

1 The Bureau of Indian Affairs
2 In Cooperation With
3 The Ione Band of Miwok Indians
4 And
5 The National Indian Gaming Commission
6 Announce



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9
10 **A PUBLIC SCOPING MEETING TO IDENTIFY**
11 **POTENTIAL ISSUES AND CONTENT**
12 **FOR INCLUSION IN THE EIS**

13
14
15 WEDNESDAY, FEBRUARY 4, 2004

16 6:00 P.M. - 9:00 P.M.

17 AMADOR COUNTY FAIRGROUNDS

18 18621 Sherwood & School Streets

19 Plymouth, California
20
21
22

23 Transcript Prepared By:

24 *House of Scribes*

25 (209) 478-8200

1 MR. ALLAN:

Excuse me, it's six o'clock and I'd
like to start if we can get people to
take their seats. This is the second
scoping hearing on the proposed
environmental impact statement for the
Ione Band of Miwok Indians' proposal
for trust acquisition and casino here
in Plymouth. Oh, first I should say
that my name is William Allan. I'm an
Environmental Protection Specialist
with the Pacific Region of the Bureau
of Indian Affairs, and I'm going to be
the Hearing Officer tonight for
tonight's hearing. On my right are
John Berrios and Patrick O'Mallan.
They are both also Environmental
Protection Specialists with the Bureau.
The purpose of this hearing is to take
testimony, oral and written, concerning
the significant environmental issues to
be addressed and alternatives to be
addressed in the proposed EIS. This is
the second hearing. It's being held
solely because the first hearing was on

1 November 19th and it was about 12 days
2 after the Federal Register
3 announcement. Our internal guidance
4 requires a 15-day period between that
5 Federal Register announcement and the
6 hearings. So we are holding this
7 additional hearing, which was announced
8 in the Federal Register on Tuesday,
9 January 20th of this year.

10 Just some remarks about what we're
11 going to do with all this testimony,
12 and then we can move on to speaker
13 statements. The transcript from
14 tonight, and from the last hearing, and
15 all the written comments, will be
16 reproduced with a document called
17 "Results of Scoping." And that
18 document will say "this is basically
19 the plan for the Environmental Impact
20 Statement we're going to produce.
21 These are the significant environmental
22 issues, these are the alternatives
23 we're going to discuss. This is a
24 proposed project schedule, these are
25

1 the cooperating agencies in the effort.
2 That document will be available -- and
3 we're going to put it on CD-ROM for
4 distribution. And it should be
5 available something in the neighborhood
6 of 30 days from now.

7 If you give testimony tonight and you
8 leave your name and address, or you are
9 otherwise on a mailing list for this
10 project, you will get a copy of that
11 results of scoping so that you can see
12 your remarks. Sometime, perhaps 90
13 days from now, probably longer than
14 that, the draft Environmental Impact
15 Statement will be released. It'll go
16 out to everybody who is an interested
17 party that we are aware of, just like
18 results of scoping will. There will be
19 a public hearing on that document. We
20 will also take written comments on that
21 document, and it will be followed
22 sometime, at least 45 days after the
23 draft is released, but a more
24 reasonable guess is 60 to 90 days, by
25

1 another document called "A Final
2 Environmental Impact Statement," which,
3 again, will go out to everybody. And
4 that document must respond individually
5 to all the substantive comments that
6 are made on the draft EIS.

7 Sometime, at least 30 days after that
8 document is released, the entire
9 decision package will be moved back to
10 Washington, D.C. for a decision there.
11 A couple of procedural things. As you
12 can tell from that discussion, this is
13 not the forum under which you are going
14 to get significant or substantive
15 answers to your questions. If you
16 bring up important environmental
17 issues, they will be discussed in the
18 draft Environmental Impact Statement,
19 and you will get the answers there.
20 But you will not get them in this
21 forum.

22 We are going to take people in order,
23 and I'm going to ask speakers to
24 confine their remarks to five minutes,
25

1 which my personal experience is that it
2 doesn't sound like very long, but on
3 the other hand it's a long time to go
4 on if you don't have prepared remarks.
5 And if you do have prepared remarks, we
6 would just as soon take them in
7 writing.

8 We are also taking written comments,
9 and if you made comments in the last
10 hearing and you wish to add to them in
11 any way, you're certainly free to do
12 so. But your last comments in the last
13 hearing still count.

14 Before we start with the testimony, I
15 want to ask if there are any procedural
16 questions from anybody. And just --
17 yes, sir?

18 SPEAKER: (Unintelligible).

19 MR. ALLAN: Yeah, well, it's an Environmental
20 Impact Statement. And so, basically,
21 yes. Now, environment does include
22 socioeconomic, it does include law
23 enforcement, et cetera. Those are
24 environmental issues, even though they
25

1 don't count in the biological bugs and
2 bunnies and tree-hugging category,
3 okay? Yes, sir?
4 SPEAKER: (Unintelligible).
5 MR. ALLAN: Well, that what? I'm sorry, sir.
6 SPEAKER: Nullification?
7 MR. ALLAN: Yes, sir.
8 SPEAKER: (Unintelligible).
9 MR. ALLAN: Well, the reason for that is that this
10 hearing is an additional one that is
11 only being held because some people
12 maintain that they didn't get notice
13 because of the lack of Federal Register
14 notice. And so we didn't make a big
15 outreach on this, beyond the additional
16 Federal Register notice. We assumed
17 that if you had that -- if you're on
18 the list because of the last meeting,
19 you already made your comments at the
20 last meeting. And this was to try and
21 reach other people.
22 Yes, sir?
23 SPEAKER: You mentioned that the final report
24 would go to Washington, D.C. for a
25

1 decision. Two questions. To whom does
2 that report go, and what is the
3 decision that is made at that time?

4 MR. ALLAN:

5 Okay. The entire package, which
6 includes not only the Environmental
7 Impact Statement but the tribe's
8 application, among other things, is
9 forwarded through the Office of Indian
10 Gaming Management to the Assistant
11 Secretary of Indian Affairs for a
12 decision. The decision on the part of
13 the Bureau of Indian Affairs is to take
14 the property into trust or not. Yes,
ma'am?

15 SPEAKER:

16 Is there a formal application for
17 managed trust?

18 MR. ALLAN:

19 There is one that has to be developed
20 as a part of this process. There is
21 not one available to us at this stage.
22 But it must be completed before the
23 rest of this package moves back to
24 Washington, D.C. And that application
25 includes a bunch of things like
solicitor's opinions on the status of

1 title of the land, et cetera. So
2 that's being developed.

3 Our first speaker is Wendell G. Pearl,
4 I think.

5 MR. PEART: Peart.

6 MR. ALLAN: Peart? I'm sorry, sir.

7 MR. PEART: Ready?

8 MR. ALLAN: Certainly.

9 MR. PEART: Mr. Chairman and members of the
10 Committee, can you all hear me all
11 right? My name is Wendell G. Peart,
12 DVM, Pine Grove. I have some
13 information on water that may be of
14 interest to you, as I am a former
15 member of the Amador Water Resource
16 Advisory Committee. Any building
17 project, to be successful, must have an
18 ensured water supply, especially during
19 drought. My presentation addressed the
20 issues of water supply during drought.
21 On June 3rd, 1997, Rob Shumer
22 (phonetic), Public Works Director for
23 Amador County, appeared before the
24 State Water Resource Control Board in
25

1 the matter of Delta Wetland Water
2 Rights application hearing.

3 Significantly he said there are no
4 well-defined ground water basins in the
5 county. Most wells are drilled in
6 fractured rock with unpredictable
7 yields and qualities. For these
8 reasons, neither local water projects
9 on the county's small streams nor
10 increased ground water development is
11 likely to satisfy the county's
12 increased water needs.

13 Instead, the county must turn to new
14 water supply projects on the Mokulumne
15 and Consumnes Rivers. Shumer pointed
16 out that the most common range of well
17 yields encountered in 44% of the 270
18 sampled wells in Amador County is 0-10
19 gallons per minute. And again said,
20 "For these reasons, the potential for
21 expansion of ground water supplies in
22 Amador County is extremely limited."

23 I would add that it can clearly be seen
24 that project developments, especially
25

1 in the Plymouth area, based on ground
2 water as a source of an assured water,
3 must consider surface water as a supply
4 source, particularly in times of
5 drought."

6 California's history is storied with
7 drought. We know this from studying the
8 tree rings that California suffered a
9 drought that lasted more than 50 years,
10 from 1760 to 1820. Another drought
11 period occurred from 1865 to 1885, a
12 period of 20 years. A benchmark
13 drought occurred from 1928 to 1933,
14 with an average rainfall in the
15 Sacramento area of 10.62 inches, or
16 about 41% below normal. Using the
17 rainfall in the Sacramento area, a
18 rainfall of less than 13.62 inches
19 would qualify as a dry year, and be at
20 least 24% below normal of 17.6 inches.
21 Earlier I made mention of an assured
22 water supply in drought. Well, how
23 much water should be allocated to a
24 family of four? This answer is found
25

1 in a statement given by Peter A. Rogers
2 (phonetic), chief of the Office of
3 Drinking Water for the California
4 Department of Health in a statement
5 given on January 29, 1991 before the
6 Drought Conference held in Sacramento
7 by the State Water Resource Control
8 Board. Mr. Rogers said the average
9 household in California utilizes
10 anywhere from 500 to perhaps 900
11 gallons a day. This brings to mind how
12 much water was available in Amador
13 County watershed during the recent
14 drought of 1986-1991.

15 An address given by me before the
16 Amador County Board of Supervisors on
17 August 10, 1999, I put into the record
18 a letter sent to me on April 16, 1997
19 by the General Manager of the Amador
20 Water Agency, in which he wrote, "the
21 Mokulumne River's normal flow is
22 approximately 700,000 acre feet a year.
23 A drought flow is approximately 250,000
24 acre feet a year." I would point out
25

1 that the 250,000 acre feet would
2 suggest a rejection of 65% of water
3 available for use by water users in
4 Amador County, such as occurred in the
5 recent drought of 1986 to 1991.

6 In rebuttal to the idea that Amador
7 County will share water rights with
8 others is this statement by the General
9 Manager of the Amador Water Agency. He
10 wrote in a letter of April 16, 1997,
11 "Since the Amador Water Agency has very
12 early priority rights and is backed by
13 guarantees by PG&E, this allows us a
14 large safety margin before our
15 customers would be affected drought
16 conditions, if ever." This last
17 statement would appear to end the
18 discussion of an assured water supply
19 during a drought.

20 Now, listen to what Rod Shulner
21 (phonetic), Amador County Public Works
22 Director, stated on his appearance
23 before the Amador County Board of
24 Supervisors on March 2, 1999: "The
25

1 State Water Resource Board Control has
2 changed its regulatory authority over
3 the water rights and water quality
4 protection in California. The Board is
5 engaged in water rights hearings
6 concerning the allocation of
7 responsibility as to water rights
8 holders to meeting Bay Delta quality
9 standards." I'm moving right along.
10 Henry Willie (phonetic), General
11 Manager of the Jackson Valley
12 Irrigation District, also emphasized
13 that Amador County's water supply will
14 likely be diminished. Mr. Willie
15 addressed the Amador Board of
16 Supervisors on March 2, 1999. He said,
17 "The Bay Delta plan is to take water
18 away from current water rights holders
19 to accomplish pollution dilution, and
20 the Cal-Fed plan augments this concept
21 by planning to implement very severe
22 water rationing to all parties." We
23 must all share the pain of a forced
24 water shortage.

1 In summary, it would seem to me that
2 the figure of 500 gallons of water a
3 day to a household of four can serve as
4 a basis for land use planning,
5 factoring in the available water during
6 drought as a limit to that growth. In
7 other words, the maximum growth of an
8 area should be predicated to the
9 available water during drought, and no
10 more.

11 Let me say at this juncture that what I
12 have submitted were events that took
13 place five years ago. I have no idea
14 of where matters are today. I suspect
15 they are worse due to population growth
16 exacerbated by legal and illegal
17 immigration.

18 One other matter that has been
19 overlooked in these hearings has been
20 fire protection. Mr. Rogers, Chief of
21 the Office of Drinking Water, in his
22 remarks to the State Water Resource
23 Control Board on January 29, 1991,
24 said, "Lack of an adequate quantity of
25

1 domestic water creates several public
2 health concerns. First and most
3 obvious is that public safety is
4 threatened if there is insufficient
5 water to respond to emergencies such as
6 fire."

7 It is my feeling that the State
8 Insurance Commissioner's Office should
9 be involved in these proceedings, so
10 the public interest be protected in
11 obtaining fire insurance for the homes
12 and businesses. If those responsible
13 for land use planning allow buildings
14 to be built to the point there is
15 little or no water available during
16 drought for fire protection, then it
17 seems logical that the fire insurance
18 companies will not issue fire insurance
19 policies when there is no planning to
20 provide for that protection. It would
21 seem in order that any building project
22 contemplated in the Plymouth area
23 should first be cleared with the State
24 Water Resource Control Board.
25

1 This being the case, it would appear
2 to be appropriate to direct a letter to
3 the State Water Resource Control Board
4 requesting that the board will
5 guarantee that no water will be taken
6 from this project in order to satisfy
7 the greater needs of the Bay Delta
8 water supply. One sentence.

9 In closing, I call to your attention
10 the statement made by Bob Reib
11 (phonetic), Manager of the El Dorado
12 County Water Agency: "There is a limit
13 to the number of people California
14 water resources can support." I submit
15 the evidence submitted would suggest
16 that the Plymouth area has reached that
17 point.

18 [Applause.]

19 MR. ALLAN: Thank you, Wendell. Our next speaker
20 is Elida A. Malick. Do I have it right?

21 MS. MALICK: Members of the Bureau, good evening.
22 My name is Elida Malick. In November
23 we gathered here with approximately 400
24 people to discuss the environmental
25

1 impact of this proposed tribal business
2 venture on our community. Many of us
3 have returned this evening to address
4 these issues again, along with new
5 items of concern and some updated
6 information.

7 Examples of some of the information
8 presented in November include Mr. Don
9 Schick speaking on a variety of
10 economic losses suffered in the areas
11 surrounding casino development,
12 including, for example, property and
13 sales tax revenue, unfair competitive
14 advantage over local businesses and
15 declines in local, residential and
16 business property values. I would add
17 that currently, local real estate
18 offices have been required to disclose
19 the possibility of a casino in
20 Plymouth, a demonstrably negative
21 aesthetic to the potential home and
22 property buyer.

23 Mr. Don Becker presented data
24 indicating that 73% of the voters of
25

1 the City of Plymouth oppose this
2 project. Likewise, the County of
3 Amador and every other city in this
4 county, a multitude of elected
5 representatives and community
6 organizations and hundreds of petition
7 signers also reject this proposal.
8 Mr. Wayne Moore discussed the social
9 effects of casinos with respect to
10 increased rates of bankruptcy, suicide
11 and addition to gambling, drugs and
12 alcohol. These results naturally lead
13 to increased demands for government-
14 subsidized social services and direct
15 regulatory costs that must be borne by
16 the local communities.
17 Mr. Don Colburn also gave a very
18 detailed report covering local and
19 regional water availability, as well as
20 the predicted substantial reduction in
21 the amount of ground water otherwise
22 available for public water supplies, in
23 the event that the tribe opts for well
24 water.

1 The recent announcement that they will
2 supply their own water, and the digging
3 of several test wells indicates that
4 this is indeed what they intend to do.
5 Mr. Dick Minnis addressed traffic
6 impact as a result of increased vehicle
7 trips to and from our town. This
8 impact becomes compounded by the use of
9 alcohol as promoted by this project.
10 Mr. Minnis also pointed out that money
11 thrown at this impact does not equal
12 mitigation of the problem, but only a
13 means for accommodation.
14 And finally, Mr. Walt Dimmer spoke to
15 the issues of air, light and noise
16 pollution. The Amador Air District
17 also poses additional gaming facilities
18 in the county as the traffic volumes
19 anticipated will contribute to
20 violations of air quality standards.
21 And I informed the bureau, as a local
22 resident and a member of the planning
23 commission in Plymouth, that this
24 project is in both conflict with the
25

1 general plan and vision statement laid
2 out for the city. Despite the current
3 city council's manufactured
4 determination that this casino project
5 is in compliance, it's clear that a
6 gambling complex is not only
7 incompatible with existing land uses in
8 the vicinity, but would disrupt and
9 divide the physical arrangement of an
10 established community.

11 The general plan clearly states that if
12 a project is inconsistent in any way,
13 it must be rejected. No reasonable
14 person can reconcile the goal of a
15 small-town atmosphere and focus on
16 agriculture and youth with a nightclub
17 gambling enterprise.

18 A tribal representative has stated for
19 the record his judgement that this
20 project is in the best interest of
21 Plymouth and its residents. Those of
22 us who have sought out this refuge for
23 our children, and those who have lived
24 here for generations and realize how
25

1 special this community is, bitterly
2 oppose this assumption of what is in
3 our family's best interest.

4 We appreciate the uniqueness of this
5 location, and accept the so-called
6 inconveniences of living in a rural
7 locale by choice, because the tradeoff
8 is so immensely superior in safety and
9 wholesomeness for our families.

10 The type of growth that would mushroom
11 from this project is unwanted, as are
12 the litany of negative impacts that
13 have been proven time and time again as
14 a sequelae to tribal gaming venues with
15 special emphasis on dramatic increases
16 in crime, devastation to local water
17 tables and loss of control by local
18 authority over land use.

19 Despite the bitter taste from recent
20 admissions from a tribal representative
21 that he has been arranging and funding
22 these scoping sessions for the Bureau
23 of Indian Affairs -- a situation that
24 would seem to preclude objectivity by
25

1 the Bureau -- this community has come
2 to you again this evening in hopes that
3 the information presented will be taken
4 in seriousness and without bias. The
5 heart of an established small town,
6 close to residential areas, schools and
7 ballfields, children's parks, small
8 family businesses and churches, is
9 undeniably an improper placement for a
10 casino complex, no matter who is
11 opening it. Thank you.

12 [[Applause.]

13 MR. ALLAN: Our next speaker is Al Miller.

14 MR. MILLER: Okay. I'm Al Miller. I've lived in
15 Plymouth for 40 years, then moved to
16 Burke Ranch. And several years ago our
17 well at Burke Ranch, before the city
18 had their wells, was one of three test
19 wells. Later on, after the city had
20 their wells and everything was going,
21 we had to deepen our wells, and I've
22 seen several neighbors have to do the
23 same thing. And let's see, and then
24 all during this time it seems like the
25

1 city council in late years has ignored
2 the ditch, getting any water down the
3 ditch to city or to ourselves. And
4 that's my concern about the water.
5 I actually feel like a little frog in a
6 big pond here with all these people,
7 but I'm just giving you a small
8 person's view of this.
9 And the traffic. I lived here in the
10 years that we had Hangtown motocross
11 races, and I can remember a particular
12 Sunday that the traffic was so bad that
13 the traffic coming up Highway 16 into
14 Plymouth was all the way across the
15 road coming into town. You could not -
16 - if you had an emergency, you would
17 not be able to leave Plymouth to go to
18 the hospital or whatever, because there
19 were no lanes of traffic leaving. It
20 was all blocked coming in. And it was
21 also pretty bad coming from the El
22 Dorado side.
23 So I just think that with this casino,
24 if you had any big entertainments or
25

1 anything, you have a real mess. And
2 it's -- the Hangtown races, they
3 realized that they were outgrowing this
4 little city and they got smart, and
5 they went to Prairie City where they
6 had room for them over there. And then
7 there was never a problem with that
8 here again. So, thank you.

