

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, NOVEMBER 19, 2003

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

17 AMADOR COUNTY FAIRGROUNDS

18 18621 Sherwood & School Streets

19 Plymouth, California

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21  
22  
23 Transcript Prepared By:

24 **House of Scribes**

25 (209) 478-8200

1 HRG. OFFICER ALLAN: Okay, let's all settle down. I've  
2 got some opening remarks, procedural  
3 information to give out, and then  
4 we'll get started with the public  
5 comment. My name is Bill Allan.  
6 I'm an Environmental Protection  
7 Specialist with the Pacific Region  
8 of the Bureau of Indian Affairs, and  
9 I'm the Hearing Officer tonight.  
10 I'd like to start with a few  
11 explanations.  
12 Okay, this is a hearing to take  
13 comments, oral and written, on a  
14 proposed Environmental Impact  
15 Statement for a trust acquisition  
16 and casino project for the Ione Band  
17 of Miwok Indians. It is not a  
18 question and answer period, nor is  
19 it a debate. It is, however, the  
20 first in a whole series of  
21 opportunities for public  
22 participation in the decision-  
23 making, particularly on the  
24 environmental side of things.

1 In terms of how we're going to work  
2 things tonight, we have sign-up  
3 cards in the back of the room, and  
4 we're going to take people in order.  
5 I'm going to ask people to confine  
6 their remarks to five minutes. Now,  
7 that doesn't seem like long, but  
8 I've found that five minutes is a  
9 long time to talk if you don't have  
10 prepared written remarks. If, on  
11 the other hand, you do have prepared  
12 written remarks, you can just hand  
13 them in. We'll take letters of  
14 comment for at least another 35  
15 days, we'll take written comments  
16 that you submit tonight. They will  
17 all be considered.

18 We are particularly interested in  
19 getting from the public areas of  
20 environmental concern that need to  
21 be discussed in the Environmental  
22 Impact Statement. We already have a  
23 general laundry list that we usually  
24 consider, but we're asking the  
25 public to come up with others. And  
we have already informally received

1 a couple that we probably wouldn't  
2 have thought of originally, and we  
3 will consider those in the EIS  
4 process.

5 I'd like to point out at this point  
6 that, also, we do not give comments  
7 any more consideration or credence  
8 because you make them at the hearing  
9 as opposed to giving them in  
10 writing. And it isn't 25 times as  
11 important because 25 people say it,  
12 as opposed to one person saying it.  
13 If it really is an area of  
14 significant environmental concern,  
15 and one person says it -- whether  
16 they say it at the hearing or they  
17 send us a letter -- we're going to  
18 have to consider it in the EIS.  
19 I think that's about it. Do I have  
20 any procedural questions before we  
21 start the public testimony? And  
22 you can just stand up and wave your  
23 hand if you have a procedural  
24 question. Yes?

24 SPEAKER:

25 Will there be a public forum of  
input?



HRG. OFFICER ALLAN:

1 Okay. Sometime, at least 90 and  
2 probably more like 160 days from  
3 now, a draft Environmental Impact  
4 Statement will be issued. And it  
5 will go out to everybody who's on  
6 the mailing list. And if you got a  
7 "Dear Interested Party" letter,  
8 you're on the mailing list already.  
9 If you signed up on the mailing list  
10 in the back of the room, you're on  
11 the mailing list. If you send us a  
12 letter with your name and address on  
13 it commenting tonight, you're on the  
14 mailing list. All those people will  
15 get copies of that draft  
16 Environmental Impact Statement.  
17 There will be a public hearing on  
18 that draft Environmental Impact  
19 Statement.  
20 So when that draft Environmental  
21 Impact Statement comes out, we will  
22 accept written comments on it, and  
23 we will also have at least one  
24 public hearing on that draft  
25 Environmental Impact Statement.

SPEAKER:

I have a question.

HRG. OFFICER ALLAN: Yes, Ma'am.

1 SPEAKER: How do you plan on responding to us,  
2 if we sent in comments about  
3 anything pertaining to the proposed  
4 (unintelligible)? For instance, if  
5 I sent in a question asking for  
6 verification, and (unintelligible),  
7 will you send me that information  
8 that they are, in fact, who they  
9 claim to be?

10 HRG. OFFICER ALLAN: The simple answer is no.

11 SPEAKER: Why not?

12 HRG. OFFICER ALLAN: Okay. Okay, first of all, because  
13 your question is not environmental.  
14 Secondly, because that isn't the  
15 process. If you send in a written  
16 comment asking about that, we will  
17 consider whether that is an item  
18 which is environmental, substantive  
19 and needs to be considered in the  
20 Environmental Impact Statement. If  
21 it is not --

22 SPEAKER: Just a minute. If these people  
23 aren't who they claim to be, why are  
24 we even going into the Environmental  
25 Impact Statement?

1 HRG. OFFICER ALLAN: But that is not environmental. It's  
2 on the real property side of the  
3 decision process --

4 SPEAKER: If I brought up something and  
5 (unintelligible) you would not  
6 (unintelligible). They're claiming  
7 to be the Ione Band of Miwok Indians  
8 through (unintelligible). And  
9 therefore, if they are who they  
10 claim to be, then an Environmental  
11 Impact would something you would do.  
12 I happen to know that these people  
13 aren't who they claim to be, so why  
14 are you going through this process?

15 HRG. OFFICER ALLAN: That's not environmental. If we get  
16 that kind of comment on the EIS --  
17 it will be discussed in the EIS, but  
18 I'm not going to write you a letter  
19 back discussing who people are.

20 SPEAKER: So this is all just a sham.

21 HRG. OFFICER ALLAN: Okay.

22 SPEAKER: It's all a sham.

23 HRG. OFFICER ALLAN: Okay. Is your question procedural?

24 SPEAKER: Okay, just real quick. I think what  
25 a lot of people want to know, and I  
know this isn't probably the place

1 to do it, but a lot of people are  
2 concerned with traffic and all the  
3 other things. So that's not going  
4 to be addressed here, and I think  
5 what that lady was trying to say,  
6 among other things, was is there  
7 going to be a time when those things  
8 will be addressed?

8 HRG. OFFICER ALLAN:

9 Sure. Okay. All the environmental  
10 concerns that are brought out  
11 tonight or brought out in letters  
12 and so on, will be addressed in a  
13 draft EIS. And that draft EIS goes  
14 out to the public, and people get an  
15 opportunity to say, "You didn't get  
16 it at all. You didn't discuss this.  
17 This is what's important" and so on.  
18 And we have to respond in writing to  
19 that as well.

20 So this is just the very start of  
21 the process. Okay, one more.

21 SPEAKER:

(Unintelligible) --

22 HRG. OFFICER ALLAN:

23 Well, I can't hear you down here. So  
24 I'm going to ask that speakers come  
25 up and speak into this microphone so

the Court Recorder can get it, among other things.

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SPEAKER:

(Unintelligible) --

HRG. OFFICER ALLAN:

Okay. Well, actually as long as the Court Recorder gets it, that's the important thing.

[Audience response.]

HRG. OFFICER ALLAN:

Well, whatever. I'm going to ask that our first speaker, who is Tony Marlo, come up and use the microphone so that everybody can hear him.

MR. MARLO:

Well, I didn't think it was just about environmental. I'm talking about my taxes. I'm going to go tomorrow and pay \$2,050 taxes for my property. I have nothing against the Indians, but if I pay, everybody's got to pay. Thank you.

[Applause.]

HRG. OFFICER ALLAN:

Thank you, Tony. The next speaker is Richard Moran.

MR. MORAN:

I yield my time.

HRG. OFFICER ALLAN:

Okay. Our next speaker is Walter Dimmers.

[Applause.]

MR. DIMMERS:

1 Good evening. I've addressed a  
2 letter to Mr. Gregory. I'd like to  
3 read from that letter very briefly.  
4 "The environmental issues which must  
5 be addressed by an EIS associated  
6 with the proposed casino in Plymouth  
7 are as numerous as they are  
8 profound. As I am certain you are  
9 aware, the cumulative environmental  
10 effects of not one but three casinos  
11 in Amador County will be nothing  
12 short of a disaster. My particular  
13 concerns lie primarily in the area  
14 of light, air and noise pollution.  
15 First, air pollution. If  
16 preliminary estimates are in the  
17 ball park, some 7,000 to 10,000  
18 automobile trips per day will add  
19 not only significant to the air  
20 pollution problem, but will cause  
21 gridlock on California Routes 49 and  
22 16. Later you will hear some  
23 different traffic count numbers than  
24 that, and they are substantially  
25 higher. That gridlock will in turn  
produce more pollution. Attached is

1 a copy of a letter from Richard  
2 Forster, Chairman, Board of  
3 Directors, Amador Air District. In  
4 his letter Chairman Forster points  
5 out that the air district is in  
6 jeopardy of non-attainment of the  
7 new federal eight-hour ozone  
8 standards. This very serious  
9 potential problem, while not created  
10 in Amador County, will certainly be  
11 exacerbated by the cumulative effect  
12 of a third casino in the County.  
13 The health effects associated with  
14 the additional pollution are certain  
15 to be significant and must be  
16 addressed. Noise pollution is  
17 another area which must be  
18 addressed, both during construction  
19 and operation. The City of Plymouth  
20 and the surrounding community is  
21 certainly both small-town and rural  
22 in nature. The noise associated  
23 with construction and operation  
24 24/7/365 days a year will clearly  
25 have a negative effect on the  
quality of life of all the residents



1 of our community. In addition, the  
2 roar coming from 7,000 to 10,000  
3 vehicle trips per day will make our  
4 community a much less desirable  
5 place in which to live. Light  
6 pollution resulting from casino  
7 operations 24/7 will directly affect  
8 dozens of homes located within the  
9 direct line of sight of the proposed  
10 casino. In addition, the entire  
11 City of Plymouth will certainly be  
12 impacted by the numerous light  
13 sources which will be associated  
14 with the casino operation. Those  
15 sources include, among others,  
16 streets, driveways, walkways,  
17 parking lots, automobiles, casino  
18 entrance and casino power, neon  
19 greeting and advertising signs. In  
20 closing, I cannot over emphasize the  
21 impact of the air, noise and light  
22 pollution directly related to casino  
23 operations will have on this small  
24 rural community. I respectfully  
25 request that the findings of the EIS  
be such as to preclude the



1 development of a casino "off  
2 reservation" in Plymouth." Thank  
3 you.

4 [Applause.]

5 HRG. OFFICER ALLAN:

6 Thank you, Walter. I'd read your  
7 letter before, Walter, and it's very  
8 well constructed. Thank you. Dick  
9 Minnis?

10 [Applause.]

11 MR. MINNIS:

12 Good evening. It's my intent to  
13 address the traffic impacts that  
14 will result from the construction  
15 and the development of the casino in  
16 Plymouth, California. I've prepared  
17 a four-paged document delineating  
18 the methodology, the projections and  
19 the validation of the traffic growth  
20 that will result from the proposed  
21 casino constructed on Highway 16 in  
22 Plymouth, California.

23 In the short time allotted me to  
24 speak, I will only summarize what my  
25 document demonstrates. I've given  
you a copy. That document is also  
on the 'nocasinoinplymouth.com'  
website. The 2002 CalTrans traffic

1 count on Highway 16 was 6,000 trips.  
2 The 2003 projected growth is three  
3 percent. That's 6,180 trips. Today  
4 in California, the current  
5 established method for estimating  
6 casino traffic impact growth was  
7 established by the San Diego Area  
8 Governments, the SANDAG method. The  
9 SANDAG method is 100 cars per 1,000  
10 square foot of casino space, and an  
11 additional eight trips per hotel  
12 room.

13 The SANDAG method has been validated  
14 by actual count, using ADT numbers  
15 developed from CalTrans, and then  
16 figuring out what the number was  
17 after the casino was built. That's  
18 where those numbers come from.

19 Combining the SANDAG impact with the  
20 CalTrans estimated growth for  
21 Highway 16 in Plymouth, the  
22 projected daily traffic count on  
23 Highway 16 is 21,000 cars per day.  
24 That's 21,000 cars.

25 What do these numbers mean to the  
local residents? Well, if you

1 commute on Highway 16 to Sacramento,  
2 that's 15 minutes a day each way,  
3 five and a half days a year sitting  
4 behind the wheel of your car because  
5 of that extra traffic. Overwhelming  
6 congestion in Plymouth, that 21,000  
7 cars, is 15 cars a minute. It could  
8 easily exceed 20 cars per minute in  
9 rush hour. Congestion that may  
10 result in a significant decrease in  
11 the tourist business to Amador  
12 County wine country, with an  
13 attendant loss of income to the  
14 wineries.

14 Increase the traffic and you  
15 increase the accidents. Increase  
16 the accidents and you increase the  
17 insurance rates. You serve alcohol  
18 24 hours a day at this casino, you  
19 throw in 21,000 cars, and  
20 statistically, the death of a  
21 Plymouth resident by a DWI is almost  
22 a certainty.

23 Casino proponents will push that the  
24 methods of traffic can be  
25 financially mitigated. A turn lane

1 or a few traffic lights may make it  
2 easier for the traffic to access the  
3 casino, it does little to mitigate  
4 the actual impact of 20,000 plus  
5 cars per day on the two-lane state  
6 road.

7 The Amador County Transportation  
8 Commission estimated the fix for  
9 Plymouth will require five lanes for  
10 that section of highway. Highway 16  
11 to Sacramento would need a passing  
12 lane. The construction of a four-  
13 lane highway does ease the  
14 congestion, but not the other  
15 negative aspects of that traffic.  
16 It took 12 years for CalTrans to  
17 approve the Sutter Creek bypass.  
18 How long before the state gets  
19 around to fixing this problem? If  
20 you fix the roads, how do you  
21 mitigate the noise, the accidents,  
22 the fatalities and the pollution by  
23 20,000 plus cars?

24 Casinos need to be located in areas  
25 where the infrastructure of access  
roads can support the influx of

1 gaming traffic. Amador County's a  
2 small rural county, and it's already  
3 absorbed the traffic of the Jackson  
4 Rancheria, and it's now expected to  
5 absorb the impact of the Rancheria  
6 expansion. To add another casino to  
7 this mix is irresponsible. It  
8 should be readily apparent to a fair  
9 and an impartial observer that the  
10 scope of these numbers -- 21,000  
11 cars per day -- are so significant  
12 that any contention that mitigation  
13 is possible is a myth. Thank you.  
[Applause.]

