the casino?

## **Gambling Addiction**

*Studies have found that individuals who live within ten miles of a casino or are in a disadvantaged neighborhood are more likely to experience problem gambling. Those in disadvantaged neighborhoods are ten times more likely to have a gambling addiction.*

*99% of compulsive gamblers commit crimes to support their addiction.*

*Problem drinkers had 23 times the odds of having a gambling problem.*

*Odds of gambling increases by 17 percent for every additional form of legal gambling in their area.*

*Gambling addiction leads to many different crimes - statistics show a:*

*More than 38% increase in embezzlements to cover gambling losses.*

*Increases in writing bad checks, forgeries, maxing out credit cards, assaults, robbery, etc.*

*In addition, addiction to gambling has been correlated to political corruption, suicide, crimes against families, weapons violations, liquor law violations, drug offenses and curfew violations.*

*Right here in Sonoma County, Sheriff Bill Cogbill asked for \$700,000 to increase patrols in northern Sonoma County, citing increased calls for service to River Rock Casino (which does not serve alcohol). What will the projected increase in cost be to our police departments and court system once this casino is opened? How will these costs be mitigated?*

*Pathological gamblers often first exhaust personal resources before turning to crime to finance their addiction.*

*When this casino is introduced, and Sonoma County residents who managed to avoid addictive gambling in the past are in constant close proximity to such an establishment inevitably fall prey to a gambling addiction, what programs will the casino offer to assist addicts in ridding themselves of their addiction? This may seem like a silly question - why would the gambling industry try to get people addicted to gambling to stop gambling? You can compare gambling addiction to nicotine addiction, and draw parallels. The tobacco industry is required to pay for public service announcements educating the public on the dangers of smoking. Why should we expect anything less of the gambling industry?*

*What is the projected social cost to the county and the city of gambling addiction in terms of foreclosures and bankruptcies based on demographics? How will these costs be mitigated?*

## **Crime/Law Enforcement**

*Crime rates in casino communities are 84% higher than the national average according to U.S. News and World Report.*

Local and State police do not have jurisdiction on tribal land and may not go on tribal land. How will the tribal police force interact with the Rohnert Park Safety Department and Sheriff?

Will all facets of the criminal code that prevail in Rohnert Park be enforced on tribal land?

What sort of police force will the tribe employ?

How large will this police force be?

What sort of training will this police force receive?

What sort of oversight will there be of this police force?

Will the casino prosecute its officers if they engage in illegal acts as defined by laws that prevail in Rohnert Park and the State of California?

In Oregon where casinos were introduced prostitution increased 276%. What will the casino do to deter prostitution?

There was a case some years ago where a young man raped and strangled an 11 year old girl in the women's bathroom in a casino. Her father was gambling and was not supervising her. What will the casino do to ensure adults do not bring minor children on the premises? If the casino will allow children on the premises, what will be done when children are unsupervised? Will the local police be called in? What will the casino do to make certain sexual assaults will not occur on casino land? If the casino is negligent in protecting patrons and employees from assault, how will they be compensated?

What will the casino do to prevent people who are visiting the casino but who are not able to afford a hotel room from sleeping in their cars? What will be done to stem the increase in homelessness resulting from the casino? How will the casino address the homeless sleeping in the yards of Rohnert Park residents, or sleeping in parks and other public places? Believe it or not, this happens in other areas where casinos have been introduced. If I and other Rohnert Park residents feel that we must resort to putting bars on our windows and security systems in our homes and cars, how will we be compensated?

With an increase in crime costs to insurance companies will rise. What is the projected increase in home owner's insurance rates and business insurance rates in Rohnert Park and surrounding communities? How will this expense be mitigated by the casino?

## **Organized Crime**

What measures will the casino take to prevent loan sharking, money laundering, dealer corruption and racketeering? If enforcement measures are inadequate to prevent this criminal element, what will be the social and economic cost to Rohnert Park residents?

### **Workers' Rights**

Station Casinos agreed to institute employee protections that are no less stringent than state and federal laws, including civil rights protections. But in Placer County, Station Casinos is being sued for failing to protect Thunder Valley Casino employees from sexual harassment, discrimination and civil rights violations. What guarantees, safeguards and training will Station Casinos offer to avoid these kind of violations at the proposed Rohnert Park casino?

Will the casino provide compensation to workers who are injured on the job? Will this coverage be comparable to coverage mandated by California law? If not, what is the projected cost to the surrounding community for uncompensated injuries?

Will workers at the casino have the right to organize a union? If not, how will this affect the employees economically?

Will the casino follow all Federal and State health and safety laws? If not what will be the effect on its employees in terms of economic losses?

If the casino chooses to not follow any of the above laws concerning employees, how will the affect employees of surrounding community businesses? How will this affect organized labor?

### **Effect on local businesses and homeowners**

What is the projected effect of the casino on the Double Tree Hotel and other surrounding hotels in terms of lost revenue? What would be the effect on the local economy if any of these hotels closed or had to lay off workers? How will these losses be mitigated?

Will the casino remit hotel taxes to the local government? If not, how will these losses be mitigated?

What is the projected effect of the casino on the local restaurant industry in terms of lost revenue? What would be the effect on the local economy if any of these restaurants closed or had to lay off workers? How will these losses be mitigated?

What is the projected effect of the casino on the local performance venues such as Spreckels Performing Arts Center and Luther Burbank Center in terms of lost revenue? What would be the effect on the local economy if either of these venues closed or had to lay off workers? How will these losses be mitigated?

What is the projected effect of the casino on the local shopping centers in terms of lost revenue? What would be the effect on the local economy if either of these retailers closed or had to lay off workers? How will these losses be mitigated?

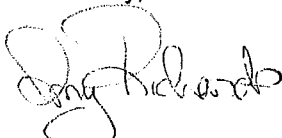
What is the effect on the local government (City and County) if any hotel, restaurant, performing arts center or retailer closes or loses enough revenue that they must lay off workers in terms of lost tax revenues? What would be done by the casino to mitigate these losses?

What is the potential social effect of having a pawn shop on every corner of Rohnert Park? How will this affect the image of the city? How will this affect property value in Rohnert Park? How will these losses be mitigated?

What is the potential loss in terms of property values in Rohnert Park and surrounding communities, both residential and commercial? How will these losses be mitigated?

What is the potential increase in tax rates to homeowners and businesses in Rohnert Park and surrounding communities to make up for the lost tax revenue brought on by the presence of the casino? How will residents and businesses be compensated?

Sincerely,



Amy Richards

~~May~~  
Oct  
May 18, 2005

NEPA Coordinator  
National Indian Gaming Commission  
1441 L Street, NW 9<sup>th</sup> Floor  
Washington, DC 20005

Re: Graton Rancheria Casino Project

Dear NEPA Coordinator;

As a 17 year resident of Rohnert Park, CA, I can tell you that without a doubt we do not have the infrastructure to support the Casino proposed by the Federated Indians of the Graton Rancheria.

We need a detailed study as to the effects of increased crime a Casino of this size would have on the communities within 50 miles of this proposed site. There have been numerous studies that show crime follows gambling. U.S. News & World Report has reported that crime in casino communities is 84% higher than the national average.

We need a detailed study comparing the financial impact of police and fire resources, specific to the cities of Rohnert Park, Santa Rosa, Cotati, Sebastopol and the Sonoma County Sheriff department.

We need an additional study outlining the impacts as they would defer in Rohnert Park which does not maintain separate police and fire officers, but officers that act in dual roles.

We need a detailed study based on the census of the surrounding communities of the increase elder abuse in the area within 50 miles of a proposed Casino of this magnitude.

We need a detailed study based on the census of the surrounding communities of the potential of the increase in child abuse in the area within 50 miles of a proposed Casino of this magnitude.

We need a detailed study based on the contributing factors of drug abuse, mental disorders, early gambling that exist in the surrounding communities that will increase the number of pathological gamblers in our communities within 50 miles of a proposed Casino of this magnitude.

We need a detailed study outlining the increase in number of suicides due to problem gambling that will occur within 50 miles of a proposed Casino of this magnitude.

We need a detailed study outlining the various types of programs for the prevention of elder abuse associated with gambling, specific to each of the surrounding cities of Rohnert Park, Cotati, Sebastapol, Penngrove, Santa Rosa and Petaluma and the annual cost of each program.

We need a detailed study outlining the various types of programs for the prevention of child abuse as associated with gambling, specific to each of the surrounding cities of Rohnert Park, Cotati, Sebastapol, Penngrove, Santa Rosa and Petaluma and the annual cost of each program.

We need a detailed study outlining the various types of programs for the prevention of pathological gambling specific to each of the surrounding cities of Rohnert park, Cotati, Sebastapol, Penngrove, Santa Rosa and Petaluma and the annual cost of each program.

We need a detailed study as to the increased cost associated with the arrest, court proceedings and cost of incarceration due to increased crime that will be attributed to a Casino of this magnitude.

I am also concerned about the negative effects to our local economy a proposed Casino of this magnitude with a food court, 5 restaurants a 300 room hotel and a day spa. The proposed Casino is abuts the City of Rohnert Parks major shopping area, which include department stores, eateries, restaurants, movie theatre and spa services.

We need an independent economic impact analysis, covering at least a 50 mile radius of the proposed Casino site.

Transportation has been an ongoing problem along the 101 corridor and all current studies for changes to widen 101 are on hold due to budget constraints. They do not include the additional impact of a 24 hour World Class Casino.

We need an analysis of the traffic impact this Casino would have on the 101 corridor, to include the Novato narrows.

We need an analysis of the costs associated with widening of 101 through the Novato narrows up to the last Rohnert Park exit.

We need a traffic impact and review of the current under and over pass designed for Wilfred Ave. to determine if its proposed design accounts for the added traffic this proposed Casino would bring to the area. We need a cost analysis associated with any amendments to the current plan.

We need a traffic impact analysis and cost analysis of all proposed changes needed to the Rohnert Park Expressway, Petaluma Hill Rd., Adobe Rd., Railroad Ave., Stony Point Rd., Wilfred Ave., Golf Course Rd., Primose Ave. and all other roads to be affected by the increased traffic due to the proposed Casino.

Water supply is of utmost concern. We need a ground water management review of Sonoma Counties water supply to determine if there is adequate ground water to sustain a Casino of this size and magnitude for the next 20 years.

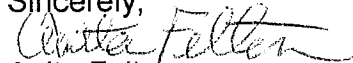
We need a review of the impact the proposed wells and water sewage plant proposed for this site will have on residential wells and septic systems in the surrounding area.

We need an environmental study to determine effects of urban sprawl on local communities.

We need an environmental study to determine the noise affects a Casino of this magnitude will have on the neighboring business' and surrounding residences. The report should indicate all possible solutions to curtail all increased noise impacts and costs associated with each solution.

After review of all studies of this proposed site you will come to the conclusion that this 16 year resident has come to: our infrastructure can not support a Casino of this magnitude. Alternative sites must once again be reviewed. An alternative site should have the intent of Proposition 1A and its voters in mind. An alternative site should not be within 5 miles of an existing residential neighborhood, school or business district. The Federated Indians of the Graton Rancheria's must chose an alternative site, it would prove to the citizens of California that their, as well as other tribes, main concern is to place Casinos in locations that have minimal impacts on surrounding communities.

Sincerely,



Anita Felton

1525 Mathias Pl.

Rohnert Park, CA 94928 (707) 664-9529

11/15/05 *alo*

“EIS Scoping Comments, Graton Rancheria  
Casino and Hotel Project”

Linda M. Long  
944 Helene Court  
Rohnert Park, CA  
94928  
November 1, 2005

RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION  
2005 NOV -01 PM 4:25

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



## **Alternative F**

I, Linda M. Long, am in favor of alternative F referred to as the Lakeville Casino/Hotel Resort. The following are questions/comments concerning alternative F and how it **compares** to alternatives A, B, C, D & E:

1. What reasonably accepted **comparative studies and methods** will the applicant tribe do/use according to NEPA guidelines concerning the environmental impacts on the residents, elementary schools and school children, parks and pools within a 7 mile radius of the **casino** main entrance in **alternatives A, B, C, D, & E** respectively compared with the residents, elementary schools and school children, parks and pools within a 7 mile radius of the main entrance in **alternative F** regarding:
  - a) ground water supply?
  - b) foreseeable air pollution from **casino traffic** traveling through and next to neighborhoods?
  - c) foreseeable noise pollution 24/7 from **casino traffic** traveling through and next to neighborhoods?
  - d) health effects on school children from **casino traffic** air pollution including diesel fuel and carbon monoxide exposure?
  - e) safety concerns regarding school children as they cross streets with **casino traffic** to get to school and to attend school activities?
  - f) health and safety effects on school children regarding noise pollution from **casino traffic**.
  - g) foreseeable quality of life deterioration to residents particularly school children, the elderly and the disabled caused by **casino traffic** leading to diesel fuel scum and particulates covering schools, parks, residences, schools and pools, noise pollution, health problems in the form of asthma and other breathing problems, vibration and traffic safety.

In this comments letter I, Linda M. Long, will refer to the Federated Indians of the Graton Rancheria as '**applicant tribe**' or the **Federated Indians of the Graton Rancheria**. I will refer to **casino traffic** consisting of large casino bound buses, casino bound shuttles, casino bound brinks type armored trucks, casino bound buses, casino bound automobiles, and casino bound service trucks as '**casino traffic**'. I will refer to the neighborhoods on or near or feeding into Golf Course Drive in Rohnert Park as **Golf Course Drive Neighborhoods**. I will be referring in particular to **casino traffic** traveling from Petaluma Hill Road (our 101 alternate route) down Snyder Lane to Golf Course Drive and through Golf Course Drive neighborhoods to the proposed **casino resort** on Wilfred Avenue and back (see maps 1 and 2).

### **EIS Alternative A**

I respectfully request that the following concerns, questions, statements and comments be addressed **in writing** regarding the **applicant tribe's** proposal to build a large hotel and casino resort project **.3 (3/10) of a mile to 2.5 miles** from our **Golf Course Drive neighborhoods** (See map 1)

My name is Linda M. Long. I have lived in a **Golf Course Drive neighborhood** on a street that backs up to Golf Course Drive in Rohnert Park with family, friends and neighbors for 22 years.

Caltrans (California Department of Transportation) plans to elevate the 101 Freeway at the Wilfred Avenue/Golf Course Drive Interchange, Rohnert Park and do a **punch-through** making Wilfred Avenue and Golf Course Drive **one street**.

*Since the **Federated Indians of the Graton Rancheria**, with their traffic engineer, were involved with Rey Centano of Caltrans in the planning of this interchange project when will their records of meetings, e-mails, phone calls and letters concerning this interchange be available to the public since these records will bring to light the traffic plans and implications of the planned resort casino in EIS Alternative A? Maps of this planned interchange project need to be reflected in the materials the **applicant tribe** submits for the public.*

Making Wilfred Avenue and Golf Course Drive **one street** will have the incremental and foreseeable effect of creating a **casino traffic thoroughfare** between the **casino resort** on Wilfred Avenue to Golf Course Drive to Snyder Lane then Petaluma Hill Road (a 101 alternate route) with our **Golf Course Drive neighborhoods** in its path (see map 1). In July of 2004 letters and maps were sent from our city hall to state officials on behalf of the **Federated Indians of the Graton Rancheria** indicating that **casino traffic** would be diverted through our Golf Course Drive neighborhoods (see Letters and Maps)

My concern with the proposed **EIS Alternative A** proposed Casino/Hotel Resort site being considered by the **applicant tribe** is that it will bring large volumes of **casino traffic** down Golf Course Drive and through our Golf Course Drive neighborhoods 24 hours a day 7 days a week.

*How will the **applicant tribe**, according to reasonably accepted methods and practices, demonstrate with data the **amounts** of daily **casino traffic** traveling each way on Golf Course Drive and through Golf Course Drive neighborhoods in Rohnert Park at **6 months, one year and five years**, 24 hours a day seven days a week, from the time the casino resort is open?*

The casino traffic will flow past **Hahn School**, an ‘exemplary’ public elementary school, **Honeybee Park Pool** an outdoor community pool used by our community’s swim teams for meets and practice, **Honeybee Park** used extensively by families, a shopping center and our homes, condos and apartments (see maps 1 and 2). Our neighborhoods are safe and provide safe haven for families, children, the elderly and the disabled from all cultures. **Casino traffic** would cause a severe, foreseeable and incremental deterioration of our environment in our **Golf Course Drive neighborhoods** with regard to air pollution, vibration, surfaces pollution, polluted runoff on our roads and quality of life and health of our citizens and blight from abandoned automobiles and broken down casino buses and shuttles and desperate patrons wandering our streets and is happening in other communities where a casino was placed on their border.

Large volumes of **casino traffic** would travel down Golf Course Drive, a street that is meant primarily for the people who live in **Golf Course Drive neighborhoods**.

It is foreseeable that large volumes of **casino traffic** would travel *through* our **Golf Course Drive neighborhoods** particularly down neighborhood shortcuts that feed into Golf Course drive. Streets like Fairway, Holly Hudis, Hillview, Filament and Fern are all shortcuts through our neighborhoods to and from Golf Course Drive (see maps 1 and 2). All these streets have beautifully maintain homes lawns and gardens. There is an obvious vested interest in keeping the neighborhoods clean and well maintained. In Highland CA, 92346 there are homes similar to our homes with manicure lawns and gardens. The difference now is the 15-20 foot long security gates across their veranda style front porches and a result of the fallout from a casino/resort that moved in on their border.

*How will the **applicant tribe**, according to reasonably accepted methods and practices, demonstrate with data the effects of **casino traffic** on **Golf Course Drive neighborhoods** with regard to increased noise, increased pollution from diesel fuel scum, particulates and fumes, carbon monoxide fumes and residue on windows, vibration of homes, blight from broken down casino bound buses, automobiles and shuttles, deterioration of neighborhoods from crime caused casino bound patrons, contaminations of creeks, danger to those crossing Golf Course Drive particularly the disabled and the elderly?*

*Hahn School:* Margarite Hahn School is a K-5 ‘exemplary’ public elementary school consisting of 476 students. It is located at 825 Hudis Street in Rohnert Park (see map 1 and map 2). Hudis Street is a street often used as a shortcut on the way to Golf Course Drive, a street where considerable **casino traffic** would be traveling. Recent history shows that regular gamblers traveling to casinos not only use main roads but soon begin using shortcuts through neighborhoods (as occurs in Highland, CA 92346) when a casino is located close to a community. **Casino traffic** would travel within 5 feet of the entrance of Hahn School on the Hudis Street side and within 125 feet of Hahn School on the Golf Course Drive side 24 hours a day 7 days a week. As is evident in Highland, CA 92346 car repairs and fuel are, unfortunately, not a priority for compulsive gamblers (3 out of every 100 gamblers); as a result there is a high incidence of car thefts, blight caused by abandoned autos and people in the depths of despair wandering the neighborhoods. This would be occurring right at the doorstep of Hahn School. **Casino traffic** also causes an extraordinary amount of air pollution from diesel fuel fumes and particulates, and carbon monoxide exhaust 24 hours a day 7 days a week. The air around Hahn School would be increasingly contaminated with diesel fuel particulates and carbon monoxide substantially increasing the

likelihood of asthma, exacerbation of preexisting asthma and other breathing conditions in young children. Diesel fuel scum and particulates would coat the Hahn School yard, the grass, the school buildings and windows making these areas unsightly and unhealthy to run, play and exercise in. The likelihood of incremental and substantial increases in **casino traffic** noise for Hahn school students is real and foreseeable. Many school children attending Hahn School cross Golf Course Drive to get to and from school and school activities. The increased danger crossing Golf Course Drive is foreseeable

*~How will the **applicant tribe**, according to reasonably accepted methods and practices, demonstrate with data the crime rate statistics when **casino traffic** comes to a neighborhood and travels by an elementary such as Hahn School located in a very safe neighborhood?*

*~How will the **applicant tribe**, according to reasonably accepted methods and practices, demonstrate with data the affects of **casino traffic** blight caused abandoned automobiles, inoperable buses and shuttles around elementary schools has on school children and school staff such as the children and staff who attend Hahn School?*

*~How will the **applicant tribe**, according to reasonably accepted methods and practices, demonstrate with data the foreseeable health effects of **casino traffic** on Hahn School children with regard to asthma, other breathing disorders, learning, general well being after being exposed to diesel fuel exhaust and particulates, traffic noise, and increased carbon monoxide fumes and residue?*

*~How will the **applicant tribe**, according to reasonably accepted methods and practices, demonstrate with data the effects of **casino traffic** noise on the Hahn School children who currently thrive in a quiet neighborhood.*

*~How will the **applicant tribe**, according to reasonably accepted methods and practices, demonstrate the effects of **casino traffic** diesel fuel residue, scum and particulates, and carbon monoxide residue on the grass, play ground, play equipment, school buildings and windows at Hahn School?*

*~How will the **applicant tribe**, according to reasonably accepted methods and practices, demonstrate with data the effects of transients, caused by **casino traffic** breakdowns, wandering around the Hahn School neighborhood, now a safe neighborhood on Hahn School children and staff?*

*Honeybee Pool: Honeybee Pool (see maps 1&2) (see pictures) is an outside pool in Honeybee Park located **on** Golf Course Drive next to Hahn School and is the community pool used by our community swim teams for meets and practice. Exposure to **casino traffic** diesel fuel scum, and particulates, and increased carbon monoxide fumes and residue would blanket the pool and surrounding air with said contaminants.*

*~How will the **applicant tribe**, according to reasonably accepted methods and practices, demonstrate with data the effects of **casino traffic** diesel fuel scum, particulates and increased carbon monoxide fumes and residue on Honeybee Pool, and on the health of competitive swimmers and children including babies using the pool? Consider breathing complications and skin and internal exposure to these contaminants?*

## Maps of Alternative Proposed EIS Alternative A

The 253-Acre Site-Vicinity Map for **Alternative A** is approximately 20 years old (note 'drive-in theater' featured just below arrow on box printed City of Rohnert Park; that drive-in theater has not been there for about 20 years).