9 MR. ALLAN: Thank you, Al. Our next speaker is Pat
10 Shackleton.

11 MS. SHACKLETON: I didn't know I was going to follow my
12 brother. I'm Pat Shackleton, I've
13 lived in Plymouth most of my life. A
14 former councilwoman, I worked in the
15 library here for 28 years, was the
16 librarian. I presently have a
17 preschool, and so I'm just going to
18 read what I've written to you.
19 "I was born in Plymouth and have lived
20 most of my life here. Returning from
21 Sacramento County to raise our
22 daughters, I found it a wonderful place
23 to grow up and wanted our daughters to
24 have the same experience. I have
25

1 grandchildren growing up here also. My
2 grandparents came here in the late
3 1800s, but whether you have been here
4 for many years and several generations,
5 or you are a recent resident, we all
6 have great concerns for our lifestyle
7 we know and love being totally ruined -
8 - excuse me.

9 We all have great concerns for our
10 lifestyle we know, and we are worried
11 about it being totally ruined. My
12 first concern is our children, walking
13 to the school, to the playgrounds, to
14 the ballfield, or through the
15 neighborhoods. They will not be safe
16 as they have been in the past. Their
17 independence will be taken away by
18 parents that will no longer be able to
19 let them go out into the community as
20 they have in the past, since thousands
21 of people will be visiting our
22 community daily.

23 Also, the overcrowding of our schools
24 throughout the county. Water, sewer,
25

1 pollution, traffic impact, impact on
2 our hospital, housing, economic burden
3 on the city and county, crime, law
4 enforcement costs, risk of exposure to
5 drunk drivers, drugs are a few concerns
6 that cannot be mentioned enough times.
7 Because they will affect each and every
8 person living in Amador County.

9 If everyone in this building mentioned
10 their concerns one at a time, it would
11 not be enough to stress the negative
12 impact the proposed casino will have on
13 the City of Plymouth, the surrounding
14 areas and the county of Amador as a
15 whole. I urge all of you in attendance
16 to make your concerns known here and
17 now. It may be difficult for you, as
18 it is for me, but living in this
19 community with a casino will be much
20 more difficult for all of us. Thank
21 you.

22 [Applause.]

23 MR. ALLAN:

24 Thank you, Pat. Our next speaker is
25 Butch Cranford.

1 MR. CRANFORD: Good evening, members of the board.
2 Before I begin my comments concerning
3 the many negative impacts this proposed
4 casino will have on Plymouth and the
5 surrounding communities, I would like
6 to speak briefly to the reason provided
7 by Mr. Allan as to why a second session
8 is being held.
9 It's my understanding, and as he stated
10 tonight, the November meeting was not
11 properly noticed. I personally spoke
12 to Mr. Allan on November 5th, 14 days
13 prior to the November session,
14 inquiring as to the format and conduct
15 of the meeting.
16 I asked specifically why no public
17 notice had been published, and about
18 the requirements for a public notice of
19 the session. He informed me as to the
20 conduct of the meeting, and that the
21 public notice was only recommend and
22 not required. This information about
23 no notice being required was repeated
24 at a later date during a call from
25

1 Attorney Steven Zalkind. Based on Mr.
2 Allan's multiple assertions that public
3 notice was only recommend and not
4 required, concerned citizens opposed to
5 this proposed project, believing that
6 no notice would be forthcoming from the
7 BIA, paid for a notice in the Ledger-
8 Dispatch to inform the community about
9 the meeting.

10 The BIA notice did appear in the
11 Ledger-Dispatch prior to that meeting.
12 So if the November meeting wasn't
13 properly noticed, why was it held?
14 When exactly did Mr. Allan realize that
15 proper notice was not accomplished by
16 the BIA? Maybe he can answer some of
17 those questions later tonight. It is
18 my opinion that the November scoping
19 session did not provide Mr. Allan, the
20 BIA office in Sacramento, or the
21 Franklin Group with information and/or
22 data that would allow a positive
23 recommendation or report regarding this
24 proposed casino project.
25

1 I additionally believe that the
2 November session was only a ruse to
3 discover what issues, information and
4 data the local community would bring to
5 the attention of elected officials,
6 appointed and career bureaucrats, so
7 that casino proponents could respond to
8 these concerns in a later scoping
9 session. And this is that later
10 session.

11 Even the scheduling of this building
12 and payment for the rental raises
13 questions, as it is reported that Dick
14 Moody scheduled and paid for the rental
15 for the facility tonight. It is well-
16 established that Mr. Moody represents
17 the casino developer, Ikon Corporation
18 and the Franklin Group. Is it standard
19 practice for the developers and casino
20 proponents to schedule and pay for
21 rental facilities for scoping sessions
22 on behalf of the Bureau of Indian
23 Affairs?
24
25

1 It is my opinion that for Mr. Allan to
2 sit here tonight and preside over this
3 second meeting for the reasons given is
4 the height of hypocrisy, and may speak
5 to the integrity or character of
6 officers in the Sacramento office of
7 the BIA. Actions of this nature only
8 serve to fan the flames of mistrust and
9 substantiate the suspicions that
10 something is amiss and not quite right
11 with the scheduling and conduct of
12 these scoping sessions.

13 Do concerned citizens opposed to this
14 project have cause to believe that
15 there are sinister forces behind the
16 scenes at work, in order to force a
17 casino on a community that does not
18 want one? Based on past statements and
19 actions taken by Mr. Allan and the
20 Sacramento Office of the Bureau of
21 Indian Affairs, I would place little
22 credibility in anything he or any
23 representative of that office might say
24 or do tonight or in the future.

1 I will leave this audience to reach
2 their own conclusions regarding the
3 validity of the November session, this
4 session or any matters related to their
5 scheduling, notice, conduct and post-
6 meeting availability of transcripts.
7 Now to the issue at hand.

8 [Applause.]

9 This proposed casino hotel project will
10 have many significant negative impacts
11 on the City of Plymouth, surrounding
12 communities and Amador County. I can
13 find nothing in this proposal that
14 promotes or provides positive social,
15 economic or environmental impacts for
16 the city, surrounding communities or
17 the county. And I would remind the
18 audience that not one positive impact
19 was spoken to or about during the
20 three-hour November scoping session.
21 As you might have guessed, I'm
22 adamantly opposed to this casino for a
23 multitude of reasons. However, I do
24 think that every city and community in
25

1 California that wants a casino should
2 have a casino. Yes, that's correct.
3 Every city and community that wants a
4 casino should have one. But no
5 community, no community that does not
6 want a casino should have one forced on
7 them.

8 [Applause.]

9 The citizens of Plymouth and
10 surrounding communities have spoken
11 clearly at every public meeting for
12 months in opposition to this project.
13 Given the opportunity to vote on the
14 issue, the citizens of Plymouth voted
15 73% opposed, and surveys conducted in
16 surrounding communities show even
17 stronger opposition, with more than 90%
18 opposed. This opposition was voiced
19 strongly at the November sessions.
20 Whether the opposition voice that was
21 presented at the November session
22 remains to be seen. The Franklin Group
23 advertises this proposed casino as a
24 great economic opportunity for our
25

1 community. Yet at no time, in any
2 public meeting or in any public
3 correspondence, have they assured the
4 citizens of the community that the
5 community will be fully compensated for
6 the many negative impacts associated
7 with this project. And further, that
8 no taxpayer dollars will be needed to
9 compensate for negative impacts caused
10 by the proposed casino. If this
11 project is such a marvelous economic
12 opportunity, then surely there must be
13 a waiting list of cities and
14 communities and other counties that
15 would be willing to embrace all these
16 opportunities.

17 Instead of offering this wonderful
18 opportunity with all its economic
19 advantages and positive impacts to a
20 community in Sacramento County,
21 population 1.5 million, where Mr.
22 Franklin lives and works, he instead
23 proposes to build in Amador County,
24 population 39,000, which has one
25

1 operating casino in Jackson and another
2 in process at Buena Vista. Mr. Franklin
3 has no ties to Amador County, and is
4 reported to be descended from the
5 terminated Wilton Rancheria in
6 Sacramento County.

7 You must ask yourself why Mr. Franklin
8 does not want this wonderful economic
9 opportunity, with all its positive
10 impacts and influences in his own
11 community and his own county. I
12 believe the answer is simple. This
13 proposed casino is not -- his proposed
14 casino is an economic boondoggle for
15 the City of Plymouth and surrounding
16 communities. It is only an economic
17 opportunity for the Franklin Group and
18 out of state investors. There are no
19 positive impacts or influences for
20 Plymouth, surrounding communities or
21 Amador County, unless you consider
22 increased traffic, increased crime,
23 increased costs to local taxpayers for
24 police and fire protection, increased
25

1 drug arrests, more intoxicated drivers
2 on our roads and highways, increased
3 trial and court costs, increased air
4 pollution, increased light and noise
5 pollution, depletion of limited ground
6 water resources, a multitude of low-
7 paying jobs, loss of our unique
8 foothill lifestyle and no legal
9 recourse in our courts positive
10 impacts.

11 Why would Mr. Franklin and his group
12 want a casino spoiling their community
13 when he can spoil our community?

14 [Applause.]

15 Three of the five members of the
16 Plymouth City Council are currently
17 under recall for their support of this
18 project, while every other city council
19 in Amador County and the Board of
20 Supervisors are on record as opposing
21 this project. It is time for the
22 Franklin Group, a group reputedly from
23 the terminated Wilton Rancheria now
24 masquerading as the Ione Band of
25

1 Miwoks, to take their reservation,
2 casino, shopping scam and scheme
3 elsewhere. Because the citizens of
4 Plymouth, surrounding communities and
5 Amador County do not want or need a
6 third casino in our county.

7 The cost of the negative --

8 MR. ALLAN: You're running 15 minutes. Wrap it
9 up.

10 MR. CRANFORD: The cost of the negative environmental
11 impacts to the citizens of Plymouth,
12 surrounding communities and Amador
13 County can in some instances be
14 measured accurately, but in many other
15 instances it is difficult to measure
16 the negative impact, and even more
17 difficult to determine and agree how
18 the communities or individuals should
19 be compensated. The data is
20 overwhelming that Indian casinos
21 currently operating in California do
22 not fully compensate local governments,
23 communities or individuals for the
24
25

1 negative impacts associated with their
2 casinos and gaming operations.

3 To put it bluntly, the 50-plus casinos
4 currently operating in California do
5 not create economic opportunity for
6 local communities, but rather burden
7 local communities with costly negative
8 impacts paid for by taxpayers.

9 [Applause.]

10 MR. ALLAN: Our next speaker is Don Dowell.

11 MR. DOWELL: Well, my name is Don Dowell. This is
12 going to be short and to the point.
13 I'm a member of the Board of Directors
14 of the Lockwood Fire Protection
15 District, which is one of the
16 transportation corridors to Plymouth.
17 We're a small volunteer fire protection
18 district, and we provide first response
19 and rescue services on Upper
20 Fiddletown. Our concern is the
21 increased traffic through our response
22 corridor. And basically I'm here just
23 to ensure that these traffic impacts
24 get addressed in the draft and final
25

1 EIR. And those are the extent of my
2 comments.

3 [Applause.]

4 MR. ALLAN: Thank you, Don. Our next speaker is
5 Nicholas Villa, Jr.

6 MR. VILLA: Good evening. Again, I'm here to talk
7 about this project. We shouldn't even
8 be here today, because of the fact that
9 this group that's applying for this
10 application is not even a tribe. I'm
11 the only recognized leader of this
12 historic tribe, and it's recognized by
13 Congress. And the Bureau can recognize
14 anybody they want, and I can promise
15 you that this project will not happen.
16 Period.

17 [Applause.]

18 I just got back from Washington, D.C.
19 last week, and as I speak right now,
20 this project will not happen. And I'm
21 going to be going back next week to
22 finalize it. And I feel that this
23 community needs an explanation by this
24
25

1 group sitting in front of them as why
2 this is even happening.

3 Because I grew up in this county, I
4 belong to this county and this county
5 belongs to me. I know everybody in
6 this town, this is where I played
7 Little League baseball, I played
8 against a lot of their kids in high
9 school, the Amador High School in Ione,
10 and I know this country. And I will
11 not let this happen to this little
12 community.

13 My granddaughters live here, and I will
14 not let this project happen. And we
15 know that the BIA lacks the authority
16 to hold this meeting. And even from
17 this last meeting in November, no one
18 has gotten a response from what
19 happened there. And yet they keep
20 promising that we'll have a CD to see
21 what happened at this last meeting.
22 That will never happen. I've been
23 dealing with the Bureau for the last 34
24 years, and as far as I know, the Bureau
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has always lied to people. That's their job. They lie to everyone. Thank you.
[Applause.]

MR. ALLAN: Our next speaker is Walt Dimmers.

MR. DIMMERS: Good evening, gentlemen. I have two or three areas that I'd like to comment on. And let there be no mistake, this community by a huge majority opposes any casino in Plymouth. But to be more specific, the last time that you were here I spoke briefly about air, water and light pollution. And presumably, those elements are still on the agenda.

MR. ALLAN: Sure.

MR. DIMMERS: You'll hear a lot tonight about the availability of water supplies, and I would like to speak to that just briefly. Mr. Allan, as I understand it, you have been quoted as saying that some people are their own worst enemies, as the BIA would only sanction the drilling of wells after a lengthy

1 and expensive geological survey of the
2 water issue.

3 MR. ALLAN:

4 That's close to what I said. What I
5 said is that I didn't think that we
6 would ever have the ability to approve
7 a project that involved drilling wells
8 unless it was demonstrated that clearly
9 there couldn't be an adverse impact to
the surrounding community by doing so.

10 MR. DIMMERS:

11 I submit to you in response to that,
12 that there are numerous wells in the
13 immediate vicinity of the proposed
14 project that have gone dry in the
15 recent past, presumably as a direct
16 result of the pumping of water by the
17 City of Plymouth as opposed to their
18 taking of water from the Arroyo Ditch,
which they are incapable of doing.
19 I would add to that further, that there
20 are several wells already on the
21 optioned property. Property optioned
22 last week has two wells on it. Two new
23 wells have recently been drilled within
24 the project footprint. Those wells can
25

1 be sucked dry without drilling any new
2 wells.

3 So I find there's a conflict here, and
4 that conflict needs to be resolved.

5 MR. ALLAN: True.

6 MR. DIMMERS: I would add that on the basis that all
7 concerns, both written and oral
8 presented at the first scoping meeting
9 are on the record, I'll try to limit my
10 comments at this point. But it's my
11 hope that you or one of your associates
12 will be able to explain what I perceive
13 to be something of a dilemma. As I
14 understand the process, the BIA is a
15 lead agency in the matter of the
16 proposed Plymouth casino. It is
17 charged with preparing an environmental
18 impact statement. I don't understand
19 how this is possible, in that I liken
20 the process of preparing that statement
21 to the examination of a specimen by a
22 scientist in a laboratory.

23 Now, unless the BIA has a great deal
24 more information than is available to
25

1 the local community, there is no
2 specimen to examine. The footprint of
3 a casino, the footprint of a hotel, the
4 footprint of a parking facility, the
5 footprint of any other ancillary
6 structures is not known. Those designs
7 have not been made public, even if
8 they've been created. As far as I know,
9 no definitive design information on
10 sewage disposal or water supply is on
11 record.

12 As far as this citizen is concerned,
13 it's impossible for me to know, or even
14 begin to express all of my
15 environmental concerns in the absence
16 of a full detailed project plan. The
17 changing scope of the project is also
18 of great concern, particularly in view
19 of the fact that at least one
20 additional property was placed under
21 option by Ikon as recently as last
22 week.

23 There are a host of other issues that
24 come into play that cannot be
25

1 identified at this point in time. For
2 instance, since the scope of the
3 project seems to be changing on a daily
4 basis, how do we know what things exist
5 within the footprint of a so-called
6 project? Are there vernal pools out
7 there, are there species that need to
8 be examined?

9 Well, if we can't -- if the footprint
10 of the project is not defined, I don't
11 know how you can do an environmental
12 impact statement. I don't know how you
13 can examine the degradation of habitat
14 endangerment unless the project is
15 defined. Likewise, sideline
16 impositions can't be identified until
17 the footprint of that project is
18 identified. But as I understand it,
19 this process is going to charge forward
20 in the absence of any real definition.
21 So my first question and concern is how
22 can an EIS be prepared in the absence
23 of detailed information which defines
24 the precise nature and scope of the
25

1 project and includes all of the
2 properties to be acquired and all
3 construction elements proposed to date,
4 which I might add, have changed
5 dramatically, week to week, month to
6 month.

7 Secondly, once land is taken into
8 trust, what's to prevent the tribe from
9 creating an environmental nightmare on
10 their sovereign land, to the detriment
11 of the surrounding community? Thank
12 you, that's all I have to say.

13 [Applause.]

14 MR. ALLAN: Our next speaker is J. Asmus.

15 MR. ASMUS: Good evening, Bureau. I'm here as a
16 private citizen. I live sort of up-
17 country, and I'm here to speak about a
18 problem which is developing around me,
19 and that is the casino.

20 For many years I lived in Vegas,
21 enjoyed Vegas when I first got there,
22 but I soon became disenchanted with
23 Vegas and I left. And I came here a
24 number of years ago and moved into the
25

1 mountains to get away from the gambling
2 and what was going on down there.
3 Now, am I against gambling? Not at
4 all. Do I think people enjoy it? They
5 should. I mean, it's a wonderful game
6 if you want to play. But I did not
7 want my children or my grandchildren to
8 grow up and be forced into that kind of
9 a job. If you live in Vegas, 98% of
10 the jobs available to you are going to
11 be somehow related to the gambling
12 game. That's just the way it is.
13 Whether you work in a 7-11 or you work
14 at the Silver Slipper, when the Silver
15 Slipper existed, or one of the newer
16 casinos. That's where you worked. You
17 were a bus boy, a bus girl, so on and
18 so forth. So I moved out here.
19 Things were wonderful. But then we got
20 a community that was building up
21 beautifully, and another casino came
22 in. But I figured, well, don't be a
23 stick in the mud, old boy. You could
24 have one casino. Every county could
25

1 live with one, one doesn't hurt. We
2 now have three coming up on the books.
3 That hurts.

4 Then I hear they're going to tap our
5 water. I live up-country on a well
6 that barely puts out 10 gallons. But
7 here I hear that they're going to come
8 down here and drop a well maybe two or
9 three thousand feet. Well, that's
10 wonderful. They're going to suck the
11 water from the bottom of the glass
12 while I try to suck the water from the
13 top of the glass. It doesn't make any
14 sense.

15 And you as a bureau should look into
16 this matter, and ensure that we the
17 citizens of this county -- and a very
18 small county at that -- don't need
19 three gambling halls, and we don't need
20 someone sucking us dry. We live in a
21 drought area. You know it as well as I
22 know it. You live in Sacramento.
23 Don't force this down our throat, let
24 them go elsewhere. There are many
25

1 communities who will love them, who
2 love gambling. Thank you.

3 [Applause.]

4 MR. ALLAN: Our next speaker is Mario Biaggi.

5 MR. BIAGGI: Good evening, I'm Mario Biaggi, an
6 Amador County District 5 Supervisor. I
7 have quite an array of papers tonight,
8 which I will turn in. But I would
9 like, if I may -- and I spoke to you
10 earlier -- the sheriff unfortunately
11 could not make it tonight, so I would
12 like to take his five minutes of time,
13 if I may, to read some statistics into
14 the record.

15 These are statistics based on the
16 Jackson Rancheria for the year 2002.
17 And I have to emphasize, now, these
18 statistics will probably not be valid
19 due to the fact of the increase and
20 what is happening to the Jackson
21 Rancheria at the present time, which is
22 huge expansion. So these calculations
23 are based on the facts of the year
24 2002.