14 HRG. OFFICER ALLAN:

Thank you, Dick. Hey Dick? You  
15 said that you'd submitted your  
16 study, but I haven't seen it. Did  
17 you mail it to me, or --

18 MR. MINNIS:

I turned it in at the back of the  
19 room.

20 HRG. OFFICER ALLAN:

Oh, okay.

21 MR. MINNIS:

I have a spare copy. I'll make sure  
22 you get one.

23 HRG. OFFICER ALLAN:

Okay. Thank you, Dick.

24 [Applause.]

25 HRG. OFFICER ALLAN:

Our next speaker is Elida Malick.

[Applause.]

1 MS. MALICK:

2 Members of the Bureau, my name is  
3 Elida Malick. Thank you. I reside  
4 here in Plymouth. My husband and I  
5 have a small business bordering the  
6 city, my children attend school here  
7 in Plymouth and I'm a member of the  
8 Plymouth Planning Commission. Thank  
9 you for the opportunity to speak to  
10 you this evening. I have some  
11 comments regarding local land use  
12 and planning as they are related to  
13 economic, social and natural  
14 environments.

15 In order to establish useful  
16 guidelines for local decision-  
17 making, the State of California  
18 Planning and Zoning Law requires  
19 each city and county in California  
20 to adopt a general plan for the  
21 physical development of the city or  
22 county, and any land outside its  
23 boundaries which bears relation to  
24 its planning. Proposed projects  
25 brought to the city must be reviewed  
to ensure consistency with the land

1 use designation, goals and policies  
2 and all other aspects of all adopted  
3 elements. If they are inconsistent  
4 in any manner, they must be denied  
5 or the general plan amended.

6 The vision statement for Plymouth,  
7 an historic California Gold Rush  
8 town, was adopted into the land use  
9 element in 1994, and guides the city  
10 to the year 2015 when Plymouth will  
11 be recognized as "a small town, a  
12 comfortable place with a country  
13 feeling, friendly people and a sense  
14 of community."

15 To ensure that the area's rural  
16 character stemming from a basis in  
17 farming and ranching is not lost,  
18 only well-planned, fiscally sound  
19 developments will be accepted, and  
20 large areas of open space and  
21 agriculture will be preserved.

22 Likewise, the city's use will be an  
23 active part of the city's present  
24 and future.

25 Keys to this vision for Plymouth are  
the goals stated in each element of



1 the general plan. For example, to  
2 provide for a balanced and effective  
3 arrangement of land uses while  
4 maintaining a rural atmosphere,  
5 quality of life and separate  
6 identity of the city; to protect and  
7 improve the quality of the natural  
8 environment; to achieve and maintain  
9 ambient noise levels that preserve  
10 the quiet rural atmosphere of  
11 Plymouth, with special attention to  
12 the sensitive receptors like  
13 Plymouth Elementary School; and to  
14 provide a safe and hazard-free  
15 environment for the citizens of this  
16 city.

16 A casino complex in the functional  
17 heart of this city is in direct  
18 contrast to the stated guideposts  
19 for Plymouth's growth, and clearly  
20 will result in the physical division  
21 of the local community.

22 Additionally, tribal sovereign land  
23 at this location will deny the City  
24 of Plymouth the most logical and  
25 viable land for future growth and



1 development, that along the Highway  
2 49 corridor, resulting in squelching  
3 the city's ability to strive for its  
4 own economic development and self-  
5 determination.

6 Without a clear project description,  
7 it's exceedingly difficult to  
8 address potential impacts. However,  
9 information currently available  
10 leads us to the following list of  
11 concerns: a separate identity for  
12 the City of Plymouth will be lost in  
13 the shadow of a tribal casino  
14 complex, along with the cultural and  
15 historic significance of this  
16 California Gold Rush town and the  
17 Mother Lode, resulting in these  
18 essential components essentially  
19 eliminated.

20 By definition, the sovereign status  
21 of tribal businesses creates an  
22 unfair advantage for the local  
23 business environment. This unfair  
24 competition will make it impossible  
25 for some local family-owned  
businesses to remain viable, causing

1 direct damage to the local small  
2 business owner and secondarily to  
3 the city, by reducing the  
4 marketability and value of business  
5 real estate on non-reservation land.

6 The project will result in the  
7 conversion of farm and ranch land to  
8 non-agricultural uses, contributing  
9 to the statewide decline in farm  
10 land and ignoring the common thread  
11 of the general plan, which is to  
12 maintain the rural nature of this  
13 city.

14 And last, but by no means least, are  
15 the safety concerns of our  
16 citizenry, especially our children.  
17 According to Mothers Against Drunk  
18 Drivers, alcohol-related fatal auto  
19 accidents have been on the rise.

20 The last thing we need in this light  
21 is a wet casino in close proximity  
22 to our elementary school, our parks  
23 and our children's ball field,  
24 especially as the situation here in  
25 Plymouth places two main arterial to

1 the casino directly adjacent to  
2 these sensitive sights.

3 As well, current FBI statistics  
4 indicate that while overall crime  
5 has generally been on the decrease,  
6 crime in counties with commercial  
7 casinos has increased. As examples,  
8 casino communities experience 13%  
9 more property crimes, 13 and 14%  
10 increases in larceny and auto theft  
11 respectively, and 13% increases in  
12 rape.

13 A representative of the Bureau has  
14 been quoted as saying that quality  
15 of life issues are difficult to  
16 address. With all due respect to  
17 the Bureau, all these issues that I  
18 have mentioned, and all the concerns  
19 voiced by our community this evening  
20 are the very components, the essence  
21 of what makes up quality of life.  
22 And these points are indeed  
23 quantifiable. Thank you.

24 [Applause.]

25 HRG. OFFICER ALLAN:

Thank you, Elida. Actually, I think  
it was me that you were quoting.

Okay, our next speaker is Jackie Rogers.

MS. ROGERS:

Hi, my name is Jackie Rogers. I'm a resident of the City of Sutter Creek and Amador County. Sutter Creek's about six miles outside of Plymouth, so I live within the sphere of influence. And I'd like to talk tonight about the socio-economic impact of affordable housing. And although I have many reasons for opposing this casino, as a renter I want to address this one issue at this time.

I've lived in this county for more than 15 years, and I was here before the Jackson Rancheria was built in Jackson. The impact on housing that I have noticed from that casino has been enormous. The county population did not have enough of an available work force to staff that casino. Consequently, they hired many people who moved in from Sacramento, Stockton and other outside communities. The rapid

1 influx of new residents into the  
2 county is a major factor  
3 contributing to extremely low  
4 vacancy rates, and has driven the  
5 rental housing prices up more than  
6 double.

7 We are not able to afford the  
8 housing cost increase. In fact, the  
9 housing shortage is so severe that  
10 the Jackson Rancheria has stated  
11 they are seeking to build affordable  
12 housing in the area, because some of  
13 their employees have to sleep in  
14 their cars.

15 There is a serious vacancy shortage  
16 for these employees and for non-  
17 casino workers like myself. The  
18 housing prices have rentals has  
19 increased so much that I have had to  
20 take a job in Sacramento to afford  
21 to live here, and that commute is  
22 more than 80 miles a day.

23 Most of the wages of casino  
24 employees are on the lower income  
25 scale. Plymouth already has the  
lowest per capita income in the

1 county, in addition it has the  
2 lowest rental rates. How will that  
3 community or the residents of this  
4 county be able to afford the added  
5 economic impact of a third casino in  
6 this county? That is, the Plymouth  
7 casino.

8 This casino will also have to import  
9 employees from out of the area to  
10 staff its facilities, and these  
11 employees will put an added burden  
12 on an already stressed available  
13 housing market. Now, the casino may  
14 offer to mitigate this issue by  
15 incorporating housing into their  
16 plans. However -- not that they've  
17 said that, but I can imagine that  
18 might come up. However, Plymouth  
19 has been under a state-imposed  
20 housing moratorium because of the  
21 lack of quality and quantity of  
22 water. They cannot build more  
23 housing in Plymouth, and that means  
24 any additional housing will become a  
25 county problem.

1 The county Land Use Agency Director,  
2 Gary Clark, was quoted in an August  
3 article in our local newspaper, The  
4 Ledger Dispatch, as acknowledging  
5 that our county is already in need  
6 of low income and very low income  
7 housing. In addressing the problem  
8 of affordable housing, the article  
9 says that there is very little land  
10 zoned upon which such housing could  
11 be built, and that the areas that  
12 are zoned for potential affordable  
13 housing complexes do not have the  
14 infrastructures such as sewage in  
15 place. This is not a problem that  
16 can be easily remedied, though it  
17 must be considered a long-term  
18 problem.

18 I recently called the County  
19 Planning Department to find out what  
20 is being done to address this  
21 housing issue. They told me that  
22 they have hired consultants to study  
23 the affordable housing problem, but  
24 the information is not complete and  
25 ready to disseminate to the public.



1 I urge you to wait to make your  
2 decisions until you hear what the  
3 study reveals, and I urge you to  
4 think about where the employees in  
5 the casino are going to live. And I  
6 also urge you to consider that this  
7 county and the City of Plymouth  
8 cannot afford to have an increase in  
9 low income jobs while the demand and  
10 the price of housing increases. And  
11 we cannot afford to add additional  
12 housing without the infrastructure  
13 in place to support it.

14 I request that you please consider  
15 the effect that the increased  
16 population will have on housing  
17 costs, the quality of life, the  
18 stress on infrastructure, and the  
19 environmental impact that this  
20 influx will create. We live in a  
21 small rural county, whose total  
22 population is a little more than  
23 half of the City of Davis. Yet, if  
24 successful, this will be the third  
25 casino in our community.



1 We love our rural community and we  
2 want a healthy growth that will  
3 elevate our citizens in prosperity  
4 and in the quality of life. I'd  
5 like to close with this quote from  
6 an August "Ledger Dispatch" article.  
7 Gary Clark says, "Something is out  
8 of balance, and I don't know what it  
9 is. I don't know what the answer  
10 is. Right now, there are people  
11 working in this county but cannot  
12 afford to live here. They are  
13 moving from couch to couch. This is  
14 a real problem." I ask you, please,  
15 do not allow this serious problem to  
16 be compounded. Thank you.

[Applause.]

17 HRG. OFFICER ALLAN:

Thank you, Jackie. Am I wrong, but  
18 did you mail that letter to us about  
19 a week ago?

20 MS. ROGERS:

No.

21 HRG. OFFICER ALLAN:

Okay. I recognize -- you're --  
22 well, there's -- she shared some  
23 quotes with other people, among  
24 other things. But, okay, thank you,  
25 Jackie.

MS. ROGERS:

The quotes came out of the newspaper. And the newspaper article is attached to my statement.

HRG. OFFICER ALLAN:

Okay. Our next speaker is John Peabody.

MR. PEABODY:

I'll keep it real short, but it doesn't take much of a nose to drive down the old Sacramento Road and find out where the sewer pond is. And I just wonder, it seems like it's going to be quite an impact on the sewer compared to what we got now. And we don't seem to have our hands on it now. And our water, we don't have our hands on that. I just think you guys are a little ahead of your -- or the project's a little ahead of itself, and this isn't really the place for it. It's just too fragile of an environment, too small, and we're just not ready for it. So why don't you go someplace else?

[Applause.]

MR. PEABODY:

1 Like, I'm thinking maybe down  
2 towards the border a little bit.  
3 You know, rather than try to bring  
4 so many people into this -- you  
5 know, I don't want to wait 15  
6 minutes to get through town. And  
7 it's going to be bad. So, anyway,  
8 thank you.

[Applause.]

9 HRG. OFFICER ALLAN:

10 Thank you, John. Our next speaker  
11 is Nick Villa, Jr.

[Applause.]

12 MR. VILLA:

13 Good evening. My name is Nick  
14 Villa, Jr., and I'm the hereditary  
15 Chief of the Ione Band of Miwok  
16 Indians. And for the record, the  
17 Ione Band of Miwok Indians, which  
18 was acknowledged on March 22<sup>nd</sup>, 1994  
19 as having tribal political status,  
20 has not requested a public meeting  
21 or public session with the BIA.  
22 Apparently the BIA, acting on its  
23 own, without a formal request or  
24 application, has scheduled this  
25 session for November 19<sup>th</sup>, 2003 at  
the Amador County Fairgrounds in

1 Plymouth from 6:00 p.m. to 9:00  
2 p.m., or until all comments are  
3 received, to discuss land into trust  
4 in and around the jurisdictions of  
5 the City of Plymouth and the  
6 contiguous land identified within  
7 Amador County to develop an Indian  
8 casino for any purpose.

9 The publication by the BIA in the  
10 Federal Register, dated November 7<sup>th</sup>,  
11 2003, Volume No. 68, No. 216, notes  
12 that Page 63127-63128 was not  
13 requested nor approved by the  
14 hereditary government of the Ione  
15 Band of Miwok Indians identified at  
16 the time of status clarification by  
17 the agents of the BIA on March 22<sup>nd</sup>,  
18 1994, and the leadership headed by  
19 Nicholas Villa, Jr., hereditary  
20 Chief.

21 The Ione Band of Miwok Indians does  
22 not recognize the authority of the  
23 BIA, nor the BIA-organized imposter  
24 group comprised of BIA line officers  
25 and members of terminated Indian  
groups to develop or conduct

1 business in the name of the Ione  
2 Band of Miwok Indians for any  
3 purpose, including but not limited  
4 to, the proposed gaming casino in  
5 and near the City of Plymouth. The  
6 Ione Band of Miwok Indians does not  
7 recognize the dishonest proceedings  
8 to relinquish our inherent sovereign  
9 rights for this or any purpose.

10 The Ione Band of Miwok Indians does  
11 not have a management agreement to  
12 do gaming with the Ikon Group, and  
13 its principals, which include but  
14 are not limited to Roger Stone, Bud  
15 Smith, Dick Moody and Lyle Berman  
16 for the proposed gaming casino  
17 project. The Ione Band of Miwok  
18 Indians has never accepted or  
19 received financial resources from  
20 the Ikon Group. The Ione Band of  
21 Miwok Indians does not have an  
22 agreement with the law firms of  
23 Paula Alexander, Thomas W.

24 Fredericks or their associates to  
25 represent the tribe at any time for  
any purpose, including but not

1 limited to the proposed Plymouth  
2 gaming project.

3 It is not the intent of the Ione  
4 Band of Miwok Indians to enter into  
5 an agreement with the City of  
6 Plymouth or the management group  
7 known as Ikon, and we adamantly  
8 opposed the proposed casino in the  
9 City of Plymouth. Thank you.