*~How will the **applicant tribe**, according to reasonably accepted methods and practices, demonstrate with maps the proposed EIS Alternative A and its relationship to residences within a one mile radius of the casino resort entrance, a two mile radius of the casino resort entrance, a three mile radius of the casino resort entrance, a five mile radius of the casino resort entrance, and a ten mile radius of the casino resort entrance?*

*~How will the **applicant tribe**, according to reasonably accepted methods and practices demonstrate with maps the proposed EIS Alternative A and its relationship to businesses such as Home Depot, Walmart, Costco and all businesses within a one and 2 mile radius of the entrance to the proposed casino resort?*

*~How will the **applicant tribe**, according to reasonably accepted methods and practices demonstrate with maps the proposed EIS Alternative A and its relationship to the Caltrans **Wilfred Avenue Interchange Project** that will make Wilfred Avenue and Golf Course Drive **one street** linking the proposed casino to a residential area of Rohnert Park on the east side of the 101 freeway?*

## Maps of Alternative Proposed EIS Alternatives B, C and D

*~How will the **applicant tribe**, according to reasonably accepted methods and practices, demonstrate with maps the proposed **EIS Alternatives B, C and D** respectively and their relationship to residences within one mile radius of the casino resort entrance, a two mile radius of the casino resort*



*entrance, a three mile radius of the casino resort entrance, a five mile radius of the casino resort entrance, and a ten mile radius of the casino resort entrance.*

*~How will the **applicant tribe**, according to reasonably accepted methods and practices, demonstrate with maps the proposed **EIS Alternative B, C and D** respectively their relationships to businesses such as Home Depot, Walmart, Costco and all businesses within a one, two and three mile radius of the entrance to the resort casino?*

*~How will the **applicant tribe**, according to reasonably accepted methods and practices, demonstrate with maps the proposed **EIS Alternatives B, C and D** respectively and their relationship to the Caltrans **Wilfred Avenue Interchange Project** that will make Wilfred Avenue and Golf Course Drive one street linking th proposed casino resort to a residential area of Rohnert Park on the east side of the 101 freeway?*

**Letters and Maps Sent to State Officials  
From Rohnert Park City Hall  
Dated: July 15, 2004  
July 23 2004**



July 15, 2004

Daniel Kolkey  
Gibson, Dunn & Crutcher  
One Montgomery Street, Suite 3100  
San Francisco, CA 94104

COUNCIL:	
MISCELLANEOUS	
COMMUNICATIONS	X
AGENDA	
COPY TO:	
COPY TO:	

7/26/04

RE: Compact for the Federated Indians of the Graton Rancheria

**City Council**

Gregory A. Nordin  
Mayor

Amie L. Spradlin  
Vice-Mayor

Armando F. Flores  
Jake Mackenzie  
Vicki Vidak-Martinez  
Council Members

Carl Eric Leivo  
City Manager

Dear Mr. Kolkey:

Thank you for meeting with the Mayor, Friends of the Graton Rancheria representatives, and myself. We deeply appreciated the opportunity to answer your many questions about our community, the MOU between the City and Tribe, and the Federated Indians of the Graton Rancheria. We especially appreciated your interest in addressing local impacts of the Resort/Hotel/Casino project.

One topic that we discussed was groundwater. The City's Engineer prepared a presentation that includes data and diagrams concerning water (enclosed). There exist ample recharging groundwater supplies in the Rohnert Park area to serve the City, the Resort/Hotel/Casino project, and surrounding property owners. When rural property owners report water well problems, I believe that it is because they have shallow wells, they have tapped into a limited "perched" groundwater pool, and their aged wells need maintenance or replacement. If a well is drilled deep and is properly maintained, there will be more than sufficient water.

To reiterate, when negotiating the Memorandum of Understanding the City anticipated every possible impact of the Resort/Hotel/Casino project. The Tribe agreed to MOU provisions to address the possible impacts and much more. It is most unlikely that the Environmental Impact Report will reveal any new information that we did not anticipate.

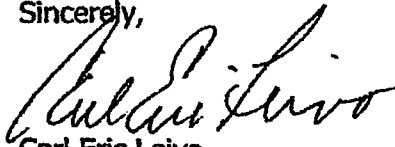
I acknowledge your vision that an EIR should be done and then a gaming tribe should address impacts identified in the EIR. Yet, this would not have been the best negotiation strategy for the City. The Tribe has graciously agreed in the MOU to address many pressing needs in the community, over and above impacts that would be identified in an EIR. For instance, the MOU provides \$1,000,000 per year for local schools while the project arguably will have little impact on schools.

The only pressing need in Rohnert Park and Sonoma County that could not be fully addressed in the MOU was U.S. Highway 101 and the Wilfred/Golf Course interchange. I fear that it would be a mistake to wait for the EIR prior to negotiating with the FIGR regarding funds to improve Highway 101. The EIR could well show that the Resort/Hotel/Casino does not significantly contribute to a reduction in the Level of Service (LOS) on U.S. Highway 101.

Traffic to and from the Resort/Hotel/Casino will be dispersed among four different routes (see enclosed map). Resort/Hotel/Casino traffic typically occurs at off-peak times during the day. The Level of Service drops to D, E, and F on U.S. Highway 101 and around the Wilfred/Golf Course interchange during the morning and evening commutes but at other times Highway 101 and the interchange operate a LOS C and above. The LOS during commute hours is already so bad that the Resort/Hotel/Casino project traffic probably will not significantly contribute to any further deterioration.

We urge you to talk with the FIGR regarding funds for U.S. Highway 101 sooner rather than later.

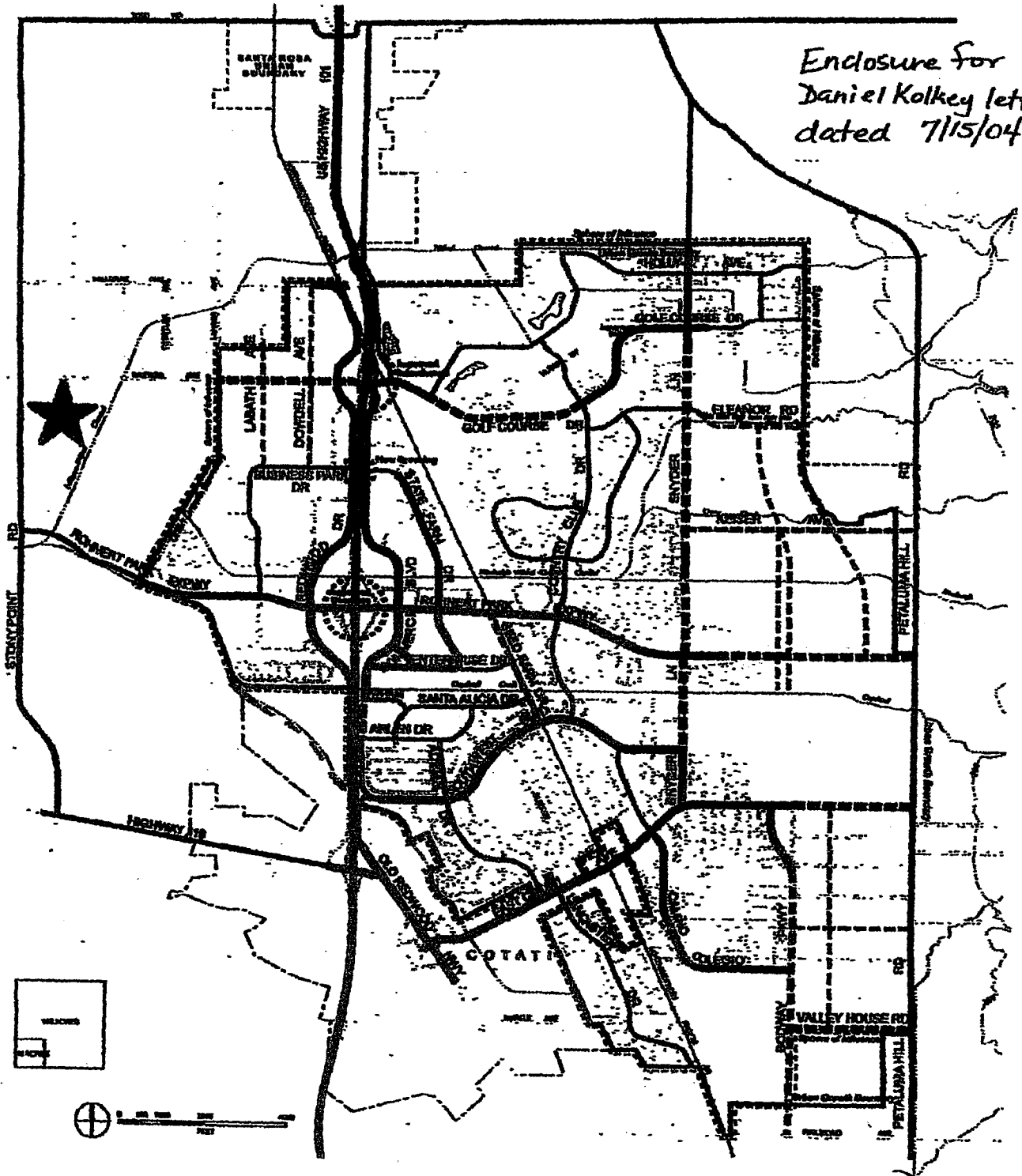
Sincerely,

A handwritten signature in black ink, appearing to read "Carl Eric Leivo". The signature is written in a cursive style with a large initial "C".

Carl Eric Leivo  
City Manager

cc: Members of the City Council

Enclosure for  
Daniel Kolkey letter  
dated 7/15/04



- EXISTING PROPOSED**
- Major Arterial (4 or 6 lanes)
  - Minor Arterial (2 lanes)
  - Major Collector (4 lanes)
  - Minor Collector (2 lanes)

DVETT & BHATIA  
Civil and Regional Planners

Figure 4.1-1  
**Master Street Plan**

(Rev. 10/02)



July 23, 2004

Peter Siggins  
Legal Affairs Secretary  
Office of the Governor  
State of California  
Sacramento, CA 95814

COUNCIL:	
MISCELLANEOUS	
COMMUNICATIONS	X
AGENDA	
COPY TO:	
COPY TO:	

Handwritten initials

**City Council**

Gregory A. Nordin  
Mayor

Arnie L. Spradlin  
Vice-Mayor

Armando F. Flores  
Jake Mackenzie  
Vicki Vidak-Martinez  
Council Members

Carl Eric Leivo  
City Manager

RE: Compact for the Federated Indians of Graton Rancheria

Dear Mr. Siggins:

As the Mayor from Rohnert Park, I respectfully urge you to negotiate a Tribal-State Gaming Compact with the Federated Indians of the Graton Rancheria (FIGR).

The Tribe originally identified a site on Highway 37. The Tribal Council agreed with Sonoma County and Senator Feinstein to search for an alternative site from among over 40 sites on the U.S Highway 101 corridor. The Tribal Council selected a site outside of Rohnert Park as a result of this "good faith" investigation.

The Rohnert Park City Council considered its options and decided to enter into a Memorandum of Understanding (MOU) with the FIGR. Under the terms of the MOU, the Tribe will make payments totaling \$200 million over 20 years to the City, School District, and local non-profits to help address the most important needs in our community. The MOU is unprecedented in California and probably the nation.

The MOU provides that the Tribe will prepare a full Environmental Impact Statement under the National Environmental Protection Act. The MOU requires that the EIS be completed prior to the Tribe submitting an application to take the lands into trust.

This is an unmatched partnership between a tribe and local government. The Tribe has graciously agreed in the MOU to address many pressing needs in the community, over and above impacts that would be identified in an EIS. For instance, the MOU provides \$1,000,000 per year for local schools while the project arguably will have little impact on schools. There could be no better precedent to endorse.

Even before construction has begun on their project, the Tribe provided \$700,000 to the City for a Special Enforcement Unit in accord with the terms of the MOU. In it first week, the Unit made 24 arrests and recovered two stolen vehicles (see Press Release). In this time of limited State and local tax funds, the City could not have created the Special Enforcement Unit without funds from the FIGR.

The only pressing need in Rohnert Park and Sonoma County that could not be fully addressed in the MOU was U.S. Highway 101 and the Wilfred/Golf Course interchange. While CalTrans has allocated funds for the project, the project has been delayed because Governor Davis borrowed funds from the Transportation Trust Fund. Perhaps the Tribe could help with the "cash flow" problem.

It would be a mistake to wait for the EIS prior to negotiating with the FIGR regarding funds to improve Highway 101. The EIS could well show that the Resort/Hotel/Casino does not significantly contribute to a reduction in the Level of Service (LOS) on U.S. Highway 101. Traffic to and from the Resort/Hotel/Casino will be dispersed among four different routes (see enclosed map). Resort/Hotel/Casino traffic typically occurs at off-peak times during the day. The Level of Service drops to D, E, and F on U.S. Highway 101 and around the Wilfred/Golf Course interchange during the morning and evening commutes but at other times Highway 101 and the interchange operate a LOS C and above. The LOS during commute hours is already so bad that the Resort/Hotel/Casino project traffic probably will not significantly contribute to any further deterioration.

Monies provided under the MOU will be used to build a new public safety facility to help us fight crime, gang activity, and drugs. There will be funds to add workforce housing, purchase additional open space for parks and recreation, and to fund traffic improvements.

Even before construction has begun on their project, the Tribe provided \$700,000 to the City for a Special Enforcement Unit. In its first week, the Unit made 24 arrests and recovered two stolen vehicles (see Press Release). In this time of limited State and local tax funds, the City could not have created the Special Enforcement Unit without funds from the FIGR.

The FIGR project will create over 2,000 well-paid jobs with benefits. This is crucially important in our community where Agilent Technologies has substantially closed a plant that once employed 4,000. Many of these jobs have been moved from California to Malaysia.

If not in Rohnert Park, where could the FIGR undertake their project? No matter which site the Tribe selects for their project in Sonoma and Marin Counties, there will be strenuous opposition. There will be petitions, false claims and lawsuits. In the Rohnert Park case, Judge Boyd ruled that the MOU was not subject to CEQA (see decision) and Judge Sawyer ruled that the MOU was an administrative act and not subject to referendum (see decision). The Corps of Engineers concluded that there was no evidence of hazardous materials left over from a Naval Air Station despite the allegations of casino opponents (see report).

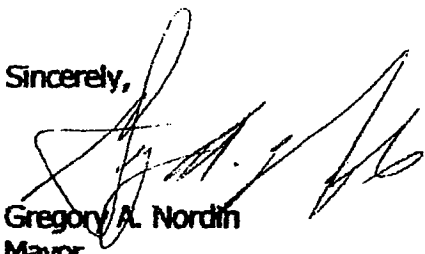
There exist many viewpoints regarding the FIGR project among our citizens. Please consider the middle-of-the-road and practical position of the duly elected representatives of the Rohnert Park community. Let me assure you that there exists a large portion of our citizens that supports the project, recognize the

Tribe's right to self-determination, and think that the City Council did the right thing to enter into a MOU with the FIGR.

We have begun building a strong government-to-government relationship between the Tribe and City. The Tribal Council has been honest and gracious Tribal representatives, always willing to work with us in order to reach a mutually acceptable solution. We recognize their right to pursue economic self-reliance but we also believe strongly that we need to receive funds to help us mitigate any impacts. With our MOU, we reached the right balance.

For all these reasons, I strongly support the Graton Rancheria's efforts to gain a Tribal-State Gaming Compact and respectfully urge you to complete these negotiations as soon as possible.

Sincerely,



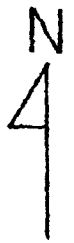
Gregory A. Nordin  
Mayor

cc: Members of the City Council



Enclosure for  
Peter Siggins  
letter dated  
7/23/04.

SANTA ROSA



WILFRED  
INTERCHANGE

WILFRED AVE.

CASINO



ROHNERT PARK EXPRESSWAY

ROHNERT PARK

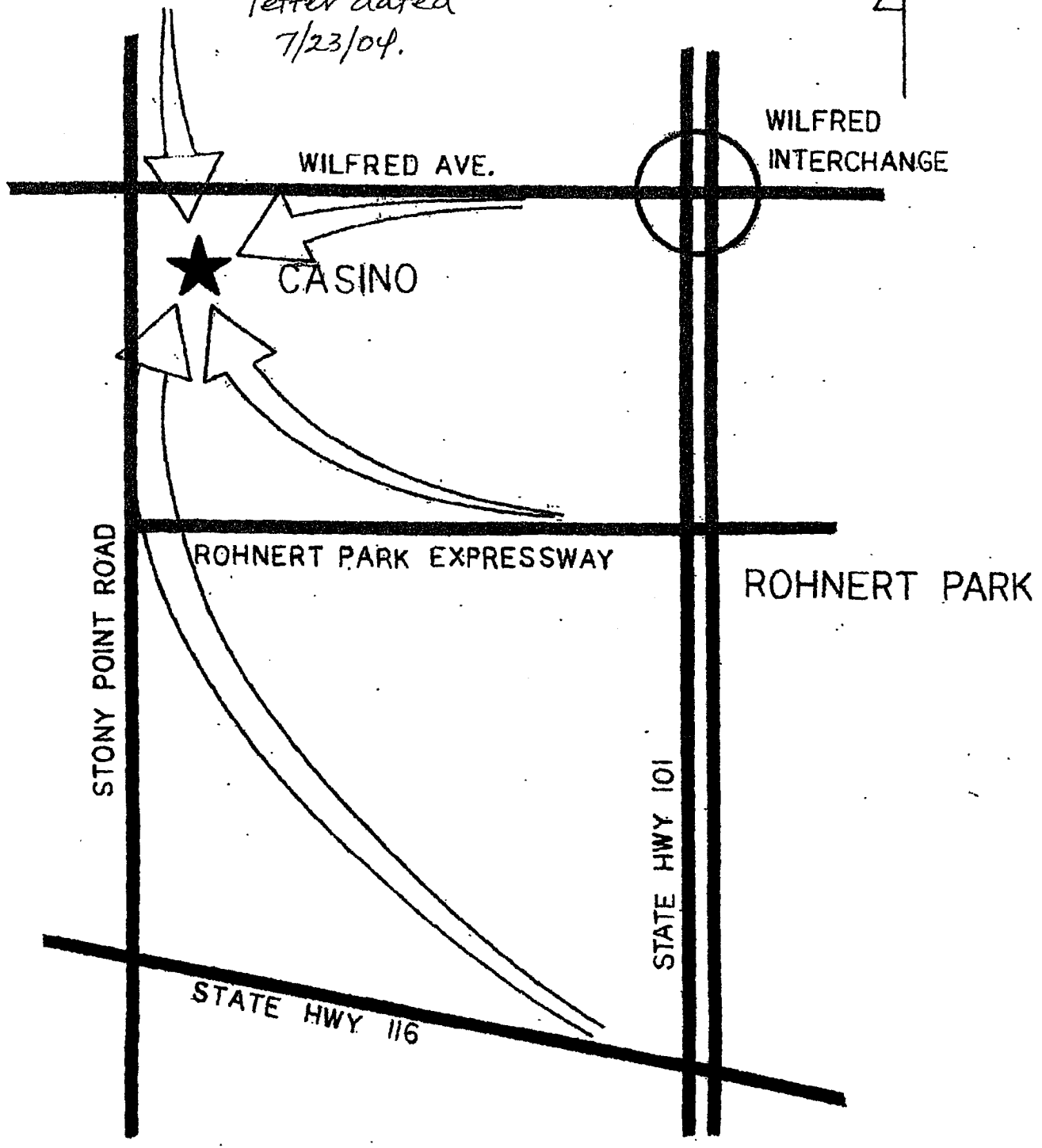
STONY POINT ROAD

STATE HWY 101

STATE HWY 116

PETALUMA

SAN FRANCISCO



# Maps

Map 1



open here

Wilfred Av/Golf Course Drive Corridor

- Hahn Elementary School

HoneyBee Park & Pool • Golis Park

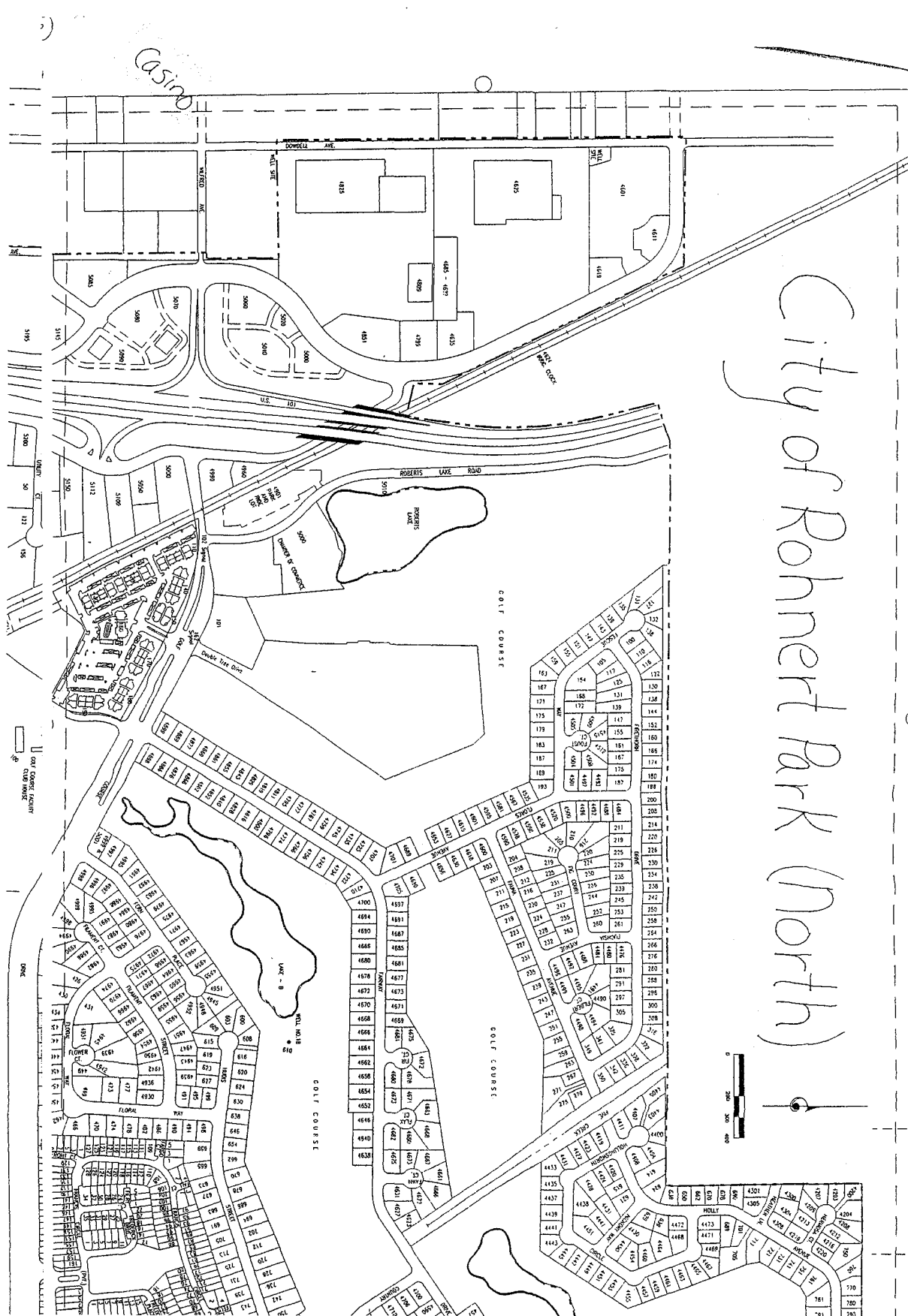
Single Car exit/entrance for residents in:

Mountain Shadows Square The Haciendas

Autumn Hills

- Goldridge Elementary School

# City of Rohnert Park (North)



Casino

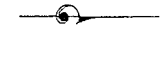
GOLF COURSE

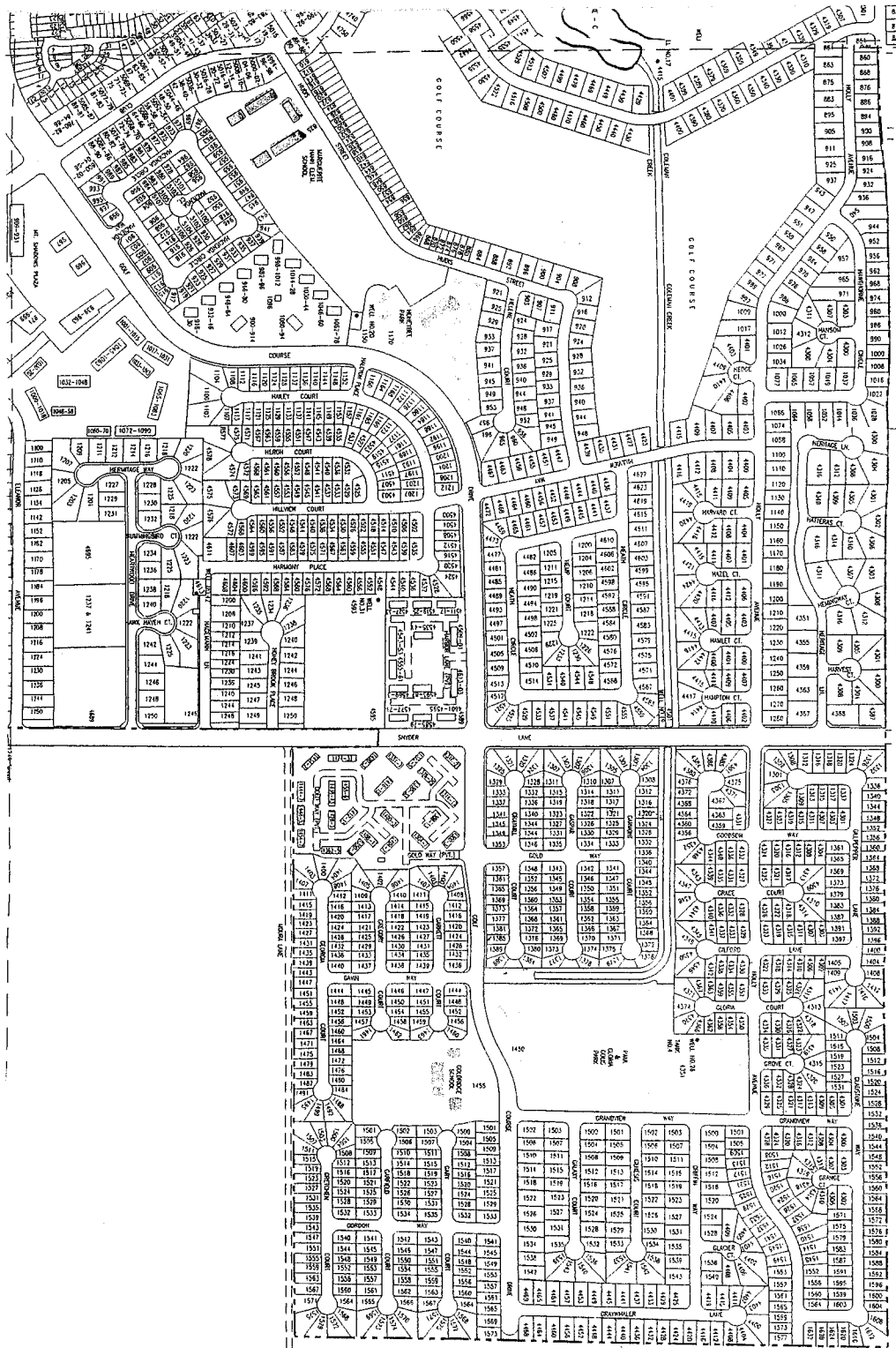
GOLF COURSE

LAKE - B

GOLF COURSE

City of Rohnert Park  
City Engineer  
1985

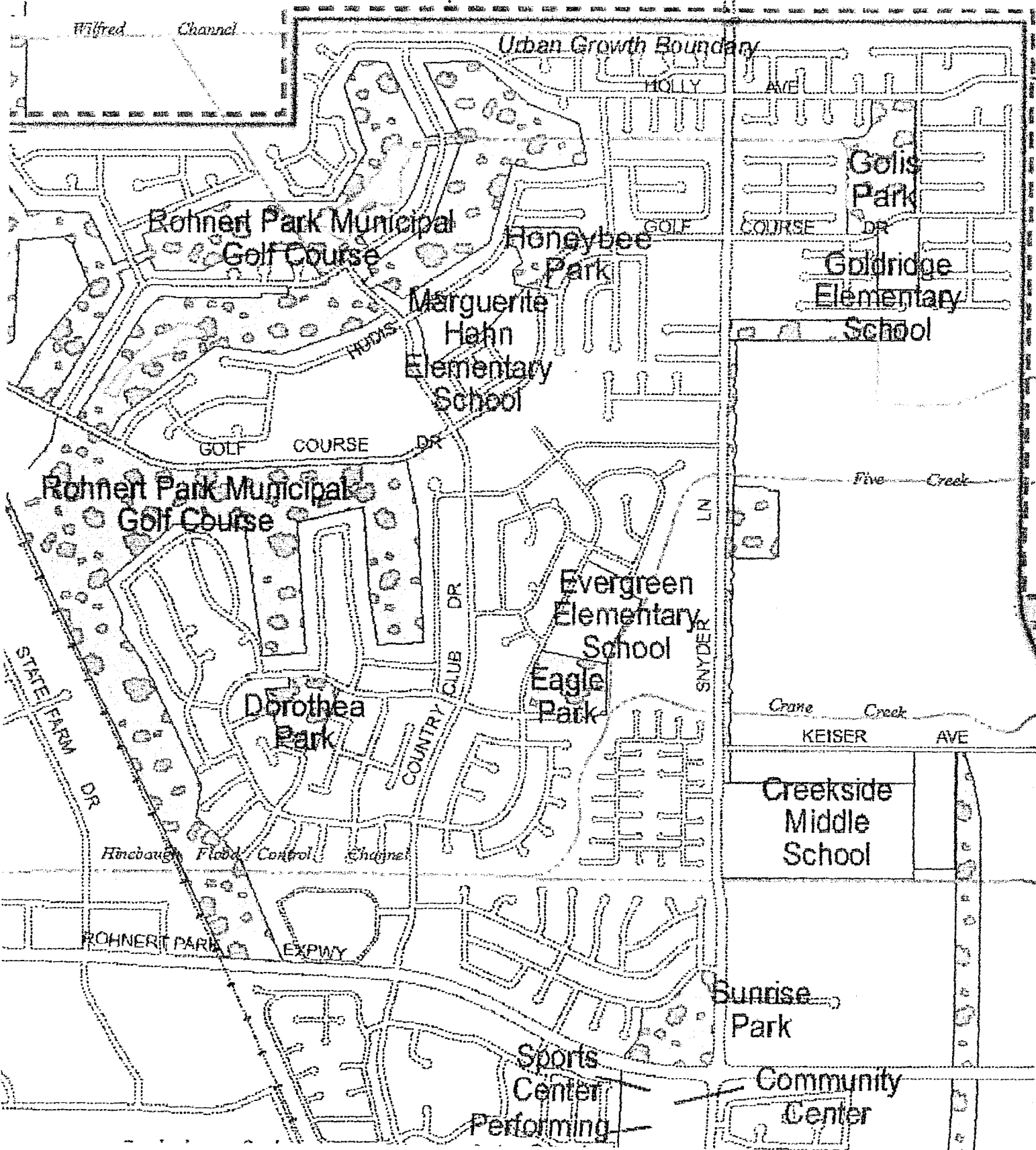


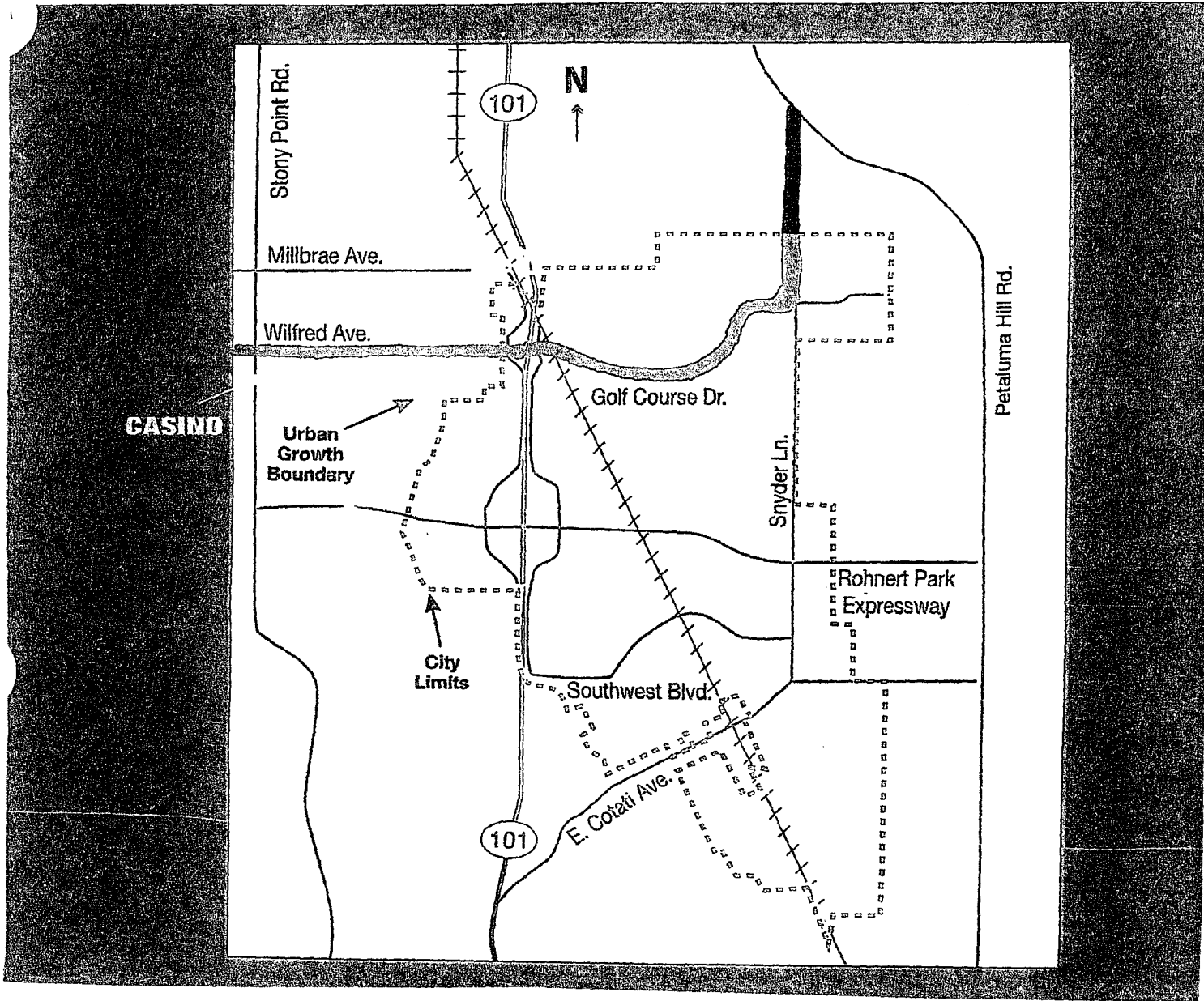


← Petaluma Hill Road →  
 (101 Alternate Route)

# Map 2

Sphere of Influence





**Under the Wilfred Avenue Interchange Project:**

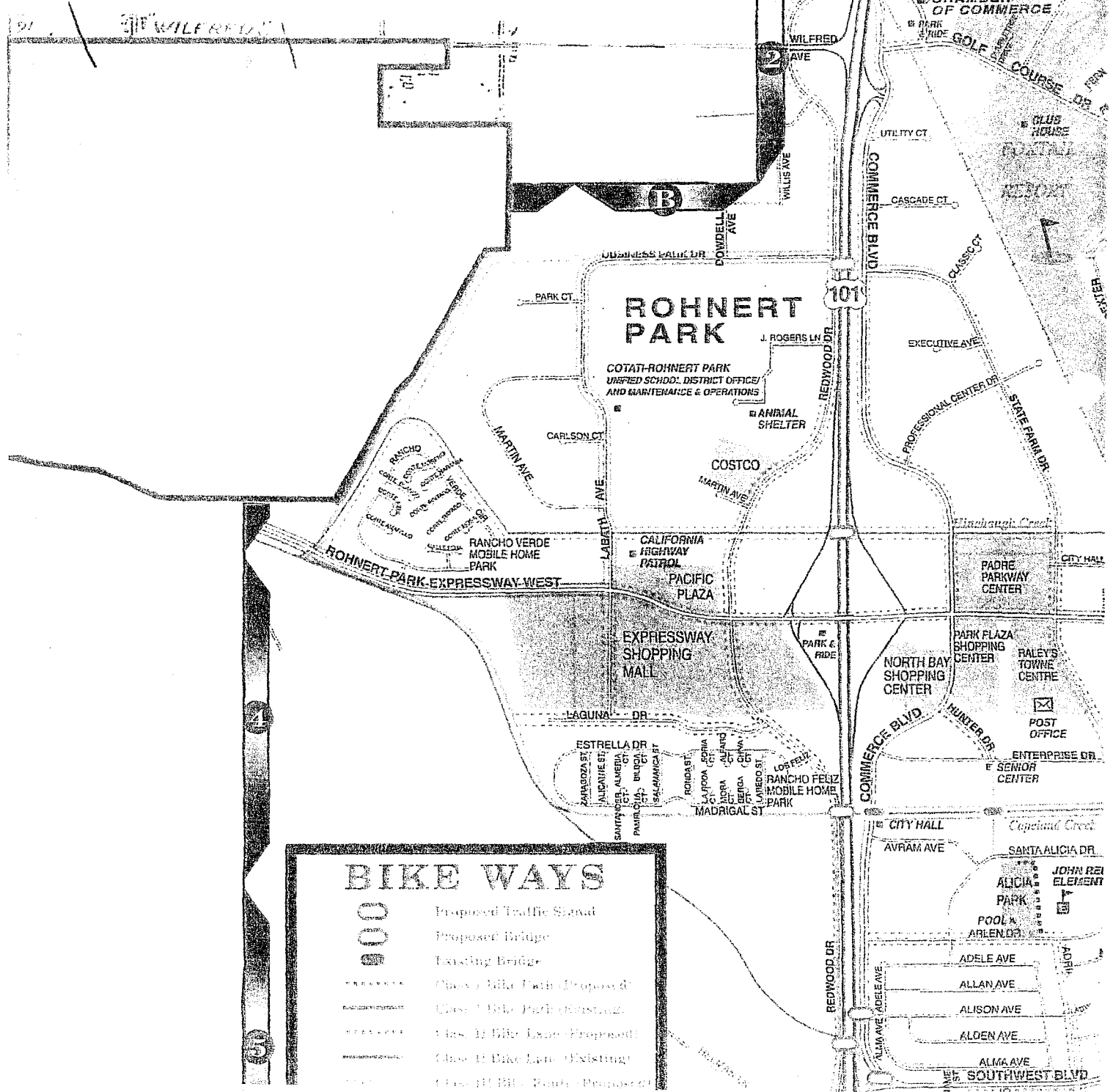
- 1) Wilfred Avenue would become one street with Golf Course Drive.
- 2) A corridor would be created from the west end of Wilfred, at the site of the proposed Casino/Hotel Resort, to the east end of Golf Course Drive; then continuing north on Snyder Lane to Petaluma Hill Road (a 101 alternate route).
- 3) This corridor would draw casino traffic from Petaluma Hill Road down Golf Course drive to the casino and back.



ROHNERT PARK GRANTING OF  
 3000 Rohnert Park Pl.  
 Rohnert Park, CA 94920  
 707-684-1470

Business areas on the Roads  
 to the Proposed Project

Proposed Cite





July 15, 2004

Daniel Kolkey  
Gibson, Dunn & Crutcher  
One Montgomery Street, Suite 3100  
San Francisco, CA 94104

COUNCIL:	
MISCELLANEOUS	
COMMUNICATIONS	X
AGENDA	
COPY TO:	
COPY TO:	

7/20/04

RE: Compact for the Federated Indians of the Graton Rancheria

City Council

Gregory A. Nordin  
Mayor

Amie L. Spradlin  
Vice-Mayor

Armando F. Flores  
Jake Mackenzie  
Vicki Vidak-Martinez  
Council Members

Dear Mr. Kolkey:

Thank you for meeting with the Mayor, Friends of the Graton Rancheria representatives, and myself. We deeply appreciated the opportunity to answer your many questions about our community, the MOU between the City and Tribe, and the Federated Indians of the Graton Rancheria. We especially appreciated your interest in addressing local impacts of the Resort/Hotel/Casino project.

Carl Eric Leivo  
City Manager

One topic that we discussed was groundwater. The City's Engineer prepared a presentation that includes data and diagrams concerning water (enclosed). There exist ample recharging groundwater supplies in the Rohnert Park area to serve the City, the Resort/Hotel/Casino project, and surrounding property owners. When rural property owners report water well problems, I believe that it is because they have shallow wells, they have tapped into a limited "perched" groundwater pool, and their aged wells need maintenance or replacement. If a well is drilled deep and is properly maintained, there will be more than sufficient water.

To reiterate, when negotiating the Memorandum of Understanding the City anticipated every possible impact of the Resort/Hotel/Casino project. The Tribe agreed to MOU provisions to address the possible impacts and much more. It is most unlikely that the Environmental Impact Report will reveal any new information that we did not anticipate.

I acknowledge your vision that an EIR should be done and then a gaming tribe should address impacts identified in the EIR. Yet, this would not have been the best negotiation strategy for the City. The Tribe has graciously agreed in the MOU to address many pressing needs in the community, over and above impacts that would be identified in an EIR. For instance, the MOU provides \$1,000,000 per year for local schools while the project arguably will have little impact on schools.

The only pressing need in Rohnert Park and Sonoma County that could not be fully addressed in the MOU was U.S. Highway 101 and the Wilfred/Golf Course interchange. I fear that it would be a mistake to wait for the EIR prior to negotiating with the FIGR regarding funds to improve Highway 101. The EIR could well show that the Resort/Hotel/Casino does not significantly contribute to a reduction in the Level of Service (LOS) on U.S. Highway 101.

6750 Commerce Boulevard • Rohnert Park CA • 94928-2486 • (707) 588-2227 • Fax (707) 588-2274  
www.rpcity.org

Traffic to and from the Resort/Hotel/Casino will be dispersed among four different routes (see enclosed map). Resort/Hotel/Casino traffic typically occurs at off-peak times during the day. The Level of Service drops to D, E, and F on U.S. Highway 101 and around the Wilfred/Golf Course interchange during the morning and evening commutes but at other times Highway 101 and the interchange operate a LOS C and above. The LOS during commute hours is already so bad that the Resort/Hotel/Casino project traffic probably will not significantly contribute to any further deterioration.

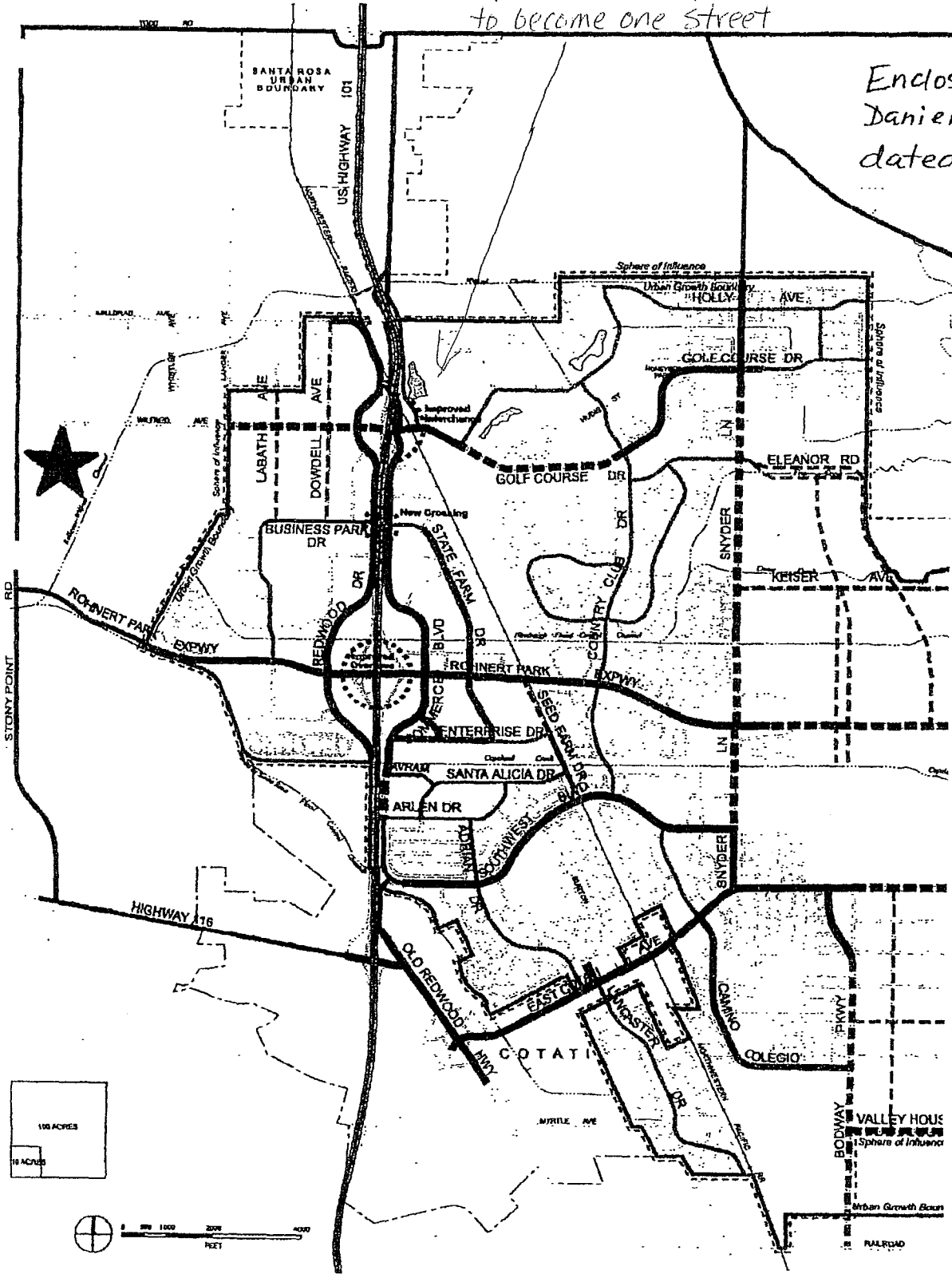
We urge you to talk with the FIGR regarding funds for U.S. Highway 101 sooner rather than later.