25

1 Felony arrests, 65; misdemeanor
2 arrests, 16; citations 17; total
3 arrests from the property itself on the
4 rancheria, 98. You'll have to excuse
5 me, I have a full report which I will
6 give to you, but I just want to
7 highlight some of the statistics.
8 Of the 98 arrests outlined on the
9 previous page, 82 people served a total
10 of 744 days in our jail. It is
11 important to note in excess of 50 of
12 the above 82 people spent only one day
13 in our jail facility, and they were
14 either bailed or released on their own
15 recognizance, or cited and released.
16 Or in many cases we can expect to see
17 these individuals return to serve their
18 sentences after they've been sentenced.
19 Now, these are rough approximate
20 figures, and the detail gives you a lot
21 more. But I'm talking cost-wise now to
22 the county. The county, you take the
23 365 days and the average daily
24 population of the county, and you
25

1 divide that out, and the cost to run
2 the jail is \$2,019,429.00. You divide
3 that by 365 days, the daily cost to
4 house a body is \$74.77. So the 740
5 inmates times 74.77 equates to
6 \$55,329.80. These are just the crimes
7 related to the rancheria itself.

8 Now, the medical assistance dispatches.
9 On Code 3 medical dispatches, we had
10 157; Code 2 medical dispatches, 31; and
11 total medical dispatches 188. Now,
12 these are just strictly things that
13 happened at the casino itself. So
14 these are items, cost-wise, again
15 because our Sheriff's Department is the
16 911 supplier for the entire county. So
17 this is very, very important.

18 And the ambulance service, of course,
19 the response to it is a separate entity
20 of the Amador County Veterans
21 organization.

22 Okay, now that takes care of the
23 sheriff. I'll just give you these
24 statistics. I'll turn this in later.
25

1 I have a question that I would really
2 like answered. It seems that every
3 time, Bill, that we call the Bureau of
4 Indian Affairs, or we get anything in
5 writing from the Bureau of Indian
6 Affairs, it happens to be an acting
7 director du jour. Now, I have to use
8 that term because this is what happens
9 on a regular basis.

10 But I have documentation from
11 Washington that states that Amy Dutchke
12 (phonetic) is the legal director of the
13 BIA in Sacramento.

14 MR. ALLAN: No.

15 MR. BIAGGI: Unless that has been changed.

16 MR. ALLAN: Yeah.

17 MR. BIAGGI: Because I'd like to know when it was
18 changed.

19 MR. ALLAN: Well, Clay Gregory is Acting, has been
20 Acting for at least the last 90 days.
21 And we are expecting an announcement in
22 the near-term future of making him
23 permanent in that position. So --
24
25

1 MR. BIAGGI: Well, the only problem -- like, we just
2 received a letter.

3 MR. ALLAN: You received a letter signed by Amy?
4 Yeah, well, it just means that Clay was
5 out of the office.

6 MR. BIAGGI: No, this is a letter dated January 23,
7 2004, signed by another Acting
8 Director, Gracie Murillo.

9 MR. ALLAN: Yeah.

10 MR. BIAGGI: And in that letter it specifies that if
11 you have any questions to call Clay
12 Gregory. So, who is the Acting
13 Director? I mean, that's just a
14 question I'm curious to know.

15 MR. ALLAN: Well, okay. The Acting Regional
16 Director is Clay Gregory. But if you
17 were to call and ask to speak to the
18 Acting Regional Director today, you
19 would have found that Clay Gregory was
20 down in Santa Ynez on a project down
21 there, and the person who was Acting
22 today has the name of Alsace
23 LaFramboise (phonetic), okay?
24
25

1 MR. BIAGGI: So anybody at the Bureau can be Acting
2 Director on a daily basis?
3 MR. ALLAN: Well, it's like any kind of
4 organization. There's always got to be
5 somebody in charge, even if it gets --
6 you start with 1,000 people and it gets
7 down to there's only three left in the
8 building, somebody is in charge.
9 MR. BIAGGI: I just wanted a little clarification,
10 why there's so many Acting Directors.
11 MR. ALLAN: Okay.
12 MR. BIAGGI: I have another item, which is a letter
13 dated March 22, 1994, signed by Ada
14 Denn (phonetic) who was the person
15 responsible for reaffirming the tribe.
16 And I'll just read you one paragraph.
17 It says, "The Secretary also recognizes
18 that obtaining the tribal community
19 land base for the Ione Band of Miwok
20 Indians is part of his policy of Indian
21 self-determination." And it goes on to
22 say -- and I won't read the whole
23 letter -- "As Assistant Secretary, I
24 hereby agree to accept the parcel of
25

1 land designated in the Bruce letter to
2 be held in trust as territory for the
3 tribe." This is the county's
4 contention, which is in our main
5 document which we gave to you last
6 time, again, that we don't believe that
7 this tribe is landless. Although the
8 trust has never been completed, and it
9 seems that they never applied for it
10 because of the dispute as to who's the
11 legal entity in the tribe.

12 But, in fact, this does recognize the
13 fact that this is Indian land. So I'll
14 give you that document also.

15 [Applause.]

16 I have with me, also, the Amador County
17 Transportation Commission, which are
18 the engineers for the Amador County
19 traffic plan, the entire traffic plan
20 for the entire county. I asked them to
21 do just a quick synopsis of a traffic
22 study based on the casino, and based on
23 old figures of older casinos, not the
24 new large casinos with 2,000 machines,
25

1 and include -- they used the base
2 traffic on the Jackson Rancheria before
3 the expansion, which is only 7,000 cars
4 a day.

5 Now, there are two letters here. One
6 is dated January 29th, which is the
7 synopsis of what's in the detail in
8 their maps and all of all the roads,
9 and you'll see that the levels of many
10 of the roads off of Highway 16 and
11 Highway 49, many of them are already
12 close to EE and possibly will fall to F
13 with the addition of the traffic. But
14 in reading the report, there's roughly
15 13,000 cars a day that travel Highway
16 16 now. You add another 7,000 to
17 possibly 10,000 cars it's going to be
18 way overburdened. So I'll give you
19 this.

20 Then I question the fact, because
21 unfortunately the engineers always deal
22 in 20-year cycles. So there's another
23 cover letter based on -- that I didn't
24 like their statistic based on the fact
25

1 that they gauged everything to 2025.
2 So there is another cover letter
3 stating that should this casino be
4 built in the next two or three years,
5 the impacts would be immediate, not in
6 the year 2025. So these are important
7 facts.

8 Now, this is a good factual -- and it
9 also relates to the tribe's engineer,
10 as to what they may or may not do with
11 their traffic study, stating that they
12 must answer the impacts that are in
13 this study.

14 Okay, I'll go down my complete list.
15 Later on, you're going to hear from our
16 DA's department, our probation
17 department on the impacts of crime in
18 the casino. Now, also as I mentioned
19 before, there's another letter that I
20 have here from the attorneys of the
21 tribe, dated March 26, 2001, where the
22 tribe put out -- well, the attorneys
23 put out an RFP, a request for proposal
24 for casino development with the Ione
25

1 Band of Miwok Indians. Dick gave me
2 the management professions. Evidently
3 they sent this to anybody and everybody
4 throughout the United States that deals
5 with gambling.

6 So, once again, to clarify the county's
7 point, this is strictly reservation
8 shopping for the sole purpose of having
9 the casino. And this is a letter from
10 the tribe.

11 Okay, now along with that I did detail
12 out, Bill -- which is the original
13 packet with some additions that we gave
14 to you last time. But it does have a
15 cover sheet detailing everything that's
16 in there, to and including -- I added
17 to that the citizens concern against
18 the casino, it has a rider from them.
19 And also there's a list of anyone and
20 everybody that -- all copies of this
21 new document that I'm handing to you
22 that was mailed to these people.

23 And once again, my concern is, and the
24 county's concern and all the other
25

1 cities and counties, the air pollution
2 district -- another thing that has just
3 come up, environmentally, and you
4 should be aware of this. The Federal
5 EPA is trying to put Amador County and
6 Calaveras County into the zone of San
7 Joaquin County.

8 Now, this is a detriment to Amador
9 County, because we're that close to
10 ozone non-attainment right now. Should
11 we be bunched in with San Joaquin
12 County, this is going to put us in
13 violation immediately, because they're
14 in violation all the time. And
15 unfortunately we do not create the
16 pollutants in our county, we get it
17 from the westerly winds that comes up
18 from San Joaquin County. So this is a
19 great concern. We've written letters
20 to all the congressmen, and everyone
21 and everybody we know. Cal EPA agrees
22 with us, that we should not be in that
23 non-attainment area, but under federal
24 law we may get stuck with it. So you
25

1 pile another 7,000 to 10,000 or 15,000
2 cars a day into Amador County, we'll be
3 non-attainment immediately as far as
4 pollution to the citizens and their
5 lungs and their breathing, which are
6 very, very important at this particular
7 time.

8 Another item that I have just
9 discovered in this past several days,
10 it looks like the Buena Vista Rancheria
11 is getting close to complying with you
12 and some of the other people. And you
13 probably don't have this information,
14 either. But it seems like the tribe
15 has made a deal with Rhonda Morningstar
16 Pope, and that'll be a new entity. I'm
17 not sure who's going to be the promoter
18 and the developer of that particular
19 casino, but right along with the
20 county's position is, still is and will
21 continue to be this county of less than
22 31,000 people cannot absorb the impacts
23 of three casinos. We just can't.

1 Number one, the county'll turn out to
2 be a parking lot. And number two, if
3 you take all these statistics that I'm
4 giving you, the Sheriff, probation, DA,
5 the actual dollar impacts are one
6 thing. But again, I think when you
7 hear from the gentlemen from the other
8 two departments, you'll see their
9 statistics as to what'll happen if we
10 end up with three casinos in this
11 county. Thank you.

12 [Applause.]

13 MR. ALLAN: Okay. Mario? Can you answer a
14 question for me?

15 MR. BIAGGI: Yes.

16 MR. ALLAN: Is the county going to participate as a
17 cooperating agency in the --

18 MR. BIAGGI: Oh, I brought that document with me.
19 We had in our agenda yesterday. There
20 are some questions, and maybe after the
21 meeting I'd like to discuss with you.

22 MR. ALLAN: That'll be fine.

23 MR. BIAGGI: And the questions relate to if we do
24 that, what is our legal position? And
25

1 that's -- my county attorney has a very
2 definite concern there. So I'll
3 discuss it with you privately after.
4 MR. ALLAN: Yeah, that's fine.
5 MR. BIAGGI: Okay. I'll get these together in
6 proper order, and hand them over to
7 you. Thank you.
8 MR. ALLAN: Thank you, Mario.
9 [Applause.]
10 Our next speaker is Jon Colburn.
11 MR. BIAGGI: I forgot one document which I'll give
12 over to you, and this document is from
13 Drake Ventures, LLC, potential
14 investors Roger Stone. It's a request
15 to try and find investors for Indian
16 casinos in the United States. And one
17 of the tribes that they did look at was
18 the Ione Band, along with five others.
19 So this document you probably don't
20 have.
21 MR. ALLAN: No, I'm sure I haven't seen that.
22 Okay, Jon?
23 MR. COLBURN: Hi, how are you?
24 MR. ALLAN: Hi.
25

1 MR. COLBURN:

2 Good evening, it's going to be a long
3 evening for you, and a little longer
4 for me. I've gotta go to work after
5 this. Anyway, I'm Jon Colburn, born
6 and raised in the City of Plymouth.
7 And I've been very involved in this
8 casino activity.

9 I am highly opposed to the casino. It
10 in itself is not going to affect me
11 strongly, but I'm opposed to it for
12 what it's going to do to my
13 grandchildren. And I believe the
14 impact of the employee base on this
15 community is going to destroy our
16 school system. And there has been no
17 mitigation offered at this time to
18 compensate for the employee base and
19 the children of those employees that
20 are going to be attending our schools.
21 I think it's essential that this EIS
22 address this employee base, the area
23 that these employees are going to come
24 from, the likelihood that they will
25

1 eventually reside in the City of
2 Plymouth and be impacting our schools.
3 I believe that's probably -- to me,
4 that's the single greatest conflict I
5 have with this project. However, I
6 also am involved with water in the
7 area, and I've been asked to address
8 water. I had submitted to you prior
9 some information on water. Things have
10 changed substantially since the last
11 meeting in November. There was a
12 proposal before the city council for
13 water and sewer. Mr. Moody then --
14 that was not acted on, and then Mr.
15 Moody -- and in turn said they were
16 going to use -- they didn't want a
17 will-serve (phonetic) letter from the
18 City of Plymouth because they were
19 wanting to use the city's water and
20 sewer. And then subsequent to that they
21 started drilling wells out on the
22 properties involved, with the
23 indication to us that they were
24 intending on using well waters. And
25

1 now we understanding that they're
2 having closed meetings with the city in
3 regards to the NSA. And in those
4 meetings they are discussing the
5 availability of water through the city.
6 So I feel that I have to make another
7 statement. I submitted the information
8 on water, and I didn't immediately
9 address at the last meeting. I'm
10 resubmitting that same information, and
11 I'm including some other documents with
12 that.

13 There's four things that need to be
14 addressed currently in the EIR in
15 regards to the water. One is the
16 unavailability of ground water and the
17 risk of trying to use wells. Number
18 two is the need to do studies to
19 establish the amount of water the city
20 is going to need for current and future
21 use because of the growth-inducing
22 nature of this project. The third is
23 the consideration and connection of the
24 Plymouth to the Amador County Water
25

1 Agency. And fourth, which of the
2 alternatives would be best -- the
3 fastest and best solution?

4 The unavailability of ground water and
5 the risk of trying to use wells is
6 well-documented. See attached letter
7 from Joe Spanos, Department of Health
8 Services. Mr. Spanos has said in other
9 correspondence that you would be
10 putting the health and safety of the
11 citizens at risk by allowing any more
12 drilling of wells on this aquifer.
13 Mr. Spanos is the one that currently
14 has the city under the building
15 moratorium. He's well-versed with this
16 aquifer and it's essential that you
17 gentlemen are in touch with him.

18 The city has reports from Doug Ketrin
19 (phonetic), civil engineer -- I gave
20 you his phone number -- showing that
21 the static water level has dropped 30
22 feet in the last five years in this
23 aquifer. That's from a July to July
24 basis. And Mr. Ketrin believes that

1 this aquifer has reached its maximum
2 yield with its current use.

3 Mr. Ketrin has reports, he is doing
4 loggings on a monthly basis there,
5 doing them and providing the
6 information to him. So he's well
7 aware, and he's on the availability of
8 ground water in the area.

9 It is well-known that 12 wells have
10 gone dry in this aquifer in the last
11 five years. We know the city is
12 currently at risk of not meeting peak
13 summer demands by using only
14 underground water source without the
15 support of the Arroyo Ditch.

16 Number two, the needs to do studies to
17 establish the amount of water the city
18 and tribe need for current and future
19 use because of the growth-inducing
20 nature of this project. As pointed out
21 in the previous enclosed documents, the
22 information used in the Tolman-Anderson
23 report on the quantity of water needed,
24 and the tie-in to the Amador County
25

1 water, is in error. There needs to be
2 a study of the current use of Jackson
3 Rancheria to establish an annual use
4 and a peaking demand for a new casino
5 and a hotel. The numbers that are
6 currently being used in these studies
7 are grossly in error, as far as way
8 low.

9 Based on Tolman-Anderson reports, the
10 city's need is 308,000 gallons a day
11 with a peaking need of 770,000 gallons.
12 Based on an initial review of the
13 Jackson Rancheria use, the casino and
14 hotel would use 640 equivalent units,
15 or 192,000 gallons a day with a peaking
16 of 480,000 gallons a day. The combined
17 use of 1.2 million gallons a day,
18 that's without future growth.

19 The current look at the design on the
20 10-inch water line will not deliver
21 those volumes of water.

22 MR. ALLAN: Okay. Can I ask one question about
23 that, Jon?

24 MR. COLBURN: Sure.

25

1 MR. ALLAN: You're saying that that's based on
2 water usage at Jackson, which is a
3 2,000 machine casino, with the
4 expansion.

5 MR. COLBURN: That number is from last year when
6 there were 1500, and it's for the
7 casino only.

8 MR. ALLAN: Oh, okay. Casino only.

9 MR. COLBURN: Yeah.

10 MR. ALLAN: So are you projecting on that basis the
11 demand for this project, the casino
12 only portion, to be a third of that,
13 since it's 500 -- oh, that's right.
14 Okay, sorry. I was getting confused on
15 projects. Okay. Thank you, Jon.

16 MR. COLBURN: Yeah. In the previous stuff -- and I'm
17 including it here -- I expanded those
18 numbers. That's how we came up with
19 the 640 units, because we had 1500
20 against 2,000 machines. And no hotel
21 on those other figures. But it does
22 not also include any use for any of the
23 other 200 acres for that parcel of
24 land, which we have not been able to
25

1 get any information on what the
2 intended use of that is.

3 MR. ALLAN: Okay.

4 MR. COLBURN: So, anyway, the 1.2 million gallons a
5 day is peaking is not -- can't be
6 handled through a 10-inch pipe. There
7 needs to be studies of the future
8 housing needs for the employees of the
9 casinos to establish the water needs
10 for the future growth of Plymouth.
11 Because at Jackson Rancheria -- the
12 current employee base, employees for
13 this casino will have to be imported,
14 and will be in the future -- will
15 require housing in the area. We expect
16 to see 600 units of housing in the next
17 10 years in Plymouth to handle these
18 employees.

19 The consideration and connection to
20 Plymouth's water system to the Amador
21 County Water Agency. The Amador Water
22 Agency has taken no formal action on
23 providing water to Plymouth, nor have
24 they endorsed any engineering report.
25

1 We expect any action will be met with
2 lawsuits from the cities of Jackson,
3 Sutter Creek or Ione for diverting
4 their future water needs. The
5 administrative draft costs of the
6 city's connection to the water is just
7 that, it's a draft. It is unsigned,
8 it's unapproved by the water agency,
9 yet it is being used by the city for
10 negotiating water in the NSA agreement.
11 The draft has several major flaws. The
12 draft has not been based on any study
13 of the needs of the City of Plymouth
14 and the casino. The water line is
15 undersized for any reasonable needs.
16 The draft falls short by one mile of
17 tying into the city's water treatment
18 plant, as which would be required and
19 be able to serve the City of Plymouth.
20 The cost per linear foot is based on
21 valley cost and gives no consideration
22 to the insulation of pipe in a mountain
23 terrain. The connection fee is based
24 on 400 connections, and this city
25

1 currently has 561. There are no
2 projections for any environmental costs
3 in these reports. There are no
4 contingencies for drilling and shooting
5 of rock.

6 After reviewing the project with
7 estimators from Granite Construction,
8 with whom I work, that were familiar
9 with the bidding of the Sutter Creek
10 bypass, which is similar ground, they
11 had knowledge of the samples of the
12 core drillings. And they concluded
13 that because of the terrain that they
14 would expect, because of the terrain
15 and materials and environment, they
16 would expect the cost to be 50% greater
17 than the cost used in that draft
18 report.

19 Which alternative would be the fastest
20 and best solution? Ecologic (phonetic)
21 has given the city a report for
22 preparing a 10-inch water line which
23 would not provide for the future needs
24 of the city and a casino, to a 30-inch
25

1 water line from the Consumnes, which
2 would provide unlimited water to the
3 city. There is no comparison in this
4 Ecologic report.