[Applause.]

10 HRG. OFFICER ALLAN: Thank you, Nick. Gayle Ralto or  
11 Ratto.

12 MS. RATTO: (Unintelligible).

13 HRG. OFFICER ALLAN: Okay. Our next speaker is Butch  
14 Crawford or Cranford.

[Applause.]

15  
16 MR. CRANFORD: Good evening. There are many  
17 reasons to oppose this casino, but  
18 tonight I would like to discuss  
19 something that Mr. Peabody alluded  
20 to earlier, and that's waste water.  
21 I believe this proposed casino hotel  
22 will have a very negative impact on  
23 the local government, due to the  
24 expansion of wastewater services  
25

that the casino hotel will require.

1  
2 The required expansion will be  
3 extensive and is very likely that  
4 the acquisition of additional  
5 property for ponds and spray fields  
6 will be required. A wastewater  
7 study completed in September of 2002  
8 for the City of Plymouth by Ecologic  
9 found in general that the waste  
10 water system in Plymouth is adequate  
11 for current population, with the  
12 completion of some major repairs and  
13 minor improvements.

14 The study based future needs on the  
15 capacity required if the population  
16 doubled by 2022. There are  
17 currently 561 equivalent users  
18 reported in the study, with an  
19 additional 466 to be added in the  
20 next 20 years. That would be 1,027  
21 total users, the maximum capacity  
22 for the current system. To date,  
23 the city or the tribe has presented  
24 no credible information about the  
25 capacity expansion required to



service the proposed casino hotel.

1 But I believe we might use the  
2 projected treated water numbers to  
3 get a general idea of the impact the  
4 proposed project will have to the  
5 current waste water system.

6 The city, which is under a state-  
7 imposed water moratorium, currently  
8 uses about 120 acre-feet of treated  
9 water annually. And the proposed  
10 casino hotel and associated  
11 accelerated population growth will  
12 more than triple that requirement  
13 within three to five years to about  
14 410 acre-feet annually. If treated  
15 water service ratio remains constant  
16 and 120 acre-feet of water has 560  
17 equivalent waste water users, then  
18 that ratio for 410 acre-feet of  
19 water would result in 1916  
20 equivalent users, or 1355 users as a  
21 direct result of the casino hotel.  
22 These 1355 users far exceeds the  
23 maximum capacity of the system, and  
24 will require a wastewater system and  
25 facilities larger than the current



1 system and facilities in Plymouth.  
2 The impact of such rapid growth  
3 cannot be known specifically, but  
4 the impact of such rapid expansion  
5 of wastewater facilities for a small  
6 rural community such as Plymouth  
7 should be presumed to be substantial  
8 unless additional studies indicate  
9 otherwise.

10 The report, which is available in  
11 the City of Plymouth, states on Page  
12 47 that the wastewater treatment  
13 plant has the capability to meet  
14 current needs. However, on Page 48,  
15 the study states that "The current  
16 condition of the system is  
17 considered fair to poor." Poor  
18 maintenance practices by the city is  
19 cited as a major contributor to the  
20 fair to poor condition. Capacity of  
21 the system is not alluded to in any  
22 detail, and it is not possible to  
23 determine from this report what the  
24 capacity of the wastewater plant is,  
25 or whether it would be sufficient  
for even 1027 users. It would be



1 pond elsewhere. The disposal area  
2 will require additional acreage to  
3 accommodate an increase to 1916  
4 users, the purchase of additional  
5 land will be expensive, even if any  
6 suitable land is available in close  
7 proximity to the current disposal  
8 fields and storage ponds.

9 Again, it would be unwise to give  
10 any positive consideration for this  
11 casino hotel project without first  
12 conducting a more thorough and  
13 comprehensive environmental study of  
14 the impacts related to the building  
15 of additional disposal and storage  
16 facilities.

17 I believe that in addition to  
18 considering the environmental  
19 impact, I believe that some  
20 consideration must be given to the  
21 capability of the City of Plymouth  
22 to manage, operate and maintain a  
23 system so much larger than its  
24 current system. As an example, the  
25 report on Page 21 states that the  
majority of problems in the current

1 system are related to inflow and  
2 infiltration, and includes leaking  
3 manhole covers, cracked pipes and  
4 offset joints.

5 Table 4.3 of this report is a  
6 prioritized listing of those  
7 problems. The highest priority  
8 repairs includes 24 leaking manhole  
9 covers. It should be of some  
10 interest when discussing the  
11 capacity of the city to provide  
12 wastewaters services to note that  
13 the 24 leaking manhole covers listed  
14 in Table 4.3 were initially  
15 identified in a study completed in  
16 1985.

17 In fact, 80% of the repairs listed  
18 in the two pages on Table 4.3 were  
19 identified in 1985, with the  
20 remaining 20% identified in a study  
21 in 1997. This report is replete  
22 with other examples of the lack of  
23 capability by the City of Plymouth  
24 to regularly complete even basic  
25 maintenance to the system. Things

1 such as removing weeds from in and  
2 around the ponds.

3 The fact that the City's waste water  
4 system has more than 75 identified  
5 major repairs from 1985 and 1997  
6 should be evidence enough for you to  
7 consider that the city has not been  
8 and is not currently capable of a  
9 reliable waste water service. It is  
10 difficult to believe that the city  
11 can undertake and complete the major  
12 projects required to meet the  
13 wastewater needs a project the size  
14 and scope of the casino hotel will  
15 require.

16 Ecologic did not do any hands-on or  
17 field evaluation of the waste water  
18 collection system, and it has been  
19 nearly seven years since a  
20 comprehensive evaluation of the city  
21 has been accomplished. Any  
22 conditions alluded to in the study,  
23 and the dollar amount cited in that  
24 study to bring the system back to  
25 normal operation must be suspect as  
to their adequacy. And the current

1 one-time offer from the Franklin  
2 Group of \$900,000 to expand the  
3 system to 1916 users seems a bit  
4 low, considering the study cost to  
5 expand to 1027 users without  
6 purchase of additional property for  
7 ponds or spray fields was \$2.1  
8 million over 20 years.

9 Therefore, I would hope that before  
10 any approval or positive  
11 consideration is given to the  
12 proposed casino hotel, that a  
13 thorough and comprehensive  
14 engineering evaluation to include an  
15 extensive environmental study is  
16 completed, so both the city and the  
17 Franklin Group will have an accurate  
18 report as to the impacts to the  
19 environment and the cost to expand  
20 waste water service.

21 Public statements made by Mr.  
22 Franklin and his representative Mr.  
23 Moody indicate that the Ione Band  
24 desire to be good neighbors once the  
25 hotel casino is built. And I'm sure  
they do not want to impose any costs

1 related to the casino hotel project  
2 on the citizens of Plymouth or  
3 Amador County. It is, again, my  
4 hope that any approval or positive  
5 consideration for this project  
6 should be withheld until a  
7 comprehensive Environmental Impact  
8 Study based on the federal and state  
9 environmental laws and regulations  
10 to which the city will be required  
11 to meet is completed by consultants  
12 and experts selected by the City of  
13 Plymouth and paid for by the  
14 Franklin Group or Ikon. Thank you.

[Applause.]

15 HRG. OFFICER ALLAN: Butch, do you have any of that in  
16 writing? Just in case. You were  
17 kind of fast with some of the  
18 figures.

19 MR. CRANFORD: I've already turned in a copy.

20 HRG. OFFICER ALLAN: Okay. Thank you.

[Applause.]

22 HRG. OFFICER ALLAN: Our next speaker is Carol Bilheimer.

23 MS. BILHEIMER: I'd like to give up my time.

24 HRG. OFFICER ALLAN: Okay. Thank you, Carol. Our next  
25 speaker is Ronald V. Schick.



MR. SCHICK:

Donald.

1 HRG. OFFICER ALLAN:

Oh, I'm sorry. I'm sorry, Donald.

2 MR. SCHICK:

3 That's okay. Gentlemen, I'm happy  
4 to hear that you're here because of  
5 your interest in environmental  
6 impacts. This was not explained to  
7 me or to us prior to our attending  
8 this. I have sent the document that  
9 I'm going to read to Mr. Gregory,  
10 and hopefully you've had a chance to  
11 read it.

12 Thank you for giving me the  
13 opportunity to express my concerns  
14 regarding the transfer of real  
15 property from fee to trust on behalf  
16 of the Ione Band of Miwok Indians.  
17 As a result of transfer from  
18 transfer from fee to trust and the  
19 proposed construction of a casino in  
20 Amador County, and extending into  
21 the City of Plymouth, there are  
22 numerous potential negative off-  
23 reservation impacts that must be  
24 considered prior to development and  
25 transfer.

1 The City of Plymouth is currently  
2 operating under a state moratorium  
3 regarding the consumption and  
4 distribution of one of our finite  
5 resources, water. Of all the  
6 potential impacts facing the  
7 citizens of Plymouth and the  
8 surrounding communities, the  
9 valuable resource of water is the  
10 most critical. As a private  
11 homeowner, the financial impact on  
12 my personal property is in serious  
13 jeopardy if the casino is allowed to  
14 be constructed and operated.

15 I wish to direct your attention to  
16 the potential economic and  
17 environmental impacts which the  
18 construction of a casino in our area  
19 potentially will create. No. 1,  
20 significant loss of tax revenue to  
21 the County as a result of removing  
22 the subject property from the from  
23 the County tax rolls.

24 And by the way, I apologize for some  
25 of these comments that are not  
directly related to environment.

1 Future loss of tax revenue realized  
2 from the development of the subject  
3 property should it be transferred  
4 from fee to trust. Local businesses  
5 will not be able to compete on a  
6 level playing field, inasmuch as the  
7 casino can and will offer services  
8 such as hotel, restaurants and  
9 potentially these businesses will go  
10 out of business.

11 No. 4, since services offered by the  
12 casino operation are exempt from  
13 leveling California sales tax, local  
14 entrepreneurs cannot compete. This  
15 will result in a loss of tax revenue  
16 to the state and local communities.

17 No. 5, recent studies have shown  
18 that an economic impact regarding  
19 services provided by the County to  
20 tribal casino operations in other  
21 areas of California, such as the  
22 Jackson Rancheria, create a  
23 substantial cost to the County over  
24 and above the amount given to the  
25 County by the various tribes. Many  
counties are experiencing the ratio

1 of approximately one to three. In  
2 other words, for every dollar given  
3 by the tribes, the counties are  
4 expending three times as much for  
5 the services provided, such as  
6 police, fire, etc.

7 The result is a serious impact to  
8 the counties and the costs are being  
9 borne by the taxpaying public and  
10 not the tribal nations. Statistics  
11 from Amador County show that a large  
12 number of crimes being experienced  
13 by the County are related to the  
14 casino operation at the Jackson  
15 Rancheria. These crimes relate to  
16 drug trafficking on the casino  
17 premises and not within the casino  
18 proper. This has a direct bearing  
19 on the economy of our area. Who  
20 wants to invest in a home or  
21 business when drug crimes are so  
22 prevalent?

23 The failure of the casino and tribal  
24 operations to police their own  
25 locations places and additional  
burden on the County law enforcement

1 personnel, thereby depriving those  
2 services to the community who pay  
3 for their services.

4 In closing, as citizens of the  
5 United States of America, we should  
6 all enjoy the economic prosperity  
7 that results from hard work,  
8 investments and by realizing and  
9 taking of advantage of the  
10 opportunities that present  
11 themselves. However, this economic  
12 prosperity should not be realized at  
13 the expense of others.

14 In most all cases throughout  
15 California where there is an Indian  
16 casino operating, significant  
17 environmental and economic impacts  
18 have been suffered and endured by  
19 the surrounding communities, and  
20 have not been mitigated. I have  
21 witnessed this firsthand, having  
22 moved from an area in California and  
23 having been involved in my community  
24 for the past 25 years. I know  
25 firsthand the serious negative  
environmental impacts placed on the

1 surrounding community by tribal  
2 operations. I know firsthand that  
3 the tribe I was exposed to was  
4 unwilling to mitigate or negotiate  
5 any of the off-reservation negative  
6 environmental and economic impacts  
7 which resulted in serious  
8 consequences to the surrounding  
9 community. The BIA must demand and  
10 enforce the mitigation and  
11 negotiation policies when it becomes  
12 apparent that negative off-  
13 reservation impacts are being caused  
14 by the casino operation. Mitigation  
15 of significant negative off-  
16 reservation impacts must be one of  
17 the requirements for any group to  
18 develop their business venture.  
19 It is one thing to mitigate  
20 environmental impacts such as noise  
21 pollution, light pollution, traffic  
22 congestion, etc. But, gentlemen,  
23 you can't mitigate dry.  
24 Recently four families had to  
25 redrill their wells because the  
water supply had depleted itself to

1 a large extent. We have a serious  
2 environmental resource problem in  
3 the City of Plymouth. As, again, I  
4 say you can't mitigate dry when it  
5 comes to the valuable resource of  
6 water. We either have the water or  
7 we don't.

8 If water was not such a critical  
9 resource, why is the City of  
10 Plymouth on a state-mandated  
11 moratorium regarding water usage and  
12 distribution? Before any  
13 consideration by the Bureau of  
14 Indian Affairs with respect to the  
15 transfer of property from fee to  
16 trust on behalf of the Ione Band of  
17 Miwok Indians, and in-depth study,  
18 an environmental report must be done  
19 with respect to the water resource  
20 within the City of Plymouth and the  
21 surrounding communities who rely on  
22 this water resource.

23 Without this knowledge, serious  
24 consequences could befall all of us  
25 involved, both the Ione Band of  
Miwok Indians and the citizens of



1 Amador County and specifically the  
2 City of Plymouth and surrounding  
3 areas. Thank you for giving me the  
4 opportunity to express my thoughts  
5 and opinions regarding this very  
6 important subject.

[Applause.]

7 HRG. OFFICER ALLAN: Thank you, Donald. Our next speaker  
8 is Ronald G. Matulich.

9 MR. MATULICH: I'll submit mine in writing.

10 HRG. OFFICER ALLAN: Pardon?

11 MR. MATULICH: I'll submit mine in writing.

12 HRG. OFFICER ALLAN: Oh, okay. Thank you, Ronald. Our  
13 next speaker, then, is William  
14 Braun.

15 MR. BRAUN: Good evening, gentlemen. My name is  
16 William Braun. I live down on Old  
17 Sacramento Road, about four miles  
18 west of Plymouth. I've got five  
19 issues, basically, on this that's  
20 been more than adequately covered by  
21 previous eloquent presentations.  
22 But No. 1 is water resources.  
23 They'll be greatly impacted by this  
24 proposed casino. There's  
25 restrictions locally already, and if

1 they need to draw water from wells  
2 it's going to deplete the local  
3 water table, which is already  
4 threatened. And it will threaten  
5 the viability of local wells already  
6 in existence.