Sincerely,

Carl Eric Leivo  
City Manager

Wilfred Avenue Golf Course Drive  
to become one street

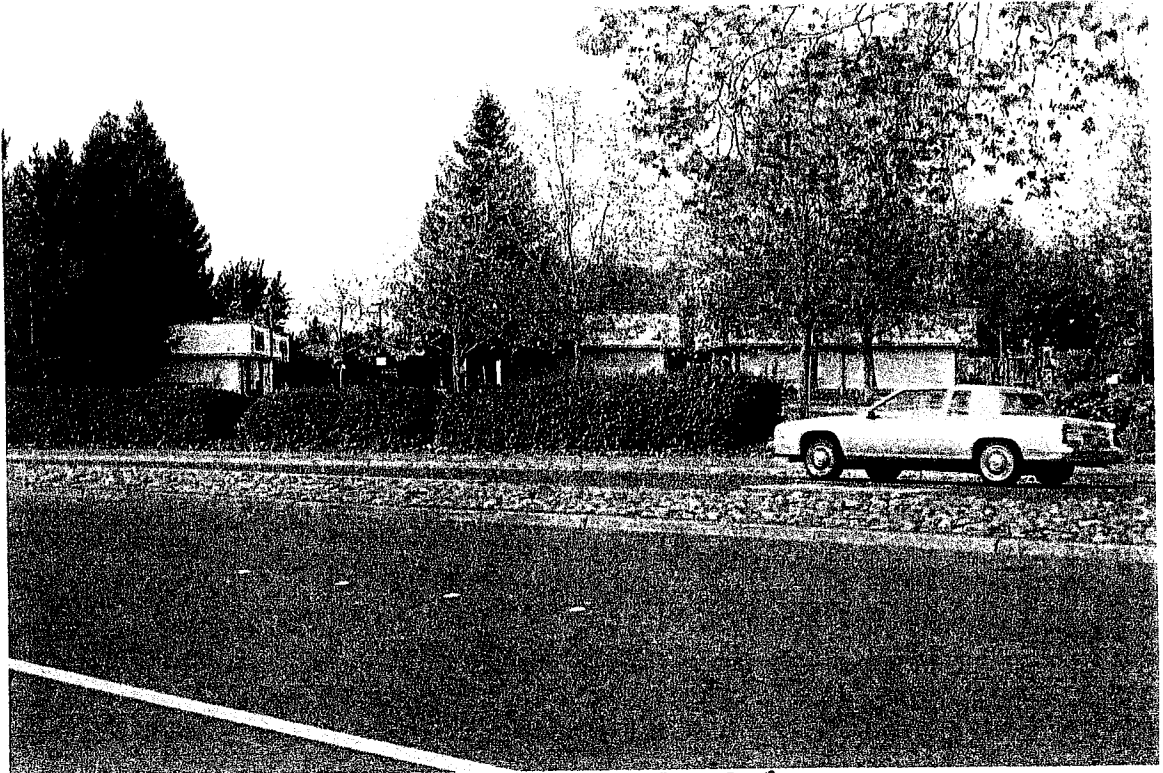
Enclos  
Daniel  
dateo



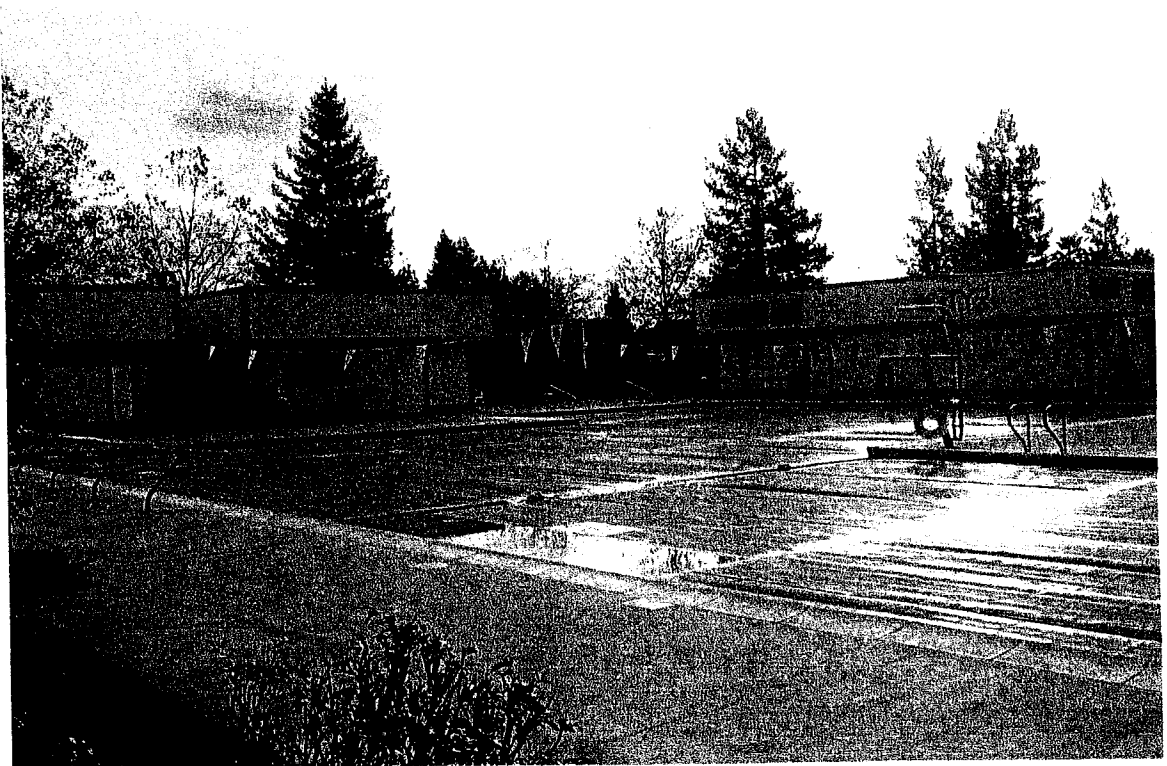
Wilfred Ave Golf Course Drive to become  
one street

- EXISTING PROPOSED
- Major Arterial (4 or 6 lanes)
  - Minor Arterial (2 lanes)
  - Major Collector (4 lanes)
  - Minor Collector (2 lanes)

# **Pictures**



Honeybee Park Pool from Golf Course Drive



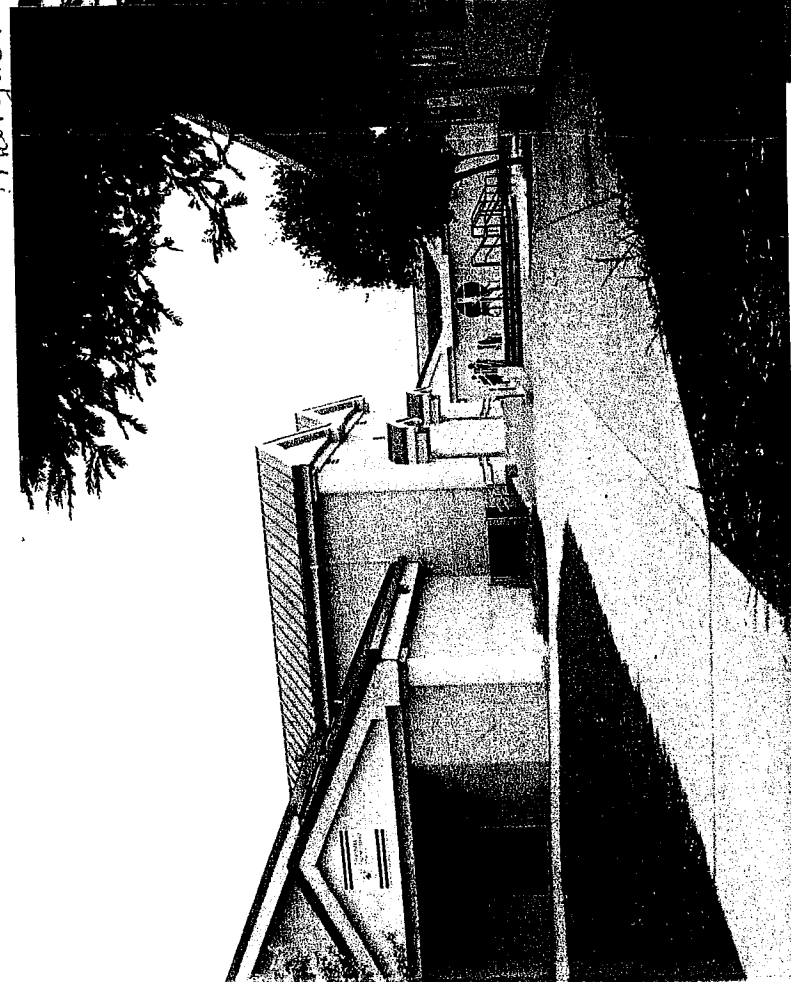
Honeybee Park Pool

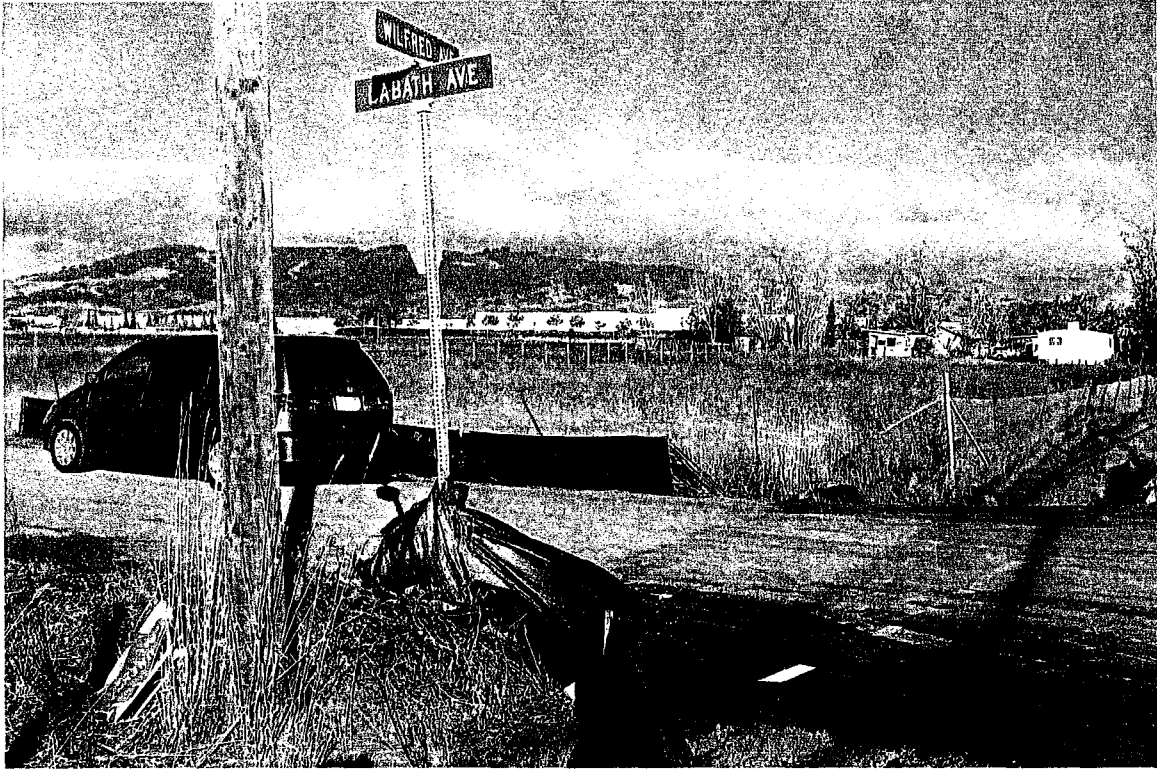


Hahn School Hadis Street

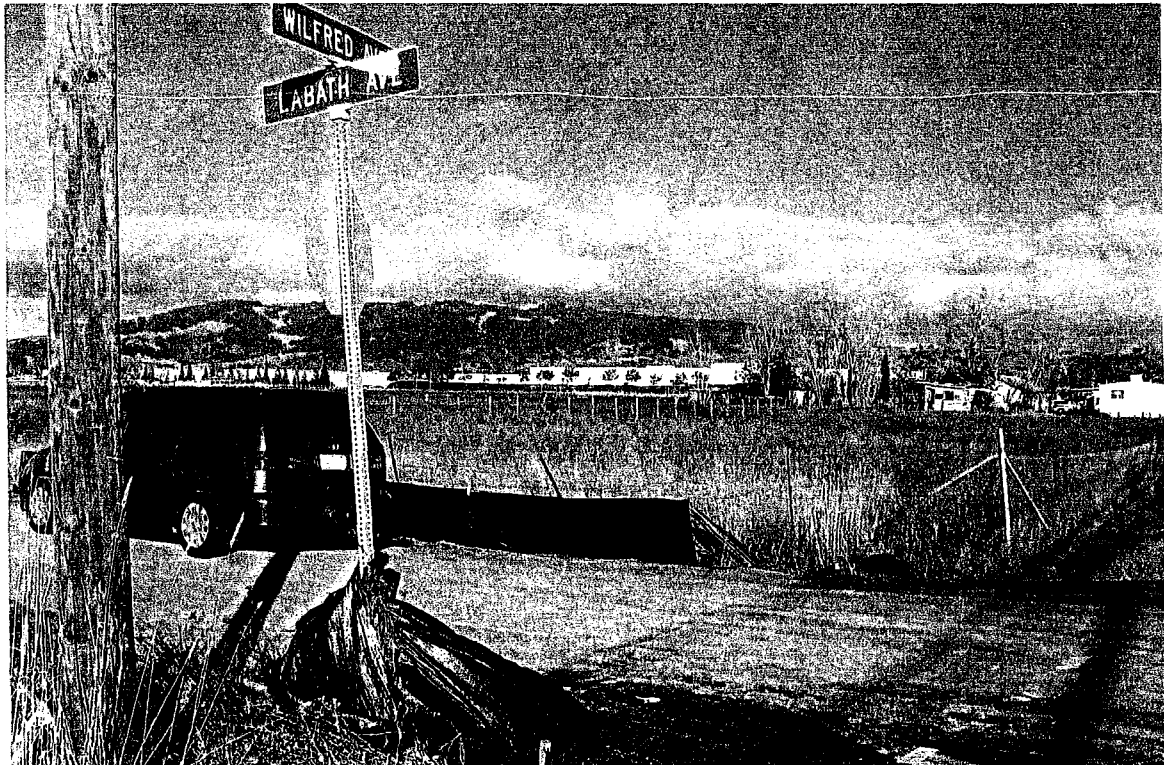


Marguerite Hahn School

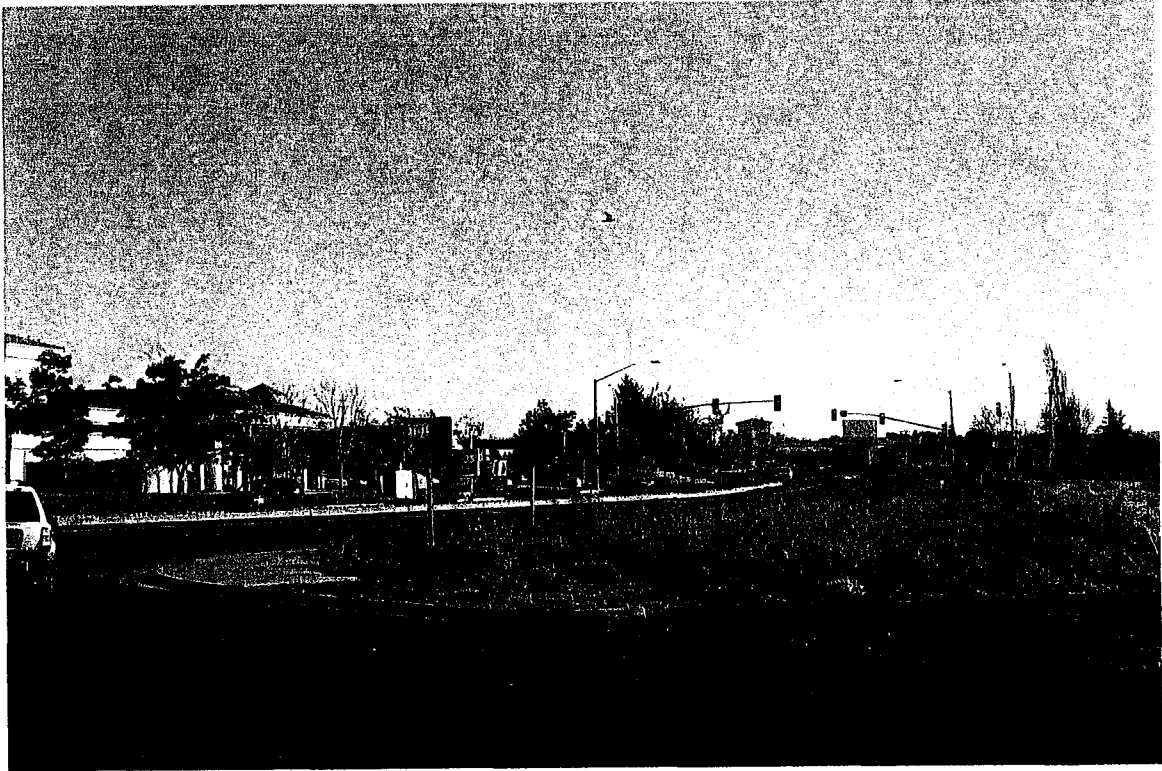




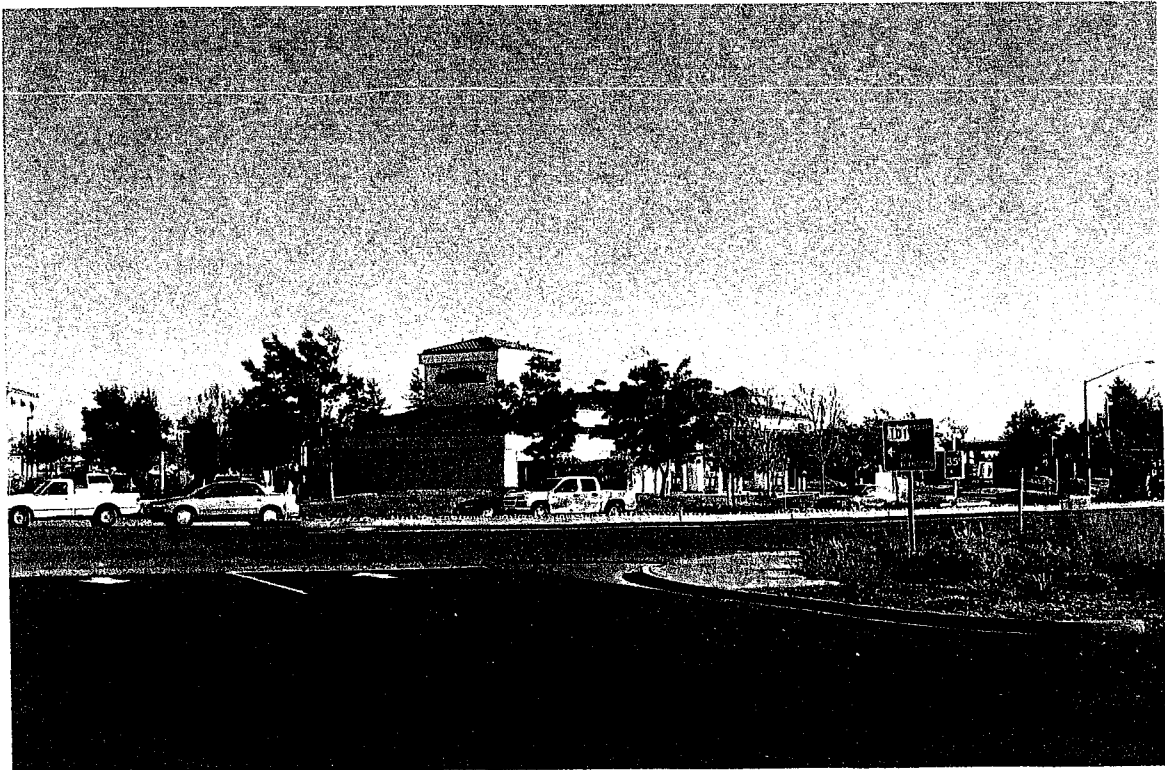
Your picture in Alternative A was taken facing west this picture taken @ Wilfred & Labath taken facing east



We need full disclosure with pictures and maps from 'Applicant tribe' with regard to project(s) site