5 The city currently has a working water
6 system. With a \$300,000 annual
7 maintenance program on the ditch, it
8 will provide all the water that the
9 city can use, and they could do this in
10 one year. To confirm this, talk to
11 anybody who's succeeded in getting
12 water down the Arroyo Ditch. Talk to
13 Gary Fine, who ran it for several
14 years. Talk to Gary Colburn, talk to
15 Raymond Este (phonetic) here in this
16 room, talk to Sutter Homes. They know
17 that water can be brought through that
18 system.

19 In the near future, the city would need
20 to provide storage to handle a 1976
21 drought condition. This needs to be a
22 700 acre foot reservoir, not a 1700
23 acre foot, at a cost of \$5.8 million
24 rather than \$9 million. Also in the
25

1 near future the city needs to consider
2 the piping of a ditch with an 18-inch
3 pipe, not a 13-inch pipe at an annual
4 cost of \$700,000.

5 In conclusion, the fastest, most cost-
6 efficient for the volume of water
7 received, and the most self-reliant for
8 the city is to upgrade the system which
9 it currently has in place. I thank
10 you, and I have a copy of these
11 materials for you.

12 [Applause.]

13 MR. ALLAN: Our next speaker is Dana Jorgensen.

14 MR. JORGENSEN: My name is Dana Jorgensen, I'm the
15 District Field Representative for
16 Senator Rico Oller. And I have a
17 letter that I'd like to read into the
18 record from Senator Oller. This letter
19 is actually to Governor Schwarzenegger,
20 but it covers his concerns with this
21 project.

22 "Dear Governor Schwarzenegger, the Ione
23 Band of Miwok Indians is taking steps
24 with the federal government to open an
25

1 Indian gambling casino near Plymouth in
2 Amador County. Frankly, Amador County
3 does not have the size or resources to
4 absorb all the side effects of another
5 casino. I write to respectfully ask
6 that you not approve a gambling compact
7 with this tribe. Amador County is
8 small geographically, with a population
9 of under 40,000 people, and is already
10 home to the large Jackson Rancheria
11 casino. Plans have been announced to
12 build another casino in the Ione area.
13 While that proposal is currently on
14 hold, three casinos are frankly too
15 much for such a small county. A
16 Plymouth casino would only be 15
17 minutes from the Jackson casino. Basic
18 infrastructure is also lacking to
19 handle another casino in Plymouth.
20 Highway 49 in Plymouth is a twisty,
21 two-lane road that is not equipped to
22 handle the traffic a large casino will
23 generate. Water resources in the
24 Plymouth area are already under
25

1 pressure, and Plymouth itself has been
2 under a building moratorium due to a
3 lack of water resources. A new casino
4 will only add to the large costs
5 presently incurred by the Amador County
6 Sheriff's Office -- and I might add,
7 Probation Department, District
8 Attorney's Office, etc -- from serving
9 inmates from the Jackson casino. I
10 also understand there is a membership
11 dispute within the tribe regarding
12 whether this band actually has any
13 historic tie to the land they're
14 considering for this site. Please
15 consider all the concerns I have
16 outlined above, should your office be
17 presented with the option of granting a
18 gambling compact to the Ione Band of
19 Miwoks. I'd be happy to speak with you
20 about this issue if you have any
21 further concerns." And it's signed
22 "Senator Rico Oller," and I have also
23 sent a copy of this to Cottage Way.
24 And I thank you for coming here tonight
25

1 and letting us have an opportunity to
2 speak on this.

3 MR. ALLAN: Thank you, Dana.

4 [Applause.]

5 Our next speaker is John Carl Gathrie.
6 Do I have that right?

7 [No response.]

8 Well, I'll tell you what. I'll put him
9 in the bottom of the stack and call his
10 name again, and give him another
11 opportunity if he just left for a
12 moment or so.

13 The next speaker is Jim Rooney.

14 MR. ROONEY: Hello, my name is Jim Rooney. I'm an
15 Amador County assessor. And the thing
16 I wanted to address tonight is, I've
17 had a lot of questions from people
18 asking about property values. Are they
19 going to go up or are they going to go
20 down? And I'm here to tell the people
21 in the direct area, the immediate area,
22 I don't know if they're going to go up
23 or down, or how they're going to be
24 affected. But I want the people to
25

1 know that around here, in the State of
2 California you're covered by
3 Proposition 13. Assessments in the
4 area, if property values go up, will
5 not go up. Prop 13 guarantees that.
6 If property values happen to go down,
7 assessments would go down. But it's
8 just something people have been asking
9 me for a while, "What's going to happen
10 to our property taxes?"

11 I want you to be assured that you
12 really haven't -- you have plenty of
13 things to worry about with this
14 proposed casino. However, property
15 taxes is not one of the things you need
16 to be concerned with, and so I'm
17 telling you, address other issues. And
18 if you have any questions about
19 property taxes, feel free to contact
20 the Assessor's Office. You can talk to
21 me or any one of the staff. Thank you.
22 [Applause.]

23 MR. ALLAN:

24 Thank you, Jim. Our next speaker is
25 Don Schick.

1 MR. SCHICK: Good evening, gentlemen. I submitted a
2 document for your consideration. I'm
3 viewing this as a positive meeting,
4 from the standpoint that if you hear
5 something twice, maybe you'll get it.
6 [Applause.]
7 This is a bad idea. And Mr. Allan, we
8 spoke the last time, and I asked you a
9 question that -- I know that you can't
10 respond and answer questions -- but I
11 asked a question, why are we here? I
12 called the BIA today, and I asked if an
13 application for a project had been
14 received by the BIA, and I was to
15 receive a phone call if a project
16 application had been received. And I
17 was not to receive a phone call if
18 there had been no application received.
19 I did not get a phone call, so I can
20 only assume one of two things. Either
21 the BIA was too busy to call me, or
22 there is no application. And if there
23 is no application for a project, what
24 are we talking about? An Environmental
25

1 Impact Statement relates to a specific
2 project. Do all projects create the
3 same environmental impacts? I don't
4 think so.

5 I also note that members of the Ikon
6 Group and their legal staff spend all
7 of their time outside. They aren't in
8 here listening to the concerns of the
9 citizens, which only leads me to
10 believe that they don't care. It
11 appears the BIA conducts scoping
12 sessions based on trial balloons, with
13 no defined project.

14 It also occurs to me that this room,
15 although not full, there must be some
16 people in here who feel that there are
17 positive advantages of this project.

18 It would seem reasonable that they
19 would stand before you to kind of let
20 you know that there are positive
21 aspects of a proposed casino, if that
22 be the project.

23 Also, it would appear to me that if
24 there are benefits of a casino, people
25

1 would come up and let us know what the
2 benefits are. I've come from an area
3 where there was a casino. And to speak
4 to the previous speaker, the question
5 isn't about taxes, the question is
6 about property values if you want to
7 sell your house. And I can tell you
8 that the casino that I left, property
9 values went down, they did not go up.
10 So I appreciate the opportunity to
11 speak with you, I would like to know
12 when we will receive information that
13 an application for a casino project in
14 the City of Plymouth or the County of
15 Amador has been received by the Bureau
16 of Indian Affairs. Thank you.

17 [Applause.]

18 MR. ALLAN:

19 Don, let me clarify one thing. First
20 of all, the BIA is not going to receive
21 an application for a casino, because
22 the BIA is not going to be approving a
23 casino. The only decision in front of
24 the BIA is for the trust acquisition.

25 MR. SCHICK:

Is for the what?

1 MR. ALLAN: Acquiring the land in trust on which
2 the casino can be built. And the
3 casino cannot be built unless the land
4 is placed in trust. Secondly --
5 MR. SCHICK: So if I understand you correctly, and I
6 don't mean to interrupt. But I have
7 the entire package that is to be sent
8 to the BIA, and completed by a tribal
9 organization, requesting that land be
10 put into trust.
11 MR. ALLAN: No, you --
12 MR. SCHICK: I have a copy of that application. Not
13 with me, but I do have that. And it's
14 my understanding that that has not
15 occurred.
16 MR. ALLAN: No. We do not have -- we have a letter
17 of request from the tribe and their
18 attorneys that we study the matter, and
19 initiate it. But we do not have an
20 application, that total application
21 includes a whole bunch of title work
22 and --
23 MR. SCHICK: Oh, yes. I understand that.
24
25

1 MR. ALLAN:

2 Yeah. The other thing that I'd like to
3 address, because this has been brought
4 up before tonight, is that there is a
5 balancing act in terms of proposals.
6 If we initiate an Environmental Impact
7 Statement only when we have a proposal
8 which is set in stone -- a project is
9 going to be exactly this big, it is
10 going to be exactly this configuration,
11 this is going to be its footprint.
12 That also means the consideration of
13 any alternatives is absolutely bogus.
14 We are required to consider
15 alternatives, required to consider a
16 reasonable range of alternatives. And
17 if we have a project which is so
18 defined, down to the placement of this
19 is exactly where all the men's rooms
20 are going to be on the first floor, any
21 consideration of alternative is
22 obviously just a straw application, and
23 has no validity.
24 Now, when we come out with the draft
25 Environmental Impact Statement, which

1 is not the next document, it's results
2 of scoping will be the next document
3 and that will merely define the
4 significant issues and the alternatives
5 to be addressed. But we must, in the
6 draft Environmental Impact Statement,
7 define what is the proposed action.

8 MR. SCHICK: The whole project?

9 MR. ALLAN: What the project is going to look like.
10 We will also have to outline some
11 alternatives for consideration, and let
12 the public comment on those as well.
13 But to present, at this initial stage
14 that this is what the project is going
15 to be, and it's going to use exactly
16 this much water and this is where it's
17 going to come from, it would mean that
18 we would be foreclosing a whole range
19 of reasonable alternatives that ought
20 to be given consideration. And
21 certainly we would be foreclosing any
22 public input into consideration of
23 those alternatives. Do you understand?
24
25

1 MR. SCHICK: Yes, I understand that. Thank you for
2 making that clear. I think you also
3 have gone from one side all the way to
4 the other, because there are areas in
5 between. Are we considering here as a
6 project that this could be a strip
7 mall?
8 MR. ALLAN: I don't know. You know, I mean, that --
9 MR. SCHICK: Because we don't know.
10 MR. ALLAN: We don't know. But I tell you that
11 when results of scoping comes out, it
12 will -- we will weigh out what
13 alternatives we think need to be
14 discussed in the EIS.
15 MR. SCHICK: And where will you get that information
16 from, the tribe?
17 MR. ALLAN: What, results of scoping?
18 MR. SCHICK: No, what we're talking about. Right.
19 MR. ALLAN: No, the BIA's project team will
20 basically put it together. We have --
21 you know, I've got a geohydrologist,
22 I've got people in credit and finance,
23 I've got the roads people and so on.
24 We will sit down and we will reach an
25

1 internal decision in terms of what a
2 reasonable range of alternatives to be
3 discussed is. But we will also put
4 that out in the scoping document, and
5 people will get a shot at it in terms
6 of saying, "Well, this one is totally
7 bogus," or "You ought to consider an
8 alternative commercial use for the
9 property such as a shopping mall."

10 MR. SCHICK:

Okay. And that information will come
11 to you from somewhere, and that's what
12 you will sit down and discuss this with
13 your peers, to determine whether or not
14 it's a feasible opportunity here in the
15 City of Plymouth, whatever it is?

16 MR. ALLAN:

Sure. The regulations say that we must
17 discuss at least two alternatives, the
18 proposed action and the no-action
19 alternative, which would mean that we
20 wouldn't do the trust acquisition. But
21 they also say we must present a
22 reasonable range of alternatives. Now,
23 that's largely up to us, and we do it
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with some public input in terms of defining what that range is.

MR. SCHICK: Square footage considerations, for instance.

MR. ALLAN: It could be that we would have a casino this big and smaller ones. It could be that we will also throw into the mix other commercial development for the property instead. I can't tell you know, because I just don't know.

MR. SCHICK: Well, neither do we. And we appreciate the opportunity to have you listen, and like I said, this is the second time. I think there's another meeting. Is there another scoping session that we -

MR. ALLAN: No. There won't be another scoping session. There will be -- okay, when results of scoping comes out, the next document that comes out will be the draft EIS. And there will be a public hearing on that, in addition to taking written comments.

MR. SCHICK: And we get a copy of that?

1 MR. ALLAN: Oh, you get a copy of the draft EIS,
2 and the purpose of the hearing is to
3 comment on the draft EIS, and to say,
4 "You didn't look at this, you got this
5 wrong, I don't understand this," et
6 cetera, okay?

7 MR. SCHICK: I understand. Yes. Thank you.

8 MR. ALLAN: Thank you, Don.

9 [Applause.]

10 Don, there's one -- I'm not calling you
11 up here, but there's one other thing I
12 need to bring up in terms of the notice
13 of application. Which is that when the
14 application is complete and formally
15 received by the Bureau of Indian
16 Affairs, we come out with a notice of
17 application to the public, or real
18 property does. And they have another
19 entirely separate public participation
20 process for commenting on the trust
21 acquisition on that decision. And that
22 process must also be completed before
23 the decision package goes back to
24 Washington, D.C., okay?

25

1 Our next speaker is Michael Korletich.

2 MR. KORLETICH:

Good evening, I'm Michael Korletich.

3 I'm the Chief Probation Officer of

4 Amador County. And tonight I'd like to

5 talk to you about something that I

6 haven't heard anybody talk about, and

7 that really wasn't discussed when the

8 last casino came to this county -- and

9 we've talked somewhat about the impacts

10 on the community, what it's going to do

11 to our children and families. But I

12 guess I have a little vested interest

13 of what it does to those families, but

14 also what it does to our department.

15 And as far as the current casino -- if

16 we've talked about those 98 -- I think

17 Mario talked about 98 arrests that the

18 Sheriff made. Of those 98 arrests,

19 there was about 86 prosecutions that

20 occurred that were successful

21 prosecutions that we got. The

22 Probation Department, which receives no

23 funding from the current casino, those

24 86 cases work out to a 3 to 5-year

25

1 relationship with every one of those
2 people that are on there.

3 So, someone comes to the casino and
4 gets arrested for the drugs, alcohol
5 and other things that happen -- we've
6 had incidents of domestic violence,
7 incidents of child abuse, incidents of
8 child abandonment by leaving children
9 in their cars while they've gone in to
10 gamble, and use what little money
11 people do have to take care of their
12 families. So we get those people, and
13 some of the other agencies just see
14 them for a few minutes to a few days.
15 We get them for three to five years.
16 Well, what that works out to us right
17 now is -- the way it is now, I should
18 say, of the time we spend is about the
19 cost of one probation officer, which is
20 a cost of about \$83,000 a year. So
21 that's a lot of money.

22 Well, with the current budget, over 10%
23 of the cuts that are coming to the
24 county are in the Probation Department.

1 And if we bring more trauma up to our
2 community, to take away from some of
3 the health of the community, things
4 that it's safe to walk around at night,
5 a place that you feel like you would
6 want to raise a family, and a place
7 that you just feel good about living,
8 it's not good.

9 Because our department, our officers,
10 our mission is to help correct the
11 people that do things wrong, to make
12 things right. And we're losing staff.
13 And if you're bringing more impact on
14 us, and we're not getting anything out
15 of it, that's not good for our
16 community. It's unsafe and it's not
17 fair.

18 I've also written a letter that talks
19 about some of this, and I've already
20 turned that in. Thank you.

21 [Applause.]

22 MR. ALLAN: Thank you, Michael. Our next speaker
23 is Don Becker.

24 MR. BECKER: (Unintelligible).
25

1 MR. ALLAN: Don, could you come up here? Because
2 it makes it really hard for the
3 Recorder to hear.

4 MR. BECKER: My name is Don Becker, and Elida has
5 summarized my comments that I made at
6 the prior meeting, and so I'd like to
7 yield my time to --

8 MR. ALLAN: Oh, I'm sorry.

9 MR. BECKER: -- other speakers.

10 MR. ALLAN: I'm sorry for having you come up. I
11 didn't know that's where that was
12 going. I'm sorry.

13 [Applause.]

14 Our next speaker is Elaine Zorbas.

15 MS. ZORBAS: Hello. I recently attended an
16 informational meeting featuring the
17 Executive Director of the Amador County
18 Regional Transportation Commission.
19 And at this meeting, Mr. Charles Field,
20 who was the Regional -- the Executive
21 Director -- presented the 2004 Regional
22 Transportation Plan Update. This plan
23 features existing households and
24 subdivisions. It does not take into
25

1 account any new projects currently in
2 the planning stages.

3 Even with current traffic and road
4 conditions, funding at all levels is
5 inadequate to address needed road
6 improvements, and that includes some of
7 the impacts from the Jackson Rancheria.
8 I believe the only partially-funded
9 project is improvements to the Highway
10 88 corridor along Pine Grove.

11 Given the financial crisis in county,
12 state and federal funding, our county
13 faces the real prospect of increased
14 traffic congestion, and unsafe
15 conditions without road improvements.
16 The plans that were listed for Plymouth
17 are minor -- this is, again, into the
18 2004 update. It does not take the
19 casino into effect.

20 What they list as a right-turn lane on
21 Main Street and Fiddletown Road,
22 intersection improvements, improvements
23 to Main Street, Plymouth. But even
24 these are not funded. Funding is not
25

1 assured. It has to be awarded
2 competitively with CalTrans.

3 So I would ask that you take the
4 regional transportation situation under
5 consideration when addressing potential
6 traffic impacts that are sure to result
7 from the casino in Plymouth. Major
8 funding would be required to address
9 such changes as road widening, and that
10 funding should be assured and in place
11 before the casino is put into trust.

12 I live in Fiddletown, I have to pass
13 through Highway 49 to get anywhere, and
14 so this is an issue that really
15 concerns all of us who live in the
16 vicinity. And I would just like to
17 make one other point.

18 And that is that I would urge that a
19 full EIS statement is prepared, not a
20 partial, under NEPA before the land is
21 taken into trust, and that mitigation
22 measures be put into place before the
23 land is taken into trust. And also
24 that that document should comply with
25

1 all provisions of the California
2 Environmental Quality Act. I wonder is
3 that being taken under consideration at
4 all, SEQA (phonetic)?

5 MR. ALLAN:

6 Okay. First of all, we are doing a
7 full EIS, and there is no such thing as
8 a partial EIS. There is an
9 environmental assessment process, which
10 we are skipping and we're going
11 directly to a formal Environmental
12 Impact Statement. Second, the second
13 part of your question, in terms of SEQA
14 compliance -- if a major portion of the
15 project extends off the land to be
16 taken into trust, and it is not
17 mitigation, it is a portion of the
18 project, then the project will come
19 under SEQA compliance. It is possible
20 that that will result, particularly
21 because of what you're talking about
22 now, which is the regional
23 transportation impacts and the
24 possibility that a negotiated agreement
25 would have to be reached with CalTrans

1 in terms of mitigation for the project,
2 okay?

3 MS. ZORBAS: Okay. Thank you.

4 [Applause.]

5 MR. ALLAN: Our next speaker is Todd Riebe, the
6 District Attorney. Am I pronouncing
7 your name right, Todd?

8 MR. RIEBE: Good evening. I'm the District
9 Attorney of Amador County, Todd Riebe.
10 And what I want to give to you is some
11 statistics that we've been able to cull
12 from -- we do have a model, we have the
13 Jackson Rancheria. And in 2002 we were
14 asked by the County Administrative
15 Officer, Pat Blacklock (phonetic), to
16 prepare an impact statement for the
17 crimes that are committed on Rancheria
18 grounds, how they impact the District
19 Attorney's Office. So we did that.
20 And this was done, mind you, before the
21 recent expansion -- which I don't think
22 has been completed yet -- of the
23 Jackson Rancheria, which we would --
24 you would think that's going to bring
25

1 in more patrons, and that would be more
2 crime that would be committed if this
3 study had been done from this time
4 forward.