7 Sewage and wastewater, obviously, is  
8 going to be a big problem. It will  
9 degrade the local environment of  
10 Plymouth, as there is no year-round  
11 stream within the area that's  
12 economically reachable to dump and  
13 dilute treated effluent.

14 Evaporation and aeration ponds will  
15 probably be necessary, i.e.,  
16 creating odor problems.

17 Traffic, that's going to be a big  
18 problem. Anticipated increase in  
19 traffic on Highway 16 and 49 will  
20 create congestion in and around the  
21 City of Plymouth. The increased  
22 traffic will not be confined to the  
23 highways, but will also impact the  
24 back roads as casino-goers seek  
25 shortcuts and scenic routes such as  
Old Sacramento Road where I live.

1 These narrow winding roads cannot  
2 safely handle more traffic without  
3 risk to local residents, livestock  
4 and wildlife. Increased traffic  
5 will mean increased road maintenance  
6 by the County and state agencies.  
7 Increased traffic will mean adding  
8 turn traffic and turn lanes to such  
9 as Highway 16 and 49.

10 Public services. Past experience  
11 with casinos statewide and within  
12 Amador County has shown an increase  
13 in crime such as drug trafficking,  
14 robbery, assault, drunk driving,  
15 etc. This requires an increase in  
16 law enforcement staffing and  
17 funding. Casinos also increase the  
18 need for emergency medical  
19 responses. This requires an  
20 increase in emergency aid staffing  
21 and funding also.

22 This all has to be cost-mitigated.  
23 Unfortunately, the casinos in  
24 California, 50-plus of them, by and  
25 large in the majority have shown an  
overwhelming reluctance to mitigate

1 the full impact. Some do not  
2 mitigate at all. They are,  
3 admittedly, in the minority.  
4 But the environmental impacts have  
5 to be mitigated, and the only way  
6 they can be done is by being  
7 enforceable. And unless the tribes  
8 are willing to surrender their  
9 sovereign rights on environmental  
10 issues for mitigation purposes, then  
11 they are just barking up the wrong  
12 tree. They need to do just like any  
13 other business, stand up and be  
14 counted. They are in a business,  
15 they're proposing a business. Any  
16 other business outside of the  
17 reservations has to meet the  
18 conditions of the local and regional  
19 communities. They are no different  
20 in my book.

21 These are just a few of my concerns.  
22 I've read, heard and researched a  
23 lot about these casinos. My  
24 estimation, for the proposed casino  
25 in Plymouth, it's going to be an  
absolute utter disaster, not only

1 for Plymouth but the outlying areas  
2 surrounding Plymouth. Thank you  
3 very much for your time.

[Applause.]

4 HRG. OFFICER ALLAN: Thank you, William. Our next  
5 speaker is Marcy Wilson.

6 MS. WILSON: I also would like to submit my  
7 comments in writing.

8 HRG. OFFICER ALLAN: That's fine. By the way, did they  
9 give out addresses in the back for  
10 people who want to submit or send  
11 letters? Okay. If anybody needs  
12 that, and they didn't get it out of  
13 the back, then see me at the end.  
14 I'll be more than happy to give them  
15 a business card or whatever. Our  
16 next speaker is -- I think it's Jon  
17 Colburn, but it could be Joe.

18 Sorry.

19 MR. COLBURN: Well, that could be me. It's Jon,  
20 J-o-n. I am highly opposed to this  
21 project, based on the many negative  
22 impacts that can't be mitigated.  
23 I've been asked tonight to speak to  
24 the issues of water, because water  
25 is one of my background areas.

1 I'm also very, very concerned in our  
2 case here about the impacts of this  
3 casino and its employee base on our  
4 local school system. And I think  
5 with a review you'll see that the  
6 impact of this will basically  
7 destroy the school system as we know  
8 it today.

9 This is an environmental scooping  
10 session on the Ione Band of Miwok  
11 Indians proposed casino hotel.

12 "Dear Mr. Gregory, the following are  
13 my concerns regarding the  
14 environmental impact of the proposed  
15 casino on our water resources and a  
16 brief history of local water use in  
17 the area. The underground water  
18 impacts and availability. The  
19 discussion of the underground water  
20 usage in an area must include a  
21 geological understanding of the  
22 fractured aquifers as well as the  
23 formation of subterranean ridges in  
24 the area. In the Plymouth basin  
25 there are two distinct areas  
separated by an underground ridge

known as the Mother Lode Gold Belt. This ridge is the site of many gold mines. These mines, although many are over 1,000 feet deep, did not produce any significant amount of water. The land west of this ridge produces wells of very limited water, in the areas of 10 gallons a minute or less. The proposed reservation land is in this location west of this gold belt. On the east side of the above-mentioned ridge, the water is more plentiful but still limited. In the area that the City of Plymouth currently has four wells that produce the water for the city. The city's main source of water has been from these wells for the past 10 years, producing approximately 120 acre-feet per year. Five years ago, Sutter Home Winery planted grapes in this area and drilled wells for irrigation. This was done with strong objections by the State Department of Health, stating that the drilling of these



1 wells could put the health and  
2 safety of the citizens of Plymouth  
3 at risk. (See the attached letter.)  
4 The Sutter Homes well produced  
5 approximately 60 acre-feet per year.  
6 Since Sutter Home drilled these  
7 wells, 17 residential wells in a ½  
8 mile radius have gone dry, and the  
9 static water level in the city wells  
10 have dropped significantly. All the  
11 while, more vineyards have been  
12 planted in the area, building even  
13 more wells. The total of these  
14 wells has not been tested through  
15 low use, low rainfalls or drought  
16 years, but indications are that the  
17 city is at risk if we have a repeat  
18 of the 1975-76 drought. Plymouth  
19 and Sutter Homes' current combined  
20 use is approximately 180 acre-feet.  
21 The casino's project would be a need  
22 of 215 acre-feet per year. History  
23 has proven that this aquifer cannot  
24 produce that volume of water.  
25 Surface water availability and  
options. First, let's consider the

1 proposed connection to the Amador  
2 County Water Agency and the report  
3 that was commissioned from Toma &  
4 Anderson by the Ikon Group. The  
5 breakdown of this report is  
6 attached. The report, although good  
7 preliminary review, is flawed in  
8 many areas. The report needs to be  
9 updated to include increased sizes  
10 of the casino project from 1500  
11 machines to 2000 machines, and it  
12 must also include the 250-unit hotel  
13 and other future uses of this land.  
14 No. 2, the project use has to be  
15 more in line with the current use of  
16 the Jackson Rancheria. Use from  
17 actual records is attached in the  
18 breakdown. The length of this line  
19 has to be adjusted to tie in with  
20 the current reservoir, as the  
21 current line cannot service the  
22 total city with the current pressure  
23 reductions valves in the system.  
24 This was designed without taking  
25 into consideration the need to

1 attach clear into the city  
2 reservoir.

3 The reservoir and engineering costs  
4 have to be update to reflect a  
5 federally-funded project. In Toma &  
6 Anderson's report, Alternate No. 1  
7 in the report overstates the current  
8 needs of the city from the reservoir  
9 and does not address the combined  
10 use of the reservoir in the Arroyo  
11 ditch system. We'll address this in  
12 the options.

13 The Alternative No. 2, the cost of  
14 \$3.9 million in the report needs to  
15 be adjusted to include four above-  
16 mentioned items, and it only  
17 produces 84 acre-feet per year of  
18 the needed 215 required by the  
19 casino.

20 Alternative No. 3 from this report,  
21 with the above-mentioned items  
22 included and adjusted to reflect the  
23 current use of the Jackson Rancheria  
24 brings the cost of the Alternative  
25 No. 3 project to \$11.173 million and  
a yield of 420 acre-feet. The cost

1 to the casino would be \$5.91  
2 million, or 53%, and the cost to the  
3 City of Plymouth would be \$5.2  
4 million, or 44%. I will correct a  
5 typo in here when I send you a copy  
6 of this.

7 My recommendation would be to reduce  
8 the reservoir in Alternative No. 1  
9 to 700 acre-feet, with a price  
10 reduction of 35% to \$5.185 million.  
11 A 700 acre-foot reservoir, if  
12 replenished in the winter -- as of  
13 MIT '75-76 -- will produce 400 acre-  
14 feet of water for one year. This  
15 water would only be needed for five  
16 months in the summer when used in  
17 combination with a ditch, which  
18 would produce annually 800 acre-feet  
19 of water. This is from records of  
20 the flows of the Consumnes River  
21 from 1975 and '76.

22 In summary, the capitol cost of this  
23 project would be \$5.85 million, the  
24 yearly cost would be \$850,000. The  
25 casino's proportionate share, based  
on their use and the city's use of

1 casino's share of 53.3%, would be  
2 \$3,118,000. That's substantially  
3 more than what they have offered,  
4 but substantially less than equal  
5 participation in the proposed Toma &  
6 Anderson project.

7 The city's cost would be \$2.731  
8 million, and that would be basically  
9 covered by a grant that's currently  
10 being worked on by the City. The  
11 yield of this project would be 800  
12 acre-feet. The current needs are  
13 335 acre-feet, the future needs of  
14 the city and the proposed casino  
15 would be 520 acre-feet per year.  
16 The above summary is from the  
17 attached water breakdown. The  
18 casino's costs would need to be  
19 increased by approximately \$500,000  
20 to \$3,618,000 for an upgrade to the  
21 current city's water treatment  
22 plant. The yearly cost in this of  
23 the \$850,000 is mostly due to  
24 payments on bonds needed to pipe the  
25 Arroyo ditch, approximately \$20

1 million. We would expect the casino  
2 to pay these costs.

3 You might ask, "Why would we expect  
4 the casino to pay the total of the  
5 bonds to pipe the Arroyo ditch?"

6 Well, water use as proposed by the  
7 casino project is almost equal or  
8 greater than the water use of the  
9 current city. The city brings to  
10 the table 142 years of support and  
11 protection of the water and the  
12 water rights of the Arroyo ditch,  
13 and 23 years of supporting that  
14 solely with the cost of millions of  
15 dollars. The current value of these  
16 water rights is between \$12 million  
17 and \$23 million, and the future  
18 value is in excess of \$50 million.

19 We feel that this value is fair to  
20 take on as an equal partner for the  
21 city's water system. The attached  
22 water breakdown has more complete  
23 comparisons of all the options  
24 involved, and we feel that this  
25 would be the most cost-effective  
one, and beneficial to all parties

involved. Thank you for your time.  
I have the statistics and the data  
presented. For all the data  
presented, please feel free to  
contact me if you have any questions  
that I can be of any assistance on.  
The situation is with the City of  
Plymouth, there are many, many  
negative impacts on this project  
that can't be mitigated. And if we  
can't mitigate, it appears that  
we're not going to be able to  
mitigate the sewage with them. In a  
meeting last week, Mr. Moody said  
that they proposed only to give  
\$900,000. You can see Mr. Cranford's  
cost was substantially more than  
that. And they feel that they can  
provide their own leech fields on  
site for substantially less.  
So the first thing that we'll see  
when we come into Plymouth, coming  
up the hill into historic Plymouth  
will be a sewer treatment facility.



1 The other thing is, the water  
2 they've offered us on an \$11 million  
3 project, they've offered us \$2.2  
4 million. That's far less than what  
5 is needed to provide the waters for  
6 them, and an impact the city can't  
7 afford. If this project, with all  
8 its other negative impacts, can't  
9 support the city's water and sewer  
10 problems, why do we need them and  
11 why is the city council currently  
12 supporting them if these impacts are  
13 not going to be mitigated? Thank  
14 you.

[Applause.]

15 HRG. OFFICER ALLAN:

16 Jon, before you sit down, I just  
17 wanted to ask one question. Just  
18 want you to clarify for me, you were  
19 indicating that the existing water  
20 use from Jackson ought to be used,  
21 as opposed to index water  
22 consumption from the casino based on  
23 the number of machines or square  
24 footage, or number of hotel rooms.  
25 Why is that?

MR. COLBURN:

1 You'll see in the attached sheet,  
2 the problem with the proposed  
3 connection to the Amador County  
4 Water Agency was it was based on use  
5 of 75,000 gallons a day. When we  
6 update that to the current usage of  
7 Jackson Rancheria, and to the  
8 increases in size from 1500 machines  
9 to 2000 machines -- also with the  
10 increase of the hotel, which weren't  
11 parts of the original application --  
12 we then bring this up to 191. The  
13 problem is, it is not cost-effective  
14 for the City of Plymouth to produce  
15 \$5.2 million for I-water for the  
16 casino as an alternative to their  
17 current source.

17 HRG. OFFICER ALLAN:

Okay. Thank you, Jon.

18

[Applause.]

19 HRG. OFFICER ALLAN:

Our next speaker is Don Becker.

20 MR. BECKER:

21 My name is Don Becker, and I live on  
22 Voorhees Court in Plymouth. Due to  
23 the environmental, economic and  
24 social impacts, the following  
25 organizations and elected officials  
are strongly opposed to a casino in

1 Plymouth: The Amador County Board  
2 of Supervisors, the Jackson City  
3 Council, the Sutter Creek City  
4 Council, the Amador City City  
5 Council, the Ione City Council, the  
6 Community of Burke Ranch (phonetic),  
7 the Community of Willow Creek,  
8 Amador County Unified School  
9 District, Board of Directors of  
10 Amador Air District, Assemblyman  
11 Alan Nakanishi representing the  
12 Plymouth area, Senator Rico Oller  
13 representing the Plymouth area,  
14 Bethel Assembly of God Church,  
15 Plymouth Pentecostal Church,  
16 Littletown Community Church,  
17 Superintendent Amador County Office  
18 of Education.

18 These organizations' compelling  
19 reasons for opposing the casino are  
20 detailed in their separate letters  
21 which I will deliver to you.

22 Additionally, in a survey conducted  
23 by the current Plymouth City  
24 Council, 73% of the voting citizens  
25 of this city opposed a casino in

1 their town. They recognize the  
2 rural small-town community they  
3 highly value will cease to exist if  
4 a casino is built. In light of  
5 this, we respectfully suggest that  
6 these adverse impacts cannot be  
7 mitigated if a casino is built.