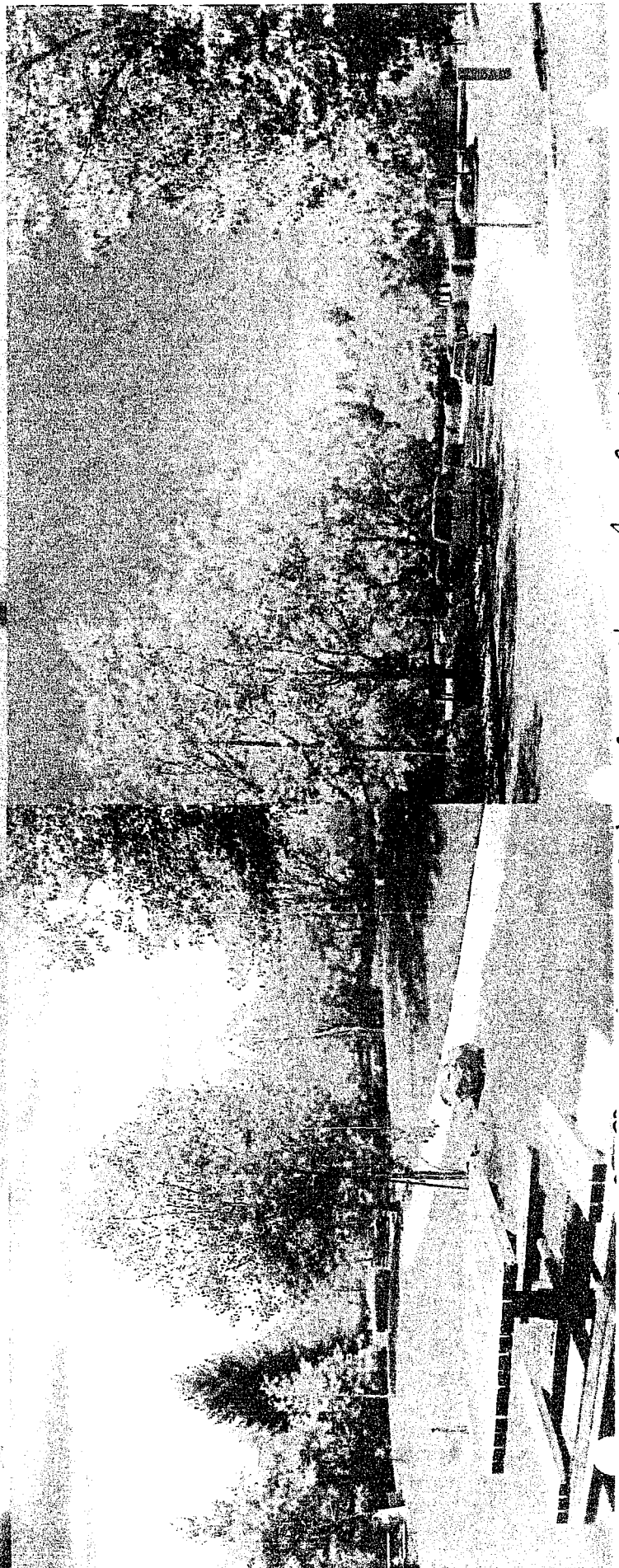


*Pictures taken from Home Depot toward Wilfred Av*





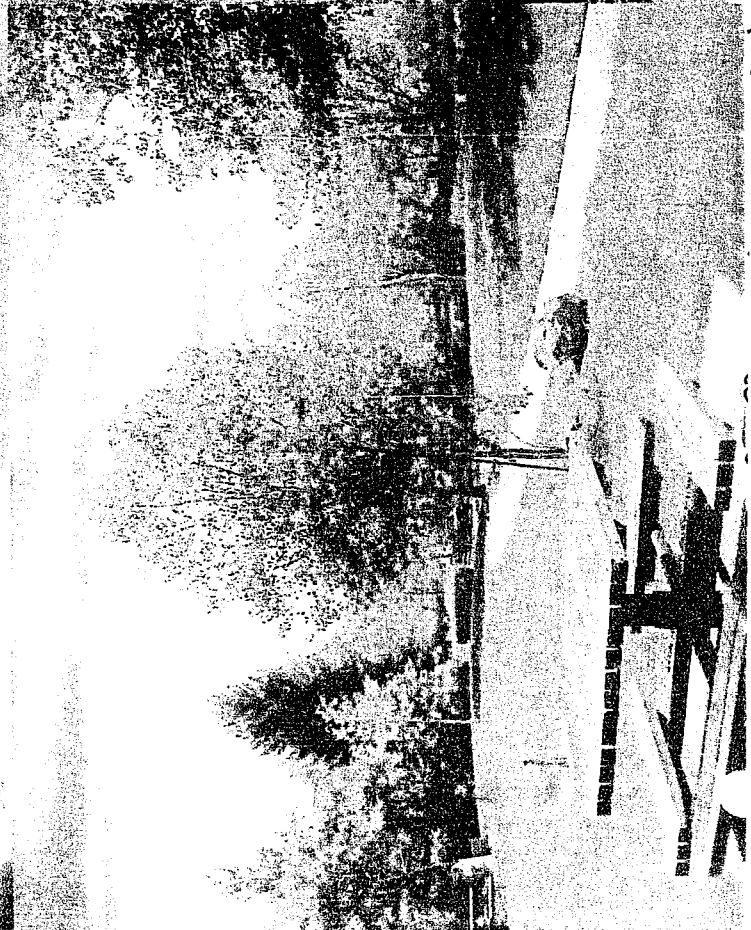
4



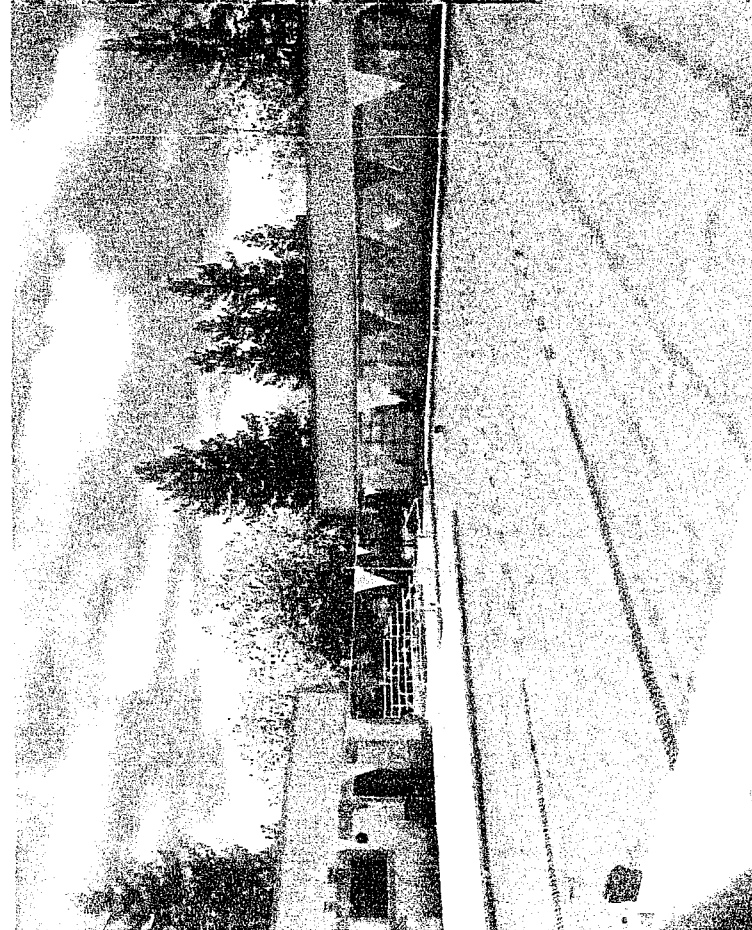
2



3



1



2



4



November 1, 2005

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

RE: DEIS SCOPING COMMENTS – Graton Rancheria Casino & Hotel Project

Dear Mr. Mehaffy,

I am writing to you regarding the proposed Casino/Hotel project. I live a short distance from the site and am very concerned about the development.

These are my concerns and I truly hope they will be looked into:

WATER

As we are all on wells in this area, I am very concerned about our wells being depleted.

1. How much water will the casino/resort use and where will it come from?
2. How will the casino project mitigate the reduction of ground water in the already over drafted ground water basin?
3. How does the casino project plan to provide water for their buildings and not affect the residents in this area?
4. What will the casino project do to guarantee that the residents will not run out of water or have any loss of ground water to their wells?
5. If the casino project overdrafts the aquifer and lowers the water levels on wells in the area will the casino reimburse well owners for the costs of drilling deeper wells to find water?
6. If the water table drop is accompanied by poor water quality, will the casino project compensate well owners for the degradation?
7. How will the casino project mitigate any water quality problems?
8. What percentage of the ground water basin will fall due to casino water usage? It has already dropped over 100 feet with the City of Rohnert Park's usage.
9. What will be done to ensure water recharge?
10. Will most of the site be left as it is so water can recharge?
11. What practices will be used to promote wise and environmentally sensitive use of this land?
12. Will there be water regulations for the Graton Rancheria?

This site is open space for a very necessary reason. WATER. Rainwater and other winter water drainage percolates through to the underground aquifer. If this site is developed and covered by buildings, parking lots and other non-permeable surfaces, natural basin replenishment can't occur.

### FLOODING

1. How will the casino project prevent flooding to adjacent properties when landfill is brought in?
2. How will they prevent flooding to the adjacent properties when the site is paved over?
3. How will the casino project make sure that the flooding will not contaminate the wells in the surrounding areas?
4. What will the casino project do when it floods to manage chemical spills, sewage spills, oil spill etc? What is the plan to prevent ground water contamination?

### WASTE WATER

1. Will the casino project has it's own on site sewage system? Or will it be using public sewer service?
2. If the casino project has its own waste system will waste ever be injected into the ground?
3. What steps will be taken to prevent pollution of our ground water?

### HAZARDS

1. How will the casino project keep our groundwater from being contaminated by the fill, construction materials and asphalt?
2. How will the casino project prevent other sources of water pollution? I.E., pollution from gasoline and oil from the increased traffic in the area?

### BIOLOGICAL RESOURCES

The site is located in an area needed for water recharge. That in itself should be enough to see that this project is a bad idea. The location is near the Laguna De Santa Rosa, which is home to many animals. The area is a stopover location for birds migrating. This area also has 5 federally recognized endangered species living in it. The surrounding fields are also home to wildlife.

1. How will the casino project prevent the loss of habit for the endangered species?
2. How will the casino project prevent the loss of habit for any of the creatures that make it their home? I.E. fox, possum, otter, and numerous birds.
3. What guarantee is there that the casino project will provide wetland mitigation lands that will be kept open and not be used for future building?
4. Does the casino project have any information on the earlier salamander study? Will the casino project be conducting another study as the company that did the

first study conducted it in an inconsistent and possibly “fixed” way? Several people in the area have mentioned that the buckets set out to catch the salamanders appeared to have been tampered with.

5. How many salamanders were found in the first study?

### TRAFFIC

1. What will be done to discourage the use of neighborhood streets?

Currently, the heavily traveled roads are Stony Point and Rohnert Park Expressway. The side streets are all lightly traveled. If the casino project goes in, our quiet residential streets will become dangerous especially on the dense foggy nights. There isn't any street lighting in the rural area.

2. What will be done to deter drunk drivers, speeding vehicle etc, from using the side streets?
3. How will the casino project prevent the taxpayers from having to pay for the cost of road changes if this project goes in?
4. How will the casino project prevent Hwy 101 from having more traffic jams?
5. What will be done to keep the roadways safe and clean with all the additional traffic?
6. What traffic studies have been conducted?
7. What is the predicted increase of traffic on Wilfred?

### LAND USE

1. How will this project NOT violate the County's General Plan?
2. What steps will the casino project take to keep from changing the character of the surrounding area? This is a rural area and should be kept that way.
3. How will loss of open space be prevented?
4. How will the community separator be preserved?

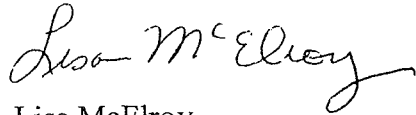
The proposed project is in an area that is listed in the Sonoma County General Plan as open space, agricultural and a community separator.

### INDIRECT IMPACTS

1. What effect will the casino project have on property values in the surrounding area; specifically the unincorporated rural area?
2. What effects have casinos had on home values in other areas comparable to our?
3. Will a casino make the area less desirable?
4. What studies have been done in other comparable areas that have casinos?
5. What steps will the casino project take to keep our residential areas quiet and rural?

Thank you for seriously looking into all these concerns. This project has significant impacts and once the land is gone, it can't be replaced.

Sincerely,

A handwritten signature in cursive script that reads "Lisa McElroy". The signature is written in black ink and is positioned above the typed name.

Lisa McElroy  
4327 Primrose Avenue  
Santa Rosa, CA 95407

ALBERT E. DANSON  
342, ALISON AVE,  
ROHNERT PARK,  
CA. 94928-8005

11-3-05

I-41

RE: FEDERAL INDIANS OF GRAYSON RANCHERIA  
ROHNERT PARK CASINO.

THE PLACEMENT OF A CASINO  
ON A SITE NEXT TO A SHOPPING CENTER  
ON THE ROHNERT PARK EXPRESSWAY LESS THAN  
1 MILE FROM 101 FREEWAY IS LUDICROUS.

A FEW YEARS AGO A NUMBER  
OF US VOTED FOR THE BETTERMENT OF  
INDIANS, WE DID NOT VOTE FOR LAS VEGAS  
INTERESTS WHO HAVE TAKEN ADVANTAGE  
OF THE INDIANS, AND ARE BLATANTLY  
TRYING TO USE THE INDIANS FOR THEIR  
ADVANTAGE.

THERE ARE MANY PLACES ONE CAN  
GAMBLE AT IF YOU WISH BUT THINK OF THIS  
REGARDING THIS SITE.

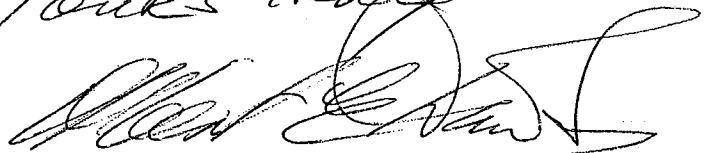
- #1. UNWANTED BY A MAJORITY OF THE PEOPLE
- #2. GOING TO SINK WELLS AND ROB US OF OUR  
ALREADY LESSONING SUPPLY OF WATER
3. AN AREA IF UNDER FEDERAL VIEWS  
GIVES US NO RIGHTS ON THEIR LAND, WHAT  
COULD THIS ALONE ~~DO~~ ~~TO~~ ~~OUR~~ ~~ENVIRONMENT~~
4. LOCAL ROBBERIES FOR FUNDS FOR  
UNCONTROLLABLE GAMBLING.  
WHICH HAS HAPPENED IN OTHER LOCATIONS.

5/ GIFTS OF LARGE AMOUNTS OF MONEY  
TO THE CITY, WHICH IS CERTAINLY  
QUESTIONABLE IF NOT BRIBERY.

I COULD SITE AT LEAST  
50 MORE REASONS WHY ROANER PARK  
WILL SUFFER GREATLY FROM THIS  
ILL-CONCEIVED AND RIDICULOUS PROPOSAL

PLEASE DO NOT LET THEM  
DO THIS TO US. I HAVE BEEN TO MEETINGS  
AND THE OBJECTION IS APPARENT

YOURS TRULY



REGISTERED ROANER PARK  
VOTER.



November 2, 2005

Brad Mehaffy  
NEPA Compliance Officer  
NIGC, 1441 L St., NW., #9100  
Wash. D. C., 20005

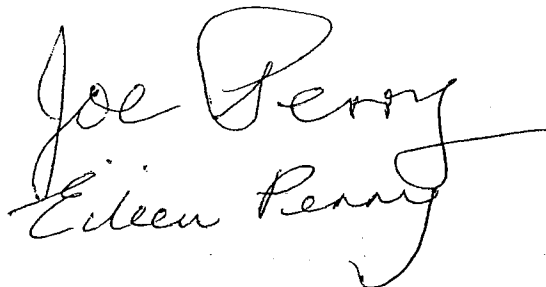
Re: Federated Indians Of Graton New Proposed Casino Site

Dear Mr Mehaffy,

As a 20 year resident of Rohnert Park, CA., We are terribly concerned that this "family city" may one day include a gambling casino with all its problems within our city limits. Originally they chose a site outside the city, but opposition from the majority of citizens in this area forced them to abandon the idea. If they build in Rohnert Park there is no question that crime, water consumption, traffic congestion, air pollution and loss of local revenue from gambling will result. Without a casino, Rohnert Park already suffers from these problems. Moreover, there are 32 schools in the city and a state university. Are these young citizens to be exposed to the temptation of a Las Vegas type casino daily? Visit the proposed gambling site and you will observe first hand the close proximity this casino will be to our schools, homes and churches. This is primarily a rural community not a Las Vegas style atmosphere where anything goes including prostitution and drug addiction.

We ask your support. Please turn down the proposal to build a casino here.

Joe & Eileen Perry  
1122 Civic Center Drive  
Rohnert Park, CA 94928



RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION  
NOV 8 - 8 - 2005 PM 4:01

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

Re EIS Scoping Comments, Graton Rancheria  
Casino and Hotel Project


October 26, 2005

Dear Mr. Mehaffy:

The full text of the remarks I wished to make to the NIGC Public  
Scoping Meeting on October 19, 2005 are attached.

Thank you very much.

Yours truly,



Grant Miller  
465 Hidden Acers Road  
Healdsburg, CA 95448

RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION  
NOV - 8 - 2005  
PM 4: 01

Re: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

Good Evening . My name is Grant Miller. I am the owner of an Investment Consulting Firm and am co- owner of a 100 year old family farm in Iowa. I am active with Kiwanis Club, the Luther Burbank Center for the Arts, the Association of California Symphony Orchestras, the Make-A-Wish Foundation, and the Sonoma County Museum. I serve on the Board of the Santa Rosa Playhouse and I also serve on the Executive Committee and Finance Committee of the Santa Rosa Symphony Board. I am Secretary of the Friends of the Federated Indians of the Graton Rancheria.

I am here tonight to discuss the economic benefits the City of Rohnert Park and the County of Sonoma will derive from the convention center and resort-casino proposed by the Tribe.

The NIGC should consider the economic benefits of the project to the community. The project is expected to stimulate economic activity through convention sales, resort purchases from local vendors and the increased sales, sales taxes paid by visitors and the growth of discretionary income that both vendor and resort employees will have as a result of this project.

- The Federated Indians of the Graton Rancheria's proposed convention center, resort casino is estimated to have an annual economic benefit to the area of more than \$275 million.
- The resort casino destination will increase Sonoma County tourism by providing visitors a 300-room hotel, conference and meeting facilities, spa, casino and several restaurants.
- The project will create approximately 750 construction jobs with an annual payroll of \$30-\$40 million.
- The project will create approximately 2,500 union wage scale jobs at the resort/casino with an annual payroll of more than \$76 million. It will also provide health and insurance benefits for all employees.
- Local vendors will receive preference for supplying the more than \$64 million in annual goods and services that the resort/casino will need when it is fully operational. This infusion of capital into the local economy, along with purchases by resort/casino employees, will create an additional 3,500 full and part-time jobs in the area.
- These economic stimuli are in addition to the \$200 million in economic contributions that the Tribe agreed to provide to the local community through the Memorandum of Understanding with the City of Rohnert Park.

For years, the City of Rohnert Park has been struggling to meet increased service demands with limited revenues. This project represents an opportunity for Rohnert Park to meaningfully address those demands without increasing the local resident's tax burden.

For all of Sonoma County, this project will create thousands of well paying construction and hospitality jobs and will contribute millions of dollars annually to *local* businesses

through the purchase of building supplies and other goods and services. The increased flow of convention and tourist dollars will enrich the entire County

The unprecedented revenue sharing Memorandum of Understanding the Tribe has with the City of Rohnert Park goes far to mitigate the project's impacts on public safety and transportation.

Their \$200 million, twenty-year commitment to Rohnert Park ensures that the benefits from their resort and casino project transcend tribal membership and truly benefit the entire surrounding community. Evidence is their MOU with the County of Sonoma

Traffic is a significant issue in Sonoma County. The NIGC should consider the benefits associated with the nearly \$8 million in contributions for traffic improvements pledged by the Tribe under the Rohnert Park MOU. In many cases, the Tribe has agreed to pay for the entire cost of the improvement up front rather than simply their fair share payment.

In the MOU with the County, the parties agreed to enter into mitigation agreements relating to traffic improvements and other issues. The Tribe has also pledged to enter into an agreement with Caltrans for Highway 101 improvements once more information becomes available through the EIS process. If every other developer agreed to mitigate impacts to the same extent as the Tribe, I suspect traffic would never have become such a problem.

Additionally, the Tribe has also expressed a willingness to share a portion of its revenue with the State of California and is eager to begin these discussions with the governor and the legislature.

Finally, and most importantly, revenue generated from the facility will allow the Graton Rancheria to reach its goal of economic self-reliance by building a strong and sustaining government and meeting the economic, healthcare, education and housing needs of all its members.

Thank you very much.

Grant Miller

Attachment: Steve Courtney letter to Rohnert Park City Council re. crime unit



**City Council**

Jake Mackenzie  
Mayor

Vicki Vidak-Martinez  
Vice-Mayor

Armando F. Flores  
Tim Smith  
Amie L. Spradlin  
Council Members

Steve Donley  
City Manager

Judy Hauff  
City Clerk

Michelle Kenyon  
City Attorneys

Council:	
Miscellaneous	X
Communications	
Agenda	
Copy to: G. Sarris	
Copy to: Tribal Council	✓

8/11/05  
b1

August 11, 2005

Greg Sarris, Chairman  
Federated Indians of the Graton Rancheria  
320 Tesconi Circle, Suite G  
Santa Rosa, CA 95401

Dear Chairman Sarris:

It is my pleasure to provide you an update of the past year's accomplishments of the Special Enforcement Unit (SEU) and how the \$700,000 generously provided by the Federated Indians of the Graton Rancheria has been expended. Below is a listing of statistics for the SEU from the period of July 1, 2004 through August 1, 2005:

**Total Arrests: 458**

**Felony Arrests: 129**

**Felony Drug Arrests: 56**

**Felony Violation of Probation Arrests: 25**

**Felony Violation of Parole Arrests: 15**

**Stolen Vehicle Arrests: 3**

**Total Misdemeanor Arrests: 329**

**Misdemeanor Arrests: 144**

**Misdemeanor Arrest Cites: 185**

**Misdemeanor Violation of Probation Arrests: 28**

**Misdemeanor Narcotics Related Arrests: 46**

**SEU authored and served 7 search warrants on known narcotics dealer locations in Rohnert Park and is the processing of serving an additional search warrant.**

The proactive enforcement efforts of the SEU has sent a message to gang members and repeat offenders that they will not be able to conduct their criminal activities within Rohnert Park. In addition to the SEU, your funding has provided resources to equip a canine unit. The canine unit has proven to be an invaluable tool in apprehending suspects with minimum force and recovering illegal drugs.

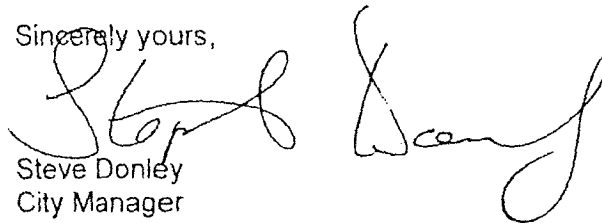
With the activities of your funding outlined, I would like to provide you a summary of how the \$700,000 was spent. Below is a table summarizing the City's expenses:

<b>Expense</b>	<b>Amount</b>
Patrol Vehicles (4 SEU, 1 Canine)	\$ 162,739
SEU Staffing	\$ 449,326
Canine Training, Supplies & Equipment	\$ 27,795
SEU Training, Supplies & Equipment	\$ 40,621
<b>Total</b>	<b>\$ 680,481</b>

Out of the original \$700,000 provided, \$19,519 remains. The City plans on using these funds toward equipping an additional canine unit.

The SEU and canine unit have proven to be extremely effective in combating criminal activity in Rohnert Park. As these proactive enforcement efforts continue, criminals will find it very difficult to conduct their activities in Rohnert Park and our local criminals will experience an address change from Rohnert Park to state prison. The City appreciates your contributions our local enforcement efforts and looks forward to your continuing commitment to this cause. If you would like any additional information regarding the SEU or canine unit, please do not hesitate to contact me at (707) 588-2226.

Sincerely yours,



Steve Donley  
City Manager

cc: Honorable Mayor Mackenzie and Members of the City Council,  
Department of Public Safety Director Bullard

November 4, 2005

Brad Mehaffy, NEPA Compliance Officer  
NATIONAL INDIAN GAMING COMMISSION  
1441 L St., NW #9100  
Washington, DC 2005

Dear Sir,

We are appalled and angered that the city of Rohnert Park is planning on destroying even more of our environment by the purposed project near Wal-mart. We are also angered by the actions of the city by not informing all of the land owners who would "potentially" be effected by this plan. It was very convenient that only a few homeowners in the area were sent copies of the "initial study".

We are very angered that Rohnert Park thinks it has the right to threaten our water source and our way of life. Take a look at history, range wars were started over water and grazing rights. If our water quality and/or water resources are diminished then the value of our land will also decline. If our well goes dry, who is going to pay? We choose to live where we do because we **DO NOT** want to be on city water or in city limits. Not only do we not want to be on city water but we refuse to pay for the installation if the need arose through your parasitic advances. We have lived here for over 30 years and will be able to prove if our well were to go dry or become contaminated that the City of Rohnert Park is directly responsible. We have an excellent well that has been tested over the years (most recently last year) and the quality of city water is far below the quality of our well water.