5 In 2002 6.9% of all the misdemeanors
6 that were committed in Amador County
7 were committed in Jackson Rancheria
8 tribal grounds. That's 70 misdemeanors
9 out of 1,008 that our office filed.

10 Twenty-seven percent of all the
11 felonies that were committed in Amador
12 County were committed at the Jackson
13 Rancheria, that's 65 of 240 felonies
14 total that were filed that year.

15 That represents 10.9% of our total
16 office caseload, 135 cases out of 1,248
17 that were filed. I've given all these
18 statistics -- when I came in I gave
19 those statistics to you so you'd have
20 that for your records.

21 10.9% of the District Attorney's 2002
22 operating budget is \$256,824. That
23 represents 10.9 of \$2,378,000, which is
24 our operating budget for 2002.

25

1 Currently, we receive from the
2 Rancheria \$162,000. We're thankful for
3 that. It's not the total impact, but
4 obviously it's very well-needed and we
5 use that to retain an additional
6 District Attorney to help with the
7 caseload that is generated not only by
8 those crimes, but the other duties that
9 a District Attorney has to do as well.
10 What types of crime are we seeing
11 committed in the Rancheria? Primarily
12 drugs, drugs and more drugs.
13 Methamphetamine particularly, sometimes
14 we see cocaine. We had a juvenile
15 matter -- a lady from Stockton came up
16 with the most cocaine I've ever seen on
17 a human being since I've been in Amador
18 County. It was for purpose -- she said
19 a personal use, but it was an
20 incredible amount of coke. Theft, not
21 only from patrons but also from
22 casinos, from the casino itself. From
23 the gift room. You're getting very
24 sophisticated criminals coming in there
25

1 now, and they're counting cards,
2 they're using the slight of hand, and
3 it's just like Vegas. They're getting
4 some big boys coming in and trying to
5 rip off the Jackson Rancheria.
6 Violence. We had a lady that was a bit
7 skewed in the head. She attacked a bus
8 driver who had brought patrons to the
9 casino by attacking him with a kitchen
10 knife about the size of this
11 microphone, a little bit longer.
12 Stabbed him in the back, stabbed him in
13 the neck. If it wasn't for the fact
14 that the man was so big, I think it was
15 hard to get the jugular, but he very
16 well would have been a dead man. The
17 Rancheria folks came to the rescue and
18 they saved the guy's life, but we had
19 that crime as well.
20 We have crimes in transit. Because the
21 statistics I gave you are only for
22 crimes committed on the Rancheria
23 grounds, it doesn't consider crimes
24 that are committed going to and coming
25

1 from the casino. They're hard to cull
2 because they're coming from the Amador
3 Sheriff's Office, they're coming from
4 the police departments, they're coming
5 from the Ione Police Department, the
6 Sutter Creek Police Department, the
7 Jackson Police Department. They're
8 coming from the California Highway
9 Patrol. And they don't always ask,
10 "Where are you going to, where are you
11 coming from?"

12 But what we get there are DUIs and
13 other traffic-related offenses. We get
14 theft offenses. I'll give you an
15 example of the councilman Al Nunes
16 (phonetic). He has a car wash in
17 Sutter Hill, and some people that were
18 up there to go gamble ran out of money
19 and they needed money, so they ripped
20 him off and took a lot of quarters and
21 went and gambled.

22 I would expect that the proposed casino
23 that's coming up in Plymouth would
24 actually have more crime than we're
25

1 seeing in the Rancheria because of
2 alcohol. They're proposing that they
3 use alcohol -- usually you throw
4 alcohol into the equation, you're going
5 to expect to see more crime. More
6 violent crime because people act badly.
7 More DUIs, just more crime in general.
8 Impact on the District Attorney? Well,
9 being that most of the crimes that we
10 encounter, we're going to be doing
11 motions to suppress evidence. The
12 defense is going to want to kick out,
13 what, the drugs. That means we have to
14 write the motion, we have to research
15 the motion, we have to file the motion,
16 we have to argue the motion. All that
17 takes time. We have to issue
18 subpoenas, we have to do supplemental
19 investigation often, we have to find
20 witnesses. Typically these are not
21 people that are living here that are
22 coming, and the crimes are not
23 committed mostly by people that are
24 living here, they're by people coming
25

1 from Stockton, from San Francisco, from
2 Modesto, from Sacramento and other
3 outlying districts. We have to find
4 witnesses and that's often a difficult
5 and time-consuming endeavor.

6 Experts. It depends on what the nature
7 of the offense is. We may need experts
8 from the Department of Justice, if it's
9 drugs, and they will testify as to the
10 quantity of drugs, they'll testify as
11 to the identity of drugs. And being
12 that everybody is facing budget cuts,
13 including the Department of Justice,
14 one of the proposals the Department of
15 Justice has that we're aware of is that
16 in the future, though not this year,
17 they're going to start charging us when
18 we have to send drugs to them --since
19 we don't have a crime lab in Amador
20 County -- to the Department of Justice
21 for analysis. And then if they have to
22 testify we're going to have to -- we'll
23 be charged for that, too. So that's
24 coming down the pike.

1 Psychiatrists. For instance, this lady
2 that I told you about that stabbed this
3 bus driver. She was -- they said that
4 she was not competent to assist her
5 counsel in the representation of her
6 defense. As a result of that, two
7 psychiatrists were appointed. That's a
8 county cost.

9 Let's see. Preparation of -- well,
10 Proposition 36. Being that they're
11 mostly drug cases, and they're out of
12 county folks that are committing crimes
13 on the reservation, they're trying to -
14 - we're trying to send them back to
15 their county residents, who would bear
16 the cost of the Prop 36 counseling.
17 They're refusing to accept them, which
18 is putting a burden on our probation
19 department, and Michael Kriletich,
20 Chief Probation Officer, has discussed
21 that. We also have a Prop 36 court. We
22 have to have a Deputy DA that's in
23 court there, who is dealing with all
24 these cases, because Proposition 36 has
25

1 created a whole separate court, or time
2 that one judge has to devote to those
3 cases.

4 We also have an impact on our clerical.
5 Preparations of complaints, that's the
6 charging document for misdemeanors and
7 for felonies, initially. Preparation
8 of discovery, which is evidence that we
9 have to give to the defense. The
10 filing of motions, preparations of
11 information. That's after you've gone
12 to preliminary hearing and you're
13 charged with a felony, there's another
14 document that needs to be filed.
15 Preparation of jury instructions,
16 preparation of jury verdicts,
17 preparation of exhibits that will be
18 introduced to the jury and introduced
19 into evidence. And then we have our
20 attorneys, and that's the primary
21 impact upon our office.

22 We have arraignment proceedings, we
23 have bail motions, we have pretrials,
24 we have pre-preliminary hearings, we
25

1 have preliminary hearings, which are
2 like mini-trials where witnesses are
3 put on. We have trial readiness
4 conferences in preparation for trial,
5 and then we have numerous motions, and
6 then finally jury trials which can take
7 as little as a day, or they could go as
8 long as a week or more depending on the
9 complexity of the case. So make no
10 mistake about it, even though most of
11 the patrons who will be coming to the
12 proposed casino will be law-abiding
13 citizens, about five percent, as is
14 true with most events in most places,
15 are going to be there to prey upon
16 other patrons. They're going to be
17 there bringing drugs, wanting to commit
18 thefts and they will do that in our
19 county, and there will be an impact.
20 Thank you.

21 [Applause.]

22 MR. ALLAN:

Our next speaker is Jill DeCou. Do I
23 have that right?
24
25

1 MS. DeCOU:

2 As Todd said, close enough. I'm a
3 local resident and Chairperson of the
4 Burke Ranch Homeowners' Association. I
5 submitted extensive remarks in the
6 November hearing, and I'm not going to
7 restate that material tonight. I'm
8 here to talk about water, water, water.
9 You've gotten statistics about the
10 water impact here, that this is an area
11 under building moratorium, and our
12 concern is for dry wells. Whether
13 we're talking about 150,000 gallons a
14 day, 450,000 gallons a day, or 600,000
15 gallons a day, we're looking at 55
16 million to 165 million gallons a year.
17 I'm glad that you can say that you will
18 not approve a proposal with a
19 demonstrable water impact in the local
20 area.

21 Unfortunately at Burke Ranch, we have
22 found out the hard way that it is
23 impossible for impacted people to prove
24 the source of the problem. The burden
25 remains on those of us who are sitting

1 on dry wells to demonstrate who caused
2 the problem, and it's impossible to do.
3 So your statement, however gracious, is
4 meaningless to us. And there is no
5 mitigation that is going to fix that
6 problem for us. So above all other
7 issues, I want you to consider that in
8 an area with already dry wells and a
9 building moratorium, there is no
10 meaningful source of ground water to
11 support this proposal.

12 [Applause.]

13 MR. ALLAN: Thank you, Jill. Our next speaker is
14 Jackie Rogers.

15 MS. ROGERS: Hi, I'm Jackie Rogers. Thank you for
16 letting me speak tonight. I read a
17 letter that I wrote to you at the last
18 scoping meeting. And I read it and I'd
19 like to read it again to make sure that
20 it's on the record.

21 But before I say that, I'd like to note
22 that when we -- our last scoping
23 meeting, this place was jam-packed.
24 People were -- every chair was taken.

1 People were, it was standing room only,
2 it was overflow into outside. More
3 than triple the amount of people came
4 then as came now. And I think that is
5 -- the reason for that is that some of
6 the citizens against the casino placed
7 an ad because they thought that you
8 weren't going to. Word got out. I
9 don't know how the -- apparently you
10 put an ad in the paper. I never saw
11 it, and I'm thinking other people
12 didn't see it for this meeting. And at
13 the last scoping meeting you told us
14 that you would -- you took all of our
15 names and addresses, and you said that
16 you would keep us informed by writing.
17 And I never got any letter of
18 notification from you, either. So --
19 Okay, Jackie. As I said earlier, this
20 is a supplemental hearing. And the
21 only reason that we are really having
22 it is because of the lack of sufficient
23 notice in the Federal Register.

24
25
MR. ALLAN:

1 MS. ROGERS: Doesn't that make it invalid, then, the
2 previous meeting?
3 MR. ALLAN: Oh, no. It's still valid. And this is
4 just a supplemental one. And we were
5 trying to make sure that we reached
6 that very small number of people who
7 learn about hearings by reading the
8 Federal Register every day, all two of
9 them out there.
10 MS. ROGERS: So anyway, I hope that you will put us
11 on the mailing list and keep us
12 informed in the future.
13 MR. ALLAN: Sure.
14 MS. ROGERS: And this was the letter that I'd like
15 to repeat. "To whom it may concern.
16 As a resident of Sutter Creek, which is
17 within six miles of Plymouth, I'm a
18 resident of Amador County, within which
19 the county will be built, and I'd like
20 to express my opposition to the
21 proposed casino in Plymouth. Though I
22 oppose the casino for many reasons, I'd
23 like to specifically address my
24 concerns now to the social
25

1 environmental impacts on another casino
2 on affordable housing. I have lived in
3 the county for more than 15 years. I
4 was here before the Jackson Rancheria
5 was built in Jackson. The impact on
6 housing that I have noticed from that
7 casino has been enormous. The county
8 population did not have enough of an
9 available work force to staff that
10 casino. Consequently they hired many
11 people who moved in from Sacramento,
12 from Stockton and other outside
13 communities. The rapid influx of new
14 residents into the county is a major
15 factor contributing to extremely low
16 vacancy rates, and has driven the
17 rental housing prices up more than
18 double. We are not able to afford the
19 housing cost increase. In fact, the
20 housing shortage is so severe that the
21 Jackson Rancheria has stated publicly,
22 and it was reported in the paper, that
23 they are seeking to build affordable
24 housing in the area because some of
25

1 their employees have had to sleep in
2 their cars. There is a serious vacancy
3 shortage for these employees and for
4 non-casino workers like myself. The
5 housing prices of rentals have
6 increased so much that I have had to
7 take a job in Sacramento to afford to
8 live here. This is a commute of more
9 than 80 miles a day. Most of the wages
10 of casino employees are on the lower
11 income scale. Plymouth already has the
12 lowest per capita income in the county.
13 In addition, it has the lowest rental
14 rates. I ask you, how will that
15 community or the residents of the rest
16 of this county be able to afford the
17 added economic impact of a third casino
18 in this county? That is, a Plymouth
19 casino. This casino will also have to
20 import employees from out of the area
21 to staff its facilities, and these
22 employees will put an added burden on
23 an already stressed available housing
24 market. Now, the casino may offer --

25

1 though I haven't heard that this is
2 true -- but they may offer to mitigate
3 the issue by incorporating housing into
4 their plans. However, Plymouth has
5 been under a state-imposed housing
6 moratorium because of the lack of
7 quality and quantity of water. They
8 cannot build more houses in Plymouth,
9 and that means that additional housing
10 will become a county problem. Former
11 Land Use Agency Director Gary Clark was
12 quoted in the August 13, 2003 article
13 of our local newspaper as acknowledging
14 that our county is already in need of
15 low-income and very low-income housing.
16 In addressing the problem of affordable
17 housing, the article states that there
18 is very little land zoned upon which
19 such housing can be built, and that the
20 areas that are zoned for potential
21 affordable housing complexes do not
22 have the infrastructure such as sewage
23 in place. This is not a problem that
24 can be easily remedied, though it must

1 be considered a long-term problem. I
2 had called the county planning
3 department to find out what's being
4 done to address this housing issue, and
5 they at the time told me that they had
6 hired consultants to study the
7 affordable housing problem, but the
8 information is not complete and ready
9 to disseminate to the public. I urge
10 you to wait on making decisions until
11 you hear what that study reveals. I
12 urge you to think about where the
13 employees to the casinos are going to
14 live, and I also urge you to consider
15 that this county and the City of
16 Plymouth cannot afford to have an
17 increase in low-income jobs while the
18 demand and price of housing increases.
19 And we can't afford to add additional
20 housing without the infrastructure to
21 support it. I request that you please
22 consider the effect the increased
23 population will have on housing costs,
24 the quality of life and the stress on
25

1 infrastructure and environmental impact
2 that this influx will create. We live
3 in a small rural county whose total
4 population is less than the City of
5 Davis, yet if successful this will be
6 the third casino in our community. We
7 love our rural community and we want a
8 healthy growth that will elevate our
9 citizens in prosperity and quality of
10 life."

11 I'd like to close with this quote from
12 this same August 13th Ledger-Dispatch
13 article. This is stated by the
14 aforementioned Gary Clark. He says,
15 "Something is out of balance, and I
16 don't know what it is. I don't know
17 what the answer is. Right now there
18 are people that are working in the
19 county but cannot afford to live here.
20 They are moving from couch to couch.
21 There is a real problem." So I ask
22 you, please don't allow this serious
23 problem to be compounded. Thank you.
24 [Applause.]
25

1 MR. ALLAN:

2 Thank you, Jackie. And I might add
3 that consideration of the housing
4 shortage and casino workers would also
5 mean that, for proper consideration, if
6 there's a moratorium in Plymouth and it
7 is a county-wide problem, that
8 certainly that casino workers would
9 have to be factored into all the
10 traffic estimates. Because they're not
11 going to be able to afford to live
12 here.

12 Our next speaker is Eric Eckerstrom.

13 MR. ECKERSTROM:

13 Good evening, my name is Eric
14 Eckerstrom. I'm from Fiddletown.
15 You've answered, you've actually
16 addressed some of the comments that I'm
17 about to make. And before I read my
18 statement, I'd like to ask you is there
19 any written document that describes
20 what the process of taking land into
21 trust entails, and what the various
22 steps are in order? Is there anything
23 like that that we could have?
24
25

1 MR. ALLAN: Yeah. It's in the Code of Federal
2 Regulations. It's 25 CFR 151. Sorry,
3 but --

4 MR. ECKERSTROM: Maybe I'll ask you after the meeting,
5 to look that up.

6 MR. ALLAN: Okay. Actually, I'll give you a card.
7 And if you call me and give me your fax
8 number, I'll fax it to you, for that
9 matter.

10 MR. ECKERSTROM: Thank you very much. While others will
11 address specific impacts, I wish to
12 state for the record and the panel my
13 concern about the timing of determining
14 the impacts of this project, and the
15 consequences of failure to properly
16 identify them.

17 This proposed development has changed
18 in size from 75,000 square feet to
19 125,000 square feet; from including
20 residential development for tribal
21 housing to not including such
22 development; from not serving alcohol
23 to serving alcohol, and has added a
24 hotel. Until the scope of the project
25

1 is finalized, it is not possible to
2 determine its effects in critical
3 areas. Furthermore, no matter what
4 form Phase 1 of this proposal takes,
5 expansion is not only possible but
6 likely.

7 This is of particular concern in an
8 area that lacks the infrastructure to
9 support a sizeable development. Any
10 change impacting traffic, water supply
11 and treatment, government services, or
12 any of the other areas of concern could
13 overburden or overwhelm limited local
14 resources.

15 Perhaps the single most important
16 impact this proposed development would
17 have for the surrounding area concerns
18 the amount and source for the water
19 required. The overview prepared by the
20 developers dated July 31, 2003 includes
21 a report commissioned by them from the
22 firm of Tolman Anderson which states,
23 "There is good reason not to develop a
24 major project like this on ground
25

1 water. Department of Health Services
2 strongly discourages any new
3 developments be based on ground water
4 sources, as ground water sources have
5 not proven reliable in the past in this
6 area." Since the previous scoping
7 meeting the developers have withdrawn
8 their previous request for service from
9 the City of Plymouth, have stated that
10 they will provide their own water, and
11 have drilled test wells on the property
12 in question. However, as the
13 developer's own report states, the only
14 viable alternatives for water supply
15 for the proposed casino are the City of
16 Plymouth or the Amador water system.
17 It is the understanding of the public
18 that the City of Plymouth and the
19 casino developers continue to negotiate
20 terms for the city to supply water for
21 the project. No assessment of impacts
22 can be completed until this issue is
23 resolved. Also since the previous
24 session, the citizens of Plymouth have
25

1 petitioned to recall the three current
2 council members who supported the
3 casino despite a public vote of 233 to
4 85 in opposition to the project. An
5 election to replace these members is
6 scheduled for May 4, 2004, and if
7 successful would place every local
8 governmental and civic agency firmly
9 opposed to the location of the proposed
10 casino in Plymouth.

11 The desire of the citizens of Plymouth
12 for a new council is also based on the
13 belief that the current council does
14 not have the understanding of the
15 issues and the ability to negotiate an
16 agreement that will protect their
17 interests. The current council is
18 desperate to conclude an agreement
19 before the election.

20 Any agreement so reached will likely be
21 challenged. If past actions are any
22 guide, there is cause for both concern
23 that any agreement they reach could
24
25

1 irreparably harm the community, and
2 hope that it can be stopped.

3 In any event, until these issues are
4 decided, it is difficult to see how
5 impacts can be assessed. The risks to
6 the community of a bankrupt city or dry
7 wells, to the BIA of dissipating the
8 reservoir of public good will toward
9 Native Americans by sanctioning a
10 potentially damaging project are too
11 great to rush this process.