8 Thank you.

9 [Applause.]

10 HRG. OFFICER ALLAN: Thank you, Don. Our next speaker is  
11 Jill DeCuer.

12 MS. DECUER: I submitted mine in writing  
13 (unintelligible).

14 HRG. OFFICER ALLAN: Okay. Thank you, Jill. Our next  
15 speaker is Kenneth Martin.

16 [Applause.]

17 MR. MARTIN: Most of what I wanted to say has  
18 been covered by many other speakers,  
19 so I'll try to be brief. I'd like  
20 to speak more to the noise and  
21 light. This Dry Creek Basin is  
22 ringed by many homes, by two  
23 communities of Plymouth, Dry Town,  
24 and there's a rural subdivision  
25 where I live, Burke Ranch. And a  
typical casino operation placed on

1 the northwestern edge of this  
2 natural bowl will resonate sound and  
3 create 24-hour lighting that will  
4 impact most all of the homes that  
5 exist around that basin. This will  
6 irrevocably alter and negatively  
7 impact our existing quality of life  
8 of those of us that reside there.  
9 There other area that I'd like to  
10 cover is the socioeconomic justice  
11 issue. It is wrong that the  
12 taxpayers of Amador County be  
13 required to subsidize a casino  
14 operation, it is wrong for residents  
15 of the area impacted by such a  
16 proposed development be excluded  
17 from information that such a  
18 development will bring to their  
19 community. And I speak to that in  
20 my letter that's addressed to you.  
21 I'm not going to go over that right  
22 now. It was an action that took  
23 place at a recent City Council  
24 meeting.

25 It is a travesty that local City of  
Plymouth officials ignore a 73%

1 mandate from their registered voters  
2 surveyed by them, the City, which  
3 indicated the residents of Plymouth  
4 do not want this proposed casino.  
5 It would be wrong for any federal  
6 agency to believe that a casino in  
7 Plymouth is justified. The  
8 overwhelming opposition to the  
9 casino by residents impacted by this  
10 proposed casino should leave no  
11 doubt in anyone's mind that a casino  
12 in Plymouth is not wanted by area  
13 residents, and that it's  
14 inappropriate for this area.  
15 Further, it is sad that tribal funds  
16 are being spent to further the  
17 aspirations and greed of out-of-

18 [Applause.]

19 The economic well-being of tribal  
20 membership who need assistance is  
21 important. It should be provided  
22 through vision and creativity, even  
23 federal assistance where needed. It  
24 is wrong for the federal government  
25 to attempt correcting any past

1 federal government failures at the  
2 expense of this North Amador County  
3 rural community. Thank you.

[Applause.]

4 HRG. OFFICER ALLAN:

Thank you, Kenneth. Our next  
5 speaker is Barbara Baker.

6 MS. BAKER:

7 Hi. I'm not as elegant, but I also  
8 have a prepared speech. I'm Barbara  
9 Baker, I'm a homeowner up on  
10 Victorian Way (phonetic). We bought  
11 a house for my mother-in-law to live  
12 in, because of not being able to  
13 afford rental property around in  
14 here. And I live on Carbondale,  
15 right by the Little Red Schoolhouse.

16 My main concern that I wanted to  
17 bring up was about the children,  
18 again, like everyone else -- that  
19 since our park and our ball field  
20 are going to be across the street  
21 from there -- the children from one  
22 side of town getting to the other  
23 side, even if you put lights in and  
24 sidewalks, there can be accidents.  
25



1 And also, a lot of our senior  
2 citizens walk to Pokerville. And I  
3 don't mean to be mean, but their  
4 reactions a lot of times are a lot  
5 slower than the other people, and  
6 that needs to be taken into  
7 consideration since a lot of our  
8 population here are senior citizens.

9 Also, I wanted to talk about the  
10 water. The house right next to the  
11 proposed casino already has had --  
12 is a widow woman with a child in  
13 high school and a child out. But  
14 her well goes dry six months out of  
15 the year. She has to pay for water.  
16 She has no real major income, so  
17 she's not going to have the luxury  
18 to afford to drill a new well. And  
19 she hasn't been allowed, because of  
20 the moratorium, to be able to put  
21 new water onto her property, because  
22 she's not gotten the right paperwork  
23 saying it's an emergency. And this  
24 casino would take away even more  
25 water and she'd have less chance,

1 maybe, or whatever. She has a  
2 hardship because that currently has  
3 not been filed.

4 Also, the traffic problem going  
5 through town, even if we have lights  
6 and things. It's going to take  
7 people a lot longer to get through  
8 our town, and to getting to our  
9 town. Like I said, I live on  
10 Carbondale across from the Little  
11 Red Schoolhouse, and during the Fair  
12 I have to make two trips up here a  
13 day because my daughter shows at the  
14 Fair, and we live down there. And I  
15 still have to do chores at home. It  
16 takes me 20 to 30 minutes to get  
17 onto 16 to come out here during the  
18 Fair time. And I would assume that  
19 that traffic would be about the same  
20 traffic we'd be having everyday at  
21 the casinos, hearing about what  
22 happens at the other casinos in the  
23 state.

24 Also, I wanted to talk about -- we  
25 do have our septic system on the  
property, which we have the problem

1 within this County's -- almost  
2 everyone's on alternative septic  
3 system. And as other people have  
4 talked about, the odor and things  
5 from that. And also, since it's on  
6 a hill, how are they going to  
7 alleviate that and do that  
8 efficiently and effectively?  
9 And going back to the water, I know  
10 that piping it in -- that's one of  
11 the proposed things -- and they're  
12 offering their fair share. And this  
13 town, again, is a working-class  
14 town. They don't have lots of  
15 money. And the town can't afford to  
16 pay all those bills, all those  
17 improvements needed for this casino.  
18 If it was, you know, to be put in.  
19 Okay, Larry talked about the crime,  
20 the house, walking -- and that's my  
21 major thing. And so the  
22 environmental study needs to address  
23 these issues, about the water, fully  
24 paying their fair share to be done,  
25 and without adversely affecting this  
town. Because people cannot put in

1 more housings here, or they have to  
2 pay such a high fee to put a house  
3 in here, it's eliminating the people  
4 that can live here.

5 And a lot of people that I meet in  
6 Sacramento where I work, cannot  
7 afford to live up here. So they  
8 have to move away from their  
9 grandparent's homes and their  
10 parent's homes, because of the  
11 constant housing.

12 Also, crossing the highway and  
13 sidewalks that would be needed, and  
14 the traffic flow, I suggest that the  
15 environmental report needs to look  
16 at the traffic flow from sunrise. I  
17 notice all the way into this  
18 facility -- because I drive it  
19 everyday, and I happen to drive off  
20 hours. I'm at five o'clock in the  
21 morning and four o'clock in the  
22 afternoon, and I still have people  
23 going around me almost causing  
24 accidents as I drive that three  
25 times a week. And it used to be  
five times a week.

1 And we have not really shoulders on  
2 16, so it's a real major impact.

3 And CalTrans is not going to have  
4 money to be fixing that in the short  
5 term, and we're going to have major  
6 problems. And we're going to have  
7 traffic problems even more, coming  
8 back.

9 And the guy brought up the social  
10 and economic justice? I need to  
11 look into that, but you guys need to  
12 look at that. And then you guys,  
13 really, I don't think can mitigate  
14 all the impacts this is going to  
15 affect in our community. And that's  
16 my time.

16 HRG. OFFICER ALLAN:

Barbara, can I ask you a question  
17 before you sit down?

18 MS. BAKER:

Yes.

19 HRG. OFFICER ALLAN:

20 I just want to make sure that I'm  
21 paraphrasing one of your points  
22 correctly. You're basically saying  
23 that water is currently a limiting  
24 factor for growth in Plymouth  
25 because of the moratorium. In other

1 words, people can't get new hook-  
2 MS. BAKER: ups, right? For housing?  
3 They can't get hook-ups, and the  
4 water around their wells are going  
5 HRG. OFFICER ALLAN: dry.  
6 Right, I know. But that was just  
7 MS. BAKER: part of it.  
8 HRG. OFFICER ALLAN: No, but that's too important.  
9 Okay. And that even underwater  
10 piping, the casino would take part  
11 of the water potential for future  
12 growth from the town otherwise,  
13 MS. BAKER: right?  
14 Right. But people have not been  
15 HRG. OFFICER ALLAN: able to build here --  
16 Okay. I'm making sure that I'm  
17 getting your point correctly, that's  
18 MS. BAKER: all.  
19 HRG. OFFICER ALLAN: Yes.  
20 MS. BAKER: Okay, thank you, Barbara.  
21 And also, what about the people  
22 HRG. OFFICER ALLAN: crossing the road?  
23 MS. BAKER: Yeah, I got that one.  
24 Okay, thank you. I'm just making  
25 sure.  
[Applause.]

1 HRG. OFFICER ALLAN: Okay, thanks. Our next speaker is  
2 Jamie Lubenko.

3 MS. LUBENKO: Good evening, and I'm surprised that  
4 you got my name correct. It's  
5 usually a harder one to pronounce,  
6 so I appreciate that. I am a third  
7 generation resident of Amador  
8 County, my children are fourth  
9 generation here. I live in  
10 Fiddletown, which is within the  
11 sphere of influence of this project.

12 I wanted to address the impacts on  
13 schools this evening, and then I  
14 heard a rumor that you were only  
15 taking comments in regards to the  
16 environmental study. I looked at  
17 the environmental, the EIS study at  
18 the Jackson Rancheria today. It's  
19 about four inches thick, and it does  
20 cover the schools in that study. So  
21 would you entertain my comments at  
22 this time?

23 HRG. OFFICER ALLAN: Yes.

24 MS. LUBENKO: Thank you. The most recent proposal  
25 that has been submitted by the Ione



1 Band of Miwok Indians and the Ikon  
2 Group has \$100,000 allotted in it to  
3 Plymouth Elementary and the  
4 education of Plymouth's children.  
5 It's a little ridiculous when you  
6 look at that because it's obvious  
7 they've done no homework on the  
8 education of Plymouth's children. A  
9 hundred thousand dollars would not  
10 go to Plymouth Elementary, it would  
11 go to the Amador Unified School  
12 District, and it would be divided  
13 amongst the schools in our  
14 community.

15 Plymouth's children currently go to  
16 Plymouth Elementary, Ione Junior  
17 High and Amador High School. A  
18 hundred thousand dollars would not  
19 scratch the surface of the possible  
20 impacts that the employees that  
21 would be brought into this community  
22 because of this project and their  
23 families would have on our school  
24 system.

25 A hundred thousand dollars would not  
pay for one school bus and a driver.

1 A hundred thousand dollars would not  
2 pay for one portable building and a  
3 teacher.

4 Three hundred thousand dollars is  
5 being offered for the beautification  
6 of Main Street Plymouth annually --  
7 which is needed, don't doubt that --  
8 but a hundred thousand dollars a  
9 year for the education of our  
10 children, and the children of the  
11 employees of this casino is a  
12 ridiculous offer. And I hope that  
13 the study that you guys are going to  
14 have done will obviously bring that  
15 information forward, and that these  
16 impacts would be mitigated  
17 appropriately. Thank you very much  
18 for the opportunity to speak this  
19 evening.

20 [Applause.]

21 HRG. OFFICER ALLAN:

22 Thank you, Jamie. Our next speaker  
23 is Mario Biaggi. Mario?

24 [Applause.]

25 MR. BIAGGI:

Good evening, gentlemen. Thank you  
for the opportunity to speak. I've  
already -- the County has already

1 sent a letter to Clay Gregory, and  
2 I'm just going to read a few of the  
3 paragraphs that are germane to what  
4 has been said so far, and I will try  
5 not to repeat some of the  
6 environmental concerns that have  
7 been spoken to previously.  
8 But I think one of the most  
9 important things, our first  
10 paragraph, it states "The Board of  
11 Supervisors has never seen any  
12 evidence that the land proposed for  
13 the casino has even been Indian  
14 land, and that there has never been  
15 a historical connection between the  
16 tribe and the Plymouth area. The  
17 tribe at best acquired options to  
18 purchase land for this allegedly  
19 landless tribe. The tribe and some  
20 of its members own land in Amador  
21 County in another location. The  
22 tribe is not landless. The Board of  
23 Supervisors believes that the lack  
24 of historic connection bars the  
25 tribe from acquiring the proposed  
land in trust."

1 Now to support that document, the  
2 gentleman and his lady friend that  
3 just left, that owns 137 acres of  
4 the proposed land which is to be  
5 taken into trust, which is in the  
6 County area, I pulled their  
7 environmental impact, which is a  
8 document about three inches thick,  
9 and went to the historical Native  
10 Indian section. I do have copies  
11 which I will leave with you. I will  
12 read this letter.

13 "Native American Heritage Commission  
14 --" This letter was written to Ric  
15 Windmiller, who was the archeologist  
16 in charge of this project. The  
17 letter states: "A record search of  
18 the sacred lands file has failed to  
19 indicate the presence of Native  
20 American cultural resources in the  
21 immediate project area. The absence  
22 of specific site information in the  
23 sacred lands file does not indicate  
24 the absence of cultural resources in  
25 any project area. Other sources of  
cultural resources should also be

1 contacted for information regarding  
2 the known and recorded sites.  
3 Enclosed is a list of Native  
4 American individuals, organizations  
5 who may have knowledge of cultural  
6 resources in the project area. The  
7 Commission makes no recommendation  
8 or preference of a single individual  
9 or group over another. This list  
10 should provide a starting place in  
11 locating areas of potential adverse  
12 impact within the proposed project  
13 site. I suggest you contact all of  
14 those indicated. If they cannot  
15 supply information, they might  
16 recommend other specific knowledge.  
17 A minimum of two weeks must be  
18 allowed for responses after  
19 notification. If you receive  
20 notification of change of address of  
21 phone numbers from any of these  
22 individuals or groups, please notify  
23 us." And that is signed by Debbie  
24 Pilas-Treadway, Associate Government  
25 Program Analyst.