The City of Rohnert Park has become a parasite on the precious resources here in Sonoma County and communities such as yours in the end will perish due to the selfish pursuit of your own wants and greed. It is **not** a necessity to have a casino in our area when there are several casinos surrounding Sonoma County. History has proven societies that contaminate their environment and mainly their water resources perish. The "initial study" report clearly states and we quote "...effects that would cause substantial adverse effects on human beings, ether directly or indirectly". This is absolutely unacceptable to us as homeowners and as citizens of the United States to have our rights be "potentially" violated.

In the Declaration of Independence it states that we have the right to "...Life, Liberty, and the pursuit of Happiness. That whenever any Form of Government becomes destructive of theses ends, it is the Right of People to alter or to abolish it..." Our quality of life would be destroyed with any size casino in our area. We are absolutely opposed to any building near the Wal-mart area of Rohnert Park.

Sincerely,

Addie Anne Jouganatos  
Betty Gene Jouganatos  
Anguleta Jouganatos-de Lopez

*Addie Anne Jouganatos*  
*Betty Gene Jouganatos*  
*Anguleta Jouganatos-de Lopez*

10:48 AM - 8 - NOV 2005

RECEIVED  
NATIONAL INDIAN GAMING COMMISSION

Christy Sternberger  
 868 Holly Avenue  
 Rohnert Park, CA 94928

November 2, 2005

National Indian Gaming Commission  
 Re: EIS Scoping Comments Graton Rancheria Casino & Hotel Project  
 Attn: Brad Mehaffy, NEPA Compliance Officer

Dear Mr. Mehaffy,

I am a sixteen-year resident of Rohnert Park, Ca. I object to the site chosen for a casino/hotel by the Las Vegas funded FIGR.

My mother lives in Crescent City, Ca. She saw her own community experience the financial and social problems that a local casino caused to senior citizens, low-income families, and local businesses – especially restaurants.

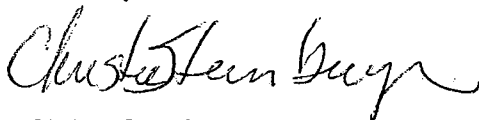
My mother worked at the county level and saw how many persons were lured into the casinos, developing gambling addictions that resulted in the loss of financial nest eggs, and blown welfare and social security checks. Will this proposed casino by the FIGR not cause any of this to happen? How will the proposed casino affect senior citizens and the poor – a vulnerable part of any community?

What about local restaurants that can't compete with the 4.99 steak dinners, cheap buffets, and free alcoholic beverages served to entice gamblers in? How will the FIGR casino affect local restaurants and bars due to these practices?

Enclosed, please see a local advertisement sent out by another casino to every resident in Rohnert Park. The mailing address is from Las Vegas. It details senior citizen specials, 4.99 steak dinners, and interestingly has a gambler's anonymous warning and contact info on the back. Will the FIGR's casino/hotel project not cause any gambling addictions? How will this casino affect traffic and crime rates being so close to my city streets?

I don't think the current proposed site is good for my community. It's too close to schools, neighborhoods, and people who may be vulnerable to gambling out of boredom, ignorance, and easy access. Casinos belong in Las Vegas or on sites that are NOT on top of communities that will bear the burden of the negative aspects of gambling. When I voted for Prop 1A, I thought casinos would be far from communities-not right off an already packed highway and near family neighborhoods.

Sincerely,



Christy Sternberger

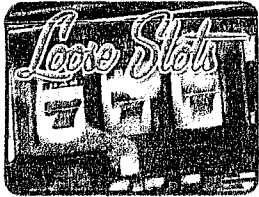
2005 NOV 8 - 8 PM 4:01

RECEIVED  
 NATIONAL INDIAN  
 GAMING COMMISSION



Dear Tom:

We would like to invite you to visit us at Hopland Sho-Ka-Wah Casino, located in the heart of Mendocino County's wine country, where we offer a variety of entertainment choices in one of the friendliest atmospheres around. Visit our Players Club and we will give you 25 reasons why we were voted "Best Casino" two years in a row by the Ukiah Daily Journal.



We've upgraded our slots with some of the hottest machines available, including: Fort Knox, Men in Black, Million\$er and Penny Train. Our brand new Poker Room features live Texas Hold 'Em and opens at 5pm daily. We also feature all your favorite Vegas-style table games 24 hours a day!



Bingo is back by popular demand! Our new bingo room is now open five days a week. Every Wednesday through Saturday, the doors open at 4pm, with "Early Bird" games beginning at 6pm. On Sunday, the doors open at 11am and "Early Birds" begin at 1pm. Paper buy-ins start at just \$10!

If you're hungry, the Players Steakhouse features a complete, succulent, made to order New York Steak dinner for only \$4.99 to all Players Club Members. Grab a quick bite at the Sho-Ka-Wah Café where you can enjoy a world famous "Big Bob" burger served with a pound of fries, the double-decker "Club House" sandwich, or our signature chef salad, just to name a few. Visit the full service Hawk's Nest Bar and enjoy your favorite cocktail, ice-cold beer, or just keep track of your favorite team on our big-screen TV.



Not a Players Club member? We can get you up to speed in minutes and the best part is it's FREE! Players Club members earn points and cash back with all carded slot and table play.

If you're looking for action, we're game! Vegas-style excitement is waiting for you just a short, scenic drive away. Take Hwy 101 to Hwy 175 in Hopland. We look forward to seeing you!

Sincerely,

  
John Straus  
General Manager



1-888-SHOKAWAH  
(746-5292)

WWW.SHOKAWAH.COM

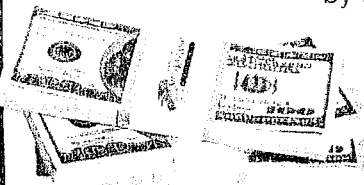
Come see why we were voted "Best Casino" two years in a row by the readers of the Ukiah Daily Journal!

Mr Tom H Anderson

**\$ 25.00**  
**CASH MONEY**

Offer expires 12/7/05

See Players Club for more details.



Looking for Action?  
We're Game!

BRAD Mehaffy

I-46

Brad Mehaffy,  
NEPA Compliance Officer  
National Indian Gaming Commission

11/03/05

Dear Sir,

I am writing you to OPPOSE the Casino site in Rohnert Park, California, for the Federated Indians of the Graton Rancheria. This area already has HUGE traffic problems both on the highway (101) and on every other street or road that gets you from Rohnert Park thru Santa Rosa. The highway and streets turn into parking lots, EVERYDAY!

This Indian Tribe started working in secret with certain officials of Rohnert Park about this deal along time ago. The People don't want the Casino!  
It would be a nightmare to have another Casino in Sonoma County, period.  
California is FULL UP with Casinos!  
This area from Rohnert Park thru Santa Rosa is FULL UP!  
We don't need the troubles that a Casino here brings, crime, drugs, hookers.  
We are in short water supply and there are many environmental issues.  
It is a very wrong idea!

Jenay McIntyre  
3510 Phillips Ave  
Santa Rosa, CA 95407

*Jenay M. McIntyre*

Re: Federated Indians of GRATON  
New PROPOSED CASINO SITE  
IN Rohnert Park, CALIFORNIA

10:48 PM 8-NOV-05

NATIONAL INDIAN  
GAMING COMMISSION

Mr. Brad McHaffy, Nepe Compliance Officer  
N & DC  
1441 L Street NW, Suite 9100  
Washington, DC 20005

Nov. 1, 2005  
Pam Stafford  
5793 Dept. Blvd  
Robert Paul, CA  
9492

I-47

"EIS Scoping Comments, Boston Rancheria  
Casino and Hotel Project"

Dear Mr. McHaffy,

Thank you for the professional manner in which you handled the Scoping Hearing in Robert Paul. Thank you also for the opportunity to express concerns.

- 1) How would the problem of underage gamblers be addressed? With a major university less than two miles away, how would students be kept from losing all their money?
- 2) How would the problems of 24 hour traffic, buses on narrow roads, drinking drivers, and all the pollution attached to these, possibly be handled?
- 3) Statistics prove that casinos bring crime. How will you keep out prostitution, the pawn shops that would be needed for all those addicted gamblers who would lose their homes, and the burglaries and robberies that would increase as a result of the casino.
- 4) How would we keep the friendly city family oriented?
- 5) How would the "tribe" compensate those businesses that we would lose as a result of the unfair advantage that a "tribe" has because of taxes and not following the same game employees or anything else?

RECEIVED  
NATIONAL TRIBAL GAMING COMMISSION  
NOV 18 2005  
Sincerely,  
Pam Stafford

November 3, 2005

I-48

Dear Brad Mehaffy,

I am a concerned resident of Kohneet Park. I live close to the area where the casino is proposing to build. My concerns include unacceptable increases in traffic on a daily basis with occasional horrific traffic whenever "events" are held at the casino. Recently water prices have increased in Kohneet Park, and if the water supply is overextended by casino use, how expensive will my water become? Perhaps most important to me is the suitability of a family-oriented city like Kohneet Park, for a casino full of gambling, smoking, drinking and other less wholesome behaviors. Our town supports parks in every section and areas for sports and recreation. These conflict with the activities promoted by a casino.

Sincerely,

Linda Shane

80 Triton Drive  
Kohneet Park, CA 94928

2005 NOV - 8 - PM 4: 01

RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION

Charles & Mary Thayer  
Nov. 2, 2005

Brad Mchaffy  
NEPA Compliance Officer

Sir;

I don't know if you have ever been in Rohnert Park California or used Highway 101 in the North Bay. Please imagine that you live here and consider the following.

We bought our home in Rohnert Park thirty years ago. We bought here because of the rural atmosphere and the reasonable cost of living. In the last twenty years, the developers and builders have paved over and built on every square inch of land they could get their hands on. I guess this is called progress. Since it has become too expensive to live in San Francisco or the immediate Bay area, everyone is moving north, south, and east to find affordable housing. Commuting to work is the trade off. The net results of this trend are as follows: Daily gridlock on Highway 101 and alternate north-south routes, increased gridlock in cities just trying to get from one side of highway 101 to the other, the outstripping of our resources and capacities such as water sewage and garbage, and an increase of crime. We are now paying increasingly obscene rates for our monthly utility bills due to the above.

Now the Federated Indians of Graton want to build a casino right on the outskirts of town. To me, This doesn't concern the Indians as much as it does the Las Vegas mob that are using them to get their casinos into California. We are already past our resources and capacities and a casino on the scale they want to build would only make things worse. I am not opposed to casinos nor am I a NIMBY. I just think that putting a huge casino and resort right on the edge of a community that is already overwhelmed with growth and resources. Casinos North of us are located somewhat in a rural or country setting. They don't impact the towns nearby which is as it should be.

Please consider some of these things when addressing the casino issue. I'm sure that most people here just don't want or need a casino.

Respectfully yours,  
Charles F. Thayer  
7146 Barbi Lane  
Rohnert Park, Ca.  
94928



RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION  
2005 NOV 4 8 - 8 PM 4:01

Tom and Suzanne Anderson  
886 Holly Avenue  
Rohnert Park, CA 94928

November 2, 2005

National Indian Gaming Commission  
Attn: Brad Mehaffy, NEPA Compliance Officer  
Re: EIS Scoping Comments: Federated Indians of Graton Rancheria Casino & Hotel Project

Dear Mr. Mehaffy,

We are twenty-year residents of Rohnert Park, CA. We believe the proposed casino site by the Las Vegas, NV Station Casinos-sponsored FIGR would not be an asset to our family-friendly city or the surrounding areas. We have a list of questions that we would like you to answer.

1. May we have a detailed description of the governing system of the FIGR?
2. What is the risk to individual FIGR tribal members should the governing body of the FIGR fail to deliver on the multi-million dollar loan given to them by Station Casinos of Las Vegas, NV?
3. Will individual FIGR tribal members be held responsible and personally liable for any damages or failures by the tribal leaders who may have cut secret and open deals with outside companies, unions, governments, etc.?
4. What impacts will the FIGR's proposed casino have on neighboring tribes and their casinos within a 250 mile radius of the proposed site?
5. Is the FIGR's governing body or tribal leadership's vision compatible with a 20-year area wide-based NEPA plan?
6. What will be the casino impact regarding water rights to residents and governments within a 25 mile radius?
7. What will be the casino impact regarding the traffic flow on Golf Course Drive and HWY 101 should a casino be built on the proposed site?
8. What will be the casino impact to local restaurants, bars, and motel/hotels?
9. What will be the casino impact to local neighborhoods environmentally, socially, and financially?
10. What will be the casino impact to the local city government of Rohnert Park?
11. Does the FIGR guarantee it will deflect any and all outside infrastructure costs and social problems that the proposed casino will cause?
12. How will the proposed casino affect the Laguna du Santa Rosa?
13. How will the proposed casino affect the community separators and agricultural green belts environmentally?
14. How will the proposed casino affect the immediate F, H, and D section neighborhoods of Rohnert Park?
15. How will the proposed Land into Trust site affect the surrounding shopping centers within a ten mile radius?


We oppose the casino on the grounds that it will cause more harm than good to our community.

Thank you for your time and consideration of this matter.

Sincerely yours,

  
Tom Anderson

707-585-2298

  
Suzanne Anderson

RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION  
NOV 8 - 8 500Z  
PM 11:01

*JAN OGREN, MA, MFT  
LICENSED MARRIAGE, FAMILY THERAPIST  
576 B STREET, SUITE A  
SANTA ROSA, CA 95401  
(707) 544-7756*

I-51

November 1, 2005

To: Brad Mehaffy  
NEPA Compliance Officer  
National Indian Gaming Commission  
1141 L Street NW, Suite 9100  
Washington, DC 2005

re: Proposed Casino in Rohnert Park California

Dear Mr. Mehaffy,

I was out of state for the public hearing on October 19<sup>th</sup>, on the proposed Casino by Las Vegas Station House Casino's and the Graton Rancheria for Rohnert Park. I recently learned that I could write my comments to you. Thank you for considering them. I am a resident of Rohnert Park - 928 Hudis Street and work in Santa Rosa.

As a marriage, family psychotherapist, specializing in addiction, I am very concerned about the closeness of the proposed casino to Sonoma State University and to a large urban population. Gambling is a difficult addiction to treat and I have seen it destroy many families. It is also closely tied to alcohol and drug abuse and also to child abuse and domestic violence.

I am also personally saddened to see the latest exploitation of Native Americans. It reminds me of the stories my adopted Mescalero Apache father would tell about wagon loads of alcohol and tobacco that would be brought to the reservations when they needed food. Now instead of a healthy, respectful environment to raise families they are being offered the chance to destroy wetlands, promote addictions and have wealth (the western equivalent to meaning and spirituality).

I ask you to please consider doing everything in your power to not allow this casino to be built so close to Rohnert Park, or any urban area.

Thank you,

*Jan Ogren, MFT*  
Jan Ogren, MFT

RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION  
2005 NOV -8 PM 4:02

Fax: 202-632-7066  
November 3, 2005

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

### **"EIS Scoping Comments, Graton Rancheria Casino and Hotel Project"**

In the Press Democrat the Scoping Committee was quoted as saying all comments at the previous scoping hearing would be taken into consideration for this new site.

Please review all 700 + concerns regarding this new site. All of our concerns remain the same:

- Traffic—This is still rural out here. How will you deal with the traffic generated from an extra 20,000 cars a week?
- Children waiting on the sides of rural roads waiting for the school buses at 6:30 a.m. with no sidewalks. How will you protect our children from drucks leaving the casino at early morning hours?
- Water—We are already hitting record lows for water in Sonoma County. With the casino and the rights the Native American people have to our water. What will happen to us?
- Air pollution?
- Who will be responsible for protecting us against the crime this casino will bring?
- Who will be responsible for the fire protection
- How will this effect the farms in this area?

**~~THE ONLY~~ DIFFERENCE IN THESE 2 PROPERTIES IS THIS ONE IS NOT IN  
~~THE LAND~~ INTENDED FOR "OPEN SPACE"**

Sincerely a mother, school employee, and farmer,

Peggy Soares  
4319 Primrose Ave.  
Santa Rosa, CA 95407

20 4: 8 - NOV 02

RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION



Steve Carroll

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

Re EIS Scoping Comments, Graton Rancheria  
Casino and Hotel Project

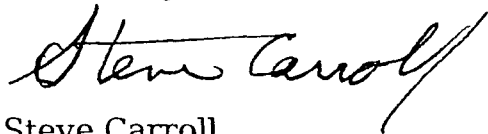
October 26, 2005

Dear Mr. Mehaffy:

Attached are the full text of the remarks I wished to make to the NIGC Public Scoping Meeting on October 19, 2005 three supplemental exhibits. Please include them in your record of comments.

Thank you very much.

Yours truly,



Steve Carroll

2005 NOV 4 8 - 4: 30 PM

3145 Mueller Road, Sebastopol, CA. 95472-2429  
Phone: (707) 829-7077 FAX (707) 829-7036 Email [ericee820@cs.com](mailto:ericee820@cs.com)  
RECEIVED  
NATIONAL INDIAN GAMING COMMISSION

## Steve Carroll

Good Evening:

My name is Steve Carroll. I am a former member of the Sonoma County Human Rights Commission and Former Chairman of the Marin County Adult Criminal Justice Commission. I also act as operations staff for the Friends of the Federated Indians of the Graton Rancheria. I mention the Marin Adult Criminal Justice Commission to underscore my *bona fides* in public safety. Public safety is what I want to draw your attention to at this time.

In considering the socioeconomic benefits of the project to the community we must consider the value of the new fire station that is to be funded under the terms of the MOU. At this juncture it also behooves us to consider the impact of the environment on the community. We live in earthquake country and Rohnert Park is cheek by jowl with the deadly Rodgers Creek fault. The center of this fault is a matter of yards from us as we speak. Most of us know that this fault is touted as one of the most threatening faults in Northern California, and that, statistically speaking, a magnitude 7 or greater earthquake along this fault is overdue.

What we don't remark on is that all four Rohnert Park fire stations and all three Cotati fire stations are on the east side of highway 101. There are no fire stations on the west side to serve either community. This is bad enough in dealing with quick response to fires and accidents. In the case of the expected severe earthquake, it could prove deadly – especially in the event that the overpasses of highway 101 were to collapse, thus severing east-west vehicular accesses for several miles along 101. Obviously Rohnert Park does not have the funds to address this severe threat.

The Tribe has pledged to provide \$2.7 million for building a new fire station on the west side of the freeway. The proposed fire station will serve all of the crowded big box business, the theater complex, and the communities present and planned for this seismically vulnerable area. In addition, the Tribe will also provide \$410,000 for the purchase of new public safety vehicles. The fact is, Rohnert Park and Cotati need this fire station right now. The opportunity to afford it is here and should be seized. Looking at the project in this light, one might ask, how many lives can a casino save?

Thank you for your time and consideration

Attachments: 1) List of Rohnert Park and Cotati fire station address. 2) Map showing relation of fire stations to Highway 101; 3) Association of Bay Area Governments shaking intensity map. 4) USGS quaternary Fault and Fold map for Santa Rosa.

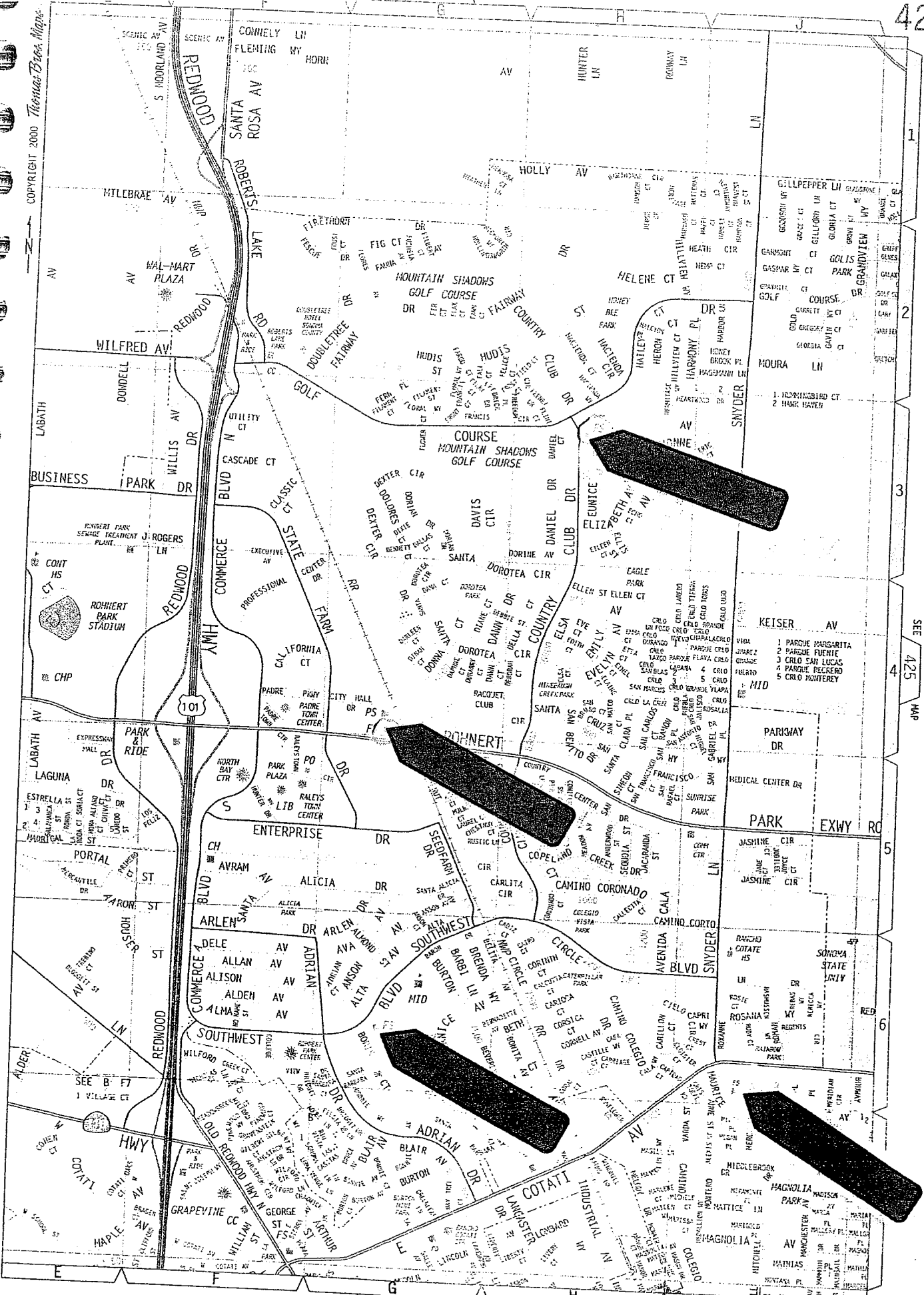
### **Addresses of Rohnert Park fire stations**

- Station One at Headquarters, 500 City Hall Dr.
- Station Two at 5200 County Club Dr. near the intersection with Golf Course Dr
- Station Three on 435 Southwest Blvd. near the intersection with Boris Ct. Station Four, at 1316 East Cotati Ave. near the intersection with Snyder Lane

### **Addresses of Cotati Fire Stations**

- East Cotati Boulevard at La Plaza
- 11000 Main Street, Pengrove
- 99 Liberty Road, Petaluma

COPYRIGHT 2000 *Thomson Data Maps*



SEE 444 MAP

0 .25 .5 miles 1 in. = 1900 ft.