12 Only when the full extent of the
13 project is fixed, and the interests of
14 the residents of this area are
15 represented and protected by all of the
16 civic agencies involved, can the true
17 impacts of this project be determined.
18 Now, if you'll indulge me for a moment,
19 I'd like to kind of go through a
20 scenario that I think may happen here
21 in the near future. Which will be that
22 the Plymouth City Council will
23 negotiate a municipal services
24 agreement with the Ikon Group, and that
25

1 this agreement will provide partial
2 funding for a water supply for the
3 casino. And that if you actually allow
4 this partial funding to be accepted as
5 a solution for the water supply for the
6 casino, and permit the land to be taken
7 into trust, that the partial funding
8 won't be sufficient to actually realize
9 the completion of the project. And if
10 that occurs, then there will be no
11 alternative except the wells.

12 So that's why I say that this has to be
13 fully, fully resolved. And I don't know
14 if that's possible in the time frame of
15 this study.

16 MR. ALLAN:

17 Well, if I were the Secretary of the
18 Interior, there is no way that a
19 decision could be made on this project
20 before, at the very earliest, maybe
21 November of this year. And I'm not
22 sure that that is any kind of
23 reasonable expectation. So there's --
24 and you're talking about your recall
25 election being in May, so certainly the

1 issue of who the proper city council is
2 will be determined well in advance of
3 that.

4 MR. ECKERSTROM: The issue of the council may be
5 decided, but if the election forces an
6 agreement that is incomplete or
7 partial, then my concern is that that
8 the BIA might take that agreement as
9 the resolution of this issue. And I
10 don't believe that the -- well, it's my
11 opinion that the numbers that the
12 council are working with in terms of
13 both the amount of water required, and
14 the cost of supplying that water will
15 allow them to really come to an
16 agreement that will solve this.

17 MR. ALLAN: Okay, I understand your point. And
18 obviously we are responsible for
19 determining how much water the project
20 is really going to need, and how it is
21 available, and whether that agreement
22 provides sufficient water. And
23 actually we will certainly be
24 responsible for determining whether
25

1 there's sufficient funding to actually
2 accomplish it.

3 MR. ECKERSTROM: And how will you determine that? Would
4 you have your own experts that would
5 look at that?

6 MR. ALLAN: Well, we'll have to have a civil
7 engineering study done.

8 MR. ECKERSTROM: And there will be more chance for
9 public input in relation to that,
10 specifically?

11 MR. ALLAN: I don't know. It depends on where it
12 is in the process, but it would
13 probably be one of numerous appendices
14 to the draft EIS. So, yeah, it would
15 be open to public review and comment.

16 MR. ECKERSTROM: One of the issues with this council is
17 that all of these negotiations are
18 being held in secret. So there is no
19 opportunity for public input, and in
20 fact, the quantity and the quality of
21 the dialogue is not very good. So
22 that's one of the things that I
23 appreciate about your coming here

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today, and I thank you for listening to me.

MR. ALLAN: Okay. Thank you, Eric.

[Applause.]

Our next speaker is Jan Hopkins.

MS. HOPKINS: My name is Jan Hopkins. My husband Michael and I live out on Highway 49, at the county line going toward El Dorado County. I live about five miles from Plymouth. Plymouth is our closest town, and our mailing address, and we patronize most of the businesses, restaurants, hardware store, et cetera, in town. We contribute to local causes such as the volunteer fire department and the playground, and I also volunteer at the school in Plymouth. So that when I hear people say we shouldn't have a say in what happens here, I get upset, as does my husband. Because we feel like we are a part of Plymouth. We may not be in the city limits, but we're part of the community.

1 I'm not here to go into all the water
2 and sewer issues which others can speak
3 about with more knowledge than I can.
4 I just want to tell you the personal
5 impact on us. At the last meeting,
6 someone who lives on Highway 16 spoke
7 on their concerns about traffic
8 congestion. I'd like to speak about
9 the other main artery into Plymouth,
10 which is Highway 49.

11 This is a narrow winding road which
12 leads north to the town of El Dorado
13 and on to Highway 50 and Placerville.
14 Even though this road is well kept up
15 by CalTrans, which I've been told is
16 because it's a major state evacuation
17 highway, there are many accidents on
18 this highway. Many of them are single
19 car, many of them are people driving
20 too fast for weather and road
21 conditions, many involve people who
22 have been drinking.

23 I cannot imagine the effect the volume
24 of project traffic to and from this
25

1 casino will have on this highway and on
2 us. My neighbors on both sides of the
3 county line and I have a very hard time
4 getting on and off this road from our
5 driveways and dirt roads. In many
6 places the visibility, due to all the
7 curves, is very limited. When cars and
8 large numbers of motorcycles -- which
9 can be hundreds per day on summer
10 weekends, not to mention semitrailer
11 delivery trucks, and logging and gravel
12 trucks -- are going by even at the
13 speed limit, it becomes very dangerous.
14 This is not to mention the noise
15 pollution, of course, that it causes.
16 Now, we usually have reasonable
17 response times by the Sheriff's
18 Department, Highway Patrol and
19 volunteer fire department. I've called
20 many times myself about accidents and
21 trespassers. Last year, a catastrophe
22 for us and our immediate neighbors was
23 prevented by the quickness of the
24 response to a brush fire. It is hard
25

1 to see how that kind of response can
2 continue if we have the casino traffic.

3
4 The impact of all the traffic in
5 Plymouth itself also greatly concerns
6 me. When I work in the after-school
7 program at the school, I pass many
8 students leaving school walking in on
9 bicycles. They cross streets alone in
10 and in small groups. One of the nice
11 things about Plymouth now is that it is
12 relatively safe for them to do so.
13 With the traffic generated by this
14 casino, it will not.

15 The changes to the character to this
16 tiny town will be huge. Most of us who
17 live here appreciate the rural way of
18 life. We like a slower pace, we like
19 to look out our windows and appreciate
20 the beauty of the countryside. The
21 casino will take that away from us. We
22 don't need it here. Thank you.

23 [Applause.]
24
25

1 MR. ALLAN: I called John Carl Gauthrie (phonetic),
2 and he might have left. Is he here?
3 Okay. Our next speaker is Susan
4 Bragstad.

5 MS. BRAGSTAD: I'm representing the Foothill
6 Conservancy. The Foothill Conservancy
7 is a 14-year-old local organization
8 representing approximately 250 dues-
9 paying members. Our mission is to
10 restore, protect and sustain the
11 natural and human environment in Amador
12 and Calaveras Counties for the benefit
13 of local residents. The Ione Band of
14 Miwok Indian proposal for a casino in
15 Plymouth, like any large project, has
16 the potential to cause significant
17 negative impacts to the local
18 environment. We strongly recommend
19 that prior to taking land into trust --
20 and I need you to explain that to me
21 one more time -- the Bureau of Indian
22 Affairs ensures that a full
23 Environmental Impact Statement is
24 prepared under NEPA. The documents
25

1 should also comply with all provisions
2 of the California Environmental Quality
3 Act. This is a repeat of an earlier
4 comment, but it doesn't hurt to repeat
5 it.

6 The EIS should evaluate all potential
7 onsite and offsite environmental
8 impacts including water supply, waste
9 water treatment and disposal, traffic,
10 public safety, noise pollution, light
11 pollution, air quality, wildlife and
12 socioeconomic impacts. The
13 environmental impacts of the project
14 should be completely evaluated and full
15 mitigation assured before the federal
16 government acts to take this land into
17 trust.

18 We urge the BIA to ask the Ione Band of
19 Miwok Indians to work with the local
20 community in a facilitated,
21 stakeholder-based collaborative process
22 to ensure that everyone's interests are
23 addressed before taking the land into
24 trust. We would be glad to suggest
25

1 facilitators or participant trainers to
2 help expedite the process.

3 And can you repeat to me again the
4 timing of when you're going to have the
5 application to submit it into trust,
6 and when you're going to do the
7 environmental studies?

8 MR. ALLAN:

9 Okay. I would expect that the complete
10 application will probably not be
11 available until maybe October. We are
12 going to have -- among other things,
13 the EIS is part of the -- even though
14 that is developed by the Bureau of
15 Indian Affairs, is part of the
16 application package, and it can't be
17 processed without it. We should have a
18 results of scoping report available in
19 about 30 days, and it'll be mailed out
20 to everybody on the list. And that
21 will include the transcripts from both
22 these hearings, copies of all the
23 letters that were received. And
24 basically we'll present our conclusions
25

1 about the process from that public
2 input in a number of areas.

3 It will state, "These are what we think
4 the significant environmental issues
5 are that need to be discussed in the
6 EIS and addressed; these are the
7 alternatives that we are proposing to
8 address; these are the cooperating
9 agencies." Those are probably the --
10 oh, that and "This is the project
11 schedule for the EIS." These are when
12 other documents are going to be coming
13 out, okay?

14 Probably 60 to 90 days after that
15 document is released, the next document
16 will come out, and that is a draft
17 Environmental Impact Statement. There
18 will be a public hearing on the draft
19 Environmental Impact Statement, that
20 will go out to everybody who's on the
21 mailing list, and we will also take
22 written comments. Most people make
23 written comments as opposed to
24
25

1 appearing at the hearing, but they can
2 do either or both.

3 The purpose of those comments is to
4 comment on the draft EIS. And we take
5 comments to say, "No, you've got it all
6 wrong."

7 MS. BRAGSTAD: No, I understand all that.

8 MR. ALLAN: Okay. All right. So we go through
9 that process. Sometime, at least 45
10 days after the draft EIS is released,
11 and more reasonably 90 to 120 days
12 after that draft is released, we will
13 come out with a final Environmental
14 Impact Statement that responds to all
15 the comments that we received on the
16 draft. Or at least all the substantive
17 comments, you know. Anyway, that also
18 goes out to everybody. And sometime,
19 at least 30 days after that is
20 released, it'll be ready to go back to
21 Washington, D.C. for a decision.

22 MS. BRAGSTAD: Where does the trust submission come
23 in?
24
25

1 MR. ALLAN: Well, that's going to be part of the
2 same package when it goes back to
3 Washington, D.C. And there is no
4 requirement to really have an actual
5 formal application until that time.
6 Usually, they come in kind of
7 piecemeal. We get a tribal request,
8 and a tribal resolution if they want us
9 to do this, and then we get a bunch of
10 the title work, including the surveys
11 and so on. Then we can move those
12 parts to get a solicitor's opinion on
13 the title, as to whether it's free from
14 all the encumbrances that it has to be,
15 et cetera, et cetera, okay?

16 MS. BRAGSTAD: More or less okay. Thank you.

17 [Applause.]

18 MR. ALLAN: Our next speaker is Bruce Thompson.

19 MR. THOMPSON: Okay, my name is Bruce Thompson. I
20 live 5777 Carbondale Row. Mailing
21 address, Post Office Box 786, Plymouth,
22 California, 95669. I'm not a very good
23 speech-giver, so bear with me. I've
24 been listening to some of the comments
25

1 here and everything. I have eight acres
2 about five miles out of town here. I
3 have four wells on the property. And
4 my father worked for California Water
5 Service for over 30 years, and he
6 explained to me about wells and testing
7 them and so forth.

8 Anyway, I hear that this property that
9 they want to build this casino on, that
10 they've drilled a well. And I'm sure
11 they've tested it, and I'm sure it
12 probably puts out billions of gallons
13 of water. I don't know what the
14 statistics are on it, because I haven't
15 seen them.

16 MR. ALLAN: I'm sorry, Bruce. Can you speak a
17 little more into the microphone?

18 MR. THOMPSON: Is that better?

19 MR. ALLAN: Yes, thank you.

20 MR. THOMPSON: Anyway, what I'm getting at is my four
21 wells, my good well No. 4, when I start
22 it up, it puts out 24 gallons of water
23 a minute. Then 45 minutes later it's
24 down to a gallon and a half of water,
25

1 okay? That's what it's capability is
2 of doing. I don't know what their well
3 that they drilled up here for this
4 casino, what it's capabilities are.
5 I'm sure when they first start it up a
6 full well is going to put out a good
7 head of water. My No. 3 well, which is
8 only 180 feet away from No. 4, that one
9 puts out 20 gallons a minute for 30
10 minutes, and then it's done for for six
11 hours. It takes six hours to recover.
12 No. 1 well, I can only pump it for 25
13 minutes, and it's gone for 12 hours,
14 okay? So I mean, recovery time is
15 slow. And I handle those wells -- the
16 way I work them is so that I won't use
17 up all the water on my little eight
18 acres, okay? Because I realize the
19 water in the ground there.
20 I don't know how it's going to be up
21 here with this place. I seen where
22 they drilled the well, and I know it's
23 across from one neighbor who has two
24 wells on her property, and she only has
25

1 water six months out of the year. The
2 other six months she has to have water
3 trucked up to her place, okay?
4 Now, with my point being made there, I
5 go on to the quality of the water. My
6 mother lives here in Plymouth, and she
7 uses the Plymouth water for, you know,
8 flushing the toilet, taking a bath,
9 watering some of the plants. She comes
10 out to my place with four one-gallon
11 containers and gets her drinking water
12 and also the water to make her coffee
13 and to cook with. Because the quality
14 of the water here in Plymouth is not
15 that great.
16 Now, the other thing, I understand
17 Plymouth has well water here. They
18 also have the Arroyo Ditch, when the
19 Arroyo Ditch flows. Now that tells me
20 that they have to use the Arroyo Ditch
21 so that they can less strain that they
22 have on their wells that they have in
23 this town, which, once again, we don't
24 have that kind of water in this
25

1 community, okay? I'm five miles out of
2 town I gotta have four wells, what are
3 they gonna have to have here for a
4 casino?

5 Okay, that is just one item that I'm
6 talking about. The other item is
7 traffic. Like I say, Carbondale.

8 Getting onto 16. When I used to work
9 nights, getting onto Highway 16 just so
10 I can get over to 124 to head towards
11 Ione to go to get on 88 and go all the
12 way to Lodi, I'd have to wait there
13 sometimes -- didn't matter what night
14 it was, I'd be waiting about five to 10
15 minutes just for the traffic to get
16 kind of cleared up and for me to get a
17 spacing in there just to get on 16.
18 Going to Ione on 124, especially on
19 weekends, you have all the campers that
20 are coming up the road, okay? Going
21 down 88 I used to have a little contest
22 there. I'd start counting how many
23 cars from 124 on 88 to Liberty Road, a
24 distance of something like, I think
25

1 it's eight miles. I would count on the
2 average about 100 cars on a night. It
3 might be 70, it might be 110.

4 Okay, this was when I was going to work
5 at nights. Now I'm working days. I
6 find it's the same situation when I'm
7 working days. Same thing in the
8 morning. Now, morning time I have a
9 better chance of getting on the highway
10 because everyone is going to
11 Sacramento. However, coming home at
12 night I've learned to come on up here
13 to Plymouth, because it's much more
14 easier from 124 to 16 to just turn and
15 go towards Plymouth. I'll just come up
16 here and get the -- because at least
17 when I'm coming around that corner on
18 124 to 16, I can see what cars are
19 coming, so I can pace myself. I go
20 around that corner at 45 miles an hour
21 there. I'm also looking to make sure
22 there's nothing in front of me, in case
23 I gotta brake for people that don't
24 understand getting into traffic. So
25

1 that way I can just get in with the
2 flow, okay? Come up here to Plymouth,
3 do what I gotta do, and then it's much
4 more easier going back down.
5 Now, I've already been in almost a
6 wreck one time there at the
7 intersection of 16 and 49. Actually,
8 it's called -- well, never mind.
9 Anyway, the idea is that 49 there,
10 that's a bad intersection. There's
11 always a wreck there. What people
12 don't understand is that in the
13 afternoon when the sun is going down
14 that way, people on 49 trying to get
15 across 16 to go whatever direction they
16 want to go, mostly towards Sacramento,
17 because of the sun they can't see cars
18 coming. And they get broadsided every
19 time. There's always a wreck there, at
20 least once every three to six months.
21 Okay, made that point clear. The other
22 thing I want to talk about is you've
23 already heard a few people come up here
24 -- the District Attorney -- talking
25

1 about costs here. Okay, Rancheria is
2 already here in the county. So we
3 already got what we can look at as far
4 as the kind of money they donate to the
5 county for services, which is very
6 little, okay?

7 And I understand that some of the
8 recipients of that money, whoever gets
9 the money that Rancheria makes, I
10 understand that some of their children
11 drive nice cars to the schools.

12 However, two years ago when we had a
13 bus problem in this town, you didn't
14 hear Rancheria donating any money to
15 get our school buses operating again.
16 You don't hear them donating any money
17 to the schools themselves. You don't
18 hear them talking about donating any
19 money to improve our roads, to improve
20 anything.

21 Now, we're going to have another casino
22 that wants to build here in Plymouth.
23 Are they going to put in a four-lane
24 highway all the way from Sacramento all
25

1 the way up here to this place? If they
2 are, are they going to put a traffic
3 light up my -- at Carbondale so I can
4 get on to Highway 16?

5 Rancheria, if you look at the sign on
6 the front of this fairgrounds here,
7 they have a sign up there that says
8 they're a major donator to the fair.
9 It's probably because the way it's free
10 advertisement there, so the people --
11 there's a lot of people here that come
12 to this fair. In fact, that's when you
13 really need to come down here, the
14 four days that this fair is running,
15 and see the traffic jam. And then you
16 might understand what it's going to be
17 like if we get a casino up here.

18 So that's about the only thing that I
19 can say that they donate to, that I
20 have seen in this county, okay? I
21 could probably go on here but I think
22 I've spent enough time here. I
23 appreciate your time.

24 [Applause.]

1 MR. ALLAN: Thank you, Bruce. Our next speaker is
2 Gary Clark.

3 MR. CLARK: Good evening, my name is Gary Clark,
4 and I was until three months ago the
5 Planning Director for the County of
6 Amador. Thirty-three years I've been
7 dealing with Bureau of Indian Affairs
8 on various Indian matters, tribal
9 lands, reservations, rancheria, three
10 different counties. And I think that's
11 one year less than what Mr. Villa was
12 talking about he dealt with the Bureau
13 of Indian Affairs. This is third
14 casino in Amador County that I've
15 personally had to deal with. And
16 again, as somebody else pointed out,
17 it's always different people from the
18 BIA. Now, some of us have been around
19 a long time, and we've seen a lot of
20 confusion.
21 Because when the first rancheria came
22 in, early 80s, and I said, "Where do
23 they want to put it, out on New York
24 Ranch Road? You gotta be kidding.

25

1 That's gotta be one of the worst places
2 in the county to put it. I mean, it's
3 lousy roads, lousy water, there's no
4 fire protection, nothing. How can they
5 possibly --" Well, it's a rancheria,
6 and it was adjudicated on a tribe down
7 in Riverside County, or whatever the
8 county -- it doesn't have any
9 jurisdiction on the rancheria land.
10 But don't worry, you know, it's a
11 rancheria, they can't go anywhere else.
12 Then the second one comes in, you know,
13 -- and oh, by the way, we got all sorts
14 of promises out of the proponent on the
15 rancheria, that they would do all sorts
16 of things to mitigate their impacts. I
17 don't know how many years, it's almost
18 20 years later and they still haven't
19 done most of what they said they were
20 going to do. The road's bad, I think
21 they did finally bring in water because
22 it's in their own interest.
23 The second rancheria, they told me it's
24 going to be on -- didn't even know
25

1 there was a rancheria out there. I
2 said, "You've gotta be kidding. Buena
3 Vista?" Again, Murphy's Law says that
4 these rancheria are the worst place in
5 the county to put some kind of project
6 of this size. A private landowner
7 couldn't possibly do this. You know,
8 the California Environmental Quality
9 Act would kill them.