1 Now, I will read you the list of the  
2 tribes they contacted. The first one  
3 is the Buena Vista Rancheria of Me-  
4 Wuk Indians on Coalmine Road in  
5 Ione. The other was the Ione Band  
6 of Miwok Indians, Glenn Villa, Jr.,  
7 Cultural Committee Chairperson; the  
8 other was the Central Sierra Me-Wuk  
9 Cultural Historic Preservation, Reba  
10 Fuller, Spokesman; the Ione Band of  
11 Miwok Indians, Kathryn Ramey,  
12 Chairperson, Ione; Jackson Rancheria  
13 of Mi-Wuk Indians, Margaret Dalton,  
14 Chairperson; Miwok Indian Community  
15 of the Wilton Rancheria, Clifford  
16 McKean; Dwight Dutschke of Ione  
17 Miwok Indians; the Miwok Indian  
18 Community of the Wilton Rancheria,  
19 Kenneth McKean, Chairperson; Randy  
20 Yonemura of Sacramento, who's an  
21 independent Miwok; Sierra Native  
22 American Council, Sam Baugh,  
23 Chairperson, lives right here in the  
24 City of Plymouth. And I will give  
25 you the answers and responses from  
these tribes.

1 The Buena Vista Rancheria of Me-Wuk  
2 Indians. "The consultant mailed a  
3 letter --" this is the criteria.  
4 The consultant mailed letters and a  
5 vicinity map to every one of these  
6 tribes and asked for their  
7 responses. The letter requested  
8 information and concerns regarding  
9 any Native American cultural  
10 resources in the project area and  
11 vicinity.

12 Donnamarie Potts responded by  
13 telephone that she forwarded our  
14 letters to the Tuolomne and Chicken  
15 Ranch Rancherias over in Sonora,  
16 because she said we are out of the  
17 Miwok Native general area. So there  
18 was no response from that Miwok  
19 tribe, which is only 12 miles away.  
20 It already has a compact in the  
21 Bureau of Land agra (phonetic)  
22 process has been completed, and  
23 they've given them the rights to do  
24 gaming.

25 The next one, the consultant mailed  
a letter to Ms. Reba Fuller and



1 received no response. That was --  
2 I'll give you the dates. On May 9<sup>th</sup>,  
3 2001, consultant left a voicemail  
4 message for Ms. Reba Fuller. No  
5 response. The consultant left a  
6 second message for Ms. Fuller, third  
7 message, no response.

8 The Jackson Rancheria of Mi-Wuk  
9 Indians, which again is only 12  
10 miles away from this proposed  
11 casino, the consultant again mailed  
12 the letters and all the pertinent  
13 information. Len Stickler, Jackson  
14 Rancheria, responded by faxing  
15 indicating that he had checked with  
16 the tribal members, and they and he  
17 had no concerns with regard to  
18 cultural resources in the area  
19 illustrated on the map mailed by the  
20 consultant to the Jackson Band.  
21 Just a few more. Okay, the next one  
22 was mailed to Mr. Dutschke. Mr.  
23 Dutschke responded that he had no  
24 concerns or comments, and Mr.  
25 Dutschke is a member of the Miwok,  
band of Miwok Indians in Ione. The

1 next one was Randy Yonemura. His  
2 response was "the consultant left a  
3 message for Mr. Yonemura, and Mr.  
4 Yonemura responded by telephone that  
5 he would go over the letter by  
6 December 2000 and get back to the  
7 consultant. Mr. Yonemura indicated  
8 that he would like to inspect the  
9 property." And no other information  
10 from him.

11 Ione Band of Miwok Indians, Glenn  
12 Villa, Jr., Cultural Committee  
13 Chairperson. His answer was, "The  
14 consultant left a voicemail for Mr.  
15 Villa, no response." That's May  
16 2001. May 15, 2001, "The consultant  
17 left a voicemail message to Mr.  
18 Villa. Again, no response." Ione  
19 Band of Miwok Indians Chairperson at  
20 that particular time, Kathryn Ramey.  
21 The consultant left a voice message  
22 for Mrs. Ramey, no response.

23 The next one was the Miwok Indian  
24 Community of the Wilton Rancheria,  
25 which, as you know right now, the  
Miwok tribe comprises many people

1 from that defunct rancheria. And  
2 that, finally, after several  
3 attempts, the consultant left a  
4 voicemail and -- let's see. Oh.  
5 Tim McKean responded by telephone  
6 that he knew nothing of the project  
7 area and had no concerns.  
8 Sierra Native American Council, Sam  
9 Baugh, which lives here in Plymouth.  
10 Sam is one of the most respected  
11 Native Americans in this entire  
12 area. Consultant left several  
13 messages for Sam Baugh, and once  
14 again, no response whatsoever.  
15 So as you know, the County's  
16 position has been that, again, we do  
17 not feel that they do have a  
18 historic tie here. Which is proven  
19 by the Miwok tribes in the entire  
20 general area. So we feel this is  
21 strictly reservation-shopping,  
22 solely for the purpose of building a  
23 casino.  
24 Now, if I have a little bit of time  
25 left, I would like to read --

1 HRG. OFFICER ALLAN: Okay. Let me ask a question for  
clarification, Mario.

2 MR. BIAGGI: Yes.

3 HRG. OFFICER ALLAN: You're saying that their lack of  
4 sacred sites on the property in  
5 question means that they have no  
6 historical connection with the area?  
7

8 MR. BIAGGI: That's the general consensus of the  
9 EIR, that in fact they definitely  
10 state that they had no connection.

11 HRG. OFFICER ALLAN: Okay.

12 MR. BIAGGI: Also, if I may, just to read a  
13 little bit of it. Like I said, this  
14 is a four-paged letter, and I know  
15 you're not going to allow me time to  
16 read it all.

17 But another one is the crime  
18 statistics, which I will read a  
19 recent letter from our District  
20 Attorney's Office. District  
21 Attorney comments on the Plymouth  
22 casino. "The proposed Plymouth  
23 Casino has a great impact upon  
24 Amador County's District Attorney's  
25 Office. The proposed casino will

1 include a large gambling hall, up to  
2 a 250-room hotel and conference  
3 center, and will serve alcoholic  
4 beverages. The Jackson Rancheria  
5 Casino Center, which does not serve  
6 alcohol, provides a model to use in  
7 assessing the anticipated impact  
8 that the proposed Plymouth Casino  
9 will have upon the District  
10 Attorney's Office. Our study  
11 revealed that in the calendar year  
12 2002 the District Attorney's Office  
13 filed 240 felonies and 1008  
14 misdemeanors. Of these, there were  
15 65 felonies and 70 misdemeanor  
16 referrals from the Jackson  
17 Rancheria, representing 27%  
18 respectively on the felonies and  
19 6.9% respectively, on the  
20 misdemeanors of the total filings in  
21 2002. This is almost 11% of our  
22 entire office criminal caseload in  
23 2002 resulting from crimes committed  
24 at the Jackson Rancheria. The  
25 financial impact upon our office for  
investigating and prosecuting crimes

1 committed at the Jackson Rancheria  
2 in 2002 was \$256,824. Pursuant to  
3 an agreement between the Jackson  
4 Rancheria and Amador County, our  
5 office received only \$162,000 in  
6 mitigation. As previously stated,  
7 the proposed Plymouth Casino and  
8 Conference Center will serve  
9 alcohol, which is likely to increase  
10 both the number of crimes committed  
11 at the facility and those committed  
12 by persons going to or from the  
13 facility. More importantly, from an  
14 administrative perspective, the  
15 Plymouth casino will likely increase  
16 my office's caseload by at least  
17 another 11%. In the event that the  
18 proposed casino project and the  
19 Buena Vista casino projects become a  
20 reality, the Amador County District  
21 Attorney's Office will likely see  
22 more than 75% of the total felony  
23 caseload and 20% of the misdemeanor  
24 filings coming from referrals from  
25 crimes committed on tribal lands.  
This, gentlemen, does not include

1 the spin-off which we are seeing  
2 crime now filtering down into the  
3 City of Jackson, Sutter Creek and  
4 Ione, many of which have not been  
5 arrested, but a tremendous amount of  
6 break-ins in cars, break-ins in  
7 houses resulting from people that,  
8 unfortunately, are not too lucky at  
9 the casino.

10 Based upon 2002 data, we anticipate  
11 the financial impact of our office  
12 caused by the three operational  
13 Indian casinos will be at least  
14 \$750,000, representing one-third of  
15 our operational budget. Our office  
16 simply cannot provide the same  
17 service level to services in short  
18 if we cannot mitigate the  
19 anticipated impact of the Indian  
20 casino causes to our community. The  
21 safety of the public will be greatly  
22 compromised.

23 Once again, how much time do I have  
24 left?

25 HRG. OFFICER ALLAN:

Well, actually, you've gone over  
your five minutes, Mario.



1 MR. BIAGGI: Well, if you let me talk, I've got  
2 enough for an hour if you want to  
3 listen to it.  
4 HRG. OFFICER ALLAN: No. Give us the letter, Mario, if  
5 you don't mind.  
6 MR. BIAGGI: Okay. Well, this has already been  
7 sent to Clay. I will give you the  
8 District Attorney's sheet, and I  
9 will also give you the environmental  
10 impact.  
11 [Applause.]  
12 MR. BIAGGI: Also, I have here all the letters of  
13 opposition to this casino in the  
14 general area. This is the stack of  
15 letters in opposition.  
16 HRG. OFFICER ALLAN: Okay. Thank you, Mario.  
17 [Applause.]  
18 HRG. OFFICER ALLAN: We got a slightly smaller package of  
19 these from you already, right?  
20 MR. BIAGGI: There's more of them there. So  
21 that's been updated as of today.  
22 HRG. OFFICER ALLAN: Okay. Thank you, Mario. Our next  
23 speaker is Roy Mason, DVM.  
24 [Applause.]  
25 HRG. OFFICER ALLAN: Okay. Roy must have had to leave.  
If he shows up later and wants to

1 speak, we will be -- I'll call his  
2 name at the end, at least. The next  
3 speaker is Reverend Commander -- no,  
4 I'm sorry. Reverend Cruz Fragusa,  
5 Jr.

[Applause.]

6 REVEREND FRAGUSA:

7 Good evening, gentlemen. My name is  
8 Cruz Fragusa, Jr., and I'm the  
9 Pastor of the Plymouth Pentecostal  
10 Church of God here in the town of  
11 Plymouth. I've been asked to  
12 discuss a little on social and  
13 environmental impact of the casino,  
14 and I'll try to do my best to take  
15 as little time as possible.

16 I've been involved in church work  
17 since 1970, and I'm aware of many  
18 problems that our society faces in  
19 today's world. Our goal at the  
20 Pentecostal Church of God is to  
21 provide a healthy environment to our  
22 families so that they can live and  
23 raise their children in a small town  
24 atmosphere. Our church, like most,  
25 deal with people and their problems,  
and how they can overcome or

1 eliminate these burdens that can  
2 destroy their lives.

3 Gambling, along with the word  
4 'recreation', seems to soften the  
5 reality of the consequences of its  
6 effect on a person. Through  
7 personal experiences, I've seen men  
8 lose entire paychecks with  
9 expectations of winning the big  
10 payoff.

11 As you well know, odds are stacked  
12 against anyone who tries his luck.  
13 Most households have budgets to  
14 maintain their livelihood, but when  
15 a husband or wife taps into those  
16 dollars set aside for rent,  
17 groceries, car payments, it only  
18 brings destruction, heartache and  
19 pressure to replace that one that is  
20 lost.

21 The picture I paint might surprise  
22 you, but it's all too commonly seen  
23 in church work. After family and  
24 friends have abandoned those that  
25 have lost, the church is called,

hoping there is help at the other  
end of the line.

Drinking, drugs, divorce, and yes,  
even gambling, are problems that  
face our society today. We must, as  
people, realize that casino profits  
are too big a price to pay for a  
quiet community.

In closing, the social environment  
impact study as addressed this  
evening -- you gentlemen should look  
at this building that is filled with  
citizens of this small community.

Just the mention of a casino has  
changed our atmosphere from a quiet  
community, socially together, to a  
hostile crowd who are not happy with  
the concept or idea of a casino.

Thank you very much.

HRG. OFFICER ALLAN:

Thank you, Cruz. Our next speaker  
is Sheriff Mike Prizmich.

[Applause.]

SHERIFF PRIZMICH:

I haven't done allegation yet. What  
are you clapping for? I hope you  
guys are on overtime, because you're  
earning your pay tonight. There's a

1 couple things I want to clarify to  
2 you. There's been some comments  
3 relative to the Sheriff's Office and  
4 the number of personnel that we are  
5 -- have agreed to, that's "agreed  
6 to" in quotes, have agreed to supply  
7 the proposed project here. And I  
8 want to tell you emphatically that  
9 there has been no one from the  
10 casino nor anyone else that has  
11 talked to us, myself, or my under  
12 Sheriff or anyone in my office  
13 relative to the needs of law  
14 enforcement at the casino.

15 The figures I believe that have been  
16 bandied around, either in the paper  
17 or in written form of one form or  
18 another, I believe have come from  
19 the other casino currently in  
20 existence in the County. And I want  
21 to tell you here that the proposed  
22 casino here in Plymouth and the  
23 existing casino are dramatically  
24 different in the way we would do law  
25 enforcement.

1 Just briefly, without getting into  
2 all the details -- because I really  
3 need to talk to these people before  
4 we make any commitments relative to  
5 how many people we need -- the  
6 proposed casino is authorizing  
7 alcohol. That makes a dramatic  
8 difference in how we police and what  
9 results we deal with.

[Applause.]

10 There's no question that there's  
11 going to be increased crime, that's  
12 neither here nor there with regard  
13 to something that isn't there now,  
14 and then suddenly gets built. The  
15 same thing happened with the current  
16 casino up in Jackson. At one point  
17 there were a small number of tribal  
18 people living on the land, and there  
19 was virtually no crime. They put a  
20 casino in and there's a lot of  
21 traffic and there's more crime.  
22 That's inherent with construction of  
23 this nature. So we expect to see  
24 more traffic and I believe you'd be  
25 fooling yourself not to think there

would be more traffic and more  
crime.

1  
2 The key thing between the two in  
3 that area is we are the law  
4 enforcement authority for the City  
5 of Plymouth. They contract with the  
6 Sheriff to provide law enforcement  
7 authority. The casino in Jackson  
8 provides -- we provide them law  
9 enforcement authority as well. But  
10 we do not, one, handle the alcohol -  
11 - because there is no alcohol in  
12 Jackson. But, two, we don't handle  
13 any of the accidents. We do in  
14 Plymouth, and there's a dramatic  
15 difference. That has not been  
16 accounted for in the numbers of  
17 people that were proposed.