SEE 425 MAP

# SHAKING INTENSITY

Rodgers Creek  
Earthquake

Magnitude 7.0

Modified Mercalli  
Intensity

Shaking Severity Level

- X-Very Violent
- IX-Violent
- VIII-Very Strong
- VII-Strong
- VI-Moderate
- V-Light
- Highways
- Streets

Source: ABAG, 2003  
The map is intended for planning only. Intensities may be incorrect by one unit higher or lower. Current version of map available on Internet at <http://quake.abag.ca.gov>

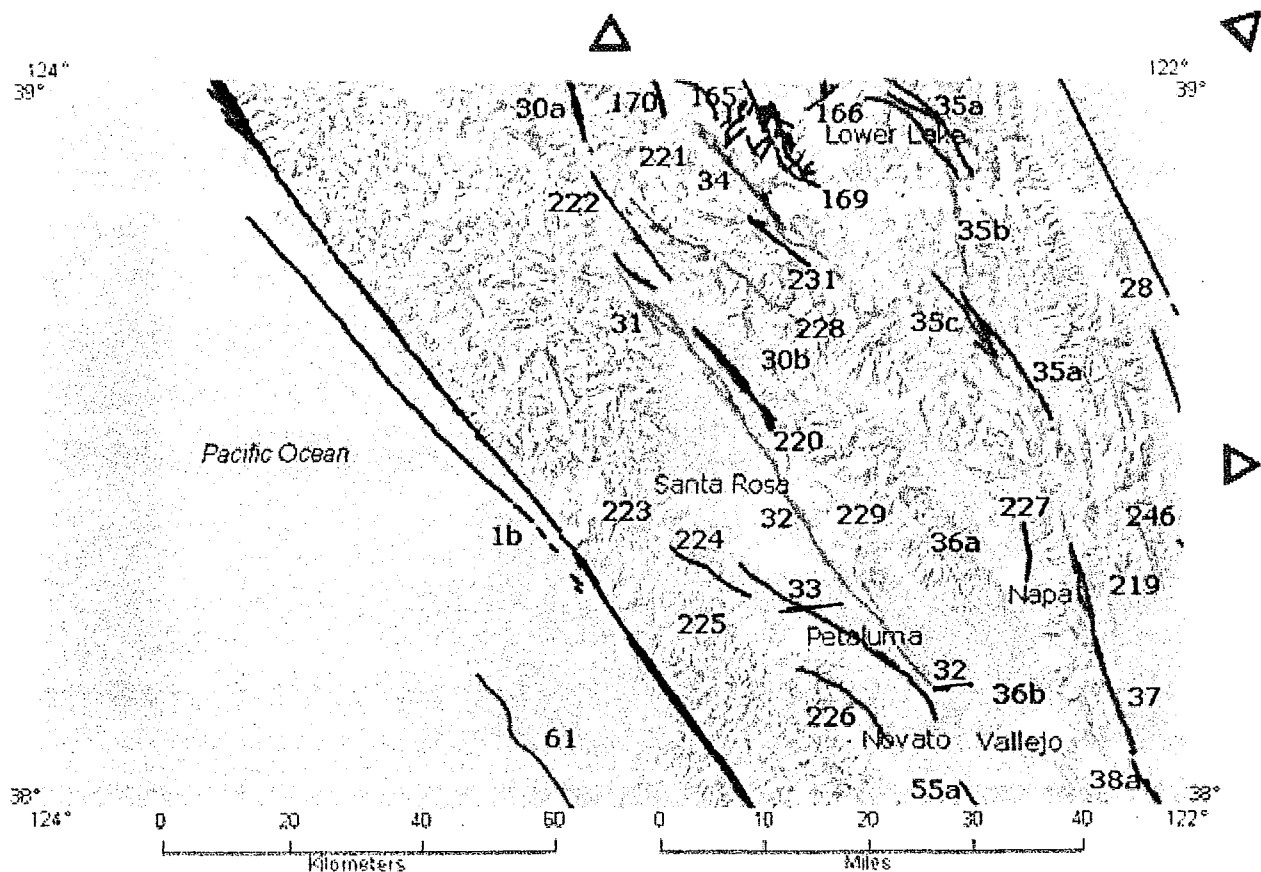




Quaternary Fault and Fold Database for the United States

Santa Rosa 1° x 2° Sheet

[Home](#) > [US Map](#) > [California](#)



**Number Name**

- 1b San Andreas fault zone, North Coast section
- 28 Great Valley fault zone
- 30a Maacama fault zone, north section
- 30b Maacama fault zone, south section
- 31 Healdsburg fault
- 32 Rogers Creek fault
- 33 Tolay fault
- 34 Collayomi fault zone
- 35a Hunting Creek-Berryessa fault system, Wilson section
- 35b Hunting Creek-Berryessa fault system, Hunting Creek section

Attn: Brad Mehaffy

Re: Federated Indians of Graton Rancheria

Comments & questions from Supplemental Scoping  
hearing 19 October 2005

From: Judith B. Gibson  
770 Holly Ave.  
Rohnert Park, CA 94928  
(707) 584-0443

RECEIVED  
NATIONAL BUREAU OF  
INDIAN AFFAIRS  
2005 NOV -8 PM 4:00

Please answer questions to following concerns:

Traffic Problems: Business impact

— The newest proposed location is closer to already existing business that serve our community. These business included 3 shopping centers which offer a Multi-plex movie theater, Wal-Mart, Target, Costco, Home Depot, Food-for-less, & other smaller, more local business

i. What will be the economic impact of more traffic congestion on these business for following time frames:

a. Impact during first year & during construction?

b. Impact 5-6 years later?

c. " 10-15 " later?

as a local resident I will not use these business because of the traffic congestion; i'll be shopping farther north in Santa Rosa, even Windsor. I predict other residents will abandon these shopping areas too & look for more convenient, less congested places to shop. Moreover, Casino patrons don't stop & shop!



## Traffic Problems: School Impact

- The new location puts the proposed Casino closer to 2 local high schools (Rancho Cotate HS + a continuation high school, Sonoma State University, 1 middle school, + 3 elementary schools !!

a. Traffic congestion + Road Safety issues are a great concern to our families whose high school + elementary school students get to school primarily by walking or in private vehicles. Please outline your proposed proposals for dealing with these grave problems, especially over a 1-10 year time frame

b. Stations Casino has a poor track record for keeping minors out of gambling areas in its casinos (this legal violation is one of the reasons they no longer do business in Missouri).

- How can residents be assured that this business will clean up its act?

- What legal recourse do citizens have when these violations happen?

- I believe this problem is not one that can be mitigated.

## Traffic Problems; Impact on Sense of Community

— Road construction will literally divide this community in two parts.

a. Consideration of a "punch through" road connecting Wilfred Avenue + Golf Course Dr will isolate parts of city + run a major traffic thoroughfare right through a residential area. Areas both north + south of Golf Course drive are residential areas with 3 nearby elementary schools (Hahn, Evergreen, + Goldridge). This road set-up will also impact traffic to a Middle School, a High School + the University.

— Please assess traffic flows in this residential area for first year period of Casino, for 5-6 year period after a Casino, + 10-15 year period after the Casino

— please calculate increase in traffic accidents, including fatalities for a 1-15 year period after the Casino opens.

— Please calculate affect of market values in homes in this area for a 1-15 year\* period. This area includes homes bounded by Commerce on the west, Golf Course on the south, Snyder lane on the East, + Heritage Lane on North. See included map. Also include area of homes South of Golf Course + North of Rohnert Park Express.

\* first year Casino is built thru 15<sup>th</sup> yr. of existence

- please note that the residential area North of Golf Course will be cut off from City Hall, the library, and Medical Facilities by such a punch through Road System.

- Please calculate the economic impact on Mt. Shadows Shopping Center which serves the above ~~area~~ <sup>residential area</sup> & will be cut off from its customer base. Use a ~~1-~~ 15 yr. period following opening of a casino project economic impacts.

## Water Issues: Serious + Increasing

The new proposed casino location does not change for the better the drastic effect this business will have on our water problems. Please look down the road - 10 to 15 years from now - to the problems this business will create: less water in our already declining aquifer - which will also affect Marin Co water supplies.

The water supply problems will raise unresolvable and nasty legal issues over who has access to water + who can sell + monopolize what water is available.

Judith B. Gibson  
770 Holly Ave.  
Rohnert Park, Ca. 94928  
(707) 584-0443

Please have Casino find an area away from homes, schools, + water sources. Save our water and our family-friendly way of life.

This circled area will be covered in part 10 if a future map is made.

Map Key:

X - approximate location of schools: Mann, Gaudin, Evergreen, Middle School, Planche Colate High School  
Dashed line - French through road system



ROHNERT PARK

COTATI

Sonoma State University

CRANE CR REGIONAL PARK

Map Key

X - approximate location of schools: Mann, Gaudin, Evergreen, Middle School, Planche Colate High School  
Dashed line - French through road system

November 2, 2005

Brad Mehaffy, NEPA Compliance Officer  
National Indian Gaming Commission  
1441 L Street, NW, Suite 9100  
Washington DC 20005  
Bradley\_mehaffy@nigc.gov

Re: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project"

Dear Mr. Mehaffy:

I attended the public hearing that was held on Wednesday, October 19th and below you will find issues that I would like addressed before making your decision.

Please consider the impacts on the following issues:

**Resident Issues:**

Those that live in the surrounding area would never be able to afford to move some where else if the proposed casino were to be built. More than likely they would not be able to sell their property for what it would have been worth before the casino. Some of the residents are retired, disabled and on limited income. How could this be mitigated?

The residents in the surrounding area are on wells. If the proposed casino were to come in and dig wells, which they would have to do, it would deplete the water needed at the surrounding homes. How could this be mitigated?

The proposed casino is to be open 24 hours a day. How is the lighting to be mitigated that will affect all areas not just those directly surrounding the site?

What procedures are proposed for adjacent neighbors who wish to legitimately complain of excessive light or glare?

Has the applicant studied the current housing stock and occupancy rates of adjacent communities? If so, how will a project workforce impact local community housing needs, projected over the next ten years

**Accommodations:**

If the applicant proposes to construct a hotel facility at or adjacent to the proposed project, please calculate the estimated impact of business to existing tourist facilities, and the projected hotel occupancy tax loss to adjacent local governments, over the next ten years.

**What were the alternative sites?**

Please identify by assessor parcel number and physical street address or location of each and all sites considered by the applicant, prior to selecting the current site as the preferred site.

For each alternative site identified above, please describe the level of analysis conducted, and explain why the specific site was rejected, in preference for the proposed site of the applicant.

Please take serious consideration of my concerns regarding this proposed casino location.

Sincerely,  
*Lisa Bagwell*  
Lisa Bagwell  
1158 Santa Cruz Way  
Rohnert Park, CA 94928

10 4 PM 8- NOV 2005  
RECEIVED  
NATIONAL INDIAN  
GAMING COMMISSION

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

From: Bradley\_Mehaffy@nigc.gov [mailto:Bradley\_Mehaffy@nigc.gov]  
Sent: Monday, October 31, 2005 3:53 AM  
To: cbroussard@analyticalcorp.com  
Subject: FW: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

Please include in the scoping report and AR.

Brad

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

From: David walker [mailto:ginanddave@sbcglobal.net]  
Sent: Saturday, October 29, 2005 7:09 PM  
To: bradley\_mehaffy@nigc.gov  
Subject: EIS Scoping Comments, Graton Rancheria Casino and Hotel Project

Dear Mr. Mehaffy: My husband and I attended the scoping meeting in Rohnert Park on October 19, 2005. We are grateful that the Federal Government is looking into the feasibility of such a project. We are strongly opposed to the venture and were heartened by the thoughtful, well-put arguments of the audience against the project.

As you know, there are very many concerns--most of them have been addressed. One that concerns me, and I didn't hear it mentioned, is the impact on not only the residents of Rohnert Park but the well more than 300,000 people who live along the Golden Gate Bridge-Rohnert Park corridor of Highway 101. Every community on the way from the "City" to Rohnert Park will be detrimentally affected by the estimated 30,000 vehicles per day that will be added to an already impossibly crowded highway.

Traffic on Highway 101 at commute time is near stand still. Because of the hills and waterways no other alternative is possible from San Francisco to Rohnert Park. Please consider the every day impact on these 300,000+ people. Thank you for your consideration.

Virginia walker

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

From: Bradley\_Mehaffy@nigc.gov [mailto:Bradley\_Mehaffy@nigc.gov]  
Sent: Monday, October 31, 2005 3:51 AM  
To: cbroussard@analyticalcorp.com  
Subject: FW: Casino in Rohnert Park

Please include in the scoping report and AR.

Brad

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

From: Linda Dorman [mailto:lindad44@hotmail.com]  
Sent: Thursday, October 27, 2005 10:38 AM  
To: bradley\_mehaffy@nigc.gov  
Subject: Casino in Rohnert Park

I would like to protest approval of a gaming casino in Rohnert Park, CA. There seem to be more negative reasons than positive ones for bringing in a casino to a community that was designed specifically for families. The crime rate increases (84%) dramatically after a casino is introduced into a community, as attested to from other communities that have brought in a casino. DUI's are increased, again proved by Thunder Valley in Lincoln.

I moved last year from Santa Rosa because of the traffic getting to work in Rohnert Park; that traffic pattern exists from Rohnert Park Expressway and River Road in Santa Rosa. Often I would spend 1 hr to 1 1/4 hrs. in traffic

one way. I also wanted a smaller community and quieter pace of life. I found that in Rohnert Park. However, if a casino comes in the traffic pattern comes within one block of where I moved to in a very nice section of

town. That means my time to get anywhere is increased due to traffic pattern, noise level is dramatically increased, my exposure to crime and DUIs will increase, the value of my home will decrease accordingly. Does that mean I will have to move out of a wonderful community, a wonderful home, lifelong friends, two years before I retire because a few greedy people want to cash in on the backs of our residents???????? I am not the only one who has voiced this "move" solution; please don't make us think those thoughts.

STOP THE CASINO BEFORE IT COMES, please!

Linda Dorman  
584-5482  
4972 Fern Pl.  
Rohnert Park, CA 94928

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<http://messenger.msn.click-url.com/go/onm00200471ave/direct/01/>



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

From: Bradley\_Mehaffy@nigc.gov [mailto:Bradley\_Mehaffy@nigc.gov]  
 Sent: Monday, October 31, 2005 3:52 AM  
 To: cbroussard@analyticalcorp.com  
 Subject: FW: Rohnert Park Indian Casino Concerns & Request for a second scoping meeting

Please include in the scoping report and AR.

Brad

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

From: Trudy Nye [mailto:Trudy\_Nye@crpusd.org]  
 Sent: Thursday, October 27, 2005 4:24 PM  
 To: bradley\_mehaffy@nigc.gov  
 Subject: Rohnert Park Indian Casino Concerns & Request for a second scoping meeting

Dear Mr. Mehaffy

I am writing to you voicing my concerns about the Graton Rancheria casino proposal for Rohnert Park, CA and I feel that it would be detrimental to our community. I have concerns regarding safety, traffic, water and the environment. I have been a resident here in Rohnert Park for 5 years but have also taught school at Rancho Cotate High School for 23 years. I am very distressed at the thought of a casino being built in our family-friendly community and the negative impact it will have.

Statistics have shown the following negative impacts from Indian gaming casinos: DUI's and other crimes increase (ie increased DUI's near Thunder Valley Casino in Lincoln); for every \$1.00 the state of California receives in gambling revenue, it COSTS the state at least \$3.00 in increased criminal justice, social welfare and other related expenses, and these expenses would fall on our city to pay. Crime rates are 84% higher in communities that have casinos.

Traffic would increase on our local roads as Golf Course and Wilford Ave. are joined and tourist buses and increased traffic to the casino over flows from the highway to side streets. This is a safety concern as there is at least one school nearby. The Highway 101 corridor is already crowded now with only 2 lanes in each direction (except for an extra lane facilitating Highway 12 merging) and commute traffic backs up for several hours each morning and afternoon/evening.

Water is also an issue as stated by at least two organizations, OWL and The Bay Institute. There will be ecological impacts in the area and damage to the existing estuary and migration habitat, not to mention the endangered tiger salamander. Several officials have said that the water table in the area is already on overdraft. Whether the casino gets water from Rohnert Park or from wells, this will only make matters worse. And when water is scarce, who has priority? Will the casino be able to use any amount of water they want and Rohnert Park has to ration and pay higher prices? Currently we draw some water from the Russian River, but what will happen when there is a drought and/or our water rights are restricted?

California is still basically a desert state and water use MUST be considered regarding any development, especially one this large.

Pollution is another concern as more and more buses make their way to the casino via highway or side streets. And, will our sewage systems support this increase in use?

Besides all of the above concerns, I also must ask for additional scoping meetings. Other communities have had several of these meetings with plenty of advance notice. Rohnert Park has had only one with about 3 (!) days notice. Not everyone interested was able to make the last meeting and it is important that everyone is able to voice their opposition or support.

Finally, if you are truly interested in whether the community supports the casino or not (something that I would hope would help determine whether the casino should be built here or somewhere else), let's vote on this matter in the next election, possibly in March! I realize the tribe does not need our "permission," but a canvass of support, or lack of it, should be an integral part of fact-finding and suitability.

Please save our family-friendly community by stopping the plan to build an Indian gaming casino in Rohnert Park!

Sincerely,  
Trudy Nye  
1310 Megan Place  
Rohnert Park, CA 94928

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

From: Bradley\_Mehaffy@nigc.gov [mailto:Bradley\_Mehaffy@nigc.gov]  
Sent: Monday, October 31, 2005 3:52 AM  
To: cbroussard@analyticalcorp.com  
Subject: FW: Casino Proposal by Federated Indians of Graton Rancheria

Please include in the scoping report and AR.

Brad

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

From: Barbara Shaw [mailto:barbaralynne20@gmail.com]  
Sent: Friday, October 28, 2005 11:39 AM  
To: bradley\_mehaffy@nigc.gov  
Subject: Casino Proposal by Federated Indians of Graton Rancheria

Dear Mr. Mehaffy:

This letter is being written to voice my opposition to the proposed Indian Gaming Casino in Rohnert Park, California.

I have been a resident and homeowner in Rohnert Park for the past 15 years. I am a teacher at Rancho Cotate High School in Rohnert Park, Both of my children attended elementary and secondary schools in this family-friendly community. I am very distressed at the thought of a casino being built in our community and the negative impact it will have on our children, our traffic, and our environment.

Statistics show that DUI's and other crimes increase significantly in communities where casinos have been built (i.e. increased DUI's near Thunder Valley Casino in Lincoln). A study on the impact of the Jackson Rancheria Casino shows that for every \$1.00 the State of California receives in gambling revenue, it COSTS the State at least \$3.00 in increased criminal justice, social welfare and other related expenses. Many of these expenses would fall on our local government agencies.

Traffic will significantly increase along the Highway 101 corridor, which is already gridlocked during morning and afternoon commute times. Traffic will also be significantly increased on our local roads, including buses and other vehicles coming and going 24 hours a day.

My environmental concerns include significant negative impacts on our local water and sewer systems, air quality and noise pollution.

Please save our family-friendly community by stopping the plan to build an Indian Gaming Casino in Rohnert Park.

Sincerely,

Barbara Shaw  
917 Hacienda Circle  
Rohnert Park, CA 94928

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

From: Bradley\_Mehaffy@nigc.gov [mailto:Bradley\_Mehaffy@nigc.gov]  
Sent: Monday, October 31, 2005 3:52 AM  
To: cbroussard@analyticalcorp.com  
Subject: FW: Opposition to Rohnert Park, CA casino

Please include in the scoping report and AR.

Brad

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

From: lorie gomes [mailto:gomesfamily4@msn.com]  
Sent: Friday, October 28, 2005 11:44 PM  
To: bradley\_mehaffy@nigc.gov  
Subject: Opposition to Rohnert Park, CA casino

As a concerned citizen of Rohnert Park, I am strongly opposed to a casino in or near our

town. We are a family with 2 young children and the thought of a casino in our town is

scary! There is no way the small country backroads, or even Highway 101 could support the

traffic that a casino of this size would generate. Highway 101 cannot even handle the

existing traffic that runs on it daily and adding more traffic would make 101 even more

gridlocked! Also, we want to have open space around our town and taking up open space,

cattle grazing land is unthinkable. Build a casino far, far, away from a family community.

We don't want it here! It's widely known that casinos are not positive for a community...crime increases, traffic increases, child abuse increases, spousal abuse

increases, and so does financial problems as well as a host of other social problems. When

the proposition was passed years ago, everyone believed that it allowed Indian gaming on

tribal land...land that was already owned by a tribe & which they lived on. Nobody knew of

the little loophole that would allow Indians to buy land anywhere & turn it into tribal

land...no, no, no. I don't care if Indians built all the casinos they want on land where

they live with their tribes, but I do not want one anywhere near our family. Do not allow

this casino in Rohnert Park or anywhere in the vicinity. WE DON'T WANT IT...GO ELSEWHERE!!!

Lorie Gomes & family

Take your \*? \* Casino  
and leave

Rohner's Park

al me.

Monica R

## WRITTEN COMMENT CARD

NATIONAL INDIAN GAMING COMMISSION – PUBLIC SCOPING HEARING  
 FEDERATED INDIANS OF GRATON RANCHERIA – CASINO/HOTEL PROJECT  
 SPRECKELS PERFORMING ARTS CENTER – 5409 SNYDER LANE  
 6 pm to 8:30 pm, October 19, 2005

**IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, 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: CASSANDRA B. LISTA Organization/Tribe/Agency: NEIGHBOR

Address: 4120 WHISTLER AVE. SANTA ROSA CA 95407-7710 707-584-4293

Comment: I AM PROFOUNDLY CONCERNED ABOUT THE WATER NEEDS AND USE OF THE PROPOSED  
HOTEL - CASINO BECAUSE THE NATIVE AMERICANS HAVE THE RIGHTS<sup>SOVEREIGNTY</sup> OVER WATER, THAT  
COUPLED WITH THE POSSIBLE WATER NEEDS AND USE OF THE HOTEL - CASINO COULD VERY  
WELL LEAVE ME WITHOUT WATER BECAUSE OF THE DRAW-DOWN OF MY WELL AND AREA WELLS.  
THE PROPOSED ALTERNATIVES STILL WILL AFFECT THE DRAW-DOWN OF ALL THE AREA WELLS.  
CONSEQUENTLY, I OPPOSE THIS HOTEL - CASINO ANYWHERE IN THIS AREA. I AM NOT ALONE  
IN BEING THREATENED BY WATER LOSS.

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

## WRITTEN COMMENT CARD

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(Please write legibly)

Name: Joe Masters Organization/Tribe/Agency: Self + Family

Address: 434 Floral Way R.P.

Comment: Please consider property value, crimes as  
Indirect Impacts, Public Services, Biological Resources  
and the cumulative impacts should get special attention.  
The over-draught condition of our groundwater should be enough!  
A referendum for surrounding communities should be  
part of this process.

For a casino, on the surface, Alternative F seems best.