10 So when the Jackson Rancheria acquired
11 1,000 acres and put it into trust, I
12 said "Well, can they put gambling on
13 that?" "No, don't worry about it.
14 Just because it's in trust doesn't mean
15 that they can operate a casino on it."
16 And I said, "Well, okay." Then when
17 this came up, again, they pick a spot
18 that already two major private projects
19 gave up just because they couldn't do
20 it.

21 So I said, "Are these people kidding?
22 Do they really think they can make this
23 property into something like what's at
24 Jackson Rancheria?" A private project,
25

1 two private projects -- Shenandoah
2 Springs and Burke Ranch -- both failed
3 because they could not make those
4 properties work. These people can't do
5 that. I don't know who they talked to
6 that sold them a bill of goods about
7 whether this area was usable for this
8 property. There's a reason why the
9 county's general plan had most of it
10 that they were looking at in a 40-acre
11 general plan minimum. There's no
12 water, there's no ground water. I
13 think it must have been somebody's idea
14 of a joke that they were talking about
15 bringing a pipeline, bring Mokulumne
16 River water clear over to Plymouth. I
17 mean, that was considered in those
18 other projects that failed at one time,
19 and it wasn't economically feasible,
20 nor was it physically feasible, plus
21 you didn't have that much water. So
22 now they're talking about drilling
23 wells in an area that's been proven not
24 to have ground water?

1 If this was a private party that came
2 into the county and asked to process
3 this project, we would show them that
4 this is a foolish idea, let alone it
5 won't work, feasibly. And if it was
6 under the California Environmental
7 Quality Act, you can't generate water.
8 So if they run out of water, and if
9 everybody's right and the ground water
10 is depleted, they can't manufacture
11 water. Are they going to truck it in?
12 That's a lot of water.
13 And the school issues. You cannot --
14 the schools are at maximum now, they've
15 been at maximum for quite some time.
16 You can't -- a new grade school, I
17 think is something like \$10 million and
18 the high school's \$40 million.
19 Housing. Somebody quoted what I'd said
20 here not too long ago, I don't know
21 where a lot of those rancheria, the
22 Jackson Rancheria employees are
23 working. They're not paying them
24 enough to afford a home, to purchase a
25

1 home, and there are no rentals. And
2 again, Plymouth is the worst area in
3 the county to find a place to rent. So
4 I don't know what these people are
5 doing looking at this site.

6 I won't go into all the other things
7 that you've already got to respond to,
8 some of the other technical stuff. If
9 this was under the California
10 Environmental Quality Act, it wouldn't
11 make it. It would be rejected.

12 And I'm surprised. You know, my
13 dealings with the Bureau of Indian
14 Affairs under SEQA, a fellow federal
15 agency, the Postal Service or the U.S.
16 Forest Service, their EIS's are serious
17 documents. There are people that, at
18 the end of them when it says, "This is
19 a bad project," the EIS points it out
20 and the project goes away. But with
21 the BIA it seems to be that that's, you
22 know, tantamount to a go-ahead. The
23 responses are never adequate, they
24 would never make it under the
25

1 California Environmental Quality Act,
2 and even under the National
3 Environmental Protection Act they
4 aren't very good documents. The last
5 one that I read for the Jackson
6 Rancheria was a joke. The one that was
7 done for the Buena Vista area, was --
8 Well, first of all, we didn't do one
9 for Buena Vista. That was the National
10 Indian Gaming Commission. Secondly,
11 the one for Jackson was not an
12 Environmental Impact Statement.

13 MR. CLARK: The original one. I'm talking about
14 long before you were around here.

15 MR. ALLAN: Oh, okay. Back in 1980 or something?
16 Okay. Well, I was with the Bureau
17 then, but I wasn't in this office, I
18 was in New Mexico.

19 MR. CLARK: I'm sure you've driven into the Jackson
20 Rancheria.

21 MR. ALLAN: Yes.

22 MR. CLARK: You know, that road is unsafe at any
23 speed, and it's even better now than it
24 was before. So the expansion, the
25

1 addendum or the attachment, supplement
2 to that EIS that was done, it wasn't
3 worth the paper it was printed on. The
4 one that was done in Buena Vista wasn't
5 worth the paper it was written on. And
6 I've gotta imagine this one isn't going
7 to be worth the paper it's written on,
8 either, if it comes up that there are
9 no impacts.

10 If they were smart they'd read it and
11 it would say, "This is not the place
12 for this." You know, I feel sorry for
13 the City Council of Plymouth, to be put
14 into this -- to be subjected to this.
15 It's a waste of time. It's nice being
16 retired.

17 [Applause.]

18 MR. ALLAN: Thank you, Gary. Our next speaker is
19 Brian Oneto.

20 MR. ONETO: Hello, gentlemen. I thank you for
21 coming tonight. I'm not glad to see
22 you, but I'm glad you're here. Anyway,
23 pretty much I think everything's been
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covered, but maybe it helps to say something for a third time verbally. One of the big things I see is traffic. Traffic, traffic and more traffic. It's like we've lived in this county for quite a few generations, and there's been a steady -- well, it's a rather small increase for a lot of years, and it's getting a little bit heavier as time goes on as more and more people move up the foothills, to try to get away from basically the cramped city life which it sounds like may be coming our direction rather soon.

And it's getting to be -- I don't like driving the roads, and there's a lot of old people live up here, and they drive these roads. And you have a lot of people, a sudden influx of traffic when the roads haven't been brought up to a higher standard, and all of a sudden you dump all this traffic on rural Amador County from not one, not two,

1 but possibly three casinos. I'm just
2 thinking about where to move to. I
3 mean, if it wasn't so cold in Montana
4 I'd probably already be gone.
5 My father, a while back -- he's since
6 deceased, God bless his heart -- he was
7 sitting in our driveway in Highway 88,
8 which is a major thoroughfare heading
9 to the Jackson Rancheria, where
10 friendship is the best friend, or
11 whatever they say in their ads. And
12 he's sitting there waiting for cars to
13 go by, and pretty soon there is tires
14 with brakes and all attached, flying
15 over the top of his truck. There's
16 drive lines, there's axle spindles and
17 there's cars hitting in front of him.
18 It gets to be a rather common
19 occurrence, wrecks around the driveway
20 and all along Highway 88 and Ridge
21 Road, everywhere. I mean, it's not a
22 big deal to see oil and -- I don't know
23 if it's blood or whatever -- splattered
24
25

1 on the highways. It's not a good
2 thing. So traffic is a big one.
3 Also, while we're on the subject, when
4 is end of written comments for this
5 scoping session? What's the last day?
6 I mean, when does it stop?
7 MR. ALLAN: Well, you got at least another 15 days,
8 okay?
9 MR. ONETO: Okay.
10 MR. BIAGGI: February 20th.
11 MR. ALLAN: February 20th? Okay.
12 MR. ONETO: Also, if this project was proposed on
13 tribal lands, would it be outside SEQA
14 and NEPA, once it's taken into
15 basically trust?
16 MR. ALLAN: Okay. Yes, if it's on tribal lands it
17 would be outside the SEQA. Whether NEPA
18 applies is dependent on whether there's
19 a discretionary federal action. So
20 what that would mean is this project,
21 as proposed, incorporating an Indian
22 Gaming Management contract, which would
23 require the approval of the National
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Indian Gaming Commission, it would still fall under NEPA.

MR. ONETO: Okay. And that's something else I'd like you to consider when you bring in tribal trust land. Because basically it is a sovereign entity, I believe, with limited oversight.

MR. ALLAN: Yeah. Well, it's more a matter of limited sovereignty. But, yes, okay.

MR. ONETO: Okay, yeah. Not to argue the matter. So they're basically -- you're really affecting everybody here pretty majorly, and it's not for five years, it's not for 10 years, it's not until they go broke or get rich, it's a pretty permanent thing.

Also, Highway 49 is basically -- I think it's a historical highway, I don't know if it's documented as so. I believe it is. It's a scenic highway. I've just been through that for about a year and a half, trying to get power to my house. One oak tree was over 16 inches in diameter, so they declared it

1 a heritage oak tree and told me I could
2 not cut that tree. So I'm jerking out
3 three phase meters and panels and well
4 pump and putting in single phase now.
5 So I'd like to know are they going to
6 go to that same standard? They can't
7 get one oak tree to get access to the
8 ground? That's a little bit irritating
9 to see stuff like that.

10 And yet, you see these proposals that
11 basically majorly change the scenery in
12 the area, and it seems to be they're
13 not just saying, "No, we're not doing
14 that, we like the scenery here." So I'd
15 like to see an equal standard also set
16 for them.

17 And water is a real big issue. A lot
18 of people have spoken about it tonight.
19 It's like when they did -- I believe it
20 was the Sutter Home Winery, there were
21 some concerns over that and they
22 allayed all the fears, that there would
23 be no problem. I've been hearing
24 there's a lot of problems with the
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water since they've started that winery, or planting all the grapes. And about a mile west of the proposed casino, Joe Putman owns around roughly 600 acres, and he was looking at doing a project there. He had water problems. He put in some major wells. And I know a couple years back he did a well test. He pumped, I was told, like for 24 hours a day for about a week. And when he did that numerous springs -- talking to the person that works on the ranch -- went dry. And that's only one week of pumping one well. When you get numerous wells and they're pumping probably 24 hours a day to supply a casino, what's that going to do to our water table, and in effect, also, this would probably be a quote -- not to be too funny about it, but covered under your SEQA documents or Environmental Impact Statement. Like, those springs are used by reptiles and amphibians, wild life,

1 birds, livestock, so that's going to be
2 affecting the surrounding areas. And
3 once it's in place, you're not going to
4 stop it. I mean, we'll be stuck with
5 what is basically foisted off upon us.
6 That's why I'd like to not see it come.
7 Dry Creek, which is the creek probably
8 -- oh, it's about a mile probably
9 southeast or south of the proposed
10 casino, has run steelhead for a number
11 of years. I don't know if they're
12 still there, but as a kid I know they
13 were there. I haven't seen them in a
14 little while, so maybe Fish & Game --
15 sometimes they stock runs, and they'll
16 take the eggs and put them in
17 hatcheries, so maybe they're doing
18 that. But there has been traditionally
19 steelhead in that creek, and I'd like
20 to know what kind of effect you'd have
21 on that.

22 And also, I thought by signing up that
23 you folks were going to send us a
24 notice of this meeting, and I never

1 received no notice. Are we going to
2 receive more material from you as this
3 goes along, or are we just going to
4 have to find out word of mouth rather
5 than from our government
6 representatives?

7 MR. ALLAN: Well, if you're on the mailing list,
8 you'll receive a "Dear Interested
9 Party" letter that tells you when this
10 scoping hearing is going to be.

11 MR. ONETO: Because I didn't receive one for this
12 one, that's why I'm asking.

13 MR. ALLAN: Okay. Well, I've answered that question
14 about three times tonight.

15 MR. ONETO: Okay. It sounded like you said it was
16 done, just -- you had another meeting.
17 All right. Let's see. What comes --
18 do you take it as a separate issue,
19 taking the land into tribal trust, or
20 as in trust lands to tribe? And do you
21 consider a casino at that time, or do
22 you consider the casino once it's taken
23 into trust?

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1 MR. ALLAN:

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13 MR. ONETO:

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Because a casino is involved, it means that the decision is made back in Washington, D.C. by the Assistant Secretary. If there was not gaming involved, the decision would actually be made in the Pacific Region. And the procedures that are followed include that application goes through the Office of Indian Gaming and Management back in Washington, D.C. I think that's responsive to your question, but I'm not really sure, Brian, okay?

Yeah, that's what I want to know. Also I'd like to address the amount of cars. I mean, you're probably talking roughly 7,000 cars, and also we're back to traffic again. But you're probably burning, what, about five gallons per car? So you're probably talking about the burning of 35,000 gallons of fuel per day, and probably you can figure, what, at least 50% will be coming into our counties. That's a lot of emissions coming into Amador County.

1 And it's also -- I consider it
2 basically excess emissions. Because, I
3 mean, these people are coming from
4 Sacramento, they're coming from
5 basically the greater San Joaquin
6 Valley, in those areas. I mean, why
7 not put the casinos down there rather
8 than run cars all over the place and
9 contribute to traffic congestion and
10 contribute to air quality problems,
11 visual problems? And then if you have
12 the casino go in, you'll have --
13 basically, you'll have light problems
14 at night. I don't know how you term
15 that, there's probably a correct term.
16 But you'll have an effect on --
17 basically, Plymouth will no longer be
18 dark.

19 And so if that's the case I'd ask you
20 to please not take this land into trust
21 for the Indians. Nothing personal
22 against them. Thank you.

23 [Applause.]

1 MR. ALLAN: Okay. Thank you, Brian. Our next
2 speaker is Chris Schneider.

3 MR. SCHNEIDER: Hello, my name's Chris Schneider. Let
4 me just this a little bit so I can
5 actually speak into the mic. I come
6 here -- first off, I just want to say
7 this room is freezing cold. And I
8 don't know what you guys paid to rent
9 this, but if I was renting it, I would
10 be wanting my money back.

11 MR. ALLAN: Yeah, I'm cold, too.

12 MR. SCHNEIDER: So I think somebody should bring that
13 to the attention of Amador County or
14 the fair, or whoever. That's the first
15 thing. The second thing is I come here
16 as a citizen and a volunteer
17 firefighter from Lockwood Fire
18 Protection District, which is in my
19 case, my house is about eight miles
20 away. And as a volunteer firefighter,
21 we have very limited means. I think
22 all of the districts around here are
23 volunteer firefighters. And when one
24 thing happens in one district, in the

25

1 case of Plymouth, it affects Fiddletown
2 and it affects Lockwood.

3 A prior person from Lockwood was
4 talking about the traffic mitigation,
5 and I think that that is a potential
6 problem. But realistically, the
7 emergency calls, the fire calls -- I
8 mean, when you put a casino or a
9 proposed casino in an area like this,
10 it will have a dramatic effect on very
11 limited resources, not just counting
12 Plymouth. So there's a ripple effect
13 that goes out to a distance. And I
14 think Lockwood, which is an extremely
15 tight district, in the sense that we
16 don't have a lot of people -- we have
17 six volunteers, including myself --
18 that will have an effect. So that is
19 the thing that I wanted to talk about
20 from the citizens' perspective.

21 The second is from a political
22 perspective. I'm running for State
23 Senate in this district, and to me the
24 people in this town and throughout this
25

1 state have said, no, they do not want
2 casinos. And to me, my question is,
3 what part of no don't you guys
4 understand? It's that simple?

5 [Applause.]

6 I mean, if the laws were written the
7 way that they were supposed to be
8 written, the people should have more
9 say. That's all I'm going to say, and
10 I realize that's not in your power and
11 that's not what this is about. But
12 from the environmental perspective, I
13 just think it's completely wrong and
14 I'm against it.

15 [Applause.]

16 MR. ALLAN: Okay. Our next speaker is Barbara
17 Baker.

18 MS. BAKER: Hi, I'm the last one, aren't I?

19 MR. ALLAN: Well, actually, probably not.

20 MS. BAKER: Well, that's okay.

21 MR. ALLAN: Because I will ask, when you're done,
22 if there's anybody else, and give them
23 an opportunity.

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25

1 MS. BAKER:

I'm just teasing you, anyway. Anyway,
2 I'm Barbara Baker, I live off of
3 Carbondale Road. And I just wanted to
4 cover a couple of issues, as everyone's
5 talking about the location. It's the
6 main road -- it's going to be the main
7 road coming into town, and the road
8 curves there. And it's going to have
9 to be widened out, and it's going to be
10 a difficult thing to be done. And the
11 ingress and the egress, people have
12 probably already covered this.
13 And then Mario at the last scoping
14 meeting brought up about the
15 environmental documents that were done
16 on the property when it was the
17 proposed property, when it was going to
18 be a mining thing. That had been sent
19 to all the Indian tribes, and they said
20 there was no historical significance on
21 any of that property. And if there's
22 no significant Indian effect, or
23 historical thing on our property, then
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it really doesn't make much of a claim,
it can be just anywhere, then.
And there are lots of places in the
county where there are significant
Indian artifacts and other things, in
those other areas that might be more
appropriate. Also, you've gotten lots
of letters from the county, the city,
the other organizations in the county
that have spoken about they're not in
support of this casino. A letter was
sent, to my understanding, to our
governor, saying that there was support
for this casino from our city council
and our board of supervisors before
they'd even had public hearing, and it
was dated before -- okay, I don't know
if it got sent. I know that that's
what we were told at meetings, at the
city council meetings, that it had been
sent.
And even though, you know, our
community's been surveyed two different
times -- once by the contractor and

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once by the citizens, and they've proven overwhelmingly the voting population that they don't want a casino in their town. And also that most of our town is senior citizens, and we do have a lot of low-income things here.

And then we are also a very rural area, and this is just being crammed down our throats. And as I said before, under the environmental justice when President Clinton was talking about it, he was saying that it was important for the rural areas to help be protected. And then this is going to affect our environment, but we have to live with it day in and day out for the rest of our lives.

There's going to be problems with the light from the facility. If you look at the hill where it's going to be, the lights are going to shine from that thing all the way to Drytown. And like I said, I live on Carbondale, on

1 Latrobe and 16, there's a church there.
2 Well, they used to have a light, their
3 sign used to glow at night. People
4 complained about it, and it had to be
5 turned off. And then to the county
6 ordinance only said a light can shine
7 on a sign. So if you notice in
8 Plymouth, they only have lights that
9 shine onto the signs, let alone what a
10 casino's going to do with all of its
11 lights spreading all over the area.
12 So I'm asking this environmental
13 document needs to cover and address it.
14 They need to abide by our city, county,
15 you know, and state laws. I know under
16 environmental justice it was also --
17 they'd been talking about there has
18 been problems between the different
19 tribes working with the state, and them
20 being held to the same standard, and
21 that that has not always worked out in
22 the past.

23 Okay. People have done the water
24 problem since I've been here. The
25

1 sewage, I assume people have already
2 talked about that. Our sewage plant
3 can't handle anymore, and if they build
4 a sewage plant on the facility, is it
5 going to be adequate, is it going to be
6 up to our federal standards? If there's
7 an overflow problem, it's going to
8 drain into other areas, into Drycreek,
9 other people's properties.

10 People have talked adequately about the
11 low -- there's not enough low-income
12 housing. The wages usually for a
13 casino are very, very low. And I know
14 they must have had people talk about a
15 lot of the casinos in the state, mostly
16 in Southern California, the people
17 can't afford the health insurance, even
18 if it is offered by the casino. That
19 some of the people are still getting
20 welfare, there's not places that they
21 can afford to rent.

22 I'm worried about the congestion. If
23 there's no lights for traffic lights,
24 they're going to have to be put on 16
25

1 in Amador County, just so people can go
2 on and off their driveways onto the
3 roads. Because there's already quite a
4 few accidents that happen. It's just
5 going to go more with all the other
6 things.

7 You've been talked to about the cost to
8 the county. The county needs to be
9 reimbursed for its fair share for its
10 costs if this goes in; for hospital
11 costs, our sheriffs. Our schools are
12 falling apart in this county because
13 they were built during the boom when
14 there was lots of money during the 50s.
15 They're very little buildings. Our
16 schools are too little.

17 People have talked about the
18 population. We're getting portables
19 and we're overflowing, and we don't
20 have any money to build new schools.
21 That needs to be addressed. They're
22 going to bring people into the county
23 to work here, they're going to come and
24 live here, they're going to bring their
25

1 kids. We're going to have more kids in
2 our schools. And besides the kids
3 going to and from school.

4 Okay. Also, I'm concerned about the
5 watershed, that if they do a lot of
6 grading and everything else, the
7 watershed -- how the water's going to
8 go down to our rivers if they don't
9 grade things properly and everything
10 else. Mudslides are going to happen
11 like what happened in Southern
12 California due to the fires and things
13 like that, that we need to be concerned
14 about that.