18 As I understand it, there's about  
19 six deputy sheriffs proposed to  
20 handle the City of Plymouth and the  
21 casino, and one sergeant in that  
22 figure that was quoted, I think, at  
23 \$455,000 or something like that.  
24 There was a car, I think, included,  
25 and some money for a jail.



1 Six people for the City of Plymouth  
2 and the casino is simply not  
3 adequate. We asked for six people  
4 for the casino in Jackson, and that  
5 is in addition to the law  
6 enforcement that we have surrounding  
7 that. That is, the City of Jackson,  
8 City of Sutter Creek, and our  
9 personnel who drive the beats there.  
10 Six people for the City of Plymouth  
11 and the casino would simply not be  
12 appropriate.

13 Then you add to that handling the  
14 accidents, which there will be, and  
15 handling the traffic and handling  
16 the alcohol-related issues. The  
17 other thing, a lady was up earlier,  
18 that draw a comparison between the  
19 casino -- as I understand it, it's  
20 going to be in the vicinity of 7,000  
21 to 10,000 visitors a day at the  
22 casino, that's about what we get  
23 during Fair time. And during Fair  
24 time, at peak periods, we put about  
25 eight officers with a sergeant at  
the fairgrounds here. And the

1 citizens in the area can tell you  
2 what the traffic impact is like, and  
3 we always have traffic accidents  
4 during that time frame.

5 So six -- the numbers that are  
6 quoted are simply not adequate in my  
7 opinion. The jail, as a result of  
8 more people, more crime, we're going  
9 to send people -- we are, I'm sorry  
10 to say there is no room at the inn.  
11 The jail is full. I would love not  
12 to say that. I've got to talk to  
13 Mario, because they won't build me  
14 any more space, but we would like to  
15 lock people up. So adding something  
16 of this nature would really severely  
17 impact our jail, that's -- so I  
18 wanted to mention that as well.

19 The only other thing is that before  
20 we can kind of get through any of  
21 this stuff, they really need to sit  
22 down, rather than just quoting  
23 figures, and talk to the law  
24 enforcement authority in the area,  
25 and they haven't done that. So,

thank you for your time and thank  
you for listening to all of us.

[Applause.]

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2  
3 HRG. OFFICER ALLAN: Mike, before you sit down, by the  
4 way, I think your comment about  
5 having to respond to traffic  
6 incidents is a particularly good  
7 one.

8 SHERIFF PRIZMICH: I did one good one out of all that?

9 HRG. OFFICER ALLAN: No, I just said it was a  
10 particularly good one, Mike. I  
11 wanted to ask, when you were  
12 comparing Jackson with a proposed  
13 casino for Ione, and you know, you  
14 picked up on the difference between  
15 serving alcohol, did you also in  
16 factoring that in, figure in that  
17 the proposed casino is approximately  
18 half the size of the one that  
19 Jackson has operating now?

20 SHERIFF PRIZMICH: Well, you know, again, we have not  
21 had any discussions with us at all.  
22 I mean, and in terms of size, when  
23 you add alcohol to the mix of  
24 anything, you've got problems. And  
25 that's just the way things go. You

1 know, I don't know. As I understand  
2 it, the visitors are going to be  
3 from 7,000 to 10,000. That's a huge  
influx.

4 HRG. OFFICER ALLAN: Sure. Okay.

5 SHERIFF PRIZMICH: The other thing that I did want to  
6 mention, if the proposal remains at  
7 six deputies and one sergeant, I did  
8 mention that it's very difficult to  
9 handle both. I want to make  
10 probably a stronger statement. That  
11 would be unsafe for my people.

12 HRG. OFFICER ALLAN: Okay.

13 SHERIFF PRIZMICH: And it would be unsafe for the  
14 citizens. I provide more service to  
15 the Fair, given similar types of  
16 people, than I would be given this  
17 casino. So please take that into  
18 consideration. Thank you very much  
19 for listening to us today.

20 [Applause.]

21 HRG. OFFICER ALLAN: Our next speaker is Gary Thomas.

22 MR. THOMAS: Gary Thomas from the Ione City  
23 Council. I was asked to come here  
24 tonight to ask how will the traffic  
25 impact for the City of Ione be

mitigated, or will they even be, in fact?

We understand what the impact, not just for traffic but the noise and the air pollution. The additional traffic will affect the quality of life for the Ione residents, and at times Main Street is already congested and difficult to get through from the north side of town to the other side of town.

These impacts will adversely affect the police, fire, CDF, ambulance services, buses and even the Crescent (phonetic) and Mule Creek Correctional Facilities through the Ione Corridor. I'll keep it real short, and that's it.

18 HRG. OFFICER ALLAN: Okay. Good point, Gary. I think I  
19 got it. Okay, thank you.

20 [Applause.]

21 HRG. OFFICER ALLAN: Our next speaker is Wayne Moore.

22 [Applause.]

23 MR. MOORE: My name is Wayne Moore. I live in  
24 Willow Creek Ranch Estates. I

consider Plymouth my home town, and

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HRG. OFFICER ALLAN:

Speak into the mic a little bit, if you could, Gary.

MR. MOORE:

My name is Wayne Moore.

HRG. OFFICER ALLAN:

Oh, I'm sorry.

MR. MOORE:

I live in Willow Creek Ranch Estates, and I consider Plymouth my hometown. I do live outside the city limits of Plymouth. I want to address the social impact of the casino.

The social impact from the Indian gaming casino in or near the City of Plymouth, California, proposed by the Ione Band of Miwok Indians will have life-altering negative consequences for the social lives of the citizens in and around Plymouth. We are and have been a small community by design. Those who live here realize that the convenience of the large city are not available. For example, shopping, restaurants, entertainment, perhaps on the scale of a larger city.

1 We have elected to live here because  
2 of such absences, not in spite of.  
3 There was a letter written by  
4 Richard Martin, Vice Mayor of the  
5 City of Plymouth to the Ione Band of  
6 Miwok Indians on September 23<sup>rd</sup>,  
7 2003. It reads, in a small quote,  
8 "Memorandum of understanding that  
9 includes certain economic incentives  
10 to the City beyond their mitigation  
11 of adverse impacts." And they are  
12 in the process of mitigating adverse  
13 impacts, specifically the social  
14 impacts that I'm trying to address  
15 here.

16 My question is are they also going  
17 to mitigate the consequences, the  
18 adverse impacts for the hundreds of  
19 citizens when our lifestyles and  
20 rural environments are adversely  
21 changed? And I believe the answer  
22 is no. The point is, the City  
23 Council of Plymouth is attempting to  
24 mitigate adverse impacts. They're  
25 not being mitigated outside of the  
City of Plymouth.



1 We presently have a casino less than  
2 15 miles away, and another approved  
3 casino to be built in Ione less than  
4 15 miles away from the proposed new  
5 casino. I believe two is enough.  
6 We're not talking about tribal use  
7 of existing land, we're talking  
8 about a business venture in  
9 Plymouth. Native Americans are  
10 welcome to make Plymouth their home,  
11 but respect our present lifestyle.  
12 Instead, they are going to buy the  
13 City of Plymouth off and give our  
14 citizens a 7/24, 365 day a year,  
15 120,000 square foot Phase I casino  
16 with 3,000 car parking garage.  
17 Now, I estimated that the parking  
18 area is about 2,500 spaces more than  
19 the entire city business parking  
20 places presently available. We  
21 estimated additional vehicle traffic  
22 of up to 20,000 vehicles a day. And  
23 I estimate that represents about  
24 17,000 more vehicles traveling the  
25 road in Plymouth communities than  
are owned by her citizens, some

1 percentage of which will be driven  
2 by individuals who have been  
3 drinking alcohol at the casino, and  
4 are under the influence.

5 Now, dare I propose that such a  
6 sudden change, realizing that one  
7 casino in the Jackson area, one  
8 approved casino in the Ione area  
9 have already been added to Amador  
10 County will dramatically alter our  
11 rural environment in ways that  
12 cannot be mitigated?

13 And I really don't think I need to  
14 read on. Almost everything else I  
15 say has to do with statistics that  
16 have already been mentioned and/or  
17 alluded to, and I do have a copy  
18 here for you that I'd like to have  
19 introduced into the minutes.

20 HRG. OFFICER ALLAN:

21 Okay. Thank you, Wayne. Are you  
22 also saying that, basically, as well  
23 as mitigating adverse impacts that a  
24 lot of amenities that would be  
25 brought are unwanted?

MR. MOORE:

Dramatically so.

1 HRG. OFFICER ALLAN: Yeah. In other words -- well, I'm  
2 not just talking about the casino.  
3 I'm saying that if there was  
4 pressure to put up a cell phone  
5 tower so that there was good cell  
6 phone reception in Plymouth -- I  
7 don't know whether there is now or  
8 not. I think there actually is.  
9 But that kind of thing is what  
10 you're talking about as well?  
11 MR. MOORE: Yes.  
12 HRG. OFFICER ALLAN: Okay.  
13 MR. MOORE: My comments to some of the city  
14 folks who have lived here for over  
15 20 years, and I've seen them say no  
16 to almost every type of business  
17 venture that comes in. And this is  
18 the first one that I thought was  
19 just dramatically oversized, and  
20 they said yes. I find that just  
21 totally uncomprehensible [sic].  
22 HRG. OFFICER ALLAN: Okay. Thank you, Wayne.  
23 [Applause.]  
24 HRG. OFFICER ALLAN: Our next speaker is Elden Wait.  
25 [Applause.]

MR. WAIT:

Good evening, my name is Elden Wait.

I live about, oh, three and a half miles down 16 towards Sacramento.

You go right through my pastures to get here if you came up 16 from Sacramento. My family settled right there within a mile in 1842. We have, through the generations, carried on ranching operations. Although it's not a large ranch, it amounts to 200 acres. I live, make my living totally on the ranch. I do not work in Sacramento, drive back and forth to work.

I would like to know from some responsible party the impacts, positive or negative, and how these impacts would be mitigated. We have listened to a lot of here and there and everything else. There is nothing firm that the Native Americans have put forward or the financing background group, to say "This is the way it will be. This is what we offer" that can be held accountable.

1 I would like to know how they  
2 mitigate the impacts on Highway 16  
3 and 49, how do we drive cattle back  
4 and forth across these highways once  
5 this comes in? We're having a tough  
6 time right now. The county roads,  
7 like Old Sacramento, Willow Creek  
8 Road, and most of these roads, the  
9 county only has an easement,  
10 prescriptive drive across them. And  
11 so we do. We drive cattle up and  
12 down them, we move tractors up and  
13 down them, legally.

14 What are going to be the additional  
15 air and water resources cost to the  
16 Amador County residents? When we  
17 add all this additional traffic on  
18 the highway, I'm sure that we're  
19 going to get out of the air  
20 containment -- or into it, more  
21 regulation for air resources, which  
22 is going to cost us inspection every  
23 year or every couple years for every  
24 automobile that we have on the road.  
25

1 Ground water impacts. Nothing has  
2 been answered for ground water  
3 impacts. We live on the low side of  
4 Plymouth, and even though some of  
5 our government people think that  
6 water runs uphill, it doesn't.  
7 What are the criminal impacts on the  
8 rural communities? There's no  
9 answer to this as yet.  
10 HRG. OFFICER ALLAN: I'm sorry, I couldn't hear that one,  
11 Elden.  
12 MR. WAIT: You couldn't hear it?  
13 HRG. OFFICER ALLAN: No, I'm sorry.  
14 MR. WAIT: What are the criminal impacts? How  
15 do they mitigate the criminal  
16 impacts on the rural community?  
17 Forget the City of Plymouth, I'm  
18 talking --  
19 HRG. OFFICER ALLAN: You're saying the impacts of  
20 criminal behavior?  
21 MR. WAIT: Correct. Yes.  
22 HRG. OFFICER ALLAN: Oh, okay.  
23 MR. WAIT: Okay. How do they mitigate the  
24 criminal impacts on the Amador  
25 County government community  
behavior, again? How do they

mitigate the impact on wildlife?

1 You know, a deer likes to cross the  
2 road, a rabbit likes to cross the  
3 road, a lot of other -- you know, we  
4 live among these animals. How are  
5 those addressed? What are the  
6 impacts on local Amador County  
7 Native Americans? The number in  
8 Amador County of Native Americans,  
9 and how much money is going to go to  
10 each one of these local Amador  
11 County residents?

12 I think that you have heard many  
13 already this evening, questions from  
14 the audience ahead of me. What we  
15 would like -- I know what I would  
16 like, and I think I can speak for a  
17 good many others, we would like  
18 these answers from something besides  
19 a forked tongue. Thank you.

20 [Applause.]

21 HRG. OFFICER ALLAN:

22 Thank you, Elden. Our next speaker  
23 is Greg Baldwin. And Greg, you say  
24 you'd like to ask several questions.  
25 You can ask them, you may not get  
answers tonight. But if your



1 questions are environmental they  
2 will at least be addressed in next  
document, okay?

3 MR. BALDWIN:

4 Thank you, sir, for letting me come  
5 up here for just a couple minutes.  
6 Number one, you are under the  
7 Department of Interior, is that  
correct?

8 HRG. OFFICER ALLAN:

Yes, sir, I am.

9 MR. BALDWIN:

10 I would like to ask, have you  
11 received any instructions, written  
12 or verbal, from the head of the  
13 Department of Interior who received  
14 a letter from the House of  
15 Representatives of the United States  
16 of America, which basically states  
17 that it was not the intent, the  
18 original intent of Congress to allow  
19 any off-site gambling for Indians  
20 anywhere in America? It was only  
21 for on-site reservation, and that is  
22 from the House of Representatives,  
23 to my knowledge. And I was  
24 wondering if you could give me the  
25 answer to that, please?

1 HRG. OFFICER ALLAN: Well, I haven't had any direct  
2 contact with Gale Norton since she  
3 was Attorney General in Colorado.  
4 So the answer to that question is  
5 no. And I haven't received that  
6 communication from the House of  
7 Representatives, either, okay?  
8 MR. BALDWIN: Are you aware of such a document, to  
9 your knowledge?  
10 HRG. OFFICER ALLAN: Nope. Nope.  
11 MR. BALDWIN: Okay.  
12 HRG. OFFICER ALLAN: But we can list that in the things  
13 to be addressed in the scoping  
14 document. Go on.  
15 MR. BALDWIN: That's it. I would like you to  
16 address that. I feel that Arnold  
17 Schwarzenegger was definitely voted  
18 in by the will of the people of this  
19 State of California. I think  
20 there's wind in the change, and I  
21 think it needs to get all the way to  
22 Washington, D.C. Thank you very  
23 much.  
24 HRG. OFFICER ALLAN: Okay. Thank you, Greg.  
25 [Applause.]