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".



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(Please write legibly)

Name: Ana Carrillo Organization/Tribe/Agency: Student

Address: email: carrilla@sonoma.edu

Comment: What is the break up of money that this casino will bring? who exactly is the money going to? What do you propose to do about the low water table? which tribe is proposing this? Are they reaping all the benefits? Isn't there a better spot than on a wetland?

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

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(Please write legibly)

Name: Dana & Gil Zapanta Organization/Tribe/Agency: \_\_\_\_\_

Address: 4452 Graywhaler Ln. Robert Park, CA 94928

Comment: As new parents of a 1mo. old baby boy we are vehemently opposed to a casino in our community for numerous reasons, including; traffic, criminal element, environmental impact, limited water resources, crime, drugs, addiction of various kinds, just to name a few.

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

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(Please write legibly)

Name: Judy L Warren Organization/Tribe/Agency: \_\_\_\_\_

Address: 5485 Eunice St RPK 94928

Comment: Residents should have the final say / decision on whether we want this casino / Disneyland style of entertainment in our community. A majority obviously does not want this Casino HERE! This is why Developers have a Bad Name.

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

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(Please write legibly)

Name: DANA SEGURA Organization/Tribe/Agency: Resident

Address: 6184 SAN RAMON PL. ROCKMONT PARK, 94928

Comment: Millions of Vehicles and the paved area to acomodate them causing severe flooding in nearby areas due to loss of land to "Park" (wind rainwater) Is not what this community needs!  
Our water resources are at RISK! Our families are at risk. Gambling addiction is a "Real" problem. Why bring this into our neighborhood to ruin our families.  
Also - how can our small bedroom community supply the services that this developments will need? etc etc etc!

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

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(Please write legibly)

Name: George ~~Hutchins~~ Muehleck Organization/Tribe/Agency: \_\_\_\_\_

Address: 612 W. Cotati Ave Cotati CA 94931

Comment: Groundwater Supply + Quality: EIS should define baseline cond. base;

*This is a local + Basin-wide Issue*  
Analysis of groundwater use w/ clear indication of amount of GW used and potential impacts to GW Basin (drawdown + quality) + clear list of plausible + applicable mitigation measures. EIS should also address surface water issues particularly w/ respect to wastewater discharge also need to address impact + mitigation measures to local GW + SW recharge

OTHER ISSUES: TRAFFIC + POTENTIAL DECREASED PROPERTY VALUES

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

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(Please write legibly)

Name: LARRY ESPARZA Organization/Tribe/Agency: \_\_\_\_\_

Address: 44 VERDE CIR. ROHNERT PARK, CA

Comment: NO CASINO.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

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(Please write legibly)

Name: Steve Young Organization/Tribe/Agency: \_\_\_\_\_

Address: 1530 Marcel Pl.

Comment: I strongly against having a casino in the proposed location. It is too close to our community. Having Indian ~~not~~ nations being able to buy every land and then declare it is a reservation is wrong.

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

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(Please write legibly)

Name: Harold Belofsky Organization/Tribe/Agency: Self

Address: 1525 Mammoth Place Rohnert Park 94928

Comment: In addition to an environment assessment doesn't it make sense to have an assessment of the effects of a large casino on societal and quality of life issues; promoting addiction to gambling by greater accessibility; increased stress on the present population due to traffic, crime, etc. Where is the social study data from Atlantic City, Reno and Vegas and California site?

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".



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(Please write legibly)

Name: DENNIS GANDULLIA Organization/Tribe/Agency: Double Deer

Address: 300 Golf Course Drive

Comment: We would like to know the  
EXACT IDEA OF YOUR ORGANIZATION  
WHAT ARE YOUR EXACT PLANS  
EX: HOTEL, CASINO, FUTURE PROJECTS  
SUCH AS SHOPPING CENTER (WHAT TO  
BE IN IT.

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

### WRITTEN COMMENT CARD

NATIONAL INDIAN GAMING COMMISSION – PUBLIC SCOPING HEARING

FEDERATED INDIANS OF GRATON RANCHERIA – CASINO/HOTEL PROJECT

SPRECKELS PERFORMING ARTS CENTER – 5409 SNYDER LANE

6 pm to 8:30 pm, October 19, 2005

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(Please write legibly)

Name: Judith R. Gibson Organization/Tribe/Agency: private citizen

Address: 770 Holly Ave, Robert Park, Ca. 94928

Comment: Need to have another hearing @ time convient to working people who commute 1 to 1 1/2 hrs. so they can attend - how about a Saturday.  
Need to have scoping hearings in Santa Rosa, Petaluma, Sebastopol Novato, - This enterprize will have a regional impact; how about holding hearings in other towns & cities that will be affected.

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(Please write legibly)

Name: Diane & Jim Bell Organization/Tribe/Agency: \_\_\_\_\_

Address: 211 Eriehorn Dr.

Comment: We firmly believe the Casino  
should not be built. It is much  
too close to our family oriented city  
too much traffic & crime!!

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(Please write legibly)

Name: Colleen Aguilar Organization/Tribe/Agency: ~~Ed~~

Address: 840 Lunar Court Rohnert Park, CA 94928

Comment: Some of the citizens of R.P. do  
support the Casino - we already have  
traffic problems + crime. The Casino  
isn't even been built yet. More houses  
+ families are the traffic + crime reasons  
IF R.P. Doesn't want crime + traffic we  
should stop all the excess building  
that makes everything go up. Water etc...

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(Please write legibly)

Name: Lynne Conde Organization/Tribe/Agency: \_\_\_\_\_

Address: 5732 Rexter Circle R P C C

Comment: This is a water recharge area, and cannot be built on. We are in H<sub>2</sub>O contract now.

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(Please write legibly)

Name: R. CAVIGLIA Organization/Tribe/Agency: RESIDENT

Address: 167 Alden and Johnson Park

Comment: I have been a resident for 38 years when first moved here I was told we would never have a water problem we have at least 100 years of water rights, what look at us now. Not only water but the traffic is horrible. Takes me 1/2 hour to get home across freeway & cause, should be so close to town & residential.

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(Please write legibly)

Name: Jo Lamb Organization/Tribe/Agency: teacher

Address: 16054 Donna Ct

Comment: We have a water problem  
We have a traffic problem  
We dont want a casino in  
Tahmet Park

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(Please write legibly)

Name: Conrey Alcantra Organization/Tribe/Agency: Coyote Valley Tribe

Address: 2222 Westwood Dr Santa Rosa CA 95407

Comment: I've fought my tribe for almost 10 yrs. I was always right yet the NIGC & P/A never did anything / their job. I know the ins and outs of casino business. The corruption & drugs and illegal activities. I don't want this to destroy this area. And it would. Its in the middle of 5 cities. The crime and corruption a reservation would create. The tribe can go anywhere and make money, we have a monopoly on gaming. Put this casino off to the side not in the heart. Its the investor, station casino causing this mess. Fix it.

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(Please write legibly)

Name: Dave Ehrmantraut Organization/Tribe/Agency: \_\_\_\_\_

Address: 947 Elaine Ct.

Comment: Robert Park is a family community. They have a park in each section and pride themselves in family. A casino is not for a family community. Not to mention the traffic that is already horrible. Water consumption, drugs, alcohol, robbery, loitering, etc. I don't think so.

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(Please write legibly)

Name: RAY SCHULTZ Organization/Tribe/Agency: RP RESIDENT

Address: 6080 ELSA AVE RP

Comment: 1. NATIVE AM ORGS ARE CONSIDERED A SOVERIGN NATION AND DO NOT PAY TAXES. ENGLAND IS A SOVERIGN NATION. DOES THAT MEAN IT COULD SET UP A BUSINESS HERE AND NOT PAY TAXES?  
2. YOU MOVED SITE FROM STONEY POINT OUTSIDE OF RONNERT PARK TO A SITE INSIDE THE CITY. WHY? TO SAVE INSURANCE

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COSTS?

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(Please write legibly)

Name: Lisa Mott Organization/Tribe/Agency: \_\_\_\_\_

Address: Rothman Park, Ca

Comment: Traffic, traffic, traffic!! - is already horrendous on US 101 and surface streets without adding one business that expects over 6000 cars (proposed parking areas). Rothman Park is not set up for casino traffic 24/7. How about water, waste and the importance of open space? If residents wanted casinos in their neighborhoods we would live in Reno or Las Vegas. Why not put it to a vote? How many people are for the casino that live here in town?

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(Please write legibly)

Name: Cynthia Cunningham Organization/Tribe/Agency: Retired Fire Captain, San Quentin SF.

Address: 5726 Henning Rd, Sebastopol, CA 95472

Comment: \_\_\_\_\_

I strongly oppose the casino proposal  
for Rohnert Park. The ends do not  
justify the means - Quality of life is better  
maintained without gambling

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(Please write legibly)

Name: Rebecca Harris Organization/Tribe/Agency: \_\_\_\_\_

Address: 1014 Eleanor Ave Rohnert Park -

Comment: We Don't Want a Casino here!

NO CASINO!

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(Please write legibly)

Name: Maryn Adams Gragg Organization/Tribe/Agency: Resident

Address: 1352 Graymill Ct, Rohnert Park, CA 94928

Comment: I am against this casino. This community can not handle the increased traffic, crime and environmental impact. Building the casino will effect small businesses who can not compete with the restaurant/hotel at the casino.  
→ As for jobs, low wage service positions will have very little positive impact on the local economy. The increased crime rate and influence of DUI/traffic accidents put the families that reside in Rohnert Park in danger.

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(Please write legibly)

Name: Marie Millick Organization/Tribe/Agency: \_\_\_\_\_

Address: 4305 Langner Ave, Santa Rosa, Ca, 95407

Comment: There goes the neighborhood! The proposed is one block from my home on 33rd. My street is barely able to handle 2 lanes of traffic and is always in disrepair. I'm too old to go some where else. How is my well going to be affected by the streets in my area?

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*You have 56 casinos already!*

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(Please write legibly)

*How many is enough??*

Name: Sue Dewey Organization/Tribe/Agency: \_\_\_\_\_

Address: 915 Santa Borotea Cbr.

Comment: I am against any casino in R.P. because there are so many casinos in Sonoma County. Why have gamblers all over the county when we can keep them in the ones already built. Our environmental rights are being threatened. H<sub>2</sub>O, gas, electricity, street repair, traffic hazards. Casinos don't have to follow employment rules that other businesses follow. The \$ will stay with the top people & will not filter down to the common folk.

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I-88

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(Please write legibly)

Name: MYRNA MARENO Organization/Tribe/Agency: CITIZEN of Rohwert Park

Address: 275 SW BLVD R.D. ca

Comment: How could anyone who looks and see the TRAFFIC JAMS on T.V. RADIO, SAD LIFE and even think a CASINO can fill some DREAM of jobs - Big wins etc. The NIGHTMARE is all around this so called FANTASY. Hwy 101 North & South with ALL its TRAFFIC cannot handle more CARS with men & women driving on empty with BEARS NERVES ANGER ON ROAD games over

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with each other. Please Review The people who Drive 4 or 5 hours a day to live in a clean beautiful town of Rohwert Park when you sleep on all the comments & speakers who have had a voice. Please Vision the TRAFFIC that awaits your answer, or a happy or a town, that awaits a hands off on our town

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(Please write legibly)

Name: Joanne Bean Organization/Tribe/Agency: Homeowner in R.Pk

Address: 5306 Daniel Dr. Robert Pk CA 94928

Comment: No casino please. This is not a "business" we want in our college town. Property values will go down. Water supply jeopardized. Traffic is already out of control on Hwy 101 and connectors. (Stony Point and Petaluma Hill Road) Crime increase. People need to vote (Please) More info hearings. Loss of small businesses caused by casino. Low cost housing is not available School impacts? NO CASINO IN Robert Pk!!

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(Please write legibly)

Name: DENNIS CARRERA Organization/Tribe/Agency: \_\_\_\_\_

Address: 803 MILLBRAE AVE. + SANTA ROSA, CA 95407

Comment: BEEN IN THIS NEIGHBORHOOD MY ENTIRE LIFE - 57 YEARS I AM STRONGLY OPPOSED TO A CASINO IN MY COMMUNITY. MY BIGGEST CONCERN IS WATER. I HAVE A WELL, AND I TRY TO CONSERVE H<sub>2</sub>O, BUT A REDUCTION OF THE WATER TABLE IS MAKING ME VERY NERVOUS. TRAFFIC IS ALREADY A NIGHTMARE - HOW CAN WE TOLERATE ANY MORE GRIDLOCK ON HWY. 101? CRIME IS ALSO AN ISSUE - CONGESTION, CLEAN AIR, FURTHER LOSS OF AGRICULTURE, ETC.

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(Please write legibly)

Name: Bill McPherson Organization/Tribe/Agency: \_\_\_\_\_

Address: 6063 Elva Ave Redwood Park CA 94928

Comment: I am opposed to the casino at site A or B (or F). I especially am concerned about much increased traffic on 101, Redwood Drive, and Redwood Drive, increase in DUI's, and an increase in crime in our city.

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(Please write legibly)

Name: Chris Worthington Organization/Tribe/Agency: Homeowner

Address: 7404 Mitchell Dr Rohnert Park, CA 94928

Comment: We need to have more of these  
scoping hearings. There wasn't enough advance  
notice for enough citizens to attend.

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(Please write legibly)

Name: JK WINDS Organization/Tribe/Agency: Santa Rosa Resident

Address: 972 Scenic Ave SR CA

Comment:

I cannot believe the ridiculous size & scope of this proposed project. That land is visited by four and should be protected for endangered species (High Salamanders) -  
Don't think they're going to get away with this ridiculous, expanded version of the project) - WE WILL PROTEST

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

### WRITTEN COMMENT CARD

NATIONAL INDIAN GAMING COMMISSION – PUBLIC SCOPING HEARING

FEDERATED INDIANS OF GRATON RANCHERIA – CASINO/HOTEL PROJECT

SPRECKELS PERFORMING ARTS CENTER – 5409 SNYDER LANE

6 pm to 8:30 pm, October 19, 2005

**IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, 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: ROBERT AHERVE Organization/Tribe/Agency: \_\_\_\_\_

Address: 4575 FAIRWAY DRIVE ROHNERT PARK, CA 94925

Comment: IT IS OBVIOUS THAT MORE SCOPE HEARINGS  
ARE NECESSARY. ADJACENT COMMUNITIES AFFECTED  
(SANTA ROSA SEBASTOPOL METALUMA AND WEST  
(DOWNET) ARE NOT BEING REPRESENTED FOR  
INPUT.)

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(Please write legibly)

Name: Linda D. Dandhaus Organization/Tribe/Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Comment: \_\_\_\_\_

NO CASINO  
W/ RGN

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".



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(Please write legibly)

Name: JIM GERRANS Organization/Tribe/Agency: \_\_\_\_\_

Address: 782 MILLBRAE AVE S.R.

Comment: LAKEVILLE SITE IS THE BEST PLACE TO HAVE A CASINO.

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

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(Please write legibly)

Name: Rick Caulk Organization/Tribe/Agency: \_\_\_\_\_

Address: 6054 Donna Ct

Comment: Please consider our water  
problem, Traffic problem  
We do Not want a Casino in  
our city - move out at least  
5 miles out of Graton County.

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

# WRITTEN COMMENT CARD

NATIONAL INDIAN GAMING COMMISSION - PUBLIC SCOPING HEARING  
FEDERATED INDIANS OF GRATON RANCHERIA - CASINO/HOTEL PROJECT

I-98

SPRECKELS PERFORMING ARTS CENTER - 5409 SNYDER LANE  
6 pm to 8:30 pm, October 19, 2005

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, 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: Bill Gibson Organization/Tribe/Agency: \_\_\_\_\_

Address: 770 Holly Ave, Robinson Park

Comment: CUMULATIVE IMPACTS ON THE SURROUNDING COMMUNITY (WATER/TRAFFIC/QUALITY OF COMMUNITY LIFE) ADDRESSED IN THE FIRST SCOPING SESSION ARE JUST AS VALID FOR THIS CURRENT SCOPING SESSION SINCE THE TWO PROPOSED CASINO LOCATIONS ARE ADJACENT TO EACH OTHER. TO CONTINUE TO SEEK A LOCATION FOR THE CASINO NEXT TO A CITY, AND FIVE OTHER CITIES WITHIN THE IMMEDIATE AREA, WHEN LOCAL, STATE AND FEDERAL GOVERNMENT OFFICIALS HAVE PUBLICALLY

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

EXPRESSED CONCERN ABOUT TRIBAL GAMING CASINOS WITHIN CITIES AND POPULATED COMMUNITIES IS NOTHING MORE THAN AN ATTEMPT TO GET OUT FROM UNDER THE ADVERSE FINDINGS OF THE FIRST SCOPING SESSION. IT IS CLEAR THAT THIS SECOND PROPOSED CASINO LOCATION WILL HAVE THE SAME ADVERSE FINDINGS AS THE FIRST AND WILL ALSO BE A BURDEN TO LOCAL COMMUNITIES. (IGRA, Section #151).

WRITTEN COMMENT CARD

I-99

NATIONAL INDIAN GAMING COMMISSION - PUBLIC SCOPING HEARING

FEDERATED INDIANS OF GRATON RANCHERIA - CASINO/HOTEL PROJECT

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(Please write legibly)

Name: DAVID B WALKER Organization/Tribe/Agency:

Address: 1226 Hemp Ct, Rohmert Park, CA 94928

Comment: I believe that we do not have sufficient water to support the residents and the casino, similarly the adverse impact on sewers and wastewater should be considered. We already have grid lock most of the time on Hwy 101. We will have almost constant grid on both Hwy 101 & Golf Course Drive if the casino is approved. I oppose any Rohmert Park locations

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: Please include your name, return address, and caption: "EIS Scoping Comments, Graton Rancheria Casino and Hotel Project".

ent by: 10/3/05 12:24:46 PM Page 1 of 1

**Marilee Montgomery**152 Wilfred Avenue  
Santa Rosa, CA 95407**URGENT FAX**

Please route to recipient immediately

If you have trouble with this transmission, please call 707-588-9926

**DATE:** October 3, 2005

**TO:** Mr. Brad Mehaffy, NEPA Compliance Officer  
NIGC

**FROM:** M. Montgomery  
Telephone: 707-588-9926

**re:** Federated Indians of Graton Rancheria Scoping Hearing NOI

**Page One of One**

For the record, the description of the property on the NOI is incorrect. It states that the new site is bordered "on the east by farmland". Although there is some farmland on the east, there are also about two dozen homes. In fact, there are single-family homes directly across the street from the site's eastern border. Please issue a correction.

Also, with regard to the issues at the new site, there are significant differences between the old site at Stony Point Road and this current proposed site at Labath and Wilfred. This site is one mile from it's last location, and a mile has made a world of difference. For example, two of the most significant differences are the traffic flow pattern, which has been severely altered by the new location, and the proximity of the casino site to residential neighborhoods, schools, and area businesses.

There are other differences too numerous to mention, but I feel that the NIGC's decision not to hold a separate meeting for government agencies assumes too much, and is unfair to the community and its elected officials. The NIGC is denying us our voice through our elected officials and agencies, in an issue that will have long-term negative effects on the region. I hope you will reconsider your position on this.

sent by:

8/17/05 12:34:43 PM

Page 2 of 3

cc: Alan Felas  
Fred McKeef

**Marilee Taylor Montgomery**  
152 Wilfred Avenue - Santa Rosa, California 95407

I-101

August 16, 2005

National Indian Gaming Commission  
441 L Street NW  
Suite 9100  
Washington, DC 20005

re: Federated Indians of Graton Rancheria EIS

Dear Sirs:

The Federated Indians of Graton Rancheria have announced that they are abandoning their plans to build a casino at the Southwest corner of Stony Point Road and Wilfred Avenue. According to the tribe's press release and subsequent news articles, the tribe has purchased a new 90 acre parcel inside Rohnert Park's Urban Growth Boundary. It is on this parcel that they now plan to build their casino. They have also purchased approximately 170 acres of the original site.

This newly-purchased 90-acre parcel was never a part of the property included in the original Scoping Hearing and Report, nor was it mentioned as an alternate site. The new location is over one mile from the original building site, and there are significant differences between the current proposed site and the former site, including, but not limited to, elevation, soil conditions, biotics, traffic patterns and the impact on those patterns on the adjacent properties, rare, threatened and endangered species, environmental justice, and drainage issues.

Clearly, this is new project under NEPA and requires a new EIS specific to the new site and separate from the one already under way. There must be full public process, including a new Scoping Hearing and the opportunity for both the public and local governments to submit comments specific to this new site.

Furthermore, when this public hearing is held, it must be held in the City of Rohnert Park. The last Scoping Hearing on March 10, 2004, at 7:00 p.m. was held in Northern Santa Rosa, ten miles away from the City of Rohnert Park. Many residents were unable to attend the Hearing because of the distant location. People who commuted to work or didn't have access to reliable transportation were unable to attend. Rohnert Park's poor and low-income residents, and senior citizens, the disabled, and others on fixed incomes

Received 08-17-05 15:13

From-

To-2026327066

Page 002

sent by: 8/17/05 12:35:42 PM Page 3 of 3

without access to transportation were largely unable to attend, especially as there is *no* easy public transportation route to North Santa Rosa from Rohnert Park at any time of the day, and it becomes even more difficult in the evening.

There are several venues in the City of Rohnert Park suitable for this purpose, including the Spreckels Center, the Community Center, Rancho Cotati High School, and City Hall. Any one of these venues should be sufficient for the new Scoping Hearing.

I look forward to your prompt reply. Should you have any questions, please feel free to contact me at the above address, or call me at 707-793-2355.

Very truly yours,

*M. Taylor Montgomery*  
Marilee Taylor Montgomery

/mtm  
cc  
Bcc

FROM : MAIL BOXES ETC #2392

1 707 584 3777

2005.08-25 14:51 #704 P.01/01

FOX (202) 632-7336

I-102

990 Echo Ct.  
Rohnert Park, Ca 94928

August 25, 2005

National Indian Gaming Commission  
1441 L St.  
9<sup>th</sup> floor N.W.  
Washington, D.C 2005

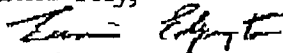
Dear Coordinator:                      Regarding: Rohnert Park Graton Casino

As a citizen of Rohnert Park, I am demanding that a new scoping hearing be done on the new site that Stations Casino has purchased on Wilfred Ave for the Graton Rancheria tribe. The previous MOU for Stony Point was site specific.

This new site is approximately one mile from the previous site at Stony Point and it is now on our northwest industrial site in Rohnert Park. How can the tribe just decide with no public input to move into the city where there is still a water and sewage problem and it will literally tear our city apart by making Wilfred Ave. Golf Course drive a mini-freeway causing noise, pollution and pass the local elementary school? Greg Sarris, tribal chairman stated in a radio interview on KSRO on the Melissa Smothers program stated that The tribe will expand highway 101 for two miles south. This is like a band aid approach. We do not want a gambling casino in our Sonoma State University City, but first we need the tribe to start from scratch as this is a new project with a scoping and hearing.

May I have a response to my letter?

Sincerely,

  
Eunice Edgington