15 And since they've lost part of their
16 property, how are they going to
17 adequately park all those cars that are
18 going to the casino? That you've --
19 you know, also for the people that
20 don't want the casino, our legislators
21 have written letters saying they're not
22 in support of this casino. And in the
23 Sacramento Bee, our current governor,
24 his person that negotiates also made a
25

1 statement about -- because there was an
2 article yesterday which I'm sure has
3 been brought to your attention, the
4 other day this week about the casino
5 here in Plymouth. That things need to
6 be addressed and treated fairly for --
7 the county's being -- well, the state
8 being reimbursed for its costs and it
9 implied to me that it meant the
10 counties and everyone else --
11 Also, Latrobe and 16, let alone what
12 happens with 49 and 124, there's three
13 or four accidents a year, and at least
14 one fatality right along there. And
15 you're going to be increasing all the
16 traffic coming up 16. A lot of people
17 are going to be coming that way.
18 There's not adequate -- people think
19 it's a country road. They don't
20 realize the right way has 65 miles an
21 hour. Also, the other way they're
22 going to come, Latrobe Road, if they go
23 Old Sacramento -- another lady talked
24 about it, it's a windy road. That
25

1 road's going to have to be upgraded.
2 Our current roads in the county are
3 under major disrepair. Nothing against
4 our county, but if you look at all the
5 county roads off the highway, for the
6 line of sight they're all paved really
7 nice. As soon as you go off the line
8 of sight, they're falling apart. We're
9 going to have lots of big heavy
10 semitrucks coming out, making
11 deliveries to this place. That's going
12 to make more wear and tear on our
13 roads, makes them age faster than what
14 they're already doing. And I know that
15 we need to make sure that there's
16 somewhere in the environmental document
17 saying that if it does go into effect
18 that they're abiding by our rules, and
19 whatever they agree with that they'll
20 hold up to.

21 Where other casinos in Southern
22 California say they're going to do one
23 thing and they do something else. And
24 also, I've wrote San Diego and the
25

1 Indian reservation there. People I
2 know lived at the Wildcat Canyon Road
3 that it's on. You know, they wanted to
4 build their golf course and everything
5 else, they pumped all their water.
6 Everyone didn't have any water. They
7 decided -- and this is a different
8 tribe, I know, and a different place --
9 but they decided they were going to put
10 their own pipeline into the reservoir
11 that they didn't have rights to the
12 water going across different people's
13 land.

14 Not that these people would do that,
15 but there needs to be in the document,
16 that they need to be able to be held up
17 to the same responsibilities as
18 everyone else.

19 And also about the sewage treatment
20 plant, the problems with -- if there's
21 going to be -- what type of treatment
22 we have. Since we have such a bad perk
23 (phonetic), you can't do a normal
24 treatment. If they're going to make
25

1 ponds because of the grading, it's
2 going to be difficult. There's going
3 to be odor as the ponds dry out.
4 There's people that live that way close
5 to it right now, that they'll be
6 smelling that. So there's odor
7 pollution besides the light pollution
8 besides the noise pollution.
9 And like the lady said earlier, it
10 needs to be addressed about all these
11 workers. Jackson Rancheria has gone
12 through most of our workers in this
13 county, and from me talking to people
14 that I know, that most of the new hires
15 are from out of the county. And since
16 we already have a problem with housing
17 in this county and rental space for
18 people to rent, that needs to be
19 addressed. Because that's going to be a
20 significant amount of workers.
21 I'm almost done. And so, anyway, I
22 know that on the federal thing, it said
23 that you're going to address the
24 environmental justice. And why I'm
25

1 bringing up the point is that you need
2 to do it for our small rural area that
3 we are. And that many of people, as
4 they talked about earlier, are very
5 low-income here in our little city. If
6 you take a survey, most people are
7 senior citizens or they can afford the
8 houses here. And they've gotten here a
9 long time ago, and they can't afford
10 the housing that they have now in the
11 county. And basically, that's my
12 summary.

13 MR. ALLAN: Thank you, Barbara.

14 [Applause.]

15 Okay. First, is there anybody left who
16 would like to make a statement? Do you
17 have an additional one?

18 SPEAKER: I beg your indulgence. My neighbor is
19 en route from San Francisco to
20 Plymouth. He gave me some notes that
21 he wanted me to --

22 MR. ALLAN: Can you give your name for the Court
23 Reporter?
24
25

1 MR. DIMMERS: My name is Walter Dimmers. And these
2 comments -- and I will give you a copy
3 of them -- were prepared by Dick
4 Minnis. And I'll be very brief. It's
5 a four-paged document delineating the
6 methodology, projection and validation
7 of the traffic growth that will result
8 post-casino and hotel complex on
9 Highway 16 and 49 in Plymouth. It was
10 submitted in the first scoping session.
11 For the benefit of the members of the
12 audience not in attendance at that
13 meeting, it's important to briefly
14 summarize the traffic concerns
15 highlighted by that document. The 2002
16 CalTrans Traffic count for Highway 16
17 through Plymouth was 16,000 daily
18 trips. The current established method
19 for estimating casino traffic impacts
20 in California, known as the Sandag
21 method, is based on 1,000 cars per
22 1,000 square feet of casino space, and
23 eight trips per hotel room. Combining
24 these numbers, we can expect something
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approximating 21,000 cars per day if a casino is built.

What do these numbers mean? Increased commute times, gridlock on Highway 49, congestion that may result in significant decrease in tourist visits to the county's wine country, a certainty of increased accident rates and the alcohols to be served at the casino will certainly exacerbate those problems.

Casino proponents will push the myth that traffic impacts can be financially mitigated. A traffic lane or a traffic light or two may make it a bit easier for traffic to access the casino, but it does little to mitigate the real impact of 20,000 cars plus a day.

Amador County Transportation Commission estimated the fix for Plymouth would require at least five lanes for that section of Highway 16 and 49. The section of Highway 16 to Sacramento

1 would need additional passing lanes.

2 It goes on and on.

3 The casinos need to be built on

4 locations where the infrastructure of

5 access roads can support the influx of

6 gaming traffic. Amador County's a

7 small rural county that has already

8 absorbed the traffic increase of the

9 Jackson Rancheria. To expect the

10 county's road system to absorb the

11 impact of another casino separated by

12 only 15 miles from the Rancheria is

13 plainly irresponsible. It is readily

14 apparent to a fair and impartial

15 observer that the scope of these

16 numbers are so significant that any

17 contention that mitigation is possible

18 is an absolute myth at best. Signed,

19 Dick Minnis.

20 MR. ALLAN:

Okay. Thank you, Walt. Anybody else?

21 SPEAKER:

(Unintelligible).

22 MR. ALLAN:

Yes, but we have somebody who wants to

23 speak for -- oh, Mario, you cut this

24 lady off.

25

1 SPEAKER: I'm Lena Barditti (phonetic), I live in
2 Plymouth. I will no longer feel safe
3 in this town if that casino goes in. I
4 will feel very, very, very bad. Also,
5 doesn't the governor have anything to
6 say about this casino, whether it goes
7 in or not?

8 MR. ALLAN: Yeah. For Class 3 gaming to be
9 conducted, the tribe has to have a
10 compact with the State of California,
11 which has got to be signed by the
12 governor.

13 MR. BIAGGI: Bill, if I may, I forgot one statistic
14 on the Sheriff's report. It actually
15 relates to all the public safety
16 issues. All the statistics from
17 probation, DA's department, public
18 defenders that we also have to finance
19 when these people are arrested. The
20 citizens of Amador County have to pay
21 for their defense. All of these
22 statistics are based on two items.
23 One, the Jackson Rancheria, number one,
24 does not serve alcohol. And number
25

1 two, they have an in-house police force
2 with a police chief and 35-member
3 police force. So this does release
4 some of the impacts. Otherwise they
5 would be far greater had they not had
6 those in sight.

7 And also, when you do your EIS, I'm
8 also the President of the Board of
9 Directors of the Amador Fire Protection
10 District, which provides the fire
11 service for the City of Plymouth. So
12 any questions, I would ask that you
13 direct those to me.

14 MR. ALLAN: Okay. Thank you, Mario. Ma'am, your
15 question?

16 SPEAKER: (Unintelligible).

17 MR. ALLAN: Can you give your name? I'm sorry.

18 MS. FREITAS: My name is Irene Freitas (phonetic),
19 and I live in the Burke Ranch
20 subdivision, which is in the
21 surrounding area of Plymouth. Based on
22 your experience with other projects, is
23 there a reason for a city such as
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Plymouth to negotiate impacts before an environmental study is done?

MR. ALLAN:

Sure. Yeah. Yeah, there is. Alternatively, if there is not a negotiated agreement in hand, it makes it very hard for that to be the proposed alternative in the draft EIS, in the action that's selected. If it becomes a speculative alternative, it makes it hard to select it. So what could happen is that failure to have an agreement negotiated before things get to that stage means that another alternative has got to be proposed as a proposed action, and gets carried through. Yeah. It's just a practical matter.

MS. BAKER:

But what happens if there is additional things that are identified after the environmental impact, or you discover in your process that, yes, there is a serious problem with water, but there's already been commitments made to supply water. That's just one example. I

1 think that's what my concern is, is
2 that things are being negotiated and I
3 don't know how you can negotiate when
4 you don't have all the facts in front
5 of you. Regardless of the different
6 scopes the project may take, there's
7 some basic things such as water, sewer
8 usage and that type of thing.

9 So I don't know, I get the general
10 feeling that there's a bit of a fear
11 that if things are negotiated now, that
12 people will get cut out of anything
13 later on. And I hope that is not the
14 case. I don't know if you can speak to
15 that or not.

16 MR. ALLAN:

17 Well, the real problem is that we can
18 bring people into our decision process,
19 but our decision process ends up at the
20 end of the day being a simple go or no-
21 go on the trust acquisition. I mean,
22 we can put enforceable mitigation on
23 the project, you know, to change it.
24 But we do not have the ability to --
25 for instance, we can consider as

1 alternatives putting it someplace else.
2 But we can't force the tribe to acquire
3 the land someplace else.

4 MS. BAKER:

5 In any of the projects that you have
6 been involved in have you had cause to
7 enforce mitigation, or force mitigation
8 on things that you identified that were
9 potential problems, or were going to
10 impact surrounding areas and
11 communities that a governing body that
12 -- to the original negotiations with
13 the tribe or whatever, the development
14 people did not recognize in advance?
15 In other words, what I'm saying is are
16 you in a position to act in good faith
17 for everybody on things that you would
18 have expertise in identifying, that
19 other people who have not gone through
20 this process before would have that
21 expertise?

21 MR. ALLAN:

22 Boy, that's kind of -- we do require
23 the enforceability of mitigation on --
24 is a component of projects, okay? That
25 the mitigation is enforceable, that it

1 can be conducted. Have I been involved
2 in instances where we've had to
3 initiate an enforcement action to make
4 it happen? No. Am I aware of
5 instances where after the decision has
6 been made, and it has gone into trust,
7 where we have taken some kind of action
8 to put mitigation on after our action?
9 I'm unaware of any.

10 Pretty much after the decision has been
11 made to take the property into trust,
12 we will not have a continuing
13 involvement unless mitigation that was
14 promised is not conducted as promised.
15 Now, there will be a continuing
16 involvement with this project on the
17 part of the National Indian Gaming
18 Commission because of the gaming
19 management contract. I'm sorry, you
20 know --

21 MS. BAKER:

That's okay. I'm just trying to feel
22 better about the whole process, and I
23 would hope that with your expertise, if
24 you see areas that are not being
25

1 covered properly because people are not
2 familiar with the process, that --
3 MR. ALLAN: Oh, are you saying that if people
4 haven't brought something up, will we
5 fail to address it in the EIS, because
6 it slipped by the public? No. If
7 we're aware of it, we have a
8 responsibility to address it anyway, if
9 that's what your question is.
10 MS. BAKER: That's part of it. Thank you.
11 MR. ALLAN: Yeah. I'm sorry, anybody else? Yes,
12 ma'am?
13 MS. ONETO: Just a few last -- Janean Oneto is my
14 name.
15 MR. ALLAN: I'm sorry, Judy what?
16 MS. ONETO: Janean Oneto.
17 MR. ALLAN: Okay. Sorry.
18 MS. ONETO: That's okay. I just wanted to clear up
19 some stuff in my own mind. Because I
20 have confusion as to the flip flop of
21 the two tribes, the two Ione Band of
22 Miwoks. There's the traditional tribe
23 and then this new tribe. And are you
24 going to be looking into that to
25

1 determine who is the original Miwok
2 Indian tribe? That's not part of your
3 job?

4 MR. ALLAN:

I'm sorry, it's not an environmental
5 matter. And the Bureau of Indian
6 Affairs has a department called Tribal
7 Operations and Tribal Recognition. And
8 I deal with who they tell me is the
9 tribal government, okay?

10 MS. ONETO:

Okay. Because it seems like it should
11 be a part -- somewhere in that, the
12 tribe, the one tribe already has
13 territorial ground given by the
14 government through Washington, D.C.
15 Mario Biaggi read part of that letter
16 to you. So how can there be this
17 battle going on with this so-called new
18 tribe to get land when there's already
19 land given to the Ione Band of Miwok
20 Indians? And the tribe that used to be
21 in Plymouth gave up their rights to
22 that ground in Plymouth there, and got
23 paid by the government way back when,
24 and gave up their land rights. So to
25

1 have this other new tribe come in, I'm
2 just baffled at all this, how it can
3 even have gotten this far and how it
4 cannot be -- it isn't being addressed
5 anywhere. And Proposition 1-A that
6 people voted strongly that they didn't
7 want, you know, tribes that had ground
8 and were there and been existing can
9 proceed with these casinos. But trying
10 to get trust into land to these
11 landless tribes, I don't know.

12 MR. ALLAN: Janean, it's not an environmental
13 issue. It's a legal issue, and it
14 isn't mine.

15 MS. ONETO: Okay.

16 MR. ALLAN: I deal with the tribal government that
17 is recognized by the Bureau of Indian
18 Affairs as being the official tribal
19 government, okay?

20 MS. ONETO: Okay, thank you.

21 MR. ALLAN: Yes, sir?

22 SPEAKER: (Unintelligible).

23 MR. ALLAN: Well, the current chair is Matthew
24 Franklin.

25

1 [Applause.]

2 MR. CRANFORD: Butch Cranford, Plymouth. If I could,
3 Mr. Allan, get a clarification on what
4 Eileen Freitas was just talking about.
5 If I understood what you said about her
6 question regarding whether the city
7 needs to be reaching any agreements or
8 not, if there were no agreements with
9 the city in terms of municipal services
10 agreement, then this project could not
11 move forward as a casino project?

12 MR. ALLAN: I think it would be premature to say
13 that. Simply because all the data
14 isn't in. But I do have to say that we
15 have consistently heard that water is
16 probably the single greatest issue with
17 regard to this project, with traffic
18 following a close second. And without
19 an assured water supply for the
20 project, I think the project has big
21 problems, yeah. I'd say that without a
22 doubt, okay?

23 MR. CRANFORD: If the city reached no agreements with
24 the tribe regarding any municipal
25

1 services -- water, waste water, police,
2 fire whatever. No municipal
3 agreements. Would this project move
4 forward?

5 MR. ALLAN: I don't know, because I don't have all
6 the ground water and hydrologic data. I
7 don't know as to whether -- it was
8 proposed to have an agreement with
9 Amador County instead, if that --

10 MR. CRANFORD: Would the application move forward to
11 Washington?

12 MR. ALLAN: I don't know. In terms of the
13 question, moving the application
14 forward, I don't know whether, to be
15 real frank, whether it would be
16 possible to complete the Environmental
17 Impact Statement for that matter. But
18 I can't answer that question, Butch,
19 okay? I just don't know.

20 MR. CRANFORD: Okay. Let's talk about environmental
21 impact, then. Because whether the city
22 reaches an agreement for will-serve
23 (phonetic) or anything or not, does not
24 affect the impact to the environment.
25

1 Whether the city does it, the tribe
2 does it or the county does it, the
3 impact will essentially be the same.
4 So my question remains, if they don't
5 reach an agreement with the city, they
6 don't reach an agreement with the
7 county for any will-serve for municipal
8 services, how would it affect this
9 application moving forward?

10 MR. ALLAN: I just do not know at this point.

11 MR. CRANFORD: Would the application move forward?

12 MR. ALLAN: And I can't answer that question,
13 either. I don't know as to whether --

14 MR. CRANFORD: The only way we can find the answer to
15 that question, then, would be to have a
16 city council that didn't reach an
17 agreement, and then we would know what
18 the process would become? There's
19 never been an application move forward
20 without a municipal services agreement?

21 MR. ALLAN: Oh, sure, there has. But those have
22 been projects that were practically
23 completable for other reasons. There
24 are projects that are able to move
25

1 forward without municipal services
2 agreements because there is sufficient
3 ground water on the property to
4 actually service the facility. I have
5 no great confidence that that is the
6 case in this particular case.

7 MR. CRANFORD: It would be to the tribe's advantage,
8 though, to have a municipal service
9 agreement with the local government as
10 this application moves forward?

11 MR. ALLAN: Undoubtedly.

12 MR. CRANFORD: Thank you.

13 [Applause.]

14 MR. ALLAN: Okay. Yes, sir?

15 MR. VAUGHN: My name's Bill Vaughn, I just live west
16 of Plymouth here, about three miles.
17 I'm on the Board of Directors of the
18 Kennedy Mine Foundation, which is a
19 historic preservation group. And the
20 thought just came to me that when the
21 mine shut down in 1942 due to the War
22 Act, that mine was 5900 feet deep. And
23 when they shut down they were only
24 baling 80,000 gallons of water out of
25

1 that mine as the Kennedy Mine in
2 Jackson. And that was 5900 feet, and
3 it had 50 miles of stoops, whizzes
4 (phonetic), tunnels and shafting. Now,
5 the Plymouth Mine here in Plymouth --
6 Plymouth Consolidated -- was not that
7 deep. She went down to almost 3,000
8 feet, and I don't know how much
9 tunneling and shafting she had. But it
10 would be interesting to find out, from
11 the Bureau of Mine Records possibility,
12 how much water they were pumping or
13 baling out of that mine in 1942 when it
14 shut down. It would be a good
15 indication of how much ground water
16 historically at that time there was
17 coming out of that mine.

18 And by the way, there was another prior
19 mine to that, the Pacific Mine, that
20 was on Plymouth here, too. And that
21 was taken over by the Consolidated
22 Plymouth Mine. So that might be a good
23 indication to look into for what was
24 here then. And obviously a lot deeper
25

1 than any well they're drilling now.
2 And with all the service area of those
3 tunnelings and shafting exposed, it's
4 much more than a well bore would
5 percolate.
6 MR. ALLAN: Much more than well what, sir?
7 MR. VAUGHN: The bore on a well. You know, like a
8 12-inch bore?
9 MR. ALLAN: Oh, sure.
10 MR. VAUGHN: Five hundred, 600, 800 feet. Tunneling
11 is going to yield a lot more water.
12 MR. ALLAN: Sure.
13 MR. VAUGHN: And if there's not significant water
14 coming out of the Plymouth mine in
15 February of '42 or January of '42, then
16 wells are definitely are not going to
17 produce anywhere near that kind of
18 water.
19 MR. ALLAN: Okay. Thank you. Okay, Mario, you
20 again? No? Okay. Anybody else? Well,
21 thank you all.

22 **[Whereupon, the hearing was concluded.]**
23
24
25