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4 HRG. OFFICER ALLAN:

I'm going to ask Roy Mason -- again, he submitted a speaker card. Are you here, Roy? Okay. Sandra Peabody?

5 MS. PEABODY:

6 Good evening. You've heard from my husband, John Peabody. I'm not here to talk about statistics, and I'm not here to ask a lot of questions. What I would like to do is just have a voice, and say that one of the issues is clearly about culture and values.

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12 For those that have been in this wonderful community for generation after generation, or even those that are new, are here by choice, because of the culture and the values. The definition of a small sleepy town is one that rolls its streets up at night, and that you feel safe, and that you have a small town community feel to it.

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22 All of the risks and mitigations that I've heard here tonight do need to be addressed, but once you change the culture, it's gone. And that's

not a risk that can be mitigated.

1 It's gone, and it's gone for all the  
2 future generations of our families.

3 We have six children and six  
4 grandchildren. It's very important  
5 to us that we stay in this wonderful  
6 community, in our wonderful 130-  
7 year-old home that was one of the  
8 first in this community, and that we  
9 hold onto that culture. So the  
10 values of walking the streets  
11 without a lot of traffic, feeling  
12 like you're safe in your own home  
13 without high risk of theft, having  
14 the lights out at 10 o'clock at  
15 night in the town, feeling like  
16 you're a part of something small but  
17 yet that's the biggest thing in your  
18 life. That's something that -- I  
19 can't speak for everyone in this  
20 room, but I feel that many of us  
21 feel that we want to hold onto that,  
22 and we want a choice, and we don't  
23 want to be bulldozed into having  
24 something changed in our town that  
25 big. So thank you for considering

that, because that's such an important thing.

[Applause.]

1  
2  
3 HRG. OFFICER ALLAN: Thank you, Sandra. Okay. Before I  
4 move on, I want to see if there's  
5 anybody else who wants to speak.  
6 Okay.

7 SPEAKER: There are a couple people.

8 HRG. OFFICER ALLAN: Okay. The lady first.

9 SPEAKER: Unlike a lot of the people that have  
10 spoken here, I've recently moved  
11 here. I recently moved --

12 HRG. OFFICER ALLAN: I'm sorry. We don't have a card on  
13 you, so can you give your name,  
14 please?

15 MS. BORO: Yeah. Kristin Boro (phonetic).

16 HRG. OFFICER ALLAN: Kristin Boro?

17 MS. BORO: Yes. I recently moved here, and one  
18 of the reasons I moved here was  
19 because of the environment. I spent  
20 20 years previously in Reno, Nevada.  
21 I'm well aware of what the gaming  
22 industry is like. I had no desire  
23 to have it back in the area that I  
24 have chosen to hopefully retire  
25 into.

1 One of the questions I have on an  
2 environmental issue, which I don't  
3 think has been indicated as to  
4 mitigation -- they talk about the  
5 situation of fire protection. With  
6 the extended traffic coming through  
7 here, you have far more people that  
8 will be careless with fire. And  
9 with our agricultural area, and the  
10 grasses, etc, how is that mitigated?  
11 Not just in Plymouth, where they end  
12 up, but for the whole route of where  
13 they come off the freeway and come  
14 all the way up, which involves much  
15 bigger area than just Plymouth. So  
16 that's what I would like to know, is  
17 how that is mitigated.

17 HRG. OFFICER ALLAN: Okay. Thank you, Kristin.

18 [Applause.]

19 HRG. OFFICER ALLAN: We have some more speaker cards, but  
20 there was somebody who waved their  
21 hand back there. Did you submit a  
22 speaker card, or -- okay. Okay.  
23 Pardon?

24 SPEAKER: I did submit a card.

25 HRG. OFFICER ALLAN: You did?

SPEAKER: Yes.

1 HRG. OFFICER ALLAN: Okay. So are you Tony or are you  
2 Brian?

3 SPEAKER: I'm Brian.

4 HRG. OFFICER ALLAN: Okay, Brian, you're next. Our next  
5 speaker is Brian Oneto. Is that  
6 close?

7 MR. ONETO: Yes, that is correct. I'm Brian  
8 Oneto.

9 HRG. OFFICER ALLAN: Okay, Thank you.

10 MR. ONETO: And I thank you for coming to hear  
11 our concerns. One concern I do  
12 have, as far as you doing an  
13 Environmental Impact Statement or  
14 report for this casino that will be  
15 looked at, if the federal government  
16 takes land into trust, you've done a  
17 study on it, it's done at a certain  
18 set size, once it's taken into trust  
19 what says they can't expand the  
20 casino? That's one of my questions  
21 that I have for you.

22 And there will be an over saturation  
23 of requests for services and other  
24 types of costs on the taxpayers of  
25 this community. And one reason a



1 lot of people live in this area here  
2 is because they like a rural area.

3 That's one reason why I'm building a  
4 house near Drytown, and we have  
5 ground in probably three to four  
6 counties. As you know, it's a nice,  
7 quiet rural area. And I get about  
8 halfway done with my house and here  
9 this thing comes, so that's not a  
10 good thing.

11 Also, I'm not positive, but I think  
12 it's either on the scenic or  
13 historic highways, or has been  
14 nominated for it. That would be  
15 Highway 49. And how would this  
16 affect Highway 49 as far as having  
17 the casino located immediately or  
18 directly adjacent to Highway 49?  
19 If you look at the gold country,  
20 what's the gold country known for?  
21 It's known for historic towns, it's  
22 known for rural settings, and I  
23 think you'd be changing that concept  
24 greatly if you allow this to happen.  
25

1 There's already one casino currently  
2 in Jackson, there's a second casino  
3 proposed in Buena Vista. I believe  
4 it has been -- they have an okay to  
5 build it, I believe, is that  
correct?

6 HRG. OFFICER ALLAN: They have what? I'm sorry.

7 MR. ONETO: It's been okayed by the federal  
8 government to build it, tentatively.

9  
10 HRG. OFFICER ALLAN: Well, actually, it's my  
11 understanding that it's tied up in  
12 federal court, and a dispute as to  
13 who the actual tribal --

14 MR. ONETO: That is true.

15 HRG. OFFICER ALLAN: -- leadership is, and that it isn't  
16 going to be built until that issue  
17 is resolved.

18 MR. ONETO: But it's still in the pipeline. It  
19 sounds like it has a tentative okay,  
20 once they figure out who builds it.

21 HRG. OFFICER ALLAN: Well, no, no. Because one party has  
22 an agreement to build a casino with  
23 National Indian Gaming Commission,  
24 not with the BIA, okay?

25 MR. ONETO: Okay.

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HRG. OFFICER ALLAN:

And the other one does not, is my understanding. So if the other party wins, then they would have to go through an entirely new approval process, is my understanding.

MR. ONETO:

But there's a 50/50 chance, it's there.

HRG. OFFICER ALLAN:

Okay.

MR. ONETO:

And so you'd be looking at putting a third casino in a small county with small roads. Why don't they take this casino -- and I'm sure, probably, the Miwoks have some type of cultural connection to Sacramento. Put it down there, that's where the people come from.  
[Applause.]

Right now, basically, you have a C-Cap program the State of California's funding. I don't know how many millions of dollars. They're buying old diesel trucks to get these polluting vehicles off the highway to lessen the smog in California. I happen to know that is true because I know somebody

1 that's involved with it. It's in,  
2 like, oh, \$70 million or \$80  
3 million. So you're taking people  
4 from -- basically, most people who  
5 go to casinos do not come from  
6 Amador County. You look at the  
7 traffic reports and the studies,  
8 they're coming from Stockton,  
9 Sacramento, other areas. So that's  
10 a lot more smog and air pollution  
11 that will be directly contributed to  
12 California. And, anyway, I thank  
13 you.

[Applause.]

14 HRG. OFFICER ALLAN:

Okay, thank you, Brian. Okay, our  
15 next speaker is Tony Souza.

16 MR. SOUZA:

17 I'm Tony, and it's spelled right. My  
18 name's Tony Souza, and I am also new  
19 to this area. And part of the  
20 appeal to this area was the rural  
21 area. And I've sat here tonight,  
22 and I've listened to all this  
23 mitigation about water and  
24 mitigation about sewer, but my  
25 question is -- and this would be in  
an environmental impact report -- is

1 how do you mitigate noise pollution,  
2 air pollution, light pollution?

3 I mean, one of the things that I  
4 enjoy very much is sitting out on my  
5 deck and looking at the Milky Way at  
6 night, which would be gone forever  
7 with the light pollution generated  
8 by a project of this size in this  
9 area.

10 And earlier you asked one of the  
11 other speakers was he willing to  
12 give up the amenities that might  
13 come along with a casino. And my  
14 answer to that is I don't think  
15 there are any amenities that could  
16 come along with this casino project  
17 that would offset any of these  
18 negatives that can never be  
19 corrected once we lose them. Thank  
20 you.

21 [Applause.]

22 HRG. OFFICER ALLAN:

23 Okay, Tony. I was slightly  
24 misquoted there, Tony, but that's  
25 okay. I want to discuss what  
happens next, so that people have  
kind of a general understanding at

1 least of what does happen next,  
2 okay?

3 If you are on the mailing list for  
4 this project, and if you got a "Dear  
5 Interested Party" letter, you're on  
6 the mailing list. If you signed up  
7 in the back of the room, you're on  
8 the mailing list. If you send me  
9 written comments with your name and  
10 address on them, you will get on the  
11 mailing list. If you send me just a  
12 request to be put on the mailing  
13 list, you will be on the mailing  
14 list. In other words, it's real  
15 easy to get on the mailing list,  
16 okay?

17 If you are on the mailing list for  
18 this project, the next thing that  
19 you will receive is a document  
20 called "Results of Scoping." Now,  
21 that document basically summarizes  
22 this hearing, the contents of the  
23 letters that came in and internal  
24 analysis that we put this project  
25 through as well. And it defines  
what we think are the significant

1 environmental impacts that need to  
2 be discussed in the EIS. It doesn't  
3 say what the mitigation is, it  
4 doesn't analyze the impacts, it just  
5 lists "these are the areas of  
6 concern," okay?

7 It also lists what we call a range  
8 of alternatives that need to be  
9 considered. It lists who potential  
10 cooperating agencies are for the  
11 document, and it gives a tentative  
12 time schedule for the Environmental  
13 Impact Statement in general, okay?  
14 You will get that document. You  
15 will have an opportunity to look at  
16 it and say, among other things,  
17 "Well, you totally didn't get what I  
18 had to say. You've totally missed  
19 the point," or whatever. But you  
20 will get a chance to review that  
21 summary as well, okay? And you'll  
22 have a chance to comment on it.  
23 The next document that comes out  
24 after that will be the draft  
25 Environmental Impact Statement.  
Again, everybody on the mailing list



1 gets it. We have started to put  
2 them out in CD-ROM format because  
3 sending sometimes as many as 800  
4 people an entire box of books each  
5 ends up being a nightmare for the  
6 Post Office and Fed-Ex and for us  
7 and for printing and that kind of  
8 thing. But we do send them out, and  
9 if people do not have computer  
10 access, we can make arrangements to  
11 get you hard copies, etc, and will.  
12 That document is -- we are  
13 specifically asking for comment on  
14 that draft EIS when it comes out.  
15 People can send us written comments,  
16 and we will have another hearing,  
17 where we will take all testimony on  
18 that document.  
19 It will be followed by a final  
20 Environmental Impact Statement,  
21 which must address all the comments  
22 that came in on the draft, okay?  
23 I think you can see that by this  
24 point we're probably talking about  
25 something about a year away.

Usually that's the usual time frame,  
okay?

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SPEAKER:

I have a question. When  
(unintelligible).

HRG. OFFICER ALLAN:

No, I'm sorry. I can't. And the  
reason why is Judge Lambert, who's a  
Federal District Judge in D.C., cut  
off the Bureau of Indian Affairs  
from the web, from the net. We're  
not allowed to have Internet access  
anymore, okay? Sorry.

Anyway, eventually at the end of  
this process, a decision on the  
trust acquisition will be made by  
the Assistant Secretary of Indian  
Affairs in D.C., one way or the  
other. And that is a decision that  
I would not expect to have happen  
within a calendar year. Yes, sir?

SPEAKER:

Doesn't an application for trust  
(unintelligible).

HRG. OFFICER ALLAN:

Yes.

SPEAKER:

(Unintelligible).

HRG. OFFICER ALLAN:

No. The decision on the EIS is the  
decision on the trust acquisition,  
and yes, the application has to be

1 in hand, as well as everything under  
2 the 151 process has to be filed, and  
3 the EIS. It all has to be there.

4 Yes, sir?

5 SPEAKER:

6 I know there are some people in here  
7 that favor the casino, which is  
8 their right. And I would just be  
9 tickled to hear some of their  
10 comments.

11 HRG. OFFICER ALLAN:

12 Oh, okay. Well, you get to see  
13 everybody's comments. We just --  
14 don't just put out the ones that we  
15 like, or the ones that we don't  
16 like, either. Yes, Ma'am?

17 SPEAKER:

18 (Unintelligible).

19 HRG. OFFICER ALLAN:

20 Sure. We will accept written  
21 comments for at least another 35  
22 days, and anybody who doesn't have  
23 our address come up to me now,  
24 before I leave. I'll be happy to  
25 give you a copy of my business card,  
and you can just send it to me,  
okay?

The one thing I'd say about that is  
it's got an e-mail address on the

business card, and the Federal Judge  
won't let us do that, either. Yes?

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SPEAKER:

My name is Tom Weathers, and  
(unintelligible) may need to have  
another meeting on December 5<sup>th</sup>  
(unintelligible) to talk about this  
some more. You're all invited to  
come.

SPEAKER:

What time?

MR. WEATHERS:

Probably six to nine.

HRG. OFFICER ALLAN:

Okay. Well, I want to thank  
everybody very much for coming. I  
am sure that I will see most of you  
again. Thank you.

**[Whereupon, at 8:48 p.m., the  
hearing was concluded.]**

1 CERTIFICATE AND DECLARATION  
2 OF TRANSCRIBER  
3

4 I, Tama Brisbane, a duly designated transcriber  
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11 best of my ability.

12 I hereby certify that I am a disinterested party  
13 in the above-captioned matter and have no interest in the  
14 outcome of the interview.  
15

16 Dated December 2, 2003 in Stockton, California.  
17

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